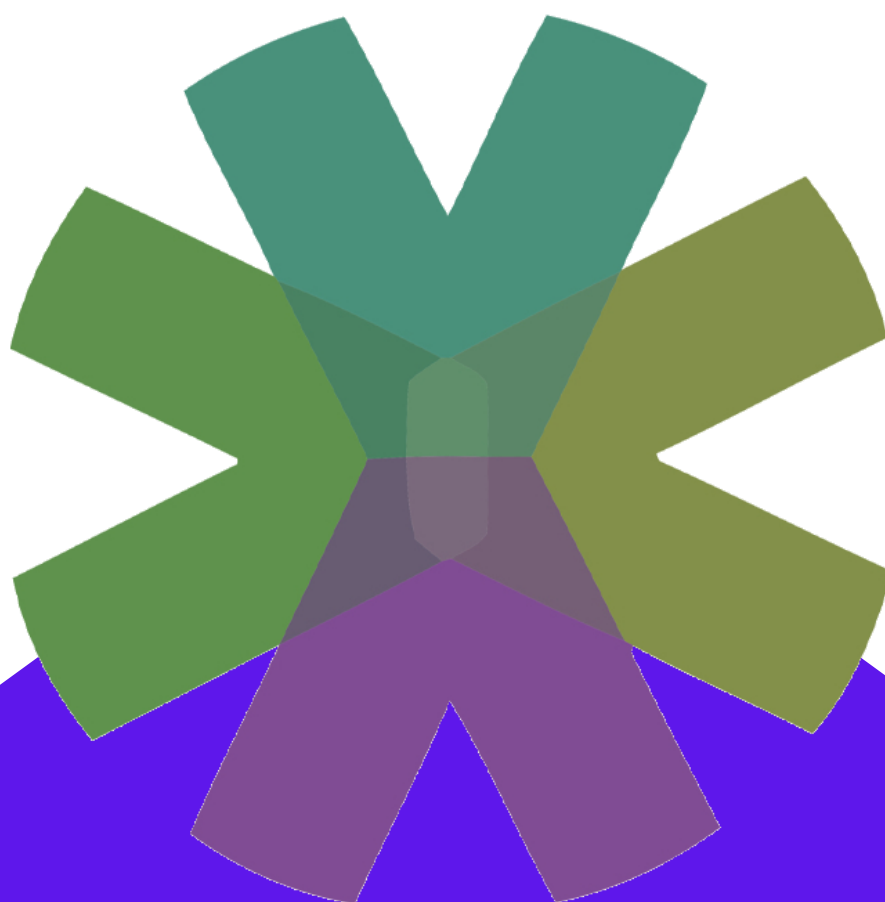




# THE HIDDEN FACTOR: A GENDER ANALYSIS OF LESBIAN'S STRUGGLES

**EL\*C submission to the call for input to the report of the UN  
Independent Expert on Sexual Orientation and Gender  
Identity on gender, sexual orientation and gender identity**

**MARCH 2021**



## **EL\*C submission to the call for input to the report of the UN Independent Expert on Sexual Orientation and Gender Identity on gender, sexual orientation and gender identity**

14 March 2021

### **ABOUT EL\*C**

The EL\*C - EuroCentralAsian Lesbian\* Community is a non-governmental organisation, representing the needs of lesbian, queer, bi and trans women and of lesbian organisations. The EL\*C was founded in 2017 with the aim to advocate for lesbian rights, improve the lives of lesbian women and (re)build the lesbian movement, as a response to the growing lack of the fundamental structures, tools and mechanisms to fight lesbophobia, sexism, misogyny, transphobia and all other types of discrimination experienced daily by lesbians.

The EL\*C uses the word lesbian as a broad inclusive term, including lesbians who identify as trans, non-binary, as well as intersex lesbians, and bisexual or queer women. For this reason, in the following feedback, unless otherwise specified, the term “lesbian” includes all non-heterosexual LGBTIQ women, in line with EL\*C’s policy to give visibility and empowerment through the use of this word.

### **INTRODUCTION**

The present submission focuses on providing a gendered perspective on specific phenomena experienced by lesbians in Europe and Central Asia because they identify or are perceived as women and because they identify or are perceived as non-heterosexual. In particular this submission addresses:

1. the violence experienced by lesbians
2. the specific limitations to the freedom of peaceful assembly and expression of lesbians organisations and activists, and
3. the specific impact of discriminations and structural inequalities on lesbians.

Lesbophobia is a peculiar form of bias that encompass misogyny, sexism and homophobia. In particular, hate against lesbians is triggered by 3 strong social taboos: lesbians with their sexual orientation and gender expression infringe the social expectations concerning “male” and “female” gender roles, they escape the supposed inferiority and therefore the “need” for women to build their life, identity and self-worth around men especially in their role of sexual partners/objects, additionally they break the wide spread taboo as well as the stigma related to female sexuality.

The consequences of this combination of bias is that hate crimes against lesbians, as well as domestic violence and “honour” crimes, acquire specific features and are to be considered as specific forms of gender-based violence. Furthermore, so-called “anti-gender” movements and ideologies constitutes a specific risks for lesbian activists and lesbian groups, that are at the intersection between feminist and LGBTIQ movements, while lesbians publicly out and engaged in the political arena experience both online and offline violent limitations to their freedom of expression, via attacks and threats that target

them both because of their gender and because of their sexual orientation. Finally, the position of lesbians is further complicated by the fact that being or being perceived as women in society expose them to gender inequalities and socio-economic weakness (such as the gender pay gap) while being exposed to discrimination, bias and lack of recognition because of their sexual orientation, gender identity or gender expression.

One of the results of the complex entanglements between misogyny, sexism and homophobia described above is also that lesbians needs and experiences are often underrepresented, marginalized and overlooked in the women's rights movement, the LGBTI movement, the human rights movement, as well as within different national and international policy contexts (the United Nations, European Union, Council of Europe, OSCE, etc). In particular there is a significant gap in research and data available concerning lesbians and there is therefore the need to make visible the issues concerning lesbians specifically.

In order to address this gap, EL\*C has been collecting information and analysing existing data on the state of the lesbian communities and monitoring the respect of lesbian human rights in Europe and Central Asia. This work include in particular:

- [EL\\*C Report on the State of Lesbian Organizing and the Lived Realities of Lesbians in the EU and the Accession Countries](#), a three-parts study analysing the history of the European lesbian movements, a meta-analysis of the data currently available on lesbians, and the state of affairs of lesbian organizing.
- The [Shadow Report on the level of implementation of the Council of Europe's Recommendation CM/Rec \(2010\)5](#) focusing on cases of discrimination, violence and hate crime experienced by lesbians in Council of Europe Member States, and
- A continuous dialogue and consultation with the lesbian movements in Europe and Central Asia via the creation and consolidation of EL\*C as a network and an umbrella organisation.

While there is a need that the effort in improving the representation of lesbian in data collection is not left exclusively to the initiative and the limited resources of lesbian civil society, the present submission builds on EL\*C research work as well as on specific feedbacks from activists and organisations members of EL\*C network in order to provide answers in particular to the questions 2, 3, 5, 7, 9 and 10 of the call for inputs.

