

Brussels, 30 March 2012

OSCE-ODIHR 2011 Hate Crimes Report: submission of information

Dear Madam, Dear Sir,

ILGA-Europe, the European branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, is an umbrella organisation with a membership of 360 European, national and local level NGOs in Europe. On the ground of the data and the expertise gathered by our secretariat and by our members, we are hereby sending you the following submission, in preparation of the OSCE/ODIHR 2011 Hate Crimes reports.

A number of our member organisations contributed actively towards the submission, and should be considered as co-submitters: Arcigay (Italy), Accept (Romania), FELGBT and Front d'Alliberament Gai de Catalunya (Spain), Gay Belarus (Belarus), Gender and Development (Azerbaijan), GSA and Labris (Serbia), GenderDoc-M Information Centre (Moldova), Identoba (Georgia), ILGA-Portugal (Portugal), Juventas and LGBT Forum Progress (Montenegro), KaosGL (Turkey), Legebitra (Slovenia), LSVD (Germany), Mozaika (Latvia), Movisie (The Netherlands), OLKE (Greece), Pink Embassy (Albania), Seta (Finland). ILGA-Europe is happy to facilitate contacts between the ODIHR and these NGOs, should there be any questions or need of complementary information.

The document below will provide the ODIHR with factual country-by-country data on homophobic and transphobic incidents recorded in 2011 in many countries of the OSCE region. The sources we quote include a variety of reports published by LGBT organisations in 2011 and 2012, as well as some press releases. When relevant, the sources are explicitly mentioned.

ILGA-Europe would like to highlight the following remarks:

1. As mentioned in previous years, the situation of transphobic hate crimes and offences is particularly worrying in the OSCE region. Hate crimes often go unreported, but this is even more often the case in the case of transphobic hate crimes. This is due to a general lack of understanding of gender identity in all public institutions, as well as in the media and in sectors of the civil society. Underreporting of transphobic incidents is considerably reinforced by the fact that nearly no national legislation (except in the UK) considers transphobia as a bias in determining the nature of the offence or the existence of aggravating circumstances in sentencing. For this reason, and while the present submission includes information on various transphobic incidents, ILGA-Europe would also like to support the trans-specific submission prepared by Transgender Europe (TGEU).
2. Various developments happened in international and European institutions in 2011 in the area of LGBT rights, and more specifically on the issue of homophobic and transphobic hate crime, showing an increasing awareness among States and a growing will to address the problem at international level.

- In June 2011, the Council of Europe's Commissioner for Human Rights published a groundbreaking report on [Discrimination on grounds of sexual orientation and gender identity in Europe](#). This report, which is based on country reports, includes a section on Violence against LGBT persons, which is a milestone in the Council of Europe's monitoring of homophobic and transphobic violence in Europe. It covers the vast majority of OSCE participating States.

- In December 2011, the United Nations High Commissioner for Human Rights published a report on [Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity](#). Following Resolution 17/19 of the Human Rights Council in June 2011, this report presents for the first time a UN body with a comprehensive overview of the situation as regards homophobic and transphobic violence. Section III of the report is indeed dedicated to violence.

3. ILGA-Europe has been involved in the development of relevant projects in 2011:

- ILGA-Europe, with the support of the government of the Netherlands, has organised an international conference on [Joining forces to combat homophobic and transphobic violence in Europe - Law enforcement agencies and civil society cooperation](#) (8 and 9 December 2011). This conference, which was participated by civil society organisations and policy makers from European institutions and participating States, produced a set of [recommendations](#) to combat LGBTI-phobic violence.

- ILGA-Europe also published a [Toolkit for training police officers on tackling LGBTI-phobic crime \(October 2011\)](#), on the basis of work conducted in 2009-2010 to identify best practices in that area.

- A new project was launched by CEJI (“A Jewish contribution to an inclusive Europe”) with a number of other NGOs, including ILGA-Europe. This project is called [Facing Facts!](#). It aims at devising and disseminating reporting, monitoring and awareness raising methodologies to jointly address the situation of various types of hate crimes: racist, anti-Semitic, homophobic and transphobic hate crimes are the main focuses. This project has a potential to encourage common work by the respective community based organisations.

**Violence against lesbian, gay, bisexual, transgender and
intersex people in the OSCE region**

Country-by-country information

Sources: submissions and reports by ILGA-Europe and its members, 2011
March 2012

Executive summary

Albania	5
Azerbaijan.....	7
Belarus	9
Croatia.....	10
Georgia	11
Germany	13
Greece	14
Italy	15
Latvia.....	16
Moldova	18
Montenegro	20
The Netherlands	23
Poland	27
Portugal.....	28
Romania.....	32
Russia	35
Serbia	37
Slovenia	40
Spain	44
Sweden	48
Turkey	49

Albania

Report compiled by Pink Embassy: Report on human rights violations of the LGBT community in Albania

January 2011

Leo, member of transgender community, on 12th reported to PINK Embassy that, following food poisoning due to consuming cakes went to the emergency ward at University Hospital in Tirana and there first aid was given in delay, about 45 minutes, and was offended with offensive words by the doctor and the guard and prejudiced by them for being transgender.

February 2011

Angela, member of transgender community, on 22nd reported to PINK Embassy about: Violence committed upon transgender by groups of young people or customers (as most members of this community are sex worker) and the indifference of delay in execution to assist these persons by employees of the order. Pink has reacted by a letter request addressed to the Director General of Police and inform the Director police of Tirana as well as the Commissioner for Protection against Discrimination.

March 2011 :

March 1st, March 10th, March 15th, March 24th - Interviewing, recording, documenting and reacting to the rights violation of transgender community in Tirana. During march, transgender community members (Anxhela, Brikena, Nikoleta and Lili, respectively on dates 1, 10, 15 and 24 of march) have denounced at Pink Embassy the violence acts on them by youngsters, police or clients (most of them are sex workers). They reported that police was neglecting their calls for being protected on violation acts. Pink has reacted by a Meeting with the representative of police directory of Tirana where has asked for the transgender community to be treated correctly by police officers.

April 2011 :

On April 6th Angela, a transgender was violated by a person with unknown identity, behind the National Theatre of Opera – location where most of transgender community offer sex on payment. The person hit her, punched and wounded with a little knife. The case was referred to the Police Station 1 on Tirana; a paper is referred to the chief officer in order to keep the Pink Embassy informed about the investigation process.)

On April 8th, reported discrimination case Brikena-member of transgender community in Tirana reported a discrimination case by Greece border police in Kakavije. After passing the Albanian border on April 5th (verified by the official stamp on the biometric passport), the Greek officer asked if she was gay. The answer was “yes”. After this she wasn’t permitted to across the border.

On April 27th, the house where 5 transgender were living as squatters was set on fire. Pink reacted immediately through a press release which was sent to all the media and through a request for the Police to identify and find the perpetrator. So far no one has been arrested on the arson attack, although the transgenders have reported the name of the person to the police.

August 2011:

On 15 August 2011, PINK Embassy / LGBT Pro Albania publicly denounced the brutal violence used against Paloma, in a Park near the Albanian House of Parliament and duly informed the authorities about the situation. While investigating a theft case, the Tirana Police Officers got for questioning a friend of the transgender group, an action which was faced with Paloma's resistance. This resulted in a then use of disproportionate and violent force by the Police officers against Paloma. On the same day Paloma was accompanied by the Police to the Emergency Health Services of the Tirana Hospital (QSUT) to be checked for internal injuries. Paloma was released later that day. The Police Authority of Tirana never pressed any charges against her.

After the fast and string reaction of PINK Embassy / LGBT PRO Albania the Ombudsman Office gave a positive answer to our request for the start of an immediate investigation into the case for putting in front of legal responsibility all the people in uniform involved in such an act of violence.

Azerbaijan

Report compiled by Eklhan Baghirov for Gender and Development, LGBT and MSM community in Azerbaijan (gender.and.development.az@gmail.com)

Gender and Development has documented seven (7) cases of violence against members of the LGBT community in 2011.

1) attack on a transsexual - a sex worker.

What happened: So, in May, a transsexual was attacked in his apartment, and was inflicted 11 stab wounds all over his body with a knife that attacker had brought with himself. Likely, the victim survived. The case was widely discussed by the local press and television.

The perpetrator was sentenced him to eight years in prison. In the progress of court, we registered a lot of violation made by TV. Especially, ANS broadcasted transsexual's ID five times.

The law on the inadmissibility of invasion of privacy was violated many times. Due to the fact that the transsexual's ID was on TV many times, he was forced to change his place of residence three times. The landlords kicked him out justifying their decisions that they did not want their apartments to be rented by transsexuals.

Date, time and location of the incident: May 4, 2011. About 2 o'clock in the afternoon. In the apartment of the victim

Source: The victim and Television

2) attack on a gay man.

What happened: In November, a gay man was attacked in his own apartment. He was stabbed by knife in the throat area hurting the carotid artery. This man was in intensive care for three months.

This case is also widely discussed by the local press and television. The law on the inadmissibility of invasion of privacy was violated many times. The the victim's ID card was shown on TV many times and his sexual orientation was repeatedly announced. The trial of the attacker is still ongoing in the Narimanov District Court.

Source: The victim and Television

3) attack on a gay man.

What happened: In March, under the pretense of dating through the Internet, two men entered the apartment and attacked a gay man, beat and robbed him. The criminal case was filed in Yasamal district of Baku city.

Source: The victim

4) attack on a gay man.

What happened: In May, the same pretext of dating through the Internet, two men entered the apartment and attacked a gay man, beat and robbed him. The criminal case was filed in the Sabail district of Baku.

Source: The victim

5) attack on a gay man.

What happened: In October, a gay man met someone on the Internet and was invited to that person's house. Upon arrival, he realized that there were three people, instead of one. They assaulted, raped and robbed him. The criminal case was filed in Binagadi district court.

Source: The victim

6) Blackmail by the police.

What happened: In August, a gay man met one young man in the Internet and they got together in a café. After some time the police approached the table and invited them to go to the police station. In the station, the police found drugs in the young man's pocket and accused the gay man of selling drugs. The young man also confirmed he bought drugs from the gay man he had met in the café. The young man was an obvious liar, who "worked" for police. Later the police blackmailed the gay man that they would tell his parents that was gay and drug dealer, if he doesn't give them money.
Source: The victim

7) attack on a gay man.

Also in August, when leaving the bar "Bailey's", a gay man was attacked on the street, he was severely beaten and assaulted, and then robbed. He was left bleeding on the street. The criminal case was filed in the Sabail police station.
Source: The victim

Also, besides the above described cases, the police make regular raids on the place where (gays and transsexuals sex workers) gather. Accusing them of violating public order, imprison them for 15 days or take bribes as an exchange of release. Over the past year, our organization has documented more than 80 similar cases of human rights violations by law enforcement agencies.

Belarus

Report by Viachaslau Bortnik from Gay Belarus

June 2011: LGBT activist beaten until he said he had no claims to policemen

Vyasna human rights centre tells details of preventive arrests in Minsk on 15 June 2011.

At the pedestrian area near the Palace of Trade Unions in Minsk at about 7.40 p.m. three citizens were detained: Syarhei Androsenka, the chairman of the Human Rights project “GayBelarus”, and two more persons whose names are unknown. The arrests were held while a group of riot policemen started to push the crowd away from the spot near the Palace of Trade Unions to wards Victory Square. Force was used against one of the young people by men in mufti. His arms and legs were gripped, and he was dragged on the ground. One of the young men before the arrest was making pictures of the line of riot policemen by his mobile phone, and a man in mufti ran up to him and dragged him to a paddy wagon. Androsenka was also detained by men in mufti.

