



Violations of Human Rights and Specific Challenges Faced by LGBTQ Women in Cyprus: A Shadow Report

Submitted for consideration at the 70th Session of the Committee on the Elimination of Discrimination Against Women.

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Submitted to the United Nations CEDAW Committee by ACCEPT LGBT CYPRUS

EXECUTIVE SUMMARY

This shadow report is a submission by ACCEPT LGBT Cyprus to the United Nations Committee on the Elimination of Discrimination Against Women as part of the examination of Cyprus.

The purpose of this report is to magnify the need for an intervention in Cyprus in regards to the elimination of human rights violation faced by the Lesbian, Bisexual, Transgender, and Queer (LBTQ) Women of Cyprus. In addition, this report includes recommendations on how to improve and implement such actions and behaviours in Cyprus.

The current report will highlight five major issues faces by the LBTQ women in Cyprus:

- Social Stigma
- Health Care Issues
- Civil Union and Family
- Employment and Economic Life
 - Transgender Women and Documentation
- Hate Speech and Hate Crimes
 - Violence Against Transgender Women
 - Hate Speech

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INTRODUCTION

This report is a submission by ACCEPT LGBT Cyprus (ACCEPT). ACCEPT is an NGO located in Nicosia, Cyprus that is fighting for the formation of a society based on respect for each individual and their diversity, free from discrimination and prejudice in particular as regards to their sexual orientation and gender identity. We focus on the support, empowerment, and assistance of LGBTI people as well as the communication and information in regards to them. ACCEPT can also be credited with the successful passing of a Civil Union law that allows same-sex couples to get married.

Furthermore, we promote the implementation of policies, laws, programs and jurisprudence of the European Union and the Council of Europe with regards to combating discrimination and promoting the principle of equality, especially regarding sexual orientation and social gender. Currently our organization is trying to start a dialogue within the parliament in regards to a gender recognition bill, a bill put together by ACCEPT and a team of legal experts, that will be proven to be a grave tool against our social fight for transgender and non-binary people's rights.

Social Stigma

Article 5 of the Convention

A lot of the LBTQ women in Cyprus are scared to openly express their sexual orientation or gender identity due to societal stigma which results in suppression of their emotions or even internalized homophobia. The patriarchal structure and expectations from the society influence their behaviour and expression. Especially some professions such as teachers, kindergarten teachers, police officers, army personnel, and beauticians are forced to suppress their sexual orientation to avoid any bullying or the negative social judgment.

Furthermore, a lot of younger people are financially dependent on their parents resulting in living in their parents' homes. Their living situation does not allow them to freely express their sexual orientation/gender identity in fear of becoming homeless or getting disowned by their families.

Some LBTQ women that do decide to communicate their sexual orientation/gender identity with their family are encouraged to suppress their emotions. Their families guide them to do so because they do not want other family members, relatives, neighbours or friends to discover their children's sexual orientation or gender expression.

Homophobia is magnified on the island not only because of the small size of the population but also due to the lack of visibility of the LGBTI community.

Additionally, social judgement is very strong due to the familial influences ergo the strong sense of shaming families cast on the LBTQ women.

Another factor contributing to the social stigma is influenced by the strong tie between the society and the Greek Orthodox church. The majority of the island's population consider themselves religious and followers of the Greek Orthodox church. The church is a major shaper of the public opinion in many aspects of the society and particularly in the disapproval of the LGBTI community.

Healthcare Issues

Article 12 of the Convention

Transgender women

The health care system has multiple obstacles for the transgender women of Cyprus. Such obstacles include:

- having to be diagnosed with gender dysphoria,
- difficult access to proper hormone therapy, and
- no access to gender reassignment surgeries.

Given that a transgender woman decides to go through a transition she first needs to visit an endocrinologist and then the doctor refers her to a psychiatrist so she can get diagnosed with gender dysphoria.

In regards to the psychiatrist diagnosis, if you go to the public sector you need the signature of one psychiatrist but if you go to the private sector you need the signatures of two psychiatrist validating the diagnosis of gender dysphoria.

The diagnosis is not cheap and nonetheless transgender women prefer to go through the private sector which is costlier but has been proven to be more efficient and discreet for the most part than the public sector.

