



# ANNUAL REVIEW

OF THE HUMAN RIGHTS SITUATION  
OF LESBIAN, GAY, BISEXUAL, TRANS  
AND INTERSEX PEOPLE

**2019**



Rue du Trône/Troonstraat 60  
Brussels B-1050  
Belgium  
Tel.: +32 2 609 54 10  
Fax: + 32 2 609 54 19

**info@ilga-europe.org**  
**www.ilga-europe.org**

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# A note on data collection and presentation

Collecting and presenting data on developments at national level in 51 countries represents a significant challenge for ILGA-Europe. Not only are we dealing with original reports in many diverse languages, the use of terminology around LGBTI issues is often not harmonised across Europe and Central Asia. Nonetheless, all information within the Annual Review has been verified using original documents and the best available local knowledge. Where possible, information was checked against institutional and national reports, and reliable news sources.

In terms of language and terminology, we have tried to avoid causing confusion. For comparative reasons, the language within the Annual Review has been kept in line with ILGA-Europe's standards, and moves away from country-specific legal terms that may have a different meaning elsewhere. At the same time, we respected the variety of terms used by LGBTI communities to self-identify in different countries. For example, this is why the Annual Review does not exclusively refer to LGBTI but also to 'LGBT', 'LGBTQ' and other formulations.

Of course, the Annual Review cannot cover every development in all 51 countries in intricate detail. Firstly, the event itself may not have been adequately reported, or perhaps the reports were confusing or contradictory and ILGA-Europe were unable to verify them.

Secondly, the primary goal of the Annual Review is to reflect the human rights situation of LGBTI people and their position in society. This means that our primary focus is on events and LGBTI NGO work that represent important milestones towards the acknowledgement of the rights of the LGBTI community in that country.

Thirdly, information on intersex issues was collected where available but unfortunately intersex people's human rights remain largely unaddressed at national level.

Fourthly, ILGA-Europe has extended their geographical scope from only European countries to a wider region: Europe and Central Asia. This is the first year we collected data from Central Asian countries for the purpose of Annual Review and included the country chapters for Kyrgyzstan and Tajikistan.

Finally, this is our eighth Annual Review and we always strive to develop our rigorous data collection system. However, a number of limitations remain. We will incorporate the lessons learnt during the previous Annual Review and continue to improve the quality of our reporting on LGBTI issues in Europe and Central Asia.

## Acknowledgements

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## Foreword

The lived reality of lesbian, gay, bisexual, trans and intersex (LGBTI) people in Europe and Central Asia is complex, diverse, multi-faceted. In a world where attention-grabbing headlines and short social media feeds too often gloss over this complexity, the work of documenting the political, legal and social developments – both positive and negative – which affect the lives of LGBTI people becomes essential. For it is indeed essential for policy-makers, for civil society, for any person who cares about advancing equality to grasp that positive change for LGBTI people can take many forms, and often actually needs to take different forms if the specific needs of people are to be met. It is crucial to realise that change is not a linear process but that the road to equality, sadly, can take us backwards and that we therefore always need to be vigilant. This is why the ILGA-Europe team has been so committed to producing this annual documentation of the human rights situation of LGBTI people across the region since 2011.

This 2019 edition of the Annual Review perfectly captures the multiple layers of the “state of play” for LGBTI people in Europe at the moment. In recent years, trans and intersex activism has provided much optimism. In 2018 again, thanks to the tireless work of advocates for the human rights of trans people and of intersex people, the number of governments adopting legal gender recognition laws moving towards respecting the on principle of self-determination again increased and more and more governments are starting to discuss how to ban intersex surgeries. It was also the year of the landmark Coman case on freedom of movement of married couples within the EU, a powerful marker of progress when it comes to the recognition of same-sex couples in Europe.

While we celebrate such achievements, our movement is all too aware of the multiple challenges that lie ahead. As you'll read in this Review, the negative impact of the so-called “anti-gender” groups is seen in several countries, as it pollutes public discussions and political advances on trans equality legislation, on equal recognition of diverse forms of families, on inclusive education or access to information about LGBTI issues. Asylum is another clear thread in this publication. While the number of LGBTI people who have to flee their countries (within and outside Europe) is not decreasing, still too few European countries are taking all the necessary measures to ensure that LGBTI refugees and asylum-seekers are treated with the dignity, care and safety they deserve. It is also concerning to see that some trends feature so prominently year after year: including widespread hate speech by public figures and religious leaders which goes unpunished, public authorities banning or failing to protect prides and other public events, and attacks against human rights defenders.

We invite you – whether you are a government official, an activist, a journalist or anyone concerned with equality – to make time to delve into the richness of this report, from which emerges a full picture of what has been accomplished and what remains to be done. We do hope that this Annual Review will inform many conversations, especially between civil society and political actors, and will contribute to political decision-making which puts the needs of people at its core.

**Evelyne Paradis, Executive Director**





# European Union

IN 2018 THE EUROPEAN COMMISSION BUILT ON THE RENEWED VISIBILITY OF ITS WORK ON LGBTI RIGHTS.

## Asylum

EU institutions reached provisional agreements in June 2018 on four additional files in the legislative reform of the Common European Asylum System (CEAS): the Qualification Regulation, Reception Conditions Directive, EURODAC Regulation and the Union Resettlement Framework Regulation. These are in addition to the existing provisional agreement on the EUAA, reached in June 2017. With these come improvements in the language and provisions for the protection of LGBTI asylum seekers. However, as the CEAS reform is treated as a package, these files will not be formally adopted until agreements have been reached for the remaining two files: Dublin IV and the Asylum Procedures Regulation. The European Parliament Intergroup on LGBTI Rights organised a roundtable on LGBTI asylum “Persecution at home, welcome in Europe?” in May, including discussions of the legislative package.

The European Asylum Support Office (EASO) set up an Advisory Group for its Vulnerability Experts’ Network, bringing together NGO representatives, including ILGA-Europe, to address particular vulnerabilities of people in the EU asylum system. The first meeting took place in November, to find common ground between the participating experts and outline recommendations for Member States’ asylum-related priorities in 2019.

## Bias-motivated speech

On 19 January, the European Commission published the results of its third monitoring of the voluntary Code of Conduct on countering illegal hate speech online, including hate speech targeting people on SOGI grounds on internet platforms Facebook, Twitter and YouTube. Hate speech targeting sexual orientation was the third most commonly reported ground (14%), while 3% of reports concerned hate speech targeting gender identity.

The European Commission expanded the scope of the Code of Conduct application and future monitoring exercises through commitments by further internet companies, namely Instagram and Google+ (in January), Snapchat (in May) and Dailymotion (in June).

A Recommendation on measures to effectively tackle illegal content online was adopted by the European Commission on 1 March. Aimed at companies and Member States, the recommended measures refer to any information not in compliance with EU law or the law of the relevant Member State, including incitement to hatred and violence.

## Bodily integrity

The European Parliament started to work on a resolution on the rights of intersex people, issuing a call to member states to put in place necessary legislation and to the European Commission to lead on providing guidance to member states and ensure exchange of good practices. The resolution was adopted in Committee in November and was adopted by the plenary in February 2019.

## Data collection

The Fundamental Rights Agency started working on the second round of the EU LGBTI survey. The LGBT questions of the survey are designed for comparability with the first survey, while intersex issues have been added and are explicitly reflected in the questionnaire for the first time. A first expert and stakeholder consultation meeting was held in Vienna in June and a contractor for the survey was found by autumn. An informal meeting between FRA and ILGA-Europe members also took place at ILGA-Europe’s Annual Conference in Brussels in October.



