

# Domestic and Dating Violence Against LBT Women in the EU

Edited by Giacomo Viggiani



Bleeding Love: Raising Awareness  
on Domestic and Dating Violence Against  
Lesbians and Transwomen in the European Union



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DOMESTIC AND DATING VIOLENCE  
AGAINST LBT WOMEN IN THE EU

EDITED BY

GIACOMO VIGGIANI

*Bleeding Love: Raising Awareness on Domestic and Dating Violence Against Lesbians and Transwomen in the European Union*

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## INTRODUCTION

*Giacomo Viggiani\**

*Immodest creature, you do not want a woman who will accept your faults, you want the one who pretends you are faultless – one who will caress the hand that strikes her and kiss the lips that lie to her.*

George Sand, Letter of 17 June 1837

What rights do I have as a lesbian, bisexual or trans\*sexual (LBT) victim of domestic and dating violence? How do I know if I am in an abusive relationship with my female same-sex partner? How can I stop her? By providing an answer to these questions, the present study aims to deepen the knowledge and understanding of the nature of domestic violence involving female same-sex partners and dating violence against trans\*women and related issues in some of the jurisdictions of the European Union, namely Bulgaria, Belgium, Croatia, Hungary, Italy, Lithuania, Portugal, and United Kingdom. The book also aims to provide an overview of the way these jurisdictions address domestic violence and dating violence in the LBT community.

The study has three main objectives: firstly, it looks at the causes of violence and the manner in which such violence is manifested. In this case, particular attention has been directed at analysing whether there are differences in the definition of domestic and dating violence in the selected jurisdictions, and what are the peculiarities of domestic violence between female same-sex partners and dating violence against trans\*women. Secondly, it considers good practices – if any – which are in place in the countries analysed, and who is concerned with tackling domestic and dating violence. Finally, attention is given to providing a first set of data on these topics and to enable subsequent research in the European Union.

Lesbian, bisexual and trans\*women are often victims of violence and various forms of abuse by partners in and outside of family life, as reported by the limited literature available (Ard and Makadon, 2011; Brown, 2008; Peterman and Dixon, 2003). In particular, it has been shown that the elements that give rise to episodes of domestic and dating violence are similar for both different-sex couples and same-sex couples, as well as the emotional elements, such as fear, frustration, and shame (Serra, 2013). However, recent studies show that rates of violence are higher for those who identify as transgender (Seelman, 2015) and the presence of these topics in political and social debate remains scarce. These elements reveal how intimate violence between female partners and against trans\*women is often underestimated in the public consciousness.

Although more recent attempts – such as the Italian research *Eva contro Eva* in 2011<sup>1</sup> – have been made to integrate the limited literature available with empirical data regarding issues as such as internalised homophobia, minority stress, stereotypes related to

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<sup>1</sup>[www.evacontroeva.it](http://www.evacontroeva.it), viewed 13 November 2015.

sexual orientation and other difficulties that might arise when dealing with intimate violence between female same-sex partners and dating violence against trans\*women, nevertheless the European perspective is not yet adequately developed, except for in some countries, such as the United Kingdom. Therefore, the present study wants to fill a significant gap in the literature on this topic and break the silence, which shrouds this neglected research topic.

In doing so, the book responds to the prevention of violence by national and European legislators. The research falls within the scope of the Resolution 1582 (2007) on combating domestic violence against women, Resolution 1697 (2009) on the risk of domestic violence for migrant women, and Committee of Ministers' Recommendation Rec(2002)5 on the protection of women against violence. The study has been conceived starting from the consideration of four common needs at the European level to: 1) gather information on domestic violence between female same-sex partners and dating violence against trans\*women; 2) improve knowledge regarding specific issues and characteristics of intimate violence against these specific two groups of women; 3) collecting case-law and good practices on domestic violence between female same-sex partners and dating violence against trans\*women; 4) provide an awareness raising campaign on this topic.

### **Bleeding Love: Raising Awareness on Domestic and Dating Violence Against Lesbians and Transwomen in the European Union**

The research, which led to this book and the book itself, represent core activities implemented within the project *Bleeding Love: Raising Awareness on Domestic and Dating Violence Against Lesbians and Transwomen in the European Union*. The project, which has been co-financed by the DG Daphne of the European Commission, started in February 2015 and will end in February 2016. More information can be found on [www.bleedinglove.eu](http://www.bleedinglove.eu).

Two main aspects were taken into consideration while selecting the countries to be studied. A first, main consideration has been given to geographical position in order to cover as many as possible European areas: Italy in the South, Portugal in the West, Belgium, United Kingdom and Lithuania in the North, Bulgaria and Hungary in the East and Croatia in the Balkans. Secondly, attention has been focused on the national legislation regarding the rights of LBT persons, in order to have a complete overview from full recognition of rights to a total lack of any recognition. Finally, Croatia was chosen since it has only recently become part of the European Union and little is known about the way lesbian, bisexual, and trans\*women are protected from intimate violence there.

The expected results of the project are: first, comparative research analysing good practices regarding domestic and dating violence adopted by Member States, NGOs and other organisation; second, an awareness raising campaign supported by a publication for citizens, a blog where people are able to share experiences of violence, a Twitter profile where people can report episodes of violence; third, a European photo competition with a specific website, and two videos conceived as awareness raising advertising on domestic violence between female same-sex partners and dating violence against trans\*women; fourth, one two-day international final conference and related conference proceedings.

Overall, the project advances the knowledge of domestic violence between female same-sex partners and dating violence against trans\*women. Moreover, it contributes to raising awareness among women themselves and preparation among judges, lawyers, law enforcement agencies, health and social workers and NGOs with respect to this topic, paying attention to the differences between ciswomen and trans\*women, and between domestic and dating violence. In addition, the project as a whole has positive effect for the entire legal and social systems of the jurisdictions where the partners of the project operate, by raising awareness and promoting new, specific policies as a consequence.

### **Methodology**

The methodology underpinning the research for this study has been mainly qualitative and based on a collection of the available literature on domestic violence between female same-sex partners and dating violence against trans\*women in Italy, United Kingdom, Hungary, Bulgaria, Croatia, Portugal, Belgium, Lithuania, during the time under consideration, namely March and October 2015. Depending on the jurisdiction analysed, data has been obtained from various sources and has relied on: domestic and dating violence, legal and social literature, where available; legislative developments on domestic violence and on violence against LBT persons; collections of case law, if any, involving domestic or dating violence; collections of best practices by associations or public authorities; and other informal accounts of cases. Data collected from written sources and scientific literature has been complemented and expanded by structured interviews with lesbian, bisexual, trans\*women, and with various professionals, such as lawyers, law enforcement agencies, health and social workers. The research has been completed by field observations conducted in the selected jurisdictions during the aforementioned period.

The research began with a collection of the available literature in the selected jurisdictions, which provides an understanding of the legal and social framework, and academic discourses on domestic and dating violence within those jurisdictions. Depending on the country examined, texts of laws, legal acts and statutes, case law, and jurisprudential writings have been collected in various libraries and archives and analysed for the purposes of this study. Other material and reports found in local newspapers, in movies and TV programmes, and issued by NGOs on their websites or during public demonstrations or conferences have also been collected.

Each partner has considered the legal and social framework and literature on this topic in his/her own jurisdiction, paying attention to distinguishing between domestic and the dating violence, and between ciswomen and trans\*women. As far as the analysis of domestic violence has involved different-sex partners where the female partner finds herself to be lesbian or bisexual, a first step has been to analyse the influence of homosexuality as a source of violence and if the case-laws of the jurisdiction took it into consideration. Regarding dating violence, this is usually defined as the perpetration or threat of an act of violence by at least one member of an unmarried couple on the other

member within the context of dating or courtship<sup>2</sup>. However, in this study we aimed mainly at investigating a very special case of dating violence, namely the violence perpetrated by clients, often reported by trans\*women who are also sex-workers. The decision to address only this specific issue concerning trans\*women relies on the willingness to investigate a topic which has not been developed by the literature, even though trans\*women experience high rates of abuse (Roch, 2012) and episodes of violence by clients are reported daily in newspapers.

Data obtained from documentary sources have been completed and supported by additional information from structured interviews. Three structured questionnaires, one for domestic violence, one for dating violence, and one for professionals were devised in order to guide the interviews. Depending on the local framework, the country researcher has personally made contacts with Associations supporting LBT; Public Authorities, Women's Resource Centres, Law Enforcement Agencies, or Bar Councils. Although the interviews were structured and based on a pre-determined list of questions, each interviewer was given the permission to ask further questions and record comments, and to focus on special and new issues not foreseen at the planning stage, but of interest to the study. At the same time, those interviewed were left free to decline to answer any questions he/she didn't wish to, or, if he/she didn't wish to continue, to stop the interview at any time. Moreover, he/she was allowed to ask questions or make observations regarding the course of the interview at any point during the conversation. Each interview was audio-taped with the respondent's permission and then transcribed into written text when necessary, in order to evaluate and analyse the data obtained from a qualitative point of view.

### **Structure of the Book**

The book is divided into nine chapters. The first chapter introduces the reader to discourses regarding the nature, features, psychological development and issues concerning intimate violence in female same-sex couples. The following eight chapters present the findings of the research in each of the jurisdictions involved in the project. Each Chapter is divided into several sections which first introduce the reader to the legal framework – if any – on preventing or combating domestic violence between female same-sex partners and dating violence against trans\*women, after which it moves on to analyse the interviews from a qualitative perspective and concludes with field observations. The book is completed with a useful glossary on the most recurring terminology.

### **Summary of the Findings**

- The lack of legal recognition of same-sex couples as “family” in some European jurisdictions has a direct impact on the effectiveness of law on domestic violence. The lack of a clearly defined sex reassignment procedure in some countries also exposes trans\*women to recurring discrimination.

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<sup>2</sup>See for example the definition provided by the National Center for Victims of Crime ([www.victimsofcrime.org](http://www.victimsofcrime.org), viewed 15 November 2015) or by the Office on Women's Health ([www.womenshealth.gov](http://www.womenshealth.gov), viewed 15 November 2015).

- Domestic violence between female same-sex partners includes: battering, recurring verbal aggression which most often consisted of insults, raging fits, intimidation and threatening behaviours, financial control, constant jealousy, limiting access to family and/or friends, and whether and how to have an open relationship.
- The recourse to law enforcement agencies by both ciswomen and trans\*women is limited. The reasons for this restricted use include; limited knowledge about the legal framework or rights, fear of being discriminated against, desire to protect privacy regarding sexual orientation or gender identity and lack of trust in the legal system.
- Trans\*women sex workers often experience abuses committed by the police along with a lack of respect from the health and social workers.
- Couples therapists, psychologists and counsellors are often unprepared to address intimate violence between female same-sex partners and against trans\*women. Biases are also widespread.
- In the majority of the jurisdictions analysed, there are no specific guidelines for professionals in relation to domestic violence between female same-sex partners and dating violence against trans\*women.
- There is a general lack of informative and relevant materials focusing on intimate violence among or against LBT people.
- The fieldworks show that LBT women in the East European countries experience a higher levels of hostility from both the wider society and public authorities.

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## INTIMATE VIOLENCE IN SAME-SEX RELATIONSHIPS

*Arianna Petilli\**

### **Definition and Types of Abuse**

We usually refer to the abuse that a man enacts against his female partner when we speak about the violence occurring within a couple. There are indeed many rigid stereotypes that continue to spread the idea that only a man can be the aggressor and only a woman can be the victim of abuse in a violent relationship. It is difficult to accept that violence can also occur in same-sex couples. Nevertheless, many scientific studies show that the rates, features and ways in which the physical and psychological violence happens within lesbian and gay couples are comparable to those of heterosexual ones (Brown 2008; Peterman & Dixon 2003). It is therefore crucial to shed light on a phenomenon still so hidden, in order to increase our knowledge and provide an adequate level of support to victims.

Before describing same-sex abuse, we need to understand what domestic violence is and what are the ways in which it happens and through which we can recognise it.

The term “domestic violence” includes all those violent and coercive behaviours through which one partner tries to intimidate, dominate and control the other member of the couple (Neilson 2004). Usually, such behaviours do not exclusively consist in physical acting out but the abusers usually use strategies of psychological, sexual and social abuse in order to attack the victims. The following table summarises the main types of abuse behaviours that can take place in an intimate homosexual relationship (Peterman & Dixon 2003).

<i>Type of abuse</i>	<i>Behaviours</i>
Physical abuse	Punching, shoving, slapping, biting, kicking, using a weapon against partner, throwing items, breaking items, pulling hair, restraining partner
Emotional/verbal abuse	Putting partner down, calling names, criticising, playing mind games, humiliating partner, making partner feel guilty, reinforcing internalised homophobia
Financial dependency	Keeping partner from getting a job, getting partner fired from job, making partner ask for money or taking partner’s money, expecting partner to support them
Social isolation	Controlling who partner sees and talks to and where partner goes, limiting partner’s involvement in gay and lesbian community
Sexual abuse	Forcing partner to perform sexual acts that are uncomfortable to him or her, engaging in affairs, telling partner he or she asked for the abuse, telling partner what to wear, accusing partner of affairs, criticising sexual performance, withholding

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\* Psychologist, Istitute Miller.

	affection
Minimising/denying	Making light of abuse, saying abuse did not happen, saying the abuse was mutual, blaming partner for the abuse
Coercion/threats/intimidation	Making partner afraid by looks or gestures, destroying property, hurting pets, displaying weapons, threatening to leave, take children or commit suicide, threatening to reveal homosexuality to community, employer, family or ex-spouse

The reason why the perpetrators resort to the systematic use of such violent behaviours is to exercise a general control over their victims in order to transform them into an object without identity, completely at the mercy of their power (Johnson 2001; Letellier 1994; Renzetti 1992; Rohrbaugh 2006). Unfortunately, they are able to achieve this goal because, with time, the constant exposure to the manipulative strategies of the partner induce the victims to doubt the correctness of their thoughts, emotions and behaviours. As a consequence, the victims become confused, afraid and increasingly dependent on their abuser.

The hidden motivation behind such violent behaviours makes clear that the key element of the abuse is control and not strength as it was once believed. Historically, domestic violence has been conceptualised as a gender issue, as the result of the patriarchal traditions that promoted male domination over women (Johnson 1995). Domestic violence was thereby considered as a problem for only heterosexual women who were involved in a romantic relationship with heterosexual men (Jeffries & Ball 2008). The discovery of same-sex battering challenges this belief and shows that violence can happen in any type of relationship, regardless of gender or sexual orientation (Rohrbaugh 2006). In fact, an increasing amount of research shows that not only are same-sex couples violent as much as heterosexual ones but that the similarities between heterosexual and homosexual abusive relationships are greater than the differences (Brown 2008; Dickens 2014; Elliott 1996; Walsh 1996; Wise & Bowman 1997).

Violence in lesbian and gay relationships is a relatively new area of research. However, as Stanley et al. (2006) remind us, the few available studies suggest that, with regard to gay couples, violence occurs in 21–50% of relationships (Kelly & Warshafsky 1997; Landolt & Dutton 1997; Waldener-Haugrud, Gratch, & Magruder, 1997), which is comparable to rates reported in heterosexual couples (Burke & Follingstad 1999). The phenomenon seems so prevalent among gay males to induce some authors to claim that intimate partner abuse is the third largest problem that gay men face today, second only to substance abuse and AIDS (Peterman & Dixon 2003).

The frequency of domestic violence in female same-sex relationships is also similar, with ranges from about 25% to 50% (Alexander 2002), results which lead us to conclude that lesbians are affected by intimate violence at rates similar to heterosexual women (Owen & Burke 2004). Same-sex battering is also characterised by the same types of physical, psychological and social violent behaviours found in the abusive heterosexual relationships (Peterman & Dixon 2003). However, there are two unique features that set them apart (Balsam & Szymanski 2005; Dickens 2014; Rohrbaugh 2006). The first is the threat of “outing”, or actually revealing the victim’s sexual orientation to work colleagues,

family and friends. The second is represented by the extreme isolation that the homosexual victims may already experience due to their sexual orientation. Generally, perpetrators seek to isolate their victims from family and friendship support as a mechanism for exerting further control. In abusive homosexual couples, the batterer could benefit from the isolation that the victim may already experience because she/he is not publicly revealed as homosexual.

### **The Cycle of Violence**

Domestic violence is characterised, in both same-sex and heterosexual relationships, by an ongoing coercive control that one partner tries to exercise against the other using psychological, physical and sexual abusive behaviours (Donovan et al. 2006).

Research has identified an additional similarity between heterosexual and homosexual violent couples that is represented by the cyclical nature of the violence (Jeffries & Ball 2008). In fact, in these abusive relationships it was observed that every violent incident is followed by what is referred to as a “honeymoon” phase, during which there is no violence and the perpetrator encourages the victim to believe that the abuse will end (Walker 1979). Unfortunately, contrary to the promises of the violent partner, with time the violence will increase in frequency and intensity. In fact, each “honeymoon” phase is followed by a tension-building phase which ends with another act of violence and the cycle begins again (McClennen et al. 2002).

Usually, the cyclical nature of the abuse and the ambivalent way through which the perpetrator try to manage it, hinders the victim’s ability to recognise that his/her couple relationship is violent. In fact, while at the end of each attack the violent partners tend to ask for forgiveness, to be romantic and to promise that the violent incident will not be repeated, on the other hand they accuse the victims for their own violent behaviours, asserting that their violence is a consequence of the victim’s mistakes. The problem is that the victims often feel guilty for the violence that they experience because, with time, the aggressors have acted against them so many manipulative strategies, which have compromised their ability to objectively assess the situation and to understand the need to ask for help. In other words, the victims take on the responsibility for the abuse that they experience.

Therefore, for a long time, victims mostly believe that the violence is an isolated incident, a one-time mistake. They also take responsibility for the violence and they tend to forgive their perpetrators. When they finally understand that the situation will never change, they try to stop the cycle of violence in which they feel trapped.

### *Why They Stay*

As we have just seen, recognition of being trapped in a violent relationship is never an automatic process. Victims often do not recognise the violence that they experience except when this has become a regular practice, the systematic way in which the partner acts within the couple.

Creating distance from the abuser is also difficult due to the violence that often characterises the end of the relationship. In fact, for many heterosexual and homosexual

victims leaving an abusive relationship does not represent the end of the abuse but may even escalate it. Post separation abuse is often characterised by continuing contact through messages, email and telephone calls, through frequent ambushes at home and at the workplace, at pubs and clubs frequented by the victim, through episodes of physical violence and death threats (Donovan et al. 2006). The attackers absolutely do not want to give up “their” victims. Unfortunately, this rapprochement is often hard to resist especially because the victims are worried about their health. This will block them into a pathological relationship from which it will be increasingly difficult to escape.

Finally, homosexual victims, just like heterosexual ones, might stay with their abusers out of love, loyalty, financial dependence, religious beliefs and because of children (Peterman & Dixon 2003).

However, for victims whose perpetrators are partners of their same-sex, there are other reasons that may hinder their ability to leave and denounce their abusers and that are linked to gender role stereotypes about domestic violence and to social and internalised homophobia (Brown 2008).

### **Same-sex Domestic Violence Myths**

Domestic violence occurs in the gay and lesbian community with the same frequency as with heterosexual couples (Balsam 2001; Seelau, Seelau, & Poorman, 2003). Despite this, few empirical studies have focused on the phenomenon of same-sex partner abuse (Brown 2008).

The lack of knowledge is surely influenced by gender role messages that have created myths about intimate partner abuse and about who can be the victim and who the perpetrator of domestic violence (Brown 2008). In fact, in the collective imagination the aggressor continues to be identified in a male individual while the victim continues to be recognised in a woman. As a result, we tend to exclude the possibility that a homosexual relationship can be violent or, even when recognised as such, we underestimate its severity, considering that the violence suffered by a man, or one perpetrated by a woman against her partner, is not as dangerous as the violence that a woman suffers from a man.

Some of the more common myths about domestic violence are as follows (Brown 2008; Chan 2005):

- only females can be victims and only males can be perpetrators;
- same-sex partner abuse is not as severe as when a woman is battered by a man;
- because the partners are of the same gender it is mutual abuse with each perpetrating and receiving equally;
- is not violence when a same-sex couple fights, it is just a lover’s quarrel;
- the perpetrator must be the ‘man’ or the ‘butch’ and the victim must be the ‘woman’ or the ‘femme’ in emulation of heterosexual relationships.

The idea that violence is an issue of physical strength is so pervasive that we are led to believe that, in a homosexual relationship, the abuser is the masculine partner and the victim is the feminine partner. However, researchers of same-sex relationships have not

confirmed this belief, showing that the victim is often similar to the aggressor in terms of physical size and strength (Renzetti 1992).

The problem comes from the fact that we forget to consider that control, and not physical strength or biological gender, is the key element of the abuse. Domestic violence is fundamentally a power issue, it is a pattern of behaviours designed to control another (Walker 2000). Consequently, women as well as men, homosexuals as well as heterosexuals, are capable of abuse (Peterman & Dixon 2003).

The homosexual community has played an important role in the spread of these myths including the idea that same-sex couples are much more egalitarian and not violent, in an attempt to counter the homophobic stereotype that considers same-sex couples as wrong, pathological and immoral (Brown 2008). In this way, however, the problem of same-sex battering continues to be hidden, denied and poorly studied. The result is that the victim is left alone to manage the violent relationship, increasing the climate of loneliness that, usually, already characterises the life of homosexual people.

The traditional gender roles have created many myths that influence the way in which domestic violence is seen and studied and that lead us to ignore the possibility that a homosexual couple can be violent or, at best, to believe that heterosexual abuse is more serious and more in need of intervention than that suffered by homosexual couples.

As well as affecting our understanding of same-sex battering, these myths also create barriers for gay and lesbian victims regarding help-seeking behaviours (Brown 2008). In fact, even the homosexual victims themselves could have internalised these gender role stereotypes regarding domestic abuse, and this could produce difficulties in recognising the violence that characterises their couple relationship (Lewis et al. 2012). In particular, the belief that women are innately nonviolent and that a man is always able to defend himself, could interfere with the victim's ability to understand the partner's behaviour in terms of a real abuse. In a study of 52 lesbians involved in a violent relationship, although many of them referred to abusive behaviours by their partner, the belief that girls do not hit other girls was so strong that they were unable to conceive of their relationship as an abuse (Hassouneh & Glass 2008). On the contrary, because of their difficulty to believe that a woman can be violent, they interpreted the acts of physical violence that they suffered as mere quarrels (Hassouneh & Glass 2008).

Obviously, if victims do not recognise their couple relationship as violent, they will not be motivated to seek help.

At the same time, the belief that a woman can only be abused by a man could hinder the ability of some police officers to identify the violent nature of a homosexual relationship or who is the victim in this abusive couple (Brown 2008; Dickens 2014). The risk is that, by trivializing the situation, they do not activate the necessary resources to properly assist and protect the homosexual victims. The possible implication is that people in same-sex violent relationships might feel that, if they report their abuse, it will not be taken seriously and this could discourage them from disclosing it.

Because of stereotyped views of domestic violence, same-sex battering remains an invisible phenomenon. Investigating how gender roles complicate it is therefore crucial. In fact, until the problem will continue to be silent, the services for the homosexual victims of domestic violence will be scarce, the aggressors will continue to exercise their violence

undisturbed and the homosexual community will not be sensitised to a problem to which, unfortunately, it is not immune.

### **Social and Internalised Homophobia and Same-sex Partner Violence**

‘The abused partner’s reasons for not seeking assistance in same-sex domestic violence needs to be viewed in its broader social, political and legal context’ (Chan 2005, p. 4). In fact, although the collective interpretation of homosexuality as a perverse and pathological condition has been strongly questioned in western cultures, the prejudice based on sexual orientation would still seem to affect the lives of gays and lesbians. Many studies show very high rates of homosexual people who claim to have been victims of discrimination because of their sexual orientation (Cornish 2012).

In academic settings, as well as in common slang, we use the word “homophobia” (Weinberg 1972) to refer to the negative view that heterosexual people have of homosexuality. It is precisely because of social homophobia that many gay men and lesbian women are victims, at least once in lifetime, of stigmatizing and discriminatory acts. Specifically, homophobic attacks vary from verbal abuse to physical aggression. The results of research conducted in Ireland with over 1000 homosexuals (Maycock et al. 2008) revealed that, because of sexual orientation, over 80% of those interviewed had been victims of verbal abuse, 40% had been threatened with violence, 25% had been physically assaulted and 9% claimed to have been sexually abused. In another, more recent, study of 542 gays and lesbians (Cornish 2012), verbal abuse appeared to be the most common form of victimization (67%), followed by physical (17%) and sexual assaults (9%), and threats of death (6%).

As a consequence, many gays and lesbians decide to keep their homosexuality hidden. Especially in the early stages of the formation of a homosexual identity, they could perceive the concealment as an inevitable choice, as the only way they have to avoid the negative consequences of homophobic hostility. After all, when personal safety could be in danger, this strategy may actually be the only effective option.

However, despite certain advantages that the choice to remain hidden might bring, gays and lesbians who are not out are forced to live their homosexuality in a state of total isolation. They might keep the secret with their family, friends and employers and, for fear of being discovered, they may not be able to mix with the homosexual community. The poor social network that characterises the lives of many homosexuals, as well as negatively influencing their psychological well-being (Morris, Waldo, & Rothblum, 2001), could be a weapon to the benefit of a potential violent partner. In fact, for homosexual victims of domestic violence who are not out, the need to hide their sexual identity could be a barrier to seeking help (Potter, Fountain, & Stapleton, 2012). Many of them report that they are not able to talk of the abuse with their family members because they do not know they are homosexuals (Brown 2008). Many others report that they are reluctant to seek support from police for fear of not being believed (Eaton et al. 2008). The trauma of past discriminatory experiences due to homophobic prejudice could cause a lack of trust about opening up and reaching out for assistance (Dickens 2014). Moreover, as we have already seen, the police service is often not sufficiently informed about same-sex battering because, even today,

domestic violence is dominated by a model of explanation that is predominantly heterosexual.

Gay and lesbian victims may come to believe that they have no other options than to stay with their perpetrator (Balsam & Szymanski 2005). This will make them more ready to tolerate the abuse especially when, because of the total isolation in which they might live, they could perceive their partner as their only source of support (Peterman & Dixon 2003).

The social hostility towards homosexuals is often the result of the widespread belief that all healthy people are heterosexual and that any deviation from the norm constitutes a deviant and pathological condition. However, gays and lesbians are not only forced to fight against social homophobia but, because of their homosexuality, they often are the first to have negative feelings about themselves. The expression “internalised homophobia” refers to the presence, in gays and lesbians, of negative attitudes concerning homosexuality (Maylon 1982). In other words, homosexual people internalise significant aspects of the prejudice that they experience within the heterosexist society in which they live (Williamson 2000). For example, they could think that, because of their homosexuality, they are immoral and psychologically sick.

Internalised homophobia can be seen as an almost inevitable feature of the psychological development of homosexual people (Shidlo 1994). Growing up in a culture that promotes the social desirability of heterosexuality, often exposes them to messages contrary to their sexuality. In most cases, the internalisation of these messages occurs at very early ages, even before gays and lesbians become aware of their sexual orientation. For this reason, at the beginning such messages have not a harmful effect on the person who simply learns to consider gay people as somehow defective. It is only when they begin to have the first doubts about their own homosexuality that the homophobic thoughts and feelings previously learned will conflict with their homoerotic desire, causing low self-esteem and intense feelings of guilt and shame that could hinder the acceptance of their sexual identity. While not all gays and lesbians are characterised by high levels of internalised homophobia, the constant exposure to homophobic social view may lead many of them to consider their sexual attraction in negative terms.

Internalised homophobia seems to be related to domestic violence within same-sex couples. For example, if gays and lesbians think that their homosexuality is wrong and that their homosexual relationship is pathological, they could believe that the abuse is normal in same-sex couples, attributing the violence to homosexuality rather than the psychological problems of that particular partner (Hassouneh & Glass 2008). In the same way, gays and lesbians who think they are defective because of their sexual orientation may believe that they deserve to be treated abusively (Balsam & Szymanski 2005). On the other hand, those who have negative feelings about their homosexuality may act violently toward their partner precisely because he or she is homosexual (Balsam & Szymanski 2005).

Finally, because of social and internalised homophobia, gays and lesbians might not attend the gay community. In fact, the difficulty of accepting their sexual orientation and the desire to avoid the adverse consequences that could result from its discovery, might induce many of them to avoid going to well-known homosexual meeting places. However, although such avoidance could initially reassure them, in the long term it will not allow them to meet other gays and lesbians with which to compare their couple's problems. This

could cause the lack of confidence in what behaviors are acceptable in intimate same-sex relationships (Potter, Fountain, & Stapleton, 2012).

While the similarities between heterosexual and homosexual abusive relationships are greater than the differences, it is clearly important to consider those unique factors that might be associated with domestic violence in same-sex couples. In particular, it is essential to consider how social and internalised homophobia affects the dynamics of domestic violence. Understanding these differences will allow us to be more ready to treat and prevent the problem and to provide adequate support to gay and lesbian victims.

### *Domestic Violence in Female Same-sex Relationships*

Generally, intimate partner abuse is considered as a problem for only heterosexual couples, thus there is a substantial body of research on domestic violence perpetrated by men against their women. However, it was observed that this happens also in homosexual relationships and scientific research has recently begun to deal with it.

Studies have shown many similarities between heterosexual and homosexual abusive relationships and also between violent gay and lesbian couples (Carvalho et al. 2011; Kulkin et al. 2007). Therefore, for the purpose of this discussion, it is difficult to analyse violent female same-sex relationships without any references to their male counterparts. In fact, most of the currently available studies show that the dynamics that are observed in violent lesbian couples are almost identical to what happens in those who are gay, so it is hard to treat them separately.

Yet, there are studies that have included in their sample only battered lesbians to analyse, in more detail, their unique features. In particular, alcohol and drug use seems to affect domestic violence in lesbian couples. Generally, the substance use is considered as a risk factor for partner's abuse (Kunins et al. 2007). In fact, the occurrence of intimate violence is elevated when the perpetrator, the victim, or both use alcohol and/or drugs (Fals-Stewart, Golden, & Schumacher, 2003; Fals-Stewart & Kennedy 2005). This would seem true also for violent lesbian couples. For example, Stevens, Korchmaros, and Miller (2010) have found that lesbian batterers were more prone to beat their partner and to demand certain sex acts after they have been drinking. In another study, lesbians who were involved in a violent same-sex relationship had more drugs and alcohol related problems compared to women who had never experienced domestic abuse (Eaton et al. 2008).

The extant literature suggests that the types of abuse experienced by sexual minority women are analogous to those of heterosexual women (Lewis et al. 2012). However, Stevens, Korchmaros, and Miller (2010) have found some differences with reference to the specific abuse behaviours. In particular, not wanting the partner to have female friends was the most frequently reported abuse behaviour experienced by battered lesbians, while not wanting the partner to have male friends was most frequently reported by heterosexual victims. Lesbian victims reported they were less often threatened with dangerous objects with compared to heterosexual women but lesbian abusers show similar rates of aggressive behaviors such as strangling and beating, and of sexual abuse. Lesbians also reported a higher frequency in the demand for obedience by their violent partner.

As regards the comparison between lesbian and bisexual women, some data suggest that differences may exist. For instance, Balsam and Szymanski (2005) found that, as

compared to lesbians, bisexual women were more likely to report specific tactics of psychological aggression linked to their sexual orientation (e.g., “I forced my partner to show physical or sexual affection in public, even though she did not want to”). Moreover, bisexual women seem to report frequencies of domestic violence substantially higher than those reported by lesbians. However, as Lewis et al. (2012) have noted, these frequencies reflect victimization from both same-sex and opposite-sex partners.

Our knowledge on female same-sex battering is very scarce. Woman-to-woman violence is an invisible form of abuse because of our denial that women can be perpetrators. Our refusal to consider this reality has significant implications for lesbian and female bisexual communities as well as health care, social service and justice professionals (Hassouneh & Glass 2008). There is thus need to develop new theories on domestic violence that include and explain the phenomenon of same-sex battering, including within lesbian couples. This new perspective will enable victims to feel respected in their pain and to see recognised the severity of the suffered abuse. This will result in their increased willingness to seek help.

### **What Can We Do? Implications for Psychologists**

Gay and lesbian victims of intimate partner abuse have received little attention in the health care field. Specifically, psychologists trained on same-sex battering are very few, the guidelines that we have to work with domestic violence were originally designed for heterosexual women and the shelter services for gay and lesbian victims are rare to non-existent (Ard & Makadon 2011).

With this gap in knowledge it is highly probable that, despite the spread of the phenomenon, mental health professionals are not able to recognise a case of abuse within a homosexual couple. After all, it is rare that a couple come into therapy requesting treatment for domestic violence, rather, they usually refer to general relationship problems (Istar 1996). Making a good assessment of the situation is thus critical and it entirely depends on the therapist’s skills. However, the idea that men are never victims and women are never abusers is so pervasive that some psychologists may even a priori exclude the possibility that the dynamics of a homosexual couple represent real abuse. It is clear then that therapists must increase their education regarding the specific concerns and issues that homosexual victims face (Brown 2008). In fact, without a timely intervention, the cycle of violence will be destined to increase in intensity and frequency.

Many victims are unable openly to communicate the abuse because of their feelings of embarrassment, shame and fear and because, having being battered in their own home, they have difficulties in developing a new trusting relationship (Peterman & Dixon 2003). This could be especially true for gay and lesbian victims for which reporting of the abuse necessarily involves the disclosure of their homosexuality (Ard & Makadon 2011). In clinical practice, psychologists should always remember to use an inclusive language, for instance asking patients about their partners instead of their wives or husbands, to signal their willingness to discuss non-heterosexual relationships (Ard & Makadon 2011). In this way, they will show they consider homosexuality as a normal variant of human sexuality. This is always important in therapy with gay and lesbian patients, especially in cases of

domestic violence. In fact, it is only when the patients are sure of the clinician's non-judgmental attitudes that the theme of same-sex abuse will come out.

As in cases of heterosexual domestic violence, conjoint couple therapy is not recommended as an appropriate treatment strategy for working with abusive same-sex couples (Murray et al. 2006/2007). In fact, the perpetrators could use the clinical setting to continue to blame their victims, while the victims may find it hard to refer to the abuse in the presence of their batter. Moreover, as already explained, the victims often feel very guilty of the abuse suffered because of the manipulative and violent tactics to which they are subjected. Therefore, the dynamics with which the couple relate the violence could erroneously lead the therapist to conclude that the victim is in part responsible for the abuse (Schechter 1987). Instead, the abuser alone must take responsibility for the assaults (Schechter 1987).

The areas of clinical consideration when the mental health professionals are working with individuals affected by same-sex partner abuse can be summarized as follows: to provide psycho-educational interventions regarding same-sex battering, to define a safety plan and to empower victims (Murray et al. 2006/2007; Peterman & Dixon 2003).

Generally, helping victims to identify the violence is the first stage of the psychological therapy. In this regard, patients should be adequately educated on the characteristics and prevalence of domestic violence in the gay community to avoid gender role stereotypes affecting their ability to recognise the abuse within their couple relationship. In fact, gay and lesbian victims often cite the lack of knowledge about the phenomenon of same-sex domestic violence as a major reason for remaining in an abusive relationship (Merril & Wolfe 2000).

Clinicians should also assess the extent to which victims have come out to others about their sexual orientation and educate them about the link that exists between domestic violence and social and internalised homophobia as well as on the characteristics of healthy relationships (Murray et al. 2006/2007). Finally, they have to spend much of their work on educating victims about the violent dynamics that generally characterise the end of an abusive relationship, including the definition of a safety plan.

For all victims of domestic violence, the issue of safety is paramount (Warshaw 2000). Many of them are physically abused, threatened with death and they often experience an intense fear of being seriously injured or killed. For this reason, the therapists must be sure of the emotional and physical safety of their patients, evaluating other alternatives to remaining in an abusive relationship and defining a safety plan. Murray et al. (2006/2007), referring to the guide lines defined by the Center Against Spousal Abuse (2000), remember that the critical elements of a safety plan, including for gay and lesbian victims, are the following: (1) preparing an emergency bag, with money, clothing, important papers, and other essentials, (2) developing a support network, (3) varying routines to work, school and other frequent tasks so they cannot be tracked, and (4) preparing to contact police.

Finally, therapists must provide empowerment the victims. As a result of the abuse suffered, they tend to show a range of negative characteristics, including self-blame, conflict avoidance and low self-esteem (Burke & Owen 2006). They feel strong feelings of inferiority and inadequacy and, blocked by fear, they become unable to take any decision

(Peterman & Dixon 2003). This happens because, although at first the batterers show themselves to be in love and are full of reassurances and attention toward their partners, over time they trap them in a perverse relationship in which whatever thing the victims say or do is interpreted as a mistake, a criticism or a threat. In the end, the victims will be paralysed, unable to understand which is the right behavior to avoid offending their partner. It is a relationship of dependency in which the abusers expect that the victims think and act as they want and, on the other hand, the victims, in order to prevent physical, psychological and sexual abuse, try to accommodate every request they receive from their violent partner. Therapists must therefore intervene in this dependent relationship trying to provide to victims the necessary strategies and resources to create distance from the abuser and to recover their autonomy (Peterman & Dixon 2003).

As a result of the abuse, victims can also develop real psychiatric conditions such as depression, panic disorder, psychosis, suicidal ideation and substance abuse that could require specific therapy (Warshaw 2000). Batterers are also characterised by psychological features such as self-hatred, insecurity, low self-control and poor communication skills (Burke & Owen 2006) as well as by substance abuse and high levels of psychopathology including depression and antisocial, borderline and paranoid personality disorder (Fortunata & Khon 2003). In this regard, researchers have highlighted the importance of working with perpetrators of same-sex domestic violence, even if, until now, a very limited number of treatment programs for same-sex batterers have been created (Murray et al. 2006/2007).

### **Conclusions**

Recognising domestic abuse within gay and lesbian couples challenges the traditional gender roles that consider violence as a problem only for heterosexual women. Actually, the key element of the abuse would not seem to be represented by the perpetrators' biological gender or sexual orientation, but, rather, by their need to control the victims and subject them to their power. For this reason, any person, man or woman, gay or straight, has the potential to be an abuser (Peterman & Dixon 2003).

However, talking about domestic violence within gay and lesbian couples may expose to the risk of reinforcing the homophobic and erroneous stereotype that same-sex relationships are intrinsically wrong. In reality, the majority of homosexual couples are not violent but domestic violence simply does not discriminate with respect to sexual orientation.

Same-sex intimate partner abuse requires new research approaches and intervention protocols. Only with adequate and appropriate knowledge are we able to help the victims and to prevent the abuse from continuing. Therefore, we need to abandon our prejudices and to recognise the reality of homosexual couples and the fact that, being couples just like heterosexual ones, they have many similarities, including the risk of domestic violence.

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# BELGIUM

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## Overview of LGBT Issues

Even though Belgium can be considered to be one of the most progressive European countries with regard to LGBT rights, there's still a number of issues that LGBT people, and specifically LBT women, are confronted with. As for their economic position, for instance, homosexual and bisexual women have part-time jobs more often and are less often self-employed than men (Vincke et al. 2008). They also tend to have lower status job positions. They tend to be employed in education, health and social services. In one in three individuals (both female and male), sexual orientation seems to affect the choice of job, company, professional sector or even the location of their place of work. Women tend to be less open about their sexual orientation than men (Vincke et al. 2008). They tend to use gender-neutral words or avoid personal questions in order not to have to speak about their sexual orientation during their process of integration. They also tend to report discrimination less often. Apart from the gender pay gap, there are no real clues to the existence of a "pink glass ceiling" for lesbian and bisexual women (Vincke et al. 2008). Nevertheless, unemployment rates are, in fact, higher for LGB people compared to their heterosexual counterparts. As for trans\*people, unemployment is one of the most problematic issues (Motmans 2009) and even if they are employed, they tend to choose less well-paid professional sectors. Thus, even though they tend to be more highly educated, they usually earn less.

Nevertheless, anti-discrimination legislation in Belgium is more extensive than in many other European countries (Act on combating certain forms of discrimination, 2007 and Act on combating discrimination between women and men, 2007). It is not limited to employment and workplace but extended to education, access to goods and services, housing and other aspects of public life. Recognized grounds of discrimination are, among others, sex (and sex change), sexual orientation, gender identity and gender expression. However, only a small percentage of discriminatory acts are reported, with gay men reporting most discrimination, although the reason could be that they are the most vocal group within the LGBT community, and not the principal targets of discriminatory behaviour (Interfederaal Centrum voor Gelijke Kansen en Bestrijding van Discriminatie en Racisme 2013). There are two major equality bodies in Belgium, the Institute for Equality Between Women and Men (for discrimination related to gender, but confined to federal competences) and the Interfederal Centre for Equal Opportunities (for discrimination related to sexual orientation and other grounds of discrimination).

The options for LGBT people to found a family are growing. Before 2003, same-sex couples could only enter in civil unions. As of 2003, Belgium became the second country in the world to introduce marriage equality. Now, on average, about 1.000 women are wed in a same-sex marriage every year and about 300 women in a same-sex marriage get divorced.

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According to a large-scale survey (Versmissen 2011), more than a quarter of the lesbian or bisexual women with a steady partner were married, which is less than their heterosexual counterparts. Only one in three lives apart from their steady partner. The survey also found that slightly more lesbian and bisexual women had a steady partner in comparison to heterosexual women (i.e. more than six out of ten).

The Gender team of the University Hospital of Ghent studied the relationships of trans\* people and found that more of them had a steady relationship after gender reassignment surgery (Motmans et al. 2012). The team also found that almost half of all trans\* women had a female partner before gender reassignment surgery, but after the surgery only one in four. Generally speaking, coming out as a trans\* person and/or gender reassignment surgery can have serious implications for a relationship and may lead to a break up with possible financial and emotional consequences. Of the childless LGB people in the aforementioned survey (Versmissen 2011), only one in five women said they didn't want and never wanted to have children (as compared to more than one in three homosexual men). The ones that had children, in most cases had them from a previous heterosexual relationship, although this varies with age. Because of the current law concerning transsexuality (see further), trans\* women will have to rely on medically-assisted reproduction or adoption if they wish to have children after gender reassignment surgery.

Same-sex couples have had the same rights as opposite-sex couples in adopting children since 2006, although there are some hurdles (especially for international adoption). Since the waiting lists for domestic adoption have been closed, it has become increasingly difficult, especially for same-sex couples, to adopt children. According to the Flemish Centre for Adoption (2014), a total of 58 children has been adopted by Flemish same-sex couples. It seems that, for trans\* women (as for same-sex couples), international adoption is also inaccessible (Motmans 2015). Since 2015 (trans\*) women in a same-sex marriage automatically become the legal parent of the child of the birthmother (Act concerning the determination of the lineage of the co-mother, 2014). Before, the co-mother had to adopt the child of her spouse in order to become a legal parent. Unmarried co-mothers can (even before birth) recognize the child of the birth mother at the civil registry in order to become a legal parent. For those same-sex couples who do not wish to adopt, foster care is also accessible (Decree for the organization of foster care, 2012). There is currently a lack of foster parents in Belgium.

