

## Custom Report Excerpts

# Albania

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination on the basis of race, gender, age, disability, language, religion, gender identity and/or sexual orientation, health, family, economic, or social status; however, the government did not effectively enforce these prohibitions.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law prohibits discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. The government's antidiscrimination commissioner registered several complaints from LGBT individuals and organizations. The commissioner issued sanctions against two senior politicians; however, the politicians ignored the sanctions. Enforcement of the law was generally weak.

In May the assembly passed an amendment that added sexual orientation and gender identity to the list of classes protected by the country's hate crime law. In April then prime minister Sali Berisha met publicly with LGBT activists and reiterated his support for their human rights and inclusion in society. In May then opposition leader and current Prime Minister Edi Rama also publicly met with LGBT activists in a highly publicized event at which he voiced his support for the community.

Despite the law and the government's formal support for LGBT rights, homophobic attitudes remained. On April 11, the media published an alleged private text message from former justice minister Eduard Halimi to Democratic Party parliamentarian Fatos Hoxha during the ombudsman's appearance at a parliamentary meeting, warning Hoxha to "not mess with the ombudsman because he supports faggots."

On May 17, activists participated in a Ride Against Homophobia, a short bicycle ride on Tirana's main boulevard. A group of men attacked the riders at a gathering after the event, throwing tear gas into a cafe where the riders had met and yelling slurs and insults. Police refused to characterize the act as a hate crime because they said no participants were physically injured.

# Andorra

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution and law declare all persons equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, religion, opinions, or any other personal or social condition. For the most part, the government effectively enforced these provisions. In its latest report in May 2012, the ECRI noted that the country's criminal laws relating to racism and intolerance are not exhaustive and do not include, inter alia, a provision prohibiting public incitement to violence, hatred, and discrimination.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The constitution declares all persons equal before the law and prohibits discrimination on the grounds of birth, race, gender, origin, or any other personal or social condition. The constitution and other laws explicitly prohibit discrimination on the grounds of gender.

There were no reports of official or private discrimination based on sexual orientation or gender identity in employment or occupation, housing, or access to education or health care.

## **Armenia**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. The government did not effectively enforce these prohibitions.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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No antidiscrimination laws apply to sexual orientation or gender identity. Societal attitudes toward LGBT persons remained highly negative, with society generally viewing homosexuality as a medical affliction. Societal discrimination based on sexual orientation and gender identity negatively affected employment, family relations, and access to education and health care.

During the year a proposed law against discrimination prepared by the ombudsman's office, which initially included a provision on LGBT persons, sparked a wave of homophobia. This proposed law, paired with developments related to the adoption of the law on Equal Rights of Men and Women and on Ensuring Equal Opportunities, further marginalized LGBT persons and the few NGOs working to advance the human rights of LGBT persons, since the latter preferred to keep a low profile to avoid possible attacks against them, both verbal and physical (see section 6, Women).

In August the NGO New Generation presented the results of a survey of attitudes toward LGBT persons among human rights organizations in the regions of the country. The survey revealed a low level of awareness and mostly negative attitudes toward LGBT persons, with some respondents expressing the view that homosexuality was a disease and the best way to help LGBT persons was to "cure" them.

On July 25, a trial court convicted brothers Arameh and Hambik Mkritch Khapazyan and gave them two-year suspended sentences for the May 2012 firebombing of the DIY Bar in Yerevan, a popular spot for activists who promoted equal rights for women and minorities, including LGBT persons. The court also fined the brothers 3,227,563 drams (\$7,900) for damages incurred by the bar owner. The brothers had admitted their guilt and the trial proceeded using an expedited procedure, a judicial provision somewhat similar to plea-bargaining.

Openly gay men were exempt from military service, purportedly because of concern fellow service members would abuse them. An exemption required a medical finding, based on a psychological examination, that an individual had a mental disorder; this

information appeared in the individual's personal documents.

According to human rights activists, sexual minorities were frequent targets for humiliating discrimination in prisons, where authorities forced them to perform degrading labor and separated them from the rest of the prison population.

#### **Other Societal Violence or Discrimination**

There were no reports during the year of acts of societal violence or discrimination against persons with HIV/AIDS. The UN Committee on the Rights of the Child in its June 14 concluding observations noted its concern over the de facto discrimination against certain categories of children, including those living with HIV.

Many employers reportedly discriminated against potential employees by age, most commonly requiring job applicants to be between the ages of 18 and 30. For example, during the year the city of Yerevan posted a job vacancy for tour operators, specifying that they be below 30 years of age. While this discrimination appeared to be widespread, authorities did not take any action to mitigate it. After age 40, unemployed workers, particularly women, had little chance of finding jobs appropriate to their education or skills.

## Austria

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law provides for protection against discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status, and the government generally enforced these protections.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Antidiscrimination laws also apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was some societal prejudice against LGBT persons; however, there were no reports of violence or discrimination based on sexual orientation or gender identity. LGBT organizations generally operated freely. Civil society groups criticized the lack of a mechanism to prevent service providers from discriminating against LGBT individuals. The largest national political party, the Social Democrats, announced that it would join the Green Party in endorsing a law to legalize gay marriage. In August diplomat Johann Spitzer became the country's first openly gay ambassador.

The Constitutional Court ruled that the local governments are required to provide the same ceremony, which includes use of vows and witnesses, in a civil ceremony for same-sex couples as in a wedding ceremony. In February the ECHR ruled that the government could not discriminate against LGBT persons applying to adopt a partner's biological child. The law changed to reflect the court's decision in August.

According to an EU Fundamental Rights Agency (FRA) study, the situation of LGBT rights was "mediocre." Problems included the prohibition on adoption of children by gay couples and the inaccessibility of artificial insemination for women in lesbian partnerships. The study found that 20 percent of openly homosexual employed persons reported labor discrimination based on their sexual orientation and that 89 percent of openly LGBT persons under the age of 18 claimed to have been bullied in school or in

apprenticeships because of their sexual orientation. According to the FRA study, the situation was different in Vienna, which was “at the vanguard” of LGBT rights.

## Azerbaijan

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not always respect these prohibitions or effectively enforce them.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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Antidiscrimination laws exist but do not specifically enumerate lesbian, gay, bisexual, and transgender (LGBT) individuals. Societal intolerance, violence, and discrimination based on sexual orientation and gender identity remained a problem.

A local NGO reported that there were numerous incidents of police brutality against individuals based on sexual orientation but noted that authorities did not investigate or punish those responsible. A local NGO reported at least eight police raids directed at LGBT persons in the first 10 months of the year. From March through September, police arrested at least 41 LGBT persons on charges of illegal possession of drugs, with possible sentences of three to four years’ imprisonment. Additionally, specific police stations were known to extort money from gay individuals in return for not disclosing their orientation.

LGBT individuals continued to refuse to lodge formal complaints with law enforcement bodies due to fear of social stigma, reprisal, or retaliatory repression. According to the NGO International Gay and Lesbian Human Rights Commission, the country’s gay population had been “intimidated to the point of invisibility.”

One NGO worked on LGBT issues, including the prevention of HIV/AIDS and the provision of legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work. Baku activists held a small gay pride event on September 13; there were no reports of violence or harassment in connection with the event.

There was societal prejudice against LGBT persons. While dismissing an employee for reasons related to sexual orientation is illegal, LGBT individuals reported that employers found other reasons to dismiss them. Discrimination in access to health care was also reportedly a problem. Additionally, some groups used allegations of LGBT orientation to smear opponents. For example, progovernment demonstrators verbally attacked an opposition leader, incorrectly portraying him as gay. On September 28, presidential candidate Hafiz Hajiyev repeated these allegations during a televised pre-election debate and verbally attacked LGBT persons.

## Belarus

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, language, or social status, but the government did not always enforce these prohibitions.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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Consensual same-sex sexual conduct is not illegal, but discrimination against LGBT persons was widespread, and harassment occurred.

Authorities routinely denied LGBT groups permission to hold public events, including a pride parade. The Minsk City Executive Committee denied permission for the LGBT community to hold public demonstrations in the city on December 11 and 12. Authorities also blocked the opening of Minsk Gay Pride 2013 on December 6. Organizers of Gay Pride 2013 cancelled all LGBT events and parties scheduled for December 7, allegedly because of government pressure. For example, the Minsk restaurant “Casa Augustin Lopez” cancelled a December 7 event because of “a broken sewer pipe,” while police blocked people from entering another LGBT-friendly club the same evening. In addition police came to a Belarusian Free Theater performance dedicated to the event to “check on a report that people having a non-traditional sexual orientation gather at the address.”

Throughout the year police raided LGBT clubs across the country, interviewed LGBT activists about their activities, and in several cases briefly detained LGBT individuals without charge. For example, on January 11 and 12, police raided LGBT clubs in Minsk and Vitsyebk. Police recorded the passport information and questioned those present. On January 14 and 15, police summoned Lambda members to police stations in Brest, Baranavichy, Mahilyow, Minsk, and Vitsyebk and interviewed them about their activities and the organization's leader, Syarhey Androsenka.

In February police detained LGBT activist Ihar Tsikhanyuk while he was undergoing treatment at a hospital. Police officers reportedly punched and insulted him, taunted him for being gay, and threatened him with more violence. After the police officers returned him to the hospital, hospital staff reportedly refused to document his injuries.

On April 18, the Supreme Court rejected an appeal against the Justice Ministry's decision to deny official registration to Lambda.

In August authorities forced the closure of the Minsk and regional offices of “Vstrecha,” an organization that focuses on HIV/AIDS education and support for men who have sex with men. Twice during the year, authorities summoned the organization's coordinator, Vadzim Kruk, for interrogation on the organization's activities, information about other LGBT activists, and his personal life. During the year the Vityebk regional coordinator for the organization was asked to vacate his office because other NGOs that shared the office space faced government pressure for associating with LGBT-affiliated organizations. The organization maintained its official registration at year's end.

On December 7, police raided a flat rented by several persons participating in LGBT pride events. The police copied the passport data of the nine persons who were present and then demanded that they leave the apartment or face possible arrest.