## 1. VIOLENCE AGAINST LESBIANS

According to several studies<sup>1</sup>, including the **Violence Against Women Survey by FRA in 2014**, lesbian and bisexual women report higher rates of violence than heterosexual women<sup>2</sup>. This data is confirmed by the **2020 FRA LGBTI Survey**, in which lesbian and bisexual women that were victims of harassment indicated that they were harassed because of their gender, in addition to or as part of the harassment linked to their sexual orientation<sup>3</sup>. Lesbians are indeed confronted with a situation in which their sexual orientation, but also their gender put them at a heightened risk for experiencing violence and

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<sup>1</sup> Collected in EL\*C (2020), *The State of lesbian organizing and the lived realities of lesbians in the EU and the accession countries*, page 26, <https://europeanlesbianconference.org/the-state-of-lesbian-organising-a-groundbreaking-research/>

<sup>2</sup> Fundamental Rights Agency of the European Union (2015), *Violence against women: an EU-wide survey*. Main results report, page 185 <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

<sup>3</sup> Fundamental Rights Agency of the European Union (2020), *A long way to go for LGBTI equality*, page 45 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-lgbti-equality-1\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf)

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harassment. This context affects lesbians' public and private visibility as they are, or feel, obliged to conceal their identity. The 2020 EU LGBTI Survey shows that one in two lesbian women do not show affection for their partner in public (46%) and avoid public places for fear of violence or harassment (49%)<sup>4</sup>. The **2017 regional study conducted by the World Bank and ERA - LGBTI Equal Rights Association for Western Balkans and Turkey** shows that a high 52% of surveyed have been personally harassed by someone or a group for any reason; on average, 63% of lesbian women in the region (**Slovenia, Croatia, Serbia, Bosnia and Herzegovina, Macedonia, Kosovo, Montenegro, Albania**) avoid certain places or locations for fear of being assaulted, threatened or harassed because of their sexual orientation<sup>5</sup>.

However, in many countries lesbophobic (and more generally LGBT-phobic) motivation of hate crimes is not considered an aggravating circumstance in legislation, and when it is the real investigation practices fail to recognize the nature of the crime. In 2021, the **European Court of Human Rights** in *Sabalić v. Croatia*<sup>6</sup> considered that Croatian authorities violated art. 3 (prohibition of inhuman and degrading treatment) and art. 14 (prohibition of discrimination) of the European Convention of Human Rights by inadequately responding to a lesbophobic attacks against a woman that was violently aggressed after having refused a man and disclose to him that she was a lesbian. The Court found in particular that the minor-offence proceedings against the applicant's aggressor had not addressed the hate-crime element of the offence and had resulted in a derisory fine. In 2019, the **UN Committee on the Elimination of Discrimination against Women** made a decision on the case *O.N. and D.P. v. Russian Federation*<sup>7</sup> concerning a lesbophobic attack against a lesbian couple and the lack of effective investigation into this case. The Committee decided that the case showed: *"a failure by the State party in its duty to uphold women's rights, particularly in the context of violence and discrimination against women on the basis of their sexual orientation and to eliminate the barriers that the authors faced in seeking justice in their case, in particular negative stereotypes against lesbian women, and to ensure that law enforcement officials strictly apply the legislation prohibiting gender-based discrimination against women"*<sup>8</sup>.

This worrying trend of violence against lesbians has seen particularly obnoxious crimes that have attracted media attention such as the recent murder in **Italy** of a young lesbian woman by a man that she had refused<sup>9</sup>, and the rape of a young lesbian woman in **France** with the explicit motive of "correcting" and punishing her sexual orientation<sup>10</sup>. The French lesbian group **Les Dégommeuses** reported to have assisted, in recent years, two victims of corrective rape enlightening in particular the fact both have a migrant background and a masculine gender expression that make them easily identified in public as lesbians<sup>11</sup>. In 2016-2017, the monitoring programme of the **Russian LGBT**

<sup>4</sup> EU LGBTI 2019 Survey dataset available here: <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

<sup>5</sup> World Bank and ERA (2018), *Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe*: <https://www.lgbti-era.org/sites/default/files/pdfdocs/0354%20Life%20on%20the%20Margins%20Survey%20results%20of%20the%20living%20experiences%20of%20lgbti%20people%20in%20south%20eastern%20europe-ilovepdf-compressed.pdf>

<sup>6</sup> ECHR, *Sabalić v. Croatia*, application number 50231/13, decision of the 14 January 2021

<sup>7</sup> CEDAW/C/75/D/119/2017, views of 24 February 2020.

<sup>8</sup> Ibid, para. 7.10.

<sup>9</sup> Media reports on the crime in Italian newspaper: [https://www.corriere.it/opinioni/19\\_settembre\\_08/piacenza-elisa-amava-donne-si-sottratta-desiderio-maschio-questo-stata-uccisa-3c169bb2-d224-11e9-a7da-cb5047918faa.shtml](https://www.corriere.it/opinioni/19_settembre_08/piacenza-elisa-amava-donne-si-sottratta-desiderio-maschio-questo-stata-uccisa-3c169bb2-d224-11e9-a7da-cb5047918faa.shtml)

<sup>10</sup> Media reports on the crime in French newspaper: <https://www.lefigaro.fr/bobigny-un-homme-devant-les-assises-pour-viol-punitif-d-une-lesbienne-20200303>

<sup>11</sup> Cases collected by EL\*C via a consultation with the lesbian group Les Degommeuses

**Network** documented several cases of corrective rape whose survivors were usually lesbian, bisexual or trans women. However, none of the survivors wanted to share details or gave a consent to use their stories in public reports<sup>12</sup>. Just in 2019, the Russian LGBT Network assisted 7 LBQ women from Chechnya; four women were subjected to sexualized violence and blackmailing from their male relatives and extended family<sup>13</sup>. Furthermore, the **Queer Women of North Caucasus Support Group Initiative** (QWNC) has conducted a study in 2018 on the experience violence against LBT women<sup>14</sup>, collecting interviews and stories of the violence experienced by non-heterosexual women and reporting that “*common and actively implemented punishments or ways of “correcting” a person’s sexual orientation or gender identity take the form of physical, psychological, and sexual violence and harassment*”. The nature of these crimes exemplify the fact that lesbophobic violence is deeply rooted not only in social stigma related to sexual orientation but also in the misogynistic perception that women are “objects”, and especially sexual objects, that must be available to men.

This phenomenon of pervasive lesbophobia lurking in our societies has also, together with transphobia and misogyny, a broader impact and is at the basis of the well-documented instances of the so-called: “gender equality backlash”. The choice by extremist religious and ultra-conservative groups to attack the **Istanbul Convention** – an international instrument seeking to combat violence against women and domestic violence, by capitalizing on, and fuelling, an anti-LGBTIQ sentiment is no coincidence. Scape-goating LBTI women as an entry point to dismantle decades of human rights advancement was strategically all too easy in societies already soaked in sexism, lesbophobia and transphobia. The spreading of false narratives about the convention, deriving from the concept of “gender” or the express inclusion of LBTI persons in the text, triggered large scale movements opposing the ratification of the Convention in Eastern Europe, the Caucasus and in the Balkans<sup>15</sup>. The most striking example remains in **Bulgaria**, where the Constitutional Court found in 2018 that the Convention was incompatible with its Constitution due to the definition of gender, which allegedly challenges the division of “the two sexes – male and female as biologically determined”.

In 2019, the **European Parliament** adopted a Resolution addressing the gender equality backlash, in which it condemned “*the campaign against the Istanbul Convention that targets violence against women and its misinterpretation*”, and recalling that “*in the first half of 2018 a backlash against the Istanbul Convention occurred in several Member States, opening up space for hate speech and especially targeting LGBTI+ people*”. It noted in particular that “*some anti-human rights campaigners and organisations aim through their strategies to overturn existing laws on basic human rights related to: sexuality and reproduction, including the right to access modern forms of contraception, assisted*

<sup>12</sup> Russian LGBT Network (2018), *Мониторинг дискриминации и насилия на основании сексуальной ориентации и гендерной идентичности в России в 2016-2017 г.* [Monitoring of discrimination and violence based on sexual orientation and gender identity in Russia in 2016-2017]. Available at: <https://lgbtnet.org/upload/iblock/e62/e629c3171025047341f76717dccb6bf3.pdf>.