Medically-assisted reproduction is available to women in a same-sex relationship (including trans\* women who have frozen their gametes prior to gender reassignment surgery) (Act on medically-assisted reproduction and the destination of excess embryos and gametes, 2007). Couples who are treated by fertility centres are protected against potential legal claims of sperm donors. Self-insemination doesn't provide this protection. The law on medically-assisted reproduction leaves room for the ethical committees of fertility centres to refuse lesbian and trans\* women on the basis of certain conditions. Typically, however, the centres are supportive. Some people, however, do not wish to, or are not able either to conceive or adopt a child. They would have to rely on surrogacy. Unfortunately, there is no legal framework for surrogacy in Belgium, although it is practiced in a few hospitals on the basis of medically-assisted reproduction and adoption law. This creates a number of legal issues.

There are a number of issues that are specific to LBT sex workers. Although it is not illegal to prostitute oneself (as long as you have reached the age of 18), the law prohibits operating brothels and other forms of exploitation, or human trafficking (art. 379, art. 380, art. 380ter of the Criminal Code). In practice, sex workers are not allowed to recruit customers in the streets, to place advertisements in newspapers or on the internet. Also, local regulations can vary considerably and add more limitations to prostitution (for instance, the places where prostitution is allowed). Sex workers thus mostly operate in a grey area, with little to no social protection. However, several organisations are committed to fighting human exploitation and to improve the (sexual and psychosocial) health and safety of sex workers. Although most of the organisations work with (non-trans\*) women, some of them focus specifically on trans\* women or on male sex workers such as Boysproject and Ghapro. The number of LBT sex workers is unknown. One of the organisations for male sex workers, Boysproject, claims that one third of the people they helped in 2013 was, in fact, trans\*. They also suggest though, that some of the male sex workers dress as women only because it yields more revenue as a sex worker, and, as such, have a “professional trans\* identity”. Some of the sex workers are trans\*women, and it is suggested that financial needs (to pay for surgery and/or hormone therapy) play a role in their involvement in prostitution. Parts of them are “invisible” as trans\* people, both to their clients and to aid workers, as they are indistinguishable from other (non-trans\*) women. Other sex workers self-identify as “she-males” and wish to have male genitalia combined with female secondary sex characteristics.

Another group with specific vulnerabilities are young LBT women. Lesbian and bisexual women tend to have their first sexual experience at a younger age (i.e. 17) compared to gay and bisexual men (18) (Dewaele et al. n.d.). However, in comparison to the heterosexual population, the age of the first sexual partner of non-heterosexual persons tends to be slightly higher. More importantly, research (Buysse et al. 2013) suggests that lesbian and bisexual women are more often the victim of sexually inappropriate behaviour and sexual harassment than heterosexual people, especially if they are minors. There is no clear explanation, but one hypothesis is that LGB people tend to date in environments with less social control. Also, a Flemish survey (Schoonacker 2009) of 400 bisexual and lesbian women between the ages of 18 and 23 found that this group is particularly prone to suicidal thoughts and actions. More than half of them thought, at least once, about ending their own lives and one in seven had already tried to. Internalised homonegativity and discrimination have a large impact on their well-being. Important determining factors are:

- a young age of awareness about one’s sexual orientation
- being bisexual
- gender non-conformity
- lower education
- negative reaction by parents to one’s coming out

Trans\* people reported even higher rates in a survey in 2009 (Motmans 2009). One in five had tried to commit suicide at least once. Trans\* people who live according to their gender identity or who receive(d) treatment, are usually better off. Two final issues need to be

noted when considering the wellbeing of LBT women. Firstly, looking at social relationships, there is evidence (Dewaele et al. 2006) that Flemish LGB people tend to have stronger bonds with their friends than with their family (the “family of choice” hypothesis). There is however also a higher percentage (compared to the general population) that lack a confidant in their social environment. Secondly, according to a large-scale Flemish survey (Versmissen 2011), LGB people tend to be smokers. They do not consume alcohol or soft and hard drugs any more than heterosexuals. However, they seem to be more prone to problematic alcohol use and regular drug use. This seems especially true for the lesbian and bisexual respondents. We have no specific data for trans\* people.

### **Legal Framework Related to Domestic and Dating Violence**

The attorney general published two circulars (COL 3/2006 “Definition of family violence and child abuse, identification and registration of the files by police and public prosecution”, COL 4/2006 “Joint circular of the minister of Justice and the College of Attorneys General on criminal policy on intimate partner violence”) that provide definitions for various forms of domestic violence. In particular, intimate partner violence is also defined. Any procès-verbal regarding a situation this definition applies to, has to be registered specifically as “domestic violence within a couple”. The criminal offence(s) that constitute the situation are nevertheless registered under their normal classification code(s).

Police and public prosecution work with liaison officers who are specifically assigned to this topic. Other definitions of certain forms of domestic violence are also provided, such as domestic violence by extended family members, but dating violence is not specifically mentioned. The definitions and method of registration allow gathering statistics on intimate partner violence. By combining several parameters, several crime figures have been created. This way it is possible to differentiate between physical, sexual, psychological and economical intimate partner violence.

In Belgian law, neither domestic violence nor bias-motivated crimes on the basis of sexual identity, sex (change), gender identity or gender expression are distinct criminal offences. Instead, the law prescribes aggravation for certain circumstances. This also means that certain behaviours that constitute domestic violence and/or that are of a homophobic or transphobic nature fall outside criminal law. So, the Criminal Code mentions intimate partner relationship as an aggravated circumstance (art. 410). The aggravated circumstance is however only applicable to deliberately causing bodily harm (without the intention to kill). It does not apply to murder and manslaughter or sexual violence like rape and indecent assault. However, stalking (repeated and unwanted intrusion and harassment causing anxiety or fear) is recognised as a specific criminal offence (art. 442bis). But in this case, the intimate partner relationship will not be considered as an aggravated circumstance. Bias on the basis of sexual orientation, on the contrary, is

As far as bias-motivated crime goes, laws have been introduced to enhance the criminal penalty for crimes involving discrimination on the basis of sexual orientation (Act of 10 May 2007 on combating certain forms of discrimination), sex and sex change (Act of 10 May 2007 on combating discrimination between women and men). Bias on the basis of sexual orientation is considered an aggravated circumstance for several types of criminal offences: physical (like manslaughter and assault and battery), sexual (like rape and

indecent assault), material (like damage of property) and psychological (like stalking and slander). This does not include economic offences such as theft. Bias on the basis of sex is considered an aggravated circumstance for the same types of criminal offences as described above. Bias on the basis of sex change is only explicitly mentioned as an aggravated circumstance for offences such as manslaughter and assault and battery. This does not include sexual offences, for instance.

### *Gender Identity and Gender Expression*

Although the concepts of gender identity and gender expression have been introduced in anti-discrimination law, they are not yet mentioned in the Criminal Code. The following three acts provide certain tools to prevent intimate partner violence. The *Act of November 24 1997 seeking to prevent violence between partners*, which enhances the criminal penalty for deliberately causing bodily harm when the victim is an intimate partner and provides the possibility for a house search with the sole consent of the victim. This improves the chance that the perpetrator is caught in *flagrante delicto*. It provides the possibility for associations to take legal action. The *Act of January 28 2003 to allocate the family home to the spouse or cohabitant who is a victim of physical violence by his partner* gives the justice of peace the possibility to allocate the family home to the victim in certain circumstances. Finally, the *Act of 15 May 2012 concerning the temporary restraining order in cases of domestic violence* allows the Public Prosecutor to order a temporary (10 days to 3 months) restraining order in cases of domestic violence where it appears that the presence of an adult person is a serious and immediate danger to the safety of one or more persons who live there. Furthermore, the public prosecutor may also impose a prohibition on contact. A justice of the peace may extend the measure. The attorney general defines intimate partner violence as (COL 4/2006):

Any form of physical, sexual, psychological or economic violence between spouses, persons who live or have lived together in cohabitation and that have or have had an affective and sexual bond.

This definition is applicable not only to married partners, but also to partners not legally bonded by marriage or a civil union. Also '*persons in a relationship that do not share the same address but meet each other in the same house on a regular basis*' are protected. Last but not least, the same article also applies to same-sex couples.

Intimate partner violence can consist of four types i.e. physical, sexual, psychological and economic violence. The intimate partner relationship as an aggravated circumstance (art. 410) is applicable to certain types of physical violence, that include acts like deliberately causing bodily harm (without the intention to kill), such as battery and assault. One could question why this is only applicable to certain crimes. In our opinion, there is an inconsistency here. Police commissioner, victim support Van Acker, adds the following:

If the victim in casu is transgender, then it can be considered as discrimination or a hate crime, which is also considered an aggravating circumstance that will lead to an aggravation

of the punishment. But from the moment you are in a relationship with the perpetrator, it is almost impossible to prove a hate crime due to the relationship.

Some acts of economic violence, such as not paying alimony, are treated by Civil Code. This only allows for compensations. On the other hand, some acts like theft are punished by the Criminal Code, and can be classified as economic violence. Yet the nature of the relationship is not taken into concern. Thus, economic violence by a partner is not eligible for an aggravation in punishment. Some remarks are in order. Several professionals were asked how they would define violence. Every one of them easily mentioned two subtypes, i.e. physical and psychological. Sexual violence was also named most of the time. Remarkably, no interviewee mentioned economic violence as a subtype. Another observation is that the Belgian legal system does not define dating violence. The interviewees agree that a distinction is not really necessary.

### **Results From Interviews and Fieldwork**

As a part of this research, every country was provided with three semi-structured questionnaires. Before recruitment and interviewing, all questions were translated to Dutch. Since the interview is semi-structured, we took the decision to add some extra questions. Topics such as vulnerability, the impact of violence and the role of important persons were included. Examples of these questions are the following:

‘In general, do you feel safe?, ‘What did you do when the situation threatened to escalate?’, ‘What impact has or had the violence of the offender on you personally? (psychological /physical/ sexual /relational)?’, ‘In whom could you confide?’, ‘Are there individuals who have intervened when there was a violent episode?’, ‘How do you look back on the violent behaviour?’

The recruitment of lesbian, bisexual and trans\* women wasn't without problems. At first we used a targeted sample to get in touch with the target group. Media such as the website of çavaria, Facebook and associated LBT organisations were used to contact the target group. Organisations such as Ghapro (organization for sex workers), CAW's, police departments, etc. were also contacted. In spite of all the efforts made, the recruitment was of limited success. Only three participants, after three months of recruiting, were willing to participate and share their story, one of whom wasn't able to do the interview. The participant had still not psychologically processed her history. It didn't seem proper to interview her and thus we referred her to public health care services.

Two remarks concerning the followed method are in order. First of all, it has to be said that people only tend to think of extreme examples such as rape and physical assault when thinking of violence. Thus, we decided to broaden the definition of violence. The new definition consisted of the three types of violence (i.e. physical, sexual and psychological) with a wide variety of intensity for each of the three types. The readers were given specific examples they could relate to such as micro aggression (e.g. being yelled at in the street, being followed and threatened), a conflict that got out of hand and stalking. The only criteria for this violence was that the motive was at least related to their sexual orientation,

gender identity or expression. Secondly, we altered the method of sampling to a snowball sampling. This method is ideal for a population which is difficult to reach. Participants were asked if they knew other people who could relate to such examples. Next they were contacted and kindly asked to participate. Although participants recruited through this type of sampling could be biased (i.e. not representative for all the LBT women who experienced violence) these two alterations in recruitment (i.e. definition and sampling method) made it possible to interview ten women in total. It has to be said that although we altered the questionnaire slightly, this had to be done more extensively. The questions should have been more adapted to Belgian law and practice. This recommendation should be taken into account for further research.

### *The Characteristics of the Abusers and the Occurrence of the Violence*

Hellemans found no difference in prevalence of violence between heterosexual and non-heterosexual partners. According to her study, most non-heterosexual respondents (both male and female) have experienced (rather mild) forms of intimate partner violence: 58% psychological and 15% physical. However, non-heterosexual women reported a higher incidence of psychological violence compared to other women. In this context, Hellemans mentions the concept of “fusion”:

Fusion is the blending of intimacy and conflict within lesbian relationships as a result of their interdependence in a heteronormative society.

Some of the victims that we interviewed, indeed reported that physical violence was limited until the relationship was about to end. Hellemans hypothesized that the higher rate of psychological violence can be explained through a difference in relationships dynamics. Hellemans:

Heterosexual couples tend to communicate in a pattern of demand-withdrawal. While the female partner will demand to talk and resolve the issue, the male partner will rather withdraw and avoid the discussion. The hypothesis for lesbian partners is that they show the same pattern of communication, namely demanding. This could explain why they experience more psychological violence since they are more immersed in the conflict. Of course, this has yet to be researched.

When asked about the profile of the perpetrator of violence, most of the interviewees described a person who had power. The idea of a power imbalance between the two partners (e.g. money, age, psychological,..), is quite common. While that image is not completely untrue, Hellemans actually mentioned two types:

Michael Johnson distinguishes two types. First of all, there is intimate terrorism. Power is the engine for this type of violence. Most of the time this had to do money, age,... Specific to this type of violence is that violence goes in one direction. In literature, this direction is male to female most of the time, but can be the other way around too. In my research, I have noticed that this type can also occur amongst LGBT relationships. On the other hand, there is situational violence. This has nothing to do with power at all. Most of the time it's a conflict

that has gotten out of hand. Typical of this type of violence, is that it can go both ways. Conflicts are due to bad coping strategies or bad communication. The violence milder in comparison with intimate terrorism.

Hellemans admits more research is desirable. These insights could lead to better prevention of violence within LBT couples. Provision of education for instance to police officers is highly desirable so they can more easily detect what type (of violence) and the possible outcomes may be. Also for mental healthcare workers, this is highly recommended. For example, partners who experience situational violence can be taught better ways of communication or better strategies to cope.

There are no data available for the prevalence of dating violence towards trans\* women, especially among trans\* sex workers. However, some organisations for sex workers report a high prevalence of violence, both by clients and by colleagues of sex workers, especially towards those who visibly defy gender norms. Their situation is worsened because of their migratory background and/or their illegal status, which makes it difficult, if not impossible, for them to go to the police.

### *Characteristics of the Victim and Underreporting Violence*

Researchers, police officers and health care practitioners, generally confirm that there is a 'dark number', an underreporting of violence. When an LBT woman experiences violence, she is unlikely to report it. Several reasons can be given. First of all, as a victim of intimate partner violence illustrates:

Often, it's a very profound issue of loyalty. You love your partner and you want to stay faithful, despite the violence.

Victims tend to see the positive in their partners, despite his or her violent behaviour. Also, Van Acker mentions:

Often you see that people are in a negative spiral of violence. These women are isolated from their environment; they lack contact with friends and family. Because of that, they endure the violence and stay with their partner because that's all they've got. Frequently, they have a profound anxiety their partner will do something bad to them.

Although many organisations, such as refuge houses, organisations for sex workers, and CAW's (Centres for General Wellbeing), support victims, the question remains, of whether these instances are sufficient to break through the negative and violent spiral. A second reason may be that, while physical and sexual violence can be easier to detect, for instance through medical examination, psychological violence might be harder to prove. Victims may report psychological violence, but without proof it's difficult to have a solid case.

Thirdly, the threshold for LBT women can be higher in comparison to women who identify as heterosexual. There are several factors that need to be taken into account. Hellemans states that

Violence is mostly framed as a male perpetrator and a female victim, not as a female perpetrator and victim.

She also mentions that

if violence is reported, victims tend to turn primarily to their family or friends, people with whom they have an affective bond and are trustworthy. Secondly, victims tend to go to general practitioners or medical organisations. As a last resort, they tend to go to law practitioners such as police officers.

Ghapro notices that trans\* sex workers do not trust police, despite being confronted with dating violence. They gave the following explanation for their mistrust:

Most of the time, sex workers are illegal in Belgium. They live in a grey zone. If they go to the police to report violence, they might be arrested for not having a valid residence permit. Also, most of them have had bad experiences with police officers. They are addressed in the wrong way and stigmatised as transgender and/or sex worker.

They also mention their ethnicity:

Sex workers are often from a foreign country. Sometimes they do not speak proper Dutch or even English. Most of them are Spanish-speaking women who can't turn to the police when they experience violence.

In our opinion, when confronted with violence, sex workers without residence permits should be treated as victims of violence first, not as 'illegals'. There is still a huge taboo on intimate partner violence. It is suggested by victim support professionals (Ghapro, Garance,...) and researchers such as Hellemans, that people in same-sex relationships tend to avoid speaking out about intimate partner violence. They fear being stigmatized and the prejudice that same-sex relationships are less stable. Also, because of the lack of communication about intimate partner violence in non-heterosexual relationships, we believe that victims or perpetrators may not always consider themselves to be victims or perpetrators, or recognize the intimate partner violence they are experiencing. Garance also mentioned a third reason:

The LBT world is such a small world. Would you go to a lesbian community, telling them you've experienced violence, when everyone knows everyone?

The taboo might be especially strong for sexual violence. The following quote from Garance explains why:

Sexual violence is probably the hardest one to talk about. Not only is it the most radical form, it's rather impossible to imagine. Lesbians have no penis, like you need a penis to be sexually violent. For me this is a form of internalized lesbophobia because sex between two women isn't on the same level as heterosexuality.

## **Institutional Response and Cases of Violence**

In Flanders there are various support services and organisations for victims. Examples are the general practitioners, CAW's, police departments and organisations like refuge houses. When asked whether there should be specific victim support organisations focusing on LBT women, most of the organisations interviewed didn't think it was necessary. However, in an organisation focusing exclusively on LBT women, the heteronormative stigma attached to their relationships would probably be less of an issue. But since such an organisation would operate within the smaller LBT community, it becomes more likely that victims seeking refuge run into members of their own social networks, or even the perpetrator. Nevertheless victim support services should be accessible for every women who experienced violence. Garance shared the following story:

A woman, victim of physical violence, contacted a refuge. They told her it isn't possible for her to stay there. Chances are her partner could be there too. So they denied her any help.

Cases like this are rare, but should never happen. For trans\*women there are no specific refuges in Belgium. One of the co-workers mentioned, in the interview, that

Most of the time, it depends on where a trans\*woman is looking for help and who will help her. Sometimes it is possible for her to stay at a women's refuge, but more often it depends on the goodwill of the health professional. Sometimes trans\* women are forced to stay at a refuge for men or denied access at both women's and men's refuges.

Refuges lack a clear policy on this matter. Also, help should be accessible and adequate for everyone whatever their orientation or gender. Accessibility also includes brochures. Brochures shouldn't be specifically for LBT women, but rather be inclusive. The interviewees admitted there are none, to few, brochures about intimate partner violence that include a LGBT couple. Also, they should be printed in several languages like English and Spanish as most trans\* sex workers don't have mastery of the Dutch language.

In 2012, an act concerning the temporary restraining order in cases of domestic violence was introduced in Belgium. This law protects the victim by ordering a temporary prohibition of residence for an adult in case of danger to the safety of one or more persons in the same residence. The restrained person is obliged to leave and not allowed to come near the shared residence. The minimum duration of this ruling is ten days, but can be prolonged for a maximum of three months. The law doesn't discriminate between heterosexual or same-sex relationships, neither does it discriminate on the basis of gender. Although we think this matter is a good initiative, some remarks are in order. Firstly, there always needs to be a danger to one or more persons. When this danger is not present or potentially in the future, this is not applicable. Also, when the danger is evoked by a minor, this matter is also not applicable. Secondly, the assessment of danger is made by police officers. For this assessment, there are no official tools available to make a uniform decision. Thirdly, this matter has only a short timeframe of a couple of days to be completed and involves a lot of bureaucracy. A last remark concerns the number of times this act is applied. In 2013 and 2014, only 65 perpetrators out of 100,000 registered cases

received the temporary prohibition (De Morgen 2015). We can only assume that the administration and the short timeframe are two of the possible reasons. Another possible reason might be inadequate knowledge about this matter and what it entails. We recommend a better understanding of this procedure by researching law practitioners and police officers.

### **Conclusion, Critical Reflection and Recommendations**

Although victims are reasonably well protected by law and there are many support services and organisations, the situation in Flanders isn't ideal. First of all, it's desirable to better legally protect the partner who experienced the violence. While some crimes are punished more severely when committed by a partner or ex-partner, others are not. Legal protection is rather limited, especially for psychological violence.

We recommend further research on this matter. Research should focus on different factors and how they mediate other factors and intimate partner violence. Although recent research has shown no difference in the prevalence of violence between heterosexual and non-heterosexual partnerships, one could argue differently. For instance, it has been known that this group is prone to experiencing sexual misconduct. If the victim doesn't process this trauma, it may lead to troubled relationship or dysfunctional relationship patterns such as inadequate communication. This may lead to more conflict within the couple. Another factor such as more drugs and alcohol abuse may facilitate intimate partner violence. As the story of a victim illustrated, the risk is even higher combined with a lower overall psychological wellbeing and psychological issues like borderline or actual depression. It is also known that LB women are less likely to be married than heterosexual women. The Bureau of Justice of America (2000) reported that, at least for heterosexual couples, marriage as an institution tends to be a protecting factor. Furthermore, the social position of LB women in Belgium was not always equal to heterosexual women. Although the adoption procedures to become a legal parent of the child of the partner are no longer required, these women still need medically assisted reproduction, which may take its toll on relationships. If the couple chooses not to undergo medical treatment, they still have to contact adoption agencies.

Thus, one could hypothesise that LB women are a higher at risk of intimate partner violence and its effects. The nature of the violence may also be more intense compared to heterosexual relationships. Also, intimate partner violence is mostly framed as a male perpetrator and female victim. The threshold might thus be higher for LB women to go to health care professionals or police officers compared to their heterosexual counterparts. Both longitudinal and cross-sectional studies are needed to compare these two groups of women. Findings may not only lead to a better understanding of the matter, but also to more adequate prevention and treatment of intimate partner violence for both of the groups.

In addition, professionals refer to a 'dark number'. Many researchers report different statistics and it has been known for some time that violence is rarely reported to police or other governmental organisations. Also the profile of a perpetrator isn't at all clear. Many interviewees spoke of an imbalance of power. Although this may be the case, Hellemans spoke of two types: intimate terrorism and situational couple violence. These types may also occur in LB partnerships. This may lead to a different strategy of prevention

such as learning to cope with the situation and developing communication strategies. These two types might be effected by the same or different factors discussed above.

For trans\* women this research is even more needed. Based on the interviews conducted, their situation might be even more challenging compared to non-trans\* women; let alone being a trans\* sex worker.

Last but not least, we would like to recommend initiatives for a higher level of accessibility to social support and law practices, such as education of police officers and healthcare workers. Properly addressing trans\* women for example, may lead to more trust. Also leaflets and information should be available in different languages. Most trans\* sex workers don't speak Dutch properly. Through information leaflets inclusive of lesbian couples or trans\* women, the problem of stigma can be broken. We would like to conclude the Belgian country chapter with a critical and methodological reflection.

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# BULGARIA

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## Introduction

Bulgaria is one of the countries in the EU with the highest level of discrimination against LGBT people. The *Eurobarometer Survey on Discrimination in the EU in 2015* shows that 58% of the Bulgarian respondents would feel uncomfortable if a gay, lesbian or bisexual person is elected to the highest political position (21% EU average), and 59% would feel uncomfortable if a transgender person is elected to that position (29% EU average). Furthermore, 37% would feel uncomfortable to have an LGBT colleague (12% EU average). The survey also shows low awareness of the rate of discrimination against LGBT people in Bulgarian society: 34% consider discrimination against gays, lesbians and bisexuals is widespread, compared to a 58% EU average, and only 31% of Bulgarians consider discrimination against transgender people widespread, compared to a 56% EU average.

In this context, violence against lesbians, bisexual and transwomen is a neglected topic. No statistical data is being collected by the institutions dealing with domestic or dating violence; the Police, the Prosecution and the Court system. The research conducted by Bilitis Resource Center on domestic and dating violence against lesbians, bisexual and transwomen, and the good practices of preventing it, relied mainly on interviews with LBT women and specialists, such as psychologists, sexologists, and lawyers, who have consulted such people. No Bulgarian literature on the topic was identified. There is a general lack of literature on LGBT issues in the Bulgarian language, and consequently, the topic of violence against LBT women is not addressed either. Some information on the general status of LGBT people in Bulgaria is to be found in the annual reports of the Bulgarian Helsinki Committee, which outline the status of human rights in Bulgaria.

## Research Scope

Bilitis conducted 40 interviews with lesbian, bisexual, pansexual and transgender women, all survivors of different types of violence such as physical, psychological, economical, verbal and sexual violence, practiced by their partners towards them. All of these women were also living in a hostile, non-accepting environment, in which they had to resist everyday lesbophobia, biphobia and transphobia without support from any public institution. Our field research covered all major cities of the country: Sofia, Plovdiv, Varna, Burgas, Stara Zagora, Pleven, Veliko Tarnovo, and smaller towns, which we visited based on the recommendations of people from the target communities.

Lack of support for LBT women experiencing domestic or dating violence is structural, because the law on domestic violence (Law on Protection against Domestic Violence, 03/ 2005) does not explicitly mention same-sex families, and case law shows that

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the Courts interpret this law as referring only to family structures between cis-gender heterosexual people. In addition, the institutions dealing with cases of dating violence (which is a criminal activity), i.e. the Police and the Prosecutor, do not identify, record, classify or analyze violence against homosexual and transgender people. Furthermore, the Criminal Code does not refer to homophobic and transphobic motives in the articles dealing with hate crimes: the latter are not considered to be aggravating circumstances.

Good practices in prevention of domestic and dating violence against LBT women, and provision of support to survivors, were identified in the work of some NGOs / specialists, who are providing services to people from these groups by being, for example, their therapists, lawyers, consultants in shelters and on hotlines.

### **Lack of Institutional Support to Lesbian, Bisexual and Transwomen Victims of Domestic and Dating Violence**

The Bulgarian institutions dealing with cases of violence, at the level of recording, investigating, and providing protection to victims, as well as punishment to the offenders, demonstrate very little awareness of domestic and dating violence affecting lesbians, bisexual and transwomen. The major deficiency of institutional support stems from the lack of recognition of violence in same-sex couples in the Law on Protection against Domestic Violence (03/2005), and the lack of recognition of homophobic and transphobic hate crimes in the Bulgarian Penal Code. As a result, neither the Police, nor the Prosecution Service are recording and investigating domestic and dating violence against lesbians, bisexual and transwomen in an adequate way.

The Law on Protection against Domestic Violence (LPDV) sanctions any act of physical, mental or sexual violence, and any attempted such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or have had family or kinship ties or cohabit or dwell in the same home. The definition does not explicitly exclude same-sex couples, but the legal practice shows that in fact, the judges interpret the law in the narrow sense of referring only to cis-gender, heterosexual couples, because of the limitations of the existing Family Code. Protection under the LPDV can be exercised in several ways (Article 5): (1) placing the respondent under an obligation to refrain from applying domestic violence; (2) removing the respondent from the common dwelling-house for a period specified by the court; (3) prohibiting the respondent from getting in the vicinity of the home, the place of work, and the places where the victim has his or her social contacts or recreation...; (4) temporarily relocating the residence of the child with the parent who is the victim or with the parent who has not carried out the violent act at stake...; [and] (5) placing the respondent under an obligation to attend specialized programs...<sup>3</sup>

Very few cases of lawsuits on domestic violence, started by lesbians living in a same-sex couple, were identified (only two in the last few years). Both cases have been canceled by the District Courts addressed (the first level in the court system). Decision #26/07.10.2014 of Sofia District Court, trial chamber 83, referring to request for protection #8100486/02.10.2014 states “Our legal system accepts only family unions between a man

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<sup>3</sup><http://www.stopvaw.org/bulgaria2>, viewed 15 November 2015.

and a woman, respectively, cohabitation can exist only between men and women.” Hence, the court considered the request for protection not relevant within the Law on Protection against Domestic Violence and canceled the case.

In May 2015, Bilitis sent a letter to the Sofia Internal Affairs Directorate, asking for a meeting with a police representative to conduct an interview. The request for interview was not approved. We also requested information, based on the Law on Access to Public Information, about recorded cases of violence against transgender sex workers, as well as about cases of lesbian domestic violence. A similar letter was sent to the Chief Prosecutor, requesting information about registered cases in the last 2 years, in which special protection (such as access to shelter) has been provided to lesbians, bisexual and transwomen, victims of domestic or street violence, and about the number of criminal proceedings against perpetrators of dating violence against transwomen sex workers. Both institutions replied that they do not collect, record, process and archive information about these groups of people. The response from the Chief Prosecutor underlined that “collecting information on the racial or ethnic origin, the religious or political belief, as well as on the health status or sexual orientation of the citizens could be interpreted as a discriminative application of the law”. In our opinion, this statement provides a misinterpretation of the existing anti-discrimination law (Law on Protection against Discrimination, 01/2004), and contributes to the lack of adequate institutional addressing of hate crimes or domestic violence cases against homosexual, bisexual or transgender women.

In informal conversation with officers from the Sofia Directorate of Internal Affairs, conducted during public events, we understood that the police categorize the victims of violence only in two genders - male and female. It means that transwomen would be registered with the gender category in their legal documents (ID cards), i.e. as male victims (except for transwomen who have legally changed their gender). The Bulgarian Police Service does not use a special code for acknowledging the sexual orientation or gender identity of the victim in their records, in the way in which police in other EU countries do. This results in under-investigation of criminal attacks and hate crimes against homosexual, bisexual and transgender people.

Our further investigations on the topic brought us into contact with Denitsa Lyubenova, a lawyer from Deystvie LGBT Youth Association, who is currently working on a project about raising the awareness of LGBTI people about their rights and how to proceed when they are discriminated against. She reported that she had been contacted by a lesbian, who has been exposed to permanent psychological abuse by her ex-partner with whom she was cohabiting. The woman made a complaint to the Sofia District Court, asking for legal protection based on the Law against Domestic Violence. However, the District Court rejected her complaint, stating that the Law does not recognize same-sex couples. Bulgarian legislation recognizes marriage only between persons from different sexes; as a result, de facto, marital cohabitation is possible only between persons of different sexes.

Lyubenova and her client decided not to appeal the order and took the case directly to the European Court of Human Rights in Strasbourg where it is pending admission. In the course of the research, we were informed by another human rights lawyer about a second, similar case, in which the complaint was passed in Pernik, a town near Sofia and the application was rejected at the level of the District Court.

## **Domestic Violence against Lesbians and Bisexual Women**

Bilitis conducted interviews with 9 lesbians, 2 bisexual women and 2 pansexual women. Our interviewees were between 17 and 33 years old. Two of the interviewees are still going to school and the youngest one was 17 years old. The youngest interviewees were also the ones who agreed immediately to give an interview, and some of them were also very sensitive to the different forms of violence. They have been informed about these topics via international virtual channels such as Tumblr and YouTube. Apart from the two interviewees who are still going to school, (one of them is completing her secondary education next year and has expressed her wish to study at university), the greater part of the interviewees are currently studying at a university or have already completed a university degree.

Very few of our interviewees were out to their families. Most stated that they are out, but in practice, this meant they are out only to friends. Only 3 of the lesbians were also out to their families. In some cases, even after being in a same-sex relationship for several years, neither of the partners were out to their relatives. In one extreme case, a young lesbian was thinking of gender reassignment surgery, not because she had gender dysphoria, but because she wanted to be accepted by the parent of her girlfriend when the former began understanding the nature of her daughter's relationship.

Two of the interviewees were dating married women and one of them was cohabiting with her girlfriend's husband, although the husband did not know of the relationship between the two women. In the second case, the women were living in different towns and when the husband was away, the two were meeting.

All these stories demonstrate that lesbians and bisexual women in Bulgaria are often forced to live double lives and to hide their sexual orientation from their closest relatives. The stigma associated with homosexuality and bisexuality forces them to hide and be afraid of negative consequences if their sexual orientation and love relationship are exposed.

*Being in the closet* proved to be a factor, often used by one or both partners in a lesbian relationship to manipulate, threaten, and harass one another. At the same time, not being out contributes greatly to the invisibility of the violence taking place in women's same-sex partnerships.

### *(Domestic) Violence in Female Same-sex Relationships*

It is important to note that we received many refusals for interviews after we informed the potential interviewees that the topic is violence within the relationship. Women who have experienced severe violence from their partners, including physical violence were reluctant to talk about it saying that it was too painful and they did not want to think of it again.

In addition, many reassured us that they have nothing to say on the topic, but once they started talking, all interviewees with the exception of one pansexual girl (18 years old) had, in fact, a lot to share. Significantly, only in one case had the interviewee ended the relationship because of the violent dynamics between the two (she described it as a relationship of mutual violence). In all other interviews, we learned that the violence was not the main factor for ending the relationship; the partners had separated for other reasons.

This clearly showed that there is high level of tolerance of violence in lesbian and bisexual women same-sex relationships.

In the course of the interviews, some women changed their perception about what has happened to them. One of our interviewees said: "I realize now that while one is experiencing violence, one might not perceive it as such, however, one realizes that it is violence when one is asked the right questions about it".

Furthermore, the same interviewee said that when the violence is coming from another woman, "you don't take it so seriously". Another interviewee said she never considered that there is violence among lesbian partners. However, she had witnessed such in a friend's couple relationship and it happened in a disco. One of the partners severely verbally abused the other one just because she "dared to talk to another girl". The abuser also wanted to attack her partner physically but her friends prevented this. Asked about how she perceived this story, our interviewee admitted that she never interpreted it as violence, but rather as a story with a bad ending, because of heavy alcohol consumption. Her explanation makes clear a strategy of legitimization for what the abuser did. The victim often excuses the violence with external factors such as the partner being under too much stress or under the effect of substances such as drugs or alcohol.

While talking to potential interviewees we always had to introduce the topic by providing examples of what could lead to violence such as jealousy, possessive behavior etc., in order to broaden their perception about what violence is, and to suggest that violence is not always physical. Not all interviewees had experienced physical abuse from their female partners; however, all but one shared that they had experienced diverse forms of psychological violence. One interviewee even mentioned that to her physical violence is less painful than psychological violence because the second leaves deeper scars on the soul. Two of the bisexual interviewees shared that after experiencing such abusive relationships with women, they were reluctant to engage in future partnerships with other women. One of them underlined this by saying that she had not yet come across a homosexual woman, who she perceives as emotionally stable enough for a relationship. She explained this "emotional instability" as resulting from the difficulties lesbian women face in a lesbophobic, hostile environment.

The youngest interviewee, a 17-year-old lesbian, talked about the normalization of violent practices in the lesbian community of her hometown. She said that to check the mobile phone of the partner seems a legitimate "must" in her lesbian circle of friends. Being asked if she considers it also okay, she replied that she did not, because it is an invasion in one's personal space, but it is confusing to her when all the others do it. She also commented on the controlling behavior of her lesbian friends, who forbid their girlfriends to go out with female friends, because of jealousy. Even though she was familiar with such controlling behavior, she said that she had never perceived expressions of jealousy as violence.

Another interviewee said that many women are used to interpreting jealousy as an expression of love, a process which not only normalizes it, but makes it a "good lover's quality" and a proof of real love.

The desire to control every aspect of the partner's life was a common feature of all the abusers among the same-sex couples. We heard about horrifying requirements such as the partner having to send pictures in order to prove that she is at work and not spending

time with other people. Because of the restrictive, controlling and possessive behavior of the abusers, the interviewees had to hide their actions when going out with colleagues to drink a beer after lectures. The victims were not allowed to meet female friends or, in fact, any friends. They were forced to show with whom they have spoken on the phone, and they were punished for old love messages that might still be on the SIM card. They were afraid to pick up the phone because a scandal would follow, and they had to stop chatting with “certain” people in order not to be abandoned. They even had to stop talking to their mothers, because their partners thought that they were a bad influence.

Another abusive practice that seemed to occur very often in lesbian relationships was self-harming. The abusers often performed it in combination with other types of violence. In one story, the interviewee started dating the ex-girlfriend of her flat mate and the flat mate locked the lovers in one of the apartment’s rooms. She took knives and started harming herself in front of them. In a relationship where both partners were not out, one of them expected the other partner to spend all of her free time with her. If the partner somehow understood that the interviewee had spent time with friends instead of her, she would cut scars into her hands in order to make the other regret her action. The same also happened when the interviewee did not pick up her phone. The interviewee said that the self-harm was always carried out in a demonstrative way in order to attract the partner’s attention and make her feel guilty about something. There were also hints of suicidal thoughts.

Hints about suicide were also made to other interviewees as a threat used to prevent the partner from thinking about leaving the relationship. Possessive behavior in lesbian relationships seems to be quite normalized. One interviewee commented that in the lesbian friends’ circle, the possessive expression “my woman” and not my partner, or my girlfriend, is being used, as if the partner is some kind of trophy.

We encountered several stories of sexual abuse in lesbian relationships. In one case, this involved a one-night-stand. In the second case, the interviewee did not want to have sex and the girlfriend just lay on top of her, holding her hands and rubbing herself sexually on the body of the other. The same abuser also lay on top of her girlfriend in situations of quarrels and violence and forced her to kiss or hug her. A third interviewee reported being raped, or rather, “it felt like this”, but she did not want to go into details. Afterwards she could no longer have a sexual life with this partner.

Interestingly, in most of the cases extremely violent threats were not taken seriously or perceived as violence. In one extreme case an interviewee shared with us, she was told by the partner, more than once: “I will kill you one day”. Sadly, the threat to leave the partner, expressed openly by many abusers, was always taken seriously and the victims did everything possible in order not to be abandoned. This seemed to frighten interviewees more than the violence they were experiencing.

#### *Alcohol and Drug Abuse*

Only two interviewees mentioned drugs in the stories of their partners. In one story, the partner was very aggressive and constantly ‘stoned’, even though she was not earning money and the girlfriend had to buy her drugs (weed). In the other story, the partner was

using drugs but had stopped after the interviewee insisted. However, later, the interviewee was threatened that if she leaves the partner, the latter would go back to them.

While not all violence was linked to drinking, alcohol was mentioned in many of the interviews. In just one story, alcohol was the main factor: “We couldn’t go out without something bad happening”. Under its effect, the partners of the interviewees had verbally offended them, slapped them, pulled their hair, and broken their belongings. Many survivors thought less about the violence they were experiencing and worried more about their partners and whether they would hurt themselves. In such situations, many abusers, at first, were aggressive but, afterwards tender. This also made the victims less likely to perceive the violence as violence, and more likely to forgive it.

### *Requesting Help from Institutions*

Only one of the interviewees had experiences with the police because of the violence happening between her and her partner. In this specific situation, they were having a fight on the street because of jealousy, when the police arrived after a call from a passer-by who saw them fighting. The interviewee felt extremely uncomfortable with the police appearance. The incident happened near her house and the interviewee did not have her wallet or her ID with her. As a result, both were arrested and the police would not let her bring her ID. At the police department, they were told not to fight on the street, but at home, and that they should be silent there, because the neighbors could be bothered.

All of our lesbian, bisexual, pansexual, and transgender interviewees expressed deep lack of trust towards the public institutions, especially towards the police, who were perceived as unreliable and even discriminatory.

### **Good Practices on Providing Help from Psychologists to Survivors of Domestic Violence**

A small number of psychologists/therapists in Bulgaria have experience with lesbians, bisexual women and transwomen who are victims of domestic or dating violence. One of these is Maya Mihailova-Petkova, who works in Sofia, and has recently co-founded the Imago Association, whose main goal is to provide support to survivors of violence. Previously, she has been working in the field of addiction for 15 years.

The lesbian and bisexual women who had contacted her for help were all under forty years old, most of them had university degree, and they had separate incomes from their partners. The majority of them were not out in public, only to their closest friends, who were mostly, also non-heterosexual. They were in the closet at work as well as in front of parents/relatives. In a hidden environment processes of self-isolation of the couple occur, the partners encapsulate themselves in the couple life, mostly without any social interaction, and all this nourishes the ground for violent dynamics. A victim in such a constellation would feel very lonely, and this would be a factor in maintaining the relationship despite the presence of violence.

According to Mihailova-Petkova, female couples usually have a more equal relationship setting and the dominance of one over the other is not culturally rooted as it is in heterosexual couples where male dominance is legitimised by patriarchal, oppressive

social structures. However, this view is often misleading and results in idealized perceptions, which suggest a female partner cannot hurt you. The reality is different and the wish to control and possess your partner is not limited to male abusers.

Working with lesbian and bisexual clients, Mihailova-Petkova found that psychological violence is the main type of violence occurring among the couples. Verbal violence including offensive language, threats, expression of jealousy and limitation of social contacts is the most common, and often results in isolation of the woman from the people she feels emotionally attached to.

Economic dependence leading to offensive controlling of one of the partners by the other is another type of violence Mihailova-Petkova has identified. She described situations in which one of the partners earns much more than the other, and during flirting the more affluent one buys presents, pays restaurant bills and holiday packages. Afterwards she expects “compensation” for her generosity and requires detailed explanations from the other partner about whom she spent the day with, what she was doing and other events or activities.

Asked about cases of physical violence, Mihailova-Petkova could recall only one, in which the survivor had severe injuries. The abusive partner, who was an alcohol-addict, had beaten her girlfriend, who then ended up in a hospital, where she did not report the case. Neither had she informed the police. According to the psychologist, the victim had feared that the police would reject her complaint. Similarly, she had not shared the incident with her family, because they did not accept her sexual orientation. In fact, she had ceased communication with her relatives long before the incident occurred, because of their lack of acceptance of her way of life.

Mihailova-Petkova talked about a different type of violence affecting bisexual women who, simultaneously, have male and female partners. Usually, after revealing their attraction to women, they have been abused by their male partners; sometimes being pushed to have threesomes and group sex. A different type of abuse had occurred to another bisexual client who was married to a man and had an extra-marital relationship with a woman. The female partner had been stalking the married one, and threatened to out her to her husband and pushed her towards divorce.

A general conclusion, based on the interview with Mihailova-Petkova was that the largest number of lesbian and bisexual women who are victims of domestic violence do not trust public institutions; hence, they do not report their cases to the police, nor do they seek medical help. Often, they have no one to share with since, in many cases, relatives are also exercising pressure on the woman to abandon her homosexual relationship and to find a male partner.

Sexual violence in female couples represents a highly taboo topic among lesbians, according to Mihailova-Petkova. So far, she has had only one client, who had been raped by her female partner. The victim was not sure, whether she could talk about rape in female same-sex relationships and the psychologist concluded that the topic of psychological violence within the relationship appears easier for clients to discuss about than the topic of sexual violence.

What usually motivates a lesbian or bisexual client to go to a consultation is symptoms such as sleeping problems, feeling sick in the partner’s presence, or an eating disorder, which makes the woman think that something is wrong in her relationship.

Usually, the women are not aware that what they are experiencing is domestic violence. Mihailova-Petkova stressed that victims of violence often feel guilty that they feel insecure about their relationship. Intense and long-term psychological work makes the client more independent, which then annoys the abusive partner, who gets jealous of the therapist and starts threatening her. Mihailova-Petkova had received phone calls from partners in abusive lesbian relationships, who threatened her, because they felt that the relationship is “at risk” due to the therapy. The psychologist commented that such situations put the controlling techniques of the abusive partner on display and are obviously an invasion of the space, which the other partner has created for herself (i.e. the sessions with the psychologist).