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Led by the Fundamental Rights Agency, the subgroup on Equality Data of the High Level Group on non-discrimination, diversity and equality prepared a set of non ground-specific guidelines that Member States can apply to improve their situation regarding equality data, on the basis of the Commission's handbook on equality data and of the exchange between the members of the subgroup. The subgroup also invited CSOs to further discuss the specific data collection regarding SOGIESC.

### Diversity

In the frame of the EC high-level group on non-discrimination, the European Commission organised in December in Athens a best practice seminar on intersectionality – starting the conversation with member state authorities, including a presentation on LGBTI people and homelessness.

The European Parliament in November adopted a resolution on the rights of women with disabilities, highlighting that LGBTI women are exposed to multiple discrimination due to the intersection of disability & gender with SOGISC and that trans women with disabilities face specific difficulties to access legal gender recognition and trans-specific healthcare, and called on Member States to address these issues.

### Education

On 11 October, the EP LGBTI Intergroup organised an event on “Inclusive Education”, focusing on the presentation of school climate surveys that LGBTI organisations in 12 countries are implementing with the support of GLSEN.

On 26 November, the first meeting of the 2020 Working Group on common values and inclusive education by DG Education and Culture featured a focused session on the inclusion of Roma and of LGBTI people in ways of implementing the Recommendation on Common Values and inclusive education.

### Enlargement

On 17 April, the European Commission published the annual EU Enlargement reports about the progress achieved en route to accession to the EU of the EU accession countries (Albania, Bosnia & Herzegovina, Kosovo, FYR Macedonia, Montenegro, Serbia and Turkey), covering the period between October 2016 and December 2017, as the reporting moved to a calendar year. With these reports the European Commission recommended launching accession talks with Albania and FYR Macedonia, both of which have up until now been candidates for accession, thus joining Serbia and Montenegro who were the only two to open accession talks thus far. The reports recognised that Turkey is moving away from the EU. LGBTI issues continued to be reflected strongly in the reports, with several mentions even of legal gender recognition and same-sex partnership. The EP followed, as usual, with their own resolutions on each country, which also included references to LGBTI rights.

In the report published in October, and subsequent resolution on Turkey, the European Parliament decided to cancel €70 million in pre-accession funds earmarked for Turkey, as conditions to improve the rule of law were not met.

### Equality and non-discrimination

In December, 19 EU member states signed a common paper prepared by the Maltese government, calling for continued efforts within the EU to ensure full protection of LGBTI rights. The paper called on the next European Commission to ensure strong follow-up of the current EC LGBTI list of actions and adopt a coherent EU LGBTI strategy. On the same day, a large majority of member states in the Employment, Social Policy, Health and Consumer Affairs Council configuration (EPSCO) refused to adopt Council Conclusions regarding “gender equality, youth and digitalisation”, from which the Austrian Presidency had deleted a reference to LGBTIQ people on the request of Poland and Hungary.

In September, the EP LGBTI Intergroup, the ARDI Intergroup, the Youth Intergroup and the Children Rights' Intergroup, jointly organised an open mic in 'celebration' of the 10th year Anniversary of the Horizontal Directive, which is still blocked in the European Council. The event took place on the Esplanade Solidarnosc, in front of the European Parliament in Brussels. NGOs working across the human rights spectrum were present and emphasised the dire need for EU anti-discrimination legislation for their own field of expertise and across the board.

In April, the EP LGBTI Intergroup welcomed lesbian activists from across Europe for Lesbian Visibility Day to discuss lesbian rights, visibility and organising in Europe.

## Family

On 5 June, the Court of European Justice confirmed that the term 'spouse' needs to be interpreted as being inclusive of same-sex spouses of EU citizens in the framework of the Freedom of movement directive. The Court ruled on a referral from the Romanian Constitutional Court, which in 2016 asked the CJEU to interpret the word "spouse" in the context of EU law on freedom of movement. The judgement means that all EU Member States must treat same-sex couples in the same way as different-sex couples when they exercise freedom of movement rights. Same-sex spouses of EU nationals must now be recognised and granted residence rights on an equal basis. With this judgement, the CJEU provided legal clarity that had been demanded by activists and in European Parliament resolutions.

In August, the EU Fundamental Rights Agency FRA published a new report on EU's freedom of movement, providing an overview of selected case law.

## Foreign policy

On 8 February, the European Parliament adopted a resolution on Russia concerning the case of Oyub Titiev and the Human Rights Centre Memorial, and called on the authorities to end the campaign of persecution against LGBTI people and to allow international human rights organisations to conduct a credible investigation into the alleged crimes.

On 6 June, MEPs Petras Auštrevičius, Sophie in't Veld, Terry Reintke, Soraya Post and Federick Federley hosted a hearing on the Persecution of LGBTI persons in Chechnya.

The hearing was followed by an oral question from MEPs from GUE/NL, S&D, ALDE and Greens/EFA, posed on 25 June, asking the European Commission to clarify what steps it had taken to resolve the situation in Chechnya and push for an independent investigation and effective remedy for victims. The OQ highlighted the Commission's obligation for efforts to ensure respect for the human rights of LGBTI people, in Russia and elsewhere, with regard to the EU's LGBTI Guidelines.

On 1 October, a debate was held in plenary on the above question, and the Commission outlined that in 2018 at the Organisation for Security and Cooperation in Europe (OSCE) Human Dimension meeting in Warsaw in September 2018, the European Union in its opening statement expressed concern that the reports of arrests, unlawful or arbitrary detention, torture and killings of people in Chechnya, on the basis of their actual or alleged sexual orientation, remained unanswered, and pledged to continue raising the issue with Russian authorities through the OSCE and elsewhere.

## Freedom from torture, cruel, inhuman or degrading treatment

In March, the European Parliament adopted its Annual report on the situation of fundamental rights in the EU. The report contains strong content on LGBTI rights, condemning all forms of discrimination against LGBTI people, in particular highlighting the role of education against LGBTI-phobia (para. 60). It condemns pathologisation of trans people and calls for legal gender recognition procedures that are quick, accessible and transparent; reiterates the need to fight





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discrimination against intersex people, especially so-called ‘sex normalising’ surgeries, which are non-consensual and medically unnecessary, and urged the Commission and Member States to guarantee freedom of movement for same-sex couples and their families. The report also for the first time ever condemns the practice of LGBTI conversion therapies.

### Health

In June, the European Commissioner published a Staff Working Document on “Combating HIV/AIDS, viral hepatitis B and C and tuberculosis in the EU and neighbouring countries”. NGOs and the EP had been calling on the EC for a while to step up its response to the HIV/AIDS, TB and Hepatitis epidemics and develop a comprehensive and integrated policy framework. Civil society actors expressed concern that the EC had chosen to publish only a Staff Working Document, the lowest level policy document on the European Commission’s initiative’s scale, and thus had provided a stocktaking, but not fully taken on board the calls for a stronger political commitment and to develop further policy for tackling the three diseases in the European region.

In the framework of the World AIDS conference in Amsterdam in July, DG Sante director John Ryan met with civil society organisations to discuss the future work on combating HIV/AIDS and the role the EC should play.

### Legal gender recognition

The European Commission has initiated a study exploring the correlation between national legal gender recognition procedures across different countries and the socioeconomic status of transgender people living in those countries. A first steering group meeting between the contractor and NGOs took place in December.

### Participation in public, cultural and political life

An official EC delegation for the first time joined the Belgium pride in Brussels with First Vice-President marching alongside activists. The EP LGBTI Intergroup also joined the Belgian Pride march, as did EGALITE, the EU staff LGBTI group.

