

Selected LGBT Excerpts – Amnesty International Annual Report 2011

EU, p. 35

Authorities in a number of countries also fostered a climate of intolerance for lesbian, gay, bisexual and transgendered (LGBT) communities. In Italy, against a backdrop of derogatory remarks by some politicians and officials, accompanied by a significant rise in intolerance and hate speech against the communities, violent homophobic attacks continued. In Turkey, the Minister for Women and the Family stated that homosexuality was a disease and required treatment. In Lithuania, legal provisions entered into force which attempted to stifle any public discussion of homosexuality or public expression of the identity of LGBT people. The country's first Pride march took place, however, despite efforts by certain authorities to ban it. Such efforts elsewhere were unfortunately successful, with marches banned or impeded in Belarus, Moldova and Russia. Regrettably, member states continued to block a new EU-wide directive on non-discrimination, which would simply close a legal protection gap for those experiencing discrimination outside of employment on the grounds of disability, belief, religion, sexual orientation and age. EU laws in this field would make a crucial difference to how all forms of discrimination are tackled across Europe.

Bulgaria, p. 88

Racism

In June, NGOs reported an increase in attacks by farright groups and inadequate reactions from the police and the government. There were reports of attacks against Roma, foreign nationals, Muslims and LGBT people. On 6 June, four young people were reported to have been severely beaten on a tram by a group of about 20 masked men – allegedly self-identified neo-Nazis – in the capital, Sofia. The assailants, armed with knuckle dusters and knives, attacked the four men on their way to a demonstration at the temporary accommodation centre in Busmantsi against the detention of foreign nationals. Six of the alleged perpetrators were arrested.

Cameroun, p. 95

Rights of lesbian, gay, bisexual and transgender people

The Penal Code criminalizes same-sex sexual relations and even the National Human Rights Commission refuses to recognize and defend the rights of lesbian, gay, bisexual and transgender (LGBT) people. Arrests, prosecutions and trials of gay men continued during 2010 on a regular basis. Those imprisoned were prisoners of conscience.

■ Fabien Mballa and Aboma Nkoa Emile were arrested on 24 March by gendarmes in Camp Yeyap, Yaounde. They were sentenced by the criminal court of Yaounde to five months' imprisonment and fines, and were held in Kondengui prison.

■ Roger Bruno Efaaba Efaaba and Marc Henri Bata, who were arrested in September on suspicion of theft, but then accused of same-sex activities, were subjected to forced anal medical examinations in October, a form of cruel, inhuman and degrading treatment. They remained in custody at the end of the year.

Croatia, p. 118

Rights of lesbian, gay, bisexual and transgender people

On 19 June, the Zagreb Pride took place. Some 500 people who participated were protected by the police and no major incidents were recorded. However, when the main event had finished two participants were physically attacked by a group of young men. An investigation was opened to identify those responsible but, at the end of the year, it had failed to yield results.

Cyprus, p. 120

Rights of lesbian, gay, bisexual and transgender people

In March, the Authority against Racism and Discrimination recommended the legal recognition of cohabitation between same-sex couples.

Gambia, p. 160

Rights of lesbian, gay, bisexual and transgender people

Sex between men remained a criminal offence punishable by lengthy prison terms. Laws dating from the former colonial administration continued to be used to discriminate against transgender people.

Honduras, p. 164

Rights of lesbian, gay, bisexual and transgender people

In October, the LGBT community expressed concern to the Inter-American Commission on Human Rights that they continued to be threatened and attacked. Attacks were rarely thoroughly investigated and lack of protection for those who came forward to report these crimes remained a concern.

■ Nohelia Flores Álvarez, a transsexual, pressed charges against a policeman who had stabbed her 17 times in December 2008 after she turned down his request for sexual services. During the investigation and trial Nohelia Flores Álvarez, witnesses, investigators, prosecutors and supporters were repeatedly harassed and threatened, culminating in August with the murder of one of her friends as they walked together; the intended target of the attack was Nohelia Flores Álvarez. In September, the police officer was found guilty of the stabbing, and sentenced to a minimum of 10 years' imprisonment. However, by the end of the year, no one had been brought to justice for the intimidation, threats and killing of those associated with Nohelia Flores Álvarez.