Sometimes, lesbian and bisexual women clients have difficulty defining who the real abuser is and who the victim is in women-to-women relationships. Mihailova-Petkova commented that clarifying this presents a challenge for the therapists as well.

Being out versus being in the closet plays a complex role in cases of domestic violence. The psychologist has had cases in which the one who is out is abusing and manipulating her girlfriend who is in the closet. She has also had other cases in which the one who is not out could get jealous and violent because her girlfriend is openly meeting with people from the lesbian community and the partner in the closet has felt threatened by it.

The most common threats which lesbian and bisexual women have received from their abusive partners are the threat “to out” the partner; the threat to leave the partner and the threat of self-abuse. The psychologist has had several cases in which ex-alcohol and drug addicts have threatened to go back to their addiction if the partner would not behave according to their will.

Mihailova-Petkova sees alcohol addiction as widespread among lesbians here and often used as an argument to legitimize the abusive behavior (on behalf of both abuser and victim), but also as a means through which to manipulate the partner, as mentioned above. The threat to self-abuse, expressed by the abuser often makes the victim feel guilty and stay in the relationship.

Eating disorders are another common symptom of abuse in female same-sex relationships. These occur more often after the victim separates from the abusive partner and there is a feeling of loneliness. The psychologist described it as a way to express depressive feelings and feelings of loss through excessive food consumption. If it happened while the victim was still in the relationship, the abusive partner would use it to undermine the partner’s self-esteem, and to threaten her that she could find a more attractive girlfriend.

Homophobia deepens the taboo about domestic violence in women-to-women relationships. Mihailova-Petkova emphasized that for many survivors to talk openly about these experiences would mean to feed the homophobic attitudes, which are already strongly rooted in the mainstream societal perceptions in Bulgaria.

Most of the lesbian victims of domestic violence were going through these violent dynamics for a (very) long time before consulting a psychologist. The psychologist gave the example of a woman who, for nearly ten years, was involved in violent relationships, which all followed the same pattern. The victims usually do not disclose the violence they experience with relatives, because the relatives’ reactions would be to advise the victim to find a male partner. This demonstrates the existence of a powerful patriarchal framework, which shapes the perceptions of a relationship in the Bulgarian context, and depending on

who the abuser is, the violence could be either legitimised or seen as part of “lesbian deviation”.

Biphobia is also a factor in cases of extreme violence, which occur in the lives of married bisexual women. Mihailova-Petkova had a client who shared with her husband that she is bisexual and was having a relationship with another woman. In his anger, he asked for divorce as well as for deprivation of her parental rights, using her bisexuality as an argument to support his request in court. Unfortunately, the psychologist did not know the outcome for the client since the client had stopped any further consultation. She said that she also had cases in which heterosexual victims lost their children because the abusive male partners found legal and illegal ways to prove that their wives were non compos mentis.

Mihailova-Petkova underlined the lack of any information or literature on violence within lesbian and bisexual women’s relationships. This has led her to the idea of organizing an awareness workshop on behalf of Imago Association, which was planned for October 24<sup>th</sup>, 2015.

Last, but not least, Mihailova-Petkova has consulted with lesbians who had found her after being disappointed by other therapists. In some cases, the clients had been advised by the psychologists to change their sexual orientation as a way of avoiding the abusive relationship. This highly unprofessional behavior is widespread in the Bulgarian context.

### **Trans Women’s Experiences with Domestic and Dating Violence**

Bilitis interviewed 6 transwomen, between 24 and 34 years old. Two of them had been to university and one had a degree. Two others had secondary education while one had not graduated secondary school because she began providing sex services at the age of 18.

Being out is not easy for transwomen: they face severe rejection first and foremost by their relatives; second: by friends and people in their close environment, and this leads to complete isolation. Two of our interviewees were not out to anyone except to people from the trans-community and its allies. Another one had lost almost all her friends when she came out, but she had the support of her mother with whom she lives. However, the communication with her father, which had always been difficult, became even worse and they stopped talking to each other. One was out to her family and some of her friends, but not to external people. She experienced severe rejection from her relatives who refused to accept her female identity, and, at the time of interview, she was not out to most of the new people she met, because she did not want to be considered exotic and put into different categories. Only one was out to everybody; however, both her family and the family of her long-term partner were not supportive of her and of their couple because of her non-cis identity.

Gender dysphoria is also a factor, which interferes with one’s successful education in an environment where no support is provided to transgender students at school or university. This has led one of our interviewees to suicidal thoughts, and is why she could not complete her university studies. The interviewee who has a university degree shared that she was perceived as very introvert by her university colleagues, because she was not out to anyone and this made her close in on herself. All those who had secondary education, shared traumatic school experiences related to bullying, which they had to live through

without any support from teachers or the school administration. The only way to survive was to fight back and to demonstrate masculinity, which did not resonate with their inner self-identification. They were bullied for being gays, but no one seemed to guess that they were transgender. The traumatic school experience has discouraged some of our interviewees from pursuing a university education.

Finding a job, as a transgender person, is a great challenge in Bulgaria. None of our interviewees had been able to find a friendly and supportive work environment. The one person with a university degree had a well-paid job; however, she does not express her gender identity at her workplace and is perceived as a male employee. In contrast, the interviewee who could not finish her university studies because of her gender dysphoria, lost her job in a store, because her physical appearance began changing when she started taking hormones. Another of those we spoke to was not able to find a job during the transition because of her already changing appearance and now she considers it impossible to be hired with a female appearance and a male civil gender.

Her story illustrates the vicious circle trans people are going through. In order to change their civil gender they need to have a job and raise enough income to pay for a lawyer and the court fees. The court procedure for legal gender recognition is not clearly defined in law (the Civil Code), so it is very subjective and depends on the attitude of the judge who is reviewing the case. Some judges expect at least hormonal changes in the physical body, (often they even require performed gender reassignment surgery in order to change one's civil gender). However, the person in transition is frequently not able to find a job, unless hired by friends or partners.

One of our interviewees was working with her partner and another one, working without contract for a friend, who supported her financially with a very low salary, but also abused her sexually. During the interview, she was reluctant to perceive her experience in the job as sexual abuse and stressed the fact that he is helping her a lot. However, the question was raised, of whether she would tolerate his behavior under other circumstances. Clearly, she was not happy with the way she was treated, and accepted it only because she needed the money. Another interviewee was a self-employed artist living and working in very bad conditions.

Except for two interviewees, (the one who is not out at her workplace and the one who is working with her partner in their own business), all others were in a very difficult financial situation and able to survive only due to the support of a partner or the family.

### *Dating and Intimate Violence*

Contrary to the stereotype, which pictures the transwoman as hypersexual and promiscuous, several of our interviewees shared that they have had no sexual contacts for a long period, because they did not like the body they were born with. Their financial situation made it impossible to undertake gender reassignment surgery, which is only available privately in Bulgaria. Two of them have had only one partner, one has never had a partner and one was abandoned by her girlfriend after starting the transition and since then has been single. It was very sad to realize that these women were living asexual lives for long periods, because of a lack of medical support for a successful transition.

Two interviewees who had partners were also in long-term partnerships, which had started with the transition. The third one had a relationship with a trans man who was her first sexual partner.

The term *dating violence* was not familiar to the interviewees and most of them did not have experiences to share about this. Their most traumatic experiences were related to school life and contacts with doctors, and all emphasized the lack of medical care for trans people.

One interviewee who had tried to find a partner through dating websites had been verbally attacked. She had received severely offensive comments and felt humiliated, so she stopped visiting such websites.

In one case, while we could identify sexual abuse by the partner; the interviewee did not perceive it as such when talking to us. It was a case of non-consensual sex in which she had tried to run away, but was trapped on the apartment's balcony and was forced, there.

### **Good Practices on Gender Recognition**

Recognizing the vicious circle trans people are trapped into, Bilitis provides free legal support to those who want to change their civil gender. Our experience shows that trans people who have successfully changed their legal gender and ID card to match their true identity were able to find jobs and to start leading less traumatic lives. Achieving legal gender recognition is a crucial step in a transgender person's life, hence, we provide legal consultancy, cover the lawyer's fee and the court fees for transgender people who are very poor, to enable them to take this step.

Bilitis currently works with 2 lawyers: Natasha Dobрева and Yordanka Bekirska, both of whom have experience of human rights law. During the interview, Dobрева underlined that the Bulgarian Civil Code does not clearly regulate the procedure for legal gender recognition. This means that the judges decide based on case law and the decisions are highly subjective. Sometimes judges expect to see already performed gender reassignment surgery. At the same time, gender reassignment surgery cannot legally be performed unless a person has received a positive court decision for gender reassignment. Paragraph 128 of the Penal Code criminalizes interventions, which lead to reproductive incapacity and categorizes them as serious injury. Some trans people undertake gender reassignment surgery illegally, or in other countries, if they can afford to. However, illegal surgery carries a very high risk for the trans person.

Bilitis advocates for a clear, easily accessible, fast, and non-discriminative administrative procedure for legal gender recognition, which respects the trans person's bodily integrity. We emphasize that the decision to undertake corrective surgery should be in the hands of the trans person, and should not require legal sanction for gender reassignment. We advocate against sterilization, corrective body surgery, and divorce as compulsory requirements for legal gender recognition of trans people. One's self-identification should be the only factor, which leads to a positive decision for gender reassignment. We have accumulated a number of legal cases, which demonstrate that the procedure in Bulgaria still varies greatly and presents hazards to the psychological health and bodily integrity of trans people. In some cases, the judges reject the application for gender reassignment even without consulting with an external expert (usually a sexologist

or a psychologist/psychiatrist) whose opinion is, as a rule, required before the judge makes a decision. Decision #58 of Sofia District Court from 23.04.2014/83 trial chamber, states that “the applicant does not have the characteristics of a person from female gender [...] the application for legal gender recognition cannot precede the occurrence of a future insecure corrective change of the body by means of surgery, hence, the application for gender reassignment is premature”. This decision was appealed, and at the second court hearing, the Sofia City Court issued Decision # 14309 from 09.07.2014), which allowed the gender reassignment.

### *Health Issues and Lack of Medical/Psychological Support*

Lack of adequate medical help for trans people was one of the main issues which our interviewees underlined during the interviews. All, without exception, were very concerned about the lack of specialists who are able to provide adequate medical and psychological support, and all of them had similar traumatic experiences with health/psychological services. Traumatic experiences included the inability to find a doctor who is willing to prescribe hormone replacement therapy (HRT), combined with difficulty in finding a doctor who knows enough about HRT, so that the latter would not severely endanger the health status of the person. In some cases, medical abuse and verbal comments aiming to discourage the person from starting or going on with the transition have had severe traumatic effects and have led to personal health experimentation by the trans people.

The interviewees described a number of different types of reactions on behalf of the specialists. Lack of understanding was a common feature of all the specialists, but while some reacted as if they “had seen an alien” (quote by one of the interviewees) and just wanted to get rid of the patient, others expressed perverted curiosity or medical ignorance, claiming that gender transition is not possible and the patient would be better to forget about the idea. Endocrinologists in different towns expressed such “profound” opinions. Basic medical check-ups were also refused, because “no one has died from hormones”, as one of the trans women was told. None of the endocrinologists we heard about, wanted to provide supervision during the transition, and the hormone doses were precariously defined. As a result, all of the interviewees, as well as the other trans people they knew, were left alone to define their own doses. All of them were self-experimenting in a hazardous way. Many of the transwomen had experienced verbal abuse from the medical specialist they had contacted for help. They were treated as if they were mentally ill, and were told to “forget about this madness” or “look at yourself, you are a good looking guy!”

We heard about discriminatory and humiliating practices from those who are part of the official court list of external experts to be consulted in cases of gender reassignment. One of our interviewees was told to undress himself in front of the specialist who left the door open and let a person come in during the “examination”. Another transwoman had visited a sexologist who was asked by the court to provide an opinion on her request. She was asked about her shoe size and the specialist concluded: “What kind of a woman are you going to be with such a shoe size?! You’d better give up on that!” She tried with another sexologist, also an expert, who prescribed her two anti-depressants, which turned out to be harmful for the liver. Today, she still doesn’t know why he prescribed her this “medicine”, She refused to take it at one point and then had to deal, alone, with the withdrawal

symptoms and the side effects of the antidepressants. The same interviewee explained that in her view, to express one's non-cis gender identity in a transphobic environment represents a permanent shock experience in which one needs a therapist's support, and one could easily become a victim of a specialist's incompetence and arbitrary treatment.

Another example of medical incompetence was provided by the trans woman who could not finish her university studies because of the severe gender dysphoria that she was going through at that moment. She consulted a psychologist who tried to convince her that she was confused about her gender identity, because of the traumatic experience caused by the early death of her father in her childhood. However, she rejected this assumption, because she remembered identifying as female even while her father was still alive. The same person is now supervised by another transwoman: the only option many are left with, due to the lack of adequate specialists.

Contrary to the extremely cynical argument that an endocrinologist gave for not being willing to supervise a trans woman during her transition: "No one has died of hormones", a trans woman told us that she caused herself a hormonal imbalance by taking phytoestrogens which resulted in intrusive suicidal thoughts.

Finally, yet importantly, it should be noted that trans people face difficulties in getting medical prescriptions for hormone therapy. One of our interviewees had to change several GPs before getting a prescription. Others were not successful in obtaining a prescription and had to find alternative ways to supply themselves with hormones. All of the interviewees shared a similar experience of explaining to the GPs what a trans person means. None of the general practitioners they had met was aware of the existence of such people, nor of their medical needs.

### **Dating Violence of Transwomen Sex Workers**

Transwomen sex workers are invisible and difficult to gain access to by people who are not in the sex industry or clients. We managed to interview only one transwoman who was a sex worker, and who did not allow us to share information even about the name of the town in which she lives. We were able to contact with her with the help of an NGO working on the prevention of HIV and AIDS among sex workers.

The information we received from the interviewee highlighted that violence is a daily experience for the transwomen sex workers. It comes from clients, from passers-by (if the woman is soliciting on the streets) and shockingly – even from the police. Police officers have abused our interviewee, especially at the time when she was new in the scene and the local police officers did not yet know her.

Transwomen, who are soliciting on the streets together with cis-women are often attacked by passers-by. They are subject to verbal abuse and sometimes - physical violence, especially by skinheads. Comparing her own town with the sex workers' environment in Sofia, however, the interviewee underlined that the conditions in Sofia are much worse due to the greater presence of skinheads and more regular police arrests.

Transwomen sex workers call the police for help only when the situation gets totally out of control; most cases of clients violence towards the sex workers are resolved by the pimp. The police treat the sex workers brutally, verbal offence is always present, and often they do not respond to calls for help, telling the sex workers that they are wasting their

time. The interviewee shared that in cases of attacks on sex workers by skinheads, which are a commonplace, the police usually come 18-20 minutes after they receive the signal. This allows enough time for the skinheads to beat the sex workers and to leave the scene. The main target of the skinheads are the sex workers of Roma origin, but in the end, they beat up whoever they catch.

Feeling entirely unprotected by the police, the transwoman interviewed has developed her own survival strategy, and avoids offering sex services in small dark streets, instead trying to be close to a public building which is open for 24 hours, so that she could get inside if she sees a group of 3-4 men approaching her. She has also developed sensitivity towards potentially aggressive clients, and if she recognizes signs of aggression, she refuses to go with them. The information provided by the interviewee demonstrates that the risk of abuse and physical violence is always present, no matter if the transwoman is soliciting on the street or provides the service on her own territory.

The most traumatic experience of our interviewee, however, was the regular sexual assaults by police officers. She shared that many police officers have pushed her to oral sex in order to avoid being arrested, or while being arrested at the local police department. The transwoman had agreed to the demands because she was threatened that she would not be allowed to work in the streets any more. She mentioned that some of the police officers have been her clients, but when they are at work, they pretend not to know her, and treat her in the same rude way as everyone else. Violence from police officers remains completely hidden and unpunished; it seems to be legitimised by the fact that sex work is illegal in Bulgaria.

Anxiety created by the constant risk of violence leads to regular consumption of alcohol and drugs. Many sex workers, including trans and cis-women, are alcoholics or drug addicts. The only places in which they can get some level of support and medical help are the offices of NGOs working for HIV/AIDs prevention among drug addicts and sex workers.

### **Conclusions and Recommendations**

Effective prevention of domestic and dating violence against LBT women in Bulgaria requires a complex, structural approach, including changes in the legal and policy framework, among which the most important are the following:

- Updating of the Law against domestic violence to refer to homosexual, bisexual and transgender people's couples/families in the same way in which it refers to cohabiting male-female heterosexual couples;
- Developing an adequate Hate-Crime Law, which addresses homophobic and transphobic hate crimes;
- Introducing sexual orientation and gender identity codes in police/prosecution criminal records in order to be able to deal more effectively with crimes against LGBT people;
- Eliminating police abuse of trans sex workers and introducing special training for police officers on how to provide support to victims of homophobic/transphobic crimes and/or LBT women victims of domestic violence;

- Improving health services for transgender people and access to hormone replacement therapy;
- Streamlining the procedure for legal gender recognition and making it more accessible, faster and non-discriminatory;
- Enhancing the awareness of school administrations, health and social institutions and courts about the daily discrimination, harassment, and exclusion faced by LBT women (and LGBTI people in general) as a result of social stigma, and how they could be addressed by measures which foster inclusion and eliminate discrimination.

In addition, NGOs and other social service providers to survivors of domestic and/or dating violence should be instructed how to provide support to LBT women, and to become more sensitive to the most common types of violence, which they are experiencing. Hot line operators / therapists / human rights lawyers / moderators of survivors' self-support groups should receive special information materials and/or training about intimate partner violence in LBT women relationships, as well as on dating violence of transwomen who are sex workers. The crisis centers and shelters providing special protection to victims of domestic violence and/or trafficking in women, should recognize transwomen sex workers as a distinct risk group, and be able to assist them.

Last, but not least, organizations like Bilitis, whose mission is to achieve full equality for LGBTI people in Bulgaria, should raise awareness of the human rights issues, which LBT women, survivors of domestic or dating violence are facing. The structural barriers to their access of effective support should be exposed, criticized and eliminated.

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## Appendix

Total Number of Interviews: 40

- Balchik – 2 interviews: 1 pansexual; 1 lesbian
- Burgas – 4 interviews: 4 specialists
- Dobrich – 3 interviews: 1 lesbian; 2 trans women
- Varna – 3 interviews: 3 specialists
- Veliko Tarnovo - 3 interviews: 1 specialist; 1 bisexual woman; 1 lesbian
- Pernik – 1 interview: 1 lesbian
- Pleven – 2 interviews: 1 specialist; 1 lesbian
- Plovdiv – 5 interviews: 3 specialists; 1 trans woman; 1 trans woman and a sex worker
- Pomorie – 1 interview: 1 lesbian
- Sofia – 14 interviews: 6 specialists; 1 pansexual; 3 lesbians; 1 bisexual; 2 trans women; 1 trans man
- Stara Zagora – 1 interview: 1 specialist

We interviewed several lawyers, who have experience of human rights work, and sensitivity to violence affecting LBT women:

*Lawyers:*

- Jordanka Bekirska, Bulgarian Lawyers for Human Rights, Sofia
- Natasha Dobrova, legal company Grozev and Dobrova, has assisted Bilitis in starting and appealing cases of legal gender recognition for transgender people
- Denitsa Lyubenova, Deystvie LGBT Youth Association, Sofia
- Nevena Milcheva, Demetra Association, Burgas, providing services to women victims of domestic violence and/or trafficking

*Psychologists/psychiatrists/ sexologists, (who have work experiences with LGBT-clients)*

- Maya Mihailova-Petkova (Sofia)  
<http://nasilie.eu/>
- Ivanina Ancheva (Veliko Tarnovo/Sofia) (<http://sexologyconsult.weebly.com/>)
- Rumen Bostandjiev (Sofia/Burgas) (<http://www.bostandjiev.eu/>)

*NGOs specialized in the prevention of HIV and AIDS among sex workers:*

- Sauchastie Association/Varna  
[www.sauchastie.org](http://www.sauchastie.org) (working on the prevention of HIV and AIDS in the Roma Neighbourhood, Maksuda in Varna)
- Avis Vita Foundation/Plovdiv  
<http://www.avisvita.bg/>
- Dose of Love Association/Burgas  
<http://doseoflove.org/en>
- SOS- Families at risk Foundation/Varna  
<http://sos-varna.org/>

*Specialists (including psychologists, social workers and shelter directors) working in the following women shelters:*

- Crisis Center Otvorena vrata/Pleven

- SOS- Families at risk Foundation/Varna  
<http://sos-varna.org/>
- Center for Prevention of Violence/Burgas (<http://www.centarzaprevencia.org/>)
- Samaritans Association/ Stara Zagora (<https://www.samaritans.eu/>)

## CROATIA

*Jelena Postic\* and Mia Gonan\**

### **Legal Framework Related to Sexual Orientation, Gender Identity, and Gender Expression**

The rights of LGBTIQ persons in Croatia are regulated by a general anti-discrimination framework and two specific Acts: The Same-sex Life Partnership Act (Official Gazette 92/14) and the Regulations about obtaining medical documentation and determining requirements and preconditions for gender affirming surgery and/or life in different gender identity (2014). Anti-discrimination regulations are provided in Articles 14 and 35 of the Constitution of the Republic of Croatia, the Anti-Discrimination Act (OG 85/08; 112/12) and various sector specific laws. In Article 14 of the Constitution, it is stated that “All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics.” Furthermore, Article 35 guarantees to everyone “respect for and legal protection of each person’s private and family life, dignity, reputation.” The Anti-Discrimination Act prohibits discrimination in all aspects of human life and on a variety of grounds including gender identity and expression and sexual orientation. The sectoral laws that include anti-discrimination regulation on these grounds are the Law on Gender Equality (OG 116/2003), the Law on Science and Higher Education (OG 123/2003), the Law on Media (OG 59/2004), the Sport Act (OG 2006), the Act on Amendments to the Criminal Code (OG 110/2007), the Electronic Media Act (OG 153/2009), the Civil Servants Act (OG 92/2005), the Asylum Act (OG 78/2007) and the Volunteering Act (OG 58/2007).

The protection against homophobic and transphobic hate crimes was improved in 2013 when the new Criminal Code entered into force. It introduced hate crimes as a qualified form of crime and stipulated harsher penalties for such crimes on the basis of gender identity and sexual orientation of the victim. Improvements have also been made to the Rules of Procedure in Case of Hate Crimes protocol, which states that the police must take particular care when processing cases of hate crimes (Jurčić 2013, p. 65). However, the research study by Zagreb Pride, LORI and Queer Sport Split from 2013 showed that the number of reports for hate crime among LGBTIQ victims did not significantly increase and that less than 8% of the respondents reported a hate crime to the police. The crimes were not reported mainly due to the victim diminishing the event, expecting bad outcome, distrusting the police or the fear of revealing her/his/their sexual orientation (Milković 2013, p. 51).

The prohibition of direct and indirect discrimination is also stipulated in the Labour Act (OG 149/09, 61/11) which regulates work and working conditions, including selection criteria and conditions for employment, promotion, vocational guidance, vocational training and retraining. As in other sectoral laws, the grounds for discrimination are not

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\* Zagreb Pride Activist and Sociologist.

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systematically defined, leaving the detailed arrangement of the prohibition to the Anti-Discrimination Act (Jurčić 2013, p. 62-63). According to the aforementioned study from 2013, 7.4% of the respondents experienced discrimination in the working place or while applying for a job, and 8.4% of them experienced it more than once (Milković 2013, p. 58). A research study of public opinion on abortion and life partnership conducted in 2014 showed that up to 33% of the respondents would not like to have a homosexual person for a teacher or a medical doctor, indicating a high prevalence of sexual orientation based discrimination (CESI 2014, p. 38, 42). In 2014, the Ombudswoman for Gender Equality reported on a high prevalence of discrimination against LGBTIQ persons in the labour market; although visibility of such cases is low (Gender Equality Ombudsperson 2014, p. 100). However, the Ombudswoman for Gender Equality regularly receives complaints from persons who claim to be discriminated against on the basis of sexual orientation or gender identity. In one of the cases, discrimination consisted of actions against a person who claimed to be exposed to discriminatory actions on the basis of sexual orientation, debasing the value of his work, punishments for incidents in which he did not participate, placing him in a low rank in the company, offensive speech, debasing of his person when communicating with other co-workers and making the work more difficult for him in general.

The case law is limited, but effective. In the case of *Krešić v Faculty of Informatics*, the County Court in Varaždin confirmed the decision of the lower court that the plaintiff was discriminated against at the workplace on the basis of sexual orientation (CC 2013). In 2015 the plaintiff was also compensated for damages caused by the acts of discrimination<sup>4</sup>. Although the legislation is equally applicable to transgender and transsexual persons (covering both gender identity and/or expression), there is no data whatsoever on discrimination in this field which is probably because of the highly prevalent social stigma and lack of empowerment within the population of transgender and transsexual persons to seek legal protection of their rights when discriminated against.

The Same-sex Life Partnership Act passed in 2014 equalized the status of life partners and informal life partners with married couples in all rights and responsibilities except the right to single-parent adoption and joint adoption of children. The Act regulates the relationships to children if one or both partners are parents: "A life partner who is the parent of a child has the right to exercise parental responsibilities towards the child, that is, the content of parental responsibilities together with its parents or instead of its parents, pursuant to a court decision, in line with the provisions of a separate Act regulating family relations" (Same-sex Life-partnership Act 2014, Article 40). The life partner cannot adopt the partner's child, but can regulate the relationship with her/him/them through the status of partner-guardian. Partner-guardianship is a form of care for a minor child, which may be provided by a life partner after the death of the life partner who is the parent of the child, and exceptionally during the life of the life partner who is the parent of the child, if the other parent is unknown or has been divested of parental responsibilities due to abuse of the child (Article 44).

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<sup>4</sup> See <http://www.prs.hr/index.php/priopcenja-prs/294-priopcenje-povodom-sudske-odluke-u-predmetu-kresic-protiv-fakulteta-organizacije-i-informatike-sveucilista-u-zagrebu>, accessed on November 5, 2015.

Article 10 of the Medically Assisted Insemination Act (OG 86/2012) specifies that the right to medically assisted insemination can be obtained by women who are married, informally married or single, but only for the purpose of treating infertility. Even though this Act does not explicitly mention life partners, the Same-sex Life Partnership Act prohibits discrimination against life partners regarding the obligations, rights or privileges relating to health insurance and health care, and therefore a woman who is in a life partnership and has been diagnosed with infertility, may exercise the right to medically assisted insemination.

Besides the above mentioned anti-discrimination framework that includes discrimination and hate crime on the grounds of gender identity and expression, the rights of transgender and transsexual persons in Croatia are regulated by the Personal Name Act (OG 118/12) and the Regulation about obtaining medical documentation and determining requirements and preconditions for gender affirming surgery and/or life in different gender identity. The Personal Name Act allows transgender and transsexual persons to change their legal name without having to undergo gender reassignment surgery and the Regulation should ensure the changing of the gender marker in official documents, including for persons living in a different gender identity who do not undergo the gender adjustment process. However, there are several impediments for transgender and transsexual persons in obtaining their human rights. Firstly, the National Health Council – the body responsible for the implementation of the Regulation, ignores most of the requests for the change of the gender marker, thus making the Regulation ineffective. Furthermore, in order to obtain the rights deriving from the Regulation, a person must undergo several specialist examinations and be diagnosed with Gender Identity Disorder, which violates a person's right to bodily autonomy and personal dignity. Finally, there is no systematized or regulated access to health care and psychosocial services such as psychiatric assessment, hormonal therapy or gender reassignment surgery, since medical experts do not have adequate education nor expertise in the area of health care for transgender, transsexual and gender nonconforming persons.

### **Legal Framework Related to Domestic and Dating Violence**

The sanctions against domestic violence in Croatia are regulated by three Acts and two protocols: the Act on Protection against Domestic Violence (Official Gazette 137/09, 14/10, 60/10), the Criminal Code (OG, 125/11, 144/12), the Family Law (OG 116/03, 17/04, 136/04, 107/07, 57/11, 61/11, 25/13, 05/15), the Rules of Procedure in Cases of Domestic Violence (2004) and the Rules of Procedure in Cases of Sexual Violence (2014).

The Act on Protection against Domestic Violence defines domestic violence as every form of physical, psychological, sexual or economical violence. Among other elements, this includes the use of psychological compulsion that induces the feeling of fear, vulnerability and violation of one's dignity; verbal assault; harassment using all means of communication including printed or electronic media; unlawful isolation and restraint; stalking; sexual violence and harassment; destroying or damaging personal or common belongings; the ban or disabling the access and use of personal and common belongings and earnings; the compulsion to economic dependence and so on. Furthermore, this Act determines the sanctions against the offender as well as the protective measures that can be

imposed on him/her/them in certain circumstances. The protective measures include compulsory psycho-social treatment, restraining orders, the prohibition of stalking and harassment of the victim, the removal from the apartment, house or any other residential space that the victim and the abuser share, compulsory addiction treatment and forfeiture of objects that had been used for harming the victim. The penalties include fines and imprisonment. Article 7 determines that all the regulations of this Act are applicable to same-sex life partners as well as informal same-sex life partners. However, the partners must be cohabitating and thus this law does not refer to dating partners.

The regulation of violence in the Family Law is primarily focused on the protection of children, except for Article 31 which prescribes that there should be mutual help, respect and equality among the partners. However, this Law does not refer to same-sex life partners. As a result of the constitutional definition of marriage as a union between a man and a woman, which was introduced in 2013, the Family Law regulates marriage, the informal union between a man and a woman, and relations between parents and children. The relations between same-sex formal and informal partners is regulated in the Same-sex Life Partnership Act as specified in the previous paragraphs.

In 2015 the Act on Amendments to the Criminal Code introduced Article 179.a which defines domestic violence as a separate felony. The content of this article refers to the regulations of the Act on Protection against Domestic Violence. Thus, to qualify as a breach of this Law, the act must be a breach of the Act on Protection against Domestic Violence and must induce in the victim the feeling of fear for his/her/their safety or the safety of another close person, or to put the victim in a humiliating position. The prescribed penalty is up to three years of imprisonment.

The Same-sex Life Partnership Act makes all the above mentioned Acts, except for the Family Law, applicable to same-sex life-partners. It regulates violence among life-partners or informal life partners in the second paragraph of Article 6 as follows:

All forms of violence in a family life relationship are prohibited, and the prevention, sanctioning and suppression of all forms of violence in it are regulated by a separate act.

Furthermore, related to potentially dysfunctional relationships, it defines the status of life partners in the welfare system in Article 64:

Life partners in a shared household who do not have sufficient means to meet their basic needs, and who are not able to meet them by their own work, income from property, from those obliged to pay maintenance or in some other way, and those life partners who due to dysfunctional relationships or other unfavourable circumstances are in need of professional assistance or other support, may exercise all rights and services from the social welfare system, as prescribed by a separate act.

According to the Act on Protection from Domestic Violence and rules of the Protocol in Cases of Domestic Violence, public officials such as social workers, nurses, doctors, psychologists and education staff have an obligation, by law, to report any case where there is reasonable doubt. The police are obligated to immediately dispatch at least two officers, preferably of different gender, to the reported location. The severity of the offence(s)

determines whether the charge brought against the perpetrator is a misdemeanour or criminal act.

Dating violence is still not sanctioned as a separate felony in Croatian law. Thus, as a police officer interviewed for this study explained, the victim can only press charges privately for physical assault. She added that some forms of aggressive behaviour between persons who do not meet the conditions for protection against domestic violence can be categorised as “intrusive behaviour” and sanctioned by the Article 140, Paragraph 2 of the Criminal Code. However, this regulation only refers to persons who used to be in some type of relationship such as marriage, cohabitation or dating, but not to current dating partners.

Sex work is regulated by the following acts: the Act on Misdemeanours against Public Peace and Order (OG 5/90, 30/90, 47/90, 29/94), the Criminal code (OG, 125/11, 144/12) and the Misdemeanour Act (OG 107/07, 39/13, 157/13). The Act on Misdemeanours against Public Peace and Order criminalizes all the persons involved in sex work, while the Criminal code (Article 157) and the Misdemeanour Act criminalize complicity, solicitation and the organisation of the activity. In 2012 the Misdemeanour against Public Peace and Order Bill criminalised the clients, but did not decriminalise the sex workers. This represents a serious impediment for the workers to report the violence against them, and also for researchers and violence-prevention services to reach this particularly vulnerable group.

### **Results from Interviews and Fieldwork**

For the purpose of investigating actual cases of violence against lesbians, bisexual women and transwomen, six interviews with victims and four with professionals from different areas were conducted. Two professionals are psychologists, one is a police officer, and one interview included two lawyers from a legal office. Furthermore, five official letters were sent to institutions in order to gather statistical data about the number of cases of domestic or dating violence among same-gender couples who identify as female. They were sent to the Ministry of Social Policy and Youth, the Municipal Criminal Court in Zagreb, the Ombudswoman for Gender Equality, the Ministry of Internal Affairs and the Misdemeanour Court. No responses were received from the Ombudswoman and the Misdemeanour Court.

Four of the interviewees who had experienced violence identified as lesbians and two of them as heterosexual transsexual women. All six cases can be defined as domestic violence because the partners were in cohabitation, and only one interviewee, besides being molested by her partner, worked as a sex worker. The age of the interviewees ranges from twenty-three years old to forty, the average being around thirty-three. None of them were married or in a life partnership, and they were all childless.

#### *The Characteristics of the Abusers and the Occurrence of Violence*

Regarding the respondents' view of the typical abusers and reasons for him/her/them being violent, all describe him/her/them as an unstable, insecure person with psychological issues who cannot deal with his/her/their problems and therefore needs to take it out on the victim

by imposing his/her/their power over her. He/she/they is/are also typically possessive and jealous. One respondent adds growing up in a violent family, and alcoholism, as potential sources of aggressive behaviour. The respondents who identified as transsexual added that partners were often violent towards transsexual women out of ignorance about transsexuality and because of being insecure about their own self-perception. All interviewees demonstrated a high level of awareness about domestic violence, as low self-esteem, substance abuse and experiences of childhood abuse, which they singled out, are mentioned by several research studies as the possible characteristics of the abusers (Murray, Mobley, Buford, Seaman-DeJohn 2006/2007, p. 6; Richards, Noret, Rivers 2003, p. 11, 12).

The motives for the episodes of violence varied, but from the victims' descriptions it could be assumed that in all cases the abusers suffered from some kind of psychological instability. One transsexual women reported that the violence started during her transition period, because her abuser, who identifies as a gay man, became insecure about his identity. Even though he was still attracted to her after the transition, he did not show any understanding of her desire to live in her own gender identity, and reacted with extreme misogyny and physical violence. Three respondents emphasized that their abusers must have suffered from some psychological problems because they had sudden outbursts of rage and anger. In one of these cases, outbursts were boosted by alcohol, in one case they would appear if the abuser did not consume a combination of alcohol, hallucinogenic narcotics and anti-depressives. One of the abusers became violent when she was asked to explain her behaviour, if she was asked to find a job or if the victim's ex-girlfriends were mentioned. As with one of the potential risk factors for violence in lesbian relationships identified by K. F. Balsam in her study *Nowhere to hide: Lesbian battering, homophobia, and minority stress. Women and Therapy* (2001) (Murray, Mobley, Buford, Seaman-DeJohn 2006/2007, p. 4), the batterer in this case, was economically dependent on her partner.

You slowly start to adapt because you want to put some effort in that relationship, you want to please the person you care about. Then you switch into a mind-set in which you are constantly trying to adapt to some demands which are becoming bigger and bigger. At some point you literally have the feeling of walking on thin ice, but you have been on that ice for so long that you do not know how to act differently.

All six respondents experienced some form of psychological abuse, four experienced physical and verbal violence, and one experienced sexual and economic violence. Five respondents experienced some form of controlling behaviour: checking their email and text messages, stalking, calling their parents, controlling where they go and with whom, not letting them see their friends or ex-partners. Two respondents experienced being completely isolated and not being let out of the house without the partner's permission. Three of the respondents experienced extreme forms of jealousy and possessiveness, two received angry and threatening messages and emails, one reported offensive and aggressive behaviour towards her family and a roommate, one experienced her dog being molested, and two respondents had their personal belongings damaged and broken. Four respondents

reported being afraid of their partner and the possibility of provoking anger or even physical violence by mentioning certain topics or when the partner was drunk.

Three respondents experienced physical violence once, two a few times, and one regularly, once every two weeks. This kind of abuse included slapping, pushing, violently grabbing hands, spitting on the victim, beating and choking. Three respondents experienced violence from multiple partners, and one was aggressive towards her partner in response. She was pushed several times and slapped once, not perceiving it as violence but as necessary reactions to her partner's aggressive outbursts. Mutual battering in lesbian relationships has been the subject of a debate between researchers. For example, the study by Marrujo and Kreger (1996), *Definition of roles in abusive lesbian relationships*, found that 34% of women in violent relationships report fighting back with the intent to hurt the partner, which has been interpreted by the authors as the 'participant role' in which both partners share the role of the victim and that of the abuser. However, in the study *Domestic violence between same-sex partners: Implications for counselling* (2003), Petennan and Dixon argue that the notion that both partners contribute equally to violence within an intimate relationship is a misapplied concept: victims may fight back, but this should be seen as self-defence (Murray, Mobley, Buford, Seaman-DeJohn 2006/2007, p. 5). In the case described, it is clear that the victim reacted with violence in order to stop the abuser's outbursts of rage, but she also stated that they both contributed to these fights, which makes it unclear if she herself was abusive towards her partner. Two respondents experienced life threats and one experienced the threat of committing suicide from her partner. It should be noted that all the most severe forms of violence such as choking, life threats, sexual violence and violence from multiple partners were experienced by transwomen.

None of the abusers showed repentance or tried to explain his/her/their behaviour. Most of them considered that the victim deserved such treatment. One abuser had switching periods when she tried to explain her extreme jealous and controlling behaviour by saying she only behaves this way because she loves the victim and she would never harm her, and periods when she would tell her she deserves much worse than she gets. Another abuser also blamed the victim for the bad things that happened to her, and she admitted only twice, that she was not feeling well. She visited a psychologist together with the victim but these sessions did not prove helpful.

#### *Characteristics of the Victims and (Under)reporting of Violence*

All interviewees define violence as including physical, verbal and psychological manifestations. One defines it as any act that induces fear in the victim, and all except one agree that it also includes any kind of controlling behaviour. One respondent excludes economic violence from the definition, claiming that it is always possible to ensure one's own independency. Furthermore, another respondent did not consider checking the other person's email and messages on the phone to be a form of controlling behaviour and therefore violence. The same person considered that violence can be sometimes justified by one's personal problems and stress.

When asked about the typical victim and why they might be reluctant to report the violence, the interviewees stated that it is usually a person who shows understanding for the abuser and his/her/their problems, thinks that the violence is going to stop or even does not

recognise the violence as such. She does not report it because of feelings of guilt or shame, or does not want to break up the relationship, but especially because she is afraid that the police will be discriminatory and will not solve the problem. Two out of six respondents thought that the state does not protect the victims of domestic violence, especially transwomen, whose needs are completely ignored. Consequently, it must be emphasized that both transsexual women express a high level of distrust towards the police, the medical and the judicial system since they have personally experienced ignorance, discrimination and, in one case, even sexual abuse.

*“The State and the System Do Not Recognise Trans Persons in General.”*

This finding is consistent with the result of the FRA 2014 survey which showed that transgender respondents consistently indicate that they experience an environment that is less tolerant towards them than that experienced by lesbian, gay and bisexual respondents (FRA 2014, p.104), which means that they are more likely to be exposed to harassment, discrimination and violence.

Regarding events after the violence occurred, only one interviewee went both to the doctor and to the police, three of them did not report the violence, one turned to a psychiatrist and one asked for help to from an organisation that works on the rights of transgender and transsexual persons, and decided to report the violence to the police in the near future. One person called the police twice after she was kicked out of the apartment by her partner, but the police did not compile a record and suggested to her that she initiates a private prosecution. Another respondent had the intention to report but was dissuaded by her friend, a police officer, who told her the process is too long and painful and would probably result in her getting a fine too. The respondent who reported the violence to the doctor and the police reports having positive experiences: she reported the violence two days after the event to her family doctor who wrote her a medical referral for the trauma and suggested that she reports the violence to the police; at the hospital she waited for about an hour and was diagnosed with contusion of the rib cage; at the police station she compiled a record together with the officer who suggested that she asks for a restraining order; the record was forwarded to the court; and afterwards she was called to come to the police station to be updated about her case. She reports not facing any kind of discrimination.

As for the interviewees who did not report the violence, the reasons varied. One of the transwomen feared she would not be treated with dignity and would be humiliated by the officers for being a transwoman. She also reported experiencing ignorance about transsexuality in the medical system. Such fear of a homo/transphobic reaction from professionals, including the police, has been listed as one of the reasons for not reporting by several studies (Richards, Noret, Rivers 2003, p. 13, 14). Another respondent did not report the violence because she did not want her mother to find out about it. Nevertheless, she said she regrets this decision after finding out her ex-partner was violent, also in her next relationship. One respondent says she did not report the violence because she did not feel it was serious enough and did not have the right information about shelters for victims of violence. She suggested that shelters for LBT women should be available. The respondent, who turned to the organisation that works on the rights of transgender and transsexual

persons, wanted to report the violence earlier but was prevented several times by her partner. When the violence occurred, she thought he was going to change and did not want to cause trouble to him and herself. After the first time she planned to report, her mother, a victim of domestic violence herself, discouraged her from doing so by claiming it was a waste of time. The victim also feared she would be mistreated by the police for being a transwoman and that her partner might take revenge on her and her family. She did not go to the hospital and feared that the injuries she suffered at the time would be hard to prove at that moment. Finally, when the organisation that works on the rights of transgender and transsexual persons contacted a shelter for women victims of violence they were told that reporting the violence to the police is a prerequisite to be accepted to the shelter, which she did not do because of the aforementioned reasons. Moreover, this treatment is contrary to the official policy of this particular shelter, which implies that the acceptance depends on the judgement of the individual who deals with the given case.

### *Sex Work*

The research sample included only one woman who worked as a sex worker. She started at the age of fifteen as a telephone sex worker because her family had serious financial problems and, being the eldest child, she had to start providing at a young age. During this job she often experienced verbal and psychological violence and life threats from men who were drunk or expecting to get a date with her. Later she was forced into sex work by a person with whom she lived for three months because she was homeless and jobless. Since she was economically dependent on him, he threatened that he would stop supporting her, throw her out of the house, spread sex tapes as well as murder and harm her family. He kept her documents, did not let her leave the house, and she could not negotiate about the choice of clients. He only stopped forcing her to sex work when she said she was in love with him and they started a relationship, which she did only in order to stop being exploited as a sex worker. She managed to escape the relationship when he was arrested and convicted for other reasons that have not been disclosed. The same respondent also experienced harassment from her father, a medical doctor, employers, from another partner, and was raped by an unknown person in a night club.