### Public opinion

On the occasion of IDAHOT day, the European Commission sent toolkits to all EU delegations in EU member states, encouraging them to fly the rainbow flag and organise events discussing LGBTI rights in the respective countries. The EC also issued pins and rainbows wristbands with #EU4LGBTI that were widely distributed. Also for a second time in a row, the EC’s Berlaymont building was lit up in Rainbow Colours on the occasion. On 17 May this year, the European Parliament flew the Rainbow Flag for #IDAHOTB for the first time ever.

The EC in May published the last of five awareness-raising videos under its LGBTI rights campaign “We all share the same dream”; the videos were distributed widely together with social media toolkits to support dissemination.

In June, MEPs from the EP LGBTI Intergroup sent Rainbow Laces to football teams ahead of World Cup 2018. The campaign #supportallcolours, supported by the Greens/EFA, S & D, ALDE and GUE/NGL political groups, aims at raising awareness on the human rights situation in Russia where the LGBTI community suffers discrimination and persecution.

In October, EC First Vice-President Frans Timmermans gave a speech at the Annual ILGA-Europe conference in Brussels, and joined a panel debate with four activists from across the region, discussing their challenges and how the EU can better support them in the protection of the rights of LGBTI people.

**FOR MORE INFORMATION VISIT [RAINBOW-EUROPE.ORG](http://RAINBOW-EUROPE.ORG)**



# United Nations

LGBTI advocacy continued to feature prominently at the UN in 2018. LGBTI equality issues were systematically addressed by Treaty bodies, Special Procedures and the Universal Periodic Review (UPR) mechanism alike.

On 1 January, Victor Madrigal-Borloz took up his mandate as the second UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, following Vitit Muntarbhorn. The Independent Expert released two thematic reports in 2018. One provided an overview of violence and discrimination based on sexual orientation and gender identity (SOGI) and the other examined the process of abandoning the classification of certain forms of gender as a pathology and the full scope of the duty of the state to respect and promote respect of gender recognition as a component of identity. The SOGI Expert carried out country visits to Georgia and Mozambique. He hosted a general consultation in January and a thematic consultation with civil society on depathologisation and legal gender recognition in June.

At the 62nd session of the Commission on the Status of Women in March in New York, all Member States adopted a text that included strong language recognising the diversity of women and girls, comprehensive sexuality education, the need to address multiple and intersecting forms of discrimination and marginalisation, and negative social norms and gender stereotypes, and called for providing support to all family members. These were hard fought by the LGBTI Caucus and other civil society organisations in a more-and-more conservative space, where states are pushing back against women's rights and anti-gender rhetorics are thriving.

On 1 September, Michelle Bachelet assumed her function as the new UN High Commissioner for Human Rights, following Zeid Ra'ad Al Hussein. Ms. Bachelet has made several important statements on the rights of LGBTI people since starting her mandate. The second Trans Advocacy Week was held in Geneva in June, organised jointly by ILGA, RFSL, GATE, APTN, and TGEU. TAW brought together 23 trans and gender diverse human rights defenders from 19 countries for the 38th Session of the Human Rights Council in Geneva.

OHCHR held an expert meeting on the the 2030 Agenda and women's rights in May. The meeting was attended by LGBTI human rights defenders. The outcome report highlighted that "gender equality" should encompass equality among all genders, including LGBTI and non-binary persons. At the July High Level Political Forum, the central platform for follow-up and review of the 2030 Agenda for Sustainable Development, LGBTI activists made a statement at the Leaving No One Behind session and SOGIESC issues came up in several Voluntary National Reviews (VNRs) and reviews of some of the SDGs.

## Bias-motivated speech

The Human Rights Committee (HRCtee) recommended Bulgaria to prevent and condemn hate speech and include SOGI as protected grounds in relevant laws. The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) recommended Luxembourg to monitor and counter hate speech against sexual minorities.

During his country visit in Georgia, the Independent Expert on sexual orientation and gender identity recommended sanctioning hate speech against LGBT people, particularly by politicians.

As part of the UPR, France and Romania accepted recommendations to punish hate speech against LGBTI people.

## Bias-motivated violence

The Committee against Torture (CAT) urged Russia to hold perpetrators of the "anti-gay purge" in Chechnya responsible. It recommended the Netherlands to promptly, impartially and thoroughly investigate hate crimes and hold perpetrators accountable; and Belarus to protect LGBTI people and particularly trans women in detention from violence by public



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officials and inmates, and to ban solitary confinement and other degrading practices. The CAT and the HRCtee recommended Belarus to investigate hate crimes on grounds of SOGI. The HRCtee recommended Bulgaria and Hungary to investigate, prosecute and punish hate crimes on grounds of SOGI. The HRCtee recommended Lithuania to increase efforts against anti-LGBTI hate crimes, and train law enforcement officials. The CAT also recommended Russia to provide training.

During his country visit to Georgia, the UN SOGI Expert recommended increased efforts against domestic violence on the basis of SOGI and data collection. The Special Rapporteur on the situation of human rights defenders visited Moldova in June, and urged authorities to adopt the pending regulations on hate crime and hate speech.

As part of the UPR, Russia was recommended to investigate violence, torture, detention, and killings of LGBTI people in Chechnya. Montenegro was recommended to address hate crimes based on SOGI. Romania was recommended data collection on hate crimes. These recommendations were all accepted. Azerbaijan noted recommendations on combating violence and hate crimes against LGBTI people.

### **Bodily integrity**

The CEDAW recommended Liechtenstein and Luxembourg to ban non-consensual and medically unnecessary interventions on intersex children and the Committee on Economic, Social and Cultural Rights (CESCR) recommended the same to Germany. The CAT recommended the Netherlands to ban surgeries on intersex children, guarantee counseling services for them and their parents, and investigate all non-consensual interventions undertaken.

As part of the UPR, Russia noted a recommendation on banning such surgeries.

### **Education**

The Committee on the Rights of the Child (CRC) urged Norway to apply a zero tolerance approach to SOGI based discrimination in schools, provide training for school staff and students. The CRC recommended Spain to prevent school drop-outs and combat bullying and harassment.

An individual communication was submitted by four Special Procedures to Hungary, concerning the recent ban on gender studies. The Independent Expert Group on the issue of discrimination against women in law and in practice visited Poland and was concerned about barriers civil society faces when trying to tackle homophobia and transphobia in schools. The Special Rapporteur in the field of cultural rights also noted the issue of homophobic textbooks in Poland.

### **Equality and non-discrimination**

The HRCtee recommended Belarus to eradicate discrimination on grounds of SOGI, include these grounds in anti-discrimination legislation, and provide training to law enforcement. It recommended Bulgaria to include gender identity in anti-discrimination laws and eradicate SOGI based discrimination in all spheres of life. The CESCR recommended that Germany prohibit discrimination on grounds of SOGI by employees of church-run institutions. The HRCtee recommended Lithuania to eliminate discrimination on grounds of SOGI and refrain from adopting any discriminatory legislation. The CEDAW recommended Luxembourg to include in the mandate of the Ministry of Equal Opportunities the elimination of discrimination against sexual minority women. The Committee on the Rights of Persons with Disabilities (CRPD) recommended Poland and Slovenia to prohibit multiple and intersectional discrimination on grounds of disability and SOGI. The Committee on the Elimination of Racial Discrimination (CERD) recommended Sweden to provide information on hate crimes on the basis of intersecting forms of discrimination. The CERD recommended Kyrgyzstan to combat multiple forms of discrimination faced by LGBT people and investigate rights violations by law enforcement officials against LGBT people.