At 10.15 p.m. Androsenka was released from the police department of Leninski district without a report being drawn up. As said by him, in the police bus he was beaten by riot policemen. After he was taken to the police department, he was taken into a separate room, asked about what had caused the signs of blows on his face. After he said he had been beaten by riot policemen, policemen started to beat the young man too, and continued until he agreed to say that no one had beaten him and he had no claims to force structures representatives.

According to “Nasha Niva”, 18 more detainees were taken to the police department of Tsentralny district of Minsk.

Hate crimes against LGBT people in Belarus in 2011 (reported by GayBelarus and Viachaslau Bortnik)

During 2011 LGBT Human Rights project «GayBelarus» registered five physical assaults on gays and lesbians that took place in Minsk, Brest and Pinsk, one of which involved serious bodily injury and one involved police brutality. In October 2011, the walls of the building where Minsk Gay Pride had its office were covered with homophobic graffiti. The same graffiti appeared on the walls of 6A Club where pride events took place.

Croatia

June 2011: violence at the Split pride parade

Police have filed charges against scores of people after violence marred the first ever gay pride parade in the Croatian coastal city of Split at the weekend. Police arrested scores of people accused of causing incidents during the first gay pride parade in Split on Saturday, and have pressed charges against more than 150 protesters.

Eight persons were injured in the violence, which comes one day after the European Commission gave the go-ahead for Croatia's path towards EU membership. According to police estimates, the gay pride parade brought together 150 participants at the city's main Riva waterfront promenade, while nearby streets were packed with 10,000 people, with 8,000 of them protesting against the event. The police reported that anti-parade protesters threw stones, shoes, paint, tomatoes and a gas mask at the parade.

Commenting on the injuries caused by the violence, the police said that reporters and police officers sustained injuries, as well as one anti-parade protester while he was being apprehended. After the parade, police drove the participants in police cars to a bus which took them to their homes. Officials in Zagreb, including Prime Minister Jadranka Kosor and President Ivo Josipovic, condemned the violence in Split, and praised police for protecting the parade participants. Josipovic said that the violence showed that "shown that there are some non-European parts of our society", while insisting that this was not the real face of Croatia. Kosor said that the violence is "something that cannot be tolerated in Croatia".

The organisers of the event, meanwhile, have vowed to press charges themselves against the anti-gay rioters and local authorities, and called on the country's Interior Minister, Tomislav Karamarko, to resign over the violence. While Zagreb has prided itself on holding the only annual gay pride parade in the Balkans, the events in Split are reminiscent of violent attacks against gay pride events in other cities in the Balkans.

On 1st December 2011, a court in Split has issued the first guilty verdict in the case of hate crimes committed during the gay pride parade in this coastal Croatian town earlier this year. Damir Roso, 34, received a suspended sentence of one year with a trial period of three for violent behaviour and the violation of the right to assembly. During the gay pride parade, Roso yelled "Kill the fag, motherfu..., all of you should be killed," from a bench, all of which was recorded on tape. Roso said he did not feel guilty, but he admitted he had yelled at the participants of the parade carried away by the crowds that behaved in the same way as he had done. He said, however, he was sorry for what he had shouted as he had nothing against people of different sexual orientation. He also said he had no problems with a friend of his who had openly declared himself as gay.

Georgia

Information submitted by Identoba, ILGA-Europe's member

1. Case of Luka Kintsurashvili and others

Date, time and location of the incident: March 2011, Tbilisi, Georgia;

Source of information: Interview with the victim;

Victim(s) involved: Luka Kintsurashvili;

Type of the crime(s): Mistreatment and sexual harassment from Police;

Perpetrator(s) (if known): Local Policemen;

Brief description of incident with bias indicators:

Luka Kintsurashvili is a member of the Georgian LGBT community. He is under aged. On March 2011 Luka Kintsurashvili informed iD about the homophobic incident involving Police. iD's lawyer interviewed Luka Kintsurashvili concerning the incident. From the interview, it was found out that on March 2011, near "Bude Bar" located in Tbilisi, Luka Kintsurashvili and his friends because of personal reasons got involved in an argument with another group of youngsters. The incident deteriorated to the point when the two different groups started verbally insulting each other. Since the incident was taking place in a public place, the Police interfered. After inquiring about the incident, the Police decided to transfer the participants of the incident to the local Police Station. The majority of the youth involved in the incident were part of LGBT community. According to Luka Kintsurashvili, Police mistreated them by verbally insulting them because of their sexual orientation. Throughout the inquiry, the Police consistency used homophobic language and verbally sexually harassed Luka Kintsurashvili and his friends until they released them next morning.

Status of the case/Response of local authorities/Impact on the victim(s) and the community:

iD was not able to assist Luka Kintsurashvili to file an official complaint to the relevant authorities; since being a minor, he needed approval from the parents. Luka Kintsurashvili is not out with his family; therefore he decided not to proceed with complaint procedures.

2. Case of X

Date, time and location of the incident: Continuous in time, Tbilisi, Georgia;

Source of information: Interview with the victim;

Victim(s) involved: X;

Type of the crime(s): Family violence, physical violence, threats;

Perpetrator(s) (if known): Family Members of X;

Brief description of incident with bias indicators:

X is a Georgian gay teenager. He attended iD trainings on LGBT law, where he informed iD lawyer concerning the family violence that he has been facing because of his sexual orientation. According to the statements of X, his problems started after he came out at home. When X's mother and father found out about his sexual orientation, they physically and verbally assaulted the child and locked him up at home for one week. After that, X was given an ultimatum from the family – he had to either leave the house and forget about his parents, or declare that he was not gay. X, being minor and unemployed, could not afford to live independently, therefore, he had to persuade his parents, that "he would not be gay anymore". Because of this, X tries to change the way he talks and acts at home and the type of clothes he wears.

Status of the case/Response of local authorities/Impact on the victim(s) and the community:

iD lawyer informed X of the possibility to start legal proceedings against his family based on the

prohibition of the family violence. X refused to take any legal action against his parents.

3. Cases of the violence in Gay cruising areas of Tbilisi

Date, time and location of the incident: Recurrent, Tbilisi, Georgia;

Source of information: Interview with the victims;

Victim(s) involved: Georgian GBT community members and MSM sex workers;

Type of the crime(s): Threats and physical violence;

Perpetrator(s) (if known): Local Policemen;

Brief description of incident with bias indicators:

iD Outreach Officer weekly visits the main areas where GBT community members and/or Men who have Sex with Men - MSM sex workers gather for gay cruising in Tbilisi. The Outreach Officer provides them with free condoms and tries to document any discrimination that GBT community members and/or MSM sex workers might experience. In February 2012, iD Outreach Officer was addressed by two Georgian MSM sex workers. According to the sex workers, while cruising for clients around Circus area in Tbilisi, they were ill-treated several times from the Police because of their sexual orientation. As the MSM sex workers stated, it is not uncommon for them to get verbally abused with homophobic language by the Police. Moreover, they claim to be victims of physical violence both from their clients and from the law enforcement officials.

Status of the case/Response of local authorities/Impact on the victim(s) and the community:

Cases of MSM sex workers being ill-treated from the Police were documented by the iD Outreach Officer and iD lawyer. However, since prostitution is illegal in Georgia, there is not much iD can do to legally address those issues. The victims also refrained from taking any legal action.

4. Case submitted through iD's online form for hate crimes documentation

Date, time and location of the incident: November 13, 2011, Tbilisi, Georgia;

Source of information: Interview with the victim;

Victim(s) involved; Undisclosed Georgian LGBT community member;

Type of the crime(s): Threats, physical violence;

Perpetrator(s) (if known): Not known;

Brief description of incident with bias indicators:

With the aim of increasing detection of LGBT discrimination cases in Georgia, iD established online form for hate crime documentation.³ Via this link, on November 13 2011, iD received information from an undisclosed Georgian LGBT community member, claiming that he is consistently facing verbal and physical abuses due to his sexual orientation. iD representative asked the victim to visit the Office of iD for further consultations. During the interview with iD's lawyer, iD was able to gather more relevant information. It was established that the victim was under aged who rather publicly identified himself as the member of LGBT community. According to him, because of this publicity, he had experienced several cases of verbal and physical violence based on homophobic motive. The most recent one took place on November 11, 2011, when he was publicly called insulting homophobic names in the street of the Mukhiani district, Tbilisi near his residential place. According to the victim, after homophobic name calling, around ten persons approached him, slapped him in the face and tried to damage his portable media player.

Status of the case/Response of local authorities/Impact on the victim(s) and the community:

iD offered the victim legal assistance, however, being under aged, it was necessary to obtain permit of his parents. Despite rather publicity of his sexual orientation, the parents of the victim are still not aware of it; therefore the victim had to refuse the legal assistance.

Germany

From: Köln 19228 – Schwules Überfalltelefon – Anti-Gewalt Bericht 2011
(by LSVD)

http://koeln19228.de/downloads/agb_suet2011.pdf

The report mentioned above includes details on the following incidents motivated by homophobia or transphobia:

- 1 damage to property;
- 3 robberies and theft;
- 1 psychological intimidation and bullying act;
- 1 deprivation of liberty;
- 1 fraud;
- 2 rapes;
- 2 heavy physical assaults;
- 2 light physical assaults;
- 6 cases of hate speech including threats

Greece

Report from OLKE, ILGA-Europe's member

Report on an homophobic attack in Athens, August 2011

On the 28th August 2011, four gay people were passing by one of the noisiest avenues especially at night, because of the night clubs of the area of Gazi. That morning, seven people were started fighting and attacking on them, without any serious reason, except the fact that one of the four gay friends said something like flirting word to a guy who was walking on the street. Since then, nobody could imagine what would happen the next moment. The seven people have started beating the young gay man and he had to go to the hospital because of the serious bunches. He stayed at the hospital for days, he had to had a surgery on the face twice because of the serious trauma.

A passing police car ended the incident, by chasing the guys. They couldn't catch them at the end. As far as people could watch the incident, nobody helped the gay man until the ambulance arrived at the place.

Italy

Report “Omofobia in Italia – 2011” by Arcigay

[Available on ILGA-Europe’s website](#)

The report mentioned above includes details on the following incidents motivated by homophobia or transphobia:

- 31 cases of aggressions with insults and physical assaults;
- 14 cases of extortion and robbery;
- 5 cases of severe bullying.

Latvia

Hate Crimes targeted at LGBT people in Latvia Report compiled by Kaspars Zalitis, Board member of the Association Mozaika

During 2011, Association of LGBT and their friends “Mozaika” consulted on three cases of hate crimes.

1) Assault near a gay bar

What happened: When a person (male) left a gay bar “Golden” he verbally attacked by a group of drunk people. The person was not attacked physically because he got in a taxi and left the place.

Date, time and location: May 2011, night, weekend, Riga, near the gay bar Golden.

Source of information: Conversation on the phone, no specific details given.

Victim(s) involved: One person, male, age unknown

Perpetrators: A group of drunken people, no other details known

Status of the case: Police was not informed

Response of authorities: None, as police was not informed

Impact on the victim(s) and the community: Unknown

Media: No coverage

2) Assault by police

What happened: Early in the morning, police officials stopped a young person (male) on the street, asked him to enter a police car based on suspicions that he has used illegal drugs. Police officials assaulted the person and called him “gay”.

Date, time and location: May 13, 2011, around 7AM, Riga.

Source of information: Conversation on the phone and e-mails

Victim(s) involved: one person, male, age 19

Perpetrators: Three police officials on the patrol.