<sup>13</sup> ADC Memorial, & Russian LGBT Network (2020). Alternative information on Russia’s implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women: For the 78th Pre-session Working Group of the UN CEDAW, 13–17 July 2020. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCO%2fRUS%2f42411&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCO%2fRUS%2f42411&Lang=en)

<sup>14</sup> QWNC (2018), *Violence against lesbian, bisexual and transgender women in the North Caucasus region of the Russian Federation*, <https://www.nhc.no/content/uploads/2019/02/Violence-against-LBT-women-in-North-Caucasus.pdf>. In 2020, QWNC published also a study on the survival strategies LBT women and transgender persons in the region: [https://outrightinternational.org/sites/default/files/Engl\\_QWNC.pdf](https://outrightinternational.org/sites/default/files/Engl_QWNC.pdf)

<sup>15</sup> Council of Europe member states that have not ratified the Istanbul Convention: Armenia, Azerbaijan, Czech Republic, Hungary, Latvia, Lichtenstein, Lithuania, Republic of Moldova, Russian Federation, Slovak Republic, Ukraine, United Kingdom.

reproduction technologies or safe abortion; equality for lesbian, gay, bisexual, trans or intersex (LGBTI+) persons; access to stem-cell research; and the right to change one's gender or sex without fear of legal repercussions<sup>16</sup>". In this sense, the **Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)**, the expert body tasked with the monitoring of the implementation of the Istanbul Convention, plays an instrumental role in securing an inclusive and intersectional approach to the rights enshrined in the Convention. It has so far done so by recognizing the specific need to tackle violence against LGBTI women and recommended inter alia<sup>17</sup> : the development and improvement of accessibility of protection and support services to women belonging to minority groups, including women from the LGBTI community; the strengthening of measures to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination; raising awareness about their rights and entitlement to access protection and support services; as well as the integration of the perspective of LGBTI women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them.

Indeed, the main general recommendation to tackle appropriately lesbophobic violence is first of all to include hate biases on grounds of sexual orientation, gender identity, gender expression as aggravating factors, in particular when considering offences related to sexual violence, sexual harassment and physical violence aimed at punishing or "correcting" women perceived as non-heterosexual. Another recommendation concerns the improvement of the designing of surveys on gender based violence and hate crimes making sure that data is properly disaggregated and makes visible the experience of non-heterosexual women, as different from the experience of heterosexual women. The invisibility is particularly dangerous in case of data concerning violence, where the limited understanding of phenomena such as lesbophobic violence or "corrective" rape leads to gaps and shortcomings in the building of public policies responding to these forms of violence, and very low rates of reporting for those crimes. In the **2020 FRA LGBTI Survey**, compared with all the other LGBTI groups, lesbian and bisexual women have the lowest rates of reporting of episodes of harassment and even of sexual and physical violence to any institutions. Numbers are particularly low when considering the reporting rate to the police<sup>18</sup>.

### *Lesbian refugees and asylum seekers*

When considering lesbians' experience of violence, a specific focus is needed on the needs of lesbian who are seeking asylum and are recognized as refugees in Europe. Many lesbians seek international protection in European countries due to criminalisation of same-sex conducts as well as because of their exposure to gender-based violence in their countries of origins, and because of their work as Human Rights Defenders and leaders of their home country communities (LGBTIQ, environmental rights, SRHR e.g.). However, once in the host States, lesbians often face obstacles to their safety and access to livelihoods and housing. Also, the fact that a vast majority of refugees, displaced and migrant women encounter at least one form of bodily violence during her lifetime, and how the impact of that aggression does not stop after the act(s) of violence has stopped, but continues on their lives

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<sup>16</sup> European Parliament resolution of 13 February 2019 on experiencing a backlash in women's rights and gender equality in the EU (2018/2684(RSP))

<sup>17</sup> See for instance the GREVIO reports on Italy, Finland, France and Portugal

<sup>18</sup> Fundamental Rights Agency of the European Union (2020), *A long way to go for LGBTI equality*, page 48 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-lgbti-equality-1\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf)



afterwards. They referred to the fact that rape, and “sexual favours” in exchange for basic livelihood services, are unfortunately present in the migration journey of many girls and women, as well as in the refugee camp and asylum centers<sup>19</sup>. This affect the asylum application procedures where lesbian applicants may be required to prove their sexual orientation and gender identity on the basis of stereotypical expectation concerning non heterosexual women<sup>20</sup> as well as the risk to be returned to their country of origin on the misconception that they can conceal their sexual orientation<sup>21</sup>. Furthermore, while authorities might recognised past experiences of threats, bullying and discrimination in countries of origin this might not be considered as amounting to persecution. In **Finland**, a lesbian family with one child was obliged to return to Russia after the reject of their asylum application, the UN Committee on the Rights of the Child recently considered that by taking that decision Finland failed to consider the best interest of the child<sup>22</sup>.

Reception facilities and integration also require due consideration to the particular needs of individuals, in these facilities, one of the factors that represent a higher risk for lesbian, non-heterosexual/cisgender women is Gender-Based Violence which most often is expressed through sexual harassment and sexual violence that are subject to four stigmas, due to their gender, sexual orientation, gender expression and as asylum seekers-refugees. In **Spain**, the NGO **Grupo Lesbico Feminista Artemisa, Refugiada y Migrante**, reported to EL\*C the case of a lesbian couple harassed in a reception facility managed by the Red Cross by other residents because of their sexual orientation. The employee to which the couple denounced the facts did not address the problem directly and instead suggested that couple should have avoided coming out to the other residents<sup>23</sup>. In general lesbian activists denounce that even in countries where there is broad social acceptance of LGBTI people such as Spain, a specific model of women refugee and asylum seekers is imposed and is based on heterosexuality<sup>24</sup>, with the added layer of the language barrier and the unknown system in their host country, and the uncertainty of how, where and to who to ask for support<sup>25</sup>.

This has direct consequences on the experience of lesbian refugees and asylum seekers and influence negatively their relationship with public authorities and services providers that, for example, expect lesbian couples to face the same difficulties as different-gender couples and by behaving as if one of the two women is to be considered the head of the family<sup>26</sup>. As one of the conclusion from the conference held by GIRWL stated: *“There is the urge that institutions and organizations believe in survivors’ stories, and do not re-victimize them asking them to prove the experiences they have lived”<sup>27</sup>.*

#### *Domestic violence and honour crimes*

<sup>19</sup> Global Independent Refugee Women Leaders (GIRWL) (2020), *Refugee Women Unpacking Gender Based Violence*

<sup>20</sup> For examples of cases concerning the **United Kingdom**, see Stonewall (2016), *No Safe Refuge. Experiences of LGBT asylum seekers in detention*: <https://uklgig.org.uk/wp-content/uploads/2018/07/Still-Falling-Short.pdf>

<sup>21</sup> EL\*C (2018), *Shadow Report on the level of implementation of the Council of Europe’s Recommendation CM/Rec (2010)5*, page 28, <https://europeanlesbianconference.org/elc-implementation-monitoring-to-recommendation-cmrec-20105-coe-sogi/>

<sup>22</sup> A.B. v Finland, CRC/C/86/D/51/2018, 5 February 2021

<sup>23</sup> Case collected by EL\*C via a consultation with the lesbian group Grupo Lesbico Feminista Artemisa, Refugiada y Migrante

<sup>24</sup> Grupo Lésbico Feminista Artemisa Migrantas y Refugiadas (2020), *Historia Migradas Diversas*

<sup>25</sup> Global Independent Refugee Women Leaders-GIRWL (2020), *Refugee Women Unpacking Gender Based Violence*

<sup>26</sup> Consultation with the lesbian group Grupo Lesbico Feminista Artemisa, Refugiada y Migrante

<sup>27</sup> Global Independent Refugee Women Leaders-GIRWL (2020), *Refugee Women Unpacking Gender Based Violence*

One of the consequences of the complex entanglement between gender-based violence and stigma related to sexual orientation is that an analysis of violence against lesbians has to take into account also violence perpetrated specifically in the family and in the domestic spaces that, throughout Europe and Central Asia, is still identified as a powerful site of violence against lesbians.