Societal discrimination against LGBT activists persisted, with the tacit support of the regime.

In March Lukashenka stated that he could not “forgive” homosexuality in men, and in April he stated, “We should not be forced to introduce same-sex marriages. This will not

happen in the near future. That is for sure, when I am the president.” In July Lukashenka condemned same-sex marriages as a “tragic sin of a general spiritual crisis and the Western world’s blindness.”

## Belgium

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, place of birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color, descent, national origin, and ethnic origin. A separate law governs gender discrimination in the workplace. Under a directive issued by the Board of Prosecutors General, police and prosecutors must cite racial motivation or sexual orientation if present when reporting or recording offenses. In such instances the prosecutor must escalate the case (for example, in a racially motivated crime, the charge would additionally include a hate crime offense).

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The country has a well developed legal structure of lesbian, gay, bisexual, and transgender (LGBT) rights, which are included in the country’s antidiscrimination laws. This structure enjoyed broad political support in society and the government, which was headed by the country’s first openly gay prime minister.

The law provides adequate protections for transsexuals but not for the larger transgender community, the vast majority of whose members did not wish to undergo medical procedures. Federal police showed high levels of support for Rainbow Cops, an association of LGBT officers, as well as for innovative training of officers on LGBT problems.

During the year the government, in cooperation with the regional entities, developed and implemented an antihomophobia action plan. The action plan imposes requirements on government entities involved in family matters, housing, and asylum and migration and calls for awareness campaigns to combat homophobic stereotypes in schools, youth movements, places of work, and the sports community.

Despite some progress, underreporting of crimes against the LGBT community remained a problem, and some members of immigrant communities verbally harassed LGBT persons in public. While LGBT couples may legally adopt children, they faced significantly greater obstacles and delays than non-LGBT couples, from both government administrators and private adoption agencies.

## Bosnia and Herzegovina

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status; however, the government did not enforce these prohibitions effectively.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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While state-level law prohibits discrimination on the basis of sexual orientation, it was not fully enforced, and there was frequent societal discrimination against LGBT persons. Although state-level laws provide protections to LGBT persons, a gap in entity-level laws left room for discrimination by allowing subnational law enforcement to deflect responsibility for crimes based on sexual orientation.

LGBT persons faced frequent harassment and discrimination, including termination of employment. In some cases dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job. In its 2013 report on rights and freedoms of LGBT persons, the Sarajevo Open Center noted that most state-level institutions assume that the prohibition of discrimination regulated by state-level law is sufficient to protect LGBT persons. At the same time, entity level laws do not provide explicit protections to LGBT persons.

In March attackers verbally and physically abused seven members of the LGBT rights organization Okvirin Sarajevo near the presidency building. Following the incident, a special riot police unit arrived at the scene to collect names and details, but police never issued a formal report or made any arrests. The unidentified attackers, a group of 18 to 25 males, remained at large at year's end.

In May, Mayor Marko Pavic of Prijedor referred to the May 31 commemoration known as the Day of White Armbands, which honors persons killed in the municipality during the 1992-95 conflict, as a "gay pride parade." Several activist organizations stated that Pavic's remarks insulted not only the victims of the conflict but members of the LGBT community as well. The RS Helsinki Committee for Human Rights issued an immediate condemnation of Pavic's statement and the director of communications at the International Center for Transitional Justice criticized Pavic's "continuous policy of discrimination."

## **Bulgaria**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation but not language. Societal discrimination continued, particularly against ethnic minorities, LGBT persons, and persons with disabilities. Trafficking in persons continued to be a problem.

The government investigated complaints of discrimination, issued rulings, and imposed sanctions against violators. The law allows individuals to pursue a discrimination case through the court system or through the CPD. In the first nine months of the year, the CPD received 653 complaints, most of them containing multiple allegations of discrimination, mostly based on personal status and disability, particularly with regard to employment. The commission found discriminatory practices in 239 cases and imposed fines totaling 13,850 levs (\$9,600) on violators.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The law prohibits discrimination based on sexual orientation, but the government did not effectively enforce this prohibition. While reports of violence against LGBT persons were rare, societal discrimination, particularly discrimination in employment and public speaking, remained a problem. Most LGBT persons did not “come out” to their families due to the fear of the relationship being severed. NGOs stated that it was not uncommon for persons suspected of being gay to be fired, and such individuals were reluctant to seek redress in the courts due to fear of being openly identified as belonging to the LGBT community.

On September 21, the sixth annual LGBT pride parade took place in downtown Sofia. The parade was supposed to take place in June, but the organizing committee postponed it until September due to its overlap with large-scale antigovernment protests. In June the Bulgarian Orthodox Church issued a statement referring to homosexuality, bisexuality, and transsexuality as “an unnatural and particularly unwholesome violation of God’s command,” and called upon authorities to ban the parade, stating, “It threatens the moral foundations of our society and our children’s health and the Bulgarian nation as a whole.” The parade attracted approximately 120 participants and went on largely without incident. Although no government officials publicly supported the event, the municipal government waived fees for park use and security. Police provided heavy security in the vicinity of the parade and in the wider area, which effectively deterred aggressive behavior by skinheads and others who traditionally caused some problems. Protestors held anti-LGBT events on June 22 and September 21, which drew approximately 50-70 demonstrators.

In June, during pride month, the NGO LGBT Plovdiv reported that 15 hooligans disrupted the screening of a British film, screamed antigay epithets, threatened future screenings, and broke the venue’s film projector.

## **Croatia**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The law prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, and the government generally enforced these prohibitions.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The law prohibits discrimination based on sexual orientation or gender identity, but societal violence and discrimination against LGBT persons continued.

Attacks against LGBT persons and workplace discrimination were reported in several cities during the year. In one example, on August 28, a taxi driver beat a woman in Dubrovnik after she kissed her girlfriend while riding in his taxi. On September 2, local prosecutors filed charges against the suspect.

In July a judge at the Varazdin Municipal Court ruled that there had been workplace discrimination and harassment against an openly gay associate professor at the

University of Zagreb's information technology department but dismissed the plaintiff's claim of victimization when he was disciplined for speaking against the university. The judge also found the plaintiff harmed the reputation and honor of those found guilty of harassment and fined him 30,000 kunas (\$5,400). The ombudsperson for gender equality and the plaintiff asked that the judge be removed for bias. As of November 8, both sides were appealing their cases.

In June government officials, including five ministers and the mayor of Split, attended LGBT pride events that were held in Split and Zagreb and attended by an estimated 500 and 15,000 participants, respectively. The government's Office for Gender Equality provided financial support for the events. In contrast to previous years, there were no counter demonstrations or hate speech reported at any of the pride events in the country. There were no arrests or injuries.

In a December referendum, voters by 65.9 percent to 33.5 percent approved an amendment to the constitution defining marriage as a life union between one man and one woman. This was the first-ever, citizen-initiated referendum vote in the country. A coalition of conservative NGOs initiated the referendum. The governing coalition actively opposed the referendum, with both Prime Minister Milanovic and Foreign Minister Pusic urging citizens to vote against it.

## Cyprus

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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Antidiscrimination laws exist and prohibit direct or indirect discrimination based on sexual orientation. Antidiscrimination laws cover employment and the following activities both in the public and private domain: social protection, social insurance, social benefits, healthcare, education, participation in unions and professional organizations, and access to goods and services. Lesbian, gay, bisexual, and transgender (LGBT) NGOs claimed that housing benefits favored "traditional" families. Hate crime legislation in the country does not include language on sexual orientation.

According to KISA, police in July charged three persons with assault and causing bodily harm after a group of approximately 10 men allegedly attacked a homosexual couple in a village outside of Limassol. KISA reported that police advised the victims not to insist on the prosecution of all 10 attackers but to testify only against the three who were charged.

Despite legal protections LGBT individuals faced significant societal discrimination, and few LGBT persons were open about their sexual orientation or reported homophobic violence or discrimination.

In January Accept LGBT Cyprus, the country's first LGBT association, filed a complaint with the ombudsman protesting the police practice of holding transgender women in men's holding cells. The issue arose following the arrest of three women in connection with an investigation into a suspected prostitution case, one of whom was identified on

her identity card as male. Accept LGBT called for police training on how to treat transgender persons and to keep detainees in cells based on the gender with which they self-identify. The ombudsman's August 6 report noted that self-determination of one's gender overruled the gender written on identification documents. The ombudsman made a series of recommendations and issued guidelines to prison authorities on the treatment of incarcerated transgender persons and authorities instituted those recommendations.

In a press conference in May 2012, a spokesman for Accept LGBT Cyprus stated there had been several incidents of homophobic behavior in public institutions, including in schools, where they were sometimes instigated by teachers. He also stated that the country's public television station would not broadcast Accept LGBT Cyprus' television spots against homophobia.

In May 2012 the Ministry of Education permitted human rights trainers to conduct an interactive training campaign against homophobia for educators entitled Shield against Homophobia in Education, marking the first time that LGBT awareness training was permitted in the schools.

A group of Youth Council educators and the family planning organization conducted a campaign, "Shield against Homophobia in Education." In May 2012 the campaign sponsored a pilot program attended by 90 teachers in pre-elementary, elementary, secondary, and technical education and educational psychologists and conducted a survey on homophobia in education based on a random sample of educators participating in the program. The survey results, which educators discussed at a conference in October 2012, revealed the presence of homophobia in education, both in the form of homophobic language in the educational system and homophobic bullying. The survey indicated that homophobic attitudes prevailed among educators, students, and parents, and participants in the conference acknowledged that they were not equipped to deal with sexuality issues that arose in schools.

## Cyprus - Cyprus - the Area Administered by Turkish Cypriots

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The "law" prohibits discrimination based on race, gender, disability, language, or social status. Authorities generally enforced these prohibitions.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity is criminalized in the area administered by Turkish Cypriots under a general sodomy "statute." The maximum penalty is 14 years' imprisonment. No specific "law" prohibits discrimination against LGBT persons.

Homosexuality remained highly proscribed socially and was rarely discussed. Few LGBT persons were publicly open about their sexual orientation.