If you are a transwoman, you are only here for sex work and pornography. Education and other careers are not available to you.

However, she did not show distrust of the legal system and plans to report her last abuser, the one with whom she had a relationship after escaping from the person who forced her into sex work. She fears she will not have sufficient evidence, but hopes that one of her abuser's friends who helped her get out of the relationship, will testify against him. She believes no one deserves violence and that every abuser must be punished.

### *Institutional Response and Cases of Violence*

The institutions and professionals contacted for this research study report encountering only several cases of domestic violence against lesbians and transwomen. The Ministry of Social

Policy and Youth registered only two cases of violence between same-gender couples, one of which was between persons who identified as female at one of the Centres of Social Welfare. The Municipal Criminal Court and the Ministry of Internal Affairs did not report any cases of violence in lesbian couples nor against transwomen.

One of the professionals interviewed for the study, who works as a psychologist, reported dealing with one victim of dating violence who was often verbally abused, beaten once, and never reported the violence. She argues that the incidence and modes of violence in lesbian relationships do not differ from the incidence and modes in heterosexual relationships, which is an assumption confirmed by several research studies (Owen and Burke 2004, p. 131; Goldberg and Meyer 2012, p. 5; Brown 2008, p. 458). Some of the impediments in dealing with the problem of violence that she underlines are, the general lack of awareness about the necessity of reporting violence, the lack of information available to the victims about different options for reporting, the reporting procedures that expose women to additional trauma, and the lack of a system of psycho-social support, both for the victim and the abuser. As an additional impediment for the LBT victims of violence, she stresses the necessity to come out to the officials, an action which exposes the victims to additional stress. Nevertheless, she asserts that the existing compulsory reporting of violence for the medical staff is a good and helpful policy.

Another psychologist who was interviewed for this study works as a clinical psychologist at a psychiatric service. Being specialised in the field of sexual health of LGBTIQ persons, she informs and educates her colleagues through two Croatian Psychological Associations, as well as psychology students at the Faculty of Humanities and Social Studies, Croatian Studies and Faculty of Medicine about issues of violence, especially towards LGBTIQ persons. She also collaborates with the Women's Room, the Autonomous Women's House and other organisations working in the field of women's and LGBTIQ persons' rights. From her experience, she believes that the level of general awareness about violence is slowly rising because she noticed that more LGBTIQ persons are reporting domestic and dating violence, which was, in her opinion, completely unimaginable a few years ago. Also, she asserts that police employees are more educated and not so discriminative toward LGBTIQ persons as they used to be. She partially attributes this improvement to the fact that Croatia entered the European Union in 2014 and thus had to adjust some of its laws and protocols to the European standards of human rights. Nevertheless, it is still more difficult for LGBTIQ persons to receive assistance and support because many professionals tend to diminish the problem of violence between women. The victims are often left to the individual judgements of the officials who deal with them and depend heavily on personal connections they might have in the institutions. What is missing is a systematic programme of education for professionals in different fields, as well as more research studies that would provide more data about the predominance of this kind of violence among LGBTIQ persons, since the statistics of the Ministry of Internal Affairs often do not record the fact that someone was in a lesbian relationship or was beaten because she was a transwomen.

She describes four possible sources of violent behaviour: one's pre-existing neurotic structure that makes him/her/them prone to manipulation, vilification of others and aggression, one's exposure to violence during primary socialization, one's inadequate psychological mechanisms for dealing with stressors and one's projection of all

his/her/their problems onto the partner. Being an LGBTIQ person in a homophobic/transphobic society can only exacerbate the situation because, as she suggests, these persons often accept violent a relationship because of internalised homophobia/transphobia, or because they are afraid their abusive partner might out them to their employer or family if they leave her/him/them. Internalised homophobia (Frost 2009, p. 104; Brown 2008, p. 459) and the fear of being outed are often mentioned by researchers as factors that contribute to the acceptance of violent relationships (Brown 2008, p. 458; Richards, Noret, Rivers 2003, p. 12). When hate crimes and discrimination, as additional factors of minority stress, are taken into account, it is understandable that leaving an abusive relationship, without the possibility to “leave a homophobic society and culture” (Balsam 2001, p. 31) does not seem to be a good option for many victims. An additional barrier to transwomen is their social marginalisation caused by the fact that they are often denied access to jobs or are fired during the transition. This forces them into economic dependency on their partners or taking up risky jobs such as sex work. Furthermore, our interviewee states that, among lesbian relationships, there are many cases of confluence when one partner completely adapts to the other partner’s lifestyle and isolates herself from her own social networks, which makes it harder for her to leave the relationship. This phenomenon is also known as *fusion*, and is described by Waldner-Haugrud, Gratch, and Magruder as “the tendency for lesbian couples to withdraw from the community, and become socially isolated and fused within the relationship unit” (Waldner-Haugrud, Gratch, and Magruder 1997, p. 180). It was also found that fusion increases the probability of physical aggression (Murray, Mobley, Buford, Seaman-DeJohn 2006/2007, p. 5). The psychologist recently dealt with one case of violent relationship between two women where the victim reported the violence both to the doctor and the police. She emphasised the importance of providing assistance for the victim through the whole process of reporting and accompanying her during the reporting period; of providing free legal assistance, a different kind of support from NGOs and of directing her to a LGBTIQ friendly psychologist, gynaecologist or internist.

One interviewee who reported the violence to the police directed the researchers to the policewoman who compiled her record. She reported that in her nineteen year-long career, she had only dealt with three cases of violence among same-gender couples, two of which were among persons who identified as female. One of these cases was the first case of violence in a lesbian relationship reaching a court in Croatia, and it involved a partner who became violent and started threatening with suicide after the other partner decided to break up. The verdict in this case was a fine and one year of probation. The second, more recent case, involved an episode of physical violence that occurred after one of many quarrels between the partners. The officer had the impression that the conflicts derived from the partners’ different lifestyles: while one had a regular job and income, the other had an erratic life - most of the time she did not have a job and was prone to the use of narcotics. After the physical attack, the victim went to the doctor and then to the police. The officer reports that she, the victim, felt lost, guilty and ashamed. They compiled a record which was then forwarded to court, and the abuser was given a restraining order. As for the general behaviour of the police toward LGBTIQ victims, this officer is satisfied with colleagues in her station. She insists on regular, additional education and finds that their awareness about LGBTIQ issues is relatively high, at least among the younger

generation. She herself undertook a research study regarding the attitudes of the police officers on domestic violence and its penal policy and concluded that the level of awareness about the importance of prosecution is increasing, but varies from station to station due to the fact that the education is not systematic.

### **Conclusions and Recommendations**

This research study generated several important findings that should be taken in consideration by policy makers, institutions and organisations working on the prevention and protection of women and LGBTIQ persons against violence and discrimination.

The patterns and causes of domestic and dating violence against lesbians, bisexual women and transwomen do not differ significantly from violence against other women. They include physical, psychological, emotional, verbal, sexual and economic violence, and can be attributed to the partner's propensity towards possessive and aggressive behaviour, abuse of alcohol and/or narcotics, the partners' different lifestyles and so on. Nevertheless, there are two additional, important issues regarding violence against LBT women that must be underlined: firstly, transwomen experience more violence and in a more severe form; secondly, LBT women are highly unlikely to report the violence. Even though this research was conducted on a relative small sample, it is indicative of the fact that transwomen both, experienced violence from more than one partner, and were exposed to life threats. One of them also experienced rape and forced sex work. Importantly, one of them attributes this violence completely, and one partially, to transphobia. This means that in order to prevent domestic and dating violence against transwomen, the general framework for the protection of human rights of transgender and transsexual persons must be improved. Primarily, the regulations regarding legal gender recognition must ensure that the gender markers in the official document are changed, based only on the person's statement about her gender identity, and in the shortest time possible, without the person having to undergo several medical examinations and being diagnosed with Gender Identity Disorder, which represents a violation against a person's bodily autonomy and personal integrity. Having the gender markers in official documents consistent with one's gender is crucial for access to all types of institutional assistance, since both respondents were reluctant to report the violence to the police for the very reason of not having the right gender markers on their identity card, and thus feared the transphobic reaction of the officers. Furthermore, the lack of appropriately educated personnel in health care institutions has so far been a serious impediment for all transgender and transsexual persons in Croatia in obtaining their rights. In order to improve the social and health care services for transwomen victims of violence, professionals in a wide range of areas, including gynaecologists and psychiatrists in institutions and organisations, must be provided with systematic education about sexual and reproductive health care for transgender and transsexual persons.

The second relevant finding of this study is that respondents were very unlikely to report the violence to the police. In fact, only one of them reported the violence successfully after being encouraged by her doctor. Even though this is consistent with the general low percentage of reports among women victims of violence, for the LBT victims there are additional impediments. Besides diminishing the problem, they face or not having

the necessary information, LBT victims frequently express distrust in the police – they fear they will not be taken seriously or their dignity would not be respected. Two of the professionals interviewed for this study had noticed an improvement in the treatment of LGBTIQ persons by the police in the last few years, which might be attributed to the effectiveness of education initiatives<sup>5</sup>, which must become systematic for all the police stations in Croatia, and not be limited to only a few in Zagreb. Also, awareness must be raised among all women by wide public awareness campaigns and informational material, about the importance of reporting violence.

Since distrust in the police is still prevalent among all victims of violence, one important procedural change for the protection of victims would be not requiring they report the violence as a prerequisite for the admission into shelters for women victims of violence. This is particularly important for LBT victims, as one case from this study showed that a victim of severe and repeated violence was not accepted without the report, which she did not do because of the fear of transphobia from the police officers. If most victims avoid reporting, this requirement is then a serious obstacle for them in finding protection against extremely abusive partners.

Other specific recommendations provided by the professionals interviewed for this study included: providing a legal definition of dating violence and introducing it into the Criminal Code as a criminal offence; making the punishment for domestic and dating violence more severe; ensuring free legal assistance to the victims; providing support for the victim throughout the whole process of reporting; providing psycho-social treatment for both the victim and the perpetrator; reducing the number of statements that the victim must give during the reporting process in order to avoid additional traumatising; decriminalising sex-work and carrying out more research studies on the issue of domestic and dating violence against LGBTIQ persons.

This research study showed that domestic and dating violence against lesbians, bisexual women, and transwomen has two specific characteristics that must be taken into consideration for all further improvements to the system of prevention and protection against domestic and dating violence. Firstly, transwomen experience more violence in more severe forms, as well as serious institutional obstacles in the process of reporting. For that reason, legal gender recognition must be ensured, together with changes in the requirements for the acceptance to shelters for victims of violence. Secondly, LBT women are highly unlikely to report the violence, which requires raising awareness and a general change of the societal response to the issue of domestic and dating violence.

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<sup>5</sup>Education on LGBTIQ issues for the police employees has been provided in 2013 by members of Zagreb Pride who also issued a publication: [http://www.zagreb-pride.net/new/wp-content/uploads/2015/07/brosura\\_policija\\_final\\_web.pdf](http://www.zagreb-pride.net/new/wp-content/uploads/2015/07/brosura_policija_final_web.pdf), viewed 15 Novembre 2015.

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# HUNGARY

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## Introduction

In Hungary, homophobic and transphobic attitudes coexist with a relatively progressive legislation, as well as a flourishing LGBTQI scene in Budapest. Transgender people experience discrimination in 30-50% of all areas in their lives (Hidasi 2012), including partnership and even LGBTQI circles. According to the 2008 Eurobarometer, the figure for Hungary was 6.2 for the question about feeling comfortable about a gay or lesbian neighbour (FRA Report 2009, p. 4). People asked in a representative sample mostly agreed that homosexuality is a person's private issue (Takács 2011, p. 17), a statement which can be interpreted as both tolerance and protection from state intervention on the one hand, and a limitation of public display on the other. The contested nature of the publicity of homosexuality and LGBTQI issues in general is most obvious around the annual Budapest Pride March, frequented by masses, but regularly attacked and policed at the same time. As for the deviance/illness/sin models, the first is the most prevalent in Hungarian society, whereas identifying homosexuality as sin (against God or society) is the least, with 21% of the national sample supporting it. 35.5% of people completely agreed with the statement that "Choosing a same-sex partner is a basic human right" (Takács 2011, p. 17-21).

## Employment and Economics

Although *Act CXXV of 2003 on equal treatment and the promotion of equal opportunities* prohibits discrimination on the basis of sexual orientation and gender identity in Hungary, very few victims of employment discrimination turn either to a court or to the Equal Treatment Authority for legal remedies. Besides discrimination, many LGBTQI people have to cope with a homophobic and transphobic atmosphere in the workplace on a daily basis: the hetero- and cisnormative atmosphere of workplaces is marked by homophobic or transphobic verbal insults, harassment, ostracism and rumours. It often happens that people's job applications are refused because of their sexual orientation or gender identity, that they are subject to job promotion discrimination or are dismissed. In this environment, most LGBTQI people choose to remain in the closet. Although the vast majority of respondents (85%) in a research conducted by the Hatter Society and the Hungarian Academy of Sciences in 2010 agreed that one can only live life to the fullest if they are open about their sexual orientation, only 17% said they were fully out to the co-workers, while another 32% were selectively out to a few of their colleagues. Even fewer (35%) were fully or partially out to their bosses, so respondents were more likely to come out to their co-workers than to their superiors (Karsay 2015b, p. 20).

According to the findings of the same research, transgender people are heavily affected by unemployment (12% of the respondents in Karsay 2015a), more so than LGB

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respondents (6%). Permanent unemployment, that is, being unemployed for more than three months, has affected 62% of transgender people (while the same proportion among LGB respondents was 39%).

Besides legal sanctions and remedies, more attention should be directed at preventing labour market discrimination and promoting good practices related to workplace diversity. Although equal opportunity plans open the door to the realization of such programs, employers are, on the one hand, not motivated to accept equal opportunity plans that could bring about real changes, and, on the other hand, they cannot rely on any professional support. Furthermore, the obligation to accept an equal opportunity plan concerns only a limited number of employers (public institutions and state-owned firms).

### **Recognition of Same-sex Families, Adoption, Access to Marriage and to New Reproductive Technologies**

Laws including *Act XXIX of 2009 on registered partnership* and *Act CLIV of 1997 on health services* still maintain discrimination against same-sex couples in Hungary. The introduction of the institution of registered partnership in 2009 was a huge step forward, but it does not mean that discrimination based on sexual orientation was eliminated. Same-sex couples can neither adopt children, nor do they have the possibility of applying for artificial insemination. Individuals, however, are entitled to adopt children, regardless of their marital status or registered partnership, sexual orientation or gender identity; in this case, the children adopted will have only one legally recognized parent. The politics that stresses the “defence of marriage” also discriminates against trans people: they are forced to divorce if they want their gender legally recognized.

Since 2010, the Hungarian government has adopted several provisions that severely endanger the rights of same-sex couples and their children. The fact that the new Constitution defines marriage as a heterosexual institution is a huge set-back for the equality of same-sex couples and their children, as it supports existing social prejudices against these families. Besides international human rights organizations, the experts on constitutional law who were asked by the Government to review the Constitution when its 4th modification was in process, as well as the Venice Commission, indirectly criticized this narrow definition of family. They also emphasized that the case law of the European Court of Human Rights (ECHR) recognizes that same-sex couples constitute a family (*Schalk and Kopf v. Austria, 30141/04*).

Unlike a previously accepted version of the Civil Code, *Act V of 2013 on the Civil Code* does not allow second parent adoption (that is, that partners adopt the children of their partner), maintaining the insecure legal position of same-sex couples and their children. Even if a child is raised by two same-sex parents for over a decade, s/he is not an heir to the non-biological parent, s/he is not entitled to maintenance in case the relationship ends, and it is extremely difficult or impossible for the non-biological parent to act on the child’s behalf in cases where the biological parent is hindered. These regulations violate the interests of children raised by same-sex parents. It is important to note that the ECHR not only prohibits discrimination based on sexual orientation during individual adoption (*E.B. v. France, 43546/02*), but also, that the exclusion of same-sex partners from second parent adoption is discriminatory (*X. and others v. Austria, 19010/07*).

Access to artificial insemination is regulated by strict (and discriminatory) measures in Hungary. According to the law (*Act CLIV of 1997 on health services*), only spouses, heterosexual partners, or single women who are infertile or might soon become infertile because of their age can apply for artificial insemination; it is not open to lesbian partners or registered partners or women who are not infertile. However, several lesbian couples have had access to artificial insemination during recent years by circumventing the rules: that is, stating that the applicant woman was single. (Of course, concealing one's partnership or registered partnership may count as a forgery of documents in certain cases.) Transgender men who change their legal gender officially may apply for artificial insemination with their female partner.

Wherever the artificial insemination is performed, be it in a health institution abroad, or at home, the problem that the child will only have one parent, the biological mother, remains the same. This is not the case if a heterosexual couple resorts to artificial insemination. In this case, if they hand in a joint request, the man will become the father of the child (regardless of whether it was his own sperm or that of an anonymous donor). The lack of a legal relationship between one parent and the child may lead to serious problems in the everyday life of family members.

## **Health**

Discrimination based on sexual orientation or gender identity as well as denying services from HIV-positive patients is prohibited in health care. Health care service providers are bound by *Act CXXV of 2003 on equal treatment and the promotion of equal opportunities*. Despite this, a recent qualitative research study conducted by Háttér about lesbian, gay and bisexual people's experiences in Hungarian health care (Faix-Prukner and Rózsa 2015) revealed that coming out is risky in this sector. HIV-positive patients are most heavily affected by both the push to come out and by dual discrimination based on their HIV-status and sexual (or gender) identity, including victim blaming. Every second LGB respondent had faced inappropriate questions or comments, and 29% of the respondents had been harassed. The researchers also described cases where patients' and attendants' partnership status was disregarded and where doctors severely violated their obligation to maintain confidence. The research report also shows that very few report discrimination. Only 6.3% of those who were discriminated against (6 out of 95 people) made a complaint; 4 of these reported that their complaint had not been dealt with, and there was only one case where the health care employee who had been discriminating had been called to account.

As for legal gender recognition, in the case of transsexual people, they must apply for this (and the change of their name) by sending a request to the Office of Immigration and Nationality at the Ministry of the Interior, which then forwards the request to the Ministry of Human Resources. Medical opinions are also necessary: these have to be gained from two psychiatrists (or one psychiatrist and a clinical psychologist) and a gynaecologist or urologist. No former surgical intervention or hormone therapy is a prerequisite to the legal gender and name change. Where the request is well-founded, the ministries issue the necessary permissions; the name change is performed and documented by the registrar. Once the birth certificate is modified, other documents (identity cards, passports, driving licences and school reports, diplomas, etc.) can also be changed. There is

no law that regulates who is entitled to apply for surgical or other medical intervention. Social security, however, only covers 10% of the costs of a surgical intervention; 90% of costs are to be financed by the clients themselves.

According to a survey of trans people's experiences in the Hungarian health care system conducted by the NGO Transvanilla, many trans people avoid seeing doctors because of their fear of discrimination. 26% of the respondents had been discriminated against because of their gender identity (Hidasi 2015). More than one third of them reported that their special needs had been ignored, and they had to deal with unnecessary, intimate inquiries from healthcare staff. Discrimination experienced in the health care system is especially troublesome for transsexual people who must rely on health examinations, diagnoses and certificates in order to receive legal acknowledgement of their gender transition.

### **Domestic and Dating Violence**

The Hungarian Penal Code (*Act C of 2012*) penalizes "partnership violence." The definition of this phrase implies that someone regularly hurts the human dignity of a partner, humiliates them, is violent with them, or commits economic abuse and thus subjects the victim to severe deprivation. Partners include; present or former spouses, cohabiting partners, or registered partners who lived or had lived together with the perpetrator at the time or before the misdemeanour was committed. Assault and libel under the same circumstances are crimes that are punished more strictly than assault and libel among strangers. However, although this definition of partners is gender neutral, it does not include partners who had not lived together.

*Act LXXII of 2009* regulates the so-called preventive restraining order, which does not specify gender either. Temporary restraining orders may be issued by the police if someone is subject to any activity that endangers her or his dignity, life, sexual autonomy, or physical and/or psychological well-being. A temporary restraining order issued by the police is valid for 72 hours. The police automatically inaugurate its prolongation by the court. The court then decides whether to issue a restraining order for a maximum of 60 days. Victims of domestic violence may also turn directly to the court to request a restraining order. During the time such an order is in force, perpetrators of violence cannot contact the person under protection in any way, either directly or indirectly. *Act XIX of 1998 on the Penal Procedure* regulates restraining orders in case a penal procedure is under way; this regulation is also gender-neutral.

However, based on the evaluation of two women's rights organizations in 2011, police are very cautious about handing out preventive restraining orders. Furthermore, there seems to be an even more serious problem on the part of courts: in Budapest, for example, 60 out of 95 temporary restraining orders issued by police were revoked by the courts in 2010 (NANE and PATENT 2011).

The existing legal regulations and especially their actual application thus seem inadequate to offer victims of domestic violence a real chance to leave an abusive relationship and get help from institutions to do so. Latency is incredibly high in these cases; there are also very few shelters in Hungary where victims of domestic violence can find refuge, for at least a few months.

Hungarian laws do not regulate or penalize “dating violence;” instead, it is covered by the regulations penalizing sexual violence in its various forms. The regulations pertaining to sexual assault and abuse in the Penal Code (Act C of 2012) are gender neutral: both the perpetrator and the victim can be of any gender.

As a report issued in 2007 by Amnesty International found, a key barrier to women in trying to obtain justice for rape and other crimes of sexual violence is the high rate of attrition in such cases – the large number and proportion of cases that drop out of the legal process, failing even to reach court or not resulting in criminal convictions. Cases can be lost at a number of stages and for a variety of reasons; the police may not identify the attacker, the victim or other witnesses may decide to withdraw their statements or not to press charges, or the case may be labelled a “false report.” Amnesty International found, in interviews with police officers, even among specialists in rape investigations, that many believe that women frequently lie about rape. The police, prosecutors or judges may decide there is not enough evidence. Many experts argue that the first and in many ways most significant point of attrition is the failure to report the crime. At the same time, according to experts working in this field (Amnesty International 2007) the police often discourage women seeking to report sexual crimes by telling them that they will be unable to prove their case, will face a very difficult and exhausting process, and should not expose themselves to a court procedure. Director of an NGO, Júlia Spronz, told Amnesty International that “There are times when women report and nothing is recorded. This is why we suggest that women should submit a written report.”

A police expert on rape issues greeted Amnesty International’s representative in 2006 with the words: “Are you the one who has come to talk about the birds brought in here who say they have been raped?... At least 85 per cent of them are whores. They want to have sex, but then do not manage to come to an agreement. They are prostitutes, overtly or secretly. An expert can see this.”

We have no reason to assume that these attitudes have changed significantly during recent years. Recent reports and statements issued by NGOs working with victims of domestic and/or sexual violence also show that this field is characterized by very high latency and that the relevant institutions are not properly, or rather not at all, trained to deal with these issues.

### **Fieldwork Environment and Questionnaires**

Having consulted with organizations working against gender-based violence such as NANE, as well as with lesbian and transgender organizations Transvanilla and Transzpont, we launched two questionnaires to map the most common forms of abuse against trans women and between women. We circulated the questionnaires online and during the thematic Budapest Pride workshop. The results are not representative, and the questionnaires were mostly filled out by people who had been victims of abuse. We collected 61 fully completed responses from women in same-sex relationships (2% of them

were transgender) and 10 fully completed responses from trans women.<sup>6</sup> Apart from a list of the various forms of abuse they were asked about, people were given the opportunity to put their own stories in writing and provide us with their contact details (this way we accessed some of them for interviewing as well).

Among those respondents who started the same-sex questionnaire, 56% identified as lesbian or gay, 10% as bisexual, another 10% as other non-heterosexual (queer, pansexual, etc.), 4 women as heterosexual (and the rest did not want to identify). This indicates that many women who do not identify as lesbians are concerned about same-sex partnership violence, a factor which needs to be taken into account when building awareness-raising and support services. Half of the respondents were aged between 25 and 44, and only 8 people were older. All types of abuse were identified in the responses, including battering. More than a third had experienced fear and anxiety and the signs of extreme jealousy in their partner. What seems less likely to occur than in heterosexual relationships is economic violence and the abuse of children – probably because there might be fewer children in lesbian households, and they are perhaps less financially dependent on one another. 12% of the respondents had experienced some form of sexual abuse. With the last section, we attempted to map out the extent to which stories of violence are shared, although more than 40% of those who started to fill in the questionnaire did not respond this part. A quarter of the respondents said that they assumed no-one among the women they knew was living in an abusive relationship, but another quarter said they suspected this about 2-5 people they knew. 18% of the respondents replied that they had heard stories about violent lesbian relationships from victims themselves (from 2-5 women), and a similar proportion had not been told about such problems at all.

Out of the 20 trans women<sup>7</sup> who responded to the question about sexual orientation, 7 (a quarter) identified as heterosexual and many shared stories about abusive men. Another 6 identified as lesbian or gay, 5 as bisexual, queer, or unlabelled, and 2 as asexual. Twelve women responded to the question about the gender of abusers; saying that abusers were men in half of the cases (6), women in a third (4), and both men and women in 2 women's lives. Transgender women have experienced more abuse in each category than women in same-sex relationships. Most strikingly, physical violence (hitting, kicking, throwing something at the person) was more frequently committed against trans women. The same applies to economic violence: 42% of the respondents reported that a partner controlled or constrained their access to a shared bank account, and 23% responded that housework was mostly done by them. As for the trans-specific forms of abuse, more than a third of the respondents mentioned that they had been referred to as male, and that their bodies had been shamefully mocked – this is the same proportion as the findings of a recent Scottish research report (Scottish Transgender Alliance 2010). The incidence of sexual abuse was also higher among trans women than among those who filled out the same-sex questionnaire. Isolation was also a frequent experience; being isolated is an issue for sexual minorities in general, but is especially threatening for transgender people.

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<sup>6</sup> As it happens with online questionnaires, many more people start to fill them than those who actually finish; the number of unfinished questionnaires is 108 in the case of the same-sex topic and 27 in the case of the transgender topic.

<sup>7</sup> One of them is an intersex person and another identified as a heterosexual man.

In general, bringing the Bleeding Love project into focus in LGBTQI communities was met with interest and openness. NANE, an NGO working against gender-based violence has been collaborating with Háttér: the operators of Háttér's Information and Counselling Hotline have been trained by experts working at NANE so that they become more aware of and sensitized to the issue of partnership violence. The statistical database about the calls received by Háttér's Helpline also contains partnership violence as a separate category. NANE held a workshop during the 2014 Lesbian Identities Festival (LIFT) in Budapest. NANE's publications also reflect upon the phenomenon of battering in same-sex as well as in heterosexual relationships.

As the operators of NANE's helpline for battered women said, they sometimes suspect that a caller is a woman who lives with another woman. There are callers who say this immediately, but there are also callers who do not. The operators use neutral expressions and refer to callers' "partner," so they may realize during the discussion that they can talk about their relationship with another woman. These callers ask for psychological help and support. NANE operators do not know of any cases when any institution or authority was contacted by victims of same-sex domestic violence. "They probably do not assume that support services are prepared to deal with them. So it is even more difficult for them to talk about this."<sup>8</sup>As for state-run services for survivors, they generally lack resources and even if shelters in theory accept not only cis/heterosexual women (e.g. with well-separated rooms), in practice they are not at all sensitized to the issue of abusive relationships between same-sex people and gender-based violence against trans women.

Although the mainstream discourse about partnership violence totally omits LGBTQI experiences, there are a few LGBTQI-friendly psychological counsellors who also know about and can deal with abusive partnerships. Lesbians, including our interviewees, experiencing abuse, turn to both state-funded and private counselling. They often do so at the point when the abuser controls or blackmails them by not allowing them to maintain contact with non-biological children. Face-to-face counselling and group-therapy can help them considerably if their approach is feminist and LGBTQI-sensitive. Trans women, especially if they are poor and cannot pay for private services, are mostly "treated" in psychiatric institutions, without substantial support.

During the research, we interviewed nine experts: two co-workers of NANE; two trans activists (from the NGOs Transvanilla and Transzpont); an LGBTQI psychologist counsellor; a police officer and three social workers, one from a state-funded support service for survivors, another from a female juvenile institute, and a third from a drug-prevention NGO working on the street with sex workers. Informally or for very brief conversations, we also contacted sex workers' organizations.

### **Interviews with Survivors of Violence**

We have been conducting interviews since the beginning of February, 2015 undertaking five longer, semi-structured, face-to-face interviews with survivors of partnership violence in lesbian relationships. The age of interviewees ranged from 23 to 49 years old (the

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<sup>8</sup> Interview with a helpline operator conducted on 6<sup>th</sup> March 2015.

youngest age at the time of the abusive relationship was 16), and their education and professional background was from upper-working class to upper-middle class, from vocational training to PhD. Another four, shorter conversations with potentially or partially concerned people from the older generations of the lesbian community were conducted via telephone or Skype. We undertook longer, semi-structured interviews with two trans women, both involved in activism (one face-to-face and one via Skype), with one trans woman survivor of intimate partner violence, and another three with trans sex worker women via phone, whom we had contacted online. We contacted two drag queens from the older generation, online and via phone.<sup>9</sup>

Our fieldwork also relies on the stories shared with us in the questionnaires, on observations made in LGBTQI groups and events in Budapest, online and offline, including our Pride workshop. Informal discussions with people outside of the Budapest LGBTQI scene (such as a discussion with homeless female couples, sex workers in the street, participants in a drag show in the town of Szeged) were also informative. Our data may continue to expand as we move forward with the project until its end.

### *Lesbian Relationships*

According to our data, various forms of violence happens in lesbian relationships: controlling behaviour including checking phone-, email- and Facebook messages, isolation from friends, family and community (even by prohibiting calling them). Verbal forms of violence experienced by our respondents included scenes of jealousy, outbursts of anger, humiliation, or sentences such as “You should have perished as your mother did”; as well as physical abuse.

As Adél (42) notes, when physical abuse started, she was already weakened psychologically:

All the way through, even after physical [violence], verbal violence was always present. Psychologically, emotionally she could put me down so much. This was when my weakness started, when I broke down emotionally (...) that after a while you believe... Oh my God. If one has been told for a long time that “you are stupid”, she believes she is stupid. This is psychology. And she made my position so untenable that I didn’t feel like a person any more. As if that was my fate, and as if she had taken the last string from me which I could hold on to. To make me become her property and whatever she wanted. (Adél, 42)

Adél had two children s from her previous heterosexual relationship, who were not directly hurt, but managing escape routes was more difficult with them.

She wouldn’t let me call my parents or ask for help from anyone. When in Székesfehérvár, once she found out that I had called my dad – because I had planned to send my kids there for the summer holiday so that they stay there and then I can also go somehow. And she found out that I had called my dad. We were in the street, it was already dark, there was no one there but us, and she pushed me against the wall. I wanted to leave but she didn’t let me go.

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<sup>9</sup> We present all interview excerpts translated into English from Hungarian, using pseudonyms, and with all data modified to avoid the possible identification of the people and events.

And she was holding me tight, pushed me against the wall of the store, and completely scared me, grabbed my body parts, and I didn't know how to escape. She was holding me in such a fear (...) that I pissed myself, for the first and last time in my life. (Adél, 42)

Physical violence mentioned by our respondents included: “broke my nose twice”, “kicked me with her boots with steel toe caps”, “when I tried to talk back, she was holding a pair of scissors and hurt my mouth with them a bit”.

Date rape, a specific form of sexual violence is often hard to categorize even for its victims, and if it happens between women, perhaps even more so (see Girschick 2002). But it does happen between women, too. (Note that 12% of the respondents to our questionnaire gave accounts of unwanted sexual contact.) Erika (30) had been sexually abused by an older man when she was a child, and only recently realized that her first sexual experience as an adult was also abusive. During her third date with a woman 10 years older than herself, who knew about her past as a victim of sexual abuse, they went to her apartment to watch a movie.

We had a good time, but she was very pushy, and I was wounded and I was not given the opportunity and time to think through what I wanted. (...) I was just thinking about what if the first kiss wasn't good... I was stuck there. Everything else just happened to me. I didn't have any influence on what was going on. It wasn't me who decided how many clothes would be taken off and how fast things would go. (...) I didn't want to be naked but she persuaded me to. (Erika, 30)

Beyond the numerous similarities between same-sex and opposite-sex abusive relationships, there are specificities connected to the social attitudes towards homosexuality. Living in a same-sex relationship may seriously limit one's opportunities when looking for help among family, friends and institutions; thus homophobia becomes a resource for the controlling abuser.

Coming out as a means of control is specific for LGBTQI people (see Elliott 1996, p.5). For example, Lizi's (23) partner, Gabi exercised control through banning coming out as a couple before acquaintances, which was painful for Lizi; and after breaking up, she was afraid that Gabi would blackmail her with their relationship when Lizi applied for a teaching position.

The norm of having a partner and the social pressure to have one can be dangerous for women, especially for young women entering their first (lesbian) relationship. The majority of our respondents suffered violence in their first relationship with another woman. Renzetti (1992) notes that in response to the negativism and hostility of heterosexual society, lesbian couples may attempt to insulate themselves by nurturing their relationships as relatively “closed systems.” This fosters emotional intensity and closeness in the relationship, but may simultaneously generate insecurity by disallowing separateness or autonomy for the partners (Renzetti 1992, p.29-30).

She was my first big love, I admired her. (...) I was unbelievably naïve, and very benevolent. Like *The 50 Shades of Gray*, right? That's why I hate that book. Luckily, we were still kids, lived far away from each other and we kept our relationship secret. (...) Till then, I didn't even know I was a lesbian. (Lizi, 23)

We met online. We moved in together very early. I think that was very problematic. We met four times at weekends, and after the fourth occasion, she got stuck in Zalaegerszeg, and from then on we lived together. The beginning was nice. I was like 28-29 years old, she is 8 years younger than me, so she was 21-22 years old at the time. It was my first [lesbian] relationship and her first relationship, too. (Adél, 42)

As Hester stresses (Donovan and Hester 2014), “Young age, low income and low education predict particular vulnerabilities to DVA in same sex relationships, and being newly ‘out’ can position somebody as younger and more vulnerable to abuse regardless of biological age.”

I was a fresh, suddenly hot lesbian just breaking free, more or less able to date. I started the girlfriend-project. I should have been able to select more carefully. There was a huge pressure on me to have a girl. My friends, everyone wanted to see me happy, and they thought I needed a girlfriend. (...) My environment was pushing me into it. (...) I was terribly in love and everyone was so happy that “Erika has a girlfriend”. My best friend was also so keen on our relationship, even though she might have had suspicions. (Erika, 30)

I was happy that finally I have a relationship. (...) She expected me to commit very soon, till death, forever. But I don’t function like that. And she herself didn’t want to commit. (Flóra, 49)

Homo- and biphobia can not only make it more difficult for women to break out from an abusive relationship with another woman, but they can also appear inside the relationship. Lizi (23) was 16 and sexually inexperienced when entering her first relationship with another young woman, Gabi. Gabi apparently did not trust Lizi’s new lesbian identification: she mocked her, tested her and humiliated her.

She had been telling me for months that she wouldn’t believe I was a lesbian and asked how I could know that if I hadn’t kissed a guy. She said she was worried I would leave her if I eventually realized I was interested in guys. She forced me to kiss with a guy at a party. It was horrible. And then she flipped out and said she wasn’t serious and why I had done that and what a whore I was. (...) After about one and a half years she made me sleep with her. She bought a lot of shots and it happened. And immediately afterwards she said she hadn’t thought I would let myself be seduced, I am a bitch, I am a whore, and what a cripple I was to have my first experience with a girl. (Lizi, 23)

Feeding from the sexist and ambiguous virgin-or-whore expectations and judgements all women face, Gabi, although a lesbian woman herself, downplayed lesbianism as secondary to heterosexuality (and thus connected infidelity to any interest in men, which is a common biphobic strategy). In this complex emotional-and-sexual abuse stricken relationship, Lizi suffered violence based on her gender, her age, her being a lesbian, and not being a lesbian.

Lesbian communities have a responsibility to prevent abuse and help victims, because if they fail to do so, victims easily become isolated and extremely vulnerable. On the other hand, they mean a lot for the people trying to break out, as supportive networks accepting lesbian relationships, and often sensitive to feminist issues. Even if someone is

older, highly educated and had had several relationships before, she can still become a victim of abuse. This happened to Flóra (47). Her partner made her feel uncomfortable in their shared lesbian circles and isolated her from them, making it extremely difficult for her to ask for help. When in 2014 a lesbian group had the chance to speak up at a forum about violence against women, its representatives chose not to talk about domestic violence within same-sex couples but about homophobia and its impact on lesbian and bisexual women's lives only. What is more, when Flóra, stunned by this silence, tried to put partnership violence on the agenda, it did not occur to the lesbian participants that she might be a victim herself, and they rejected the idea of talking about such a "very marginal" issue.

A discourse about battering and abusive relationships among women might help those concerned to realize what controlling someone means. Many respondents mentioned awareness-raising materials and the events of NANE in particular, which helped them realize they were victims and, at the same time, that they have the chance to break out. Already knowing about support services gives confidence to people.

When I participated in training on battering, it took a while until I began to realize how these things had worked in my life. Emotional blackmailing... Or degrading me all the time. (...) These just sneak into a relationship. It took a while until I recognised these patterns in my previous relationships. (Kata, 60)

She was stalking me via emails after [the break-up]. If I didn't respond, that was why she wrote, and if I did, that was why, although I had said I wanted to put an end to it. Finally, I said I would turn to Háttér for legal help if she wouldn't stop – and then she stopped. (Flóra, 49)

Many of our interviewees talked about the importance of friends: "They actually warned me! They said that she was degrading me, and I did not even sense that at the time." (Lea, 59) Our data confirm the huge role friends can play in helping victims of violence, especially in the case of women who have limited support outside of lesbian communities (Renzetti 1992, p. 130). Lizi (23) explicitly advises other victims to talk about the abuse to the people they trust:

It is not only what they say. When they read what Gabi had written to me and I just saw that they were shocked because she already wrote things like she would cut my throat... When I saw them reading this, it was stunning. (...) You have to tell them if you want to split up. Already the fact that they know about the plan helps one do it and not to step back, but we can even explicitly ask them not to let us get in touch with the abuser. (Lizi, 23)

When you are so exhausted and feel so crap and you don't see why; and then your best friend calls and says that you don't have to tolerate it and you deserve to be happy... (...) She encouraged me to take this step. (Erika, 30)

## *Trans Women*

Trans women are more vulnerable to becoming isolated, which means they often depend solely on their partners, and they have even less opportunity to seek help. According to a research of Transvanilla Association, 32% of the transgender respondents have experienced discrimination from their partner (Hidasi 2012). Transgender women are prone to the same kinds of violence as any other women, but they also suffer from trans-specific forms of violence. One of our respondents mentioned the obstruction of transition, as well as disrespect of certain body parts.

He took away my hormones as well (...) During the 2 years [we spent together] I let him touch my genitals orally only once. He kept begging so I finally let him, he was curious or I don't know, but that wasn't a good feeling for me. (Szabina, 35)

Trans women are especially vulnerable when it comes to dating and at the beginning of a relationship when they reveal their trans status to a cis man. However, we talked to trans women who had relationships with cis hetero men without abuse, and transphobia often, though not necessarily, plays a role in partnership violence. The abusers of trans women can be cis women and trans men as well. As one of our respondents told us, a trans man was stalking his former partner after they broke up, following her, threatening with suicide, and damaging her car – which, interestingly, he tried to mask as a homophobic attack to divert suspicion from himself.

As a trans NGO activist told us, it is often very difficult for trans women to ask for help:

They do not seek help. They think that they cannot call a helpline if they are abused trans women. They think their voice is not feminine enough... Or that they can only call a helpline for women after the transition... Helplines should make this public. An abusive partner controls the other so that she cannot decide about her own experiences; what's good or bad for her. And trans women get these messages for many years, from their childhood, that they are ugly, not OK, none would love them... And these have their impact. (NGO activist)

## *Transgender Sex Workers*

Engaging in sex work entails extra difficulties for women, on top of the above mentioned vulnerabilities. These are connected in particular to financial difficulties, especially if they belong to the poor and discriminated Roma ethnic minority. This also means that our sex worker interviewees talked about both commercial and non-commercial relationships. We talked to some who advertise online and without pimps, which means they have relative security. From their stories it seems that many have not experienced violence from clients at all, which, they believe, might be attributed to their (perceived) physical strength. Nevertheless, despite their gender assigned at birth or their perceived gender, they experience violence just as many other women do, especially sex workers. One of our interviewees mentioned a case when a client was shouting and running around naked in front of neighbours, under the influence of drugs. On another occasion, a client took the

phone and other valuables of the woman, threatening her at knife-point. Szabina (35) was also subject to economic violence from her male partner who took the money she earned in bars and from sex work, and wanted to build his own business from it. She was taken to a psychiatry ward and was interrogated by the police, but her concerns were never met adequately. Given the police's general approach to women suffering from partnership violence, let alone to sex workers (as demonstrated above), it is no wonder that survivors hardly ever ask for legal help.

Some clients say they are violent because they are not satisfied with the trans sex worker's gender and/or sexual performance. (Transgender sex workers are often required to maintain a feminine look and a potent penis, too – which is difficult because of the hormones taken as part of the transition process.) Some trans women turned to sex work because they sensed that they did not have any other opportunity to make a living; others only engage in sex work for a year or two, until they can save up enough money for gender reassignment surgeries. Drag queens (more commonly referred to as *transzvestiták*, *travesztik* or *travik* in Hungarian) were more respected and well paid during the 1990s and early 2000s, following the opening of the sexual and QI scene after the collapse of state socialism, especially in Budapest. Some of the sex workers we talked to used to be drag queens earlier, and might even connect the two fields as “artworks of illusion”, as Mimi (33) put it.

### **Conclusions and Recommendations**

Like their heterosexual counterparts, same-sex abusers learn to abuse: abuse is a learned behaviour that mostly goes on because it can go on unpunished. Homophobia and transphobia help to create the opportunity for abuse without consequences by isolating the victims and preventing them from gaining access to resources such as their family, appropriate social services, and the criminal justice and legal systems. As a result, battered lesbians and trans women are unlikely to seek assistance, and even if they do, are not likely to be helped.

There is also a reluctance within the lesbian community to recognize the problem of partner abuse in lesbian relationships; partly because the public recognition of the problem might fuel homophobic stereotypes, and partly because of the commonly held belief that intimate violence is a heterosexual problem, and women cannot be abusive (see Renzetti 1992, p. 105). If so, many (even among our interviewees) attribute violence to masculinist characteristics, alcohol, or abusive family background – issues which could be targeted, but they can never legitimize the abuser's behaviour or minimize their accountability.

Gender stereotypes often affect trans women even more heavily; they might experience victim-blaming in and out of LGBTQI environments. They only have a chance to break out from abusive relationships if their relationship and gender expression choices are met with support.