Hungary, p. 166

Rights of lesbian, gay, bisexual and transgender people

The organizers of the LGBT pride march in Budapest alleged the police initially refused to use protective cordons to secure the march held on 16 July. Two participants were reportedly beaten after the march.

Indonesia, p. 171

Discrimination

Religious minorities and lesbian, gay, bisexual and transgender (LGBT) groups faced violent attacks and discrimination. The police failed to take adequate measures to guarantee their security. An LGBT regional conference due to be held in Surabaya in

March was cancelled after threats of violent reprisals by radical Islamist groups. The Ahmadiyya community were targeted for abuse and discrimination. In August, the Minister of Religion called for the community to be disbanded. An estimated 90 Ahmadiis displaced in 2006 after arson attacks on their homes, continued living in temporary housing in Mataram, Lombok. At least 30 churches were attacked or forced to close down during the year. In April, the Constitutional Court upheld legal provisions criminalizing blasphemy. At least 14 people were in prison on blasphemy charges by the end of the year.

Ireland, p. 180

Discrimination – lesbian, gay, bisexual and transgender people

The Civil Partnership Act 2010 was passed in July, providing for the registration of civil partnerships, including by same-sex couples, to come into force in 2011. However, it fell short of providing an equal right of same-sex couples to civil marriage, and inequality in the legal situation of children of same-sex couples also remained unresolved. Following the withdrawal of its appeal in the case of *Foy v. An t-Ard Chláraitheoir & Ors* in June, the government promised to introduce legislation recognizing the gender identity of transgendered people.

Italy, p. 185/186

Derogatory and discriminatory remarks by politicians against Roma, migrants and lesbian, gay, bisexual and transgender people promoted a climate of rising intolerance. Violent homophobic attacks continued. (...) Derogatory remarks by some politicians and representatives of various authorities helped foster a climate of intolerance towards Roma, migrants and lesbian, gay, bisexual and transgender people.

Rights of lesbian, gay, bisexual and transgender people

Violent homophobic attacks continued. Due to a gap in the law, victims of crimes motivated by discrimination on grounds of sexual orientation and gender identity were not given the same protection as victims of crimes motivated by other sorts of discrimination.

Jamaica, p. 188

Rights of lesbian, gay, bisexual and transgender people

Scores of homophobic attacks, harassment and threats against of lesbian, gay, bisexual and transgender (LGBT) people were reported to LGBT organizations, including at least three cases of “corrective” rapes of lesbians.

■ On 3 September, a woman was raped by a gang of six men who had previously verbally abused her. She also suffered genital mutilation after the rape. A survey of 11 lesbian, bisexual and transgender women victims of violence found that only one had reported the rape to the police and after two years she was still waiting for the court hearing. The others had not reported the crime because they feared being criminalized on account of their sexual orientation.

Lithuania, p. 213

Discrimination – lesbian, gay, bisexual and transgender people

In February, the authorities informed the Council of Europe that Lithuania did not plan to sign Protocol 12 to the European Convention on Human Rights, which protects against discrimination in respect of all rights. In March, amendments to the Law on the Protection of Minors against the Detrimental Effect of Public Information entered into force. The new law classifies any information which “denigrates family values”, or which encourages a concept of marriage other than the union of a man and a woman, as detrimental to children and bans such information from public places accessible to minors. The first Baltic Pride march to be held in Lithuania took place in Vilnius on 8 May, after attempts by certain authorities to ban it failed. In October, the parliament rejected a request by the Prosecutor’s Office to lift the immunity of two of its members who had allegedly behaved violently during the march. Adoption by the parliament of amendments to the Administrative Code, introducing fines for the “promotion of homosexual relations”, was pending at the end of the year.

Macedonia, p. 215

Discrimination

In April the parliament adopted an Anti-Discrimination Law, which failed to meet EU standards, including by failing to protect lesbian, gay, bisexual and transgender people from discrimination.