In July the Turkish Cypriot Teachers Trade Union Initiative against Homophobia and the Queer Cyprus association organized a two-day seminar, "LGBT Awareness in the Framework of Gender Equality." Local lawyers, psychologists, and activists attended the

seminar.

During the year there were no reports of either police or “government” representatives engaging in or condoning violence against the LGBT community. While there were no cases recorded of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, members of the LGBT community noted that an overwhelming majority of LGBT persons hid their sexual orientation to avoid such problems.

## Czech Republic

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religion, or personal belief. The government did not effectively enforce these provisions. The labor code does not protect against employment discrimination based on political conviction and membership or activity in political parties, trade unions, or employers’ organizations. Significant societal discrimination against some minorities, including Roma, persisted.

One of the major issues noted by both the Office of the High Commissioner for Human Rights and the Ombudsman’s Office was the prohibitively high fee for filing a discrimination complaint. The Ombudsman’s Office received 253 complaints of discrimination, investigated 178, and found discrimination in 18 cases.

Leaders of the small Muslim communities in Hradec Kralove and Brno reported the situation in their respective cities improved during the year. Previously the communities had faced opposition to their plans to establish or expand their mosques. The Islamic Center in Hradec Kralove was completed, and the community in Brno cancelled the construction of a second mosque for financial reasons.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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Antidiscrimination and hate-crime legislation exists but does not specifically cover lesbian, gay, bisexual, and transgender (LGBT) individuals. The law does not permit LGBT couples to adopt a child, nor may a gay or a lesbian person in a registered partnership adopt his or her partner’s biological child, although single LGBT individuals may adopt.

The government did not keep statistics regarding incidents of violence directed at individuals because of their sexual orientation or gender identity, but NGO contacts report that it was very low. Local LGBT activists stated that citizens were largely tolerant of the LGBT lifestyle. Nevertheless, in 2012, 36 percent of LGBT persons reported suffering discrimination and harassment due to their sexual orientation. Many LGBT persons chose not to reveal their sexual orientation. According to a survey by the European Agency for Fundamental Rights, only 11 percent openly spoke about their orientation in their work, and more than 80 percent of young respondents reported witnessing bullying of LGBT youths at school. Thirteen percent of respondents cited discrimination at work or while searching for a job.

While there were no impediments to LGBT organizations or to the annual Prague Pride Festival, President Milos Zeman initially refused to appoint an LGBT faculty member at

Charles University to a full professorship, ostensibly because of his participation in Prague Pride in 2012 (see section 2.a.).

## Denmark

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced the law effectively.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law prohibits discrimination against persons based on sexual orientation. It provides that any person who makes a statement or imparts other information that threatens, scorns, or degrades a group of persons because of their sexual orientation shall be liable to a fine or to imprisonment for not more than two years. If a person is found guilty of a crime whose motive was the sexual orientation of the victim, the judge must consider that motive to be an aggravating factor when determining the sentence.

According to data reported by the Security and Intelligence Service, 33 of the 320 hate crimes recorded in the country in 2012 were “sexually oriented,” although a number were unrelated to sexual orientation or gender identity. Authorities actively investigated and punished those complicit in abuses.

## Estonia

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law prohibits discrimination on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these prohibitions. While the law is not specific regarding the forms of sexual orientation and gender identity covered, the general understanding was that all were included. Advocacy groups reported that harassment and discrimination against LGBT persons remained routine and that government financial support for efforts to counter it was limited.

According to LGBT activists, many LGBT persons did not reveal their sexual orientation or gender identity publicly and avoided reporting incidents to police. Anti-LGBT messages did not generally appear in mainstream media reports, but anonymous online commentary on LGBT themes often included strong, hostile language, in some cases advocating violence against individuals and the LGBT community. Some rights organizations reported that LGBT persons, especially males, were reluctant to display affection in public out of concern about physical and verbal assaults should they do so.

These organizations also complained that there was a lack of data on the challenges faced by LGBT persons and that there was little effort by the government to fund studies on these issues.

In 2012 the commissioner for gender equality and equal treatment received seven claims of discrimination based on sexual orientation; the commissioner did not find any of the claims to have merit. The number of claims has grown for the last three years.

## Finland

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation, and social status, and the government effectively enforced these prohibitions. There were reports of violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law prohibits discrimination on the basis of sexual orientation, or other personal characteristics. The government generally respected these rights, and law enforcement authorities investigated and punished violations.

On June 4, the media reported that Helsinki Lutheran Bishop Irja Askola received hundreds of hate messages and letters condemning her announcement that she had selected a same-sex couple for missionary work in Asia. She stated in the media that the decision to select the same-sex couple was not a statement about the church's stance concerning same-sex marriage, but rather was based on the couple's skills.

On June 11, the state prosecutor filed charges against a man who attacked politician Dan Koivulaakso with pepper spray while delivering a speech at a gay pride festival in July 2012. The defendant faced charges of assault and violation of political freedom and the right to assemble.

On January 28, the Helsinki Court of Appeals fined Kai Telanne, the managing director of Alma Media, approximately 7,000 euros (\$9,500) for sexual discrimination against Johanna Korhonen. In 2008 Alma Media fired Korhonen from her position as the editor of regional daily *Lapin Kansa* on learning that she was lesbian.

## France

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law prohibits discrimination based on sexual orientation.

Authorities pursued and punished perpetrators of violence against lesbian, gay, bisexual, and transgender persons. The NGO SOS Homophobia reported 1,977 homophobic acts in 2012, a 27 percent increase from 2011. It reported 122 instances of physical assault, a 20 percent decrease from the previous year.

On April 17, police arrested three young men suspected of being skinheads. Authorities accused the men of assaulting two employees and damaging property in a well-known gay bar. During the incident witnesses reported that the men used insulting and degrading terms to refer to bar patrons. On November 27, the three men received six-month suspended jail sentences.

## Georgia

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. The government did not always enforce these prohibitions effectively.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There is no single antidiscrimination law, but the constitution provides for fundamental equality before the law, and a variety of laws or regulations contain antidiscrimination provisions. The criminal code makes racial, religious, sexual orientation, and other bias motives of an offender an aggravating factor for all crimes. According to Identoba, a local gender and LGBT rights organization, the state did not enforce the legislation.

Social prejudices against LGBT persons were strong, and the Georgian Orthodox Church strongly condemned same-sex sexual activity. LGBT organizations reported that most LGBT persons concealed their sexual orientation for fear of harassment. Few LGBT organizations worked openly because of the extensive societal stigma against LGBT persons. For example, according to the Women's Fund in Georgia, a women's rights NGO, after one of its representatives appeared on a television show to discuss its programs regarding domestic violence and women's sexual rights, a conservative newspaper published an article criticizing the group. Neighbors of its office and its property owner's family threatened members of the NGO, leading the NGO to change locations.

In its September report, Identoba wrote that public violence was the most serious problem facing the LGBT community. For example, Identoba reported that a man known to have had sexual relationships with men was killed in his apartment in western Georgia. According to persons who later visited the crime scene, "homosexual" had been spray painted in the victim's apartment. Police investigated and prosecuted the crime as a robbery rather than a hate crime. Victims of discrimination and violence were reluctant to report incidents to police due to fear of disclosing their sexual orientation to family members and homophobic reactions by police. The Women's Initiatives Support Group reported the LGBT community had low trust in police.

There were reports that LGBT persons were unable to find employment or lost their jobs

based on their sexual orientation. Identoba also reported several instances of discrimination against the members of the LGBT community seeking medical care. For example, a gay/transgender man sought medical attention at a hospital in Tbilisi after being beaten. Hospital staff allegedly mocked him for dressing like a woman, and the man left the hospital without receiving treatment.

On May 17, a counterprotest by priests and members of the Georgian Orthodox Church violently disrupted a rally in downtown Tbilisi in observance of IDAHO, causing injuries to approximately 30 participants and police officers, with 14 persons hospitalized. Counterdemonstrators broke through police cordons and attacked the demonstrators. They held signs saying, "Stop Homosexual Propaganda in Georgia," and chanted, "Kill them! Tear them to pieces! Don't let them leave alive!" A large police presence was unable to prevent the counterprotesters from disrupting the planned event. Police provided buses to the IDAHO rally to evacuate participants to the city's outskirts for protection, which the counterprotesters attacked and chased. Identoba reported that two of its representatives sought refuge from the counterprotesters in a local supermarket and managed to escape with the help of a police escort, which was also attacked. Prime Minister Bidzina Ivanishvili condemned the violence, noting a number of police officers had been injured in the violence. Some civil society groups criticized the police for being underprepared.

On July 17, parliament's Human Rights Committee adopted a resolution on the May 17 IDAHO rally condemning the violence and praising police efforts. The resolution did not address the joint statement of the Georgian Orthodox Church and eight other religious denominations on May 15 that called for IDAHO participants to refrain from "demonstrating and propagating their sexual orientation in public places, since such activities are unacceptable for the public morality." The resolution did not address the patriarchy's May 16 statement that the Georgian Orthodox Church viewed people with "such inclinations" as "grave sinners," as the patriarchy had not called for violence.

Following the event LGBT groups reported additional acts of violence targeting the LGBT community and those who looked "gay." Identoba reported that, on May 18, a group of young men beat two women and insulted them with sexual epithets.

In response to the violent counterdemonstration, the police arrested four persons on May 19, and the courts fined each 100 lari (\$60) for petty hooliganism. Despite widespread video and television coverage of the event, only two priests were arrested on criminal charges of violating the right to assembly. The Tbilisi City Court dropped the charges against Antimoz Bichanashvili, an archpriest at Tbilisi's Holy Trinity Cathedral. The trials of Iotam Basilaia, father superior at the

Iliane-Tornike Eristavi Monastery, and three other defendants were underway at year's end. Civil society groups criticized authorities for being slow to prosecute, despite the existence of evidence against some of the violent protesters.