According to survivors' experiences, to break out from abusive relationships, they needed awareness of the phenomenon and, first and foremost, emotional support from their confidants. We are therefore convinced about the significance of awareness raising in the LGBTQI community so that NGOs can work at creating a community in which intimate violence is minimized, where the values of mutuality and partnership are respected, where

the demand to end violence is universal, and in which people seek to protect and support the abused. As recommendations:

- LGBTQI NGOs should train their members and the public about same-sex intimate partner violence and define this issue as a focus when outlining the tasks of their support services;
- Women's rights NGOs working on the issue of domestic violence should explicitly include lesbian and trans women in their constituency and clients;
- State authorities and the justice system should treat all victims of violence (be it domestic or other violence) as equal, respecting their reality and fulfilling and protecting their rights; to this end, LGBTQI-sensitive training and data-treatment is necessary;
- Social workers should be trained to deal with victims of domestic violence regardless of their sexual orientation or gender identity.

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# ITALY

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## Introduction

This chapter offers an analysis of domestic violence between women in intimate relationship, and dating violence against trans-gender women in Italy. The chapter is based on structured interviews that Benedetta Ciampa, Anna Lorenzetti, Piergiorgio Masi and Ylenia Zeqireya have conducted in different areas of Italy from May 2015 to September 2015. The purpose of the interviews was to collect information regarding the characteristics of violence, the extent to which victims are protected and the knowledge and perception that professionals have about domestic violence between women in intimate relationships and dating violence against trans-gender women.

This chapter is divided into three parts. Part I offers an overview of the legal framework concerning the rights of LGBT persons in Italy. In particular Part I focuses on protection from discrimination in the work-place; legislation governing access to reproductive technologies; legal recognition of same-sex unions; and norms regarding gender reassignment. Part II is concerned with an explanation of the Italian legal framework regarding protection from domestic and dating violence. Part III concludes with an analysis of data collected during the fieldwork.

This contribution brings important and original data to an area of research, which only recently has attracted attention in Italy. Although a first study on domestic violence between women in intimate relationship was carried out and published in 2011,<sup>10</sup> the present chapter is the first analysis of data concerned with dating violence against trans-gender women.

## Overview of LGBT Issues

Homosexuality was decriminalised in 1889,<sup>11</sup> however not much has been developed since then in order to create a legal framework addressing and protecting the rights of LGBT persons in Italy. Although LGBT persons fall within the scope of article 3<sup>12</sup> of the Italian

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<sup>10</sup> The project is 'Eva contro Eva' and was developed by ArciLesbica, viewed 25 October 2015, [www.arcilesbica.it](http://www.arcilesbica.it).

<sup>11</sup> It must be said, however, that during the years in which Italy was under Fascist power (from 20s until mid 40s), homosexual persons were persecuted. For a detailed analysis of the history of homosexuality in Italy see Dall'Orto (2015) and his website: [www.giovannidallorto.com](http://www.giovannidallorto.com)

<sup>12</sup> Article 3 stipulates: 1) All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions; 2) It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.

Constitution which guarantees protection from discrimination and ensures equality to all Italian citizens, nevertheless Italy does not present a comprehensive, *ad hoc* and progressive framework enhancing full rights to LGBT persons (Lorenzetti and Viggiani, 2015). Generally speaking, Italian law does not have a law protecting people from homophobia and trans-phobia; same-sex relationships are not legally recognised, and as a result, same-sex co-parenting; gender reassignment procedures still allow too much discretion for courts.

Together with the limited legal framework, it is also only recently that media and public debate were interested in issues concerning LGBT people. For instance the first book dealing with same-sex unions was published in 2008; legal analysis concerning LGBT persons has received very limited attention in academic discourses until recently; Italian media have started to follow and report the activities of LGBT associations more than in the past (Moscato, 2014). In the opinion of the author of this chapter, a certain degree of homophobia and trans phobia is present in Italian society – together with physical attacks on LGBT people, more recently homophobic campaigns targeting so called ‘gender theory’ have been developed by associations and politicians.

A general culture of machismo, a strong influence of the Vatican on the Italian politics, disagreements within the LGBT movement, political interests of MPs (who although members of the LGBT movement, once in Parliament prioritise the interests of the political party they are members of), reluctance of the legislator and courts to adapt the Italian legal framework to international legislation recognising and protecting the rights of LGBT persons, are some of the key reasons which hinder full legal recognition of LGBT persons in Italy (Moscato, 2014).

Moving to an analysis of the current legal framework, much political and social debate has arisen since the 1990s regarding the need to have a law protecting people from homophobia.<sup>13</sup> Since the 1990s several legislative proposals have been put forward but all have been shelved. Among others three legislative proposals have attracted much discussion. In 2007, Bill 2169 on ‘Provisions for awareness and prevention, and repression of crime against the person and within the family, in the case of sexual orientation, gender identity and every other cause of discrimination.’<sup>14</sup> In 2009, Bill 1658 attempted to introduce in the Italian Penal Code sexual orientation and gender identity of the offended person as aggravating circumstances. Finally in 2013, Bill 245 proposed by MP Ivan Scalfarotto aimed at extending to sexual orientation and gender identity the protection from hate crimes provided by Law 25<sup>th</sup> June 1993, no. 205 concerning “Provisions regarding

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<sup>13</sup> See as example, Bill 6582, presented in 1999 and entitled ‘Protection against the Discriminations and for the Promotion of Equal Opportunities’ (*Misurecontro le discriminazioni e per la promozione di pariopportunita*). The aim of the proposal was defined by article 1: ‘The present law aims to promote the full implementation of the principle of equality, ensuring that the differences of sex, race, ethnic origin, language, religion or personal convictions, political opinions, disability, age, sexual orientation, personal and social conditions, would not be cause for discrimination, with the aim to permit the full development of the person and the effective participation of women and men in the political, economic and social organisation of the country’.

<sup>14</sup>*Misure di repressione e prevenzione, nonché’ repressione dei delitti contro la persona e nell’ambito della famiglia, per l’orientamento sessuale, l’identità di genere ed ogni altra causa di discriminazione.*

racial, ethnic and religious discrimination.” Unfortunately, none of the Bills have yet been approved.

However, the Court of Cassation has offered some degree of protection against homophobia when it has labeled as “homophobic” the decision of the Department of Motor Vehicle to revise the driving license of a man only because of his homosexuality.<sup>15</sup>

With regards to legal protection from discrimination in the workplace the Decree 9<sup>th</sup> July 2003, no. 216 gives application to the principles and rules of the European Directive no. 2000/78/CE “*For Equality in the Workplace.*” The limit of Decree n. 216 is that it does not refer to gender identity and therefore trans-gender people, and in particular those who have not ended the gender reassignment procedure, are not protected. Directive 2006/54/EC of the European Parliament and of the Council on “*the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)*” at Recital 3 states that the Directive ‘applies to discrimination arising from the gender reassignment of a person.’

Further legal protection, is based on Law 20<sup>th</sup> May 1970, no.300 on “Norms regarding the freedom and dignity of workers, and regarding the activity of trade unions”<sup>16</sup> in article 15, which deals with “*Discriminatory acts,*” protects workers from coercion, redundancy and discrimination based on the participation of the worker in trade unions or strike and extends this protection to sexual orientation.

As analysed by Lorenzetti and Viggiani (2015), case law in Italy presents one important decision regarding discrimination in the workplace based on sexual orientation. The facts involved, Carlo Taormina, an Italian lawyer and former politician who, during an interview, declared that he would never work with, employ and hire homosexual people because they *have a different appearance, they dress differently, they are different.* The lawyer used very offensive words, clearly stated: I do not like them; and asserted to choose who would work in his law firm according to sexual orientation of the candidate – with exclusion of homosexual candidates.

Based on violation of principles and norms of Legislative Decree 216/2003, Avvocatura per i Diritti LGBTI<sup>17</sup> filed a case before the Tribunal of Bergamo arguing that what declared by Taormina represented a clear intent to discriminate on the workplace. The words of Taormina, Avvocatura argued, constituted an evident example of direct discrimination. The Tribunal of Bergamo, and the subsequent Court of Appeal of Brescia accepted the argument of Avvocatura, considered the defendant to have directly discriminated and infringed upon the rights protected by Legislative Decree 216/2003.<sup>18</sup>

Italy does not have a law protecting the rights of same-sex couples. Same-sex marriages (or unions) registered abroad are not recognised under Italian law. In addition Italian law does not recognise same-sex parenting and therefore same-sex partners cannot co-adopt; step-child adoption is not permitted,<sup>19</sup> and same-sex couples do not have access

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<sup>15</sup> Court of Cassation, Section III, Decision 22 January 2015, n.1126.

<sup>16</sup> This law is commonly known as *Statuto dei Lavoratori.*

<sup>17</sup> Italian association of lawyers. See: [www.retelenford.it](http://www.retelenford.it).

<sup>18</sup> Tribunal of Bergamo, Decision 6<sup>th</sup> August 2014; Court of Appeal of Brescia, Decision 23<sup>rd</sup> January 2015, available in [www.articolo29.it](http://www.articolo29.it), viewed 15 November 2015.

<sup>19</sup> However the Tribunal of Rome (decision, 30<sup>th</sup> July 2014) has allowed a step-parent adoption between two women. The Tribunal has applied the rules governing adoption in special cases as provided by article 44 D, of

to artificial insemination or surrogacy<sup>20</sup> (Moscati, 2014; Strazio and Winkler, 2015; Lorenzetti and Viggiani, 2015). In order to introduce a systematic legal framework protecting the rights of same-sex couples, several proposals<sup>21</sup> have been presented to the Parliament since the end of the 1980s – however all were shelved!

Same-sex parents and third sector associations have challenged Italian courts, and public administration. From 2007 two Italian associations *Avvocatura per i Diritti LGBTI* and *Certi Diritti* put forward a litigation strategy and a campaign called ‘*Affermazione Civile*.’ The campaign involved several Italian same-sex couples filing lawsuits against the public administration once their requests of giving notice of the intended marriage were refused. In 2010 the Italian Constitutional Court<sup>22</sup> finally decided on the case, ruling that although same-sex couples deserve legal protection, nevertheless such unions are different from marriage which is essentially the union of a man and a woman (Moscati, 2014; Pezzini, and Lorenzetti, 2011; Pezzini, 2013). Furthermore, the Constitutional Court emphasised that Parliament has the power to define modes, legal consequences and terms of legal recognition of same-sex partnerships.

However, the Italian Parliament since then, has not made significant steps towards any legal recognition of same-sex unions. Following the above mentioned case law, the European Court of Human Rights has asserted that Italy violates article 8 of the European Convention of Human Rights because it does not have a law recognising the rights of same-sex partners.<sup>23</sup>

Another important instance of case law concerns the recognition of same-sex unions registered abroad which was discussed before the Supreme Court of Cassation.<sup>24</sup> The Court of Cassation has declared that same-sex partners, living in a stable *de facto* relationship – according to Italian Law –, cannot rely on the right to marry. Nevertheless, such partners are entitled to the right to family life, and have the right to judicial protection. Following the reasoning of the decision 138/2010 of the Constitutional Court, the Court of Cassation reiterated that the modalities and legal consequences of legal recognition of same-sex unions remains decision of the Parliament – but Parliament has not taken any concrete

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Law 4<sup>th</sup> May 1983, n.184 on ‘*Norme su adozione e affidamento di minori*’ (Regulations on adoption and fostering of minors). Law no. 184 has been modified by Law 28 May 2001, no. 149.

<sup>20</sup>Artificial Insemination is regulated by Law 19 February 2004, no. 40 ‘*Norme in materia di procreazione assistita*’ (Regulations on medically assisted reproduction). Recourse to artificial insemination is allowed only when other medical treatments aiming to remove the causes of infertility cannot be undertaken. Article 5 sets the criteria allowing artificial insemination and considers only couples of opposite-sex who are married or cohabitants. Therefore, single women and same-sex couples are excluded. Surrogacy is prohibited under article 12 of the Law 19 February 2004, no. 40.

When same-sex couples have children abroad following adoption or artificial insemination or surrogacy, it is difficult to have the name of both parents registered on the birth certificate of the child. So far, the Court of Appeal of Turin (decree 20<sup>th</sup> October 2014, President Silva) has ordered the registration of the birth certificate with the name of both mothers of a child born in Spain. In addition, some registers of civil status have allowed the recording of birth certificates, already registered abroad, mentioning parents of the same-sex.

<sup>21</sup> For an overview of the proposals presented up to 2013 see Moscati (2014); for analysis of the proposals presented after 2013 see Strazio and Winkler (2015).

<sup>22</sup> Constitutional Court, Decision 14<sup>th</sup> March 2010, n. 138.

<sup>23</sup> *Oliari and Others v. Italy*. Applications no. 18766/11 and 36030/11.

<sup>24</sup> Court of Cassation, Decision 15<sup>th</sup> March 2012, n.4184.

initiative yet.

Notwithstanding several same-sex couples who have married abroad and have attempted to have their marriages recorded into the Italian registers of civil status, and several mayors agreeing to the recording, the Council of State has stopped further initiatives aiming at the recognition in Italy of same-sex marriage registered abroad<sup>25</sup> (Viggiani, 2015).

As far as the rights of trans-gender persons<sup>26</sup> are concerned, a general norm protecting against trans-phobia does not exist. In the opinion of the author of this chapter, this legal lacuna at the same time is based on, reiterates and reinforces stereotypes and bias against trans-gender persons who, as the following section explains, are often the target of discrimination and violence only because they do not conform to the binary model of male-female.

The procedure for gender reassignment is governed by Law 14<sup>th</sup> April 1982, n.164 on “Norms regarding gender reassignment procedure” and by some medical protocols (Lorenzetti, 2013). According to article 1 of the Law 164/1982 only a tribunal can authorise gender reassignment. In order to have the new sex recognised on identity documents and to undergo gender reassignment surgery, the law requires evidence of gender identity disorder, psychological tests, and proof of living in the gender other than the one assigned at the birth.

Two main issues derived from the Law 164/1982<sup>27</sup> and its interpretation. The first issue concerns the interpretation of articles 2 and 4 of the Law. Article 2 and 4 dealing with the effects of gender reassignment on a pre-existent marriage of the trans-gender person, refer to the legal framework governing divorce in Italy – the Law 1<sup>st</sup> December 1970 n. 898. Although the Law 898/70 provides that the divorce procedure can only be activated on ex parte application, part of case law has mistakenly considered the existence of an *imposed* divorce as a consequence of post gender reassignment (Lorenzetti, 2013).

A trans-gender woman and her wife legally married when she was a man challenged the interpretation of article 2 and 4 in court, and the Constitutional Court finally ruled in 2014<sup>28</sup> and established that articles 2 and 4 are unconstitutional in principle. Therefore the Court of Cassation<sup>29</sup> added that if the two women do not wish to divorce, then the two women have the right to remain together. However the Court specified that the relationship after the gender reassignment of one of the partners will not be a marriage – instead it will be a registered cohabitation when the Parliament will approve the bill.

The second issue is whether Law 164 requires gender reassignment surgery as a prerequisite for gender reassignment on identity documents. According to Lorenzetti (2013) the Law does not consider the surgery as compulsory. Such interpretation was supported by some lower courts,<sup>30</sup> and has been recently confirmed by the Italian Court of Cassation,<sup>31</sup>

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<sup>25</sup> Council of State, Decision 26<sup>th</sup> October 2015. Available at: [www.articolo29.it](http://www.articolo29.it)

<sup>26</sup> For comprehensive analysis of legal aspects regarding trans-gender persons in Italy, see Lorenzetti (2013).

<sup>27</sup> Later these norms have been abrogated by Legislative Decree 150/2011.

<sup>28</sup> Constitutional Court, Decision 11<sup>th</sup> June 2014, n. 170.

<sup>29</sup> Court of Cassation, Decision 21<sup>st</sup> April 2015, n. 8097.

<sup>30</sup> See in particular: Tribunal of Messina, Section I, Civil, 4<sup>th</sup> November 2014 (President Est. Bonazinga C.)

<sup>31</sup> Court of Cassation, Decision 20<sup>th</sup> July 2015, n. 15138.

and by the Italian Constitutional Court<sup>32</sup> with clear recognition of personal identity as involving gender identity. In particular the Constitutional Court emphasises “the role of guaranteeing the right to gender identity, as an expression of personal identity (art. 2 of the Constitution and art. 8 of the European Convention on Human Rights) and, at the same time, the instrument for the full realisation of the right to health.”<sup>33</sup>

## **Overview of Domestic and Dating Violence**

### *Introduction*

Gender violence is a current concern of Italian society which has required – although only recently – the intervention of the State to protect the victims! A research study published in 2014 by the Italian Institute of Statistics (ISTAT) and the Department of Equal Opportunities (DEO) considers that more than six million of women have suffered some form of physical or sexual violence during their lives; 31.5% of women between 16 and 70 years: 20.2% suffered physical violence, 21% sexual violence, 5.4% as rape or attempted rape (ISTAT and DEO, 2014). Partners, relatives and friends are the perpetrators of the most severe forms of physical and sexual violence. According to the research ISTAT carried out in 2014, rapes were committed in 62.7% of cases by partners, in 3.6% by relatives and 9.4 % by friends. Sexual harassment is committed by persons who are often unknown to the victim (ISTAT, and DEO, 2014).

However, the above numbers do not give a precise idea of the nature of domestic violence in Italy. Indeed, the ‘Report of the Special Rapporteur on violence against women, its causes and consequences’ about Italian (2012) domestic violence in the private sphere remains largely invisible and underreported. A certain culture of machismo, protection of the privacy of family life, fear, sub-consciousness of being a victim of violence, lack of familiarity with the Italian language and law, limited trust in the authorities, are only some of the reasons which prevent battered women to ask for help.

### *Legislative Framework*

While ‘*domestic violence*’ does not represent a specific criminal offence, domestic assaults are considered criminal offences and the perpetrators can be prosecuted under the criminal justice system. As this chapter explains further, together with criminal law, the Italian legal system has developed a variety of civil law remedies to protect victims of domestic violence. With regards to dating violence, Italian law does not include a specific criminal offence. Therefore, a victim of violence occurred during a date will be protected under general and specific provisions of criminal law.

A definition of domestic violence is included in article 18-bis of the Legislative Decree 25<sup>th</sup> July 1998, n. 286 concerning immigration. In particular article 18-bis provides a special residence permit for the victims of domestic violence. The article defines domestic

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<sup>32</sup>Constitutional Court, Decision 5<sup>th</sup> November 2015, n.221.

<sup>33</sup> For comments on both the decisions see: [www.retelenford.it](http://www.retelenford.it) and [www.articolo29.it](http://www.articolo29.it), viewed 15 November 2015.

violence as: one or more serious, not episodic acts of physical, sexual, psychological or economic violence occurring within the family or between people who are or have been related by marriage or other intimate relationship regardless of whether the perpetrator and the victim share or have shared the same house.<sup>34</sup>

Before analysing the legal framework on domestic violence it would be useful to acknowledge some key features and developments of Italian law regarding protection from domestic violence. First, as for other legal developments regarding family issues, the legislation concerning domestic violence has developed slowly. It has evolved over time according – more or less – in line with the increased recognition of the rights and role of women gained in Italian society and law.<sup>35</sup> Secondly, legal developments have been encouraged by the international legal framework. Italy has ratified the UN *Convention on the Elimination of All Forms of Violence against Women* (CEDAW), and the Council of Europe *Convention on Preventing and Combatting Violence against Women and Domestic Violence* (Istanbul Convention).

Therefore, as this chapter explains further, domestic legislation has been adapted – to a certain extent – to the international legal provisions. In particular with the ratification of the Istanbul Convention a comprehensive legal definition of gender violence is now part of Italian law.

Public administration institutions have, to a different extent, implemented measures and projects aimed at raising awareness, informing and protecting people from domestic violence. For instance, the Ministry of Equal Opportunities has developed important and practical initiatives and, among others, has dedicated a specific help-line (number 1522) to the victims of domestic and gender violence. Finally, several grass-root<sup>36</sup> and media<sup>37</sup> initiatives have contributed to the recognition of domestic violence as a social issue in Italian society, no longer confined to the privacy of family homes, and needing to be addressed, legally and socially, by public authorities.

### *Criminal Law and Civil Law Provisions*

Moving to the criminal law framework, the Italian Penal Code (1930) criminalises several acts which consist of physical and psychological violence and which can be used as protection for victims of domestic violence.<sup>38</sup> The original legal framework of the Penal

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<sup>34</sup>The definition was introduced by article 3 of Legal Decree 14<sup>th</sup> August 2013, n.93 and then converted into Law 19<sup>th</sup> October 2013, n. 119 which was implemented in order to strengthen the protection against gender violence (see further in this chapter).

<sup>35</sup>Examples of such legal developments are among others; Law No. 151/1975 which has amended Family Law in Italy and has introduced full equality between, man and woman within the family; Law No.66/1996 which has reformed sexual violence against women as a criminal offence, rather than an offence against public morality, and is prosecuted upon denunciation; Law No. 11/2009 on sexual violence; Law No. 38/2009 on stalking; Law No. 7/2006 on the prevention and prohibition of female genital mutilation.

<sup>36</sup>See for example the campaign ‘Slap-her’. Video available at: [https://www.youtube.com/watch?v=b2OcKQ\\_mbiQ](https://www.youtube.com/watch?v=b2OcKQ_mbiQ) (Retrieved on 10<sup>th</sup> November 2015).

<sup>37</sup> See for example a TV show called ‘Amore Criminale’ (literally, Criminal Love) which is concerned with real life episodes of domestic violence.

<sup>38</sup> These include: art. 570 - Violation of the obligations of family assistance; art. 571 : Abuse of the means of correction or discipline; art. 575 - Murder; art. 580 - Incitement or assisted suicide; art. 581 - Beatings; art.

Code has been integrated by more recent legislative interventions, which aim to make protection and redress for women more effective. In this regard, new norms about abuses within the family, stalking, sexual violence and law protecting from gender violence have been approved and enforced (Marani, 2014).

Article 572 of the Penal Code criminalises ‘*Abuses against relatives and cohabitants*’ and states: “Everyone [...] who abuses a member of the family or other cohabitant partner, or a person under his/her authority, or entrusted to him/her for education, training, care, supervision or custody, exercise of a profession or an art, shall be punished with imprisonment from two to six years.”

The original title and scope of the article were confined only to family members, but certain case law examples, mirroring the developments of Italian society and grass-root initiatives have encouraged the Italian legislator to amend article 572.<sup>39</sup> As a consequence, the scope of the norm is broad and extends protection to all those who share or have shared the same home.

Therefore article 572 applies to types of abuse perpetrated between married partners, parents and children, grandparents and children, between relatives, between cohabitants, or between persons who, although not cohabitants, share or have shared an intimate relationships which involved long visits and staying at each other’s accommodation and mutual assistance. The protection extends to relationships in which the victim is under the authority of the perpetrator for reasons of of education, guardianship, custody and supervision.

Cohabitation is not essential, because the focus of the norm is the relationship between the victim and the abuser.<sup>40</sup> In addition the norm applies even when the cohabitation has come to an end as consequence of divorce or separation,<sup>41</sup> and according to the Supreme Court of Cassation, article 572 applies to abuses perpetuated by penitentiary police officers against detained persons.<sup>42</sup>

In order for the abuses to be punished they must be a course of conduct of reiterated and connected acts which create distress, fear, and subjugation in the victim. In addition, as suggested by the Supreme Court of Cassation the abuses ex article 572 include all hypotheses of physical, verbal, emotional, psychological and sexual violence that a child looks at.<sup>43</sup>

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582 - Personal injury; art. 583 Female genital mutilation; art. 594 - Insult; art. 595 - Defamation; art. 605 - Kidnapping; art. 609 bis-Sexual Violence; art. 609–Sexual Violence perpetrated by a group of people; art. 609 quarter – Sexual violence against minors; art. 610 –Private violence; art. 612 - Threat; art. 612-bis - Stalking; art. 616 - Breach, subtraction and suppression of mail; art. 617 - Interruption or impediment of conversations telegraph or telephone; art. 617-bis - Installation of equipment designed to intercept or prevent communications or conversations on telegraph or telephone; art. 660 - harassment.

<sup>39</sup> The current version of article 572 has been introduced by Law 1 October 2012, n. 172 on “Ratification of the Convention of the Council of Europe on the protection of children against the sexual exploitation and abuse, signed in Lanzarote on 25<sup>th</sup> October 2007.”

<sup>40</sup> Supreme Court of Cassation, Section V, Decision 17<sup>th</sup> March 2010, n.24688; Section VI, Decision 23<sup>rd</sup> August 2012, n. 33141; Section V, Decision 3<sup>rd</sup> March 2010, n. 24668; Decision 31121/2014.

<sup>41</sup> Supreme Court of Cassation, Section VI, Decision 27<sup>th</sup> June 2008, n. 34151.

<sup>42</sup> Supreme Court of Cassation, Section VI, Decision 21<sup>st</sup> May 2012, n. 30780.

<sup>43</sup> Supreme Court of Cassation, Section V, Decision n. 2318/2010.

It is opinion of the author of the present chapter that notwithstanding the efforts of the Italian legislator, the inclusion of the article 572 among crimes against the family, and in particular crimes against the family support,<sup>44</sup> and not against the persons is still symptomatic of a cultural attitude which prioritises the family as a unified and private entity, and not the individuals who are members of the family.

Another step towards the protection of women is represented by norms punishing female genital mutilation (article 583 bis, introduced with Law 9th January 2006 no. 7) and sexual violence. Before 1996 sexual violence was included in the Section of the Penal Code dedicated to crimes against public morality. The change came with Law 15<sup>th</sup> February 1996, n. 66 on “Norms against sexual violence” which has made sexual violence a crime against individual freedom.<sup>45</sup>

Article 609-bis punishes: “Anyone, who by violence or threats or by abuse of authority, forces someone to perform or be subjected to sexual acts shall be punished with imprisonment from five to ten years. The same punishment applies to anyone who induces someone to perform or suffer sexual acts: 1) Abusing the conditions of physical or mental inferiority of the victim at the time of the event; 2) Misleading the victim on the identity of the perpetrator.”

For the purpose of the present research, it must be noted that specific aggravating circumstances which increase the punishment are provided when sexual violence is performed against a pregnant woman (article 609-ter); and against a person who is the married partner, divorced partner, or is or was in an intimate relationship, not necessarily involving cohabitation, with the abuser (article 609-quarter).<sup>46</sup>

The above aggravating circumstances have been introduced by Legal Decree 14<sup>th</sup> August 2013, n. 93 and then converted into Law 19<sup>th</sup> October 2013, n. 119 which was implemented in order to strengthen the protection against gender violence. This is the law which is commonly known as *legge sul femminicidio* (law on femicide). The full title of the law is: “Emergency provisions about public security aiming at contrasting gender violence and on compulsory administration of the provinces.”<sup>47</sup> In the opinion of the author of the present chapter, the title of the law which brings together gender violence and compulsory administration, suggests that the Italian legislator approaches gender violence as a matter of emergency and not – as it should – as a cultural issue which requires more comprehensive, detailed, interdisciplinary legal, social and administrative measures.

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<sup>44</sup> Book II, Title XI, Cape IV of the Italian Penal Code.

<sup>45</sup> Book II, Title XII, Cape III.

<sup>46</sup> The Italian legislator provides judicial protection measures for the victims of abuse. Article 76 (L) of Decree of the President of Republic 30<sup>th</sup> May 2002, n.115 provides that the victims of abuse within the family, female genital mutilation and sexual violence have access to legal aid. In addition Law 4<sup>th</sup> April 2001, n.154 on “Measures against violence within family relationships” has introduced civil and criminal court orders to protect the victims. Orders include an ex parte application to a civil court judge in urgent cases; the removal of the perpetrator from the household; non-molestation orders; interventions by social services or anti-violence shelters; imprisonment.

<sup>47</sup>“Disposizioni urgenti in materia di sicurezza e per il contrasto alla violenza di genere, nonché in tema di protezione civile e di commissariamento delle province.”

Further support for the victims is offered by Legal decree 23<sup>rd</sup> February 2009, n. 11 then converted into Law 23<sup>rd</sup> April 2009, n. 38<sup>48</sup> which has introduced persecution, as a criminal offence, (article 612-bis) into the Italian Penal Code. According to article 612-bis, the crime of persecution consists of repeated acts, threatening or harassing anybody so as to create a continuous and serious state of anxiety or fear, or to create a well founded fear for the safety of the victim or of a close relative or a person related to the victim by emotional relationship.<sup>49</sup> The offence is aggravated when the acts are committed by a spouse, even separated or divorced, or a person emotionally related to the victim; and when the victim is a pregnant woman.

As suggested earlier, the Italian legislation has been influenced by international norms protecting women from violence. In particular, with Law 27<sup>th</sup> June 2013, n. 77 Italy has ratified the Istanbul Convention. Important steps following the Convention are represented by the enactment of several norms specifically protecting the victims of gender violence and preventing gender violence in a variety of sectors including schools,<sup>50</sup> public administration,<sup>51</sup> and workplace.<sup>52</sup>

Civil law remedies are considered in article 342-bis and 342-ter of the Italian Civil Code and provide for a protection order against abuses within the family (*ordini di protezione*). According to article 342-bis a civil court judge adopts a protection order where the conduct of a spouse or other partner causes serious damage to the physical or moral integrity, or to the freedom of the other spouse or partner. The orders include non-molestation; removal of the perpetrator; restraining order and banning the perpetrator from the family house, work-place of the victim, other places where the victim and the relatives live; intervention of social services, recourse to family mediation; financial support for the victims. Breaching the orders represents a criminal offence.

At this point a question arises: do the legal norms analysed above apply to violence between women in intimate relationship, and against trans-gender women? Generally speaking lesbian, bisexual and trans-gender women should be protected, and during the research carried out for this chapter, the researchers collected examples of criminal proceedings against perpetrators of abuse against lesbian and trans-gender women. A first example is offered by the several court decisions concerning physical and financial violence against trans-gender women. In particular, case law collected during the research shows that it is common for landlords to increase prices of rent when the tenant is a trans-gender woman.

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<sup>48</sup>“Emergency provisions regarding public security, sexual violence and stalking”, “Misure urgenti in materia di sicurezza pubblica e di contrasto alla violenza sessuale, nonché in tema di atti persecutori.”

<sup>49</sup> See: Supreme Court of Cassation, Decision 5<sup>th</sup> February 2010, n. 17698; and Decision 12<sup>th</sup> January 2010, 11945.

<sup>50</sup>Article 1 of Law 13<sup>th</sup> July 2015, n. 107 “Revision of the national system of education” (Riforma del sistema nazionale di istruzione e formazione e delega per il riordino delle disposizioni legislative vigenti).

<sup>51</sup>Article 14 of Law 7<sup>th</sup> August 2015, n. 124 “Mandate to the Government for the reorganisation of public administrations” (Deleghe al Governo in materia di riorganizzazione delle amministrazioni pubbliche).

<sup>52</sup>Article 24 of Legislative Decree 15<sup>th</sup> June 2015, n. 80 “Measures about work, life and care” (Misure per la conciliazione delle esigenze di cura, di vita e di lavoro, in attuazione dell’articolo 1, commi 8 e 9, della legge 10 dicembre 2014 n.183).

With regard to abuses between women in intimate relationship, one of the researchers reported a court decision regarding stalking between two lesbian women who had a relationship. The judge interpreted article 612-bis of the Penal Code without taking into account the sexual orientation of the parties, and instead focused on the nature, timing, and effects of the acts of stalking. In addition, as suggested by Public Prosecutor during an interview:

Of course the protection provided by the Law 119/2013 (law on femicide) would apply to violence between women. It could not be otherwise. It would be unconstitutional to think that such a law applies only when the perpetrator is a man. And similarly applicable are all the norms preventing and protecting from domestic violence, including protection orders.

However, some limitations exist. Firstly, regarding the abuses between women in intimate relationship, often providing proof of the cohabitation or even of the intimate relationship can be an issue. Secondly, often the cases of sexual violence or harassment against trans-gender women are not perceived as gender violence because the victims are considered according to the gender assigned at the birth – male. In addition, there is still the assumption that violence and sexual violence against trans-gender women who are sex workers are consequence of prostitution. As explained further below, trans-gender victims are reluctant to report sexual abuses to the police because of shame, or fear. Thirdly as the following section illustrates, lack of information, stereotypes about and bias against sexual orientation and gender identity create barriers to the effective protection of lesbian and transgender women who are victims of domestic and dating violence.

### *Results From Interviews and Fieldwork*

This section draws upon on the interviews collected by the researchers. The interviews were based on three different questionnaires targeting the victims of domestic and dating violence; judges; lawyers; police officers, healthcare professionals and social services personnel. The process for the recruitment of interviewees involved a call for interview sent to courts and professional councils, and direct emails. Firstly, for the recruitment of judges, a letter with the aims of the research was sent to the Presidents of the main courts.

Secondly, the researchers called local police stations to collect interviews with police officers. Thirdly, a network of associations working against gender violence called DIRE suggested how to contact health professionals working in anti-violence shelters and social services personnel. Finally lawyers were found among the members of Avvocatura per I Diritti LGBTI, among well known experts, and based on personal contacts of the researchers.

Obtaining interviews with the victims of domestic and dating violence presented some difficulties because of a fear of being recognised or, in the case of dating violence, victims were sometimes worried about being labelled as prostitutes, provoking the violence they have been victims of. Some charities, which are committed to support the rights of transgender people, were involved in the initial stages of the process of interview recruitment but were not in a position to give direct contacts of transgender women who have been victims of dating violence. Nevertheless, the data obtained through the

interviews are significant and may represent the basis for further research. In order to protect the privacy of interviewees, the interviews have been anonymised.

### *Violence Between Women in Intimate Relationship*

Data collected during the fieldwork shows that violence between female partners exists. However, it is difficult to quantify the phenomenon because of the reluctance of victims to report abuses and to ask for help.

As suggested during the interviews, the reasons for such reluctance are to some extent similar to the reasons that limit heterosexual women from asking for help. These reasons include the lack of trust in the public authorities, fear that the abuser will perpetuate the violence, limited knowledge of the law, lack of consciousness about the violence. Moreover, it happens that battered women do not always perceive that they are victim of domestic violence. This limited perception is influenced by cultural factors including machismo, patriarchy, bias against homosexuality, the idea that violence cannot exist between women (Camertoni and Lazzari, 2015). For instance, as reported by a social services worker during an interview:

I have dealt with a case of domestic violence between two women in which one was very abusive with the other one. The violence involved physical and verbal abuse. However, the victim seemed not be conscious of the violence... She kept saying that her partner was not abusive nor aggressive – instead she was an emancipated woman and her verbal abuses were only expressions of such emancipation.

In addition, there are some specific aspects related to homosexuality that specifically inhibit women from asking for help. These aspects are the fear that denouncing the violence will disclose the homosexuality of the victim or of her abuser; and worries that disclosure will put blame on homosexuality and on the LGBT movement. As pointed out by a psychologist:

Together with the coming out, and internalised homophobia (which encourages victims to think that they have deserved the violence because they are homosexuals) lesbian women, and in general homosexual and trans-gender persons, are not keen to report abuses because this will contribute to visibility in a social context which can often be homophobic and trans-phobic.

Considering the Italian scenario and the struggle of the LGBT movement for the recognition of rights, the pressure that this might place on the victims of the domestic violence must not be underestimated. As suggested in several interviews the LGBT community prefers not to disclose that domestic violence is also present between same-sex partners. It is often thought that talking about violence between female partners could be manipulated by the opponents of the LGBT movement and used against the LGBT movement to limit the recognition of rights. In addition, it is believed that there is the risk that violence between partners of the same-sex would not be considered as an act of

prevarication and abuse, but instead as symptomatic of negative relationships between homosexual partners – limiting in this way legal recognition of same-sex unions.

Several of the victims of domestic violence who have been interviewed for this research have decided not to report the violence to the public authorities for the following reasons:

- Fear of coming out (“*I was not out*”);
- Protection for the relationship and the partner (“*I did not want to create problems for my former partner (although she has been very violent with me*”, and “*I excused her...She has a terrible family history while I have a wonderful family...I felt guilty*”);
- Lack of trust in public institutions (“*I think police officers, nurses, judges are biased against lesbian women*”);
- Fear of further violence based on threat (“*The mother of my abusive former partner and her threaten me*”);
- The perpetrator dissuades the victim from asking for help saying that nobody, including the LGBT community, will help her because of her sexual orientation. This latter aspect must not be underestimated.

It must be said, however, that although, as explained in the previous sections of this chapter, Italy has developed a legal framework, and several practical measures to enhance prevention of and protection of domestic violence, none of these measures target, specifically – or even takes into account - cis-gender women or trans-gender women.

So far only a few examples of good practices have flourished. Among these, the Observatory for security against acts of discrimination, an inter-agency (the State Police and Carabinieri) of the Ministry of Interior, is important. This structure collects complaints and reports and provides training.

Other important initiatives are; the Anti-Violence Centre of Trento, which delivers specific training on violence against LBT women with the production of important information and educational material; the opening of the first home for homeless LGBT victims of violence and discrimination; legal support offered by national associations such as Avvocatura per iDiritti LGBTI, and Arcigay.

The fieldwork for *Bleeding Love* suggests that the idea that domestic violence between women cannot exist is still prominent among Italian society. For instance, in several interviews involving police officers and judges the answer was: “*I didn’t know violence between female partners would exist.*” In addition, the common idea of domestic violence is still influenced by a patriarchal approach. For instance, during some interviews with healthcare professionals and police officers, the interviewees defined domestic violence only as occurring between “*husband and wife.*”

The persistence of prejudices and stereotypes brings that when violence between women is denounced, it is not dealt with professionally and victims are left without effective support. In particular, as emerged during the fieldwork, the language, actions and adverts of campaigns and centres which offer services to the victims of violence target women abused by men and overshadow violence between female partners.

The consequences of this lack of awareness and knowledge about violence between female partners are twofold. First, the scale and nature of violence between female partners are underestimated – “*violence between women cannot be so serious.*” As a result, shelters and supporting institutions for victims/women of domestic, or sexual violence do not dedicate adequate time and space to victims of such violence. This has been confirmed during the interviews where lawyers have pointed out that the protection for the victims is very limited. Secondly, the victims of violence do not ask for help.

Moving to the types and ways in which violence between women in intimate relationship is expressed, the data collected suggests that the perpetrators exercise verbal, psychological, emotional, physical and economic violence. As several lawyers pointed out during the interviews with the researchers of Bleeding Love, often the violent episode starts with verbal violence, then involves psychological violence, threat of coming out or further violence, and then escalates to physical violence. In several cases, the perpetrator has been violent, harassed and has threatened the relatives and friends of the victim; and has used several means including telephone, letters, social-networks.

A final important finding emerged from the fieldwork; all the interviewees asserted that there is the need for collaboration between several social and public actors to train healthcare professionals, social services, and police officers about violence between female partners, and to create awareness campaigns for the victims of domestic violence.

### *Dating Violence Against Trans-gender Women*

As suggested above the Italian law does not provide a specific criminal offence covering dating violence. Therefore, forms of violence and abuse will be characterised under other specific criminal offences such as, for example, sexual violence, beating, theft with violence, extortion. The fieldwork revealed that trans-gender women are the targets of several types of violence: physical, sexual, verbal, emotional, psychological and economic.

Data collected during the fieldwork suggests that there is a common misinterpretation of what dating violence against trans-gender women is. Dating violence is erroneously thought to be a consequence only of prostitution, and often there is the assumption that trans-gender women are - or can only be - prostitutes.

Nevertheless, during the fieldwork for this Chapter some interviewees refer to episodes of violence against trans-gender women where the perpetrator was the partner. For instance, one interviewee reported: “*My wife abused me verbally and psychologically...she wanted me to feel guilty for being trans-gender.*”

In addition, because trans-gender women often have only identity documents with reference to the gender assigned at the birth (male), they are not recognised as women and therefore violence against them is not considered as gender violence. Ironically, two of the interviewees suggested that when at the hospital after being physically attacked on the street, they had been reported to the police for giving misleading information because they declared themselves to be women.

With specific reference to trans-gender women who work as sex workers,<sup>53</sup> they are often victims of trafficking and are coerced into prostitution. Thirdly, these women are

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<sup>53</sup> Article 3, n.8 of Law 20<sup>th</sup> February 1958, n.75 criminalises the ‘abetment of prostitution.’

more likely to be victims of physical violence, extortion and theft with violence when they are at work (either in the street or in the places used to meet clients). The perpetrators are clients or the pimp. Often groups of people organise violent tours by car against trans-gender women who work on the street involving insulting, beating, throwing objects and trying to run the trans-gender women over. In addition, economic violence against them is perpetrated by land-lords who rent them flats at higher prices than to other tenants.

Trans-gender women rarely report problems and abuse to the public authorities. As suggested by a trans-gender woman during an interview:

In our world it is not common to report episodes of violence to the police. The reasons are several: 1) there is not enough trust in the police and in the State in general; 2) there is fear of repercussion of the client/perpetrator...because every night we are on the street again; 3) often, even when a violence is reported to the police, the results are not effective!

Another trans-gender woman said:

It is difficult...it is embarrassing to report episodes of sexual violence...some are terrible and we are ashamed. It is easier to talk about simple beating.

Only a small number of the interviewees referred to positive experiences with police officers who have been supportive and un-biased when dealing with cases of dating violence. In general a lack of trust in the law, police and judges persists.

As for the findings on violence between lesbian women, the general recommendations of all interviewees, and in particular of police officers, concerned the provision of training for healthcare professionals and police officers on topics and issues regarding trans-gender persons. For instance, a police officer during an interview pointed out: *“I would like to learn more about trans-gender women. Sometimes I am not sure how to address them.”*

Finally for both violence between lesbian women, and violence against trans-gender women it is significant that all interviewees pointed out that together with legal developments, the State should invest in campaigns and projects aiming at raising knowledge, awareness and respect for LGBT people.

## **Conclusions and Recommendations**

This chapter has attempted to offer an overview of aspects and issues concerning domestic violence between women in intimate relationship, and dating violence against trans-gender women. The fieldwork has revealed that intimate relationships between female partners can be characterised by violence – physical, emotional, psychological, and economic. However, the phenomenon is not acknowledged. Victims and the LGBT movement are somehow reluctant to talk and to report such phenomena. In addition, healthcare professionals, police officers and social services do not receive specific training to deal with domestic violence within lesbian couples. As a result, victims are not protected as they should.

With regard to dating violence against trans-gender women the data collected during the interviews confirms that trans-gender women are the targets of violence during dates, at

work and within the family. Abuse is rarely reported because the law, police officers, judges and healthcare professionals are considered not reliable. Often the violence perpetuated against trans-gender women is the consequence of reiterated bias and stereotypes regarding gender identity.

In conclusion, the general recommendation that almost all interviewees suggested is for the creation of joint campaigns and projects aiming at informing, raising awareness and training those who will deal with the victims of domestic and dating violence.

