

French government unveils national plan to combat hatred against LGBT people

The French government has unveiled a national plan to combat hatred and discrimination against lesbian, gay, bisexual and transgender people (LGBT), which emphasises the importance of inclusive education in stamping out homophobia.

By Christina Okello

RFI (14.10.2020) – <https://bit.ly/2HnSCxW> – The three-year plan unveiled on Wednesday, aims to make members of the LGBT community “citizens in their own right”, French Junior Minister of Gender Equality Elisabeth Moreno told reporters.

It comprises over 40 objectives designed to tackle homophobia or transphobia in the home, school, university, work, healthcare or sport.

The 42 measures, some of which have already been implemented, will be “amplified” between now and 2023, notably plans to facilitate adoption for LGBT homes, Moreno said.

She also insisted on the importance of education.

“Because discrimination and inequality are rooted in childhood, they can also be corrected, by putting in resources (...) The school must therefore be the first place of awareness and prevention to participate in deconstructing stubborn stereotypes “.

Inclusive education

The gender equality minister has pledged to work with her counterpart at the Education ministry, Jean-Michel Blanquer, to “amplify” training for teachers serving LGBT students.

A website called “Educating against LGBTphobia” is to be set up in order to “give teachers the weapons to fight homophobia and transphobia, and allow the proper inclusion of LGBT students”, Moreno added.

The national plan also aims to act against conversion therapy, “abject and medieval practices” according to the minister, which try to change the sexual orientation of LGBT people. “We want to ban them outright,” Moreno said.

Same sex families have not been left out either. Administrative forms will continue to be adapted to include them, the minister insisted.

Grim figures

Lesbian, gay, bisexual and transgender people continue to face discrimination in France.

In 2019, 1,870 people were victim of homophobic and transphobic acts, according to the interior ministry.

In addition, 55 percent of LGBT people have experienced anti-LGBT acts in their lifetime, the minister said, before adding that gay and bisexual people are four times more likely to commit suicide than the rest of the population. This figure is nearly double when it comes to trans people.

“This situation is unacceptable in the France of 2020”, Moreno said.

Photo: French Junior Minister of Gender Equality Elisabeth Moreno poses in front of her ministry where the LGBT (Lesbian, gay, bisexual, and transgender) flags hang prior to the presentation of a national action plan for equal rights against hate and discrimination in Paris on October 14, 2020. AFP – LUDOVIC MARIN.

Algeria: Mass convictions for homosexuality

Arbitrary arrests; police raid alleged ‘gay wedding’.

HRW (15.10.2020) – <https://bit.ly/3dMEFpl> – An Algerian court on September 3, 2020 sentenced 2 men to prison terms and 42 others to suspended terms after mass arrests at what the police alleged was a “gay wedding,” Human Rights Watch said today. The authorities should void the charges and release them immediately.

On July 24, 2020, police raided a private residence and arrested the 44 – 9 women and 35 men, most of them university students – in el-Kharoub, a district in Constantine Province, northeastern Algeria, after neighbors complained. An Algerian lawyer involved in the case told Human Rights Watch that the court used police reports describing the decorations, flowers, and sweets indicative of a wedding celebration, and the men’s supposedly gay appearance, as evidence of guilt.

“Algerian authorities’ attack on personal freedoms is nothing new, but arresting dozens of students based on their perceived sexual orientation is a flagrant infringement on their basic rights,” said Rasha Younes, lesbian, gay, bisexual, and transgender (LGBT) rights researcher at Human Rights Watch. “They should immediately release from prison the two men who would be free today were it not for Algeria’s regressive anti-homosexuality laws.”

The court convicted the 44 of “same-sex relations,” “public indecency,” and “subjecting others to harm by breaking Covid-19-related quarantine measures.” Two men were sentenced to three years in prison and a fine, and the others to a one-year suspended sentence.

These convictions contradict the right to privacy under international human rights law. This right is also reflected in Algeria's constitution, which provides for the protection of a person's "honor" and private life, including the privacy of their home, communication, and correspondence. The convictions of the 44 for "same-sex relations" indicate that Algerian authorities are discriminating against them based on their perceived sexual orientation and gender expression, Human Rights Watch said. The appeal of their convictions has not yet been scheduled.

In Algeria, same-sex relations are punishable under article 338 of the penal code by up to two years in prison. Additionally, article 333 increases the penalty for public indecency to six months to three years in prison and a fine if it involves "acts against nature with a member of the same sex," whether between men or women.