Brief description: A young person (male) went home after a party. He got off a tram, the police car stopped him after a few meters. Police officials asked the person to step into the car. After he asked for a reason, police officials said it is because of suspicions of illegal drug use.

The person said that he has not used any illegal substances and he is ready to complete an expertise to prove it. After this conversation, one of the police officers took the person’s mobile phone and started to read his text messages. He found very personal messages from his partner, and then police official started to call the person “gay” and “fagot”, laughed about the person, threatened the person and said, “you know I would like to beat your face up”. After all this humiliation the person was

freed.

Status of the case: Report was filed to the State Police Internal Investigation Department. The case is closed and not appealed.

Response of the authorities: The State Police Internal Investigation Department investigated the case and responded that the police officers claim that the victim was drunk and they wanted to make sure he knows where his home is.

Impact on the victim(s) and the community: The person decided not to appeal the case, even though Mozaika was encouraging him to do that. In two month he left the country, stating that this case was one of the reasons.

Media: No coverage

3) Assault by a step-father

What happened: Young person's (male) stepfather came out of the prison where he served his time based on sexual abuse of the young person.

Date, time and location: June 2011, in Cesis (small town in North East Latvia)

Source of information: Conversation on the phone

Victim(s) involved: one person, male, age around 20

Perpetrators: Stepfather who came out of the prison where he served his time based on sexual abuse of the young person.

Brief description: Young gay person's (male) stepfather came out of the prison where he served his time based on sexual abuse of the young person. Before that the stepfather was accused of the young person's sexual assault, his stepfather and his friend sexually abused the person for several years knowing that the young person might be gay. Young person's mother knew what was happening but did not get involved. After that the stepfather was imprisoned for rape and sexual abuse. Last year the stepfather came out of the prison and went to live with his wife. The young person was threatened and he had to leave home.

Status of the case: Police was not informed.

Response of authorities: None

Impact on the victim(s) and the community: The person left home.

Media: No coverage

Moldova

GenderDoc-M Information Centre's 2011 report on the state of human rights of LGBT people in the Republic of Moldova

General context

The GENDERDOC-M Information Centre documents cases of attack on LGBT people on streets, in public places and even in their own families. There is not a single court decision that would qualify such attacks as hate crimes. Law-enforcement bodies do not take any measures to prevent such crimes. There are known cases when the police officers, upon their arrival to the scene of crime, realizing that the victim is a homosexual person, would pick offender's side and begin mocking and humiliating the victim. GENDERDOC-M even documented cases when victims had been sexually harassed and treated with disrespect by law-enforcement authorities. As a result of such kind of treatment, some people consider rather acceptable to humiliate gay and lesbians because this norm of conduct is tolerated by the state itself.

The hardest ordeals of all are problems caused by law-enforcement bodies. Exactly in these cases LGBT people feel vulnerable and frightened and are even ready to give bribe in order to avoid problems with the police. Some policemen use such opportunity to extort money by threatening and blackmailing gays and lesbians. Loss of confidence in law-enforcement officers leads to people's unwillingness to file complaints against other violations.

To date, we are not aware of cases when policemen were punished for dereliction of obligations when they had been investigating crimes committed against LGBT community members.

Attacks against LGBT rights defenders

- After her public statements in favor of the draft law [anti-discrimination bill discussed in the government in recent years], GenderDoc-M' partner lawyer Doina Ioana Straisteanu found obscene writings addressed to gay people on her car. On 8 March 2011, on exiting her apartment block, she found both mirrors on her car had been destroyed. Doina doesn't have any proof that the mirrors were broken on the ground of homophobia – but it is her assumption that this has to do with her activism. She didn't go to police; neither did she make a public statement on this.

- On 9 March 2011 at 19:00, Alexei Marcicov, GENDERDOC-M chair, who had pled for adoption of the law on numerous occasions, was taking a ride on a minibus on his way back to home. Two passengers, a young man and girl were chatting with each other and staring at Alexei Marcicov all the time. When getting off, the young man pushed Mr Marcicov in the back so strongly that the latter fell down. Upon getting up on his feet, Mr Marcicov made an observation to the man but heard indecent words about his sexual orientation right back and following phrase from him: "If you don't like it here, get out to Europe". Alexei Marcicov didn't respond to this and headed to his home but he instantly was hit in his arm by a rock that had been thrown at him. Offenders disappeared immediately. Alexei Marcicov didn't attempt to go to police.

Other acts of violence

- **D.** – Chisinau, married, has 1 child together with husband aggressor, employed, case was taken over in September 2011. The beneficiary has requested legal aid for the domestic violence directed against her on the ground of her sexual orientation. The underage child has become witness of acts of violence and a tool of beneficiary's emotional blackmail by the husband. The lawyer Doina Ioana Straisteanu from our partner law firm prepared and submitted a request for protection warrant

for D. The protection warrant was later dispatched for execution to police and Department of Children's Rights Protection. There was submitted a divorce application and a request for assigning underage child's custody to mother. Due to police's declination of jurisdiction in the dispute resolving (we believe this is due to victim's sexual orientation), an appeal to the Ministry of Interior Affairs has been submitted.

Montenegro

Hate crime cases in Montenegro 2011, a report by Juventas (ILGA-Europe's member)

Case of tear gas bomb thrown during the IDAHO 2011 concert

Night before the International Day Against Homophobia, May 16th 2011, NGO Juventas organized a concert of a Croatian band „Lollobrigida“. The concert was attended by approximately 600 persons, and represents the biggest event dedicated to the fight against homophobia in Montenegro so far. This event, happening on the roof top of the Cultural and Informational Centre „Budo Tomović“ in Podgorica, was invitations/tickets only, as well as secured by a private security service and a significant number of police officers.

Twenty minutes before the concert end, i.e. around 23:30h, an unidentified person threw a tear gas bomb in the mass, in the near proximity of police officers. For a couple of minutes the concert was interrupted and then continued as planned. In the very place where the concert was held there were no records of people being injured, while the Institute for Emergency Medical Assistance made reports on people complaining about tear gas induced health problems. Immediately after the tear gas bomb was thrown, a group of young men flung a lit torch in front of the entrance of the same building where the concert was happening. According to the statements of the eyewitnesses, police officers who were securing the entrance told these persons to leave the area without taking any other necessary official measures within the given circumstances.

During the preparation of the event, organizers kept constant communication with the assigned representatives of the Police Directorate. This communication resulted in the following: 60 police officers were engaged to protect concert participants when coming to and leaving the concert by keeping constant supervision of the wider city centre around the concert venue, but also by having four police officers in uniforms, and nine police officers in civilian clothes¹.

Morning after the concert, i.e. on May 17th, Police Directorate issued a public announcement which attributed the organizers direct responsibility for the incident and stated that there was „*no real life threatening occurrence*“, there were no clear indications of who might have been the perpetrator(s), but also gave the assumption that someone from the people present at the concert threw the tear gas bomb. Quite opposite to this public announcement within the report made by the private security service one can find the information that the tear gas bomb was thrown from the roof top of the football stadium which is located just near the concert venue.

Concert organizers filed criminal complaints against the unidentified person(s) for creating the incident and enclosed material evidence that had in their possession. A day later, on May 18th, assigned officers within the Police Directorate gathered official information on the event from same persons and made official reports.

10 months after the complaint has been filed (present day included), the concert organizers have no official information given by the Police Directorate on measures and actions undertaken for the perpetrators to be identified and held responsible, on the course or results of the investigative processes, or even information on whether the Prosecutor's office qualified this criminal act.

Physical violence in the city centre after the IDAHO 2011 concert

Just after the end of the concert organized for the International Day Against Homophobia, two

¹ Public announcement given by NGO Juventas – May 18th 2011 / Public announcement by the Police Directorate

persons (male and female) from Budva, concert participants, were physically attacked in Njegoseva street in Podgorica by five unidentified men from 25 to 30 years old.

According to victim's statements given to Juventas team in charge for documenting HR violation cases the assault happened ten minutes after midnight. The perpetrators first attacked the female person by hitting her with the fist in the neck from behind, after which she fell on the ground and received hits in the area of shoulders and chest. After she got up she called her unaware of the situation friend standing a couple of meters from her for help. In trying to help her, he received multiple hits in the head and left upper arm. While hitting both victims, unidentified men shouted "You came here to spread the disease!" and "Fags!" which clearly indicated their bias motive related to presumed sexual orientation of the victims. Together victims succeeded in escaping and sought shelter in the nearest café. After telling the owner what happened, he called the police, after which two uniformed officers came and briefly interviewed the victims and guests present in the café. According to the statements of the victims, police officers haven't made official record during the interview, except taking ID pieces of information. *On victims insisting to take all possible immediate measures, police officers told that the case cannot be reported right away and that they should wait until tomorrow without giving precise or any details on where to report, to whom, and why is not possible to do it without delay.* At first the same police officers refused, and then after some time spent in persuasion, accepted to escort the victims to their car just in case they do not suffer any more attacks. The victims possess no medical records on their injuries.

Even beside victims wanting to report the case to the police as described, the case remained reported only to Juventas due to mistrust caused by police officers' illustrated behaviour.

Herceg Novi case – In August 2011, NGO Safe Women's House was contacted by two girls from Belgrade (Serbia) who were on their vacation in Herceg Novi. Throughout internet they got the information that there is a gay friendly hostel located in this town and without checking previously decided to spend their summer holiday by reserving their accommodation in it. During their stay they haven't hid affection towards one another, as they were not afraid that anything could happen. In the same time, guest of the hostel were a group of young men from Trebinje (Bosnia and Herzegovina). According to the statements of the girls, for several days these men were watching them and gave provoking remarks. One afternoon, they invited them to join them for a drink at night. Upon explaining that they are not interested for such an offer and asking not to be bothered any more, young men pulled back. Nevertheless, during the same night, after the girls went for a drink themselves, they have been followed and attacked in the near proximity of the hostel where they were staying. During the attack, they received multiple hits and injuries in the head and body. They haven't sought medical or police assistance. Due to fear of another attack might happen, they left Herceg Novi, came to Podgorica and turned to NGO "Safe Women's House" for help and shelter until they are recovered enough to return home. Even beside given advice that one of the girls should turn to a doctor due to ear bleeding, she refused it. The girls stayed in the shelter of Safe Women's House after which returned to Belgrade. This case remained unreported.

Case M.B. – In August 2011, NGO "Safe Women's House" was contacted by a trans woman M.B. situated in one of towns in the coastal area of Montenegro. The woman suffered multiples traumas in the forehead and upper part of the head. She was attacked by a group of young men from 17 to 20 years old who knew her and knew about her sex change. She also suffered continuous verbal violence from her neighbours. In December 2011, the same person again turned to the same NGO due to fear for her life. This time, she faced death threats by the same neighbours, one of which even had a small axe for meat cutting in her hand while verbalising intimidations. At this time no physical contact happened. Upon verifying that physical integrity, therefore life, of M.B. is seriously endangered, joint action of Safe Women's House, Montenegrin Women's Lobby and Juventas' team dealing with LGBT human rights' violations, resulted in her being temporarily situated in one of the existing shelters in Podgorica, until an acceptable solution is found.

Case of family violence – In May 2011, NGO Juventas was contacted by a young gay man from Podgorica, aged 26, who suffered physical violence. During the interview with this victim, we found out that his brother, upon finding out that he is gay, kept him closed in their apartment for two days and constantly beat him. The victim suffered several traumas in the head, face and chest. The violence happened in the presence of other family members who did nothing to stop it. Victims' recovery lasted for about twenty days during which he didn't seek medical or police assistance. Only two months after this incident, he took courage to turn to Juventas' team for LGBT human rights violations.