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The Special Rapporteur on the situation of human rights defenders urged authorities in Moldova to include SOGI in the anti-discrimination law. The Working Group of Experts on People of African Descent noted during its country visit in Spain that people of African descent often suffer from multiple discrimination on grounds of their race, colour, gender and sexual orientation.

As part of the UPR, states recommended France to protect intersex people from discrimination and monitor the implementation of the national plan against discrimination on grounds of SOGI. Liechtenstein was recommended to continue its efforts against discrimination against LGBTI people and improve social inclusion. Several countries noted that only sexual orientation was included in the country's Criminal Code with regard to discrimination and hate speech. Luxembourg was recommended to continue progressing legal protections for LGBTI people and make available information on intersex people's rights. States recommended Montenegro to fully implement its anti-discrimination measures, investigate and prosecute discrimination against LGBTI people. Malta was recommended to ensure the full implementation of its anti-discrimination laws. Several states recommended Germany, Monaco, Romania, Russia, Serbia to strengthen protections against discrimination affecting LGBTI people. These recommendations were all accepted. Azerbaijan noted all recommendations relating to protecting LGBTI people from discrimination.

### Family

The HRCtee recommended Bulgaria and Lithuania to recognize the equality of same-sex couples. The CEDAW recommended Cyprus to ensure equality to same-sex couples, and to their children. The HRCtee recommended Hungary to eliminate discrimination on SOGI grounds with regard to marriage and family. The CEDAW recommended Liechtenstein to achieve equality between registered partnerships and marriage. The CEDAW recommended Luxembourg to ensure equal treatment to women in same-sex relationships, with regard to dissolving relationships and property distribution, and adoption.

The Independent Expert Group on the issue of discrimination against women in law and in practice visited Poland and was concerned about the exclusionary rhetoric with regard to the "traditional Polish family" and "gender ideology". Four Special Procedures sent a communication to Russia regarding the forced removal of two foster children from Yulia Savinovskih, who is a trans woman.

As part of the UPR, several countries welcomed France and Luxembourg legalising same-sex marriage. Monaco, Montenegro and Romania were recommended to legalise same-sex relationships. Romania and Monaco noted the recommendations. Germany noted a recommendation on recognising unmarried same-sex couples.

UN Women launched a paper exploring a contemporary view of the concept of family in international human rights law and the implications for the Agenda 2030, ensuring that all members of various forms of families in all contexts are protected equally.

### Freedom of assembly

The Special Rapporteur on the rights to freedom of peaceful assembly and of association visited Armenia in November and expressed concern over LGBT events being cancelled due to fear. Five Special Procedures submitted a communication to Turkey concerning the indefinite ban on public LGBTI-related gatherings and events in Ankara.

As part of the UPR, Serbia and Russia accepted recommendations to protect LGBTI people's freedom of assembly.



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### Freedom of expression

The CAT urged Russia to repeal the propaganda law. The Special Rapporteur in the field of cultural rights visited Poland and expressed concern that flags combining the rainbow flag and the Polish eagle symbol were criticized, despite them being an exercise of cultural rights to express one's identity. As part of the UPR, Serbia was recommended to protect LGBTI people's freedom of expression. Russia noted recommendations on the withdrawal of its propaganda law.

### Freedom from torture, cruel, inhuman or degrading treatment

The CRPD recommended Poland to ban conversion therapy and offer support to persons with psychosocial disability that respects their SOGI. The CAT recommended Tajikistan to condemn acts of torture and abuse against LGBTI people, in particular when committed by public officials, and investigate and prosecute such crimes.

As part of the UPR, Germany was recommended to avoid the detention of trans migrants. Germany accepted this recommendation, but only noted one on setting up a compensation fund for trans people who had to undergo sterilisation to have their gender recognised. Azerbaijan noted recommendations on eradicating torture, ill-treatment and arbitrary arrests against LGBT people.

### Health

On 18 June, the World Health Organisation (WHO) depathologised trans identities by removing all trans related diagnoses from the chapter on mental health disorders of ICD-11, into a new chapter on Condition Related to Sexual Health. ICD-11 will still have to be approved in 2019 by the World Health Assembly (WHA). The global trans community had been fighting for this historic achievement for many years, but have highlighted some gaps in ICD-11. In particular, they called for the deletion of Gender Incongruence of Childhood (GIC) and universal health coverage, among other issues.

ICD-11 failed intersex people, as people with variations of sex characteristics are still being pathologized and called disordered.

The CEDAW recommended Macedonia to address stigma against LGBTI women in healthcare, including sexual and reproductive health.

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health visited Kyrgyzstan in May and noted with concern discrimination on grounds of SOGI. He recommended the full dissemination of the guidelines on trans healthcare to healthcare practitioners and the removal of any barriers in trans healthcare.

As part of the UPR, Germany noted the recommendation on updating its guidelines on trans healthcare.

### Legal gender recognition

The HRCtee recommended Belarus, Bulgaria and Lithuania to ensure LGR is compatible with the International Covenant on Civil and Political Rights (ICCPR), including regarding the right to privacy. The CESCR recommended Germany to revise its Transsexuellengesetz (Trans Law) and depathologize trans identities. During his country visit in Georgia, the UN SOGI Expert recommended that Georgia introduce legal gender recognition on the basis of self-determination.

As part of the UPR, states recommended France to make it easier for trans people to change their gender marker. These recommendations were accepted. Germany noted a recommendation on introducing a third option gender marker for both trans and intersex people.



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### **Participation in public, cultural and political life**

The CRPD recommended Poland to consult organisations of people with disabilities, including LGBT+ organisations. The Special Rapporteur in the field of cultural rights was concerned that biased opinions and hate speech are common against LGBT cultural events in Poland, including by public officials.

### **Police and law enforcement**

The CEDAW recommended Tajikistan to address complaints of police abuse by LGBTI women and dismantle lists of LGBT persons.

### **Public opinion**

The HRCtee recommended Bulgaria to combat negative stereotypes and prejudice against LGBTI people and raise awareness.

As part of the UPR, several states recommended Romania to organise awareness raising campaigns on LGBTI rights, including among students. These recommendations were accepted.

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# Organization for Security and Cooperation in Europe (OSCE)

## Bias-motivated speech

In March, the Office for Democratic Institutions and Human Rights (ODIHR) organised workshops in Kyrgyzstan and Kazakhstan for the first time, to strengthen the ability of civil society to identify and report hate crimes, as well as provide support to victims.

On 30 August, the Organization for Security and Cooperation in Europe (OSCE) Vienna Mechanism was invoked by 15 Participating States to urge Russia to end serious human rights violations and abuses in Chechnya. This action was undertaken following inadequate response from the Russian Federation to concerns repeatedly raised in the Permanent Council over 20 months about the “credible reports [of] alleged worrying actions taken by Chechen authorities against persons based on their perceived or actual sexual orientation or gender identity as well as human rights defenders, lawyers, independent media, civil society organisations and others”.

On 1 November, the same 15 Participating States invoked paragraph 12 of the Moscow Mechanism to establish a mission of experts to address the concerns around the allegations of impunity for reported human rights violations and abuses in Chechnya outlined in the letter of 30 August. The Russian authorities did not cooperate on making a fact-finding mission in Chechnya possible, but a report based on interviews with civil society actors and others was published on 20 December (see Russia chapter).

On 14 November, ODIHR launched a toolkit for adopting a comprehensive approach to countering hate crime. The toolkit includes training packages, methodologies and guidelines that can be used by public institutions and civil society involved in addressing hate crime.