Arrests for "moral" offenses that involve consensual adult activities in private settings violate international human rights law, including the right to privacy, nondiscrimination, and bodily autonomy protected under the International Covenant on Civil and Political Rights (ICCPR), to which Algeria is a state party. Algeria has ratified the African Charter on Human and People's Rights (ACHPR), which affirms the rights to nondiscrimination, and has joined the African Court on Human and Peoples' Rights. However, Algerian law does not extend antidiscrimination protections to discrimination based on sexual orientation or gender identity.

Additionally, Algeria has a law that prohibits the registration of organizations in Algeria whose aims are deemed inconsistent with "public morals," and that imposes criminal

penalties for members of unregistered organizations. This law poses risks to those who want to form or become active in LGBT groups, as well as to human rights organizations that otherwise might support such activities. According to a 2019 analysis by the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), laws regulating nongovernmental organizations in Algeria make it virtually impossible for organizations working on issues of sexual orientation and gender identity to legally register.

In light of the Covid-19 pandemic and the risk of outbreaks in detention sites, Human Rights Watch recommended that governments refrain from custodial arrests for minor offenses that do not involve the infliction or threat of infliction of serious bodily injury or sexual assault or a known likelihood of physical harm. Officials should also release anyone held pretrial, unless they pose a specific and known risk of harm to others that cannot be managed through measures other than detention.

Since March, Algerian authorities have imposed a ban on all social gatherings to slow the spread of Covid-19. Breaking quarantine and social distancing measures to attend a social gathering does not justify arbitrary arrests and prolonged pretrial detention, Human Rights Watch said.

“While people in Algeria continue to demand their basic rights to protest, the authorities are dedicating their time and resources to crack down on students and stockpile discriminatory charges against them,” Younes said. “Instead of policing its citizens’ private lives, the Algerian government should carry out reforms, including decriminalizing same-sex conduct.”

Photo: An Algerian demonstrator holds the Algerian national flag as he stage a protest against the government in Algiers, Algeria, Friday, Nov.29, 2019. © 2019 AP Photo/Toufik Doudou

Georgian police abused LGBT+ activists with strip searches, court rules

Ex-Soviet nation breached international obligations by failing to protect them from inhumane and degrading treatment, court rules.

By Umberto Bacchi

Thomson Reuters Foundation (08.10.2020) – <https://bit.ly/3lE5nTM> – Europe's top rights court said on Thursday Georgian police had deliberately humiliated LGBT+ activists by strip searching them during a raid, a ruling campaigners hope will help change attitudes towards gay people among local authorities.

The European Court of Human Rights (ECHR) found the ex-Soviet republic had breached its international obligations by failing to protect the activists from inhumane and degrading treatment, and by not properly investigating the incident.

“The judgment exposes systemic discriminatory attitudes within the Georgian police, which must now change,” said Philip Leach, director of the British-based European Human Rights Advocacy Centre (EHRAC), which represented the claimants.

The Georgian government did not immediately reply to a request for comment.

Georgia has witnessed a cultural clash between liberal forces and religious conservatives over the past decade as it has modernised and introduced radical reforms, though it remains socially conservative for the most part.

It has passed anti-discrimination laws in an effort to move closer to the European Union, but LGBT+ rights groups say there is a lack of adequate protection by law enforcement officials in cases involving homophobic abuse.

Thursday’s ruling stems from a December 2009 raid on the Tbilisi offices of the Inclusive Foundation, Georgia’s first but now-defunct LGBT+ organisation, where a group of campaigners, mainly women, had gathered to prepare an art exhibition.

According to witness statements, plain-clothed police officers looking for drugs arrived without showing a warrant and became aggressive upon realising they had entered the premises of an LGBT+ group.

The officers insulted the women present, calling them “sick”, “perverts” and “dykes”, and threatened to reveal their sexual orientation to their families.

Cannabis was found inside the desk of the group’s director, who was arrested and charged with a drug offence. He later confessed to the crime and was released on the condition he pay a fine as part of a plea bargain.

Nearly all of the women were told to undress – but police did not search the clothes they were told to take off.

In 2010, two of them – Ekaterine Aghdgomelashvili and Tinatin Japaridze – filed a criminal complaint for police abuse with local authorities.

They later appealed to the ECHR, which found that while the local case was still ongoing, authorities had yet to undertake a single investigative act.

In a unanimous ruling, judges said police behaviour was “grossly inappropriate” and motivated by homophobic hatred, the court said in a statement.

Neither the police nor the government had given reason for the strip searches, leading judges to conclude “their sole purpose had been to embarrass and punish the applicants”, the court added.