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- Law 13<sup>th</sup> July 2015, n. 107 "Revision of the national system of education" (Riforma del sistema nazionale di istruzione e formazione e delega per il riordino delle disposizioni legislative vigenti).
- Law 7<sup>th</sup> August 2015, n. 124 "Mandate to the Government for the reorganization of public administration" (Deleghe al Governo in materia di riorganizzazione delle amministrazioni pubbliche).
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# LITHUANIA

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## Introduction

Lithuania remains to be one of the most socially hostile societies against LGBT\* (lesbian, gay, bisexual and transgender) individuals in the European Union (EU). According to the LGBT\* Survey by the European Union Agency for Fundamental Rights (FRA), 61 % of the Lithuanian respondents experienced discrimination or harassment in the last twelve months on the grounds of sexual orientation.<sup>54</sup> 31 % of the respondents, who identify as lesbian women, had been physically/sexually attacked or threatened with violence at home or elsewhere for various reasons, while this number increases to 60 % among the respondents who identify as transgender.<sup>55</sup> Furthermore, 77 % of transgender respondents reported avoiding gender expression or certain places for fear of assault, threat or harassment.<sup>56</sup> The assessment of the hostile social climate by the members of the local LGBT\* community correlates with the attitudes of the members of the general Lithuanian public. According to the *Special Eurobarometer 437* by the European Commission, 44 % of the Lithuanian respondents would feel totally uncomfortable working with a gay, lesbian or bisexual person, while this number increases to 49 % regarding a transgender or transsexual colleague.<sup>57</sup> Furthermore, 79 % of the Lithuanian respondents would feel totally uncomfortable if their children were in a love relationship with a person of the same sex and 82 % would feel totally uncomfortable if their children dated a transgender or transsexual person.<sup>58</sup> Finally, 43 % of the Lithuanian respondents totally disagree with the statement that transgender or transsexual persons should be able to change their civil documents to match their inner gender identity.<sup>59</sup> It can be concluded that the social acceptance of LGBT\* identities in Lithuania remains very low, thus subjecting the members of this social group to instances of discrimination, harassment and violence. The Lithuanian legal system offers only minimal standards of protection for the members of the local LGBT\* community, while the inclusion of sexual orientation within the scope of legal guarantees is usually mandated by the transposition of the EU legislation. However, in

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<sup>54</sup> EU Agency for Fundamental Rights, *European Union lesbian, gay, bisexual and transgender survey. Results at a glance*, Vienna, 2013, viewed on 15 November 2015, [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf), p. 15.

<sup>55</sup> The LGBT\* survey data explorer, enabling segregation of the collected data by various identities within the LGBT\* spectrum is available at <http://fra.europa.eu/DVS/DVT/lgbt.php>, viewed on 15 November 2015.

<sup>56</sup> EU Agency for Fundamental Rights, *Being Trans in the European Union. Comparative analysis of EU LGBT survey data*, Vienna, 2014, viewed on 15 November 2015, [http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf), p. 72.

<sup>57</sup> European Commission, 'Discrimination in the EU in 2015. Report', *Special Eurobarometer 437*, Brussels, 2015, viewed on 15 November 2015, <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/ResultDoc/download/DocumentKy/68004>, p. 54, 63.

<sup>58</sup> *ibid.*, p. 56, 65.

<sup>59</sup> *ibid.*, p. 67.

practice, it is challenged in the course of implementation due to the lack of awareness, sensitivity and training in relation to the specific needs by the LGBT\* individuals

### Legal Situation

The general prohibition of discrimination on the grounds of sexual orientation in the Lithuanian legal system is established by the Law on Equal Opportunities,<sup>60</sup> which transposes the Employment Equality Framework Directive 2000/78/EC<sup>61</sup> into the national law. It has to be noted that the scope of the national equality legislation is much wider than mandated by the EU Directive, i.e. discrimination on the grounds of sexual orientation is prohibited not only in the sphere of employment and occupation, but also in the spheres of provision of goods and services, education and in the course of actions by all public authorities, thus potentially encompassing the spheres of healthcare, housing, social protection and criminal justice. According to the national legislation, the prohibition of discrimination on the grounds of sexual orientation does not pertain to private and family life. The prohibition of discrimination on the grounds of sexual orientation is also established in the Labour Code<sup>62</sup> (Article 2.1.4 and Article 129.3.4), the Law on the Protection of Minors against the Detrimental Effect of Public Information<sup>63</sup> (Article 4.2.12) and the Law on Provision of Information to the Public<sup>64</sup> (Article 19.1.3). Article 170 of the Criminal Code<sup>65</sup> prohibits incitement to hatred based on sexual orientation (i.e. prohibition of hate speech), while Article 60.12.1 qualifies acts committed in order to express hatred on the grounds of sexual orientation as an aggravating circumstance within the framework of criminal proceedings (i.e. prohibition of hate crimes).

Despite the fact that the Lithuanian legislation, in theory, provides for quite extensive legal guarantees against discrimination and violence on the grounds of sexual orientation, the implementation in practice is, at best, described as ineffective. First of all, the instances of discrimination on the grounds of sexual orientation remain highly underreported. The Office of the Equal Opportunities Ombudsperson, i.e. the public body responsible for the implementation of the Law on Equal Opportunities, received four (4) complaints regarding the alleged instances of discrimination on the grounds of sexual

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<sup>60</sup> Law on Equal Opportunities of the Republic of Lithuania, No. IX-1826, 18 November 2003, viewed on 15 November 2015, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=454179](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=454179).

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<sup>64</sup> Law on the Provision of Information to the Public of the Republic of Lithuania, No. I-1418, 6 November 2012, viewed on 15 November 2015, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=458157](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=458157).

<sup>65</sup> Criminal Code of the Republic of Lithuania, No. VIII-1968, 11 February 2010, viewed on 15 November 2015, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=366707](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=366707).

orientation in 2009, three (3) in 2010, four (4) in 2011, two (2) in 2012, none (0) in 2013 and four (4) in 2014.<sup>66</sup> Taking into account the widespread phenomenon of discrimination on the grounds of sexual orientation indicated by the international surveys and opinion polls, it can be concluded that the national equality body is not perceived as an effective remedy to the problem of addressing the injustices experienced by the members of the local LGBT\* community. Secondly, the law enforcement officials in Lithuania seek to downplay the phenomenon of hate speech on the grounds of sexual orientation by refusing to investigate effectively the complaints, which are submitted. For example, in the period between 2013 and 2015 the National LGBT\* Rights Association submitted twenty-four (24) complaints based on two hundred and six (206) instances of alleged hate speech online to the law enforcement structures. Based on these complaints, twenty-eight (28) pre-trial investigations were initiated in 2013, thirteen (13) in 2014 and eight (8) in 2015. Interestingly enough, all of these pre-trial investigations were either halted or terminated, thus not leading to the actual identification or punishment of alleged perpetrators. It can be concluded that the Lithuanian authorities systematically fail in providing effective remedies for the alleged victims of homophobic hate speech, because the current system of legal redress is not effective in practice. Finally, it has to be pointed out that the aggravating circumstance established under the Article 60.12.1 of the Criminal Code has been never applied in practice with the view of qualifying a particular criminally punishable act as a hate crime on the grounds of sexual orientation. Therefore, it can be concluded that the protection from hate crimes on the grounds of sexual orientation offered by the Lithuanian legal system is theoretical and illusory rather than practical and effective.

### **Recognition of Same-Sex Relationships**

The Lithuanian legal system does not provide any opportunities for legal recognition of same-sex relationships. Article 38 of the Constitution of the Republic of Lithuania<sup>67</sup> stipulates that “[m]arriage shall be concluded upon the free mutual consent of man and woman”. Despite the fact that Article 3.229 of the Civil Code<sup>68</sup> foresees that a man and a woman have the right to register a domestic partnership according the procedure laid down by the law, the enabling legislation has been never adopted. In 2011 the Constitutional Court delivered a progressive judgement by indicating that the constitutional concept of “family life” extends beyond the marital relationships between a man and a woman, thus potentially encompassing same-sex couples.<sup>69</sup> In response, the Lithuanian Parliament

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<sup>66</sup> The Annual Report of the Office of the Equal Opportunities Ombudsperson, Vilnius, 2014, viewed on 15 November 2015,

<http://www.lygybe.lt/download/482/lygi%C5%B3%20galimybi%C5%B3%20kontrolieriaus%20tarnybos%202014%20m.%20ataskaita.pdf>, p. 94.

<sup>67</sup> Constitution of the Republic of Lithuania, 25 October 1992, viewed on 15 November 2015, <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>.

<sup>68</sup> Civil Code of the Republic of Lithuania, No. VIII-1864, adopted on 18 July 2000, last amended on 21 June 2011, viewed on 15 November 2015,

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=404614](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=404614).

<sup>69</sup> Constitutional Court of the Republic of Lithuania, Case No. 21/2008, 28 September 2011, viewed on 15 November 2015, <http://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta159/content>.

sought to amend the Constitution by defining family life as emanating from a marriage between a man and a woman. The first attempt to amend the Constitution in 2012 failed by one vote (i.e. 93 voted in favour instead of the required 94 majority),<sup>70</sup> while the corresponding amendment was repeatedly registered in 2013 by 108 MPs.<sup>71</sup> In March, 2015 nine (9) MPs from the Liberal Movement and the Social Democratic Party registered a bill establishing a gender-neutral scheme for registered partnerships.<sup>72</sup> After passing the constitutionality test in the parliamentary committees, the bill, encompassing the possibility for same-sex couples to legally register their relationships, will be considered by the Parliament for the first time in the history of the country. Despite the fact that the Article 3.210.2 of the Civil Code<sup>73</sup> foresees that only married couples can adopt children, in October, 2015 the Lithuanian Parliament agreed to consider a legislative proposal, explicitly prohibiting adoption by same-sex couples.<sup>74</sup> In Lithuania there is no law on artificial insemination and the corresponding procedures are carried out only at private medical establishments, operating under the executive order by the Minister of Health.<sup>75</sup> According to this document, assisted reproductive services can be received only by a married woman upon a written consent of her male spouse.

### Gender Reassignment Procedure

Lithuania remains one of the few European jurisdictions without any possibility for legal gender recognition and corresponding gender reassignment treatment. Despite the fact that Article 2.27 of the Civil Code<sup>76</sup> establishes the right for an unmarried natural person of full age to change the designation of sex in cases when it is feasible from the medical point of view, the enabling legislation has been never adopted. In 2007 the European Court of Human Rights (ECtHR) in the case *L. v. Lithuania*<sup>77</sup> concluded that non-existing procedure of gender reassignment is incompatible with the international obligations under the European Convention on Human Rights (ECHR). However, the Lithuanian authorities are still overtly reluctant to introduce the procedure. Currently transgender people can receive

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<sup>70</sup> 'Lithuanian Parliament one Vote Short from Approving Constitutional Amendment on Family Definition', *15min.lt*, 19 June 2012, viewed on 15 November 2015, <http://www.15min.lt/en/article/politics/lithuanian-parliament-one-vote-short-from-approving-constitutional-amendment-on-family-definition-526-227415>.

<sup>71</sup> '108 Lithuanian MPs Once Again Seek to Tie a Concept of Family to a Marriage through Constitutional Amendment', *lgl.lt*, 29 November 2013, viewed on 15 November 2015, <http://www.lgl.lt/en/?p=4406>.

<sup>72</sup> 'Lithuanian MPs Register Bill to Allow Same-Sex Partnership', *lgl.lt*, 25 March 2015, viewed on 15 November 2015, <http://www.lgl.lt/en/?p=8936>.

<sup>73</sup> *Supra* 15.

<sup>74</sup> 'Lithuanian Parliament to Prohibit Joint Adoption by Same-Sex Couples', *lgl.lt*, 15 September 2015, viewed on 15 November 2015, <http://www.lgl.lt/en/?p=11039>.

<sup>75</sup> Order by the Minister of Health, "Regarding Confirmation of Procedure of Artificial Insemination", No. 248, 24 May 1999, viewed on 15 November 2015, <https://www.e-tar.lt/portal/lt/legalAct/TAR.9E9A315DA44E>,

<sup>76</sup> *Supra* 15.

<sup>77</sup> European Court of Human Rights (ECtHR), *L. v. Lithuania*, App. No. 27527/03, 11 September 2007, viewed on 15 November 2015, <http://hudoc.echr.coe.int/eng?i=001-82243#%7B%22itemid%22%3A%22001-82243%22%7D>.

only ten (10) sessions of psychological counselling within the framework of the Lithuanian health care system – no other treatment, including hormone therapy or gender reassignment surgery, is available. Upon completing the full gender reassignment treatment abroad, transgender people are forced to apply before the national courts in order to change their identity documents, because there is no legal basis within the Lithuanian legal system to modify the gendered identity number. The national courts sanction legal gender recognition only after receiving the medical certificate issued by the local health care providers that the person has undergone the complete gender reassignment surgery. As a result, transgender people are often subjected to degrading treatment by being forced to validate their transition within the national health care system. Furthermore, the legal categories of ‘gender identity’ and/or ‘gender expression’ do not exist within the Lithuanian legal system. To put it in other words, discrimination, hate speech and hate crimes against transgender individuals are technically not punishable under the national law. Taking these considerations into account, it can be concluded that the transgender community is the most vulnerable group within the LGBT\* spectrum in Lithuania.

The overview of LGBT\* issues in Lithuania provided above clearly indicates that the core civil and political rights for the members of the local community remain to be challenged under the Lithuanian circumstances. Despite the fact that the right to freedom of expression, the right to respect for private life and family life, and the right not to be subjected to inhuman and degrading treatment remain the areas of priority within the scope of the LGBT\* movement in Lithuania, the issues in relation to social integration and inclusion are of the crucial importance as well.

### **Domestic and Dating Violence**

For a significant period of time the prevention of domestic violence in Lithuania was not considered a matter of public interest by the law enforcement officials. To put it in other words, victims of violence were able to address suffered injustices only by filling private charges against alleged perpetrators. The situation changed in 2011 when the Law on Protection against Domestic Violence came into force.<sup>78</sup> It defines ‘domestic environment’ as ‘the persons currently or previously linked by marriage, partnership, affinity or other close relations, also persons having a common domicile and a common household’. ‘Violence’ is defined as ‘an intentional physical, mental, sexual, economic or another influence exerted on a person by an act or omission as a result whereof the person suffers physical, property or non-pecuniary damage’. The law establishes that domestic violence is a human rights abuse and is punishable by criminal sanction. Upon the identification of an instance of domestic violence a police officer takes immediate action in order to protect the victim. A restraining order has to be issued by the national courts no later than forty-eight (48) hours after an incident. The law also includes a positive obligation by the State to provide victim support services for all victims of domestic violence. The Ministry of Social Security and Labour is in charge of developing the model of Specialized Support Centres (Lith. “*specializuoti pagalbos centrai*”). The main purpose of these Centres is to provide

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<sup>78</sup> Law on Protection against Domestic Violence, No. XI-1425, 26 May 2011, viewed on 15 November 2015, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=410975](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=410975).

victim support services upon the notification of an instance of domestic violence. At the moment there are seventeen Centres providing victim support services across the country.<sup>79</sup> All of them are functioning within the framework of non-profit organizations and the majority of them do not receive sufficient institutional support from the Government. It can be concluded that an effective system of victim support services does not exist primarily due to the lack of state sponsored funding. In addition to this, police officers are often reluctant to inform the providers of the victim support services about identified instances of domestic violence. “The lack of interest by a victim” is usually cited as a reason for not providing the accurate information.<sup>80</sup>

In the course of the first six months after the Law on Protection against Domestic Violence came into force, national law enforcement officials received 12,970 notifications about possible instances of domestic violence.<sup>81</sup> After screening those notifications, 4,335 pre-trial investigations were started. The majority of victims (i.e. 3,669 individuals) were women, 423 victims were men and 378 victims were children. The majority of perpetrators (i.e. 3,761 individuals) were men, 145 perpetrators were women and 15 perpetrators were children. There is no official data collected on how many recorded instances of domestic violence pertained to same-sex couples. The differing number in women and men as victims and perpetrators of domestic violence is caused by the fact that the law extends the definition of domestic violence not only to people in intimate partnerships, but also to relatives and other members of the same household.

Regarding the applicability of the Law on Protection against Domestic Violence to same-sex couples, there are two major concerns. First of all, as same-sex couples cannot legally register their relationships in Lithuania, the law could be interpreted as being applicable only to those couples, who reside together. Taking into account the ‘undocumented’ status of same-sex couples in Lithuania, the gender-neutral provisions of the above mentioned law are clearly too vague to take into account the specific needs of the members of the local LGBT\* community. To put it in other words, the applicability of the law is subject to the immediate interpretations by the law enforcement officials as they are confronted with instances of domestic violence in gay or lesbian couples. Due to the prevailing social hostility against same-sex couples in the country, it could be concluded that the legal provisions do not fully cover cases of domestic violence in same-sex relationships. Secondly, none of the seventeen victim support facilities in the country openly declare themselves as being equipped to address the specific needs of the members of the local LGBT\* community. As a result, there is a reason to believe that the system of victim support services might be reluctant in addressing the needs of, *inter alia*, LBT\* women. In 2014 an independent researcher formed the non-profit organization “Frida,” providing victim support services, conducted a preliminary survey about the prevalence of

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<sup>79</sup> The list of the specialized victim support centres can be accessed at the webpage by the Ministry of Social Security and Labour of the Republic of Lithuania <http://www.socmin.lt/lt/seima-ir-vaikai/seimos-politika/specializuotos-pagalbos-centrai.html>, viewed on 15 November 2015.

<sup>80</sup> Human Rights Monitoring Institute, *Implementation of Human Rights in Lithuania in 2012-2013. Review*, Vilnius, 2013, viewed on 15 November 2015, [http://www.hrmi.lt/uploaded/Apzvalgos/Zmogaus%20teisiu%20igyvendinimas%20Lietuvoje%202011-2012\\_Apzvalga\\_ZTSI.pdf](http://www.hrmi.lt/uploaded/Apzvalgos/Zmogaus%20teisiu%20igyvendinimas%20Lietuvoje%202011-2012_Apzvalga_ZTSI.pdf), p. 20-23.

<sup>81</sup> *Ibid.*

domestic violence among the members of the local LBT\* community. 25 % of the respondents reported experiences of domestic violence in their same-sex relationships. The majority of those who had experienced domestic violence, have reported on the insufficiency of victim support services and its failure to respond to the specific needs of LBT\* women.

The situation regarding dating violence (i.e. perpetration or threat of an act of violence by clients in the course of sex work) remains highly under-researched. Article 182(1) of the Code of Administrative Violations<sup>82</sup> foresees administrative sanctions for sex workers, ranging from EUR 86 to thirty (30) days in detention. The illegal status of sex work prevents the victims of dating violence from reporting to the national law enforcement officials any instances of violence experienced from their clients. It has to be noted that the administrative sanctions are not applied against sex workers, who have been the victims of human trafficking or have been forced into the sex work by the third parties. There are no officially documented instances of dating violence regarding transgender women. In addition to that, there are no official or unofficial data available on violence against transgender and gender non-conforming individuals in the country in general. However, secondary sources provide alarming information about the prevalence of transphobic violence and harassment in Lithuania. For example, the results of the LGBT\* survey by the EU Fundamental Rights Agency (FRA) indicate that 60 % of transgender respondents in Lithuania were physically/sexually attacked or threatened with violence at home or elsewhere in the last five years.<sup>83</sup> 15 % of transgender respondents in Lithuania were physically/sexually attacked or threatened with violence in the last 12 months on more than ten occasions.<sup>84</sup> It could be speculated that at least some of these instances had occurred in the course of sex work and could be qualified as dating violence. The monitoring report on homophobic and transphobic violence in Lithuania in 2013 documented several instances of transphobic violence, which were not reported to the competent authorities.<sup>85</sup>

Due to the social stigma attached to the LGBT\* identities under the Lithuanian circumstances, the national sources do not provide any information about the prevalence and the characteristics of domestic and dating violence among LBT\* women. The semi-structured interviews with the members of the local LBT\* community, the national experts and the law enforcement officials provide with a unique opportunity to explore the attitudes towards the negative phenomenon of domestic and dating violence among LBT\* women in Lithuania.

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<sup>82</sup> Code of Administrative Violations of the Republic of Lithuania, No. ADM, 10 July 2015, viewed on 15 November 2015, [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=494460](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=494460).

<sup>83</sup> *Supra* 2.

<sup>84</sup> *Ibid.*

<sup>85</sup> National LGBT\* Rights Association LGL, *Homophobic and Transphobic Hate Crimes in Lithuania. Monitoring Report*, Vilnius, 2013, viewed on 15 November 2015, <http://www.lgl.lt/en/files/Stebešenos-ataskaita-EN-internet.pdf>.

## Results from Interviews and Fieldwork

With the view of exploring the phenomenon of domestic and dating violence among LBT\* women in Lithuania, in total seventeen (17) semi-structured interviews were conducted in the period between May and September, 2015. The data pool included eleven (11) interviews with the members of the local LBT\* community, three (3) interviews with national experts (i.e. an expert in gender issues, a provider of victim support services and a psychologist) and three (3) interviews with law enforcement officials within the regional police headquarters in charge of dealing with the instances of domestic violence. Among the interviewed members of LBT\* community, five (5) identified as a lesbian woman, two (2) as a *queer* person, one (1) as a transgender woman, one (1) as a bisexual woman, one (1) as a pansexual/demisexual woman and one (1) as an asexual woman. The majority of LBT\* interviewees belonged to the 18-29 age group (73 %) and all of them lived in one of the three biggest cities in Lithuania. Three (3) out of eleven (11) LBT\* interviewees were foreigners, permanently residing in Lithuania, with the local experience ranging from two (2) to five (5) years. Despite the fact that personal experience of domestic or dating violence was not identified as a prerequisite for participating in the research, six (6) out of eleven (11) LBT\* interviewees identified themselves as direct victims of domestic or dating violence.

### *Conceptual Understanding of Domestic Violence*

First and foremost, the collected interviews sought to test the average understanding of the negative phenomenon of domestic violence inside the Lithuanian LBT\* community. All of the LBT\* interviewees identified psychological, emotional and sexual abuse as forms of domestic violence. On the other hand, some of the research participants expressed certain doubts about the gravity of the particular incident in order to qualify it as an instance of domestic violence. For example, some of the interviewees identified “being hurt” as an inevitable element of the romantic relationship:

[...] it is very hard to tell regarding psychological violence. [...] in the relationship it is very complicated to avoid being hurt in one way or another. Maybe when verbal abuse and psychological violence become intentional, seeking to hurt the other person on purpose, only then we should qualify it as emotional abuse. It is very tricky. I would still stick to the definition of domestic violence as physical violence. Regarding psychological violence, sometimes it is very hard to tell, who is manipulating whom, who is being hurt, I would not dare to decide. (A lesbian woman, 27 years old)

In another instance a bisexual woman described in detail two episodes of abusive behaviour that she considered to constitute instances of domestic violence. The first episode was related to an unwanted sexual advance by her ex-husband and the second episode was related to an emotional “clinginess” of her ex-girlfriend (i.e. “not understanding what “no” means”). Despite the clear understanding of the nature of these incidents, the interviewee was not sure whether they had been severe enough to qualify as instances of domestic violence in the eyes of the public:

[...] sometimes I feel like this is something that I should not be talking about, because it is so minor. It is not violence, sexual abuse or anything like that. I felt really shitty about this, because anyways these were things done to me without my will. However, in general, I do not think society would consider these episodes as abuses. Probably not. (A bisexual woman, 26 years old)

The other participants in the study described the elaborate patterns of emotional abuse, which could potentially qualify as “exemplary” cases of this type of domestic violence. Based on her personal experience in the relationship with an abusive partner, a *queer* woman concluded that in female relationships violence manifests itself more in emotional rather than physical ways:

She was an extremely negative person [...]. I felt that if I wanted to stay with her, I had to be fine with that. This was basically tied to the destruction of my self-confidence. Eventually, I ended up completely dependent on her, as it often happens in that kind of relationship. Then you end up with no value and no self-confidence. It feels like the only reliable person around you is that person. Which is also what violent people do – they destroy your social circle and then try to make sure that you are attached to that one person. Thus, I basically ended up in this situation. [...] I feel that my social circle started to be destroyed very early. [...] She was saying that my contacts were stupid, incompetent, not good friends. After having all these things repeated over and over again, at some point I was even able to perceive and tell her the same thing. Then, whenever I got to know somebody, I knew that if she did not approve of that person, that person had to disappear from my life. Thus, my social life was basically a bunch of her friends, people close to her. I was connecting with them through her. I had basically nobody on my side. (A queer woman, 28 years old)

The majority of the LBT\* interviewees were reluctant in identifying the concrete personal characteristics of abusers and victims of domestic violence. As a general rule, the participants believed that there are hardly any common attributes behind domestic violence and that it is extensively related to the individual circumstances, namely to who you feel you are, how you perceive yourself and how you see others in relation to yourself. Nevertheless, some of the interviewees attributed “controlling”, “dominating” and “jealous” behaviour as the key elements of abusive personality. In the course of some interviews, the pattern of “power control” emerged extensively:

[...] it is all about emotions and power control. Domestic violence is about these elements. [...] In many cases, the couples are not out, or maybe they are, but only inside safe spaces such as the LGBT\* community. I saw some partners controlling the other partner’s money. The partner has an aggressive attitude, gets angry, frightens pets, throws things at each other. Or the partner controls whom you see, manipulates the other. They get too exaggerated into each other’s lives, there is no autonomy. It is almost like one partner has a leash on the other partner’s neck. If someone that you are supposed to live with and you trust and care about manipulates you, eventually you start believing in it. Then you just start shrinking, you do not grow. You are supposed to grow in a relationship. Violence is not love. This is the furthest from love, really. (A queer woman, 56 years old)

Throughout the interviews, all interviewed LBT\* women were aware of the Law on Protection against Domestic Violence and its potential applicability regarding same-sex couples in Lithuania. However, taking into account the socially hostile environment against LGBT\* people in the country, none of them had identified the legal provisions as an effective remedy with the view of addressing the negative phenomenon of domestic violence among LBT\* women:

At the end of 2012, a law on domestic violence was signed by the Parliament. It was established by that law that you can call the police and ask for help if you are abused by your lover or your partner. [...] I do not know how much it did for LGBT\* persons. I guess you can call the police and say “My partner is using domestic violence against me!” and then they should react and behave according to the laws. However, I am not sure if this is happening. I think that they should take the report into consideration, but maybe the whole case will be treated as something just more exotic and scandalous. (A lesbian woman, 28 years old)

To summarize, the Lithuanian LBT\* women are aware of various forms of domestic violence, including physical, emotional and sexual abuse. However, they have demonstrated a particular understanding that committed violations have to reach a certain degree of gravity in order to qualify as instances of domestic violence. As a result, more “minor” incidents can be disregarded as not being “serious enough”, thus contributing to legitimization of domestic violence among LBT\* women in Lithuania. Furthermore, despite the widespread awareness of the applicable national legislation, the interviewed LBT\* women were reluctant to identify these measures as effective legal remedies due to the widespread homo-, bi- and transphobic attitudes in the Lithuanian society.

### *Prevalence and Causes of Domestic Violence*

Despite the fact that personal experience of domestic or dating violence was not identified as a prerequisite for participating in the research, six (6) out of eleven (11) LBT\* interviewees identified themselves as direct victims of domestic or dating violence. On the other hand, none out of three (3) interviewed law enforcement officials have indicted any encounters with the instances of domestic or dating violence among LBT\* women in the course of their professional engagement. It seems that domestic violence among LBT\* women in Lithuania is characterised by invisibility. The majority of LBT\* interviewees in the research have indicated that they had witnessed or heard rumours about the instances of domestic violence in their community:

[...] there is quite a lot of violence in lesbian relationships. And nobody really talks about that, because we live in this progressive [LGBT\*] community which is against violence and is always controlled by heterosexist society. [...] I believe emotional violence is pretty widespread. I am not sure about physical violence. (A queer woman, 28 years old)

The interviewed women have quoted number of reasons to explain the prevalence of this negative phenomenon within the local LBT\* community. First of all, the stigmatization of non-heteronormative identities clearly stands out. The interviewees referred to “pressure”,

“social hostility”, “frustration” and “insecurity” with the view of analysing the circumstances, under which LBT\* partners might become violent towards each other. Others have emphasized the lack of “dignity” and “self-respect” among LBT\* women in Lithuania, which is conditioned upon the prevailing negative perceptions towards non-heteronormative identities by the general public. It can be concluded that the members of the local LBT\* community identify a clear connection between the quality of LBT\* relationships and the level of social acceptance:

I have seen in Lithuania about 90% of relationships between women that can be classified as dysfunctional. I think that a lot of it stems from no support from the society as a whole. However, I feel like in Lithuania, lesbians and women in general are suffering from a lack of dignity, self-respect. [...] Domestic violence comes out of the dysfunction with yourself, of not loving yourself, of not being proud of who you are. So, when you are in a relationship that is hidden, not supported by culture, not supported by your family, not sanctioned by the people you work with...Then you feel guilty, shameful, and start lacking self-respect. When you live hidden, how can you possibly love yourself? I see a lot of shame and not very much dignity. (A queer woman, 56years old)

[...] living in a hostile society, as is the Lithuanian one, means that couples also experience a considerable amount of frustration and insecurity, and in many cases homophobia is internalised. Feeling insecure and frustrated all the time can cause someone to act more violently than usual and because society does not accept homosexual relationships, homosexual couples know that their relationships are at risk of being outed, being the object of discrimination, or even blackmail. [...] we obviously must consider the fact that Lithuania is one of the most homophobic countries in the European Union. [...] Further pressure that friends, acquaintances, employees might get to know about this, makes the familiar environment an unsafe place for lesbian and transwomen, since the possibilities of domestic violence against them can drastically increase. (A lesbian woman, 30 years old)

Secondly, a number of interviews referred to issues related to psychological health and care. Due to the lack of available mental health services, suitable for addressing the specific needs of members of the local LBT\* community, many participants in the research indicated that there is no possibility of addressing personal anxieties before they spread into relationships. Being comfortable with one’s sexual orientation is usually quoted as the first thing to stop domestic violence in LBT\* community:

The lesbian community has issues with psychological health and care. [...] we are afraid of getting psychological help, and when you have some sorts of problems, you do not know where to seek help. You have to keep your problems to yourself and not tell anyone about it. I think that usually, anger is a common reaction and this anger spreads into the relationship. [...] this is definitely a problem, because lesbians cannot easily access psychological help. [...] since they do not know how to solve their problems, they just keep this anger inside and then they reverse it on their partners. (A lesbian woman, 26 years old)

Finally, quite significant number of interviewed LBT\* women have drawn attention to the impact of substance abuse in relation to the prevalence of domestic violence among LBT\* women. According to statistics from the Organization for Economic Cooperation and

Development (OECD), the average Lithuanian consumes 14.3 litres of pure alcohol annually, thus rendering Lithuania the most drinking country among 44 surveyed nations.<sup>86</sup> The interviewees have indicated that alcohol “complicates” the situation, rendering one of the partners more “aggressive”:

[...] here in Lithuania the alcohol abuse is really alarming. I think this contributes immensely to domestic violence. Because when you are inebriated, when you are drunk, alcohol is a depressant. It is a fuel for domestic violence. A lot of women in this community numb themselves with alcohol. This happens because they feel ashamed of who they are, they are not out. Thus the problems are alcohol abuse and lack of support. It’s a vicious cycle. (A queer woman, 56 years old)

It can be summarized that the negative phenomenon of domestic violence has proven to be relevant among the members of the local LBT\* community. More than half of the LBT\* women interviewed have identified themselves as direct victims of domestic abuse, while all of them have reported hearsay pertaining to the various issues of domestic violence within their social circles. The key quoted reasons for the prevalence of this phenomenon were the social pressure towards non-heteronormative identities, the lack of mental health services and the substance abuse.

#### *Reporting to Public Authorities*

Within the collected data poll, none of the interviewees showed any confidence in the competence of public authorities pertaining to the problem of domestic violence. To put it another way, reporting an episode of domestic violence does not seem a realistic option for Lithuanian LBT\* women. According to the interviewees, the invisibility of the problem of domestic violence against LBT\* women has often to do with the broader issues of sexual orientation and/or gender identity under the Lithuanian circumstances. In a society that is still struggling in recognizing and accepting people with unconventional (i.e. non-heteronormative) sexual orientations and/or gender identities, domestic violence hitting these groups is usually interpreted as a phenomenon of secondary importance. In a nutshell, the main problem regarding these communities is their L(G)BT\* status *per se*. The individual situations behind the layers of sexual orientation and/or gender identity remain invisible, and to some extent frightening, because of the lack of mainstream knowledge around it.

[...] it is more challenging to observe, because there are not so many people, who are openly homosexual or bisexual inside [our] society. [...] it is also a matter of layers. Nobody concentrates on that issue, because focus tends to be more on the fact that we are homosexual [...]. Reporting domestic abuses is even more complicated for same-sex couples, because there is fear that the police will not help. (A lesbian woman, 28 years old)

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<sup>86</sup> Organization for Economic Cooperation and Development (OECD), *Health Statistics 2015*, viewed on 15 November 2015, [http://stats.oecd.org/index.aspx?DataSetCode=HEALTH\\_STAT#](http://stats.oecd.org/index.aspx?DataSetCode=HEALTH_STAT#).

The reasons behind the reluctance to report domestic violence to the law enforcement officials mainly reside in the perception that the issue will not be taken seriously. The most widespread opinion is that police officers will disregard, diminish and perhaps even ridicule episodes of psychological, verbal and physical abuse. The interviewed LBT\* women indicated that it might happen for several reasons, such as, lack of awareness about the problem, poor understanding of the subject, lack of training on how to deal with LBT\* victims of abuse, as well as homo-, bi- and transphobic attitudes strongly interfering with professional capacities of police officers. Several interviewees indicated that the fear of being 'outed' might significantly contribute to the reluctance of LBT\* victims of domestic violence to report experience of abuse to the law enforcement officials.

[...] reporting an abuse is much harder for the victims in a same-sex relationship. [...] you have to come out to police, which is already humiliating for most of the closeted members of [our] community. Then you have to confess that you are suffering from abuses by your partner. This is something very hard to admit. [...] You also fear that somehow police will not react at all and will simply think something like "those homos should keep fighting, so there will be less of them. (A lesbian woman, 26 years old)

Finally, the issue of domestic violence against LBT\* women and their reluctance in reporting the experience of abuse to the competent public authorities was universally positioned within the broader framework of the LGBT\* human rights situation in Lithuania. It seems that behavioural pressure plays a significant role with the aim of discouraging the reporting among the members of the local LBT\* community. The strategy of hiding the reality of domestic violence was interpreted as an attempt to 'save the face' or to keep the LGBT\* human rights topic free from the discourse on violence within the community in order not to negatively impact the generally hostile perceptions of members of the general public. The interviewees referred to this phenomenon as an expression of 'solidarity' among the members of LBT\* community.

[...] everybody knows that these things exist. However, people from the outside are probably not allowed to see these things, because right now we have different struggles. We still do not have proper standards of human rights here in Lithuania and obviously violence between same-sex partners is not something we want to showcase for the general public. On the other hand, this problem needs to become visible, because otherwise it looks like nothing is happening. (A bisexual woman, 26 years old)

It can be concluded that reporting the experienced instances of domestic violence to the law enforcement officials is not considered as an option for LBT\* women because of (1) the general mistrust in public authorities as not competent in dealing with L(G)BT\* issues; (2) the fear of being outed and (3) the implied 'solidarity' with the view of 'saving the face' of the local community. The interviewed women were generally not able to comment on the experiences within the framework of State sponsored victim support services, as they either had no direct experience or had not received any feedback from the other members of the community. However, one interviewee, who had direct experience, described the quality of the received services as "highly professional" and "positive". The victim support services, received from the women's organizations, the LGBT\* organizations and the help lines of

psychological and emotional support were also referred to positively. None of the women interviewed commented on the quality of the services, received from the health care providers.

### *The Perspective of National Experts*

In the course of the research on domestic and dating violence among LBT\* women in Lithuania, three (3) interviews with national experts (i.e. an expert in gender issues, a provider of victim support services and a psychologist) were conducted. These interviews sought to position the phenomenon of domestic and dating violence among LBT\* women within the broader framework of gender issues. It is interesting to note that despite the publicly known affiliation of these interviewees as LGBT\* friendly experts, none of them have reported direct encounters with victims of domestic violence among LBT\* women in the course of their professional experience.

An interview with the gender expert, who has been working in the field of gender equality for more than two decades, disclosed that the negative phenomenon of domestic and dating violence among LBT\* women might be sanctioned by the general framework of gender inequality and the prevalence of stereotypical gender roles within the Lithuanian society. The expert drew attention to the fact that one (1) out of three (3) women in Lithuania becomes a victim of domestic violence at least once in the course of their lifetime. It was emphasized that LBT\* women are socialized in the same cultural environment as the rest of the society, thus rendering domestic violence a commonly widespread practice regardless of the gender of persons involved in the romantic relationships:

If you live in a culture, where gender roles of men and women are highly polarized and where the masculine attributes are strictly related to the public sphere (e.g. bread winning) and the feminine attributes are related to the private sphere (e.g. bringing up children), a certain mode of relationships is being consolidated. [...] This preferred model is then very easily transferable to same-sex relationships. To put it in other words, same-sex couples might subconsciously seek to fulfil the socially preferred models of relationship, including various forms of abuse by a “masculine” partner against a “feminine” partner. (A gender expert, 50 years old)

An interviewed psychologist indicated that many Lithuanian psychologists, who are specialising in issues of domestic and dating violence, lack even a basic knowledge of LGBT\* related topics. As a result, LBT\* victims of dating or domestic violence might be subjected to self-censorship in the course of their engagement with a selected psychologist, thus rendering sexual orientation and/or gender identity completely absent from the puzzle of the suffered abuse. The position of the psychologist interviewed closely resonates with the opinions expressed by the members of the local LBT\* community, namely that mental health services are hardly available for LBT\* women:

[...] it is really tough to find LGBT\* friendly psychologists. I am often asked this question, whether I could recommend some psychologist who is LGBT\* friendly. [...] there is no

public information available. [...] Psychology students, who are studying at university here in Lithuania, do not have access to any course about LGBT\* related topics. Sometimes there are some LGBT\* friendly professors, who can talk about these topics in their lectures. However, when you take a closer look at the curriculum of the Faculty of Psychology, there is no reference to LGBT\* topics at all. Thus, even if a psychologist has a good reputation, you can never know whether that person is homophobic or not. I heard a lot of stories about homophobic psychologists and I know how tough it is to find a good specialist. (A psychologist, 26 years old)

Finally, the interviewed provider of victim support services disclosed that the State sponsored victim support services across the country are not skilled enough to address the specific needs of LBT\* victims of domestic or dating violence. Despite several progressive voices, there seems to be a general disapproval of non-heteronormative identities among the providers. The interviewee indicated that services would still be provided irrespective of one's sexual orientation and/or gender identity, but some professionals in the field would have to force themselves "through clenched teeth". However, the expert interviewed did not see much added value in establishing separate victim support centres exclusively for LGBT\* individuals. According to the provider, LGBT\* issues should be mainstreamed into the already existing infrastructure of victim support centres:

In essence, the core victim support services do not differ in its key elements for straight and LBT\* women. However, if a lesbian woman is unlucky enough to live in an area, which is served by a victim support centre with homophobic employees, I do not really know how that should work out. [...] Some of my colleagues have very negative attitudes towards non-heteronormative identities. I have heard one consultant calling homosexuality an illness. [...] I could imagine that LGBT\* victims would prefer a specialized centre, which would work exclusively for them. However, it might be too expensive for the State. Furthermore, it would be very difficult to ensure that people from different regions of the country would be able to use services of that one particular centre. [...] it would make more sense to mainstream LGBT\* issues into an already existing structure through sensitivity training and harmonization of practices. (A provider of victim support services, 51 years old)

From the interviews with the national experts it can be concluded that the relevant stakeholders, such as psychologists and providers of victim support services, do not possess the necessary knowledge to comprehensively address the negative phenomenon of domestic or dating violence among LBT\* women. The main obstacle, preventing the development of a comprehensive system of victim support services, seems to be homo-, bi- and transphobic attitudes held at the personal level.

#### *Perspective of Law Enforcement Officials*

All of the interviewed law enforcement officials within the regional police headquarters in charge of dealing with instances of domestic violence indicated that the legal measures available under the Law on Protection against Domestic Violence are applicable to same-sex couples, who are residing together "under one roof" (i.e. gender neutral provisions). However, none of them have reported any direct encounters with LBT\* victims of domestic

or dating violence in the course of their professional experience. Furthermore, none of them indicated that they were aware of any internal LGBT\* specific training within the law enforcement structure in Lithuania. While all the interviewees acknowledged the prevalence of gender based violence in Lithuania and have identified it as a structural problem, the idea of domestic violence among LBT\* women seemed somehow to be unrealistic for them. They seemed to believe that the perpetrator is always a man, with no possibility of transgressing that pattern within the framework of LBT\* relationships.

When we arrive at the scene of a crime, it is very hard to tell how individuals involved are related to each other. There is always a victim and a perpetrator. [...] we do not ask for their marriage license. The law is very clear on this – violence in a close environment qualifies as domestic abuse, not only between husband and wife, but also among uncles, children and other members of extended family. [...] Should I ask “Are you lesbians?” That never happens. [...] If we see the signs of violence, we register the incident and proceed with further procedures according to the law. The gender of people involved is not that important. [...] I do not approve or disapprove these things. [...] we are simply doing our job. However, I could not imagine women being violent towards each other in a domestic setting, maybe only in exceptional cases. A man is usually a problem. (A policewoman, 38 years old)

All of the interviewees denied or did not address the statement that homo-, bi- or transphobic attitudes by the law enforcement official might prevent LBT\* victims of domestic abuse from reporting incidents directly to the competent authorities:

The police service does not engage in judging people, we serve people irrespective of their gender, race or economic status. [...] Regarding sexual minorities, sometimes we have to do our job and nobody asks us what we think about it. For example, we protect the Baltic Pride parade, because it is something that we are obliged to do according to the law. [...] If we are informed about an incident, the police will solve the problem. I do not understand why lesbians should not be willing to approach the police, if they need help. (A policewoman, 47 years old)

It can be concluded from the interviews with the law enforcement officials that there is no clearly comprehended need to identify, to acknowledge and to address the specific needs of the local LBT\* community in relation to the negative phenomenon of domestic or dating violence. The fact that none of the law enforcement officials interviewed had even heard about the instances of domestic violence among LBT\* women clearly indicates that these incidents are highly underreported. The possible impact of a socially hostile environment against LGBT\* individuals in the country is not acknowledged as a structural challenge in effectively tackling domestic or dating violence among LBT\* women in Lithuania.

### *Dating Violence*

It is important to note that interviews conducted within the Lithuanian segment of this research project did not address the issue of dating violence as it was defined by the methodological guidelines, namely as ‘perpetration or threat of an act of violence by clients in the course of a sex work’. However, in the course of an interview with a transgender

woman the more loosely defined concept of dating violence emerged as a pressing reality for the members of the local trans\* community. Transwomen in Lithuanian encounter a high risk of violence, while seeking to conduct voluntary romantic and sexual relationships with allegedly 'straight' partners.

