



Harassment Through LGBTI Lens

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Prevalence of all forms of discrimination on LGBTIQ people (I)

A Europe-wide survey of 93,000 LGBT persons conducted in 2013 for the European Union Agency for Fundamental Rights found that a **quarter of all respondents had been attacked or threatened with violence** in the previous five years.

Collectively, all victim-survivors of violence, will generally experience detrimental impacts on their physical, and emotional health and wellbeing. These effects may include poorer mental health; economic insecurity, including precarious housing security and/or ability to retain employment; and negative impacts on education and on social connections with family, friends, and communities.

However, the impacts of harassment on LGBTIQ people may be overlaid with pervasive heterosexism on individual, community, and societal levels.

Harassment is a form of hate



Prevalence of all forms of discrimination on LGBTIQ people (II): EU FRA survey (140,000 responses from across 30 countries) results in LT

73% avoid often or always holding hands with their same-sex partner in Lithuania. For the EU-28, it is 61%.

41% in Lithuania avoid often or always certain locations for fear of being assaulted. For the EU-28, it is 33%

29% felt discriminated against at work in the year before the survey in Lithuania. For the EU-28, it is 21%.

Discrimination affects many areas of life, such as going to a café, restaurant, and hospital or to a shop. Overall, in Lithuania **in 2019 55% felt discriminated against in at least one area of life in the year before the survey.** For the EU-28, it was 42%.

44% in Lithuania say they were harassed the year before the survey. The EU-28 is 38%. 1 in 5 trans and intersex people were physically or sexually attacked in the five years before the survey, double that of other LGBTI groups.

12% in Lithuania had been attacked in the 5 years before the survey. The EU-28 is 11%.

Specific harassment types experienced by LGBTI individuals

All forms of discrimination is a universal issue. However, a number of harassment tactics towards LGBTI people and issues faced by the LGBTIQ community may be rather specific (the list is not exhaustive):

1. The “Outing” threat;
2. Sexuality/gender association;
3. Isolation/confidentiality of LGBTIQ community;
4. ‘Weaponizing’ health status;
5. Lack of access to support services and the police is often not considered a competent authority to tackle the problem among LGBTIQ community.

There are also specific forms of harassment that are often perpetrated against intersex, trans and gender-diverse people:

- withholding, or threatening to restrict access to hormones, medications, medical treatment, or support services;
- ridiculing or disrespecting gender identity or intersex status;
- demanding to present as a certain gender;
- deliberately misgendering the victim/survivor;
- making threats related to the transgender person's custody of or relationship with their children.

TRANSGENDER IS an umbrella term that includes people who have a gender identity that is different from their gender assigned at birth and people who wish to portray their gender identity in a way that is different from expectations based on their gender assigned at birth. This can include, among many others, transsexual and transgender people, nonbinary people, transvestites, cross dressers, agender, multigender, genderqueer people, intersex, and gender diverse people who relate to or identify as any of the above. (TGEU, 2016)

Transgender Day of Remembrance (Nov 20)

320

TGEU TRANS MURDER MONITORING | OCTOBER 2022 - SEPTEMBER 2023

**trans & gender diverse
people reported murdered**



80% Black, brown,
or racialised*



48% sex
workers*



94% trans women
or femmes



45% migrants or
refugees in Europe*



28% murdered on the street
26% murdered in their residence

*where demographic data was reported

The “Outing” threat

- Outing’ or threatening to ‘out’ person’s sexuality, gender (identity, history, expression) or intersex status to friends, family, work colleagues, etc.
- Pressuring someone not to disclose their gender/sexuality and to perform as a heterosexual and/or their gender assigned at birth
- Threatening that a victim may lose custody of children as a result of being ‘outed’

Sexuality/gender association

- A victim may feel the harassment/ abuse is associated with their sexual orientation, gender identity or intersex status, ie. “I’m experiencing this abuse because I identify as LGBTIQ. If I wasn’t, it wouldn’t be happening!”
- Dismissing or challenging a bisexual person’s sexuality, telling them bisexuality doesn’t exist or that they need to ‘choose’
- Pressuring someone into certain acts that they do not want to do by saying ‘this is how all gay/ lesbian/bisexual/trans people have sex’
- Using terms that are derogatory in the LGBTI community or deliberately using wrong pronouns

!!! A person may also face discrimination/harassment/abuse because of their association with someone who is LGBTI or is perceived by the perpetrator as LGBTI person.

‘Weaponizing’ the health status

- 'Outing' or threatening to 'out' person's health status (e.g. HIV, Monkeypox) to friends, family, work colleagues, or community members and using prevailing societal attitudes/stigmas as a vehicle of manipulation and control.

Confidentiality and (or) isolation of victims

- Victim may feel embarrassed or ashamed about the abuse/harassment;
- The perpetrator may have tried to turn others against them.