## Germany

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and laws prohibit discrimination based on sex, parentage, race, language, homeland and origin, faith, religious or political opinion, disability, sexual orientation, and gender identity, or social status. Authorities compiled a strong enforcement record in most of these areas but acknowledged that they needed to do more in some areas, for example, to enforce laws prohibiting discrimination against persons

with disabilities.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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There were no official statistics on mistreatment of lesbian, gay, bisexual, and transgender (LGBT) persons; the availability of NGO reports on the incidence of such mistreatment varied widely, although some quantitative data was available for cities with large populations of LGBT persons. According to the NGO Maneo, 262 instances of violence motivated by bias against LGBT persons took place in Berlin in 2012, including eight killings, three attempted homicides, 56 incidents involving physical assault or attempted assault, 47 cases of theft, and three of damage to property. Seven of these reported cases were against transgender persons. In Cologne the NGO Koeln 19228 reported that in 2012 LGBT persons experienced one case of damage to property, as well as nine robberies, one theft, one case of deprivation of liberty, one fraud, eight physical assaults (six resulting in serious injury), and six threats.

In a series of rulings, the Federal Constitutional Court (FCC) strengthened the rights of same-sex couples and mandated equal treatment in specific areas. On June 6, the FCC ruled it unconstitutional to exclude same-sex couples registered under the Civil Partnership Act from current tax advantages married (heterosexual) couples enjoy, such as splitting the difference between spouses' income for the purpose of taxation. The court argued existing practice violated the general principle of equal treatment because there were no sufficient substantive grounds for unequal treatment in taxation. The court made the ruling retroactive to August 1, 2001, when the Civil Partnership Act entered into force. On June 27, the Bundestag amended the income tax law accordingly.

In February the FCC ruled it unconstitutional for authorities to prevent gays and lesbians from adopting a child previously adopted by one of their respective registered partners. The court noted that this option was available to married heterosexual couples and instructed the Bundestag to amend adoption laws accordingly. Before the ruling, registered same-sex couples could adopt only the stepchildren of their partners; the law still prohibited gay and lesbian couples from adopting children jointly.

## **Greece**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. The government did not protect these rights consistently.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The legal age of consent for heterosexual sex is 15; for sexual intercourse between men, it is 17. The law does not specify an age of consent for sex between women. The NGO Homosexual and Lesbian Community of Greece (OLKE) stated that the higher age of consent for gays and the lack of any legal framework for lesbians constituted discrimination.

OLKE also criticized the country's laws against hate speech for not including sexual

orientation or gender identity. Some antidiscrimination laws do not specify sexual orientation. On January 1, the Athens Pride NGO denounced the “willful omission” of all reference to sexual orientation and gender identity from the presidential decree establishing antiracist police units. Article 66 of the Criminal Code that lists motives relating to victims’ race or sexual orientation was amended in March to include gender identity.

In April and June, victims reported two separate homophobic attacks in central Athens in the early morning hours: one involved a Greek national and former Swedish MP and his partner; the second involved a television and cinema critic whose photo and sexual preference was published by an ultra-rightwing newspaper prior to the attack. Police did not make arrests in the two cases.

In May the legal advisor to the Ministry of Education’s monitoring committee for the prevention of bullying reportedly refused to attend a meeting held at the ministry on school violence because a transgender individual was in attendance. In July members of the Hellenic Patriotic Front destroyed microphones and effectively ended a gathering in Larisa of transgender persons, who were protesting their eviction from their offices by a local businessperson.

The Athens metro declined to sell advertising space to Athens Pride for the June pride parade. The National Television and Radio Council also refused to advertise the event as a pro-bono public service announcement.

For the second time a gay pride parade under the auspices of the local mayor took place in the northern city of Thessaloniki in June. The local Orthodox bishop pronounced the march unacceptable and called on his followers to oppose it. A counter-parade organized by the Greek Orthodox Citizens of Thessaloniki occurred simultaneously, without incident. Mayors of the country’s five largest cities signed a joint statement in support of diversity and antidiscrimination.

In a press release issued on September 20, the Racist Violence Recording Network reported an increase in attacks against LGBT members during the first eight months of the year. On October 22, the ombudsman’s office intervened to protect the rights of a secondary school transgender student who was harassed by teachers and pupils and who was prohibited from using women’s toilets. The Bureau of Health accepted the recommendations and organized an educational program to combat homophobia. On October 1, activists for the rights of transgender persons also reported that classmates poured gasoline on and threatened to burn a 25-year-old transgender person. Transgender individuals were exempt from military service on disability grounds.

## Hungary

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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While the constitution and law prohibit discrimination based on race, gender, disability, language, or social status, the government failed to enforce these rights fully.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The 2011 constitution stipulates that the country shall protect the institution of marriage as the union of a man and a woman established by voluntary decision and the family as

basis of the nation's survival. It states that family ties shall be based on marriage or the relationship between parents and children. The Act on Equal Opportunity explicitly prohibits discrimination based on sexual preference. Additionally provisions of the new criminal code, effective July 1, on "inciting against a community" and "violence against a member of a community" prohibit certain forms of hate speech and prescribe increased punishment for violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community, specifically referencing these groups as being targeted for their "gender identity" and/or "sexual orientation." The old criminal code did not include reference to sexual orientation and gender identity. Despite legal protections, anti-LGBT extremists continued to abuse LGBT persons. NGOs reported that law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or regular training on the subject existed.

The Tavares Report noted "with concern" the changes to the country's legal system restricting the rights of LGBT persons and stated that the changes were "seeking to exclude same-sex couples and their children [...] from the definition of 'family' in the constitution." The Report stressed that this approach runs counter to recent ECHR jurisprudence and fuels a climate of intolerance vis-à-vis LGBT persons. The government in response to the criticism noted that the constitution only defines the "basis" of family relations and not the term family itself and does not preclude the statutory protection of family relations in a wider sense.

On July 6, an estimated 8,000-10,000 persons joined the annual Budapest Gay Pride Parade, which the organizers identified as record turnout. The police heavily secured the parade, and sealed off the entire route of the march. Anti-LGBT demonstrators shouted homophobic slogans from behind the police cordon. Organizers thanked the police for securing the event but noted that sympathizers of the marchers were unable to watch the parade even from behind the security cordon because uniformed policemen directed them to move away from the parade area. After the parade three participants were assaulted by a group of 30

counter-demonstrators while leaving the site. The Ministry of Human Resources issued a statement condemning the assault. On July 17, the police detained four suspects on the basis of "violence against members of a community," three of whom the victims later identified as their attackers. The investigation continued against seven suspects and the case remained pending at the end of September.

On April 23, the prime minister's Cultural Affairs Commissioner, Imre Kerenyi, said in a Budapest Fifth District television program that the National Theater "will no longer be about homosexuals" once the incumbent openly gay director Robert Alföldi is replaced by his successor on July 1. On August 25, three allegedly drunken young men verbally threatened Alföldi on the street in Szentendre because of his sexual orientation. Alföldi had to run into a museum for shelter against the assailants from where he called the police. The police started proceedings for "disturbing public peace" against two men. The case remained pending at the end of September. On August 30, approximately 200 demonstrators chanted homophobic and anti-Semitic slogans at a Budapest stadium targeting Alföldi, who directed a play at the stadium.

## Iceland

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation, gender identity, and social status. Various laws implement

these prohibitions, and the government effectively enforced them. Following his visit to the country in January 2012, COE Human Rights Commissioner Thomas Hammarberg, asserted that the law does not protect all vulnerable persons equally and that persons with disabilities, older persons, members of ethnic and religious minorities, and transgender persons would benefit from stronger protections against discrimination.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The general penal code criminalizes discrimination against lesbian, gay, bisexual, and transgender individuals. There were no reported incidents of violence or abuse, and stigma or intimidation was not a known or likely factor in preventing incidents of abuse from being reported.

## Ireland

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The constitution and law prohibit discrimination. The nine grounds under which discrimination is prohibited by equality legislation include: gender; civil status; family status; sexual orientation; religion; age; disability; race; and membership in the Traveller community.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The law prohibits discrimination on the basis of sexual orientation with respect to employment, goods, services, and education. Although same-sex couples are prohibited from marrying in the country, civil partnerships are legal. There are no laws criminalizing consensual same-sex sexual conduct between adults.

## Italy

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The law prohibits discrimination based on race, gender, ethnic background, and political opinion. It provides some protection against discrimination based on disability, language, or social status. While the government generally enforced these prohibitions, some societal discrimination continued against women, persons with disabilities, immigrants, Roma and Sinti, and LGBT persons.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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Antidiscrimination laws exist and apply to LGBT victims of homophobic and transphobic offenses specifically. AGEDO, an Italian NGO that provides counseling to parents of LGBT youth in Palermo, described cases in which teenagers were sexually abused by

relatives, confined to their homes, banished from their homes, or referred to “sorcerers” to help them “fix” their sexual orientation or gender identity.

On June 21, UNAR adopted the National Strategy to Prevent and Contrast Discrimination on Grounds of Sexual Orientation and Gender Identity.

The press reported cases of violence against gay and lesbian couples during the year. According to the results of a survey conducted by the LGBT NGO Gay Center released in May, 49 percent of homosexual students stated that they were targets of discrimination or victims of prejudice at school, 42 percent at home, 33 percent in restaurants and bars, and 30 percent on the internet or in the mass media.

On August 10, an 11-year-old boy committed suicide in Rome because he had been discriminated against and insulted for his sexual orientation. During the year three men in Rome committed suicide and attributed their deaths to bullying or harassment because of their sexual orientation.

## KOSOVO

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law specifically prohibits discrimination based on race, gender, ethnic origin, disability, language, sexual orientation, or social status. The government did not effectively enforce these prohibitions.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The constitution and law prohibit discrimination based on sexual orientation.

There was no official discrimination in employment, housing, statelessness, or access to education or health care, but societal pressure persuaded the majority of LGBT persons to conceal their sexual orientation or gender identity. NGOs reported that discrimination against LGBT individuals often went unreported. NGOs also noted government literature promoting human rights and nondiscriminatory practices frequently omitted mention of LGBT rights, even when the materials explicitly named all other protected groups.

In November the Youth Initiative for Human Rights released a report which found that 40 percent of LGBT individuals were afraid to acknowledge their identity and 10 percent had been physically assaulted at least once as a result of being perceived as LGBT.