So-called ‘honour crimes’ are taking place in Europe and Central Asia and they typically take the form of violence against women, including murder, motivated and justified because the woman has ‘dishonoured’ the male members of her family. Standards of ‘honour’ almost always include norms of sexual purity: women who have sex, or are believed to have sex, with men before or outside of marriage violate them. There are other ways, however, in which women can endanger the status and reputation of parents, brothers or husbands. Dressing or walking the wrong way, having non-heterosexual love relationships, can infringe gendered expectations for how women should behave and cause the “punishment” from the family consisting in sexual abuse, physical violence and sequestrations and even “honour” killing.

In **Italy**, two cases of violence perpetrated in the family have attracted media attention in the last year. In September 2020, a young woman was killed in a road accident caused by her brother. Just after the accident, the partner of the victim (present during the accident and who is a trans man) was assaulted by the brother. The latter declared that he did not want to kill his sister but needed to teach her a lesson because she had been “infected” by her trans partner<sup>28</sup>. Additionally, a young lesbian was subject, after the parents discovered her sexual orientation, to years of abuses, including physical and sexual violence perpetrated by her father. As a result of this situation, she has suffered serious mental health issues and was able to denounce her family only after managing to escape.<sup>29</sup> Lesbian groups from the **North Caucasus region of the Russian Federation** denounces that LBT women are controlled entirely by their male family members, and therefore are unable to leave the family home or the region without their authorization<sup>30</sup>. Family members subject LBT women to threats, violence, and even so-called honour killings. This violence occurs with impunity, and often even with the assistance of law enforcement<sup>31</sup>. This includes also cases of forced marriages. The QWNC reports that 7 out of 8 forced marriages were initiated after the woman came out or was outed and parents or brothers made a decision regarding the woman’s marriage, the woman opinion was not taken into account, and often caused a wave of violence. As denounced by the organisation *“forced marriage condemns a woman not only to an unhappy life, but also to sexual and often severe physical abuse, which will continue in her new family. However, the humiliation and abuse a woman goes through somewhat changes its shape in marriage, especially if the spouse finds out about his wife’s sexual orientation. (...) She could face “honour killings”, being sent back to the parental family, beatings, sexual violence, a total ban on*

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<sup>28</sup> Media report on the crime in Italian newspaper: [https://napoli.repubblica.it/cronaca/2020/09/13/news/sperona\\_e\\_uccide\\_la\\_sorella\\_nel\\_napoletano\\_ferito\\_il\\_compagno\\_t\\_rans-267102124/?ref=RHPPTP-BH-IO-C12-P2-S1.8-T1](https://napoli.repubblica.it/cronaca/2020/09/13/news/sperona_e_uccide_la_sorella_nel_napoletano_ferito_il_compagno_t_rans-267102124/?ref=RHPPTP-BH-IO-C12-P2-S1.8-T1)

<sup>29</sup> Media report on the fact in Italian media: [https://www.huffingtonpost.it/2019/03/07/meglio-una-figlia-morta-che-lesbica-il-padre-la-stupra-per-punirla-la-famiglia-la-perseguita-per-anni\\_a\\_23686577/](https://www.huffingtonpost.it/2019/03/07/meglio-una-figlia-morta-che-lesbica-il-padre-la-stupra-per-punirla-la-famiglia-la-perseguita-per-anni_a_23686577/)

<sup>30</sup> See in particular QWNC (2018). *Violence against lesbian, bisexual and transgender women in the North Caucasus region of the Russian Federation*, <https://www.nhc.no/content/uploads/2019/02/Violence-against-LBT-women-in-North-Caucasus.pdf>.

<sup>31</sup> The Advocates for Human Rights, & Moscow Community Center for LGBT+ Initiatives (2020), *Russian Federation’s Compliance with Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to Discrimination Based on Sexual orientation, Gender Identity, and Gender Expression*. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCO%2fRUS%2f42841&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCO%2fRUS%2f42841&Lang=en).



*seeing her children and participating in their upbringing, systematic rape, and anything the husband's imagination can come up with<sup>32</sup>”.*

Beside the most violent cases described above, because of social expectations of women's traditional roles and the society's failure to provide equality for women permitting full economic, social and legal independence, lesbians may be more likely to depend on their biological families and/or to find themselves obliged and socially conditioned to marry a man. Furthermore, transgressing the boundaries of gender and/or sexual orientation and bringing “shame” onto families and communities, often implies destructive and painful relationships with biological family members (parents, siblings, the grandparents, aunts and uncles) resulting in different forms of violence and harassment towards lesbians, especially towards younger ones, and also towards children within lesbian rainbow families. In **France**, a study from **INED**, the national institute of demographic studies, published in April 2020 and focusing on **violence inside the family** has found that lesbian and bisexual girls are the two groups most affected by all types of intra-family violence (psychological, physical and sexual violence) when compared to heterosexual girls and homosexual and bisexual boys. LB girls are three times more subject to psychological violence than GB boys and straight girls, LB girls are victims of physical violence two times more than GB boys and three times more than straight girls. They are also more frequently victim of sexual violence with an incidence of around 10% of LB girls against around 5% of GB boys, 2.5% of straight girls and 0.5% of straight boys. This is explained by the researcher with the fact that *“the social control over girls mixed with their inferiorization and the social obligation to heterosexuality join together and contribute to make the family as an heterosexist environment. This is translated in certain families by violence that can put in danger the youth concerned, especially in the case of young lesbian and bisexual girls”<sup>33</sup>*. The Covid-19 pandemic has exacerbated this situation having forced countless lesbians to go back to their biological families and endure prolonged exposure to unaccepting family members, which increased the rates of domestic violence and physical and emotional abuse, as well as damages to mental health<sup>34</sup>.

#### *Specificities of Intimate partner violence in lesbian couples*

Finally, lesbians may also struggle with intimate partner violence. As was discussed in literature, same-sex couples dynamics do not rest on heteronormative gender scripts or stereotypes, but include specific risk factors such as minority stress, homophobia and lesbophobia, stigma and discrimination<sup>35</sup>. Yet, the existing systems of response, being based on heteronormative assumptions, exclude lesbians as living on the intersection of gender and sexual orientation. For instance, a study in **Bosnia and Herzegovina** revealed that special facilities were not available at any shelters in the assistance of LGBT individuals<sup>36</sup>. Galop, an organization from UK focusing on intimate partner violence experienced by

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<sup>32</sup> QWNC (2018). *Violence against lesbian, bisexual and transgender women in the North Caucasus region of the Russian Federation*, page 26 <https://www.nhc.no/content/uploads/2019/02/Violence-against-LBT-women-in-North-Caucasus.pdf>.