Taking a closer look at the problem, several reasons can be identified to explain the difficulties that transwomen face in the dating scene. The first challenge concerns the fact that not being aware of the possible reaction by a prospective partner is a major factor of risk and might even discourage transgender women from dating in the first place:

[...] they think her to be heterosexual and that they are dating or seeing a woman and feel attracted to her. Then they realize that this woman used to be a man and they immediately react saying things such as "You know, I am not gay!" Because gay in their consciousness is something really, really negative, [...] as if they became sick or something like that, just by dating a person, who used to be a man. [...] if I get to know a guy in some place, I might be in a situation where there is no way of escaping. If a guy is attracted to me, I know that in most cases I could not open up and it would not be fine if I said "I am trans". Firstly, because he thinks I am a cisgender female. [...] Secondly, even if everything were alright, if he told me a lot of compliments and if we hugged and kissed, I would be always worried. [...] I understand that in many cases you can end up being beaten up or even murdered. It is not safe. You are always the one, who risks. Outside of your house, you are always at risk. (A transgender woman, 21 years old)

Secondly, while already engaging in the dating scene, transwomen find it difficult to work out what strategy should be applied, i.e. either to "neutralize" the issue by coming out immediately on the first encounter or to work on building up confidence with a prospective partner and to discuss the issue at the later stage in the relationship. While the first option might significantly limit the dating pool, the second option represents the risk of being hurt or even subject to violence or abuse:

It just made me understand again and again that I do not know what is the right behaviour in these cases. I do not know how I should act with a potential date. [...] if I tell the other person [that I am a transgender woman] from the beginning, it is just bad for me – the person probably won't be open-minded about it. If I tell that later, it is equally dangerous, especially considering that I have already invested some time with this person [...]. I am aware that this person can hurt me. (A transgender woman, 21 years old)

Finally, the transgender interviewee reported an actual case of dating violence, indicating the vulnerability of this subgroup within the local LGBT\* community to the instances of violence and/or abuse:

[...] around three or maybe four years ago, there was a case when I met a guy. I met him through the Internet and we just wanted to hang out. We were hanging out and at one point he dragged me to a dark place and he basically raped me. He had a knife, he threatened me... Is this common? Probably it is; it is difficult to say. I sometimes feel that I am an alien in this world. (A transgender woman, 21 years old)

Despite the fact that the above insights are based on a single interview with a transgender woman from Lithuania, they represent an illustrative pattern of experiences of transwomen in the dating scene. While seeking prospective romantic and/or sexual partners, transwomen might encounter open rejection and hostility, thus potentially facing very dangerous situations and perhaps risking their own life. It is very likely that the majority of transwomen within Lithuanian society are reluctant to engage in the dating arena.

### **Conclusions and Recommendations**

The analysis of data, collected in the course of semi-structured interviews with LBT\* women, national experts and law enforcement officials, has disclosed that domestic and dating violence among LBT\* women remains an invisible and highly ignored phenomenon in the context of Lithuanian national circumstances. Despite the fact that the LBT\* women interviewed have reported a high prevalence of this negative phenomenon within the local community, they do not see the possibility of reporting the abuses they have suffered to the relevant public authorities as a viable option. The main reasons for this were identified as the general mistrust of public authorities as not competent in dealing with L(G)BT\* issues, the fear of being outed and the implied ‘solidarity’ with the view of ‘saving the face’ of the local L(G)BT community. The interviews with the national experts indicated that the relevant stakeholders, such as psychologists and providers of victim support services, do not possess the necessary knowledge to comprehensively address the negative phenomenon of domestic or dating violence among LBT\* women. Finally, the interviews with the law enforcement officials have revealed that there is no clearly comprehended need to identify, to acknowledge and to address the specific needs of the local LBT\* community in relation to the negative phenomenon of domestic or dating violence. Based on these conclusions, the following recommendations to the national stakeholders were formulated:

1. To provide comprehensive sensitivity training on L(G)BT\* issues for the providers of victim support services and the law enforcement officials;
2. To integrate an LBT\* dimension within the national awareness raising campaigns against domestic and dating violence, implemented by the Ministry of Social Security and Labour and the Office of the Equal Opportunities Ombudsperson;
3. To develop and to disseminate a list of LGBT\* friendly psychologists as a useful resource for the members of the local LBT\* community;
4. To continue raising awareness about the issue of domestic and dating violence among the members of the local L(G)BT\* community through social media, audio-visual materials, publications and other sources of easy-to-comprehend information.

Finally, it has to be emphasized that the issue of domestic and dating violence among LBT\* women in Lithuania remains characterised by the phenomenon of ‘double layers’. In other words, the stigmatization of non-heteronormative identities effectively prevents the addressing of certain social issues faced by the members of the local LGBT\* community on an individual level. Due to the prevailing homo-, bi- and transphobia in the Lithuanian society, this piece of sexual orientation and/or gender identity is usually missing all together from the public lives of LGBT\* people. As a result, in order to comprehensively

address the phenomenon of domestic and dating violence among LBT\* women in Lithuania, the general social acceptance of non-heteronormative identities should be increased in the first place.

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## PORTUGAL

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### **Overview of LGBT issues**

One of the first important landmarks regarding LGBT rights in Portugal was the decriminalization of homosexuality in 1982. More than two decades later, in 2004, sexual orientation was included in the principle of equality (article 13) of the Portuguese Constitution, as a prohibited ground for discrimination. The latter came after a strong campaign held by civil society organizations such as ILGA Portugal for more than 5 years. It was a stepping stone in what concerns LGB visibility and rights recognition, and it opened the way for a number of subsequent legal changes. Several laws have been changed in order to include the principle of non-discrimination on grounds of sexual orientation and gender identity.

Since 2003, the Labour Code prohibits discrimination on the ground of sexual orientation. In 2015, Law n° 28/2015, of 14 April, included gender identity in the right of equality in accessing employment and labour, in an important decision towards the recognition of trans persons in the labour market. In 2007, the Criminal Code was revised in order to eliminate the difference in age of consent for same-sex sexual relations, to include sexual orientation as a bias motivation for certain crimes (qualified homicide, qualified offences to physical integrity and racial, religious and sexual discrimination) and to include same-sex relationships and couples in the domestic violence criminal framework. As of 2013, gender identity is also a protected status under the hate crime framework. Therefore, although the Portuguese criminal code does not include a definition for hate crimes or hate incidents, both sexual orientation and gender identity are explicitly included in the bias motivations that represent aggravating factors. Sex education law, in 2009, and the Student and School Ethic Statute approved in 2012, both explicitly include sexual orientation in its guidelines, providing the framework to tackle discrimination and especially homophobic and transphobic bullying in schools<sup>87</sup>. In 2008, the Commission for Citizenship and Gender Equality (CIG - the Portuguese government body for gender equality) had started addressing discrimination on the grounds of sexual orientation and gender identity in its policies. The first national campaign run by CIG in 2013 focused on school bullying. Since 2010, it is possible for same sex couples to marry (same-sex *de facto* unions were possible since 2001). However, and despite the reactions of the Council of Europe Human Rights Commissioner and Portuguese professional organisms in the area of parenting and child care, parenting rights for same-sex couples are still ignored by Portuguese law. This includes both the possibility of adoption, second-parent adoption in families where children are already being raised by same-sex couples, or access to surrogacy and other medically assisted reproduction techniques, the later only available to

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<sup>87</sup> It is important to mention, nevertheless, that there are concerns regarding the implementation of the sex education law. As a matter of fact, the majority of schools do not include sexual orientation or gender identity in their curricula.

infertile women who are married or in a registered *de facto* union with a man, leaving out both couples of women and single women.

After the national elections for the Portuguese Parliament in October 2015, the current composition has a majority of members from the left-wing political parties that previously had already endorsed the recognition of so called rainbow families, restoring some hope that the situation would soon be changed. ILGA Portugal organized, in cooperation with NELFA (Network of European LGBT Families Association), the 4<sup>th</sup> European Rainbow Families Meeting in Lisbon between October 15<sup>th</sup> and 18<sup>th</sup>, providing more visibility of the situation of these families and their children.

In 2011, the first gender identity law enabled Portuguese trans adult persons to change their legal name and sex in the civil registry, putting an end to a long history of humiliation and violence against trans citizens. At the time, the law was considered to be the most advanced in the world, only requiring trans persons of legal age to present a diagnosis report of gender identity disorder (now referred to as gender dysphoria), signed by two mental health professionals. A recent survey on LGBT people and their experiences when accessing health services<sup>88</sup>, promoted by ILGA Portugal, revealed that the current medical practice stands against international guidelines, namely the Standards of Care of the World Professional Association for Transgender Health: the number of evaluations required is greater than recommended, and trans respondents (29, in total) reported that their identity and gender expressions are being assessed in order to obtain the diagnosis. ILGA Portugal, along with ISCTE – University Institute of Lisbon, is currently participating in the first research project on the implementation of the gender identity law. ILGA Portugal has also been advocating for a revision of the law that would eliminate the diagnosis requisite and respect the right to self-determination of trans persons, and has been present for that reason in a Parliamentary public hearing promoted by left wing party Bloco de Esquerda.

There are currently serious concerns regarding gender reassignment surgeries, explained by the fact that the national health system has not been able to guarantee up until now an adequate response to the demand of many individuals, in spite of the announcement of the recently formed team of specialists in different areas at Hospitais Universitários de Coimbra, a public health service. This happened after the retirement of Dr. Décio Ferreira, formerly the sole known specialist in the field operating in the country, who now works in a private clinic. Given the absence of answers on behalf of public health services, many trans persons undergo risky, unsupervised procedures and practice self-medication.

According to the European LGBT Survey conducted by the European Union Fundamental Rights Agency in 2013, 55% of the respondents in Portugal considered that discrimination towards lesbian women is fairly widespread and 71% that discrimination towards trans persons is very widespread<sup>89</sup>.

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<sup>88</sup> Saúde em Igualdade. Pelo acesso a cuidados de saúde adequados e competentes para pessoas lésbicas, gays, bissexuais e transgénero, viewed 15 November 2015, <http://ilga-portugal.pt/ficheiros/pdfs/igualdadenaSaude.pdf>.

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## Overview in Relation to Domestic and Dating Violence

The Portuguese Criminal Code, as of 2007, classifies domestic violence as a public crime, including in same-sex couples or relationships. According to the law, the Public Prosecution Office (Ministério Público) is obliged to investigate any case reported by victims or witnesses, even when against the victims' own will. The complaints can be reported to any security force (Policia de Seguranca Pública (PSP), Guarda Nacional Republicana(GNR) or Policia Judiciária (PJ)), or directly to the Public Prosecution Office. The victim has the right to request proof that the complaint has been made. If it involves physical violence, the victim can directly request a legal medical examination in a hospital emergency service, performed by forensic experts. In case of emergency, victims can dial 112 (national emergency line), 144 (social emergency line) or, as an alternative, CIG's green line (800 202 148) and teleassistance (at [www.cig.gov.pt](http://www.cig.gov.pt)). Domestic violence victims have rights regardless their nationality. Article 152 of the Criminal Code now reads that a person who subjects someone with whom he or she is married or having an intimate relationship, co-habiting or not, to physical punishment, to liberty deprivation or to sexual offenses, can be punished with a detention penalty from one to five years.

The 5th National Equality Plan for Citizenship, Gender Equality and Non-Discrimination 2014-2017 and the 5th National Plan to Prevent and Combat Domestic and Gender-based Violence 2014-2017 include specific measures regarding sexual orientation and gender identity, following the principles of the Council of Europe Istanbul Convention along five strategic areas: 1) prevention, awareness raising and education (including actions tackling violence in LGBT intimate relationships); 2) victims protection and social inclusion; 3) intervention with abusers; 4) professionals' training and qualification (including intervention with LGBT people); 5) research and assessment<sup>90</sup>. The Commission for Citizenship and Gender Equality has progressively included LGBT issues in its mandate. In fact, in 2010, it published a research study on domestic violence in same-sex couples, included in a volume on discrimination on grounds of sexual orientations and gender identity (RODRIGUES 2010), shedding some light and further insight on the topic. In 2015, it commissioned to ISCTE-IUL a training program on domestic violence in same-sex couples for victim support professionals and it launched a campaign on domestic violence against LGBT youth: "Não lhes feche a porta" (Don't close the door on them)<sup>91</sup>.

Portugal has also signed several international agreements with specific measures on LGBTI people in general, and LBT women in particular, namely the already mentioned Istanbul Convention on preventing and combating violence against women and domestic violence, that intends to eliminate all forms of discrimination against women and protect the victims' rights, regardless of their "sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital

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<sup>90</sup>[http://www.cig.gov.pt/wp-content/uploads/2014/06/CIG-VPNI\\_2014-2017\\_ENG.pdf](http://www.cig.gov.pt/wp-content/uploads/2014/06/CIG-VPNI_2014-2017_ENG.pdf)and, viewed 15 November 2015, [http://www.cig.gov.pt/wp-content/uploads/2014/06/CIG-VPNPCVDG\\_2014-2017\\_ENG.pdf](http://www.cig.gov.pt/wp-content/uploads/2014/06/CIG-VPNPCVDG_2014-2017_ENG.pdf), viewed 15 November 2015.

<sup>91</sup> [www.naolhesfecheaporta.pt](http://www.naolhesfecheaporta.pt), viewed 15 November 2015.

status, migrant or refugee status, or other status” (Article 4 – Fundamental rights, equality and non-discrimination).

In relation to dating violence in the context of sex work, the legal path in Portugal has transitioned from the criminalisation, between 1962 and 1982, to a new framework that decriminalised sex work, while criminalising the financial exploitation of sex workers under the definition of pimping/pandering (Article 169 of the Criminal Code). As a result, there is currently no specific legal framework on sex work itself.

In addition, the III National Action Plan to Prevent and Combat Trafficking in Human Beings 2014-2017<sup>92</sup>, although aiming to protect victims of sexual exploitation, has contributed to the persecution of undocumented migrant sex workers. That is to say that, in the event of a possible arrest or police raid, security forces might disregard possible exploitation issues and focus instead on migration issues.

In 2011, the newly created Rede sobre Trabalho Sexual<sup>93</sup> (sex work network) began advocating for a legal framework that could simultaneously prevent and combat exploitation, but also recognize sex work as a professional category and promote sex workers’ rights and access to services such as health, education, security or justice.

### **Results from Interviews and Fieldworks**

For the purpose of this study, we interviewed four victims of domestic violence in same-sex relations, three trans women victims of violence in a sex work context, and fourteen professionals, ranging from members of security forces, a psychologist working in a health service, a professional from a domestic violence hotline, a jurist working for a women’s support organization, a social worker from a temporary shelter structure, a therapist and a male nurse from a health related project, a researcher and a sex work project coordinator. Other than the total of 21 interviews, significant data was found through literature review, reports, institutional contacts and the media. Two open debates were also held, one in the LGBT Centre in Lisbon, and another at a lesbian themed reading community in Porto. The participants contributed with their views on how these topics are perceived and often silenced within the LGBT community, and shared their own experiences. The project team also attended the 2015 pride events in Lisbon (the Parade and Arraial Lisboa Pride, the largest LGBT national event), collecting informal stories and raising awareness on the subject.

### **Domestic Violence**

In accordance with academic studies held in other countries, our literature review and other non-academic diagnoses and sources of information, violence in women’s couples is an almost invisible topic in our country (MACHADO, 2005) and there is still little information available about it. Although in the last few years some situations became public in the media, it is still a neglected theme

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<sup>92</sup>[http://www.cig.gov.pt/wp-content/uploads/2014/06/CIG-IIIPNPCTSH\\_2014-2017\\_ENG.pdf](http://www.cig.gov.pt/wp-content/uploads/2014/06/CIG-IIIPNPCTSH_2014-2017_ENG.pdf), viewed 15 November 2015.

<sup>93</sup> <http://www.apdes.pt/advocacy/politicas/rede-sobre-trabalho-sexual.html>, viewed 15 November 2015.

This is due to the lack or absence of awareness raising campaigns or activities undertaken by public bodies or victim support services; underreporting by victims or witnesses or third parties; and the generalized view that this is not a real problem (TOPA, 2009), even in the cases where we found that there is little contact with the security forces, judicial support or other organisations, including LGBTI NGOs.

Since the start of the project, a significant number of contacts were established, in order to collect data regarding domestic violence against lesbian, bisexual and trans women and dating violence against transwomen sex workers. Contacts included both NGOs who work in victim's support services, such as União de Mulheres Alternativa e Resposta (UMAR) or Associação de Apoio à Vítima (APAV), but also organisations who promote specific services that can include lesbian, bisexual and transwomen, such as Agência Piaget para o Desenvolvimento (APDES) or Associação para o Planeamento da Família (APF), with specific projects focusing on risk reduction among sex workers.

According to the PSP Chief responsible for GAIIV (Gabinete de Acompanhamento e Informação a Vítimas), a security force department specialized in domestic violence in Porto, between 10 to 12 cases of same sex violence were reported in the first two years of this service (2013 and 2014). Eight of these cases referred to women. We had a second meeting with an officer of the PSP Metropolitan Police in Lisbon and its team. After this, we managed to speak with police officers who work with domestic violence victims and who had had contact with situations of domestic violence in same-sex couples, both male and female. In all of the cases, the victims had reported the abuse.

A common idea among police officers is that violence in couples of women is mostly psychological and emotional, and that women are less inclined towards physical violence than men.

When asked about specificities regarding this type of violence, they initially replied that there are none. Eventually and gradually, nevertheless, a further enquiry revealed victims they had been in contact with were often more isolated on a social and family level, which was something that the abusers frequently used as a form of emotional manipulation.

I had to deal with some cases of violence in couples of women. They usually involve more psychological violence, like threats and insults, not physical violence. These cases are a bit different. I had some situations with physical aggression, but they were much less intense, given the frailty of women when compared to men. They don't have the same strength, so it is more emotional, and it is more threatening to reveal personal information when the relationship is unknown by others. But there are no physical issues involved. (Interview #9, police officer)

As a rule, men use physical violence and women psychological and emotional violence. But there are exceptions. (Interview #11, police officer).

It may be a more hidden reality, because some people find it more difficult to report. They are ashamed, that's how I see it. (Interview #13, police officer)

The fact that these women (and sometimes men) are isolated and have no support from family and friends makes them more vulnerable, because family is never a possibility in case someone needs a shelter. It's the same thing that happens to immigrants who have only come

to our country recently. They are much more dependent of institutions. (Interview #4, social worker)

Members of the GNR security force have also reinforced the previous statements:

These women find it much harder to leave their relationship. Usually we are talking about relationships that faced huge obstacles in order to find their way in the society. Some of these women fought against their families, friends and all sort of social stereotypes, to preserve their relationship. And when they reach us the situation is already at a serious stage. The majority of the violence is psychological and much more aggressive than that used by most men abusers. Women can be much crueler when using psychological abuse. They use emotional violence, hitting where it hurts, from how they live their sexuality to the children's care. These tend to be situations of acute violence. (...) In same sex couples, the attempt to socially isolate the victim results in an even more radical cut with all the ties. Victims come to us in a much more isolated position and frequently filled with anger. They often come from small communities, where homosexuality is still strongly stigmatised. (Interview #14 GNR)

Elements within the security forces seemed to consider that there has been a change in the way LGBT issues are perceived, which may reflect a shift in their policies in terms of training and awareness raising<sup>94</sup>.

I had no problem whatsoever. It's something that people talk about now. I myself have some gay colleagues, the embarrassment has disappeared. (Interview #9, police officer)

I believe that nowadays agents are very sensitive when confronted with these new situations. The two of us discussing this today is a proof of that. We are much closer to citizens, and the police have changed their public image as a closed door to an open one. There is also a public relations office, and this is very important. In our precincts, we have agents living with same sex partners. It doesn't matter, what matters is if you are a good police officer. It's true though that they're not always open about it. (Interview #12)

However there is still work to be done in order to prepare professionals, in terms of information and awareness towards particular features of discrimination on grounds of sexual orientation or gender identity. Security forces also need to challenge the expectation of a double discrimination towards LGBT victims, by explicitly standing for inclusiveness (PINTO 2012).

There has to be some awareness outside to show how the police service has changed. But there is a lot of mistrust in the system and we also need more awareness inside. (Interview #12)

Some of the psychologists and social workers we reached out to also shared with us their experience and thoughts on domestic violence in same-sex couples, including the way they

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<sup>94</sup> ILGA Portugal has been providing regular training activities to security forces on discrimination, domestic violence and hate crimes against LGBT persons since 2010.

felt challenged and how they achieved a better insight of the specific characteristics of the situations.

Reporting a domestic violence situation is always a complex issue. In a situation like this, in which the relationship is camouflaged, everything becomes harder. (Interview #1, Psychologist)

In same-sex relationships, there is the fear of a double prejudice, a higher isolation, the shame of admitting who you are and a mistrust on institutions. (...) I was not indifferent to this, I was a little bit more nervous, afraid because I didn't want to do anything wrong or let my language reveal my insecurity... I didn't want anything in me to be perceived as a prejudice, something that could be seen by the person as 'you are doing this because I am homosexual'. I remember then walking into that situation with a bit of anxiety, also because I knew that I didn't have any experience with the subject. (Interview #2, Psychologist).

After a first round of online dissemination of the project shortly after its start, we interviewed 4 victims of domestic violence. They portray different situations of violence in intimate relationships, sometimes challenging the idea that women are not capable of physical or other types of violence, but also confirming some of the distinguishing marks of domestic violence in same-sex couples: outing as a blackmail strategy; the connection between sex identity and violence (victims sometimes blame themselves because they are LGBT); the isolation and confidentiality of LGBT communities; negative experiences when reaching out for help. The names used in the following descriptions are fictional.

*Isadora* is 31 years old and identifies as bisexual. Her most significant relationship was with a woman whom she started dating when they were both at college. It lasted six years, and they lived together for the last two. During this period, she could see some signs that something was not right in their relationship, namely jealousy towards her family and friends (with whom contacts rapidly decreased), blaming and mistrust. After undergoing minor surgery, one of the arguments only ended when both noticed she was bleeding and the pavement was covered with blood. Her partner's mood swings were frequent. She used the fact that she earned more money to diminish the victim's self-confidence, and didn't take her plans to be a mother seriously, either agreeing or opposing them. After breaking up, she felt it was very hard to get back in contact with former friends. They had believed her ex-partner's version of events and falsely accused her of being promiscuous. She attended some meetings in an LGBT youth group, and eventually found support in another organisation, where she still receives psychological counselling.

*Deolinda*, 43 years old, is currently in a relationship. She has been an out lesbian for her friends for a while now. Before her current relationship, she experienced two situations of abuse in intimate relationships. In the first situation, they lived together for six years, and her partner was still in the closet. It was a very complex experience at an emotional level, and she became dependent on different levels, which was partially aggravated by her moving in with her in a different city, far from her family and friends. They experienced a violent breakup that included telephone calls in which she was verbally abused. She felt

very vulnerable, and it was then that she started a new relationship with another woman. This time, she immediately saw threatening signs, but felt too fragile to act. Every attempt to break up was baffled by emotional manipulation from her partner. On one occasion she was even threatened with a gun, which her partner presumably forgot to leave in her workplace (she had it for professional reasons). She had her personal belongings searched, and her personal journal read without permission. There was also physical abuse, from being thrown into bed and having her arms blocked, being grabbed strongly enough to leave bruises, to being slapped to the point of being temporarily blind in one eye or bleeding from her mouth. Sometimes she was locked inside the house, and even prevented from going to the bathroom and cry. She also experienced sexual abuse, particularly when sex was used by her partner as a form of reconciliation. There were situations in which she was humiliated in front of her friends, and eventually her partner was always jealous of every contact she made. Eventually, she decided to take a stand and look for help through a helpline to get some advice. Although they assumed at first that she had a male partner, she felt it was useful. She only contacted the police once, after her partner chased her inside a car. They also assumed she was in a heterosexual relationship. She eventually gave up.

*Aurora* is 58 years old and lives with her spouse. She is a caretaker for two dependent relatives, and before meeting her wife she lived with a woman that abused her for a long period of time. She was 22 when they met, and her partner was 15 years older. They were together for 10 years, and though they both had separate houses, they mostly lived together. She was unemployed, so stayed at home most of the time, doing domestic tasks and taking care of her partner's children, one son and one daughter. Her partner had recurrent depressions and mood swings, and when she drank, which was frequent, things got worse. She chased her, scratched her and beat her. They would often go out to a casino to gamble, and she slept very little because of that. Eventually she even started shoplifting, on a small scale, to indulge in her partner's drinking dependence. *Aurora* only had a sister to confide, but she had to meet her without her partner's knowledge. No one else knew they were in a relationship and she never thought about going to the police because she thought "they would not bother to act" in her situation. She blamed herself for being in that situation, but felt vulnerable and emotionally dependent at the same time. She never saw herself as a victim back then. In her opinion, LGBT organisations can play a role in these situations, especially in breaking through the isolation, empowering victims to move forward.

*Barbara* is now 30 years old, and she identifies herself as a bisexual person. She has a background training in music and theatre. When she was 22, she was in an abusive relationship with another woman, 9 years older than her. They were both involved in LGBT activism, and that is how they met. Her partner was an experienced activist and became her role model. At first, everything seemed ok and she fell in love with her and her charming personality. But soon after they began dating, her attitude changed. *Barbara* was verbally abused and humiliated by her partner, and pressured to come out to her family at a time she did not feel prepared. She was also forced to cut ties with friends and family, through emotional blackmail. She felt isolated, and never gathered the strength to reach out to the police; also because she did not expect them to accept her due to her sexual orientation. Her partner wanted her to quit her job and stay at home, but she managed to resist and keep on

working, despite sleep deprivation due to constant discussions and episodes of violence. After breaking up, she tried to talk about the situation with other LGBT activists, but felt they did not want to discuss it. Eventually she contacted two therapists, but felt that neither of them was prepared to deal with her bisexuality. Recently, she was contacted by a woman who asked her to become a witness in a lawsuit against her ex-partner, with whom she also had an abusive relationship. They both sought support in a women's support organisation, and she also gained access to psychological counselling. She finally felt she was valued and understood and she would like the LGBTI movement to recognise that this is also a problem within the community, and that it should be addressed without fear, while promoting safe spaces for victims to report and share their experiences.

In April 2015, two young women launched a public statement in social networks claiming they had been both victims of domestic violence perpetrated by the same woman, known for her connection with the LGBT movement. In November 2015 a newspaper headline reported the murder attempt by gun shooting of a 52-year-old woman by her husband, presumably because he had found out that she was having an affair with another woman<sup>95</sup>. These are only two examples that were made public this year, among many others that may have remained silenced and invisible.

#### *Description of Best Practices Collected*

In 2010, APAV, in partnership with ILGA Portugal, launched the first public campaign explicitly tackling violence in same sex relationships. It consisted of a brochure with information and contacts, posters and a website with resources<sup>96</sup>.

During 2015, CIG, implementing the National Action Plans, promoted several training activities: five commissioned to ILGA Portugal on discrimination, domestic violence and hate crimes against LGBT persons, and four others commissioned to an academic research centre (ISCTE-IUL) focused on same-sex domestic violence aiming at victim support professionals, ranging from areas as different as health, security, social work, NGO's and jurists. The participation rate was very high, and during 2015 a handbook on the topic is to be released. These are pioneer initiatives, with a potentially positive impact in terms of identification, intervention and prevention of domestic violence in same-sex couples.

During the research period of the project, and when contacting members of security forces, there was an opportunity to establish contact with two specialized services for victims support and information (GAIV – Gabinete de Atendimento e Informação à Vítima, in Porto, and *Espaço Júlia* – Resposta Integrada de Apoio à Vítima, in Lisbon) and get to know how they operate. These new structures result from an effort to enable a more effective intervention in situations of domestic violence: they provide access to a specialized trained team of police officers (and sometimes social workers) in a space designed for victims to feel comfortable and encouraged to report and look for help without

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<sup>95</sup><http://www.dn.pt/sociedade/interior/mulher-baleada-em-beja-fica-hospitalizada-em-estado-grave-4862107.html>, viewed 15 November 2015.

<sup>96</sup> The campaign materials can be seen at [www.apav.pt/lgbt](http://www.apav.pt/lgbt), viewed 15 November 2015.

any outside constraints; they cooperate with other organizations, such as women's associations (and potentially also LGBT organizations). In addition, the possibility of reporting violent incidents online, currently available on PSP and PJ websites, facilitates victims' support, especially in situations where they might feel physical and/or emotional impediments.

Furthermore, as a part of the work to strengthen the Portuguese LGBT community, ILGA Portugal runs several services that aim to support, break the isolation and promote every type of information regarding discrimination based on sexual orientation, gender identity, gender expression and sex characteristics. These services include a helpline, psychological counselling, juridical support, and a social integration service<sup>97</sup>.

### **Dating Violence**

In 2006, Gisberta Salces Júnior, a Brazilian trans and sex worker woman living in Porto was brutally tortured by a group of Portuguese youths and died as a result of the injuries inflicted. The case has raised public awareness on the issue of social transphobia and revealed the fragile and isolated lives that trans persons endure in Portugal. Two years later, Luna, another trans woman known to be a sex worker was discovered dead inside a garbage container, in unknown circumstances.

Despite these events, the general perception regarding situations that involve dating violence in sex work, and especially trans women, is that the State does not acknowledge this reality, except when funding NGOs work or individual projects that work in the area of sexually transmitted diseases prevention (especially HIV). The incidents reported by both trans women who are sex workers and professionals who have been in contact with this reality have been legally filed under the crime of personal offenses. Even though there is strong evidence of discrimination targeted at sex workers in general, and trans women who do sex work in particular, there is no specific legislation to frame the phenomena of violence in this context.

To identify the sort of experiences lived by trans women who do sex work we need to distinguish, in the first place, between the sex work that takes places outside, in the streets, from the one that takes place indoors, in apartments or brothels. Outdoors is always referred to as a much more dangerous location, in which the isolation, lack of support, the possibility of encountering violent persons and specifically transphobic attitudes, increases the vulnerability and possibilities of incidents (OLIVEIRA 2012). One of the professionals we interviewed mentioned, for instance, that during big football events, they chose not to go out in the streets for safety reasons.

Many of these women lack family or other forms of social support, and struggle every day to survive. Personal aspirations, such as gender reassignment procedures, are often neglected in order to deal with basic needs. Also, the need to keep some of the more desirable features (for example, a penis) for work purposes is sometimes part of the equation. On the other hand, professionals also report cases of young trans women who strategically use sex work to collect money for the transition.

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<sup>97</sup> All information and contacts available on [ilga-portugal.pt](http://ilga-portugal.pt), viewed 15 November 2015.

A meeting with the team of PortoG, APDES' specialized team on sex work prevention and awareness raising, revealed that although violence among trans sex workers or among them and their clients is a common feature, there is no record of a case reported to security forces. With the support of their team, who reach out to sex workers on a regular basis, handing out information and materials such as condoms and lubricants, doing health examinations, promoting rights and sometimes following their situation in health or social services, we managed to get in contact with some trans women and talk with them about their experiences. Here are some of the testimonies (again, we have used fictitious names).

*Carla* is a 55years old trans woman who grew up in a small village in a rural area, and only completed the first schooling grade. She remembers feeling a woman ever since she was five, but she only got to dress as one during Carnival, while dancing in the local 'rancho' (traditional music and dance group). She described her father as a violent man, who forced her to wake up during the night to work in the field, so she ran away from home at the age of 14, with the man who is still her life partner, on the day of the Portuguese democratic revolution, April 25<sup>th</sup> 1974. She worked in the city of Porto for two years in a paint factory, and after that she has always worked as a sex worker, first in the streets, where she was once arrested. For her, the streets are more dangerous, as she has been involved in a number of abusive situations including: being dragged into cars, insulted, beaten, robbed and even raped. Today she works indoors in a shared flat, where she nevertheless has also met aggressive clients who sexually abused and insulted her. She never thought of going to the police, not even when the man she was living with abused and beat her. Carla shared some complaints about how she felt judged in health services or in social security throughout her life. Because of that, she was always very cautious about taking risks with her health, avoiding unsafe practices or drugs, which have become common features in sex work nowadays.

*Carolina* is 34 years old, and comes from Brazil. She is a trans woman and has been a sex worker since she was 18, first in Brazil, and then in Europe, where she feels things are much safer. She finished her high-school and is currently attending a course to become a hairdresser. Her work is only indoors. She feels she is pretty much in control of the situation. She has the final word over clients and her schedule, saving the evenings for herself and her partner, who lives with her. For her, a situation of abuse would be if a client would refuse to pay for a service or treated her badly, but fortunately it has never happened. She makes the terms of the agreement beforehand. Unfortunately, that is not the case for some of the people she knows, who reported being abused and robbed. Carolina also confirms that there are a growing number of trans women doing sex work for less and less money, and also indulging in unprotected sex. Unlike many other Brazilian trans women, who only come to Portugal for a short period of time before leaving to go to other European countries, she would like to continue to live in Portugal, where she leads a quiet life and has friends, cisgender and trans, who know about her and her life. Unfortunately, she feels it is very hard for trans women to get jobs. She believes she has a good set of skills, that include knowing 5 languages, but she never gets any feedback after applying for job advertisements. She would like to be able to obtain Portuguese citizenship, in order to be able to change her name in her documents.

*Cristina* is a 30 year old trans woman from Brazil. She moved, only 3 years ago, from Rio de Janeiro, where she completed high-school and worked as a hairdresser for 11 years. Since then, she has already lived in Italy, Spain, Germany and Belgium, as well as in several Portuguese cities, using sex work as a way of earning what she labels “fast money”. She never worked in the streets, where she feels this sort of activity involves more risks. She works in apartments instead, and she is now sharing one with another trans woman, also a sex worker. It is a way, she says, to prevent abusive situations, so there is always someone else around. She does not know that many people and prefers to keep a low profile as a trans woman, although she feels observed in the streets (it is hard not to notice an almost 2 meters high woman like her, she says). She is currently in an irregular legal situation, but has no hope of changing the situation with her current occupation. She would like to have a job, but realises it is very hard to live and pay all the expenses on the salaries that she could get. Apparently she had never experienced any abusive situations, but she has some friends who had to confront clients who refused to pay. One of them even had hit one man in the face with a shoe heel. It would be great, she claims, if she could access legal support to help her get started with the legal procedures of citizenship.

#### *Description of Best Practices Collected*

Since 2011, Rede de Trabalho Sexual, a sex work network that gathers both sex workers, NGO’s who work with them and academics, is providing a platform for visibility, networking, sharing experiences, identifying needs, designing methodologies and drafting demands in order to get equal access to opportunities. In this network, trans sex workers have been included since the beginning, expressing their own voice and life situations.

ILGA Portugal published the brochure “Sabemos o que somos: Pessoas” (“We know what we are: People”)<sup>98</sup>, in an effort to inform and raise the awareness of health professionals on transhealth. It has been used, along with the outcomes of the health research project, as a resource in training sessions and awareness raising activities in the area of health.

As a part of its work in sexually transmitted infections prevention in the LGBT community, ILGA Portugal has created a ‘condom brigade’, which consists on a group of volunteers, run by leaders with specific training, that visit Lisbon nightlife hotspots, including bars, saunas and specific areas where most of trans sex women sex workers meet their clients, handing out condoms, lubricants and brochures, as well as information concerning health issues, but also rights and useful contacts and strategies.

Another example of a good practice is the risk reduction project called PortoG, an initiative of the organization APDES (Agência Piaget para o Desenvolvimento) aimed at the support of sex workers that work indoors, by providing door-to-door specialized services in health and social protection.

The project is executed by a team of trained professionals (usually nurses and psychologists) upon the needs assessment made by sex workers themselves. APDES has

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<sup>98</sup>The brochure can be viewed and downloaded at [www.ilga-portugal.pt/ficheiros/pdfs/sqs.pdf](http://www.ilga-portugal.pt/ficheiros/pdfs/sqs.pdf), viewed 15 November 2015.

also been advocating for sex workers rights, promoting networking, awareness raising and specific training for both sex workers and professionals.

### **Conclusions and Recommendations**

Although the scenario is slowly starting to change, with increased visibility of LGBTI people and greater awareness about their rights, there is still work to be done in the hard task of tackling homophobia and transphobia in intimate relationships. It is important, to begin with, that available data about this type of violence can be identified and disaggregated from the global data reports on domestic violence and hate crimes. ILGA Portugal has created the Observatory on Discrimination on the grounds of sexual orientation and gender identity, where everyone who has witnessed or been a victim of discriminatory incidents and/or hate crimes and domestic violence can anonymously report it online or in paper form. Every year, the report based on the data collected is published and used as resource to advocate for LGBT rights.

Awareness raising on these topics is necessary, through a generalized campaign targeting the population in general and the LGBTI community in particular, as well as professionals who stand in the first line for victim's support.

In addition, it should be considered the promotion of a more consistent policy of specific training activities on domestic and dating violence against LBT women, in order to increase awareness, identify strategies for intervention, promote prevention and reporting. This need is supported by some of the interviewees' statements:

Maybe we need more awareness-raising activities for first-line professionals, for instance in the social context of primary health care, or in the justice area, on how we evaluate and follow-up on the situations. (Interview #1, Psychologist).

It should be our obligation, as professionals in different contexts, to attend seminars, training or awareness-raising activities. We have to reinforce the message that these situations don't occur exclusively in heterosexual couples. [...] "I don't know if there are that many differences, but we should also be concerned in transmitting the right image, stating that we are here, we are capable and ready for this. (Interview #2, Psychologist).

Training is the answer. Everything is built on the idea of women as victims. But it is human nature, it's all about emotions and therefore it is everywhere, regardless of sexual orientation. I believe that many colleagues sustain, in a way that reveals both prejudice and fear, that they lack the competence to deal with these situations. But because they are so rare, no one recognizes the need to invest in a special training. It's a vicious cycle though: the more visible the situations become, more appeals will emerge from professionals. (Interview #3, jurist).

I think we should have more training. There is never enough awareness. (Interview #4, Social worker).

It would also be important to promote the creation of safe environments for victims to share their experiences, identify strategies and allies, breaking their isolation and regaining self-

esteem during and after being exposed to domestic violence. This should ideally happen in homophobic and transphobic free contexts, easily identified as such, as in LGBT or women associations.

The situation regarding trans sex workers in Portugal is complex, and requires a shift in social intervention, legal framing and equality policies that explicitly tackles the discrimination that sex workers in general, and trans women in particular, have to face in everyday life. The focus on health and sexually transmitted infections prevention strategies should also be followed by an investment in social integration, supporting access to health, employment, security or education.

Nothing is gained with criminalisation and invisibility. Tackling stigma is the best way to reduce the risk of violent situations in dating, while allowing sex workers, transwomen in particular, to be empowered and identify their own needs and gain access to their rights as citizens. This could be achieved through the recognition or creation of the sex worker category, as some of the sex workers organisations claim. We would also recommend a national awareness campaign and specific training both for sex workers and professionals who work in victim support services. Finally, it is also important to demand legislation that explicitly deals with access to goods and services, health, education and social protection.

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## UNITED KINGDOM (ENGLAND)

*Jasna Magić\**

### **Legislative and Social Context**

In the last two decades, the UK has made extraordinary strides to counter homophobia and transphobia on an institutional as well as societal level. Progressive legislation on sexual and gender equality and various government actions now place the UK among the most advanced countries in Europe and the world. Literature documents that a shift towards progressive legislation had already started in the 1960s with the enactment of Sexual Offences Act (1967) which introduced the partial decriminalisation of male-male sexual activities. In contrast the 1980s brought about what is still considered one of the darkest periods for lesbian, gay, bisexual and / or transgender (LGB and/or T) rights in England, Wales and Scotland as the Thatcher government passed the Local Government Act (1988) and with it the controversial Section 28 that prohibited ‘the promotion of homosexuality in schools’. The Section considered homosexuality as unacceptable and constructed same-sex families as ‘pretend families’ (Kam-Tuck Yip 2012). This was first repealed in Scotland (2000), followed by England and Wales (2003). However, when New Labour came into power in 1997 the government introduced a number of laws directly enhancing various aspects of equality for LGB and/or T people; for instance the Sexual Offences Bill (2000) which equalised the age of consent for lesbian, gay and bisexual young people, the lifting of the ban on lesbians and gays in the armed forces (2000), the equalisation of the age of consent for young people (2000), the Adoption and Children Act (2002), the Employment Equality (Sexual Orientation) Regulations (2003), the Civil Partnership Act (2004), , the Human Fertilisation and Embryology Act (2008), and most recently the Equality Act (2010) (Kam-Tuck Yip 2012).

The Equality Act further resulted in the Civil Partnership Bill which, in 2013, was in England reformed as Section 9 of the Marriage (Same Sex Couples) Act (2013) putting both same-sex and heterosexual couples on equal footing when it comes to marriage. The Equality Act also prohibited service providers from discriminating on the basis of gender reassignment and the statutory Code of Practice for services, enacted in 2011, set out that gender reassignment is a personal, not a medical, process and that those identifying as transgender should not be required to produce a Gender Recognition Certificate (GRC). (Monk 2011; McIntyre 2009; Fish 2009).

The Lesbian, Gay, Bisexual and Transgender Equality Action Plan (Minister for Equalities 2011b) and a Transgender Equality Action Plan (Minister for Equalities 2011a), published in 2011, further strengthened government’s commitment to LGB and/or T equality and outlined a set of actions that range from tackling homophobic and transphobic bullying in schools, to improving response and conviction rates to hate crime, and promoting LGB and/or T rights abroad. Progress in UK is also reflected in social attitudes as the annual representative British Social Attitudes Survey (2013) reports an increasing level of tolerance of same-sex relationships over the past three decades. For instance; in

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1983 half (50 %) of the public said that ‘sexual relations between two adults of the same sex’ were ‘always wrong’. At that time, only 17 % thought homosexuality was “not wrong at all”. In 2013 these proportions are more or less reversed; only 22 % think that same-sex relationships are ‘always wrong’ while 47 % say they are ‘not wrong at all (Park, A. et al. 2013).’

Regardless of these encouraging statistics however, the lived experiences of discrimination of LGB and/or T people in Britain continue to reflect a society often manifesting different levels of tolerance and acceptance, which vary according to age, ethnicity, gender, geography, class and religion. Various studies report worrying findings about the manifestation of homophobia in British society that is still present in different settings; from family environment to schools. For instance, a 2012 survey of 1,614 LGB and/or T young people aged 11-19 from England, Scotland and Wales shows that more than 55 % experience homophobic bullying in Britain’s schools. Ninety-six percent of gay pupils hear homophobic remarks such as ‘*poof*’ or ‘*lezza*’ used in school while almost all (99 %) hear phrases such as ‘*that’s so gay*’ or ‘*you’re so gay*’. (Guasp 2012). In addition, a 2011 national survey of 6,861 gay, bisexual and/or transgender men shows 49 % of respondents have experienced at least one incident of domestic abuse from a family member or partner since the age of 16 due to their sexual orientation or gender identity / expression (Guasp 2011).