“It’s a very emotional moment. This case changed quite a lot of my life, negatively mostly,” Japaridze told the Thomson Reuters Foundation in an online call. “After 11 years I have a sense that justice... is in place.”

The court awarded her and Aghdgomelashvili \$2,000 each in damages, and rights campaigners hailed the ruling.

Keti Bakhtadze, a lawyer at the Women’s Initiatives Supporting Group (WISG), a Georgian LGBT+ group of which Aghdgomelashvili and Japaridze are members, called it “very important”.

She said she hoped it would push the government to push legislative changes and introduce awareness campaigns and training on LGBT+ issues for law enforcement officials.

Anti-LGBT persecution in El Salvador, Guatemala, Honduras

US barriers to asylum block path to safety.

HRW (07.10.2020) – <https://bit.ly/33Urlfc> – The governments of El Salvador, Guatemala, and Honduras have failed to effectively address violence and entrenched discrimination against lesbian, gay, bisexual, and transgender (LGBT) people,

leading many to seek asylum in the United States, Human Rights Watch said in a report released today. Yet policies by the administration of US President Donald Trump have made it almost impossible for them to obtain asylum.

The 138-page report, “‘Every Day I Live in Fear’: Violence and Discrimination against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States,” documents violence experienced by LGBT people in the three Northern Central American countries collectively known as the Northern Triangle, including at the hands of gangs, law enforcement officials, and their own families. Human Rights Watch found that Northern Triangle governments fail to adequately protect LGBT people against violence and discrimination, and that they face major obstacles if they attempt to seek asylum in the United States.

“LGBT people in the Northern Triangle face high levels of violence that their own governments appear unable or unwilling to address,” said Neela Ghoshal, senior LGBT rights researcher at Human Rights Watch. “For some LGBT people in the region, seeking asylum in the United States is the only hope of safety, but the Trump administration has blocked them at every turn.”

Human Rights Watch interviewed 116 LGBT people from the three countries. Some described violence by family members, leading them to flee home as young as at age 8. Others described bullying and discrimination that drove them out of school. Many said family rejection and discrimination led to economic marginalization, particularly for trans women, and poverty was likely to increase the risk of violence.

LGBT people sometimes face violence and discrimination from the very law enforcement agents charged with keeping them safe. Carlos G., a gay refugee who traveled to the United States from Honduras in 2018, said that gang members there shot him, telling him: "Today you're going to die, faggot." He was afraid to report the incident to the police, who had previously harassed him for being gay and demanded sexual favors. Carlitos B., a non-binary person from Guatemala, fled after their brother assaulted and threatened to rape them. When Carlitos reported to the police, they laughed at Carlitos's gender expression.

Pricila P., a trans woman from El Salvador, said police forced her off a bus and beat her. "One of the police officers grabbed my testicles and squeezed," she said. "He said, 'You're realizing you're a man because you feel pain.' He said that I would become a man by force." She fled to the United States in 2019, after gang members assaulted her, abducted her gay friend, and warned her that she would be next.

Both Honduras and El Salvador have passed hate crimes legislation in the last 10 years, but neither country has convicted anyone on hate crimes charges. In a landmark ruling in July 2020, a court in El Salvador convicted three police officers of murdering Camila Díaz, a trans woman who had been deported in 2018 after attempting to seek protection in the United States, but a judge dismissed hate crimes charges against them.

None of the three countries has comprehensive civil law protections against discrimination, Human Rights Watch said.

While Honduras outlaws employment discrimination on the grounds of sexual orientation and gender identity, activists said they know of no cases in which the law had been enforced. In Guatemala, a pending Life and Family Protection Bill could be used to justify discriminatory denial of services on “freedom of conscience” grounds.

Given the persecution that many LGBT people face in the Northern Triangle, the US government should rigorously protect their ability to safely enter the United States and apply for asylum. Instead, the US government has increasingly closed doors to them with a series of policies that restrict access to asylum and that narrowly interpret the refugee definition in ways that exclude LGBT people from protections they previously enjoyed.

In March 2020, the US government entirely closed its land borders to asylum seekers based on the pretext of Covid-19, leaving them to suffer persecution in their home countries or be stranded in Mexico. In June, the US Departments of Justice and Homeland Security proposed a major regulatory change to the US asylum system that would severely restrict LGBT people’s ability to be granted asylum by barring asylum on the basis of “gender.” In September, the Justice Department issued yet another regulation that puts asylum even further beyond their reach, tightening time limits on asylum applications and allowing immigration judges to introduce their own evidence into asylum cases, even if such evidence reflects biases such as anti-LGBT prejudice.