LGBT activists affected by a December 2012 assault on their NGO office reported officials treated them professionally and actively pursued their assailants. Nonetheless, as of October 1, police had not identified any suspects.

The Center for Social Group Development (CSGD), a local NGO focused on health problems, observed that LGBT individuals generally felt insecure and frequently complained of threats to their personal safety but rarely reported incidents to authorities due to the stigma attached to homosexuality. According to the CSGD, victims also usually refused to allow the CSGD to present their cases publicly or to authorities due to fear of discrimination. While the CSGD faced no overt impediments to its operation, social pressure and traditional attitudes effectively limited its activities.

The Center for Equality and Liberty reported that LGBT individuals residing in rural areas faced extreme isolation, some to the point that they were unaware of their right to exist as LGBT individuals or of the services available to assist them.

The government took steps to signal its support for LGBT rights and problems. On May 17, International Day Against Homophobia, for example, the Center for Social Emancipation and Development cosponsored a nationally televised press conference with the Office for Good Governance promoting tolerance and observance of LGBT rights. On December 11, the Ministry for EU Integration held a conference promoting support for LGBT rights as a human rights problem.

## Latvia

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, and social status, and the government enforced most of these prohibitions. There were complaints, however, that rape and domestic violence laws were ineffective or inadequately enforced.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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There were reports of violence based on sexual orientation or gender identity. NGOs complained of widespread intolerance and underreporting of such attacks and discrimination to authorities.

As in the previous year, the ombudsman's office received no reports of discrimination based on sexual orientation during the year. LGBT representatives reported that cooperation between the ombudsman and the LGBT community was limited.

During the year Mozaika, an NGO that promotes LGBT rights, received 19 reports of LGBT rights violations, which ranged from verbal and physical attacks to discrimination at work and bullying in schools. At year's end two criminal investigations against alleged perpetrators were underway. One was against an extremist who collected munitions to attack planned EuroPride 2015 events in Riga and the other against persons who issued death threats to a board member of Mozaika.

## Liechtenstein

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The government effectively enforced these prohibitions.

#### Societal Abuses, Discrimination, and Acts of Violence Based on

## Sexual Orientation and Gender Identity

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An antidiscrimination law that exists as part of a broader equality law only applies to equality between men and women. The law did not explicitly mention lesbian, gay, bisexual, or transgender (LGBT) individuals. The country's LGBT community issued no formal complaints of abuse or discrimination during the year. Societal stigma or intimidation were not deemed factors in preventing incidents of abuse from being reported.

## Lithuania

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or belief. Discrimination against women and ethnic and sexual minorities persisted despite government efforts at enforcement. In 2012 authorities began implementation of a two-year plan to coordinate, with Social Security and Labor Ministry oversight, governmental efforts against discrimination. The government allocated 298,500 litas (\$110 million) to the plan in the second year, including funding for NGOs.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. While they were not subject to official discrimination, society's attitude toward LGBT persons remained largely negative. NGOs focusing on LGBT problems faced no legal impediments, but the few organizations that functioned kept a low profile because of public hostility to their aims. The Lithuanian Gay League continued to promote an inclusive social environment for LGBT persons.

On July 27, approximately 500 persons participated in the LGBT pride march in Vilnius, while an estimated 700 conducted a counterprotest. Three members of parliament and a number of foreign dignitaries were among the participants of the pride march. This was the first parade permitted on Vilnius's main avenue after the Supreme Court overturned the refusal of the Vilnius municipality to permit use of the avenue for the pride march. Police detained 28 individuals for hooliganism and disobedience, including a member of parliament, Petras Grazulis, and the former mayor of Kaunas, Vytautas Sustauskas, who took part in the counter demonstration. Police opened investigations. On September 9, a court fined Sustauskas 300 litas (\$120) for insulting police officers during the march. On September 17, the general prosecutor officially requested that the parliament lift Grazulis' parliamentary immunity. The parliament refused. Grazulis called for the country to follow Russia's lead by adopting laws against homosexuality.

In July 2012 the UN Human Rights Committee, after examining the country's third periodic report to that body, found that hate speech crimes against persons in the LGBT community increased over the previous several years. Up to 80 percent of alleged hate speech online targeted the LGBT community.

## Luxembourg

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law prohibits all forms of discrimination based on sexual orientation. This law applies to lesbian, gay, bisexual, and transgender individuals. There were no reported incidents of discrimination based on sexual orientation or gender identity.

## Macedonia

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution and law prohibit discrimination based on age, gender, race, disability, language, gender identity, religion, and ethnic, social, or political affiliation. The law provides for fines ranging from 400 to 1,000 euros (\$540 to \$1,350) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In his 2012 report the ombudsman stated that discrimination existed in all spheres in society, especially with regard to employment rights and on the basis of ethnicity and political affiliation.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The Commission for Protection from Discrimination considered complaints from the LGBT community. On occasion government officials made statements opposing the LGBT community.

Activists representing the rights of LGBT individuals reported multiple incidents of societal prejudice such as physical violence, harassment, and use of derogatory language, including in the media and from the government. In March unknown persons attacked two activists during a "March for Tolerance," and as of November 14 police had not identified or arrested any suspects. The LGBTI (Lesbian, Gay, Bisexual, Transgender, and Intersex) Support Center operated by the Helsinki Committee of the Republic of Macedonia experienced vandalism on two occasions. In one incident a group attacked the center with rocks and baseball bats while a pride week event was taking place inside. One police officer was injured. Police reportedly investigated the attack but as of November 14 had not arrested any suspects.

## Malta

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution prohibits discrimination based on race, gender, disability, language,

sexual orientation or gender identity, or social status, and the government generally enforced these prohibitions.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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On July 12, authorities amended the Civil Code to allow transgender persons to identify with their chosen gender, including the wearing of appropriate dress or changing gender markers on government-issued documents to match their outward appearance or chosen gender expression.

In June 2012 the parliament amended the criminal code to widen the scope of hate crimes to include, “gender, gender identity, sexual orientation, race, color, language, ethnic origin, religion or belief or political or other opinion...”

## **Moldova**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The law prohibits discrimination based on race, gender, disability, ethnicity, or social status, but the government did not always enforce these prohibitions effectively.

In May 2012 parliament adopted the Law on Ensuring Equality, which prohibits discrimination on the basis of 11 characteristics, including sex, race, religion, and disability. It also prohibits discrimination on the basis of sexual orientation with regard to employment. In December 2012 parliament established a council to prevent discrimination and ensure equality in implementing the new law. The council became fully operational in October and as of November issued decisions on three discrimination cases. In one case the council found that a school principal and two deputies applied physical and verbal abuse against a student with a mental disability. The council fined the principal 7,000 lei (\$580) and sanctioned the two deputies.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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As of 2012 the law prohibits discrimination against LGBT persons in the area of employment. Governmental and societal discrimination based on sexual orientation and gender identity continued during the year.

On May 23, parliament introduced an amendment to Law 117 entitled “Public activities with negative impact on minors” in the Code of Administrative Offences. On July 5, the president signed the amendment into law, and it entered into force on July 12. The amendment prohibits the “dissemination of information/or carrying out acts aimed at spreading prostitution, pedophilia, pornography or some other relations than those related to marriage and family, in accordance with the Constitution and the Family Code,” which several human rights NGOs criticized as being anti-LGBT. On October 11, parliament repealed the amendment after pressure from human rights organizations.

In February 2012, eight localities, including Balti, passed resolutions banning “aggressive propaganda of nontraditional sexual orientations” and “homosexual demonstrations.” Moldovan Orthodox Church representatives welcomed the decision and called on other local councils to adopt such initiatives. The LGBT rights NGO Genderdoc

M challenged the Balti decision in court. In July the Court of Appeals canceled the anti-LGBT decree adopted by the Balti municipal council. The other seven decisions have either been overturned or challenged in court by the State Chancellery.

In May 2012 parliament passed the antidiscrimination Law on Ensuring Equality. The Moldovan Orthodox Church and a number of political parties strongly opposed the law because it included protections for sexual minorities in the area of employment, while human rights activists criticized the law for abandoning broader protections for sexual minorities that had been included in earlier drafts.

Genderdoc M reported an increase in hate crimes against the LGBT community during the year. Four hate crimes against LGBT persons were committed between June and August. According to Genderdoc M, the crimes were committed according to a similar pattern: The victims were selected via gay dating sites, asked out, and then beaten. In all four cases the offenders were identified and prosecuted. Two offenders were sentenced to prison for similar offenses in 2012. Genderdoc M also reported 21 total violent incidents against LGBT persons during the year. Thirteen cases were reported to police, and the perpetrators were identified. Two cases were sent to court, and five cases were settled out of court.

Civil society organizations reported discriminatory practices and harassment of LGBT individuals by police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination.

While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports. A May 2012 court of appeals decision gave transgender persons the right to change their gender on their official documents without compulsory gender reassignment surgery, but the court later reversed itself, and the case remained pending. In November 2012 the Supreme Court of Justice issued a nonbinding recommendation to lower courts that transgender individuals be permitted to change the gender on their civil documents. In December 2012 the Ministry of Health established a commission to determine gender identity and issue certificates that can be used to apply for new documents. As of September no new identification for transgender persons had been issued. According to Genderdoc M, there were approximately 30 transgender persons living in the country.

In Transnistria consensual same-sex activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

## Monaco

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The country has no law against discrimination in employment based on sexual orientation or gender identity. There were no reports of acts against persons based on their sexual orientation or gender identity. The law provides that persons will be punished for provoking hatred, or violence against a person or group due to their sexual orientation, real or supposed. Punishment is up to five years in prison and/or a fine. Stigma or intimidation is not a likely factor in preventing reports of abuse.

## Montenegro

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language, and social status. The government did not fully enforce these prohibitions. Persons could bring complaints of discrimination to the Office of the Ombudsman, but that institution lacked the human, technical, and financial resources to address it adequately. Antidiscrimination campaigns and training for public servants continued, but government efforts to combat discrimination remained modest. In July 2012 the criminal code was amended to provide that, when a crime was motivated by hatred based on race, religion, national or ethnical affiliation, or sexual orientation, courts would consider such a motivation an aggravating factor in determining punishment. In his annual report the ombudsman noted concern with the prevalence of complaints of discrimination against women, the elderly, the LGBT population, persons with disabilities, and ethnic minorities, particularly Roma.