<sup>33</sup> See a summary of the results and the conclusions of the researchers here, [https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/etude-resultats\\_violencesintrafam-num-24-04-20.pdf](https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/etude-resultats_violencesintrafam-num-24-04-20.pdf)

<sup>34</sup> EL\*C received testimonies in this sense from several countries during in particular the first months of the COVID pandemic, where in many countries measure of lockdown and confinement were enforced and strictly implemented.

<sup>35</sup> See e.g. Montse Subirana-Malaret, Jacqueline Gahagan & Robin Parker (2019), *Intersectionality and sex and gender-based analyses as promising approaches in addressing intimate partner violence treatment programs among LGBT couples: A scoping review*, *Cogent Social Sciences*, 5(1); Constance Ohms (2008), *Perpetrators of violence and avuse in lesbian partnerships*, *Liverpool Law Review*, 29, pp. 81-97.

<sup>36</sup> Lisa R Muftić, Irma Deljić, & Ashley K Fansher (2019), *A Nationwide Evaluation of Services Provided to Domestic Violence Survivors at Shelters in Bosnia-Herzegovina*, *Journal of interpersonal violence*, 34(4), pp. 667-690.

LGBT people, identified a number of factors excluding lesbian women in particular and LGBT persons more generally from access to justice and support services. This includes personal barriers related to LGBT people's perception of themselves, the abuse and the support system, as well as structural and cultural barriers related to the way services are designed and delivered<sup>37</sup>.

There are also a number of myths and stereotypes about partner abuse in same-sex relationships<sup>38</sup>. Consequently, lesbians may be less likely to report intimate partner violence because of societal stigma and discrimination portraying same-sex relationships to be "dysfunctional" and "immoral" or because they fear the consequences of coming out in an environment perceived as non-lesbian friendly. More masculine partners surviving the abuse may not be taken seriously by both law enforcement and service providers. Legislation on domestic violence may not include same-sex partners into its scope, especially when such relationships are not recognized in family law; and in some countries, there are still no legal framework on domestic violence which deny all women protection, but affects lesbian women particularly. Finally, in many countries and regions there are still no educational programmes for youth on how to build healthy relationships, and even when they do exist, lesbian relationships are mostly not covered there.

## 2. ATTACKS AGAINST THE FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY OF LESBIANS

As already mentioned above, the rise of anti-gender movements in Europe and Central Asia, in which various religious, political and conservative groups have organised to dismantle decades of progress in women's rights, gender equality, and the rights of LGBTIQ+ persons raise specific concerns for lesbians. In this political context, lesbian organisations and visible lesbian activists belonging to both the feminist and LGBTI struggles, constitute the easiest target and find themselves at the centre of violent anti-gender attacks, while their invisibility and absence from the political discourse allows politicians and representatives of relevant institutions to de-prioritize the protection of their rights systematically.

Furthermore specific forms of online censorship and violent limitation of the freedom of expression are acted and has been increasing in the last years all over the globe against lesbian organisations and lesbians public figures, such as activists, journalists and politicians. In particular, digital technologies provide additional avenues for hate speech and harassment, particularly dangerous in case of lesbian organisations and lesbian individuals that rely on social media to work, convey their messages, conduct their political activity and connect with their community. Because of their gender and sexual orientation, lesbians are exposed to specific forms of online hatred and violence, unfolding in misogynistic and lesbophobic insults, misgendering, as well as death or rape threats. The aim and the consequences of such attacks, often orchestrated and operated in groups to maximize their effect, are to silence their voices on mainstream media, social media or in the political sphere.

The phenomena described above are part of a general trend that also involves a broad spectrum of countries in the region. There are, however, particularly worrying examples, detailed below, of

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<sup>37</sup> Galop, *Barriers Faced by Lesbian, Gay, Bisexual and Transgender + (LGBT+) People in Accessing Non-LGBT+ Domestic Abuse Support Services*. Available at: <http://www.galop.org.uk/wp-content/uploads/Barriers-Faced.pdf>.

<sup>38</sup> Galop, *Myths and Stereotypes about Partner Abuse among Lesbian, Gay, Bisexual, and Transgender (LGBT+) People*. Available at: <http://www.galop.org.uk/wp-content/uploads/Myths.pdf>.

systematic violence leading to the disruption of peaceful demonstrations and events, as well as violent attacks on social media against lesbian groups, activists and politicians.

In **Ukraine**, far-right, nationalistic groups are aggressively opposing all those who are considered to be political opponents or minorities. They physically threaten LGBT activists, Roma, feminists, and left-wing activists. Lesbian activists find themselves in the intersection of several of these categories and experience therefore heightened level of threats. Furthermore, the fact that conservative movements against gender equality unite efforts with ultra-radicals, affect the visibility and safety of women, especially of lesbians. This ideologically motivated violence and hate crimes often is not investigated by the police, which results in impunity and an increase in the number of such incidents.

Attacks on peaceful assemblies and other public events, as well as on individual activists, are constantly documented by Ukrainian activists. Far right groups engage also in group violence against LGBT activists and their allies and use social media to announce so-called “safaris” (hunting targeting specially LGBT activists). Violent attacks include the targeting of events and demonstrations dedicated to the International Women's Day, International Day Against Homophobia and Transphobia (IDAHOT) and Transgender Day of Remembrance (TDOR), as well as other feminist and LGBT public gathering<sup>39</sup>. The second European Lesbian\* Conference, held in Kyiv in April 2019, was attacked by protestors from the far right and religious groups. Ahead of the event, the hotel chosen as venue was vandalized with launch of rocks and writing of lesbophobic insults on the building, while on the day of the opening of the conference protesters gathered in front of the hotel, tried to block access and break into the premises while throwing tear gas canisters from outside.

In **Kyrgyzstan**, marches for International Women's Day have been used by feminist, lesbian and LGBTI activists to uphold also LGBTI rights. For this reason, they have object of the hostility of the public authorities and attracted violent attacks. In 2020, the authorities banned the march, citing public health concerns related to the COVID-19 pandemic. In the lack of any COVID cases recorded in the country, the activists believed that the sanitary arguments were used to rather censor their voices<sup>40</sup>. The march was subsequently authorised and held on 8 March but was attacked by a large group of masked men that forced participants to the ground and took their poster and signs. The police did not intervene to stop the aggression and instead detained 70 participants<sup>41</sup>.

In **Macedonia**, lectures on feminism that took place in the LGBTI Support Centre<sup>42</sup> and a “Lesbian Picnic” organised within the Skopje Pride Week (Macedonia)<sup>43</sup> organised by the lesbian feminist group “LezFem,” were subject to misogynistic and lesbophobic hate speech and attempts for physical violence. The events were promoted on Facebook where immediately it was “bombed” with comments including hate speech, misogyny, calls for violence and threats. Thirty minutes into the event, a group of young individuals (7-10) started gathering in the vicinity and after a while they moved closer to the participants of the lesbian picnic after which the police prevented them from approaching

<sup>39</sup> Information on Ukrainian far right activity is compiled in the report Insight NGO (2018), *Far-right groups: the threat to LGBT in Ukraine*.