These conditions are not ideal for the transgender women given the fact that they are an extremely vulnerable population. Their low socioeconomic status is a result of limited access to employment. This phenomenon of increase unemployment within the transgender women is observed to be caused by discrimination of employers and moreover because their gender may not match their official school/university diplomas.

In addition, if they do have access to hormonal treatments in the public health system, there is a lack of training within the medical staff/healthcare providers in regards to sensitive and empathy for such a vulnerable population.

For example, there has been reported cases of nurses or medical personnel that made insensitive comments to transgender women that receive their treatment either calling them by the wrong pronoun or making a big scene if their name did not match their appearance and medical records.

Finally, gender reassignment surgeries are not performed in Cyprus neither at the state nor private sector hospitals.

But on the contrary, currently a law exists that specifically excludes coverage of such interventions abroad, unlike the coverage provided for non-trans-related procedure that are not offered locally and must be accessed abroad. The state's justification for this discrimination is that trans procedures are considered cosmetic.

In a recent presentation on April 2nd 2018 of the upcoming National Health System (NHS) by the Cyprus Ministry of Health ACCEPT asked the Ministry what their intentions or plans are in regards to health services for the Transgender community, the answer was tremendously negative. The new NHS will not include gender reassignment surgeries in the coverage because as mention by the Ministry such interventions are considered secondary health needs and also cosmetic surgeries.

Furthermore, after asking if they are at least willing to pay for the expenses for a transgender individual to access the surgery in a different European country (contrary to the current law mentioned above), they mention they have not considered to take such actions.

It is important that CEDAW already asked several State parties to ensure financial accessibility of transition related health care for transgender persons.¹ Therefore, Cyprus should follow this in order to fully implement the Convention.

LBQ Women

Some members of the Cyprus Lesbian, Bisexual, and Queer (LBQ) community report that they avoid visiting doctors and specifically gynaecologist because they are either in the closet and/or feel extremely uncomfortable answering the routine questions conducted by the doctors in fear that they will have to reveal their sexual orientation. In a specific case, a lesbian woman, reported that she felt frustration because the gynaecologist she visited every year had to be constantly reminded that she did not have sexual relations with a cisgender male.

Also, LBQ women feel uncomfortable disclosing their sexual orientation because there have been incidences reported of medical personnel being extremely unprofessional and insensitive towards their sexual orientation. Those health care providers reportedly made comments along the lines of 'are you sure you are a lesbian?', 'You do not look lesbian', and 'it is probably just a phase'. If exposed to comments along these lines subsequently, LBQ women feel uncomfortable expressing their sexual orientation let alone complete forms listing their partners or wives as their emergency contacts.

These incidences demonstrate the absolute need for medical personnel and health care providers to receive diversity training especially for marginalized populations such as LGBTQ women.

¹ See e.g. Concluding Observations: Germany (2017), para. 46; Republic of Korea (2018), para. 41; Switzerland (2016), para. 39.

Civil Union and Family

Article 16 of the Convention

Despite the fact that Cyprus has legalized civil unions for same-sex couples since 2015, same-sex couples face discrimination in multiple aspects such as adoption, fostering, filiation and/or parental rights, and artificial insemination rights. Antithetically, opposite-sex couples have the privilege to have access to all of the rights mentioned above.

When it comes to adoption, the only ones allowed to file an application for adoption are two married spouses, excluding civil unions, therefore not allowing same-sex couples to adopt.

In case of filiation and/or parental rights and particularly in same-sex couples, no second-parent adoption is allowed or provided for by the law were one of the two partners already has the custody of a child, either by prior natural birth or prior adoption. Thus, the custody always remains with the birth mother throughout the civil union, and after its termination.

Finally, when it comes to medically assisted reproduction, such as surrogacy or *in vitro* fertilisation, the pertinent law of 2015, specifically defines “couple” as “a man and a woman that have concluded a lawful marriage or maintain a stable and permanent relationship”.

Thus, by default, women in a same-sex relationship cannot apply jointly as a “couple”. However, a woman by herself may apply as a “single” (which requires, though, more conditions, than a joint couple application), in which case, as explained, no second-parent adoption will be allowed, hence the “single” that has been given leave for such form of reproduction will be the only one with parental rights.