The NGO Human Rights Action stated that respect for human rights of patients in special psychiatric institutions improved, but insufficient staffing and the practice of mixing prisoners and mental patients together at the Dobrota psychiatric hospital continued to be problems.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law forbids discrimination based on sexual orientation and gender identity and applies to LGBT individuals.

Despite government efforts to improve the position of the LGBT community, LGBT persons and their supporters experienced continued societal discrimination, ostracism, public hostility, and violence. The negative public perception of LGBT persons led many to conceal their sexual orientation, but they were becoming more visible since many continued to come out to their families and colleagues. Hostile individuals used social media and LGBT dating sites to attack and bully LGBT and suspected LGBT persons anonymously. Some NGOs reported instances of hooligans creating fake social media online profiles to lure gay men on dates and to attack them physically.

Two domestic NGOs, LGBT Forum Progress and the newly formed Queer Montenegro, focused solely on the rights of the LGBT community, but other human rights NGOs also dealt with LGBT rights. During the year LGBT Forum Progress ran a shelter for LGBT persons that accommodated 12 persons, mainly men. The NGO Juventas operated an LGBT emergency hotline and ran a drop-in center that provided support, workshops, and medical and psychological assistance to LGBT individuals.

On February 2, Metropolitan Amfilohije Radovic of the Serbian Orthodox Church stated

that pride parades damaged human dignity and demonic forces throughout Europe influenced them. On June 28, the metropolitan made statements on the television program *Ziva Istina* equating homosexuality with pedophilia.

On April 29, the trial against Drasko Mirkovic and Nikola Raznatovic, who allegedly assaulted Danilo Marunovic, Todor Vujosevic, and Mirko Boskovic in September 2012, began in the basic court in Podgorica. Vujosevic starred in, and Marunovic directed, a 2011 LGBT rights commercial that featured the country's first publicly displayed kiss between two men.

On May 17, the basic court in Podgorica convicted Professor Slobodan Radonjic of insult for an article he published in the daily newspaper *Dan* in 2011. In the article Radonjic wrote that homosexuals were unable to control their sexual drives and thus became rapists, pedophiles, necrophiles, and zoophiles. The court banned Radonjic from using similar language again and ordered him to pay court fees. Radonjic has appealed the judgment.

On May 25, a court convicted a student from Bar of threatening violence against an LGBT individual on Facebook. The Basic Court in Bar sentenced the student to two years of probation.

LGBT Forum Progress unilaterally organized the country's first pride parade on July 24, in the seaside town of Budva. Estimates of the number of participants varied, but the consensus placed the number at approximately 80. An angry crowd of 500 persons, some of whom threw rocks, bottles, and other objects, confronted the participants and caused minor injuries. The participants had the protection of 450 police officers. On August 21, police announced they charged 32 individuals with violating peace and order during the July parade, a misdemeanor. LGBT Forum Progress stated the number of individuals facing charges should have been significantly higher. The ages of those charged ranged from 16 to 61. In addition, LGBT Forum Progress reported on September 6 that it had initiated 201 court cases against individuals for hate speech and threats against the LGBT community.

On September 9, the executive director of LGBT Forum Progress, Zdravko Cimbalevic, accused health workers from the government-run Montenegrin Clinical Center, Maja Markovic Medenica, and Boris Sinanovic, of publishing hate speech against the LGBT community on the organization's webpage. According to the NGO, Medenica and Sinanovic stated that LGBT individuals were sick and should be hospitalized and that they promoted sin through their actions.

On September 10, Zdravko Cimbalevic stepped down from his position as executive director of Forum Progress to protest prosecutors' perceived lack of action on all of the pending cases of violence, hate speech, and threats against him and the LGBT community. Cimbalevic claimed that he spoke to the prosecutor's office, which claimed to be unaware of the status of the cases. Cimbalevic, who claimed to have received numerous death threats and been the victim of verbal and physical attacks, criticized police when they stopped providing him with protection. He subsequently left the country to seek asylum abroad.

On September 16, LGBT Forum Progress reported that unknown persons placed two posters featuring three masked hooligans holding baseball bats at a building where members of Forum Progress and the LGBT community reside. The posters showed the hooligans standing in front of an LGBT flag and contained the inscription, "We have been waiting for you." Police were investigating the incident at year's end.

On September 27, approximately 100 persons gathered in Podgorica to celebrate the official cancellation of the Belgrade pride parade and to protest the upcoming LGBT

parade in Podgorica. Although they lacked a permit, police allowed them to march.

On October 19, a day before the Podgorica pride parade, local media reported that three young men, aged approximately 20, attacked a prominent but unnamed member of the LGBT movement Forum Progress. The attack reportedly occurred close to the building in which the LGBT activist lived. The alleged victim reported the case to police, but he had no visible bodily injuries.

On October 20, the first pride parade in Podgorica took place, organized by the NGO Queer Montenegro. Approximately 150 participants marched peacefully in the city's downtown, protected by 2,000 police officers. A crowd of approximately 1,500 persons tried to break through police lines, injuring 20 officers and damaging stores and cars. Police arrested 60 individuals.

During the year the government and several senior officials affirmed support for LGBT rights. In July several government officials, including representatives from the Office of the Ombudsman and the Ministry for Human and Minority Rights, attended the Budva pride parade. The prime minister's adviser for LGBT and human rights problems hosted several international conferences on discrimination and LGBT problems. The government passed legislation in 2012 to fund gender reassignment surgery for those seeking the procedure, but a protocol was still being developed at year's end.

## Netherlands

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and laws prohibit discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the governments generally enforced these prohibitions.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation in regard to taxes and allowances, pensions, inheritance, or access to health care. The legislature revised the Civil Code in July to make it easier for transgender persons to change their gender on their birth certificate.

The government gives high priority to combating antigay violence. The police have set up "pink in blue" units dedicated to protecting the rights of LGBT persons. According to law, when courts find acts of violence against LGBT persons to be motivated by bias, they may demand higher penalties.

During the year the government initiated a campaign to counter prejudice in immigrant and orthodox religious communities where the social acceptance of homosexuality was low. It conducted similar campaigns among youth and in sports, particularly soccer. It also pressured the Caribbean parts of the kingdom to extend equal rights to, and foster tolerance and acceptance of, LGBT persons.

Laws in the Caribbean territories also prohibit discrimination against LGBT persons. No cases of abuse or violence against LGBT individuals were recorded by authorities or described in press accounts. In Curacao a member of parliament who made derogatory comments about a planned Gay Pride event was countered by members of her own party.

## Norway

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, and the government mostly enforced this prohibition, although there were reports of violence against women and children, some anti-Semitism, and stigmatizing statements against immigrants and Muslims.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The law covers crimes and discrimination against LGBT individuals. The National Criminal Investigation Service maintained an online tip service for hate crimes, including those motivated by sexual orientation. In 2012 it received 34 reports of hate crime motivated by sexual orientation. The Norwegian LGBT Organization estimated that as many as 90 percent of cases against LGBT individuals were not reported to police. It continued to run an online reporting mechanism funded by the government and received approximately 25 reports during the year.

The government announced a study on hate crime underreporting. The government also funded a training program for police on engaging with the LGBT community. Until he left office in October, Foreign Minister Espen Barth Eide participated in pride events, opening “Pride Park” in downtown Oslo in June.

## Poland

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution prohibits discrimination in “political, social, and economic life for any reason whatsoever.” The law prohibits discrimination on the grounds of gender, age, disability, race, nationality, trade union membership, ethnic origin, and sexual orientation.

The law requires the ombudsman for citizen rights to monitor implementation of the principle of equal treatment and to support victims of discrimination. The ombudsman and NGOs asserted that some provisions of the antidiscrimination law might be unconstitutional, since they do not treat all groups equally, providing greater protection against discrimination on grounds of race, ethnicity, and gender than on disability, sexual orientation, or age.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The constitution does not prohibit discrimination on the grounds of sexual orientation, although the laws on discrimination in employment cover sexual orientation and gender identity. Hate crime and incitement laws do not include gender identity or sexual orientation. The prime minister’s plenipotentiary for equal treatment monitors LGBT

issues. The ombudsman for citizen rights monitors and promotes equal treatment and support for victims of discrimination on all grounds.

NGOs reported increasing acceptance of LGBT persons by society and the government, but they also stated that discrimination was still common in schools, workplaces, hospitals, and clinics. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons; NGOs maintained that most cases went unreported.

On May 18, approximately 400 counterdemonstrators tried to disrupt Krakow's ninth annual equality march, which had approximately 300 participants and was one of several LGBT marches held in the country during the year. Police arrested three counterdemonstrators.

On June 15, after Warsaw's 12th equality parade, the first openly gay member of the parliament, Robert Biedron, reported that a man physically attacked him at a cafe in central Warsaw. Prosecutors charged the alleged assailant with battery. On June 18, the court required the attacker to undergo a psychiatric examination before the case could resume. On October 24, the Warsaw court opened a trial against the defendant, which continued through the end of the year.

The government took several steps during the year to respond to societal discrimination on the basis of sexual orientation and gender identity. The law requires the ombudsman to monitor and promote equal treatment and to support victims of discrimination on all grounds. During the year the ombudsman received funding to implement these obligations.

On May 13, the government plenipotentiary for equal treatment granted official patronage to the new publication, *Equality Lesson*, which focused on the problem of homophobia in schools. The handbook, addressed to teachers and school directors, also provided guidelines and resources for anti-intolerance education. A Campaign against Homophobia report in 2012 found that 76 percent of LGBT students were victims of verbal assault and 25 percent suffered physical violence.