<sup>40</sup> Media report of the decision here: <https://eurasianet.org/kyrgyzstan-womens-rights-march-cancelled-over-coronavirus>

<sup>41</sup> Media report of the events here: <https://eurasianet.org/kyrgyzstan-womens-march-against-male-violence-attacked-by-masked-men>

<sup>42</sup> EL\*C (2018), *Shadow Report on the level of implementation of the Council of Europe's Recommendation CM/Rec (2010)5*, page 12

<sup>43</sup> EL\*C (2018) *Shadow Report on the level of implementation of the Council of Europe's Recommendation CM/Rec (2010)5*, page 15 and Coalition Margins, *Annual Report 2015*, p. 59

completely and inspected their personal identification documents. The police notified the Picnic's participants that it was not safe to continue with the event and suggested its closure in order to prevent possible incidents. The police prevented the violence only by ending the event an hour and a half earlier and asking the participants to leave the public space, instead of asking the potential attackers to do so. Moreover, the police did not press charges against the perpetrators for the attempt of the physical violence motivated by hate or for the hate speech on social media.

In **Kazakhstan**, activist Nurbibi Nurkadilova wrote an open letter to the famous MMA fighter "Naiman" (Khuat Khamitov) that declared that LGBT people are "worse than dogs". In response, she received a wave of violent attacks by the fans of the fighter on social media and personal threat to "rape, kill, and burn" her and her partner that were reasons of great concern for the physical and emotional safety of Nurbibi<sup>44</sup>.

In **France**, Alice Coffin, a lesbian activist, journalist and politician, has been subject, since her election in the Paris City Council in 2020, to waves of lesbophobic cyber-violence and online threats initiated by the negative reactions of mainstream medias and politicians toward her political activities and toward the publication of her book titled "Lesbian genius". The intimidations consisted not only in numerous death and rape threats and in bulk of lesbophobic and misogynistic insults but also in more proactive actions such as taking photos with her during public demonstrations and posting them in far-right online forums and social media pages<sup>45</sup>. Those threats were considered serious enough to justify her being put under police protection twice in 4 months. After this negative exposure in the media, the catholic University where she taught for 8 years decided not to renovate her contract as professor, at the beginning of the academic year and without previous notice<sup>46</sup>. Judicial proceedings linked to the cyber-violence as well as her unlawful dismissal are in progress.

### 3. DISCRIMINATION AND GENDER BASED INEQUALITIES

The experience of discrimination for lesbians is influenced both by their experience of bias related to their sexual orientation and by the systematic inequality still suffered by women and people perceived or socialized as women in patriarchal society. The paragraphs below detail these specific aspects. First, this is particularly evident in certain fields, such as the health sector, where sexist and heteronormative dynamics can still influence the experience of lesbians accessing those services, especially when dealing with sexual and reproductive health. Secondly, being a woman or being perceived as one, is a crucial factor when considering the issue of socio-economic inequalities and discrimination in employment and access to work where phenomena such as gender pay gap, gender pension gap, employment in precarious jobs and in the informal economy and discrimination in the workplace affect specifically lesbians and lesbians household because of their gender in addition to their sexual orientation. Considering the increased socio-economic weakness of lesbians, legal recognition of lesbian couples and family is of crucial importance, providing legal protection and

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<sup>44</sup> An account of the events is available here:

[https://www.facebook.com/permalink.php?story\\_fbid=2686389481606571&id=1860721560840038](https://www.facebook.com/permalink.php?story_fbid=2686389481606571&id=1860721560840038)

<sup>45</sup> Information on the cyber violence against Alice Coffin has been widely reported in French media, see for example:

<https://www.sudouest.fr/2020/07/27/au-coeur-d-une-polemique-l-elue-de-paris-alice-coffin-est-placee-sous-protection-policiere-7694727-10407.php>

<sup>46</sup> Information on Alice Coffin dismissal as reported by French newspaper,

[https://www.lemonde.fr/societe/article/2020/10/08/la-catho-se-separe-de-la-militante-feministe-alice-coffin\\_6055249\\_3224.html](https://www.lemonde.fr/societe/article/2020/10/08/la-catho-se-separe-de-la-militante-feministe-alice-coffin_6055249_3224.html)

security that are less accessible via private means and expensive procedures. Finally, experience of discrimination can intersect also with the discrimination and lack of recognition based on gender identity and affect in particular the experience of trans lesbian women when accessing legal gender recognition procedures or the recognition of children in lesbian couples that include a transgender woman.

#### *Discrimination in access to health care and in the enjoyment of sexual and reproductive rights*

Because of the intersecting forms of oppression and stigmatization, lesbians have specific or higher risks in relation to their physical and mental health. Lesbians have higher rates of physical and psychiatric disorders associated with experiences of discrimination, homophobia and difficulties with coming out<sup>47</sup>. Higher risks of breast and cervical cancer (particularly, because less lesbian women experience pregnancy and breastfeeding, and use oral contraceptives) have also been reported<sup>48</sup>. Studies also show significantly higher consumption of alcohol, cannabis and tobacco among lesbian, gay and bisexual people, compared to their heterosexual counterparts, and its strong connection to psychological distress and experience of discrimination<sup>49</sup>.

However, because of the internal and external lesbophobia and heteronormative structures embedded in public health systems, lesbian women tend to attend doctors less frequently, avoid doctors when possible or hide their sexual orientation even when this information is relevant for their treatment. At the same time, medical professionals and the health care system in general do not take into account lesbian women's health needs, their sexualities and relationships.

A **German** study revealed that only 40% of lesbian respondents had revealed their sexual orientation to their doctor, including 11.9% have not disclosed their sexual orientation to physicians although it was important for examination or treatment. At that, 12.4% had actually experienced discrimination in health care system, 3.8% were denied an examination or treatment because of their sexual orientation, and 16.4% felt the need to talk about their sexual orientation and were not taken seriously by medical personnel<sup>50</sup>. A study from **Sweden** showed that women who have sex with women (WSW) had less experience of gynaecological examination and Papanicolaou smear screening. Yet, more than one-fifth of WSW had at some time had sexually transmitted infections and 12.6% reported a history of cervical atypia. This underlines the opinion that they should be advised to attend the same gynaecological check-ups and cervical screening programs as heterosexual women<sup>51</sup>.

Participants in a research on lesbian and bisexual women's experiences conducted in **Finland** described health care as being heteronormative. Their own poor experiences and those of others had a negative impact on their utilisation of healthcare services. Women had apprehensions about

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<sup>47</sup> Oliver Hirsch, Karina Löltgen, & Annette Becker (2016), *Lesbian womens' access to healthcare, experiences with and expectations towards GPs in German primary care*, BMC Family Practice 17(1), pp. 1-9.

<sup>48</sup> See e.g. Jessica P. Brown, & J. Kathleen Tracy (2008), *Lesbians and Cancer: An Overlooked Health Disparity*, Cancer Causes Control 19, pp. 1009-1020.

<sup>49</sup> See e.g. Richard Bränström, John E Pachankis (2018), *Sexual orientation disparities in the co-occurrence of substance use and psychological distress: a national population-based study (2008–2015)*, Social Psychiatry and Psychiatric Epidemiology 53(4), pp. 403-412.

<sup>50</sup> Oliver Hirsch, Karina Löltgen, & Annette Becker (2016), *Lesbian womens' access to healthcare, experiences with and expectations towards GPs in German primary care*, BMC Family Practice 17(1), pp. 1-9.

<sup>51</sup> Lena Moegelin, Bo Nilsson, & Lottie Helström (2010), *Reproductive health in lesbian and bisexual women in Sweden*, Acta obstetricia et gynecologica Scandinavica, 89(2), pp. 205-209.



encountering stereotyping in health care and did not always disclose their orientation, even though recognising it would be integral to the provision of holistic health care. Lesbian and bisexual women wished that health care would refrain from heteronormativity, acknowledge issues that were important to them and engage with them without any prejudgement<sup>52</sup>. A survey of health practitioners conducted in **Portugal** indeed identified heterosexism on issues such as same-sex marriage and reproduction, and the lack of professional knowledge in dealing with non-heterosexual patients, despite the consensual discourse on the necessity of non-discriminatory practices<sup>53</sup>.