Financial dependence from his family, lack of support and trust in the system institutions, were given as reasons which discouraged the victim not to report the case. The main reason, though, still lays in the fear of further victimization by the prosecutor's office or the police.

The Netherlands

1) Extortion of gay men in cruising area

What happened: 2 minors (aged 16 and 17) arranged a date with a man via a gay dating site. The boys waited for the man in a cruising area in Breda (south west of the Netherlands). When the victim arrived, the suspects threatened to report him to the police for seeking sex with underage boys. The victim was forced to get as much money as possible (which turned out to be €690,-) from a nearby ATM and hand it over to the boys.

Date, time and location of the incident: December 2010 and January 2011

Source of information: Several LGBT websites, i.e.: www.gaysite.nl, www.gaykrant.nl, www.coc.nl

Victim involved: The police and the local LGBT organisation suspect that there were more victims, but no one stepped forward to report any besides this incident, despite explicit efforts by the local police to convince victims to come forward. In their effort, the police stressed discretion would be part of the procedure.

Type of crime: Threat, extortion

Perpetrators: 2 boys, aged 16 and 17. A third suspect (minor, age unknown) was still being questioned.

Status of the case: The court in Breda convicted the 2 suspects to participation in a work programme under guidance of Child Protection Services; the 16-year old 30 hours; the 17-year old 90 hours. The 17-year old was also convicted to 45 days in a youth prison. They both got a suspended sentence of 60 days within a probation period of 2 years.

2) Man assaulted at cruising area

What happened: At a well-known cruising area in Amsterdam, a man was assaulted with a heavy bicycle lock (chain). The victim rode his scooter through the area when he was called homophobic names by a passer-by. The victim decided to ride back and confront the man. After this, a fight started, in which the victim was hit over the head several times with a heavy bicycle lock. He had to seek treatment in the hospital, where he needed head surgery.

Date, time and location: March 9, 2011. Nieuwe Meer cruising area, (western part of) Amsterdam.

Source of information: Local police, mainstream and local newspapers (Telegraaf, Parool)

Victim: Man, age unknown.

Type of crime: Assault

Perpetrator: White male, around 35 years with dark hair.

Status of the case: Police were not able to make an arrest.

Response of local authorities: Alderman Van der Burg reacted in local newspaper and local tv news with shock; he insisted that the police will keep posting in this area.

3) Two gay men assaulted in Amsterdam

What happened: Two gay men were assaulted while cruising in the Amsterdam Rembrandtpark, known as a popular cruising area. The suspect walked up to the men and asked them if they were gay. When the two confirmed this, the suspect said; 'This is what we do about gays in Poland', and started beating and kicking the men. One of the victims was kicked in the neck and was later diagnosed with a whiplash. The victims called the emergency number with their mobile phones and police arrived. During the arrest, the police was also kicked and spit at by the suspect.

Date, time and location: July 11, 2011. Rembrandtpark, (western part of) Amsterdam.

Source of information: Local LGBT organisation (COC Amsterdam), local en national LGBT media, local newspapers

Victims: 2 gay men, age not published.

Type of crime: Assault, threat

Prepetrator: Male, Polish, 30 years old.

Status of the case: Suspect was convicted by the court to 1 month in prison and a suspended sentence of another month. The public prosecutor demanded for a prison sentence of minimum 5 months, which was overruled by the court, and he called for appeal.

Response of local authorities: The public prosecutor stated that the increase on sentences for hate crimes should be realised in practice soon.

4) Lesbian couple threatened with death

What happened: A lesbian couple has filed a report with the police for being threatened with death by their direct neighbours. The bullying and threatening started already in 2008, when they moved there, but since they saw a neighbour talking to a man who had since then been posting in form of their house, they don't feel safe in their own house anymore and decided to go to the police.

Date, time and location: City of Haarlem (near Amsterdam), 2008 to July 2011.

Source of information: Local newspapers, local LGBT websites

Victims: 2 lesbian women (a couple), age not published.

Perpetrator: A direct neighbour, female, age not published.

Status of the case: After reporting the incident to the police, the couple also contacted to local housing association where they asked for a new house. The association suggested a new house, but this was denied by the couple since the features did not match with the current house. The current status with the police is unknown.

5) Man assaulted, threatened and spat at

What happened: A 41-year old man was assaulted and threatened by 3 men while walking in the centre of Utrecht. The suspects also spat at the victim.

Date, time and location: August 1, 2011. City centre of Utrecht.

Source of information: LGBT media, local newspapers

Victim: 41-year old gay man

Perpetrator: 3 males, one aged 21 and two aged 22.

Status of the case: After the victim filed a report with the police, the police watched CCTV recordings on which they identified the suspects. The 3 suspects were arrested and were sent home in await of the trial.

The current status of the trial (such as possible court date) is unknown.

6) Two cases of harassment and violence, summer 2011

- A lesbian couple from Haarlem has filed a report with the police after receiving death threats. Their neighbour has been calling them names ever since they moved to Haarlem in 2008. Two weeks ago they saw her talk to a man who has been hanging around their house ever since. The couple no longer feels safe in their own home. The Haarlem police have confirmed that a report has been filed. The couple has also filed a complaint with their housing association, which offered them a different, but more expensive place to live. The couple rejected the association's offer because it did not meet their requirements. The housing association refuses to comment on the issue.

- In a separate development, the police in the city of Utrecht on Tuesday arrested three men for gay bashing. The three allegedly insulted, spat on, and threatened a man because of his sexual persuasion.

7) Cases of people bullied out of their neighbourhoods out of homophobia (from a media release in November: http://www.ilga-europe.org/home/guide/country_by_country/the_netherlands/at_least_34_gay_couples_bullied_out_of_their_neighbourhoods)

At least 34 cases in which people were harassed so much because of their sexual orientation that they decided to leave their neighbourhood were recorded in the first nine months of this year (2011). This number is based on data collected by anti-discrimination organisations and several police forces. Twenty-nine such cases were recorded in 2010, compared to 27 a year earlier. In total in 2011, a total of 158 cases was reported of people are being bullied. The majority of the cases consisted of incidents related to race (96 cases) and disability (11 cases).

A total of 158 cases have been recorded so far this year. In addition to sexual orientation, motives for harassment included ethnicity (96 cases) and physical disabilities (11 cases). The umbrella organisation of anti-discrimination organisations says these numbers are just the tip of the iceberg since discrimination is not always registered or even recognised as such.

Example of such a case:

What happened: In the North Holland village of De Rijp, a gay couple moved after years of on-going threats, vandalism and bullying.

Date, time and location of the incident: Since 2005 incidents were reported, the couple moved in March 2011.

Source of information: Local newspaper (Dagblad Waterland) and several LGBT websites (Gaysite.nl, Gaykrant.nl, coc.nl)

Victims involved: Two gay men, age not published,

Type of crime: Theat, bullying, vandalism

Perpetrators: Neighbours, people in the village

Status of the case: The couple reported the crime to the police and an investigation was started. No evidence was officially found, since there were no recordings or other physical evidence of the threats and bullying.

Response of local authorities: After a member of the city council made the case public, the mayor and the city council were appalled by the fact that the couple felt they had to move. Publicly they shared their sympathy to the victims and they stressed that incidents like this were not to be tolerated in their village. Police and local social workers were involved to investigate further and to prevent similar incidents from happening again in the future.

8) MOVISIE publishes a qualitative research on violence against LBT women

MOVISIE, the Netherlands Expertise Centre on Social Development, conducted a research on hate crimes against LBT women. For this research, they interviewed 24 women who had experienced violence over the last 5 years.

One of the main conclusions is that violence against LBT women is still largely invisible and that LBT women are not always willing to report incidents to the police. This has to do with the attitude of the police, the doubt women have about actions after their reports, but also do the respondents think that the incidents are not worth reporting: it is simply something one has to put up with.

9) GayKrant opens online reporting tool on anti-LGBT bullying

The Friends of Gay Krant Foundation announced a national hotline for in their habitat bullied gay men and lesbians has opened. It they want a complete picture of the situation and thus to the government steps. Meanwhile, over 200 victims made themselves known already. Official figures and features of the incidents are not published.

The Dutch Ombudsman is interested to incorporate the tool and adjoining website in his current work. Police and public prosecutors are looking into the cases that were reported. There is no current report available on the progress or the details.

10) Several other incidents were reported in the Dutch media regarding hate crimes against LGBT persons. Unfortunately there was no reliable information on these incidents besides some web articles that only mentioned the incident. A few examples:

March 2011: Lesbian women threatened after leaving a lesbian bar. City of Amsterdam.

July 2011: Gay couple wants to move after bullying by neighbours in the apartment building. City of Amstelveen.

September 2011: Gay couple want to move after bullying by neighbourhood youth. Village of Ulft (east of the Netherlands)

September 2011: Gay couple forced to move after bullying. City of The Hague.

There were positive signs as well, in the form of a statement by Dutch churches against anti-LGBT violence on May 17 2011 (International Day Against Homophobia)

Poland

Attacks around Krakow Pride

An annual gay parade on Saturday in the southern Polish city of Krakow was attacked in the main market square by a rival demonstration of young nationalists. Police used tear gas to disperse a group of some 150 right wing youths attempting to block the gay and lesbian tolerance march and detained 14 of them.

Portugal

Hate crimes targeted at LGBT persons and/or organisations in Portugal during 2011 – from a report compiled by Marta Ramos, ILGA-Portugal (ILGA-Europe's member)

1) Beating in a Club

Date: March, evening.

Location: Nightclub “Porto Pipas”, in Angra do Heroísmo, Azores.

Source of information: email sent to ILGA Portugal, on 31 March.

Victim: Unknown, a 20 year-old male.

Perpetrator: Unknown, 10 young guys.

Type of crime: physical assault.

Brief description of the case: the email sent described the situation as a violent beating that occurred inside a known discotheque in Azores. The victim was openly gay and he was surrounded by the group of perpetrators who usually harass him with homophobic comments. According to the witness' email several police officers were present the evening but did not interfere, instead it was a victim's friend who put an end to the beating. After the crime had occurred, the victim went to the police station and filed a complaint. In reply, the perpetrators also filed a complaint against the victim, on the grounds of sexual harassment.

Status of the crime: Unknown. The email referred that the perpetrators were awaiting the Lisbon court's hearing.

2) Attempted murder by stabbing

Date: 1 April, evening (around 23.00).

Location: own apartment, Oporto.

Source of information: Correio da Manhã, newspaper.²

Victim: Alexandre Teixeira, 36 years-old, hairdresser.

Perpetrator: Ismael Sousa, 25 years of age, boyfriend of the victim.

Type of crime: attempted murder.

Brief description of the case: The victim and perpetrator, two Brazilian migrants, were in a relationship and lived together in Oporto. According to neighbors' descriptions, arguments between the couple were frequent. The perpetrator grabbed a kitchen knife and stabbed the victim on his back, neck and arms. The victim managed to get out of the apartment and asked for help in the street. A random man called the 112 emergency-line and the police. The perpetrator went to the police station and was arrested.

Status of the crime: Unknown. He was present to Court the next day and charged for attempted murder. At the time the victim was in the Intensive Care Unit.

3) Vandalism of the LGBT Centre in Lisbon

² In Portuguese: <http://www.cmjornal.xl.pt/detalhe/noticias/nacional/portugal/imigrante-esfaqueia-namorado-cabeleireiro> (last consulted on 17 March 2012).



Date: 3 June.

Location: Centro LGBT, Martim Moniz, Lisbon.