### **Domestic Violence and Abuse: Legislation, Policy and Practice**

Across the UK policy domestic violence is still understood and interpreted as violence against women and girls. Therefore, it is no surprise than that the Government’s objectives in this area are outlined in the ‘violence against women and girls action plan’ (Home Office 2011). The document follows the UN framework recognising specific forms of domestic and sexual violence such as; partnership abuse, forced marriage, ‘honour’ based violence and female genital mutilation; and defines domestic abuse as:

Any act of gender- based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (ibid: 1)

Even though the plan recognises that this type of violence can occur ‘regardless of gender or sexuality’ and acknowledges men and boys can also be victims of domestic and sexual violence and abuse (ibid: 2), literature suggests in practice service provision doesn’t reflect this (Harvey et al. 2014; Hester et al. 2012; Magic 2015). In fact evidence demonstrates domestic violence is perceived as extremely gendered and heteronormative, and the support systems visibly focus on the needs of ciswomen with children and on girls from ethnic and minority communities. This view fails to acknowledge that in Britain every day LB and/or T women become victims of various forms of domestic violence due to their sexual orientation or gender identity

As domestic violence and abuse may comprise a number of different behaviours and consequences, the British criminal law does not recognise such violence as a single criminal offence. However, many forms of domestic violence constitute crimes – such as:

harassment, assault, criminal damage, attempted murder, rape and false imprisonment (Maczak et al. 2011). Specific to same-sex partnerships criminal legislation in the UK can play an important role in preventing and challenging domestic violence; for instance; the Criminal Justice and Public Order Act recognises that men can be raped (by men) while Part IV of the Family Law Act and the Domestic Violence, Crime and Victims Act 2004 and 2010 specifically include survivors of domestic violence and abuse in same-sex relationships in measures to protect them by means of restraining orders and non-molestation orders.

Legal recognition has, to some extent coincided with the development of specific support systems such as, for example, specialist domestic abuse services for LGB and/or T survivors. In the UK, particularly across England and Scotland this type of support is commonly provided by specific LGBT services and charities (e.g.: Broken Rainbow UK, GALOP, Stonewall Housing, PACE and Lesbian and Gay Switchboard<sup>99</sup>), while some of the mainstream services have published resources for professionals with a specific focus on the needs of LGB and/or T domestic abuse survivors<sup>100</sup>.

*Lesbian, Bisexual and Transgender Women's Experiences of Intimate Partnership Abuse: What Do We Know So Far?*

Despite various interpretations of what constitutes intimate partnership abuse, researchers agree that violence and abuse occurring within same-sex relationships is a significant problem which is largely ignored by national governments, international initiatives, mainstream domestic violence agencies, and even LGBT communities. This type of violence nevertheless causes significant harm and suffering for the survivors, with literature suggesting intimate partnership abuse in same-sex relationships is as common as in heterosexual ones; occurring in approximately 25% to 50% of relationships (Serra 2013; Henderson 2003; Ard & Makadon 2011). Research with transgender communities further suggests that the prevalence rates for those identifying as transgender and experiencing partner abuse may even be higher than any other section of the population (Roch 2012; Seelman 2015).

Most of relevant UK research focuses on the nature and prevalence of the abuse along with exploring the appropriate practical and emotional support needs of the victim (McCarry et al. 2008; Hester et al. 2012; Harvey et al. 2014). In addition, Donovan and Hester (2010) studied LGBT survivors'/ victims' recognition of same-sex partnership abuse

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<sup>99</sup>Stonewall Housing, Galop, PACE, London Lesbian and Gay Switchboard, and Broken Rainbow UK also form DAP (Domestic Abuse Project) which is a pan-London partnership providing different services for LGBT victims / survivors of domestic abuse across London.

<sup>100</sup>For example, Coordinated Action Against Domestic Abuse developed specific guidance on how mainstream services could tackle the referral rates of LGB and/or T survivors at multi agency risk assessment conferences (CAADA 2014), Safe Lives developed a practice briefing for independent domestic violence advisors engaging and working with LGB and/or T clients (SafeLives 2014), the Forced Marriage Unit produced specific guidance on forced marriage and LGBT people (Forced Marriage Unit 2013) and the National Health Service has supported development of several resources focusing on specific needs of LGB and/or T victims/survivors which may assist individuals and professionals to identify incidents of same-sex intimate partner violence and support victims (Great London Domestic Violence Project 2008b; Great London Domestic Violence Project 2009; Great London Domestic Violence Project 2008a).

and most recently Donovan et al. (2014) explored and compared patterns of abusive behaviours in same-sex and heterosexual relationships.

Data suggest that lesbian and bisexual women report similar experiences of domestic abuse to those experienced by ciswomen. Specific studies however recognise certain abusive patterns, which particularly shape the experiences of lesbian, bisexual and transgender women suffering abuse. For instance, whereas heterosexual women generally experience gender based violence in a framework of misogyny, LB and/or T women will experience abuse in a context that not only hates women but might also be homophobic, biphobic and / or transphobic (Walters 2011; Bornstein et al. 2006). Other research finds that although experiences of domestic partnership abuse might be similar for lesbians and gay men, gay men are significantly more likely to experience physical and especially sexual violence, while lesbians are significantly more likely to be affected by emotional and sexual harassment (Donovan et al. 2006). Furthermore there is indication that gay men tend to experience abuse mostly from male perpetrators, whereas lesbian and bisexual women seem equally to be targeted by both female and male perpetrators (Ristock 2005; Donovan et al. 2014).

When seeking help there is a preconceived assumption that LB and/or T women shouldn't face any specific barriers in accessing services, since they should be able to access all the same services as heterosexual, ciswomen (Harvey et al. 2014; Donovan & Hester 2010). While some services might indeed be acting in good faith in attempting to treat everyone equally, this also suggests a failure to consider how LB and/or T women's experiences of discrimination may uniquely impact on their ability to access services in the same way as others. In the context of same-sex domestic abuse LB and/or T women often battle with the perception of the 'female perpetrator' which seems to be equally difficult to envisage by both the service providers and the victims themselves (Harvey et al. 2014). Research has also found that some lesbian or bisexual women survivors were denied help due to services interpreting violence between two women as 'a fair fight' (Whiting 2007) or not as serious as violence from a man to a woman. Survivors' experiences also illustrate how service providers struggle with processing rape incidents between two women or how they might stereotype lesbians as 'man haters' if they are being abused by men (Hester et al. 2012). Roch & colleagues (2010) suggest that trans women may have unresolved guilt about being transgender, which makes it difficult to accept that they need and deserve support; in addition, trans women may be excluded from services due to a prejudice that trans people are sexually predatory (Todahl et al, 2009 in Harvey et al. 2014) and that they deliberately "deceived" the perpetrator about their supposed "real" gender (Gooch, 2012 in Harvey et al. 2014). They can be turned away because of their gender history (being assigned male at birth) and various reports (Harvey et al. 2014; Seelman 2015; Roch et al. 2010) illustrate a lack of respect for trans people from doctors and nurses, resulting in victims experiencing further shame when reporting domestic violence.

### **Bleeding Love: Aims and Objectives**

Against this backdrop we conducted a qualitative study, which forms the main focus of this chapter. The study had two main aims; to raise the awareness of the professional community of intimate partnership abuse as experienced by lesbian, bisexual and

transgender women and; to contribute to the existing research on the topic. Addressing some of the gaps in the existent literature the first two objectives of this study were to explore the severity of intimate partnership abuse along with studying its impact on survivors. This was explored through recording the perspectives of lesbian, bisexual and transgender women who identified either as victims or survivors of intimate partnership abuse. The third objective was to determine the nature of help seeking behaviours and identify some of the gaps in service provision as identified through both, survivors' stories, and the experiences of professionals directly or indirectly working with LB and/or T survivors of domestic abuse.

### *The Study Sample and Method*

During the empirical element of the research, undertaken between May and September 2015, we conducted 24 semi-structured interviews<sup>101</sup> with self-identified lesbian, bisexual and transgender women and 22 semi-structured interviews with professionals working in the legal, social and health care sectors, including the police service. The LB and/or T participants were aged between 25 and 53 years and were recruited by self-selection sampling<sup>102</sup>, through the Broken Rainbow support network, social media (twitter and Facebook) and informal events. Thirteen identified as lesbian, 6 as bisexual and 5 as male-to-female transgender. Ten respondents lived in Greater London and the rest of the sample came from across England (11 participants) and Scotland (three participants). Seventeen survivors identified as White British, 2 as Asian, 2 as Black African while 3 did not wish to provide information on their ethnic background. In the following paragraphs, quotations are used to give direct voice to the feelings and thoughts of interviewees about the abuse they have experienced. Where this is the case, names have been changed to preserve anonymity

Professionals were primarily recruited through the network of partners and stakeholders Broken Rainbow has engaged with in past research or training projects. They represent a variety of statutory and voluntary organisations/agencies directly or indirectly supporting survivors of domestic violence and include 5 representatives from the police, 3 from the legal professionals, 5 helpline staff working for LGBT organisations, 7 helpline staff from generic domestic violence services and two 2 therapists / counsellors working with, statutory and voluntary mainstream services. They were mostly based in London, Liverpool, Manchester, Edinburgh and Glasgow. The interview with professionals often involved a 'training' element, where the professionals were encouraged, at the end of the interview, to ask questions, to broaden further their understanding of specific issues about LGBT domestic abuse, relevant to their profession.

The survivors' interview was designed, primarily, to document the details of respondents' experiences of abuse (length of time, relationship dynamism, and support networks). At the beginning of the interview we outlined lead questions which often prompted women to start a story that they wanted to share. We encouraged them to share as

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<sup>101</sup> Due to sensitive nature of research and sometimes for reasons of personal safety some survivors were not able to take part in 1-1 interviews; 11 interviews were conducted via e-mail correspondence.

<sup>102</sup> The call was specifically targeting LB and / or T women who identified as survivors / victims of intimate partnership abuse.

little or as much as they felt comfortable with. The majority contacted us as they felt the need to support other LB and/or T survivors by sharing their experience while a smaller number were seeking affirmation that what they had experienced was indeed abuse. For this group the interview was of particular significance as the women reflected on their experience, conceptualising it as abusive or violent, sometimes for the first time.

### *Nature and Severity of Abuse*

Respondents were asked to share their experience of abusive relationship/s by describing the abuse they suffered. In case they suffered abuse in more than one relationship, they were asked to focus on one relationship. Across the narratives we documented diverse and sometimes overlapping forms of abuse ranging from financial, emotional to sexual and physical, with most women reporting a combination of verbal, emotional and physical violence. Women talked at length about experiencing a range of controlling and / or coercive behaviours and often disclosing internal struggles over recognising domestic violence and coming to terms with the decision eventually, to leave the abusive relationships.

### *Emotional Abuse: Controlling Behaviours*

Respondents disclosed high levels of emotional battering; 20 women in the sample (83 %) disclosed being subjected to recurring verbal aggression which most often consisted of insults, raging fits, intimidation in private places and name calling, all which left most of the respondents feeling 'scared', 'helpless', 'ugly' and / or 'inadequate'. Other forms of controlling behaviour disclosed by respondents were financial control and limiting access to family, friends or LGBT friendly spaces (gay bars, LGBT groups and organisations...).

Nina identified her first same-sex relationship as exclusively emotionally violent and referred to it as an 'intense love / hate connection'. She described experiencing constant jealousy from her partner and felt restricted in what she could do or who she could see. Violent outbreaks, which escalated over time, most often consisted of verbal insults, both in private and public spaces. Abusive behaviour started about a month into the relationship and quickly turned from episodic to a frequent occurrence:

In the beginning she'd occasionally get upset over me going out with friends. Being on the end of that anger, at the end of her anger, there was her control, if she saw anybody that she didn't approve of or didn't like, she would get angry. Eventually what I thought were only loud arguments between us, escalated into her being verbally abusive almost on a weekly basis. It didn't matter if we were home or out.

While Nina was subjected to abuse in both public and private, many women commented on the charming public persona of their partners – abusers, in public and around their families and friends, which made it difficult for them to be believed by and seek support within their social circles.

She was delightful to me in front of others and so cruel verbally behind closed doors. She belittled me and made me feel worthless and neurotic.

She used to use social media as a way of publicly humiliating me/us by posting statuses that would cause her friends and family concern that she was upset and me of course being the culprit.

Six women reported that control over all finances was part of the controlling behaviours that they experienced:

She was very controlling, needed to know everything, check everything. She'd check my mobile phone and internet pages. She brought me a contract phone as a gift, I soon learned the reason why.

### *Emotional Abuse: Threatening Behaviours*

Respondents often described feeling as if they were 'always on the edge' or 'tiptoeing' around their partners and worried about what might make them angry or upset, often in anticipation and fear of physical violence:

She bullied me and I was scared of her. Once I spilled a bowl of soup on the work surface in the kitchen, I thought she would go mad and expected her to hit me. I ran to the bathroom and locked myself in, I stayed there a long time, scared of coming out. Amazingly she never actually hit me but I always expected her to.

For some women threatening behaviours from their partners included 'reckless driving', 'locking them out of the house', and 'threatening suicide 'or' self-harming as a way for their partners to stop them doing something (e.g. leaving the relationship). Sarah talked about how jealousy and insecurities would lead her girlfriend to various acts of self-harm. Believing she had a responsibility to protect and take care of her partner, functioned as a mechanism of control to prevent Sarah from leaving the abusive relationship or perceiving such behaviour as abusive or violent:

She would threaten to kill herself by 'crashing her car' and she would also self-harm by cutting her wrist. The emotional blackmail worked a treat with me and so I guess she used this as a form of control.

The presence of threats of suicide or self-harm was particularly brought to our attention by trans women in the sample who talked about how coming to terms with their gender identity and the decision to transition would cause distress and lead their partners to employ different controlling tactics to undermine their gender identity, prevent them from expressing their gender identity or continue to transition:

I had been honest with my ex when we met. She always knew I identified as a female and she accepted it, though she didn't necessarily always accept my expression of gender. She both,

made me feel like I was the most loved person ever, but then would tear me down and told me how I will ruin everything, her life and the lives of her family.

Although the diversity of emotional abuse reported is clear, what often stood out in the interviews is how effective this form of violence is in creating, often long-term, emotional hurt and in causing survivors to doubt themselves. Previous research, as well as our study, demonstrates that the category “emotional abuse,” comprises of many violent acts; yet this is also the form of abuse that leads LB and/or T respondents often to question whether they have really been abused. In this study this was particularly the case where women were struggling with the fact they were being abused by another woman, or where the abuse did not escalate to physical abuse:

Before this conversation I assumed that domestic abuse was physical abuse. I now realise it doesn't have to be physical abuse to leave you frightened and broken as a person.

Because she never actually hit me, I couldn't see it as domestic abuse. A few times I remember, staring at the bedroom ceiling, thinking “if a man did this to me...” but I would shut the thoughts away because I couldn't deal with what I was facing.

### *Physical Abuse*

In comparison to literature that observes the nature of abuse as experienced by lesbian, bisexual and transgender women as mostly emotional and psychological (Donovan & Hester 2010; Stonewall Housing 2014) our findings show very high levels of physically abusive behaviours. Seventeen respondents (almost 71 %) in our study described suffering severe and frequent physical violence at the hands of their partners. Nine women disclosed suffering at least one serious injury that required medical attention, and six spoke of multiple injuries (broken bones, head injuries, knife wounds).

The physical abuse described across interviews includes a wide range of behaviours; the most common forms reported were; being pushed or shoved; being hit or slapped; being bitten or scratched or throwing objects. Respondents also described some of the most severe forms of violence, such as being stabbed and choked or attacked with an object (glass bottle, knife, etc). The majority of respondents mentioned alcohol abuse as part of their relationship dynamics, stating that abusers would drink and often become abusive under the influence of alcohol. Many narratives also indicated that the severity and frequency of the physical abuse escalated over time.

Kate was in a physically abusive relationship for two years. Her girlfriend often used Kate's heterosexual past and the children she brought into the relationship as a basis for what was, at first, emotional abuse and which later escalated into severe and recurrent physical abuse. Kate's intervention would often result in remorseful behaviour by her partner: ‘she'd promise to stop drinking and she would stop. ... for a while.’ Kate didn't tell anyone what was happening and didn't recognise it as abusive: ‘I put it all down to stress and alcohol’, until her partner was arrested for a particularly brutal physical attack and she believed she was going to die:

The night she was arrested she had slapped me repeatedly in my head, then she strangled me to the point of choking and I had bitten her to make her stop because I couldn't breathe. I was then repeatedly punched and kicked in the head and face and then she bit my cheek. I still have a mark there.

Documented narratives demonstrate physical violence often increased in frequency, whenever the women tried to resist the abuser's control (e.g.: threatened or attempted to leave). Most severe incidents described often involved attack with weapons such as knives or glass bottles and included victims being strangled or choked or beaten so badly that they needed immediate medical assistance.

Sarah talked about how the nature of her work often requires her to be away for certain periods of time. The combination of jealousy and alcohol led her girlfriend to try out a number of controlling tactics to keep Sarah at home; these included accusations of cheating and attempts to self-harm. Whenever Sarah attempted to prevent her partner from self-harming, her girlfriend would often retaliate in a physical attack: '*she started actually attacking me by hitting and kicking me whenever I'd try to stop her from causing self-harm*'. About eight months into the relationship Sarah found out her girlfriend was having an affair. After suffering an emotional breakdown and attempting suicide Sarah eventually decided to leave the abusive relationship, a decision which her partner reacted most violently to:

One of the worse physical attacks I survived was when she stabbed me. I was leaving her this particular night due to recurrent interfering from the other girl again. She went into the kitchen and came back with the 8 inch carving knife. I thought at first she would use it to self-harm again, but this time it was me she wanted to cut. Neighbours had called the police and she was arrested on the scene whilst I was taken to hospital. She had stabbed me 10 times, 3 of which have left scars on my body.

In her account, Janice described how her partner's emotional and verbal aggression eventually escalated into violent threats and sexual violence which, after 10 years of living together, left Janice fearing for her physical and mental wellbeing:

Sex was always on her terms. So she would demand sex some nights - particularly towards end of relationship after about 10 years together. I wasn't allowed to say no to sex, or initiate sex when I wanted to. And she was always extremely drunk when she demanded sex, and very rough, to the point where I feared for my safety.

Documented narratives of overlapping emotional and physical abuse in the sample disclose a range of tactics and behaviours the intent of which is to exercise control and power over the partner. Whether the high level of severe physical violence in the sample is a result of self-selection sampling and the fact this type of violence is more easily recognised and acknowledged as abuse cannot be determined. Nevertheless its occurrence cannot be doubted. The detailed accounts reveal that often overlapping forms of emotional and physical abuse as experienced by lesbian, bisexual and transgender women at the hands of their intimate partners is severe, sometimes life threatening, and cannot and should not be underestimated.

### *Impact of the Abuse*

Most of the women identified at least one negative impact upon their wellbeing as a result of the intimate partnership abuse and many spoke of long-term emotional effects. The narratives reveal a range of mostly psychological or emotional responses, such as low moods, strong feelings of depression and anxiety and distracted sleep patterns. Women spoke of being isolated or isolating themselves from social circles or communities, experiencing fear and a smaller number mentioned the impact the abuse had on their physique including losing or gaining weight, or of self-harming and suicide attempts. Some participants also spoke of lower self-esteem, difficulties in trusting people and difficulties in other or current relationships:

How all this has affected me now is a good question. I still find myself being hyper alert and over vigilant when I'm feeling emotionally attacked. My current partner has said that I am very sensitive, I guess she's right, my confidence can go from 10 to zero instantly and I close down in order to try and protect myself I think.

Feeling shame and self-blame was a common response across most of the narratives. Women spoke of feeling guilty and ashamed mostly in relation to not being able to stop the violence or leave the abusers:

I felt, ashamed, guilty and hated myself for not being able to leave her or recognise the abuse coming my way. So I stopped talking to my friends and family and asking for help. It felt like I completely lost my integrity.

Trans women often disclosed feeling insecure about their gender identity and their own bodies as a consequence of abuse. Most of them mentioned feeling depressed or experiencing 'shame' and 'guilt' when they were going through the process of transition, knowing their partners weren't 'approving' or feeling 'fully comfortable' with it. On the other hand, going through with transition and fully embracing life as a woman is what made some conceptualise their experience as abuse. Carol was often manipulated by her ex-partner and also subjected to death threats. The realisation of abuse, which came after she had already left the abusive relationship led her to a series of self-destructive behaviours:

Interviewer: At what point did you recognize it as domestic abuse?

Carol: only after transitioning, as a result of my raised awareness living as a woman.

Interviewer: Can you describe how that affected you?

Carol: At the time I think I lost my way entirely. I felt imprisoned a lot of the time. Was often just on edge, jumped when the phone rang and dreaded my evening. I am in the process of being formally diagnosed with PTSD [post-traumatic stress disorder]. For two years I felt completely empty and unable to function as a human being. I had work and nothing else.

A few women spoke of self-harming, cutting themselves, as a means to try and control the emotional pain, and seven respondents, three of them trans women, indicated that they had attempted suicide. For example, Linda was in an emotionally and physically abusive relationship for eighteen months when she attempted to overdose on pills. She explained that she had lost contact with friends and family and lost her job due to the relationship and had also found out her partner was having an affair. She reflected on her suicide attempt:

I just gave up and didn't want to deal with it anymore. I though, f\*\*k this, I've had enough. I took pills and got dead drunk. Can't remember much now, but somebody found me, I reckon, a neighbour, and I was taken to a hospital.

A particular sense of shame was felt by those who experienced sexual violence from their female partners. Most of them perceived sexual violence as a problem of a particular construction and presentation of gender – the bigger 'stronger' man being physically violent towards the smaller 'weaker' woman (Donovan & Hester 2010). They had difficulty envisaging the idea of 'a female aggressor' and expressed shock at 'how another woman could be abusive to them':

I am still not right with it, I mean the sexual assault. It feel really ashamed of what happened and the thought I allowed it to happen still scares me. I can't wrap my head around the fact I was violated by a woman...saying it out loud...sounds crazy.

In addition, feelings of shame were connected to the fact that LGBT domestic intimate partnership violence remains invisible within the LGBT community. Andrea for example reflected that she often felt shunned by her lesbian and gay friends whenever she attempted to speak about her experience. This has caused increased feelings of shame and made her feel as if she were doing something wrong:

There is something about how hidden this is and how ashamed I feel about what happened to me.

The narratives show that the LB and / or T women feel significantly marked by the abuse that they experienced and the diversity of post victimisation responses documented in the sample suggests that it is hard to predict how someone will be affected by abuse. The impact of abuse outlined in the quotes above however is neither final nor fixed. Many respondents spoke of how the impact would often shift with the changing dynamics of the relationship and particularly after the women left their abusers. Most of the women spoke of long-term emotional consequences that often included a combination of feelings of shame, anxiety, panic attacks, depression, and thoughts or ideation of self-harm, including suicide. Trans women specifically spoke of insecurities about their gender identity and expression and how that impacted on the process of transition. The narratives also reveal that combining the experience of abuse with the lack of recognition of such abuse by support services and the LGBT communities can greatly impact on the self-esteem of survivors when reaching out for support.

### *Help Seeking*

Most of the respondents stressed they had rarely talked to anyone about the abuse at the time they were experiencing it. In line with previous research (Donovan et al., 2006; Greenberg et al., 2012; Roch et al., 2010) friends and family were those most often spoken to about their abusive relationships while only six survivors eventually sought counselling or turned to specialist domestic abuse services for help. Geography and connectedness to a local (LGBT) community played a crucial role in accessing services. Women who were based in centralised areas and had access to the local LGBT support structures were much better informed of the available support and specialist services than those from other less-central areas, who often pointed to a physical lack of services within their geographical area or lacked knowledge of the specialist services which were available.

Despite documenting some of the most severe forms of violence, of the 24 participants only 5 had made contact with the police. It must be noted here that only in one case were the police contacted directly by the survivor / victim; in all other instances they were contacted by a family member or a neighbour, usually after a particularly violent incident took place. Four had been satisfied with the police response and felt they had taken the domestic abuse incident seriously and taken appropriate action. One woman expressed dissatisfaction and believed that her trans identity influenced how the incident was investigated and handled.

Generally, most of the women in the sample were reluctant to report to the police, especially those living in smaller towns or villages. This would most often be because either they did not trust the police or did not want to cause trouble to their partners:

After she was released I was told to go to the police with all the other times she shoved me or abused me and I just couldn't --- because she'd lose her job and her home.....So I just didn't go to the police with the rest of it.

I have spoken to the local police unofficially and they have told me they would take any further threats or actions from him<sup>103</sup> seriously but my level of trust in them is not high. I do not trust them to either not leak it to the press or sensationalise it.

Low reporting and underrepresentation of lesbian, bisexual and transgender women in the support services has also been observed as a problem by those working in the services providing support to victims and survivors.

### *Gaps in the domestic abuse service provision*

Representatives of mainstream voluntary and statutory services, were asked to share their experience of supporting LB and / or T clients in the process of reporting domestic abuse. We also asked them to identify some of the barriers they thought might prevent LB and / or

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<sup>103</sup> Respondent identified as a trans woman and was in a relationship with a man at the time of experiencing abuse.

T people from accessing their services and inquired about the potential of mainstream services to become more inviting to LB and / or T women. For many respondents representing statutory and voluntary mainstream services, contributing to this research was the first opportunity they had to discuss and reflect on the specific situation of LGBT people, their needs and the barriers they face when engaging with the helping professions. Within this context most professionals coming from mainstream services reported an acute lack of experience when addressing specific needs of LGBT survivors:

We recently discussed domestic abuse in same-sex relationships and one of the nurses who has been with us for more than ten years, in all of her years, she could only recall one man who identified as gay and had been a victim of domestic abuse. (Service provider, social care)

It fascinates me – the fact that I am not aware of any LGBT clients using our services all. Talking to you got me thinking why that is so? (Service provider, mental health)

Furthermore, some mainstream professionals noted that inappropriate comments about sexual identity or orientation of service users could still be heard in internal meetings and others commented that many of their colleagues were unaware that domestic or sexual violence occurs within LGBT communities:

I've been talking to some of my colleagues before doing this interview and they said that with gay male relationships they just think, that's what happens, it gets a bit rough. So a lot of the time, I think professionals don't recognise it as violence when it comes to same-sex relationships. (Service provider, sexual health)

AS LGBT service users represent a relatively small proportion of clients, most of the statutory services in the sample did not have an established partnership with any LGBT domestic abuse service and were generally unaware of the availability and resources of the organisations that might support their work:

I think, because this represents such a small part of our work, those connections, referral pathways are not built as well as they should be. Certainly we are aware of some websites but we don't have an LGBT contact beyond Broken Rainbow UK. This is one that we would use if needed, but we can't say we are well informed of all their services or other organisations that cover this topic. (Police, Community Safety Unit)

Even though some of the mainstream service providers pointed out that LGBT people are equally able to access their services, professionals working in LGBT organisations observed practical challenges, such as personal (e.g. fear of homophobia in the services, fear of disclosure of sexual orientation...) and structural and cultural barriers in the way mainstream services are designed, delivered and publicised. This results in them being less accessible and inclusive for LGBT people:

LGBT people are reluctant to go to mainstream services. There's no mentioning of us anywhere. If I've had my share of homophobic abuse I need to see that staff is aware of my

needs. But if they don't even acknowledge that in their publicising...? (Helpline worker, LGBT organisation)

Both LGBT and mainstream service providers in the sample agreed there was an acute need for greater visibility and representation of LGBT issues overall across mainstream specialist service provision. Discussing publicity and visibility of their services, most of the mainstream professionals, identified a lack of LGBT relevant information, specifically in their resource materials (websites and information leaflets) or within their organisational space and recognised the fact that absence of promotional material featuring visible LGBT logos or photos in, for example, the waiting room or on notice boards may unintentionally communicate a heterosexist stance to clients.

Everything with domestic violence in social or health services seems quite generic or to do with gender, ethnicity and race with disability slowly coming to the fore. At least that's my perception of the current priorities. (Helpline worker, domestic violence)

Representatives of the police referred to specialist domestic violence units as a promising practice within the force while links with the LGBT community are mainly established through LGBT liaison officers. These undertake a voluntary role serving as both a spokesperson for the police service engaging with local LGBT groups as well as representing LGBT interests within the police service. Most of the professionals representing both LGBT and mainstream services indicated a significant need for LGBT sensitive training, including specific information on how sexualities, culture and gender might impact on people's ability to overcome personal and structural barriers in accessing domestic abuse services, while a mental health service provider noted that a recent increase in the willingness of LGBT people to use their services seemed to have arisen because of "word of mouth" that the service employed staff specifically sensitive to LGBT issues.

### **Conclusion and Recommendations**

Although law and policy within the UK have been considerably transformed in the last decade, fully recognising and upholding the rights of those who identify as lesbian, gay, bisexual and transgender, discrimination and homophobia still exist across many environments in the UK. Coming out and being out might still be a difficult process to go through in some place and many risk potentially aggressive reactions for deciding to disclose their sexual orientation. Worryingly, however it appears that while we react to anti-gay violence inflicted on our communities by non LGBT perpetrators, we often choose to tolerate the violence occurring within our community, keeping intimate partnership abuse as experienced by lesbian, gay, bisexual and transgender women invisible to families, friends and support agencies.

As with substance use, self-harm and HIV/AIDS epidemic, there are issues that affect the LGBT community that some would prefer not to examine. However, if 25 % or more of LGBT people are experiencing abuse in their own relationships, we have a situation that simply cannot be ignored. In line with previous research, the present study has demonstrated that intimate partnership abuse as experienced by LBT women can be life

threatening. The high level of severe emotional and physical violence documented across the narratives on one hand and inability to recognise intimate partnership abuse when it's happening, on the other hand, demonstrate the need for constant awareness raising actions within the LGBT communities across UK. There is a clear need to deconstruct the heteronormative perception of domestic violence and empower LGBT survivors with resources and skills for protecting themselves. One of the actions to take, therefore, could include mainstreaming same-sex relationships in sex / relationship education as suggested by Donovan & Hester (2008).

The emotional and sometimes physical impact, as documented in the sample, can last a life time. Despite that most women decide to manage the abuse in isolation or turn to families and friends for support, very rarely do LB and / or T survivors seek help from specialist services. This is mostly due to personal barriers, but also to structural and cultural barriers relating to the way most of the mainstream services are designed, delivered and publicised which results in them being less inviting for LGBT people.

One way of addressing this would be to strengthen collaboration and partnership-working between LGBT organisations and voluntary and statutory mainstream services. This could significantly inform the design of support as well as increase the skills of mainstream professionals working in the sector. Furthermore, smaller improvements to the organisational space can often have a great effect on LGBT service users, for example; gender-neutral, inclusive language in advertising materials on intake and screening forms, websites, notice boards and in waiting areas all create a welcoming environment and send out a positive message for LGBT people. Mainstream agencies might also consider explicitly advertising that they will work with trans people (or trans women, for women-only organisations) and might consider publicising their services in the wider LGBT community, e.g. in LGBT magazines, websites and forums. Finally our findings show that professionals working in mainstream domestic abuse services should receive appropriate training on the unique experiences and specific needs of LGBT people experiencing domestic violence.

Addressing intimate partnership violence as experienced by lesbian, bisexual and transgender women is not easy, and much more work is necessary to raise awareness, break the heterosexist perception of domestic abuse, as well as the stigma of 'perfect' same-sex relationships which had been, in many contexts around the world, constructed by the LGBT equal rights movement. At the same time we need to keep in mind that intimate partnership violence as experienced by LGBT people is also a political issue (Ristock 2002), in that it can be used to support homophobic, biphobic and transphobic views that see our relationships as deviant and unhealthy. Everyone, from LGBT communities to legal, health and social services as well as police and judicial systems therefore need to be able to re-examine their views and existent approaches, form strategic partnerships and share insights, and new ideas with the aim of raising awareness within their own communities and to empower and inspire survivors to take the necessary steps towards overcoming the abuse.

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## GLOSSARY

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**Abuse** – is the general word for physical, verbal or mental maltreatment.

**Abuse, Domestic (see Violence, domestic).**

**Abuse, Economic** – is a form of abuse when one intimate partner has control over the other partner's access to economic resources, which diminishes the victim's capacity to support him/herself and forces him/her to depend on the perpetrator financially.

**Abuse, Emotional (see Abuse, Psychological).**

**Abuse, Mental (see Abuse, Psychological).**

**Abuse, Psychological** – is a form of abuse characterised by a person subjecting or exposing another to behaviour that may result in psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.

**Abuse, Physical** – is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm.

**Abuse, Sexual (also molestation)** – is the forcing of undesired sexual behaviour by one person upon another, when that force falls short of being considered a sexual assault.

**Abuse, Transgender (also Transgender bashing)** – is the act of victimising a person physically, sexually, or verbally because they are transgender or transsexual.

**Abuse, Verbal (also verbal attacks)** – is a form of abusive behaviour involving the use of language. It also includes abusive words in written form.

**Biphobia** – Hatred, fear or disgust of bisexuality or bisexuals.

**Bi-gender** – a person who moves between feminine/woman and masculine/male gender-typed behavior depending on context.

**Bisexual** – a person who is emotionally and/or sexually attracted to both males or men and females or women.

**Cisgender** – a term used to describe non-transgender individuals.

**Coming out** – the process of telling others his/her sexual orientation or gender identity.

**Cross-dressing** – to wear clothing typically associated with members of the other sex.

**Drag King/Queen** – a person who dresses like a member of the opposite gender, often with the aim to entertain and/or play with sex and gender roles and/or gender expression.

**DSD** – Initials originally standing for “Disorders of Sex Development”, a medical description of certain types of variations of sexual characteristics regarded by doctors as pathologies. Given that the pathological nature of variations in sex development is contested and considered to be stigmatising for the persons concerned, DSD is sometimes taken to stand for “Differences of Sex Development”.

**Female to Male (FtM or F2M; trans-man or transman)** – A transgender person born as female who is living as or transitioning to male/man.

**DSM 5, Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition** – is the 2013 update to the American Psychiatric Association's classification and diagnostic tool for mental disorders.

**Gay** – colloquial term for a person who feels sexual desire exclusively (or predominantly) for individuals of his/her own sex (homosexual).

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**Gender** – a term used in social sciences which defines the social and cultural phenomena associated with the biological sex of being male or female.

**Gendernormativity** – Practices and institutions that legitimise and privilege those who live in the gender they were assigned at birth. Gendernormativity has a negative impact on intersex and trans people, people who do not identify with a gender, men who are perceived to be more “feminine” than is socially accepted, and women who are perceived to be too “masculine”.

**Gender/Sex assignment** – Assignment of a gender/sex to a baby on the basis of anatomical features regarded as “female” or “male”, in a societal system built around gender dichotomy.

**Gender Dysphoria** – the clinical definition of gender identity disorder which expresses negative or conflicting feelings about the sex or gender roles a person is assigned to at birth.

**Gender Expression** – how an individual chooses to express his/her gender (dress, behaviour, appearance). A series of signs, visible to others, associated with belonging to a given gender (woman, man or other, as defined by the individual concerned). This might include, for example, the way a person dresses, speaks and behaves. The concept serves to distinguish how a person feels about their gender identity from what they demonstrate through their outward appearance. According to the American Psychological Association, it is the “...way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person’s gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity”.

**Gender Identity** – According to the American Psychological Association, it is the “one’s sense of oneself as male, female, or transgender”. When gender identity and biological sex are not congruent, the person may identify as transsexual or as another transgender category.

**Gender Identity Disorder** – a mental psycho-pathology included in the former Diagnostic and Statistical Manual IV (DSM IV) referring to a gender identity that is inconsistent with one’s biological sex (see **Gender Dysphoria**).

**Gender norms** – The set of rules that are perceived to be binding as regards ways of feeling, behaving, dressing, etc. according to gender.

**Gender Queer (GQ; alternatively non-binary)** – a catch-all term referring to people who challenge gender norms associated with gender binary and cisnormativity and who are not exclusively masculine or feminine.

**Gender Questioning** – a term referring to people who are unsure of their sexual orientation or gender identity.

**Gender/Sex Reassignment Surgery (GRS or SRS)** – a surgical procedure for changing one’s sex characteristics.

**Gender Role** – the behaviours, traits, thoughts, and dress expected by a culture to belong to the members of a particular sex.

**Gender Variance (or gender nonconformity)** – a term referring to people who do not match masculine and feminine gender norms.

**Harassment** – is a general term which defines behaviours of an offensive nature. Generally, it is a behaviour intended to disturb or upset, and it is characteristically

repetitive. In the EU antidiscrimination law, it is considered as a form of discrimination and defined as the condition where unwanted conduct related to the sex (or to the other protected grounds, such as religion and personal belief, disability, sexual orientation, race and ethnic origins) of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Harassment, Sexual** – is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favours, unwelcome sexual advances, requests for sexual favours, and other verbal or physical harassment of a sexual nature. In the EU antidiscrimination law, it is considered as a form of discrimination and defined as the situation where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Heteronormative/Heteronormativity** – a norm that takes for granted that there are two separate biological sexes and that we were born into one of them. According to the heteronormativity, there are certain behaviours and sex stereotypes that everybody has to follow. The norm also takes for granted that everyone is heterosexual.

**Heterosexual** – a person who is emotionally and/or sexually attracted to people of the opposite sex.

**Homonegativity** – a negative attitude toward homosexuality or LGBT people.

**Homophobia** – fear of, or anger towards homosexuality and/or homosexual people. Any manifestation, whether acknowledged or not, of discrimination, exclusion or violence vis-à-vis individuals, groups or practices referred to as homosexual.

**Homosexual** – a person who is emotionally and/or sexually attracted to people of the same sex. Homosexual persons are those who feel a deep-lying emotional, affective and sexual attraction to individuals of “the same gender” and have intimate sexual relations with these individuals.

**ICD-10, International Statistical Classification of Diseases and Related Health Problems (Tenth Edition)** – is the international standard diagnostic tool for epidemiology, health management and clinical purposes, maintained by the World Health Organization.

**Intersex, Intersexed, Intersexual** (see also **DSD**) – a person having ambiguous genitalia; a person whose sex characteristics are atypical or at variance with commonly accepted norms.

**Interphobia** – Fear of or irrational aversion to intersex persons because their anatomical states do not fall into standard “female” or “male” categories.

**Intersex variation** – A range of anatomical states which do not fall into standard “male” and “female” categories and can result from chromosomal, hormonal, gonadic or genital variations.

**Intimate partner violence (IPV)** – is often used synonymously with domestic abuse or domestic violence, but it usually refers to abuse occurring within a couple relation (marriage, cohabitation, though they do not have to live together for it to be considered domestic abuse).

**Lesbian** - a woman who is attracted emotionally and physically to another woman.

**LGBT** – lesbian, gay, bisexual, transgender. Sometimes, there is the “I” to include intersex and “Q” to include queer or it is written GLBT.

**Male to Female (MtF or M2F; trans-woman or transwoman)** – A transgender person born as male who is living as or transitioning to female/woman.

**Outing** – the public disclosure that someone who is assumed to be heterosexual is actually homosexual, bisexual or transsexual.

**Passing** – is the act of presenting an ‘impression’ of the self to gain acceptance by a social group. For example, a transgender person’s ability to appear as the gender he/she identifies with; a homosexual person who is not out tries to ‘pass’ as heterosexual to gain acceptance.

**Polyamory** – Being in more than one intimate relationship with the knowledge and consent of all partners involved.

**Rape** – is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration perpetrated against a person without that person’s consent.

**Queer** – historically a derogatory term for LGBT people, but adopted as a sexual identity by younger gays and lesbians.

**Queer Theory** – an academic theory analysing society’s views and norms.

**Rainbow Family** – collective term for same-sex families or family with LGBT parents or members, generally with children.

**Sex** – the biological status of a person, categorised as male or female, following a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia.

**Sexual Assault** – is a form of sexual violence; any involuntary sexual act in which a person is coerced or physically forced to engage against their will, or any non-consensual sexual touching of a person.

**Sexual bullying** – any bullying behaviour, whether physical or non-physical, based on a person’s sexuality or gender.

**Sexual Orientation** – sexual attraction to a particular sex (to other sex: heterosexuality; to one’s own sex: homosexuality) or to both (bisexuality).

**SOGIE, Sexual Orientation and Gender Identity Expression** – After the Yogyakarta Declaration, this acronym replaced the former expression LGBT.

**Straight** – colloquial term for heterosexual.

**Torture** – is any act by which severe pain, whether physical or psychological, is intentionally inflicted.

**Trans** – Abbreviation used to designate persons whose self-perception of gender, gender identity and/or gender expression differs from the gender assigned to them at birth. The exact content of this concept varies from author to author but at all events, it covers a wide range of sub-categories.

**Trans identity** – Term devised to contrast with that of “transsexuality” to emphasise that the issue here is identity, not sexuality, and which means possessing a gender identity which does not match the gender assigned at birth and the social expectations associated with that gender.

**Transphobia** – fear of, or anger towards transsexuality and/or transsexual and transgender people.

- Transgender** – an umbrella term referring to anyone whose behaviour, thoughts, or traits differ from the societal expectations for his/her biological sex.
- Transition** – A process of social (and often but not necessarily bodily) change by which persons abandon the gender roles corresponding to their assigned gender to adopt the gender role of another gender.
- Transsexual** – a person who lives in a gender role consistent with his/her inner gender identity but in contrast with the social expectations associated with his/her biological sex. It includes pre-operative, post-operative, and non-operative transsexuals.
- Violence, Dating** – is a pattern of abusive behaviour or violence exhibited by one or both partners in a dating relationship.
- Violence, Domestic** – any form of abusive behaviours between those who are or have been family members, or partners in an intimate relationship, such as marriage, cohabitation, civil partnership, dating, or friends. It can take many forms, as it can be emotional, physical (including physical aggression or assault, hitting, kicking, biting, shoving, restraining, slapping, throwing objects, battery or threats thereof), psychological (controlling or domineering, intimidation; stalking), and financial (economic deprivation), but also sexual (sexual abuse; sexual harassment).
- Violence, Economic** – is a type of violence beyond use or threats of physical force, committed by individuals or groups preying on economically disadvantaged individuals, as spouses. The World Health Organization defines it as being a form of collective violence, committed by larger groups towards individuals. It is one of the most frequently experienced forms of gender violence.
- Violence, Family** – comparing to domestic violence, it is a broader term, often used to include child abuse, elder abuse, and other violent acts between family members.
- Violence, Gender (or Gender Based Violence, GBV)** – is violence that is directed against a person on the basis of gender.

What rights do I have as a lesbian, bisexual or trans\*sexual (LBT) victim of domestic and dating violence? How do I know if I am in an abusive relationship with my female same-sex partner? How can I stop her? By providing an answer to these questions, the present study aims to deepen the knowledge and understanding of the nature of domestic violence involving female same-sex partners and dating violence against trans\*women and related issues in some of the jurisdictions of the European Union, namely Bulgaria, Belgium, Croatia, Hungary, Italy, Lithuania, Portugal, and United Kingdom. The research, which led to this book and the book itself, represent core activities implemented within the project Bleeding Love: Raising Awareness on Domestic and Dating Violence Against Lesbians and Transwomen in the European Union, which has been co-financed by the DG Justice of the EU Commission under the specific programme “Daphne 2007-2013”.

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