Some evidences provided by lesbian and bisexual women include:

- *I went to see a nurse and she asked if I had a boyfriend. When I said no, she just said that in that case, sexually transmitted disease prevention guidance was not a current need for me. At that time I was dating a girl<sup>54</sup>.*
- *To talk about poor experiences, let's say gynecological visits. There have been occasions where the doctor has refused to believe I do not have sex with men<sup>55</sup>.*
- *I needed to search for information by myself because the health care personnel were not able to offer the information I needed related to STD prevention<sup>56</sup>.*

In addition, in some countries women-specific health care is still not accessible universally. For instance, in **Switzerland**, only one STD test (costs approx. 500 CHF) and one preventative gynecological check-up in three years is covered by basic health insurance (already paid by a woman herself, approx. 400-500 CHF per month). Because lesbian women are generally more vulnerable economically, especially when additional factors such as migrant status or disability take place, this presents a significant barrier to crucially important health services.

Among the recommendations to improve accessibility of health care system to lesbian women are: “discrimination-free zone” signs; the use of appropriate language (for example, gender-neutral term); professional training courses on specific needs of lesbian women for medical professionals; and involvement of lesbian women and organizations in planning, implementing, and assessing health programs<sup>57</sup>.

Crucially, the data on the topic are still quite fragmented. As part of the broader report on *The State of lesbian organizing and the lived realities of lesbians in the EU and the accession countries*, the EL\*C conducted in 2020 an analysis of the **representation of lesbians in health-related research** on LGBTI population at a global level finding that out of the 230 health-related reviews, 51% (118) focused exclusively on gay, bisexual, and other non-heterosexual men. Another 40% (93) focused on mixed

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<sup>52</sup> Jenni Ija Ilona Soinio, Eija Paavilainen, & Jari Pekka Olavi Kylmä (2020), *Lesbian and bisexual women's experiences of health care: "Do not say, 'husband', say, 'spouse'"*, Journal of clinical nursing, 29(1-2), p. 98.

<sup>53</sup> João Manuel de Oliveira, Maria Joana Almeida, & Conceição Nogueira (2014), *Exploring Medical Personnel's Discourses on the Sexual Health of Lesbian and Bisexual Women in Greater Lisbon, Portugal*, Revista colombiana de psicología, 23(2), pp. 297-309.

<sup>54</sup> Jenni Ija Ilona Soinio, Eija Paavilainen, & Jari Pekka Olavi Kylmä (2020), *Lesbian and bisexual women's experiences of health care: "Do not say, 'husband', say, 'spouse'"*, Journal of clinical nursing, 29(1-2), pp. 94-106.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid, p. 99.

<sup>57</sup> Oliver Hirsch, Karina Löltgen, & Annette Becker (2016), *Lesbian womens' access to healthcare, experiences with and expectations towards GPs in German primary care*, BMC Family Practice 17(1), pp. 1-9; João Manuel de Oliveira, Maria Joana Almeida, & Conceição Nogueira (2014), *Exploring Medical Personnel's Discourses on the Sexual Health of Lesbian and Bisexual Women in Greater Lisbon, Portugal*, Revista colombiana de psicología, 23(2), pp. 297-309.

populations, and only 8% (19) on lesbian, bisexual, and other non-heterosexual women<sup>58</sup>. Additionally, the analysis found out that European research including lesbians is predominantly conducted in very few countries, that are very progressive countries (United Kingdom, Sweden and the Netherlands) in terms of social acceptance and legal recognition of LGBTI people. The situation is even worse in **Eastern Europe and Central Asia**. For example, a search of “lesbian gynecologic” (in English) on scholar.google.com provides more than 4’000 articles on research studies (mostly from the United States but also from other regions, including Western Europe). The same search in Russian (“лесбиянки гинеколог”) gives only 133 results, neither of them about studies of lesbian women’s health or experience in health care system in countries from Eastern Europe or Central Asia.

#### *Socio-economic impact of discrimination and gender based inequalities for lesbian households*

Lesbian couples and families are doubly affected by phenomena such as gender pay gap and gender pension gap, resulting in a generally lower household income for female same-sex couples than for different-sex couples and in more precarious situations especially in the old-age. The risk of discrimination and stigma constitutes also a barrier in joining and staying in the jobs market and affects the employment status of lesbians that reported a **20% discrimination rate in the EU LGBTI Survey 2013**. This data is confirmed with the same numbers in the 2020 EU LGBTI Survey<sup>59</sup>. Discrimination put lesbians at a higher risk of poverty. For example, employer discrimination against lesbians can result in lower wages, even if they have the same qualifications as heterosexual women. This is further evident in lesbian families, in which the total household income is less than the total household income of heterosexual families, resulting in higher poverty rates, in comparison to heterosexual couples. Risk of poverty is even higher for lesbian households with children<sup>60</sup>.

The socio-economic impact of the intersectional position of lesbians is particularly relevant when considering the experience of older lesbians. In this case, the situation is worsened not only because lower wages result in lower pensions and a more precarious situations, but also because, due to social stigma and experience of violence, older lesbians might not have maintained ties with relatives and could find themselves deprived of these means of support. Moreover, discrimination and stigma generally affect negatively the access to stable housing and reliable access to health care for lesbians, with particularly damaging consequences when considering more vulnerable categories of lesbian in the old age<sup>61</sup>.

So-called “anti-propaganda” laws prohibiting dissemination of information on same-sex relations or LGBT people, have affected lesbians in a particular way. In **Russia**, the adoption of such laws lead to harassment campaigns organized by anti-LGBT groups. They were looking for LGBT persons and activists working in the educational sphere, collected their “dossiers” using information from their social media, and then sent them to school management and public education authorities<sup>62</sup>. Because

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<sup>58</sup> EL\*C (2020), *The State of lesbian organizing and the lived realities of lesbians in the EU and the accession countries*, page 22.

<sup>59</sup> EU LGBTI 2019 Survey dataset available here: <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

<sup>60</sup> EL\*C (2020), *The State of lesbian organizing and the lived realities of lesbians in the EU and the accession countries*, page 30

<sup>61</sup> See for example data concerning United Kingdom in the report from Stonewall [https://www.stonewall.org.uk/system/files/LGB\\_people\\_in\\_Later\\_Life\\_2011.pdf](https://www.stonewall.org.uk/system/files/LGB_people_in_Later_Life_2011.pdf)

<sup>62</sup> See e.g. Human Rights Watch (2014), *License to Harm: Violence and Harassment against LGBT People and Activists in Russia*, pp. 71-75. Available at: [https://www.hrw.org/sites/default/files/reports/russia1214\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/russia1214_ForUpload.pdf)

education is still considered a “women’s” business in Russia, and the majority of school teachers are women<sup>63</sup>, such anti-LGBT campaigns affected lesbian women particularly hard.