## Portugal

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, disability, sexual orientation, language, and social status, and the government effectively enforced these prohibitions. On July 9, the ECRI reported that the law does not expressly make racist motivation an aggravating circumstance for all offenses. The procedure to file a complaint of racial discrimination continues to be lengthy and complicated. The ECRI suggested the current complaints system against police officers concerning racist or racially discriminatory acts was not functional and was seriously underreporting. It suggested the government revise the system to restore confidence in the complaints procedure and the police.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution and the law prohibit discrimination, including discrimination based on sexual orientation and gender identity. The law bars lesbian, gay, bisexual, and

transgender couples and single women from receiving medically assisted reproductive health care applied by government-funded health-care providers.

## Romania

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race, gender, disability, ethnicity, nationality, language, religion, social status, beliefs, sexual orientation, age, noncontagious chronic disease, HIV infection, or belonging to an underprivileged category, or on any criteria that aim at restricting human rights and fundamental freedoms. The government did not enforce these prohibitions effectively, and women, as well as Roma and other minorities, often were subjected to discrimination and violence.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation. NGOs reported that police abuse and societal discrimination against LGBT persons were common and that open hostility prevented the reporting of some harassment and discrimination. Members of the LGBT community continued to voice concerns about discrimination in public education and the health care system.

On February 20, members of ultra-Orthodox, nationalist groups, including “Militia Spirituala,” disrupted an LGBT History Month showing of the film *The Kids Are Alright* organized by ACCEPT, an NGO promoting LGBT rights. Law enforcement officers did not intervene despite being present at the theater entrance. No assaults or injuries occurred. Radical journalist Victor Roncea characterized it as a successful protest against LGBT propaganda. ActiveWatch, a human rights NGO, condemned the incident and authorities’ lack of reaction. The CNCD also publicly condemned the incident. On September 18, the CNCD fined two NGOs (the Alliance of Families in Romania Association and Provita Association for Born and Unborn) 1,000 lei (\$305) each for having displayed banners inciting LGBT discrimination at the event.

In April, when asked to comment on a proposal by USL deputy Remus Cernea regarding civil unions for same sex partners, PNL Senate Leader Puiu Hasotti stated that he considers LGBT persons only “some sick people,” adding that homosexuality is an unnatural thing. The CNCD decided that the statements were within the limits of the freedom of expression.

Orthodox Church leaders proposed an amendment to the constitutional reform committee in parliament, to change the legal definition of marriage from “a union between spouses” to “a union between a man and a woman.” The proposal, which was ultimately defeated, generated a wave of antigay declarations by politicians, such as President Basescu, Foreign Minister Titus Corlătean, PNL Senator Alexandru Băisanu, and PDL Deputy Raluca Turcan, as well as by high-ranking clergy, such as Orthodox Metropolitan of Transylvania Laurentiu Streza. Amnesty International and the CNCD criticized the proposed amendment.

On June 8, approximately 400 persons participated in the gay pride parade in Bucharest, which transpired without incidents. Prior to the pride parade approximately 100 persons took part in a “normalcy march,” sponsored by a right extreme party, the New Right, to protest against homosexuality.

# Russia

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The law prohibits discrimination based on race, gender, language, social status, or other circumstances, but the government did not universally enforce these prohibitions.

During the year the government conducted a campaign of raids on migrant workplaces and homes and introduced anti-LGBT laws. Hostile rhetoric and propaganda against some groups spread through state-run media outlets contributed to discrimination and xenophobia. The escalation in anti-immigrant and anti-LGBT rhetoric created an atmosphere in which nationalist groups could attack LGBT persons with impunity and could attack migrants at their workplaces and hostels, sometimes with police collusion.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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On June 30, President Putin signed a law that criminalizes the so-called propaganda of nontraditional sexual relations to minors. The law effectively limits the rights of free expression and assembly for citizens who wish to publicly advocate for LGBT rights or express the opinion that homosexuality is normal (see sections 2.a. and 2.b.). On December 2, Roskomnadzor issued a list of clarifying criteria and examples of so-called LGBT propaganda, which includes materials that “directly or indirectly approve of people who are in nontraditional sexual relationships.” LGBT persons reported dramatically heightened societal stigma and discrimination, which some attributed to increasing official promotion of intolerance and homophobia. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes as well as the threat of violence. Medical practitioners reportedly continued to limit or deny LGBT persons health services due to intolerance and prejudice. Gay men faced particular discrimination in workplace hiring. Openly gay men were targets of skinhead aggression, and police often failed to respond. Vigilante groups also used social media to pursue and bully LGBT teenagers and in some cases lure them to encounters where they would torture them and subject them to degrading treatment, which they would sometimes record and post on the internet.

On September 1, a schoolteacher in Magnitogorsk resigned after a student reportedly discovered that she had posted to a number of LGBT-related Vkontakte (social network) groups. A parent complained to the regional prosecutor that the child had been “propagandized” by viewing the teacher’s Vkontakte profile. Press reports suggest the resignation was triggered by a request from the school’s principal that the teacher disassociate herself from the LGBT groups.

Although the law allows transgender individuals to change their names and gender classifications on government documents, they faced difficulties because the government had not established a standard procedure for doing so, and many civil registry offices denied these requests. When their documents failed to reflect their gender accurately, transgender persons often faced discrimination in accessing health care, education, housing, and employment.

Local activists reported an increase in violence against LGBT individuals coinciding with the adoption of the June 30 law.

During the year there were multiple killings of individuals that were reportedly motivated by their sexual orientation. On May 23, friends of Vladislav Tornovoy raped him with beer bottles and beat him to death after he reportedly told them that he was gay. Authorities arrested two, one of whom confessed that the attackers raped and killed Tornovoy because his homosexuality “offended the patriotic feelings of the group.” LGBT rights groups monitoring the case reported that the judge had determined that the defendants would not be charged with a hate crime.

LGBT activists often experienced threats and attacks in public, with police unwilling to assist. On June 10, Daniil Grachyov was attacked during his one-man picket in St. Petersburg. Police stood by, refusing to detain the attackers.

Soon after its inspection of two prominent LGBT rights groups, Side by Side and Coming Out, the prosecutor’s office of St. Petersburg filed administrative charges against both groups for failing to register as “foreign agent” organizations in accordance with a November 2012 law targeting groups that receive foreign funding and engage in “political activity.” Both groups were subsequently given the maximum fine of 400,000 rubles (\$12,400) specified under the law in connection with campaigns to fight LGBT discrimination. In October the St. Petersburg city court overturned the decisions against both organizations due to procedural errors.

In Moscow authorities refused to allow a gay pride parade for the eighth consecutive year, despite an ECHR ruling that the denial violated the rights to freedom of assembly and freedom from discrimination (see section 2.b.).

In August authorities in Murmansk arrested four Dutch LGBT rights advocates who were filming a documentary about gay life in the country under the new so-called homosexual propaganda law. They were later charged with violating the terms of their visas and banned from entering the country for three years.

## San Marino

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, religion, sexual orientation, or social status. The government effectively enforced antidiscrimination laws.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law forbids discrimination based on sex or personal, economic, social, political, and religious status. Such laws applied to lesbian, gay, bisexual, and transgender (LGBT) individuals.

The law punishes discriminatory acts based on sexual orientation. There were no official or media reports of discrimination based on sexual orientation or gender identity, and there were no indications that stigma or intimidation were factors in preventing persons from reporting incidents of abuse.

## Serbia

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. Discrimination continued, however, against women, LGBT persons, persons with disabilities, and ethnic minorities; trafficking in persons and violence against women and children were problems. On June 27, on the recommendation of the commissioner for equality, the government adopted the *Strategy for Prevention and Protection from Discrimination for 2013-18*, which aims to reduce all forms of discrimination, particularly against the country's marginalized and socially disadvantaged groups; to strengthen and improve control mechanisms; promote tolerance; and support the implementation of anti-discrimination regulations.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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The constitution prohibits discrimination based on race, color, gender, national or social origin, birth or similar status, religion, political or other opinion, property status, culture, language, age, or mental or physical disability but not sexual orientation or gender identity. Violence and discrimination against members of the LGBT community were serious problems. While attacks happened often, few were reported them publicly because victims were afraid of further harassment.

Societal perceptions and attitudes toward the LGBT population continued to be negative, and members of the LGBT community continued to be targets of attacks. When UN High Commissioner for Human Rights Navi Pillay visited the country in June, she remarked that LGBT persons in the country did not yet enjoy equal rights. LGBT activists maintained that members of the LGBT community did not report many violent attacks against them to police because the victims did not believe their cases would be addressed properly and wanted to avoid further victimization from police or publicity generated by their complaints. LGBT activists also noted that lack of proper government response to violent acts against the LGBT community had encouraged perpetrators to continue expressing their rejection of the LGBT community through death threats, assaults, and verbal abuse. The third ban of the Pride March, as well as frequent attacks on LGBT persons across Serbia indicate that the government has not yet fully implemented the country's ban on hate crimes.

Same-sex couples were deprived of any form of legal recognition and had no rights as a family even if they cohabited. Same-sex couples were not allowed to adopt children jointly because the law did not recognize any parental or custodial rights and obligations for a same-sex partner's child.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT individuals. Negative images and prejudices about LGBT persons were common in the media. The tabloid press continued to publish articles with hate speech directed against the LGBT population and interviews with representatives of homophobic right-wing groups.

## Slovakia

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution and the law prohibit discrimination based on race, gender, disability, language, sexual orientation or gender identity, or social status; the government made efforts to enforce these prohibitions.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The law prohibits discrimination in employment based on sexual orientation and gender identity. According to LGBT rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

The fourth Bratislava gay pride parade, held in September, demonstrated good cooperation between police and organizers, and no major incidents were reported.

Human rights activists criticized a statement by an opposition MP who said that it would be better for people who want to tell children that two people of the same sex can like each other, to die. A number of MPs denounced this and similar derogatory remarks on LGBT rights.

## **Slovenia**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, and social status, and the government usually enforced these prohibitions effectively.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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While the law prohibits discrimination based on sexual orientation, societal discrimination was widespread, and there were cases of violence against LGBT persons.

On March 13, the Constitutional Court ruled the Inheritance Act unconstitutionally discriminates against unregistered same-sex couples.

According to LGBT sources, in 2012 there were five reports of hate speech against LGBT persons during the year.