On 16 November, ODIHR published its hate crime data for 2017. 39 Participating States submitted information to ODIHR, but only 18 of these provided statistics on the number of recorded hate crimes targeting LGBT people. Civil society groups, the UNHCR, IOM and OSCE field operations provided information about 982 homophobic and transphobic incidents in 33 countries. ODIHR also notes that underreporting and other gaps in recording mean that this data does not fully reflect the prevalence of hate crimes in the OSCE region.

## Human rights defenders

Between 12-17 November, ODIHR provided human rights monitoring and safety and security training to human rights defenders in Ukraine on issues including the human rights of LGBT persons, women, Roma, journalists, internally displaced persons and youth.

# Council of Europe

## Asylum

On 11 October, Human Rights Commissioner Dunja Mijatović published a statement entitled “Open minds are needed to improve the protection of LGBTI around the world, she drew attention asylum seekers in Europe”. Noting the severe discrimination faced by LGBTI people in many states around the world, including within the Council of Europe area, she drew attention to the challenges faced by LGBTI asylum seekers in gaining safety in Council of Europe member states. She pointed to the need to explicitly recognise sexual orientation, gender identity and/or sex characteristics in asylum laws; and for these laws to take into consideration specific forms of persecution LGBTI people may face, including laws criminalising same-sex relationships, and persecution by non-state actors. She called for practical guidance and training for those involved in asylum procedures.

## Bias-motivated speech

Following a visit to Armenia in September, the Human Rights Commissioner called on the government to take a firm stance against hate speech and hate crime against LGBT persons and ensure that all such incidents are duly condemned, investigated and prosecuted.

## Bodily integrity

On 26 October, Intersex Awareness Day, the Parliamentary Assembly’s General Rapporteur on the rights of LGBTI people, Piet de Bruyn, called on states to implement the Assembly’s 2017 resolution on the rights of intersex people. The call emphasised how for far too long, ignorance, shame, secrecy, unwanted medical treatment and discrimination had played havoc with the lives of intersex people and led to appalling violations of their rights.

## Education

On 13 December, the Council of Europe published a new report, “Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe”. Developed jointly with UNESCO, the report provides an overview of this type of violence in European schools, including homophobic, biphobic and transphobic bullying, explores how member states seek to address it, and makes recommendations to national education policy makers on how to improve their responses.

## Equality and non-discrimination

In 2018, as part of its five-year monitoring cycle, the European Commission against Racism and Intolerance (ECRI) adopted reports covering the human rights of LGBTI people in Croatia, Lichtenstein, Malta, Moldova, Portugal, San Marino, Spain and Sweden. The reports document the discrimination faced by LGBTI people in these countries and make detailed recommendations for the authorities on the actions they should take.

On 24 January, Dunja Mijatović was elected as the Council of Europe Commissioner for Human Rights by the Parliamentary Assembly, replacing Nils Muižnieks. Mijatović took up her function on 1 April.

On 23 March, the Council of Europe’s Intergovernmental Steering Committee for Human Rights launched the second review of the implementation of the Committee of Ministers “Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity” (Rec(2010)5). The Recommendation, originally adopted in 2010, was the first intergovernmental agreement aimed at securing the full enjoyment of all human rights by LGBT persons. The review is based on a questionnaire documenting progress by member states in implementing the recommendation. During this second review, civil society organisations were also invited to submit reports. The review will result in a report, which will be presented to CDDH in June 2019 and discussed by the Committee of Ministers later in 2019, enabling the Council of Europe to establish the main priorities for its work regarding LGBTI rights in the coming years.



In a statement to mark the International Day against Homophobia and Transphobia on 17 May, the Parliamentary Assembly's General Rapporteur on the rights of LGBTI persons expressed concern at the setbacks in the daily lives of many LGBTI people in Europe, noting that not only the right to liberty and security, but also freedom of expression and freedom of assembly, had come under pressure. He called on politicians and decision-makers to promote an inclusive society in which every LGBTI person can express their identity freely and without fear.

### Family

On 2 March, the Danish Chairmanship of the Committee of Ministers, the Danish Parliament and the Parliamentary Assembly of the Council of Europe organised a high-level conference in Copenhagen on access to rights by LGBTI families. The keynote speeches were delivered by Ireland's Minister for Children and Youth, Katherine Zappone and Denmark's Minister for Equal Opportunities, Karen Ellemann. The conference highlighted achievements so far and challenges still to be tackled in achieving equality in private and family life for rainbow families in Europe. The conference also saw the launch of a publication by Professor Kees Waaldijk, produced in collaboration with the Council of Europe, on "Extending rights, responsibilities and status to same-sex families: Trends across Europe".

On 24 October, the Parliamentary Assembly passed a resolution "Private and family life: achieving equality regardless of sexual orientation" prepared by Jonas Gunnarsson of Sweden. Adopted by an overwhelming majority, the resolution is the most advanced statement by any international representative body in support of the rights of rainbow families. It declared as "crucial and urgent" that European States overcome the discrimination experienced by both adults and children in these families and called for the elimination of all unjustified differences in treatment in the field of private and family life based on grounds of sexual orientation. The resolution also includes important recommendations regarding trans parents, for instance calling on States to recognise the gender identity of trans parents, also in the birth certificate of their children, and to ensure that non-binary parents can have their partnerships and their relationships with their children recognised without discrimination.

### Freedom of assembly

On 2 July, the Parliamentary Assembly General Rapporteur on the rights of LGBTI people, Piet de Bruyn, condemned as as deeply regrettable a breach of the fundamental right to freedom of assembly the decision of the Governor of Istanbul to ban the Istanbul Pride march for the fourth year in a row. Reports of the use by police of tear gas and rubber bullets to disperse those peacefully gathered were also noted as worrying.

### Freedom of expression

On 25 January, 78 delegates of the Parliamentary Assembly tabled a Written Declaration condemning a ban by the governor of Ankara on all LGBTI related events in the province for an indefinite period. They expressed grave concern at growing intolerance towards LGBTI persons in Turkey and called on the authorities to lift the ban and restore the rights to freedom of expression and assembly to LGBTI people.

### Freedom of religion

On 5 July, the Council of Europe held a conference on "Interfaith Dialogue and LGBTI - Homosexuality and Contemporary Christianity Interdisciplinary and Multi-confessional Approaches". The aim of the conference was to study the interaction between sexual orientation and gender identity and the contemporary Christianity of churches.



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### Freedom from torture, cruel, inhuman or degrading treatment

On 27 June, the Parliamentary Assembly adopted an unopposed resolution on the persecution of LGBTI people in the Chechen Republic. This followed reports in 2017 of cases of abduction, arbitrary detention and torture of gay men, allegedly “on the orders of top-level Chechen authorities”. The resolution condemned the persecution “in the strongest terms”, noting that more than 114 LGBTI people and members of their families had fled the Chechen Republic as a result. It called for the Russian Federation to conduct an impartial and effective investigation, to ensure that there would be no impunity for the perpetrators. In a separate Recommendation the Assembly called on the Committee of Ministers to consider the Council of Europe launching its own investigation, in the event of the Russian Federation failing to do so within a reasonable time.

In a statement published on 16 May, to mark the International Day against Homophobia and Transphobia, the Commissioner for Human Rights called for states to invest more effort in combating homophobia and transphobia. The statement drew attention to shocking examples of targeted persecution of LGBTI persons by law enforcement authorities in Chechnya and Azerbaijan in 2017. It added that these were two extreme examples, and that in many European countries daily violent incidents continued to prevent people from living freely and safely, only because of prejudices against their sexual orientation and gender identity.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Albania covering the period of January to December 2018

# Albania

## Asylum

Due to homophobia, biphobia and transphobia, a growing number of Albanian LGBTI people, especially youth, have asked NGOs for help and information about seeking asylum in EU countries, the US, and Canada.