LBQ women had reported to ACCEPT that they underwent artificial inseminations either locally or overseas. Such inseminations locally have been performed in the private sector illegally due to the lengthy process a woman needs to go through as of course a ‘single’ applicant. Applications are reviewed by the Council of Medically Assisted Human Reproduction which has very strict guidelines in regards to the marital status of the applicants. Therefore, lesbians in civil partnerships cannot go through this medical procedure because of their marital status (civil union) ergo they perform such procedures in clinics at the private sector that have access to the local sperm bank or receive these services overseas.

As CEDAW addressed both same-sex marriage and access to parental rights or artificial insemination for lesbian women and same-sex couples,² the government of Cyprus should adopt particular measures to ensure full implementation of the Convention in this regard.

² See e.g. Concluding Observations Chile (2018), para. 51; Luxembourg (2018), para. 52.

Employment and Economic Life

Article 11 of the Convention

Incidences have been reported to ACCEPT that demonstrate discrimination or termination of employment due to the sexual orientation of LBQ women.

A specific incident reported was termination of employment due to the sexual orientation of a lesbian woman. The employer discovered by another employee that the woman was lesbian and he terminated her employment. Unfortunately, there was no justification of why they terminated her employment but her suspicions were crosschecked by a source in the company.

In another case reported, a lesbian woman was told by her employer that her services were no longer needed and he followed by commending on her sexual orientation. Moreover, the employer continued by making remarks on the nationality of her partner.

Both women did not choose to proceed legally, commending on their distrust towards the legal system and believed that they were unlikely to win their case due to the 'lack of evidence'.

In general, LBTQ women in Cyprus state that if they do choose to take legal actions against employers they will not win cases mainly because the legal system is partial.

Other incidences reported indicate a homophobic culture amongst employers that freely express their discomfort and detestation of an employee's or a person's sexual orientation.

In an incident reported by a lesbian woman, an employer made comments along the lines of 'You are not a lesbian, are you? My last employee was lesbian and I had a huge problem with that'.

Moreover, during hiring interviews some employers ask about the marital status of a candidate (which is illegal in Cyprus to ask personal questions of such nature) and place LBQ woman in a very difficult position. Which also demonstrates the ignorance/denial of the existence of same-sex couples because they specifically ask if you have a husband.

Furthermore, LBQ women reported that when they openly expressed their sexual orientation or co-workers found out about it they reported of bullying from supervisors or co-workers.

Such incident was reported to ACCEPT, and when the woman confronted the bullies they declared that they were just joking around. The bullying that these women face causes their extreme discomfort at their work setting and subsequently forces them to quit their jobs or ask for transfers.

In the case of the woman, who worked at the public sector, asking for transfer she never received her transfer having to remain in an environment that felt hostile and not-accepting which resulted in her counterproductivity.

Transgender Women and Documentation

A major key term that needs to have a better understanding amongst the Cyprus society and legislatures is identifying as transgender is on a spectrum. Currently the transgender community needs to go through both sterilization and hormonal treatments in order for them to alter their legal documents. But it is their legal right as citizens of a country to express their gender identity on self-determination and not forcefully undergo a costly and substantially emotional procedure.

In a combination of social insensitivity and lack of the existence of a law the transgender women face discrimination on a daily. A Legal Gender Recognition law is particularly important for transwomen of all ages as they are the most vulnerable members of the island's transgender population, and the common mismatch between the gender they present and their original identifying documents put them at risk for humiliation, verbal and physical abuse and ongoing social marginalisation in a patriarchal and highly-gendered environment.

At the moment, a draft bill has been submitted to the government and is awaiting feedback from the Republic's Legal Services authority before it can be sent to Parliament to be discussed and voted upon.

Hate Crimes and Hate Speech

General recommendation no. 35

Violence against Transgender women

Occurrences of violence against transgender women had been reported to ACCEPT in different cities of Cyprus.

Some incidences reported that their emotional and/or physical abuse had lasted for a long period of time or to this day are occurring. Those women filed complaints to the police for both hate crimes and hate speech but the police did not take any actions to protect them. The police also have not properly investigated their cases leaving them unprotected and exposed to their abusers.

A transgender woman reported to ACCEPT that after she was attack with rocks and was severely injured in her own home, the police did not even bother investigating the crime scene. The same woman keeps reporting her attacker but the police is not even investigating the person nor having him under surveillance.