Malawi, p. 217

Rights of lesbian, gay, bisexual and transgender people

On 18 May, two prisoners of conscience, Steven Monjeza and Tiwonge Chimbalanga, were convicted on charges of “gross indecency” and “unnatural acts” after holding a same-sex engagement party in December 2009. Both were sentenced to 14 years with hard labour. On 29 May they were pardoned by President Mutharika, following a visit to Malawi by UN Secretary-General Ban Ki-moon. However, Tiwonge Chimbalanga went into hiding in fear of hate attacks. In its Universal Periodic Review, Malawi stated that it had no plans to legalize homosexuality.

Moldova, p. 228

Freedom of expression – Lesbian, gay, bisexual and transgender rights

On 28 April, the Chişinău Court of Appeal ruled that a pro-equality march planned by LGBT rights activists for 2 May in the city centre should be relocated to an unfrequented area in the city, due to “security and public morality concerns”. The organization, Information Centre GenderDoc-M, applied to Chişinău City Hall in March to hold a demonstration in the Grand National Assembly Square in the city centre, anticipating approximately 50 participants. The organization did not receive a response to its application, but Chişinău City Hall sent a request to the Chişinău Court of Appeal to have the march banned from the city centre. The activists refused to hold the march in the authorized location in protest against the decision. Chişinău city authorities applied for the march to be banned in response to numerous petitions from a range of religious and other anti-LGBT rights groups. The counter-demonstration organized by those groups was allowed to take place in the city centre on the same day.

Mongolia, p. 229

Impunity

Complaints against law enforcement officials rarely resulted in prosecution or criminal convictions. The government stated that 108 complaints of torture or other ill-treatment were made to the Prosecutor's Office, of which 38 were investigated. The authorities failed to prevent, investigate and punish attacks against lesbian, gay, bisexual and transgender people.

Montenegro, p. 230

Discrimination

An Anti-Discrimination Law, including provisions protecting lesbian, gay, bisexual and transgender people, was adopted in July, despite homophobic remarks by the Minister of Human and Minority Rights during the parliamentary debate. The law was not implemented by the end of the year as amendments to the Law on the Ombudsperson, empowering the Ombudsperson's Office to receive complaints of discrimination, had not been adopted. Roma continued to be denied social and economic rights. In the absence of adequate housing, many lived in unsafe conditions: in October, two Romani children died in an unofficial settlement on a garbage dump at Lovanja after their home, built of tar paper, caught fire.

Nicaragua, p. 243

A new Ombudswoman on sexual diversity, a post specifically designed to protect the rights of lesbian, gay, bisexual and transgender people, was appointed.

Poland, p. 265

Rights of lesbian, gay, bisexual and transgender people

A significant rise in hate speech and intolerance against lesbian, gay, bisexual and transgender people was noted by the UN Human Rights Committee in October.

Russia, p. 271

Freedom of assembly

The clampdown on social activism continued, especially on those groups which raised controversial issues, were capable of mobilizing public dissent or were funded from abroad. Organizers often faced harassment and intimidation, including from law enforcement officials and members of progovernment organizations. Several peaceful demonstrations in Moscow and St. Petersburg were declared unauthorized and forcibly dispersed resulting in scores of demonstrators being held for several hours in police custody. Some demonstrators were sentenced to several days of detention solely for exercising their right to freedom of assembly. In October, activists united in the "Strategy 31" movement were finally allowed to organize a peaceful demonstration in support of freedom of assembly in Triumphalnaya Square in Moscow. Since May 2009, the movement had been denied permission to assemble in the square on at least 10 occasions. Widespread public protests against the planned construction of a highway through Khimki forest near Moscow led to the project being halted for a few months while at the same time activists faced intimidation and harassment. Konstantin Fetisov,

a peaceful protester against the project, was assaulted in November by unknown men and seriously injured. In an unprecedented decision in October, a court in St Petersburg declared the banning of a parade by LGBT rights activists by the city council had been unlawful. Later that month, the European Court of Human Rights ruled that the banning of Pride marches by the Moscow city authorities in 2006, 2007 and 2008 had violated the right to freedom of peaceful assembly and that the organizers had been discriminated against on the grounds of their sexual orientation.