## Bias-motivated speech

In March, Aleanca LGBT conducted 5 educational and awareness-raising meetings with students of XI and XII grades from Tirana high schools (see more under **Education**). Several right wing and centre-left MPs harshly criticized these meetings.

Hate speech and discriminatory language also continue to be a problem in the media, especially online. Five hate speech cases were registered and two complaints were submitted to the Commissioner for Protection from Discrimination (CPD) on grounds of SOGI this year. Despite awareness campaigns, homophobia, biphobia and transphobia remain widespread.

## Bias-motivated violence

During 2018, Aleanca documented 45 cases of hate crimes against LGBT people. None of these cases were prosecuted by the police. In one reported case, the police officer requested the victim, a trans woman, to withdraw the complaint, assuring her that the officer would ensure her safety. Two weeks later she was attacked by the same perpetrator and hospitalised.

Most victims have difficulty accessing the justice system. The only way to ensure action from the police is to go to the station accompanied by a member of Aleanca's staff.

## Bodily integrity

In May, UNDP published a four-country [study](#) on intersex issues in the region. The report noted that intersex people in Albania are invisible in society and unprotected by legislation. It recommended educating medical professionals, recognising sex characteristics in anti-discrimination legislation, and increasing the capacity of NGOs and media to work on human rights of intersex people.

## Education

In 2018, an increased number of young LGBT people left schools due to bullying, as documented by NGOs. On 31 May, PINK Embassy published a report "[Teachers' perceptions and attitudes towards LGBTI persons in public high schools in Albania](#)", based on 200 interviews conducted between 2016-2017 in six cities. 66% of teachers stated they were silent when witnessing homophobic, biphobic and transphobic bullying in their classrooms. More than two-thirds said they would not support LGBTI students and almost 10% said they would not welcome them in their class.

As part of the National Strategy for Gender Equality 2016-2020, the Ministry of Education, the Municipality of Tirana and Aleanca LGBT [began](#) a series of workshops in public schools in March. The awareness raising campaign aimed to eliminate discrimination based on sexual orientation and break down common gender stereotypes. This was met with a strong [backlash](#) in the media and social media, containing overt hate speech, including from public officials. MP Luciano Boçi (Democratic Party of Albania, PD; centre-right) called it "revolting". A well-known TV programme Al Pazar then mocked the initiative.

The Ministry of Education initially denied knowledge of the activities. Later it acknowledged that activities were sanctioned by the ministry, but only as a pilot project. Aleanca LGBT sent a public letter to the Prime Minister asking him to condemn the hate speech, however, no reaction was received. Disappointingly, there was also no official statement from the Ombudsman and the CPD-two of the most important human rights institutions. As a result the Ministry of Education decided to stop the anti-bullying activities in schools.

## Equality and non-discrimination

On 17 May, PINK Embassy published findings of the first "[Monitoring Report of the National Action Plan for LGBTI people in Albania](#)". Drafted jointly by public institutions, the Ministry of Health and Social Protection and LGBTI organisations, the report concludes that despite positive steps, Albania still has a long way to go to achieve LGBTI equality.

The Law on social housing, approved in 2018, recognises LGBT people among vulnerable groups that can profit from social housing programs. The LGBTI Shelter opened in 2014, which is recognised as providing a social service, and still receives no financial support from the Albanian government.

## Family

Albania failed to take any steps this year to amend the Family Code regarding cohabitation of LGBTI persons, despite the draft law having been prepared in 2013. In a joint letter in May, 10 NGOs called on the government to amend the Family Code and eliminate legal barriers that are an obstacle to marriage equality. The Constitution does not limit marriage to a union between a man and a woman, but the Family Code does. Erinda Ballanca, the People's Advocate (Ombudsperson) expressed her support for marriage equality in April.

## Freedom of assembly

In 2018, the (P)Ride was attended by a record 400 people, cooperation with the police went smoothly and no incidents were reported.

## Freedom of expression

PINK Embassy and Human Rights House in Albania organised the 9th week-long Festival of Diversity for the human rights of LGBTI people. On 17 May, Tirana raised the rainbow flag on its main square, for the third year in a row. The action was supported by the Tirana Municipality, the Council of Europe, and the EU.

## Health

NGO Aleanca LGBT continued its program of HIV and STI testing this year. Trans healthcare services continue to be lacking in the country. Trans people also face discrimination in general healthcare settings. NGO staff members of Aleanca often accompany trans people to prevent discriminatory treatment.

## Legal gender recognition

Trans people are still unable to change their name and gender marker. A draft law on gender recognition was presented to the government in 2013 but nothing has been done on the part of the government. On 16 May, PINK Embassy re-submitted the draft to Parliament asking them to consider it.

## Participation in public, cultural and political life

During the backlash against anti-bullying activities carried out in schools (see more above in Education), representatives from LGBTI civil society were invited to and participated in numerous interviews across different media outlets.

Civil society is included in consultations and working groups relating to the human rights of LGBTI people, however, further efforts are needed to ensure this involvement is meaningful.

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## Annual Review

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# Andorra

## Education

Local civil society, in cooperation with IGLYO, has been working with the government to review the current national plan against bullying, to make sure educators can prevent and address LGBTQI-phobia in school. On 9 July, civil society organisations carried out a training for 32 educators on the rights of LGBTQI students and discrimination they often face in schools. Organisations hope that the Ministry of Education will implement further trainings next year.

## Employment

The Parliament approved a new version of the Labour Code in December, which includes the gender neutral terms “parents” and “partners” (Art. 31-34) when it comes to employment related rights. This has been welcomed by civil society as granting equal rights to same-sex couples.

## Equality and non-discrimination

The government launched the White Paper on Equality in May. The White Paper sets out that the government needs to establish an equality body and develop and adopt a comprehensive action plan for equality and non-discrimination. It explicitly mentions LGBTQI people and lists targeted actions the government needs to take. These include collecting data on discrimination cases, setting up complaint procedures for victims, preparing thematic reports on the situation of LGBTQI people in Andorra, and launching opinion polls to learn more about social acceptance.

The Draft law on equal treatment and non-discrimination is expected to be adopted in Parliament latest early 2019, as part of an urgency procedure. The law prohibits discrimination against “LGBTI people and others” in its scope.

The Draft law on the rights of children and adolescents is also to be adopted as part of an urgency procedure. The draft law sets out non-discrimination safeguards on the basis of sexual orientation, gender identity and expression.

The law on Funció Pública (public servants) was adopted in December. The law prohibits discrimination on grounds of sex, gender, and sexual orientation and defines such discrimination as a serious offense. It also establishes that no personal data, including on sexual orientation, can be recorded by employers. It prohibits harassment on grounds of sexual orientation.

## Health

Following up on its commitment last year, the Ministry of Health introduced new regulations in February, setting out that hormonal therapy for trans people is now covered by the social security system. In February, a trans inmate had her hormones covered.

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## Annual Review

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# Armenia

## Bias-motivated speech

Former social affairs minister and current member of the parliamentary human rights committee Gevorg Petrosyan (Tsarukyan Faction) said in March, that treating people differently on SOGI grounds is not discrimination. MP Vardan Bostanjyan (“Prosperous Armenia” Party) compared LGBT people to viruses and suggested that the ‘virus’ should be isolated to avoid making other people sick.