These policies followed other severe measures the Trump administration has taken to prevent asylum seekers from ever reaching the United States and to limit their access to asylum

if they do, including family separation; prolonged detention; the “Remain in Mexico” program; an expedited asylum review process allowing for little or no contact with lawyers; an attempt to bar asylum seekers who transited through third countries before arriving at the US border; and a policy of transferring Salvadoran and Honduran asylum seekers to Guatemala, where they lack effective protection. Among the asylum seekers affected by all these measures are LGBT people, who may be particularly at risk of violence and discrimination in northern Mexico.

“The governments of El Salvador, Guatemala, and Honduras need to stem rampant anti-LGBT violence and ensure that laws and policies protect LGBT people from persecution, including by police,” Ghoshal said. “As long as LGBT people continue to experience threats to their lives and safety based on their identity in their countries of origin, the US should welcome them with open arms, rather than slamming the door on them.”

Belgium’s De Sutter breaks new ground for transgender politicians

POLITICO takes a look at those who paved the way before Petra De Sutter, who is now Europe’s highest-ranking transgender politician.

By Laurenz Gehrke

POLITICO (01.10.2020) – <https://politi.co/30JkmDM> – Petra De Sutter made history Thursday with her appointment as Belgium's new deputy prime minister, making her the highest-ranking transgender politician in Europe.

De Sutter has previously broken new ground for the EU's transgender community, becoming the first Belgian transgender woman on a parliamentary list of a political party when she ran in the 2014 European Parliament election, though unsuccessfully. She later also became the first openly transgender Belgian MP that same year and ultimately won a seat as an MEP last year.

Katrin Hugendubel, the advocacy director of LGBTQ rights group ILGA-Europe, praised De Sutter's new role as "great news," adding: "We'll miss one of our strongest partners in the European Parliament, but are heartened to know such a committed equality and social justice champion will have a key role in the Belgium government."

De Sutter – who is also known for her work as a gynecologist and fertility expert, and has advocated for legislation to improve access to medically-assisted reproduction – has previously stressed that being transgender is only part of who she is.

"I don't want to be reduced to my transgender past, it's [only] one part of my identity," she said last year in while campaigning in the European election. "I have many others. I want people to talk about me because of my work, because of my

political actions.”

A look at the history of openly transgender politicians shows it's a relatively short list of people who came before De Sutter in Europe, as well as worldwide.

The 2017 book “A Path to Diversity: LGBTQ Participation in the Working World” identifies Germany's Christian Schenk as Europe's first transgender member of parliament, though he was not publicly out as transgender when he joined the Bundestag in 1990, and did not make the official legal transition until 2006, after he had left parliament.

Schenk, who served as an MP between 1990 and 2002, said in several interviews after publicly coming out that – having fought for women's rights while he was still a woman – he would continue to do so as a man. “Testosterone changes the hormone balance and not the brain content,” he said.

The first openly transgender MP in Europe was Italy's Vladimir Luxuria, who was elected to the Chamber of Deputies in 2006.

While campaigning, Luxuria complained that Italy was “one of the very few nations in the European Union that did not recognize civil unions,” vowing to advocate for gay rights. The country didn't start recognizing same-sex civil unions until a decade later.

When Luxuria left the Chamber of Deputies in 2008, there were

no trans parliamentarians in Europe on the national level, until Anna Grodzka joined Poland's parliament in 2011. She remained a member until 2015, a year after De Sutter joined the Belgian senate.

"Today, Poland is changing. I am the proof along with Robert Biedroń, a homosexual and the head of an anti-homophobia campaign who ran for office in Gdynia," Grodzka said at the time, adding that she would be the only trans member of a parliament in the world – at least for the time being. The world's first openly transgender MP, New Zealand's Georgina Beyer, had left her seat in 2007 after entering office in 2005.

Despite Grodzka's conviction that her election marked the beginning of change for Poland, members of the LGBTQ community have faced increased discrimination there since – in particular in the run-up to the country's presidential election earlier this year.

The European Parliament's first openly transgender member was Nikki Sinclair, who served as an MEP for the UK Independence Party and later as an independent from 2009 to 2014, and came out as transgender in 2013.

Hugendubel from ILGA-Europe said De Sutter's new role is especially significant at a time when "trans rights are being viciously attacked in Europe and the authenticity of gender identity is being called into question."

“[It] means a lot for the LGBTI community to see a woman like her appointed to one of the highest roles in a European government.”