## **Spain**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The law prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, and the government generally enforced the law effectively.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. Discrimination in employment is banned. The law can consider an anti-LGBT hate element an aggravating circumstance in crimes.

## Sweden

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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While the constitution and law prohibit discrimination based on race, gender, disability, social status, or sexual orientation, the government did not always effectively enforce these prohibitions.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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During the year there were isolated incidents of societal violence and discrimination against persons perceived to be lesbian, gay, bisexual, and transgender (LGBT). The NCCP reported 713 hate crimes in 2012 based on sexual orientation or gender identity. Antidiscrimination laws exist and apply to lesbian, gay, bisexual, and transgender individuals.

In December 2012 a Stockholm administrative court of appeal ruled that mandatory sterilization as part of a gender-realignment surgery violated the European Convention on Human Rights. The court also ruled that the practice did not respect civil liberties as provided for by the constitution and that it was discriminatory since it targeted solely transgender people. Thereby this part of the law became obsolete. On July 1, the formal legal change came into effect when the government removed the requirement of sterilization or that a person needs to be infertile to undergo a sex change.

In November the government announced it awarded 350,000 kronor (\$54,000) to The Swedish Federation for Lesbian, Gay, Bisexual, and Transgender Rights to produce information and education regarding LGBT issues to increase society's knowledge about this group.

## Switzerland

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government generally enforced these prohibitions.

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The country's antidiscrimination law does not apply to sexual orientation or specifically

address lesbian, gay, bisexual, and transgender (LGBT) issues, which was a source of major concern to the country's LGBT community.

There were occasional reports of societal violence or discrimination based on opposition to LGBT orientation. The organization Pink Cops (gay and lesbian police officers) estimated there were 20 physical assaults against LGBT individuals in the eastern part of the country in 2012. The LGBT umbrella organization Pink Cross estimated there were one to two assaults per month.

The law permits same-sex couples to have registered partnerships but does not allow them to adopt children.

LGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families.

During the year NGOs registered complaints that gay couples were not able to find housing due to their sexual orientation. This was especially common in rural areas. A 2012 study on homophobic and transphobic violence, in which more than 260 LGBT persons between the ages of 16 and 60 took part, revealed that 73 percent of respondents had experienced insults, 81 percent had been threatened, and 7 percent had been spat on because of their sexual orientation. Although only 1.5 percent of respondents experienced physical violence resulting in serious injuries, 5 percent suffered minor injuries and 12 percent experienced minor physical violence, involving no injuries. According to the study, the attacks occurred mostly at night and were carried out by young men. When asked if they feared attacks, approximately 35 percent of gay and lesbian respondents and 70 percent of transgender respondents answered "to a high degree" or "to a very high degree." The study – the first of its kind in the country – asserted that the reason for this difference was that the gay and lesbian movement was older and more accepted than the transgender movement. During the year LGBT activists worked to establish a central office with the task of collecting data and publishing statistics on verbal or physical attacks on LGBT individuals.

## Turkey

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. The government did not enforce these prohibitions effectively. The constitution allows measures to advance gender equality as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans, without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

While the law does not explicitly discriminate against LGBT individuals, references in the law relating to "offenses against public morality," "protection of the family," and "unnatural sexual behavior" sometimes served as a basis for discrimination by employers and abuse by police. Gay prostitutes reported that police detained them to extract payoffs. The law states, "No association may be founded for purposes against law and morality." Authorities applied this law in attempts to shut down or limit the

activities of NGOs working on LGBT matters, and the TIB blocked LGBT social websites. Some LGBT advocates attributed the end of TRT broadcasts of the Eurovision song contest to an onstage kiss by two lesbian Finnish performers.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. As of November 30, the NGO KAOS-GL reported one lynching, one abduction, one rape, seven assaults, a house raid, and four other hate crimes against LGBT persons. Transgender Europe reported that five transgender persons were killed between November 20, 2012, and October 31, while BIANET reported that 34 transgender persons were killed between 2008 and 2013.

LGBT advocates accused the courts and prosecutors of creating an environment of impunity for attacks on transgender persons in prostitution. Human rights attorneys reported that police and prosecutors frequently failed to pursue violence against transgender persons aggressively. They often did not arrest suspects or hold them in pretrial detention, as was common with other defendants, and even when arrests were made, defendants could claim “unjustifiable provocation” under article 29 of the Turkish penal code and request a reduced sentence. That article states that punishment “will be reduced if the perpetrator commits a crime under the influence of rage or strong, sudden passion caused by a wrongful act.” In the case of transgender persons in prostitution, convicted murderers often claimed they became enraged when the sex worker suggested that they engage in a homosexual sex act that the “straight” murderer found highly objectionable, testimony the court often accepted without corroboration. Judges routinely interpreted the subsequent rage caused by the “wrongful act” of an invitation to engage in homosexual sex as fitting the definitions of the article, and judges sometimes drastically lowered the sentences of the murderers of transgender persons. Courts of appeal have upheld these verdicts based, in part, on the “immoral nature” of the victim.

Police provided protection to some pride events in Istanbul and other cities, and participants did not experience any opposition or counter demonstrations.

There were active LGBT organizations in Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and on university campuses. Groups reported harassment by police and government authorities. Many university groups in small cities complained that they had tried to organize, but the rectors denied permission. LGBT organizations reported that the government used regular and detailed auditing to create administrative burdens and threaten the possibility of large fines.

On January 31, parliament passed the “Turkish Armed Forces Discipline Law 6413.” The law made homosexuality grounds for discharge from military service. While the practice of expelling gay men from the military was not new, this was the first time that the armed forces defined homosexuality as “unnatural intimacy.” Under the disciplinary law, gay enlisted service personnel are considered guilty of a disciplinary crime and are discharged from the military due to their “psychological disorder.”

## Ukraine

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law and constitution prohibit discrimination based on race, gender, disability, language, social status, and ethnic and social origin. Nevertheless, both governmental and societal discrimination persisted, and the government did not effectively enforce the prohibitions.

In September 2012 parliament adopted a law to prevent and counteract discrimination. It covers discrimination based on race; political, religious, or other beliefs; sex; age; disability; ethnic or social origin; family and property status; place of residence; language; and other characteristics. Experts generally described the law as well intentioned but noted that the definition of discrimination was too narrow because it omitted explicit reference to sexual orientation and gender identity. In addition experts expressed concern that the law lacked meaningful enforcement mechanisms.

In June 2012 President Yanukovich signed a government resolution implementing additional measures to suppress terrorism in the country by banning distribution of materials that incite ethnic, racial, or religious hatred, intolerance, and discrimination.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The country's two largest Orthodox churches have opposed adoption of any law extending discrimination protections to LGBT persons, arguing that such laws would "encourage citizens to engage in same-sex relationships."

LGBT individuals complained of widespread societal intolerance and stigmatization. Although LGBT activists succeeded in holding the country's first "equality march" in May, they continued to face discrimination in education, the workplace, and in medical treatment, including impeded access to information on the prevention of HIV/AIDS.

Public officials and members of the public frequently targeted LGBT individuals for violence and abuse. The government took no significant action to combat discrimination based on sexual orientation or gender identity.

On December 14, Prime Minister Mykola Azarov stated at a progovernment rally organized in the European Square that the country was not yet ready to legalize same-sex marriages, a condition for visa liberalization with the EU. The EU ambassador to Ukraine, Jan Tombinski, refuted the statement saying that it was exploiting anti-LGBT sentiment.

From September 2012 to August 2013, the LGBT rights group Our World (Nash Mir) monitored rights violations against LGBT individuals in selected regions of the country and documented 50 cases of violations and discrimination based on sexual orientation or gender identity. More than half were hate-motivated, including 20 incidents of violence or threats of violence, eight instances of disclosure or threatened disclosure of sexual orientation, and four incidents of property damage. Other violations included verbal abuse, theft, extortion, bullying, workplace discrimination, discrimination in educational settings, and divulging of personal information.

Nash Mir also reported more than 20 rights violations against LGBT individuals by law enforcement personnel, including violations of procedural rules, illegal detention, failure to protect individual rights, unlawful disclosure of personal information, and extortion.

In March a group of drunken young men assaulted a young gay man in Rivne, breaking his nose in the attack. Police questioned the assailants but did not arrest them. The assailants continued to threaten the victim, but police refused to take further action. Also in March students in Sumy severely assaulted a transgender girl as she walked to the entrance of her school.

On May 25, LGBT activists hosted Kyiv's first equality (pride) march. Courts initially prohibited the march from taking place in central Kyiv, but the Ministry of Internal

Affairs later helped secure a separate site and provided police protection and barriers for the march to take place.

## United Kingdom

### Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, and the government routinely enforced the law effectively.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

In Bermuda the legal minimum age for consensual sex is 16 years for heterosexuals and lesbians, and is 18 years for gay men.

The law prohibits discrimination and harassment based on sexual orientation, although individuals reported sporadic incidents of homophobic violence. It encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. From March 2011 to March 2012, police in England and Wales recorded 4,252 hate crimes related to sexual orientation and 315 transgender hate crimes. Galop, a London-based NGO dealing with hate crimes against lesbian, gay, bisexual, and transgender (LGBT) persons, claimed police recorded 98 homophobic and transphobic crimes each week across Britain. According to Sarah Edwards of Minster Law Solicitors, 610 claims for sexual orientation discrimination were brought to tribunal in 2012 of which 20 were successful at a hearing.

In Scotland racial, sexual, or other discriminatory motivation may be an "aggravating factor" in crimes. Scottish law also criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match and penalizes any threat of serious violence and threats to incite religious hatred through the mail or the internet. Sexual orientation aggravated crime was the second most common type of hate crime, with 729 charges reported.

The Equality Commission's chief commissioner in Northern Ireland stated in May that surveys conducted by the commission in 2012 found that while approximately half of LGBT persons surveyed indicated they had experienced discrimination, eight of 10 had not reported it to anyone. Furthermore, "only 44 percent of LGBT persons questioned knew they were protected (against discrimination on the grounds of their sexual orientation)."

During the year Bermuda passed the Human Rights Amendment Act 2013 prohibiting discrimination on the grounds sexual orientation.