In July, the justice minister Artak Zeynalyan (Yelk Faction, Hanrapetutyun party) publicly reacted to a homophobic Facebook post featuring a photo of him, saying he “wants to legalise ‘faggots’”. It also called on supporters to “join our fight”. Zeynalyan’s ignored the offensive language and instead denied that he was working on any legislative initiatives related to the Criminal Code.

Following the 3 August attack in Shurnukh (see **Bias-motivated violence**), LGBTI NGOs reported an increase in anti-LGBTI hate speech. The victims received daily threats, in some cases from family members. Some victims were relocated for their own safety.

Naira Nahapetyan, member of Yerevan’s Municipal Council boasted online about attacking LGBTI people, in August. Comments on the post incited violence against LGBTI people.

Police is cooperative, but said unofficially that the whole country is against the community and they cannot guarantee 100% protection. No official statements from Armenia stakeholders have followed.

## Bias-motivated violence

On 18 January, Armenia became the 45 th Council of Europe member state signing the Istanbul Convention on preventing and combating violence against women and domestic violence.

On 27 February, a trans woman was attacked in her apartment in Yerevan. Trans rights NGO Right Side reported that she was assaulted, then locked up by her attacker, who then set the apartment on fire. Criminal proceedings were launched and the case is pending at the First Instance Criminal Court.

A 15-year-old was stabbed in Yerevan on 1 April. The perpetrator told the police that he had assumed the victim was gay. The parents dropped the charges, to prevent further bullying against their son.

Following a series of LGBTI-phobic attacks in the first few months of the year, LGBTI activists and allies protested in front of the Government Prosecutor’s Office on 5 April, calling for immediate and thorough investigations.

A member of Right Side NGO’s staff was threatened and insulted by military service workers during a visit to the Arabkir military commissariat station on 11 April.

On 15 April, a trans woman living in Yerevan was attacked. Her throat was cut and she required hospitalisation. The case was dismissed as the perpetrator died by suicide.

Nine members of the LGBTI community, including activists, were attacked on 3 August by a group of over 30 people in Shurnukh. Two victims required hospitalisation. Police officers did not reach the scene of the incident until an hour after the attack. LGBTI NGOs and the Non-Discrimination and Equality Coalition condemned the violence. The perpetrators asked for amnesty and the case was later dismissed. PINK appealed.

The first report documenting hate crimes against trans people over a two-year period was published by Right Side in June.

The report includes 100 cases of hate crime or other hate motivated violence reported in 2016 - 2017. The survey found that most incidents took place in cruising areas or other public spaces, mostly at night. Victims were more likely to seek support from friends or LGBTI NGOs, rather than a victim support group or medical professionals. Only a small number of respondents said the police were supportive.

## Equality and non-discrimination

Following the publication of a new draft anti-discrimination law in February, human rights groups, including LGBTI NGOs, expressed concern that it does not meet international standards. The draft law ‘on ensuring equality’ contains no references to SOGI in its list of protected grounds in Article 4. The equality law had not come into effect at time of writing.

LGBT NGO PINK Armenia launched the latest edition of their 'Human Rights Situation of LGBT people in Armenia' report on 11 July. Representatives from the Human Rights Defender's Office, the health ministry, the police and NGOs also attended. PINK Armenia's ED Mamikon Hovsepyan noted that similar offences and discrimination keep happening each year. The report documented 30 discrimination and violence cases, on grounds of SOGI. Eight of those cases were still being processed at time of writing, 14 of the cases did not receive any legal follow-up.

### Freedom of assembly

The second Trans Camp and the fourth annual Rainbow Forum both took place without any issues. The European Forum of LGBT Christian Groups and "New Generation" Humanitarian NGO had to cancel the Forum of LGBT Christians of Eastern Europe and Central Asia, was due to take place in Yerevan between 15-18 November. On the eve of the forum, a wave of extremist and homophobic acts and protests by nationalistic groups took place, targeting the event. To maximise their chances at the upcoming elections, political parties mobilised right-wing conservatives against the Forum. In the end, the organizers decided to cancel the event to ensure everyone's safety.

On November 6, New Generation NGO, the organisers of the annual Eastern European and Central Asia Conference of LGBTI+ Christian, had to cancel the event scheduled to take place in Yerevan on 14-18 November after information about the event became public and the organisers received multiple threats from hostile groups, including death threats, vandalism and homophobic acts directed at (perceived) LGBTI people in Armenia.

Local host organisation 'New Generation' had to suspend its work after staff members were intimidated by anti-LGBTI activists and its director's car was vandalised. Several tourists who were thought to be Forum attendees were violently assaulted on the street in early November and Forum participants received hundreds of death threats on social media. No reports from the community about hate crimes or incidents have been registered.

Police are cooperative, but said unofficially that the whole country is against the community and they cannot guarantee 100% protection. No official statements from Armenia stakeholders have followed.

### Freedom of expression

The Administrative Court heard arguments on 19 July from both LGBT NGO PINK Armenia and the Ministry of Culture regarding advertising campaigns on LGBTI equality. This case began in 2017 when the Ministry refused to recognize PINK Armenia's poster campaign as social, stating that it does not have public importance and that it was merely an attempt to advertise the organisation. The First Instance Administrative Court of Armenia rejected PINK's claim, making a reference to the "Law on Social Ads", which does not actually exist. PINK is going to appeal the judgment.

On 1 October, Republican Party representatives initiated legal changes about children's protection, proposing to forbid "LGBT propaganda" amongst minors. The government gave negative feedback to the amendments and Prime Minister Nikol Pashinyan stated that children can find all kinds of information online, thus the law will not be effective. He also said that the fight against sexual minorities is in a way propaganda for them. He suggested a secret vote.

### Legal gender recognition

Two trans people were able to change their name in December, without presenting a psychiatric diagnosis. Although this is a positive development, no legal change has taken place to ensure this will be consistently applied in practice in the future.

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## Annual Review

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# Austria

## Asylum

In June, a man from Iran who sought asylum on the basis of his sexual orientation had his claim dismissed by the Vienna Federal Office for Aliens and Asylum, because he could not name what the colours in the Pride flag stood for. Queer Base assisted him throughout the process, raising awareness of his case in the media. The Federal Administrative Court subsequently overruled the asylum office's decision and, on 13 August, he was granted political asylum.

The Austrian Asylum Office rejected the asylum claim of a teenager from Afghanistan in August, who had arrived in Austria as an unaccompanied minor in 2016. Homosexuality is criminalised in Afghanistan and can technically be punishable with the death penalty. The 18-year-old's application for asylum based on his sexual orientation was not accepted, with the official report stating that the applicant did not "walk, act or dress" like a gay man. The report also made reference to the fact that the applicant did not have large groups of friends in the accommodation he was being housed in, commenting "Aren't homosexuals rather social? [sic]". With the legal support of Queer Base, the applicant appealed the judgment and the case is currently pending at the Austrian Federal Administrative Court.

Also in August, another man (originally from Iraq) whose asylum application had been turned down spoke to the UK newspaper The Independent about his intention to appeal the decision in court. He said that even though he had mentioned in his interview that he was not out to his family, immigration officials questioned his father and asked him if he knew his son was gay. When his father said that this was not the case, his claim was rejected on the basis that he was just 'acting' gay.

## Bodily integrity

The 29 June judgment of the Constitutional Court (see more under Legal gender recognition) stated that surgeries on intersex infants and children can only be justified in exceptional cases where a medical need is indicated. This was however not part of the binding judgment and such surgeries continue to be performed. The Ministry of Health is expected to publish medical guidelines next year. Civil society fears that the guidelines will fail to include a ban on non-consensual and medically unnecessary surgeries on intersex children.