Source of information: ILGA Portugal.

Victim: Association ILGA Portugal.

Perpetrator: Unknown.

Type of crime: vandalism, destruction of property.

Brief description of the case: The Centre was vandalized, with writings on the outside walls, such as “death” on top of the pride flag or with symbols such as a target symbol or a Nazi swastika.

Status of the case: ILGA Portugal decided not to report given that it could have been counterproductive.

4) Physical Violence

Date: 13 June.

Location: Unknown.

Source of information: email sent to ILGA Portugal.

Victim: Unknown.

Perpetrator: Unknown.

Type of crime: physical violence.

Brief description of the case: A friend sent the email, reporting a case of a friend who was allegedly being constantly abused and the police could not help for lack of evidence. The friend asked for help, as she was afraid that something even more serious could happen.

Status of the case: Unknown.

5) Physical Violence



Date: 27 August, 4.00 am.

Location: Outdoors, Principe Real, Lisbon.

Source of information: dezanove, electronic LGBT newspaper.³

Victim: JoãoGalvão, artist.

Perpetrator: Unknown.

Type of crime: physical violence.

Brief description of the case: The victim was kissing someone outside in the street and told the newspaper that he had been a victim of homophobic physical violence.

Status of the case: Unknown.

Impact on the community: According to the media report and the Facebook event created⁴, friends of the victim pushed for a public rally to happen, entitled “Manifesto do Beijo” (Kiss Manifest), which took place on September 24, at 1.45 am in Lisbon, to publicly display people’s disfavor against violence in that area of Lisbon, regardless of their sexual orientation.

6) Racist and Homophobic Violence

Date: 2 October.

Location: Carnaxide, Lisbon.

Source of information: email sent to ILGA Portugal.

Victims: Unknown (male couple).

Perpetrator: Gonçalo Maldonado, resides nearby the victims.

Brief description of the case: the victims have been verbally harassed by the perpetrator, with homophobic and xenophobic comments, nearby their domicile in Carnaxide. The perpetrator usually screams in a feminine way whenever any of the victims pass by him and once, when the email author tried to talk to him, the perpetrator realized he was a foreigner and insulted him asking him if he “was in Portugal to steal jobs from the Portuguese?”. After several encounters one of the victims pressed charges against him and the police drove with him to identify the suspect and the charge was registered as defamation as, according to the police officer, it did not qualify as racial, religious or sexual discrimination⁵ given that the perpetrator had not tried to make a publication or any similar type of document. The victim had to hire a lawyer to be able to continue the lawsuit because it was considered to be a particular type of crime instead of a hate crime. The victim and author of email asked for ILGA Portugal’s help.

Status of the case: Unknown.

7) Air Gun shots and physical assault

Date: 21 October, around 18:15.

Location: Outdoors, Carcavelos, Lisbon.⁶

³Related news, in Portuguese: <http://dezanove.pt/230101.html> (last consulted on 17 March 2012). The original media report could not be found.

⁴For more information, in Portuguese, please see: <http://www.facebook.com/events/264301540260506/> (last consulted on 17 March 2012).

⁵Article 240.º of the Portuguese Penal Code.

⁶ In March 2012, a new case in this same location has been reported.

Source of information: phone-call to ILGA Portugal's helpline and media report.⁷

Victim: Unknown, male 30 years of age.

Perpetrator: 6 unknown male individuals, aged around 20-25 years of old.

Type of crime: attempted murder, physical assault.

Brief description of the case: the victim was attacked in a municipal garden area known for providing homosexual encounters. He was shot twice by a air gun (one in the back the other on his elbow) by two male individuals, tried to stop them but four more appeared and he was injured in his face, threatened of death by metal rods and harassed with homophobic comments. He managed to escape into a store nearby, called the police and 112 (police officers refused to call 112 and told him he would have to do it himself) and took pictures of his injuries. The police, once in place, stopped a car with two individuals matching the victim's description but asked the victim to do a face-to-face identification, which the victim refused to do. Hence, the police allegedly told the victim that presenting charges would imply transmit victim's personal data to the perpetrators. The victim did not file a complaint, the individuals were not arrested and the victim later called ILGA Portugal's helpline to be informed of his rights and asked for lawyer support to accompany him the next day to the police station in order to formally present charges (this was not possible to be provided the next day, but the victim was encouraged to fight for his rights and to keep ILGA Portugal informed of the case status).

Status of the case: Unknown.

⁷See, for example (in Portuguese): <http://dezanove.pt/259679.html> (last consulted on 17 March 2012).

Romania

Report compiled by Accept: Hate Crimes targeted at LGBT people in Romania in 2011

Report compiled by: Iustina Ionescu, Elena Popa, Vera Cimpeanu. This report includes information on six (6) suspected hate crimes from 2011, documented by ACCEPT.

1. Assault against a group of French students

What happened: 4 French students (two young women and two young men) declared to ACCEPT that they had been physically abused in a Bucharest club, after the two men kissed in public.

Date, time and location of the incident: The night of January 18-19, 2011, in Club A, in Bucharest.

Source of information: The alleged victims

Victim(s) involved: 4 students

Type of the crime(s): Assault/abuse

Perpetrator(s): 5 men, one of whom was the Club A bouncer.

Brief description of incident with bias indicators: 4 French students, present in Bucharest on the Erasmus program, declared that they were abused/physically attacked in a Bucharest Club, after the 2 men in the group kissed there. The police was summoned, but the police officers who came did not take any measures against the aggressors. Even worse, they laughed at the victims' situation.

Status of the case: The group did not wish to lodge a complaint with the police.

Response of local authorities: -

Impact on the victim(s) and the community: The victims felt scared and threatened and asked for help from the local LGBT organization – ACCEPT.

2. Assault against a Gay March participant

What happened: A man declared that he was beaten up after the 2011 Gay March.

Date, time and location of the incident: June 4, 2011, between 7:00-8:00 PM, after the march had finished, Unirii Square (the area where the march takes place every year).

Source of information: A gay information site; the victim himself.

Victim(s) involved: A person who participated in the Gay March

Type of the crime(s): Assault

Perpetrator(s): 3 men

Brief description of incident with bias indicators: A Gay March participant declared that he was attacked after he left from the 2011 Gay March, somewhere in the vicinity of Unirii Square.

Status of the case: The case was reported to the police, but the investigation is still ongoing. The attackers have not been identified.

Response of local authorities: -

Impact on the victim(s) and the community: The victim felt scared and threatened. Also, the community was angry and outraged by the incident, especially because the incident happened after the Gay March and the area was crowded with police officers.

3. Assault against an alleged gay person

What happened: A man declared that he was assaulted, harassed and blackmailed by another man as a result of his being allegedly gay.

Date, time and location of the incident: June 6, 2011, time: 10 o'clock, The Lia Manoliu Stadium

Source of information: The victim

Victim(s) involved: 1 presumed homosexual man

Type of the crime(s): Assault, harassment, blackmail

Perpetrator(s): 1 man, bodyguard for a security company

Brief description of incident with bias indicators: A person declared that he was assaulted at the gym, after being harassed and blackmailed for a few months on the basis of his presumed homosexual orientation, by another client of the gym.

Status of the case: The incident was reported to the police as assault, harassment and blackmail. The police investigated the case, identified the perpetrator and sent the case to the prosecutor's office. We are waiting now for information on this case from the prosecutors.

Response of local authorities: -

Impact on the victim(s) and the community: The victim felt scared and threatened and also very angry.

4. Assault against a presumed gay person

What happened: A man declared that he was assaulted and harassed due to his presumed homosexual orientation, by several police officers

Date, time and location of the incident: July 27, 2011, 6 o'clock, in the courtyard of a police precinct.

Source of information: The victim and two friends, witnesses to the incident

Victim(s) involved: 1 presumed homosexual man

Type of the crime(s): Assault, harassment and abusive behavior

Perpetrator(s): Several police officers

Brief description of incident with bias indicators: A man declared that he was assaulted and harassed due to his presumed homosexual orientation, by several police officers. The incident happened in the courtyard of a Bucharest police precinct, after the victim went to the police to report another incident.

Status of the case: The victim lodged complaints with the police and the equality body (CNCD) against the perpetrators. Both investigations are ongoing.

Response of local authorities: After the incident, the victim lodged complaints against the perpetrators with both the police and the equality body CNCD. Subsequently, 4 months after the incident, he received a fine for alleged abusive words addressed to the police officers. This fine has been challenged in court and annulled by the judge.

Impact on the victim(s) and the community: The victim and his two friends, witnesses to the incident, felt scared and threatened and also very angry.

5. Vandalism against street billboards which were part of a campaign supporting the LGBT community

What happened: 3 men vandalised a billboard in a campaign supporting the gay community.

Date, time and location of the incident: Monday, April 19, 2011, 7:00 PM., Dimitrie Cantemir Boulevard, Bucharest

Source of information: The media and another NGO involved in social marketing and MSM programs, PSI.

Victim(s) involved: -

Type of the crime(s): Vandalism and damage of property

Perpetrator(s): 3 men, one of them known for his homophobic discourse and another who is the president of a pro-life NGO.

Brief description of incident with bias indicators: 3 men vandalised a billboard which was part of a campaign in support of the LGBT community. The message of the billboard was turned from „The sexual orientation is not a disease, it is not a choice” into „The sexual orientation is a disease, it is a choice”, by covering some of the words in black paint.

Status of the case: The 3 men denounced themselves and there is no other available information on the case.

Response of local authorities: -

Impact on the victim(s) and the community:

6. Threats during the premiere of a gay theme documentary

What happened: At the beginning of an artistic documentary on the life of two young Romanian gay men, several supporters of the extreme right organization “The New Right” entered the cinema hall, shouted “we are not a country of faggots”, lit a torch and after 2-3 minutes left the building.

Date, time and location of the incident: Tuesday, November 22, 2011, 8:00 P.M.

Source of information: Moviegoers, among whom the entire ACCEPT staff .

Victim(s) involved: The audience present at the cinema

Type of the crime(s): Threats and use of illegal pyrotechnic materials.

Perpetrator(s): 15-20 individuals from The New Right organization.

Brief description of incident with bias indicators: In November, at the beginning of an artistic documentary movie on the life of two young Romanian gay men, presented during a film festival in Bucharest, several supporters of the extreme right organization “New Right” entered the cinema hall, shouted “we are not a country of faggots”, lit a torch and after 2-3 minutes left the building. The representatives of The New Right admitted the incident, by posting a press release on their site.

Status of the case: following Accept’s reporting to the police (see below), the organization was informed that the members of the New Right involved in the incident were fined by the police.

Response of local authorities: ACCEPT sent a letter to the police in order to find out if the police officers present at the cinema took any measures against the aggressors and if the police started an investigation of the case. We have not received any answer.

Impact on the victim(s) and the community: The spectators felt scared and threatened and the community felt outraged by the incident.

Russia

Attacks around Slavic Gay Pride March (St Petersburg, 25 June 2011)

The unauthorized Slavic Gay Pride march, which lasted just four minutes, was first attacked by neo-Nazis and then dispersed by the police in St. Petersburg on Saturday. A dozen activists shouting “Russia With No Homophobes” and “Equal Rights With No Compromise” marched to the Bronze Horseman in central St. Petersburg. They carried rainbow flags and posters such as “God is With Us, Hatred With You,” “Russians Are Not Homophobes” and “Don’t Be Scared: Homophobia Is Curable.”