Serbia, p. 282

Rights of lesbian, gay, bisexual and transgender people

The first Belgrade Pride since 2001 took place in October. More than 5,000 police officers were deployed to protect 1,000 Pride participants from around 6,500 counter-demonstrators, who attacked the police and political party offices and caused more than a million euros' worth of damage. Some 124 police officers were injured by counter-demonstrators, of whom 249 were arrested, and 131 detained for further questioning under a hastily amended article of the Criminal Code increasing the period of detention from eight to 30 days. In December, 83 people were charged with causing violence. No one was arrested for attacks on activists which had taken place before and after the march.

Cosovo, p. 284: Discrimination

Discrimination remained pervasive against non-Albanian minorities, women and lesbian, gay, bisexual and transgender people.

Slovakia, p. 290

Rights of lesbian, gay, bisexual and transgender people

The organizers of Bratislava Pride had to change the route of the first LGBT Pride march on 22 May after the police announced that they would not be able to protect the participants from attacks by counter-demonstrators. The march was reportedly marked by violence and intimidation due to the failure of authorities to ensure adequate security. According to the organizers, at least two men who were carrying the rainbow flag were injured by counter-demonstrators before the rally started.

South Africa, p. 297

Rights of lesbian, gay, bisexual and transgender people

Serious incidents of violence against lesbian women or women believed to be lesbian, targeted for their sexuality, continued to be reported. It was not clear at the end of the year if proposed draft legislation to criminalize hate crimes included victims targeted on grounds of sexual orientation, which CSOs had recommended. In December, South Africa supported an amendment to restore a reference to sexual orientation in a UN resolution calling on states to investigate discrimination-related killings.

Turkey, p. 327-330

The rights of conscientious objectors, lesbian, gay, bisexual and transgender (LGBT) people and refugees and asylum-seekers remained unsecured in law. Minimal progress was made in preventing violence against women.

Rights of lesbian, gay, bisexual and transgender people

Constitutional amendments improving protections against discrimination failed to address discrimination on grounds of sexual orientation and gender identity. Discrimination continued in law and practice.

■ In March, the Minister for Women and the Family stated that homosexuality was a disease and required treatment. The government failed to distance itself from the remarks and no apology was issued.

■ In April, LGBT solidarity organization Black Pink Triangle won its legal battle against closure following a complaint from the İzmir Governor's office that its statute breached "Turkish moral values and family structure".

■ In May, five transgender women, all members of the NGO Pembe Hayat, which supports LGBT people's rights, filed criminal complaints against police officers who had reportedly harassed and assaulted them in Ankara after stopping their car. The police officers filed counter charges, alleging that the activists had resisted arrest. A criminal case was opened but all the activists were acquitted at the first trial hearing. No charges were brought against the police officers.

Uganda, p. 334

Discrimination – lesbian, gay, bisexual and transgender people

The Anti-Homosexuality Bill, 2009 which would further entrench discrimination and lead to other human rights violations against LGBT people remained pending in Parliament. In October and November a local publication, *The Rolling Stone*, published front page articles identifying people it said were homosexuals; one included the words "Hang them". The articles contained names, pictures and in some cases addresses and other details. The people named included activists and human rights defenders. A number of people named in the publication complained of harassment and threats by people known to them. In November, some of the individuals named filed a civil law case in the High Court against the publishers, alleging violation of their rights to life, dignity and privacy. The Court's decision was pending at the end of the year. However, the authorities did not condemn the publication or take any measures to protect the people placed at the risk of violence by the articles. LGBT individuals and rights activists continued to face arbitrary arrests, unlawful detention, torture and other ill-treatment by the police and other security personnel.

Zimbabwe, p. 358

Rights of lesbian, gay, bisexual and transgender people

On 21 May, police raided the offices of the Gays and Lesbians of Zimbabwe (GALZ) organization in Harare and arrested two employees, Ellen Chademana and Ignatius Mhambi. They were held until 27 May when they were granted bail. The two GALZ employees were charged with possessing prohibited materials. They were both acquitted – Ignatius Mhambi in July and Ellen Chademana in December.