Systemic discrimination

- Discrimination can be more complex and systemic, embedded in patterns of behaviour, laws, policies and practices.
- It can be a part of the administrative structure or informal culture of an organization, institution or sector. Sometimes a group's historical disadvantage is a factor that gives rise or contributes to the systemic discrimination they experience.
- **These factors sometimes appear neutral on the surface** but can have an adverse or negative effect, creating or continuing disadvantage and limiting rights and opportunities for LGBTIQ persons

Systemic LGBTIQ discrimination in Lithuania: legal base (I)

- Only 6 EU member states (Lithuania, Latvia*, Poland, Romania, Bulgaria, and Slovakia) do not provide same-sex families with an option to marry or register a partnership
Lithuanian context of family rights:
 - ✗ No marriage equality
 - ✗ No marriage alternative (registered partnership, civil union, etc.)
 - ✗ Constitutional limitation on marriage
 - ✗ No joint adoption
 - ✗ No second-parent adoption
 - ✗ No automatic co-parent recognition
 - ✗ No access to medically assisted reproduction measures
 - ✗ Explicit prohibition of surrogation
 - ✗ No recognition of transgender parents

Systemic LGBTI discrimination in Lithuania: legal base (II)

Although the jurisprudence of the Constitutional Court of the Republic of Lithuania backs up the notion that the ***Constitutional concept of family is based on long term emotional relationships, mutual understanding and similar ideas and thus it is not specifically aimed at opposite-sex marriage***, such developments have not resulted in any effective legislation yet.

Systemic LGBTI discrimination in Lithuania: legal base (III)

- **Family Strengthening Law**, includes the concept of complementarity between a man and a woman, stating that it is the basis for the development of the family as a primary and natural society and the most favourable environment for the growth, development and education of a child.
- Discrimination on **gender identity** is not explicitly prohibited, no Legal gender recognition through administrative procedure, divorce requirement for married transgender individuals who wish to pursue LGR, etc.
- Negative effects of **anti-gay propaganda provision**: portrayal of same-sex family media content allegedly violates the Law on the Protection of Minors Against the Detrimental Effect of Public Information. (Art. 4 states that Public Information which expresses contempt for family values, encourages the concept of entry into marriage and creation of a family other than stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania shall be attributed to information which has a detrimental effect on minors)
- Lack of imperative prohibition of “**conversion therapies**”
- Lack of transparency of **asylum procedure**

Recent case of harassment against LGBTIQ activists

- Demonstration to support the Ministry of Justice's proposal to repeal the “**anti-gay propaganda**” provision and to support inclusive educational environments on September 28 was disrupted by an organized group counter-protesters. LGBTIQ activists were harassed by counter protester who are well known to law enforcement institutions.
- The police did not take action to secure the safety of LGBTIQ protesters and their right to peaceful assembly from hostile crowd.
- A pre-trial investigation was initiated regarding the actions of the counter-protesters
- However the **actions of police officers have not been investigated** yet, despite authorities acknowledging that mistakes were made

In a legal context, a **chilling effect** is the inhibition or discouragement of the legitimate exercise of rights by the threat of legal sanction.

Issue of underreporting of incidents

- the belief that the violence was a ‘minor incident’;
- the belief they would be dealt with unfairly;
- fear of further violence or discrimination;
- not knowing where to go for assistance, or believing that there were no appropriate services.
- The “chilling effect” of the existing regulation.

The lack of recognition and acceptance perpetuates the underreporting issue in the LGBTIQ community

- LGBTIQ people often **do not report incidents** to law enforcement and resort only to psychological assistance. Even when they can be cautious or afraid of being subjected to homo/bi/transphobia.

What is required to discrimination and harassment against LGBTIQ people?

1. **Legal recognition** as well as recognition of diversity within the LGBTIQ community.

People who identify as LGBTIQ are often grouped under the convenient 'LGBTIQ' umbrella. However, there are several distinct, but sometimes overlapping, cohorts, each with their own distinct histories, experiences and needs.

There is rich diversity within and amongst LGBTIQ populations **and** LGBTIQ families, thus it is important to recognize individual needs.

What is required to discrimination and harassment against LGBTIQ people?

2. Recognising the intersections of identity characteristics

The collective diversity of LGBTI people requires a **conscious consideration of differences**, and the identification of the multiple forms of discrimination that LGBTI people encounter and experience on a daily.

Along with sex, gender, and sexuality, individual attributes also include country of birth, religious and/or faith background, age, language, ability.

Identity attributes shape and influence individual experiences of daily life, and discrimination and/or violence directed at an individual is often directly associated and driven by larger societal discriminatory norms, practices and attitudes, such as racism, ableism, ageism, sexism and gender inequality basis.

Preconditions of successful harassment prevention efforts

- **LGBTIQ community engagement.** In order to maximize prevention success, activities should reflect on the lived realities of LGBTI people's lives.
- **Challenging a heteronormative narrative.** Clear and explicit focus on the drivers of discrimination, that is, the structures, practices and norms that discriminate and oppress people with diverse sexualities and gender identities.
- **Human rights perspective.** Many people from LGBTI communities are likely to experience multiple forms of discrimination and oppression. Taking a human rights-based approach to prevention requires acknowledgement that by prioritizing, addressing and challenging the drivers of discrimination experienced by those most marginalized in our community, benefits all individuals

The prevention of all forms of hate is fundamental to facilitating opportunities for all people to enjoy and exercise their basic human rights.

Given the similarities and **overlapping issues** that preventing harassment against other and violence against LGBTI people presents, prevention efforts should not compete with each other or be oppositional.

A sustainable approach to preventing all forms of hate may include:

Tailored and nuanced discrimination prevention planning - to ensure that initiatives reach population groups that would otherwise would not be covered in universal strategies.

Addressing structural inequalities. Whether driven by gender inequality, racism, classism, sexism, heterosexism, or a combination of these, interact and reinforce each other.

Thank you