The poster “Matviyenko! Alcoholism Is a Disease. Homosexuality Is Not” referred to St. Petersburg Governor Valentina Matviyenko, whom the activists declared responsible for “everything that happens” during the event by virtue of the local authorities’ repeated refusal to authorize the rally. Only one minute into the event, one activist was attacked by a hooded man, who punched him in the face, while two or three others rushed at the demonstrators seizing and tearing up the posters — despite the massive presence of the police on and near the site.

The police arrested the hooded attacker and proceeded to detain the activists, but, when the arrests were made, another group of activists produced posters on the steps of the Constitutional Court across the street. The police ran to arrest them as well.

The 14 arrested activists were taken to Police Precinct 2, where they were held overnight in a cell until Sunday afternoon. According to one of them, an officer admitted in a private conversation that this was done due to “pressure from Moscow.” The detained attacker was soon released from the precinct, the activists said. The protester who was attacked, Alexander Sheremetyev of St. Petersburg LGBT (Lesbian, Gay, Bisexual and Transgender) rights organization Ravnopraviye (Equal Rights), was later diagnosed with contusions to the head and lips.

Attacks around Moscow Pride event (28 May 2011)

May 28, 2011 a group of Russian and foreign activists tried to hold a peaceful demonstration in defense of human rights and against discrimination based on sexual orientation and gender identity. Some of the participants in the demonstration have been attacked, illegally detained and treated brutally by policemen, some are injured. One of them is in hospital. What happened was due to comprehensive violations of human rights and the failure of the authorities in Moscow and the police in their duty to protect participants of peaceful assembly.

On the eve of the planned demonstration of LGBT activists Moscow police officially warned the organizers of Gay Pride that any attempt to hold an unsanctioned demonstration on May 28 would be suppressed, and its participants would be detained. This statement can be considered only as a deliberate intimidation of organizers and potential participants of a peaceful meeting in order to sabotage it. The mere participation in a demonstration which is not sanctioned by government is not a legal reason for restricting freedom of citizens, if they do not disturb public order and if the event is held in the forms that are not prohibited by law.

Long before May 28, officials from the Russian Orthodox Church and other religious and social organizations and certain individuals publicly encouraged other people to use physical force against participants of the planned Gay Pride. Through Internet websites and social networks an open preparation of violent acts was conducted. Moscow authorities could not have been unaware of it. However, no preventive measures have been taken to prevent the crime. This position of the Moscow authorities can be characterized only as a crime of omission.

On the day of Gay Pride police didn't prevent accumulation of groups of young people who had an intention to attack the members of the demonstration. The police intervened only after the attack had begun. The participants and witnesses of the events had an impression of collusion between police and opponents. Thus, instead of protecting public order and citizens from violence, the police tried to stop the peaceful demonstration, which, in fact, could be described as a series of individual pickets. Activists taking part in those pickets did not interfere with traffic nor violated public order at all. Nevertheless, police detained them with brute force, including those who offered no resistance during the arrest.

The incident requires a thorough impartial investigation. Authorities and society must pay attention not only to violation of rights of the organizers and participants of the peaceful demonstration, but also to a clear trend to encourage violence and humiliation of human dignity by the public bodies and officials, religious and community leaders.

Serbia

Information provided by Labris and GSA, ILGA-Europe's members

Attack against a gay man, Belgrade, July 2011

Gay Straight Alliance (GSA) expresses deepest concern on account of the attack on a young gay man which occurred on July 18, 2011, around 2 P.M. in Nemanjina Street, one of the central Belgrade streets.

Đ.I. (21) was walking down the street towards a nearby bus-stop, when he was approached by three unknown men, coming from the direction of the park. They stopped him asking for a cigarette, but then immediately they started shouting and threatening him, all the while saying the most insulting homophobic expletives. After they tried to physically attack him, Đ.I., although very scared, managed to get a little away and take out his cellphone in order to call the police. This stopped the attackers who nevertheless still stood facing him for some time, chanting from the top of their voices „Kill the faggot“ and then ran off in the other direction.

GSA stresses the fact that Đ.I.'s attackers showed the same M.O. which has for years been demonstrated by members of several rightwing extremist organisations still operating in Serbia in their threats and assaults on LGBT people.

Homophobic attack in Belgrade, August 2011

Gay Straight Alliance (GSA) expresses deep concern at the past few weeks' increase in the number of attacks or attempted attacks on lesbian, gay, bisexual and transgender (LGBT) people, which the public has been regularly informed about.

The last of the four registered physical assaults happened in Novi Beograd during the night Friday on Saturday (26th and 27th of August), when two younger men attacked a twenty-year-old gay man, causing him injuries with brutal hits to the head and the body. The victim suffered a severe head contusion, multiple bruises and cuts over his body. He immediately reported the attack to the police, as well as to Gay Straight Alliance.

Homophobic attack in Belgrade, October 2011

A young woman was attacked in downtown Belgrade on Saturday 15 October for wearing a T-shirt with LGBT symbols. She sustained serious injuries after a minor attacked her with a knife. Police arrested him immediately but then released him on the grounds that as a minor he could not be charged. The woman is in hospital after suffering cut tendons in her right arm. She has asked not to be named, but has released an open letter, expressing surprise that her assailant is back on the streets already and wondering if that would still be the case if he had succeeded in killing her.

The attack on the young woman is a direct consequence and a price of cancelation of the Pride Parade, the Liberal Democratic Party (LDP) has stated. LDP's Dejan Randić said in a written statement that such incidents showed state's unwillingness to stand up to those who promoted hatred, intolerance and violence. "The explanation for cancelation of the Pride Parade which did not make a clear difference between hooligans who wanted to set Belgrade on fire and demolish it and peaceful citizens who wanted to fight for their rights guaranteed by the law and the Constitution resulted in a brutal attack and outbursts of intolerance," Randić pointed out.

The LDP official also stressed that politicians who called for cancelation of the Pride Parade should also bear their share of responsibility. Labris gay rights NGO has condemned the attack on the young woman and called on the authorities to punish the attacker.

Assault against a gay man in Novi Sad, 31 October

On October 31 early in the morning, I. J. Was attacked in Temerin Street in Novi Sad. The young man was beaten and left to lie unconscious. The attackers ran away. “When I parted from my friend in Temerin Street, two young men around 30 of age were approaching me. One of them grabbed me by the arm and started hitting my head with his fists while the other one silently watch the entire thing. I passed out from strong hits and I do not remember anything since that moment”, said the attacked young man. The young man had a nose fracture and a lot of hematomas, and after the attack he was lying without conscious in a puddle of blood. According to I.J’s statement the assault was motivated by hatred towards homosexuals. There are no information about the processing of this case.

Assault against a gay person, Belgrade, November 2011

Gay Straight Alliance (GSA) expresses its deepest concern following the last of a series of frequent physical assaults based on sexual orientation and gender identity, which happened in the night of 25/26th November 2011 in the very center of the city, near the Republic Square.

According to the information about the assault which was reported to GSA by M.P. (26), as he left a bakery and was walking towards a nearby bus stop, a younger man, accompanied by two more young men, started calling out: “Hey, blondy! Hallo, faggot, where do you thing you are going?!” M.P. asked him what he wanted from him and told him to leave him alone, walking on towards the Republic Square. The assaulter, however, wouldn’t give up and, hurling abuse and homophobic insults, kicked him first in the back, and then hit him with fists on the head. M.P. tried to defend himself and to run away, but a friend of the assaulter jumped in. During one of his attempts to break free to the night bus, M.P. managed to call the police on his phone, but it did not deter the attacker from continuing hits and abuse. The assault which lasted several minutes did not provoked a single reaction from the passers-by nor the people who waited for the bus, which is something that is happening repeatedly and is becoming a rule in this kind of attacks.

The police arrived after ten minutes and interrogated the assaulter on the spot, however, his accomplices had run away in the meantime. Although at first he denied that he had taken part in the assault, in one moment he started to threaten M.P. in front of the police: “Do you want me to beat you for two more hours?!”, but the police did not react upon it.

The policemen arrested the assaulter and took him to the police station, while they took the injured man to the ER where he was diagnosed with head concussion and prominent bruising above and under the left eye. The police released the assaulter at the end and pressed charges only for a misdemeanor.

Case of violent bullying at school, Belgrade

Probably the most disturbing case is the case of discrimination and violence because of alleged sexual orientation against a six-grade pupil of “Janko Veselinović” elementary school in Belgrade. The case reached the media after the boy’s desperate mother posted a status on the social network Facebook that says that her child was a victim of psychological and physical molestation which happened on the school’s New Year Celebration. Twelve-year-old V.R. said for the newspaper how in the last year and a half he had been enduring everyday molestation: “They tell me that I am a fagot, gay, girl and jerk. I think that they do it because I am not like them, because I am shorter and

weaker than them. When they hit me, I tried to hit back but without success, I was always outnumbered. One time, three of them were chasing me and while running from them I flew into the house through the window, since we lived on the ground floor.”⁸

The last case he complained about to the press was on the school’s New Year celebration in *Trezor* club. He said: “On Tuesday evening I was on that celebration. In the first half an hour everything was fine. Then they attacked me, the five boys from my class who constantly molest me both psychologically and physically. They started pushing me and calling me ‘fagot, weirdo’ and then they kicked me in the legs. I tried to defend myself but without success.”⁹

Concerning this case, the director of the boy’s elementary school assured the journalists that he will solve the problem. However, Labris considers that solving one individual case will not solve the general problem which a large number of students are surely faced with and the journalists have not heard about.

⁸ Little Vuk: The always push me, kick me, call me a jerk – Press online, December 30, 2011 - http://www.pressonline.rs/sr/vesti/vesti_dana/story/195470/Mali%20Vuk:%20Stalno%20me%20guraju,%20%C5%A1%20utiraju,%20nazivaju%20kretenom.html

⁹ Ibid

Slovenia
Report by Legebitra, ILGA-Europe's member

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This report includes information on 7 suspected hate crimes in 2011 that Informational Centre Legebitra has data on.

In addition to our information other homophobic crimes might have been reported to the police by individuals and never reported to Legebitra. However, since the police do not keep separate statistics on homophobic violence, but treat all acts of violence motivated by hate based on one's sexual, gender, religious...background under the same article in the Penal Code (cf: Article 297. Public Incitement to Hatred, Violence or Intolerance¹) the frequency / location of homophobic violence in general in Slovenia is impossible to establish.

Based on our researches (e.g. »Activate2«) it can be concluded that the majority of such attacks are never officially reported (92%).

As can be seen from the individual reported cases most of homophobic hate crime tends to happen due / around the Pride parade that usually takes place in June in Ljubljana.

1) Homophobic (physical) attack on an Italian gay activist / tourist

What happened: An Italian tourist, gay activist from Trieste was attacked in the close vicinity of Ljubljana train station in one of the Fast Food bars

Date, time and location of the incident: 8th May 2011, early morning Saturday, Ljubljana city centre, Fast Food bar

Source of information: Informational centre Legebitra

Victim: A young gay male, LGBT activist working for an LGBT organization in Trieste

Type of a crime: Physical Assault (kicks, punching, name calling)

Perpetrator(s): The suspects were originally two young men, who attacked the Italian after asking him if he was "a faggot".

Brief description & homophobic bias: The "victim" on his way home after spending a night in one of gay bars in Ljubljana, he stopped for a hamburger at one of the fast food chains next to the train station, where he was, whilst still inside the store, approached by two guys and based on the way he was dressed (he was dressed in a drag clothes, very flamboyant) if he was gay, after the victim confirmed he was gay, he was punched in the face and kicked. There were witnesses in the bar; there was also a camera that took in all that was happening.