Another transgender woman keeps receiving threats from her own family members but the police consistently doubts her accusations because they are in disbelief that a family member could harm her physically.

ACCEPT is currently in communication with these women and gathering evidence to proceed to actions against the authorities responsible for the mistreatment of these women.

Hate Speech

The Cyprus constitution clearly indicates a separation of church and state. With that being said, the Cyprus Greek Orthodox Church is a major influencer not only on the societal level but also on a political level.

On top of that, the church openly expresses hatred towards the LGBTI community violating the hate speech law.

In a major incident of hate speech, the archbishop of Cyprus himself in an interview on public television, declared that homosexuals are perverts. Specifically, during the interview the journalist asked the archbishop: “Let’s say they call you tomorrow to talk about homosexuality to young children at a school, junior and high school age kids, what would you tell them?” In his response he quotes: ‘That homosexuality is shameful, it is a sin, it is not something normal, it is unnatural, and we need to fight it [...] a human being needs to learn how to fight [...] they need to fight their bad selves, they need to help the society be glorious. He continued his long response by saying that he will establish schools and create an exemplary education to guide children to come out as proper people.

This clear violation of the hate speech law was reported to the Attorney General by ACCEPT, but he did not take any position or action, nor did the case proceed to court.

Similar incidences of priests publicly condemning homosexuality are reported by the LGBTI community of Cyprus.

In one case, a lesbian woman reports that her mother was directed by a priest to have her daughter visit that priest in order for him to try and convince her ‘to fix her broken soul’.

PROPOSED RECOMMENDATIONS

Social stigma (art. 5 of the Convention)

1. Provide special trainings that introduces the diversity of the population in regards to the LGBTI community and assist with alleviating stereotypes surrounding the community. Introduce specifically diversity in the school system and within all educational systems.

Health Care (art. 12 of the Convention)

2. Provide trainings for medical providers not only in regards to how to provide services for LGBTQ patients, but also on how to create a friendly environment and judgement-free zone for LGBTQ women.
3. Adopt a legal gender recognition law based on self-determination and establishing a quick, transparent and accessible legal gender recognition procedure for all transgender people.
4. Ensure that transgender women have better access to hormonal treatments and health services; particularly, provide financial support for those transgender women who wish to perform such interventions overseas.

Civil Union and Family (art. 16 of the Convention)

5. Provide same-sex couples with all the rights available for married opposite-sex couples, including the rights to adoption, fostering, filiation and/or parental rights; ensure access of LBQ women to artificial insemination.

Employment and Economic Life (art. 11 of the Convention)

6. Mandate, specifically through the Ministry of labour, welfare and social insurance, employers in the private sector, but also in the public sector, to develop strong anti-discrimination policies, to provide biannual diversity trainings, and to enforce strict sanctions for violators of the anti-discrimination policies.
7. Provide mandatory awareness and sensitivity trainings for law enforcement officers, and to assess their understanding following the trainings.

Hate Crimes and Hate Speech (GR no. 35)

8. Enforce the implementation of the hate speech law, and make sure that the Attorney General take actions about any violations of the law.

QUESTIONS TO TAKE INTO CONSIDERATION

- How can the state adopt and implement better diversity trainings both in the private and public sector? And how is the state going to assess the understanding of the employees/employers/citizens when they do partake in those trainings?
- Is the Ministry of Education planning to introduce diversity in schools? Not only in regards to sexual health and inclusion of the LGBTI community but also in regards to gender stereotypes.
- Is the state going to take actions to eliminate the strong presence of toxic masculinity and patriarchal ideals that surround the society through its educational vessels?
- When is the state going to include holistic health care for all citizens of the Republic of Cyprus and specifically for transgender women?
- Is the new National Health System going to include transgender women and assist them financial in order for them to receive Gender Reassignment Surgeries overseas? When is the law going to change in regards to that?
- Why are same-sex couples in Civil Unions excluded from privileges that opposite-sex couples have?
- Can the state adopt more in-depth diversity trainings for the Police and Military Academies?
- Can the state adopt more in-depth diversity trainings for Doctors, Medical Personnel, and Health Care Providers?
- When is the state going to adopt a Gender Recognition Law?
- Does the state need to create independent and unbiased committees to investigate violations of the hate speech law?