A very illustrative case is the one of A.K., a lesbian teacher fired from a school in Saint Petersburg in 2014. In December 2014, Special School No. 565 (a school for children with special needs) in St. Petersburg fired A.K., a music teacher, after the school director and the district administration received information about the woman's private life. Someone calling themselves Timur Isayev known for harassment of teachers who support the LGBT community had collected this information in social media and disseminated it. After receiving information about the teacher from Timur Isayev, the administration notified the teacher that her sexual orientation was incompatible with working in the school—even though before the incident, the teacher had not been open at the workplace about her personal life. The school director gave her a choice between voluntary resignation and being fired with a negative record in her employment history. The woman refused to resign of her own accord, and the director fired her based on Article 81, para 8, of the Russian Labor Code (making it legal to dismiss "an employee performing educational functions if they commit an immoral act incompatible with continuing this type of work"). In firing the teacher, the director emphasized on many occasions that he had no problems with A.K.'s performance as a teacher, but that he was under strong pressure from the authorities and had to let her go<sup>64</sup>. After the exhaustion of domestic remedies, A.K. applied to the European Court of Human Rights who communicated it to the Russian government<sup>65</sup>.

#### *Impact of the legal recognition of lesbian couples and lesbian families*

Lesbians’ lives are shaped by their home country’s legal landscape in profound ways especially for what concerns the access to legal partnership options. The possibility of accessing legal recognition for same sex couples and families is particularly important for lesbians, that being more exposed to socio-economic weakness derived for systemic gender inequalities are less likely to have access to private means of protection, while recognition of the family and the parental relationship with the social mother have a positive impact on children growing up in lesbian relationship. In 34 countries in Europe there is the possibility to access legal partnerships for same sex couples through marriage or registered partnership with similar rights to marriage. On the other hand, assisted reproductive technologies are accessible to lesbians in 14 countries as couples and in 26 countries as singles while joint adoption is possible in 17 countries and second-parent adoption is available in 19 countries<sup>66</sup>. Qualitative investigations from **Italy, France, and Germany, Austria, and Switzerland**, elucidate that legal recognition impacts positively on lesbian and other non-heterosexual women’s life trajectories and choices<sup>67</sup>. Furthermore, the legal recognition of lesbian families can have a positive impact on their children, for example a quantitative comparison between children of lesbian couples in the US (before marriage legislation at federal level) and the **Netherlands** shows that Dutch children were

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<sup>63</sup> See e.g. Share of women employed in the education sector compared to the economy as a whole in Russia from 2000 to 2017. Available at: <https://www.statista.com/statistics/1130508/share-of-women-employed-in-education-russia/>

<sup>64</sup> See e.g. List of issues related to the discrimination and violence against women who use drugs, sex workers, lesbian and bisexual women and transgender people in Russia: Submitted for the consideration of the 8th periodic report by Russian Federation for the 62d Session of the Committee on the Elimination of all forms of discrimination Against Women (CEDAW), January, 2015, p. 8. Available at:

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT\\_CEDAW\\_NGO\\_RUS\\_19228\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT_CEDAW_NGO_RUS_19228_E.pdf).

<sup>65</sup> ECtHR, *Krupnova v Russia*, application No. 49014/16. Available at: <http://hudoc.echr.coe.int/eng/?i=001-178827>

<sup>66</sup> Data available in ILGA Europe Rainbow Index 2020 at: <https://www.ilga-europe.org/rainboweurope/2020>

<sup>67</sup> Data collected in EL\*C (2020), *The State of lesbian organizing and the lived realities of lesbians in the EU and the accession countries*, page 29

significantly more likely to be open about their mothers' sexual orientation and reported significantly less bullying than their American peers<sup>68</sup>.

On the other hand, to form or protect their families and partnerships in the absence of legal recognition, lesbian and other non-heterosexual women have to draw up legal documents themselves, negotiate individually with local authorities (e.g., during hospital visits), rely on care networks outside of heteronormative living arrangements, or resort to law evasion (e.g., travelling to another country for access to assisted reproductive technologies). As all of these counteractions are costly, lacking legal recognition impacts lesbian and other non-heterosexual women in economically precarious conditions the most, as they are excluded from taking those actions. Lacking legal recognition also impacts lesbian and other non-heterosexual women emotionally, by eliciting feelings of invisibility, being a second-class citizen, stress, and concerns for their partners' or children's material security<sup>69</sup>. Furthermore, this lack of recognition has a negative influence on access to different social protection measures such as work-life balance measures, family pensions, tax benefits and social protection measures. In **France**, for example, the so-called equal marriage law was adopted in 2013, together with the right for same-sex couples to adopt, but single women and lesbian couples were not granted to the right to build their families through assisted reproductive technologies. In countries such as **Czech Republic, Cyprus and Italy** a woman living in a registered partnership together with her partner cannot legally request artificial insemination while this is possible for women in heterosexual marriages or in heterosexual partnership<sup>70</sup>. In this situations, lesbian couples might resort to costly procedures in private clinics or in other countries while the legal vacuum force the social mothers to adopt their own children through lengthy and uncertain court proceedings (in the countries where second-parent adoption is available) or simply not being legally recognised as parent. This uncertain legal situation is particularly damaging for lesbian families and leads to situations in which the social mothers might be separated from their children following a divorce or the death of the biological mothers. Finally, even in countries where legal recognition of children is possible, additional difficulties are imposed on lesbian families where the child was born in countries that do not ensure such legal recognition, leading often to the impossibility of register both mothers as parents, with particular damaging consequences in case of migrants, refugee and asylum seekers<sup>71</sup>.

### *Specific forms of discrimination impacting trans lesbian women*

Trans lesbian women are subjected to intersectional discrimination because of their gender, gender identity and sexual orientation. Yet, there is almost no data on this. One of the problems of that kind is legal gender recognition procedures that involve heterosexuality as a criteria to establish diagnosis and, consequently, have access to trans-related health care and change of documentation<sup>72</sup>. Another example is that in countries where lesbians have access to ART and filiations procedures, the rules are still cisnormative and they exclude trans women having cis female partners from its scope. For

<sup>68</sup> Bos, H. M., Gartrell, N. K., van Balen, F., Peyser, H., & Sandfort, T. G. M. (2008). *Children in planned lesbian families: A cross-cultural comparison between the United States and the Netherlands*. *American Journal of Orthopsychiatry*, 78(2), 211–219.

<sup>69</sup> EL\*C (2020), *The State of lesbian organizing and the lived realities of lesbians in the EU and the accession countries*, page 29

<sup>70</sup> EL\*C (2018), *Shadow Report on the level of implementation of the Council of Europe's Recommendation CM/Rec (2010)5*, page 16

<sup>71</sup> Cases in this sense are collected for example in **Spain** by the lesbian group Grupo Lesbico Feminista Artemisa, Refugiada y Migrante

<sup>72</sup> See e.g. О некоторых вопросах изменения и коррекции половой принадлежности [On some issues concerning change and correction of sex]: Order of the Ministry of Health of the Republic of Belarus of 9 December 2010 No. 163. Available at: <https://pravo.by/document/?guid=3871&p0=W21023106>

instance, A.K. (a birth mother of the child) and I.K. (a biological mother of the child, a trans woman), faced troubles while trying to register her child in the **United Kingdom**. The 2008 Human Embryology Act currently has three parenting designations: mother, father and parent. Parent is only assigned to a cisgender woman who is in a civil partnership with another cisgender woman but not a birth parent. Everyone else has to be designated as a 'mother' in case of giving birth, or 'father' otherwise. In the case of A.K. and I.K., both parents wanted to be designated as gender neutral parents but were refused due to limitations of the Human Embryology Act. The General Register Office asked highly intrusive inappropriate questions about their personal lives and I.'s transition, such as when she felt as a woman for the first time, whether she identified as a woman at the time of child's conception, etc<sup>73</sup>.

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<sup>73</sup> EL\*C (2018), *Shadow Report on the level of implementation of the Council of Europe's Recommendation CM/Rec (2010)5*, page 16

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