Status of the case: On the 8th June 2011 the police submitted formal charges to the Public prosecutors' office against a known perpetrator(s) under the article 297. of the penal code (Public Incitement to Hatred, Violence or Intolerance) and added homophobia as additional motive for the crime. The case is currently pending before court.

Response of the LGBT community: Italian organization Arcigay reacted immediately with a press release condemning the attack (in Italian):

<http://www.arcigay.it/comunicati/violenza-omofobiaca-a-lubiana-ai-danni-di-un-triestino-arcigay-lo-sosterra-nel-processo/>

Legebitra issued a blog-news related article, based on Arcigay press release (in Slovene):

<http://www.narobe.si/myblog/spet-homofobicni-napad-v-ljubljani>

The news of the attacked was also published by some newspapers (in Slovene):

http://www.primorski.it/stories/alpejadran/186687_v_ljubljani_napadli_istospolno_usmerjenega_traana/

<http://www.delo.si/novice/kronika/sredi-ljubljane-nad-gejevskega-aktivista.html>

2) Vandalism / Breaking (a) window(s) of the LGBT bar Café Open

What happened: Breaking the windows of a bar with a concrete round block

Date, time and location of the incident: 28th May 2011, early morning hours 4-5am, opening day of the Pride Week in Ljubljana, Café open, Hrenova 19, Ljubljana City centre

Source of information: Informational centre Legebitra, Association Café Open

Target: LGBT friendly bar

Type of a crime: Vandalism and damage to property,

Perpetrator(s): Five young males, ages 18-25

Background & homophobic bias: LGBT bar Café Open has been a target of homophobic crime, especially during the week of Pride parade in Ljubljana, since 2008 when it opened. The first incident happened in 2008 when a group of 6-8 young males threw a smoke bomb in the bar full of customers participating in a book reading event, subsequent incidents in the following years were graffiti (Die faggots). On 28th May (Saturday) 2011 when this incident happened, it was the start of the Pride week as well as an event welcoming LGBT families was to take place in the bar that day. There is reasonable suspicion that the motive was homophobia due to the Pride week opening that day (and since every consecutive year the bar was somewhat a target of a crime, specifically during pride week) and the opposition of the new Family code (cf. footnote 3) since an LGBT family day was supposed to take place that day.

Status of the case: The incident was reported to the police and also recorded by cameras in the bar. The police decided not to include homophobia as a motivating reason for the incident, but treated it as vandalism (Article 220 of the Penal Code, Damaging Another's Object). They claimed that there is no proof for homophobia, based on the assessment of the perpetrators, as caught on the cameras. Two out of five perpetrators were caught. The owner of the bar did not press charges but settled for a financial compensation. When the settlement was done, the available information on the perpetrators however revealed that they might have been supporters of extreme right-wing concepts and beliefs as well as suspicions that they are connected to Ljubljana football supporters / hooligans of the football club Olimpija (Green Dragons).

3) Football hooligans against the new Family Code and Pride parade

What happened: Football supporters / hooligans of the football club Olimpija (Green Dragons) revealed a banner at a public match that said "Za družino, stop gay paradi" (For a a family, stop Pride parade!) and burned a rainbow flag

Date, time and location of the incident: 29th May 2011, Ljubljana main stadium (Stožice), 5pm Sunday

Source of information: Informational centre Legebitra, On-line news magazine Žurnal24

Target: LGBT community, potential participants to the Pride parade

Type of a crime: Public Incitement to Hatred, Violence or Intolerance, Article 297 Penal Code

Perpetrator(s): A group of football hooligans (Ljubljana group Green Dragons)

Background & homophobic bias: The inscription of the banner as well as the burning of the rainbow flag all point to homophobia. Also the fact that this happened one day after the vandalism on the Bar open (see previous case) and that it happened at the beginning of the pride week and within the public discourse on the proposal of new Family code confirm homophobia.

Status of the case: The police reacted the same day and according to on-line magazine Žurnal24 the police later on arrested 5 of the hooligans that were involved in the incident for public Public Incitement to Hatred, Violence or Intolerance.

Response of the (LGBT) community: Informational Centre Legebitra issued a press release condemning the incident and also notified the Football Association of Slovenia, which according to the media set for a disciplinary action against the group as well as condemned and apologized for the incident in their own press release

Relevant media articles on the event (in Slovene):

<http://www.narobe.si/myblog/nk-olimpija-obzaluje-homofobicni-incident>
<http://www.narobe.si/myblog/policija-ovadila-homofobne-nogometne-navijace>
http://www.dnevnik.si/tiskane_izdaje/dnevnik/1042470614
<http://www.zurnal24.si/dragonsi-proti-paradi-ponosa-clanek-124517>
<http://www.zurnal24.si/ovadili-peterico-nestrpnih-navijacev-clanek-134258>

4) Homophobic attack on a British citizen / tourist

What happened: A group of British citizens was first verbally and then physically attacked due to their sexual orientation

Date, time and location of the incident: 4am, 6th June 2011, Ljubljana city centre, Top Bar & Fas Food FRKS

Source of information: Informational Centre Legebitra

Target: A group (3) British citizens

Type of a crime: Verbal and physical assault

Perpetrator(s): Four young males (20-25 years)

Background & homophobic bias: The group of British citizens was partying in one of the Ljubljana's night bars where they were approached by a group of four local males wanting to talk and party with them. For a while they were all friendly with each other, but when one of the locals found out that one of the British was gay, he started to behave very aggressively, verbally insulted the British (verbal homophobic remarks) and threatened them ("I will kill you all", "You will not leave Ljubljana alive..."). The British group then left the bar in order to avoid an incident, but they were followed and later physically attacked, including attack with various objects (steel cane etc...) whilst waiting at one of the fast food bars near one of the main squares in Ljubljana.

Status of the case: The British group reported the case immediately to the police. Based on photographs, eyewitnesses and statements the police identified two out of four perpetrators who were in January 2012 persecuted on the basis of Violent conduct and Public Incitement to Hatred, Violence or Intolerance (articles 296 / 297 of the penal code). The case is currently pending before court.

Response of the (LGBT) community: One of the attacked British approached LGBT magazine Narobe, issued by Legebitra and informed the editor of the attack. Legebitra published news on the attack immediately and the rest of the media followed as well:

Victim's own letter (in English) in the event - to LGBT magazine Narobe:

<http://www.narobe.si/myblog/spet-homofobicni-napad-sredi-ljubljana>

Relevant media articles on the event (in Slovene):

<http://slowwwenia.ena.com/Novice/Kronika/Aretirali-ljubljanska-homofoba-ki-sta-napadla-Britance.html>

<http://www.rtv slo.si/crna-kronika/britanec-zrtev-homofobicnega-napada-sredi-ljubljane/259787>

<http://www.narobe.si/myblog/kazenska-ovadba-zaradi-homofobicnega-napada>

5) Discrimination at the employment process due to HIV/aids infection

What happened: Alleged discrimination of an individual at employment process due to an individual's HIV/aids diagnosis

Time of the event: June – August 2011

Source of information: Informational centre Legebitra

Target: A gay man with HIV/aids diagnosis

Type of a crime: Discrimination on the basis of a personal circumstance at employment process - breach of Article 6. of Employment Relationship Act

Perpetrator(s): Clinical Institute of Occupational, Traffic and Sports Medicine of the University medical centre in Ljubljana (*Klinični inštitut za medicino dela, prometa in športa Univerzitetnega kliničnega centra v Ljubljani*) in University Clinical centre in Ljubljana

Background & discrimination bias: The individual in this case applied for a position of a nurse at the University Clinical centre in Ljubljana. This was also his position at his prior employer University

Clinical centre in Maribor. After the initial job interviews, he was notified that he was selected for the position and was already assigned an order for work uniform and keys to the locker. At the mandatory health check-up (as demanded by his new employer) the individual suffered discriminatory actions after the doctor, performing the check up, found out he was HIV positive. (E.g: the doctor told the patient that his HIV status was a form of a punishment due to him being infected with HIV). The patient was later issued a health certificate (for the employer) where it was stressed (in a separate comment) that the patient needs to use double gloves at work as his infection poses a risk. The individual complained to second instance body which ruled that the remark needs to be taken out of the certificate. Despite a new certificate and the ruling the employer also wanted to see the first original certificate. Even though the remark was taken out of the first certificate, after the employer saw both the certificates, the individual was notified he is no more a selected candidate for the post. The individual suspects that somehow the employer managed to get a hold of information on the content of the discarded remark on the first certificate and a background on his medical condition. Namely, Clinical Institute of Occupational, Traffic and Sports Medicine is run by the University medical centre in Ljubljana which is the main employer.

Status of the case: Currently the case is pending before Labour and social court in Ljubljana.

6) Verbal homophobic attack and violent threats against a gay couple in a public space

Date, time and location of the incident: August 2011, Koper, Slovenia, between 3-5 pm

Source of information: Informational Centre Legebitra

Target: Young gay couple

Type of a crime: Verbal assault, homophobic threats, insults

Perpetrator: A local middle aged male customer in the bar

Background & homophobic bias: The young male couple was customers in the bar and when they showed public expression of affection (holding hands) they were approached by one of the other male customers in the bar, who didn't like the fact they were two males and touching each other. He started shouting words like "faggots" and "degenerates", wanted them to leave the bar and threatened them with a physical attack. He also physically approached them to make sure they leave the bar immediately. The couple tried to calm him down, but when they felt seriously threatened they asked the bar owner to call the police. Due to obvious homophobic remarks, threats and the fact that the perpetrator was set off by them touching each other, victims as well as we, we believe this was motivated by homophobia.

Status of the case: The police took statements of the victims as well as the perpetrator. They decided not to treat this as a criminal act, despite the threats, but as an act of public nuisance. Bias (homophobia) in this case does not present relevant fact. They fined the perpetrator according to the law.

Spain

- (1) Report by FELGBT – ILGA-Europe's members
- (2) [Memòria antidiscriminadora 2010-2011, by Observatori Contra l'Homofòbia \(Catalonia\)](#)

1. Report by FELGBT:

Date, time and Location: April, 30th 2011 02:00 am Zaragoza

Source of information: The people involved as victims, a LGBT association and many web sites

Victims Involved: 2 young men

Type of the crime: Brutal attack (scratches and several injuries)

Perpetrators: 1 man under 30

Brief description of incident: Two young men were in the street in Zaragoza, in the gay zone and suddenly a man started to rebule them and got closer and closer. They tried to escape but he started to hit them with a lot of strength.

Status of the case: Waiting for court. The aggressor was denounced

Response of local Authorities: Everything was under normality

Impact on the victims and the community: They are people who dedicate to LGBT fight too, then they tried to visibilize the case in order to denounce this kind of situation

Date, time and Location: August 22th, 2011 5:00 am Ciudad Real

Source of information: The victim wrote a letter to a blog to tell everything

Victims Involved: Two young guys

Type of the crime: Brutal attack

Perpetrators: 5 men under 30

Brief description of incident: The two gay guys were kissing in the street, when the aggressors got closer, started to harass them, they went away but in the runaway the perpetrators started to hit them very violently, crashing 3 teeth, and severely damaging an eye.

Status of the case: The couple didn't denounce. There is nothing

Response of local Authorities: The couple didn't go

Impact on the victims and the community: It was a big impact. Even the head of the city hall had a meeting with COLEGA Association to evaluate.

Date, time and Location: July, 25th 2011 16:00, Madrid

Source of information: News in the websites

Victims Involved: A couple of homosexuals

Type of the crime: Rebuking, launch of a cup of coffee and threatening with glass

Perpetrators: José María D.C. 53 years old

Brief description of incident: Two gays were having meal in a restaurant. A man started to complain because they were gays and when they kissed, the man threaten them, threw a cup and tried to intimidate them with the shape of a cup of glass he broke.

Status of the case: Denounced

Response of local Authorities: All right

Impact on the victims and the community: All the people in the restaurant supported the victims. The employees closed the doors in order to collaborate and stop the aggressor.

Date, time and Location: December 25th, 2011 5:00 am Madrid

Source of information: The victims, some blogs and a press release of COGAM (LGBT asociacion of Madrid)

Victims Involved: A young couple of gays

Type of the crime: Brutal attack, broken nose

Perpetrators: A man in his forties

Brief description of incident: The two guys were kissing , the aggressor told them “ fucking fags, go to a hotel”, hit them and threaten them with an empty glass bottle

Status of the case: Denounced

Response of local Authorities: All right

Impact on the victims and the community: The LGBT Association COGAM was bravely involved supporting them, trying to make it public, with a press release and giving them all support they needed.

Date, time and Location: December 7th 2011, In the morning Zaragoza

Source of information: The victim

Victims Involved: A young boy in the high school

Type of the crime: LGBT discrimination, aggression, harassment in school

Perpetrators: Firstly some classmates (harassment) afterwards, the very teacher

Brief description of incident: A pupil suffers from harassment in his class, he denounces when he suffers a violent aggression and the teachers don't cooperate, even they try to persuade him not to do it.

Status of the case: The government tried to press the high school

Response of local Authorities: The teachers and the directors tried to stop everything. The local and autonomic authorities collaborate.

Impact on the victims and the community: The student was supported by the LGBT association of Zaragoza, the Consejería of Educación.

Date, time and Location: ASte Nagusia August 28th 2011, in the night , Bilbao

Source of information: The Bilboko Konpartsak, EHGAM and several newspapers

Victims Involved: There are 3 victims

Type of the crime: Brutal attack

Perpetrators: Unknown

Brief description of incident: There is only known 3 “homophobic aggression” in the celebration of the Aste Nagusia in Bilbao.

Status of the case: Unknown

Response of local Authorities: The Interior Department of Basque Country said there is one denounce

Impact on the victims and the community: It is unknown. It has been made a silent protest in the celebration of a concert.

Date, time and Location: July 3rd 2011, in late night, Madrid

Source of information: Press release

Victims Involved: Two men 63 and 49 years old

Type of the crime: Insults and brutal attack

Perpetrators: Two men about 50

Brief description of incident: The victims said that while they were celebrating the LGBT Pride in the street, the aggressors came and started to rebuke them and hitting them.

Status of the case: Waiting to Court

Response of local Authorities: All right

Impact on the victims and the community: The victims called the LGBT Association COGAM and they supported them.

Date, time and Location: May 15th, 2011, 9:00 am Barcelona

Source of information: FCG public enterprise of Barcelona emits a press release

Victims Involved: 3 young men under 21

Type of the crime: Insults (fags) and physical aggressions

Perpetrators: A man near skin heads

Brief description of incident: In a tube wagon three gays were chatting when the perpetrator went to them yelling “faggots” and threaten them, talked to them about Hitler and started to hit them. The surveillance service went and stopped the man

Status of the case: In Court

Response of local Authorities: The public Enterprise denounces the perpetrator and the Mossos d’esquadra cooperate

Impact on the victims and the community: All the community supports the victims

Date, time and Location: July 16th 2011, late night Casariche (Seville)

Source of information: Press release of supporting LGBT Association COLEGA Sevilla

Victims Involved: A young gay of 21, two gay friends and a transgender woman

Type of the crime: Insults, hits, brutal attack , broken wrist

Perpetrators: A man R. C. G.

Brief description of incident: In the fair of the little town the group of friends were sitting and suddenly a man came, insulted them and hit and kick them very violently. The result was a some injuries for D.L.P.

Status of the case: Denounced

Response of local Authorities: All Right

Impact on the victims and the community: The LGBT Association COLEGAS was involved supporting them, trying to make it public, with a press release and giving them support.

Date, time and Location: March 15th 2011 Alicante

Source of information: Press Release of Diversitat LGTBI and some newspapers

Victims Involved: A group of lesbian women

Type of the crime: Insults and some strikes

Perpetrators: 3 women

Brief description of incident: A group of lesbian women were dancing in a night club and another group of women started to insult them and trying to provoke them. Finally the “straight” grab one of the lesbian by her hair and a fight started.

Status of the case: Denounced

Response of local Authorities: All right

Impact on the victims and the community: The victims attended to Diversitat LGTBI and they went with the victims to denounce the incident.

For more information:

Vice Coordinator of International and Human Rights Area of FELGTB

Comunicacion@felgtb.org

2. Memòria antidiscriminària 2010-2011, by Observatori Contra l’Homofòbia (Catalonia)

This report covers a period of time starting on 1 July 2010 and finishing on 14 June 2011. However, it disaggregates the data according to the years. In addition, the Observatori Contra l’Homofòbia has provided ILGA-Europe with data on the number of incidents registered during all the year 2011:

January: 23

February: 26

March: 29

April: 31

May: 38

June: 37

July: 35

August: 39

September: 28

October: 26
November: 27
December: 30

TOTAL: 369

For more information, contact: Eugeni Rodríguez, fagc@fagc.org.
The methodology of the Observatori's reporting scheme is described in the report (see hyperlink in the title of this submission's section on Spain).

Sweden

Attack in June 2011 at the Stockholm gay pride festival

The decision to hold this year's gay pride festival in a park in central Stockholm with free entry has led to an increase in hate crime, according to organisers RFSL (The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights.) On the eve of Saturday's pride parade, a festival volunteer was abused with the incident reported to the police.

Turkey

Including data provided by KaosGL – a member of ILGA-Europe

- January 2011, trans woman raped and assaulted

On 02/01/2011 a female transsexual friend of ours who is a member of MorEl(Purple Hand) Eskişehir LGBT Formation* was assaulted and raped in her own house. Now the attacker is threatening our friend with death. Since it is about the security of her life, we made an indictment against the person to the Eskişehir Chief Public Prosecutor's Office.

The assaulter has harassed, raped and robbed many gays and transsexual women. Gays and transsexual women cannot make a complaint, since they are threatened, and when they make a complaint prosecutors do not pay attention to their complaints. This person, as it were, begins to earn his livelihood through the robberies and blackmails of gays and transsexual women.

- Date: 3 January 2011

City: İstanbul

In the Beyoğlu district of Istanbul, a trans woman was shot by unidentified people. She was taken to a hospital and taken care of. Police are still investigating on the identities of the criminal/s.

- Date: January 2011

A gay prisoner [N. T., 19] in Corum was threatened and beaten by the guardians of the prison.

- Date: 15 February 2011

A transwoman in Ankara was stabbed from her back 24 times and she went under intensive care in a hospital

- Date: 26 February 2011

A transwoman, one of the founders of Pembe Hayat, an LGBT NGO [Gorkem K., 45] was beaten and knifed 10 times. She remained under intensive care for 15 days in a hospital.

- Date: 1 March 2011

A gay asylum seeker [Ghassan K., 17] who escaped from Iran was severely beaten up by 2 men in Kırşehir.

- 9 March 2011

City: Gaziantep

Emrah Gümüş (male, 24) has shot and killed P.T. (female, 21), a senior student at Gaziantep University, in the middle of a road.

A court case was opened against Gümüş for “intentional killing, threat by gun and nonlicensed obtaining of guns” with a demand of life sentence. It was highly publicized in the media that Gümüş has stated both at the Police Station and at the Court that “P. was living a lesbian relationship. I warned her numerous times. Then I killed her when she did not listen to me.”

- Date: 23 March 2011

City: İzmir

The body missing its head found on 22 March in İzmir was determined to belong to a trans woman. Local police station have confirmed that the body belongs to Ş. R. P. (30).

- Date: 15 April 2011

City: Antalya

A trans woman, working as a sex worker, was kidnapped to a forest by one of her clients, tied to a tree and raped by 4 men, and her 160 liras was seized. 4 arrestees will be charged with “rape”, “seizure” and “physical harm”.

- Date: 19 April 2011

City: İzmir

A trans woman was shot by persons whose identities remained unknown. The victim was taken to a hospital but later she lost her life. During the same gunshot 2 other transwomen [M.K. 26 and Y.E. 36] were injured and taken to the hospital.

- Date: 10 May 2011

Place: İstanbul

In the Şişli district of Istanbul, 3 trans women were attacked and wounded by guns by 5 people in the morning of May 8.

Based on the testimony of one of the trans woman, one of the criminals pointed the gun into her mouth and said “I will not kill you tonight. It is not your turn yet”.

- Date: 11 July 2011

City: Antalya

2 trans women, who went out of their houses to make transactions at a bank, were lynched by the local shopkeepers of the neighbourhood. Police came to the scene after receiving phone calls from the residents, watched the lynch for a period of time based on the victims’ testimonies, and later intervened the situation.

- Date: 1 August 2011

City: İstanbul

Ö.F.K. (26) stabbed Didem Soral, a trans woman (24), to death after he meet her on internet and agreed on paying her for sex work.

Ö.F.K. first wounded Soral’s neck and then other parts of her body. He was caught when he was trying to escape from the house. The first testimony of the criminal was “I killed her after it turned out that she was a transvestite”. Ö.F.K was sent to Military Police as it came out that he was an army escapee.

- Date: 5 September 2011

City: İstanbul

Based on *Milliyet*'s news, Mustafa Murat Yüceel (39) “who went back home with 6 other people with all of whom he met at a bar” was murdered.

Yüceel went to a bar and met Cemal T. (19), Ertan E. (26), Emrah O. (25), Kazım K. (26), Gökhan S. (24) and Furkan B. (25) and went back to his home with them. He was stabbed on his heart by Cemal T..

- Date: 16 September 2011

City: İstanbul

A trans woman in the Bahçelievler district of İstanbul was attacked with knives by individuals who stated “No transvestite would be born in our own homecities”. Criminals took E.Ö. (32) with a car to a desolate area and stabbed her with knives. Two of the criminals were taken under detention. Based on their testimonies, they wounded her “as she was from the same city as of them”.

- Date: 26 September 2011

City: İstanbul

The residents of an apartment in Başakşehir İstanbul informed the police officers that there was a strong smell coming from one of the houses. Then the house was unlocked, a dead body was found belonging to Ç.K., a trans woman. The Forensic Science confirmed that there were brutal wounds on the body of the victim.

- Date: 7 October 2011

City: Gaziantep

In an hospital room, Fevzi Ç. (27) and R.Ç. (24), who were siblings, got in an argument. Fevzi Ç. shot and killed R.Ç. during the arguments. In the testimony of the criminal, he stated “My brother was a transvestite. We were too embarrassed to go out and face the society. We got rid of that shame.”

- Date: 3 November 2011

City: Çanakkale

The residents of an apartment in Esenler district called the police and reported that there were blood stains in the hall of one of the houses. Police found the dead body of Ercihan Cerrah and started an investigation to find the criminal/s. Cerrah was stabbed with a knife on his chest.

- Date: 13 December 2011

City: Eskişehir

The house of a trans activist of Morel LGBTT Organization was broken into by R.A. and the trans activist was raped. The court case is still continuing at Eskişehir 2nd Criminal Court. This is not the first rape offence of the criminal.

- Date: 23 December 2011

City: İstanbul

In the Maltepe district of Istanbul, several trans women were attacked with swords by 4 men whose identities are still unknown. One of the trans woman stated that the criminals came nearby with a car and one of them wounded the victims with a sword.