## Family

Sebastian Kurz, Austria's Chancellor and the leader of the ÖVP (Austrian People's Party) stated on national television in January that the new Government will duly implement the 2017 Constitutional Court's decision and same-sex couples will be able to marry starting January 2019. The five couples who successfully challenged the marriage ban at the Constitutional Court, were allowed to marry already from October 2018 onwards. The first couple got married on 12 October.

On 24 October, the Constitutional Court ruled that with regards to adoption, same-sex couples must be treated the same way as different-sex couples, including in cases of separation. The case featured a lesbian couple who had a child together in 2010 and later separated. The Court ruled that the non-biological mother must be recognised as a parent just like a heterosexual father would in such a case. It also emphasised that the best interest of the child needs to be guiding in adoption procedures, regardless of the parents' gender.

## Legal gender recognition

On 29 June, the Constitutional Court issued a judgment ordering that gender markers in civil registers and identity documents have to reflect an individual's own self-determined gender identity. The decision found in favour of the intersex person who had asked for their birth registry details to be corrected from male – either to 'inter', 'X', 'other' or a similar option, or to delete the entry altogether. Although the judgment was of immediate effect, it has not yet been implemented. The Austrian Registry Offices are currently waiting for clear regulations from the Ministry of Interior, with regards to which terms to use ("inter", "divers", etc.) and eventual requirements. The Ministry of Interior is expected to issue guidelines early 2019.

*"It is historic and groundbreaking for the rights of intersex persons in Austria, in Europe and worldwide"*

Dr. Helmut Graupner (counsel in the specific case and president of LGBTI NGO RKL) in RKL's press release, 29 June 2018

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Azerbaijan covering the period of January to December 2018

# Azerbaijan

## Bias-motivated speech

In February, President Ilham Aliyev announced that a snap presidential election would take place on April 11, six months ahead of the original date. Eight candidates were running for the Presidency, several of them making homophobic remarks during a televised election debate. The election, which was boycotted by several opposition parties, secured another seven-year term for Aliyev.

## Bias-motivated violence

Hate crimes and police raids against LGBTI people remained a severe issue in Azerbaijan. Despite civil society's repeated calls, the legal framework still lacks any protections against hate crimes on grounds of SOGIESC.

On 3 February, 21-year-old Elmaddin Aliyev set his father on fire after hearing rumours that he was gay. He confessed to the murder, which he committed with two others.

In August, a video footage was posted by the online platform Rengareng, showing a trans woman being beaten. No further details of the case are known so far.

On 21 August Neyla Aliyeva, a trans woman living in Baku, shared a Facebook post saying that police attacked several apartments of trans people, including hers. She reported that they were taken to police stations. Raids against LGBT people are common in the country. In 2017, at least 200 LGBT people were arrested in a mass raid.

## Family

Eurasianet released an article in September, in which families of LGBT people talked about violence and discrimination against their children. There is no support network for families so far, but some parents are in touch and support each other in emergencies.

## Freedom of expression

In the lead-up to the April snap elections, authorities systematically silenced critical voices online through amending laws and blocking news websites. Hackers attacked independent news outlets. Several journalists were detained over the past year. The situation remains dangerous for LGBTI activists and independent journalists.

On the occasion of IDAHOBIT, the British Embassy in Baku raised the rainbow flag on 17 May. The move was extensively discussed by society, some welcoming it and others heavily criticising it.

## Participation in public, cultural and political life

On April 8, the Gender Mirror Theatre Performance took place in Baku, with over 150 people in the audience. The project was financially supported by the Embassy of the Netherlands in Azerbaijan and implemented by the Y-PEER Azerbaijan Network. The performance by young people living in Barda and Baku, focused on stereotypes, gender based violence, and the rights of women and LGBT people.

## Public opinion

For the first time, the rights of LGBTI people were publicly debated on Strateq.Az website's political show, which is run by former political prisoner and journalist Evez Zeynalli. The guests on the show in May included Iqbal Agazade, Umid party chairman, former MP (2005-2010, 2010-2015), and presidential candidate during the last elections and Panah Huseyn, former MP (2005-2010).

Asked whether he considered LGBT rights a universal value, Agazade said yes. He added that society and people fighting for LGBT rights call for a law allowing LGBT people to get married, it would have to be adopted.

Huseyn stated that he personally reserves for himself the right to be against LGBT communities. When asked what he would do about the fact that an LGBT community and organisations existed in the country, if he intended to kill them, Huseyn did not answer, but Yasemen Garagoyunlu, a member of Azerbaijan National Science Academy, nationalist and head of NGO Global Integration and Dialogue Center, jumped in with a response. He said LGBT people will not be killed, but that the education and cultural policy will make clear that "these kinds of people, communities damage our culture, society, identity and that they will remain a minority, with society kept away from those kinds of habits." Agazade in response noted that democracies must defend the rights of minorities.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Belarus covering the period of January to December 2018

# Belarus

## Asylum

A trans asylum seeker was refused asylum in Belarus in July, after having faced persecution in Uzbekistan. She was detained by the Uzbek police four times between 2014 and 2017 and beaten for refusing to out other LGBT people. In 2017, after being raped in detention, she fled the country.

## Bias-motivated violence

The lack of registration and effective investigation of hate crimes against LGBT people remains a severe issue in the country. LGBT are often met with homophobia and transphobia by police officers, which further perpetuates their victimisation. It also results in low reporting.

## Freedom of assembly

In April, the DOTYK queer cultural festival was cancelled in two different venues, after the authorities found safety risks last minute. The events were held in a secret location in the end. The action of the authorities was welcome by some as concern for the safety of LGBT people, but seen by many others as restricting their freedom of assembly.

## Freedom of expression

On 17 May, the UK Embassy in Minsk flew a rainbow flag outside its building on the International Day Against Homophobia, Biphobia, Intersexism & Transphobia. This was not the first time the Embassy raised the flag on IDAHOBIT, but in previous years, the government just ignored the action. On 20 May, the Ministry of Interior released a statement saying that the UK was challenging Belarusian “traditional values”; and calling LGBT people and same-sex relationships “fake”.

On 21 May, an online petition (“For police for all people”) was launched, asking the government to review the legality of the Ministry’s statement. The petition was signed by 1,800 people. On the same day, the Minister of Interior, Ihar Shunevich, called the UK Embassy’s action propaganda of an “unacceptable” way of life. The next day, social media users began to publish protest posts tagged #янеподделка (#iamnotfake), condemning the Ministry’s earlier statement. Throughout the summer, allies of the Belarusian LGBTQ+ community carried Shunevich’s portrait at Pride marches in the US, Canada and the UK, to mock his statements.

On 24 May, activist Viktoria Biran posed for a photo outside the Interior Ministry holding a poster with the slogan “YOU are fake!” Two months later, the court of the Central District of Minsk found Biran guilty of violating the “procedure for the organisation and holding of mass events” (Article 23.34 of the Code of Administrative Offenses of Belarus) and sentenced her to a fine of 367.5 Belarusian roubles (160EUR). Video footage shows that Biran and her friend spent three seconds taking the photo in front of the Ministry.

*“Today’s court ruling is simply absurd. Viktoria was ‘protesting’ for three seconds and she was alone except for a friend who took the photos. It is just not conceivable that this can be taken seriously as a mass protest offence. [...] This decision is as unjust as it is wrong and must be quashed as it directly violates the right to freedom of expression”*

Marie Struthers - Amnesty International’s Director for Eastern Europe and Central Asia

Sadly, on 30 May the head of the BPF Youth (the youth wing of the opposition Belarusian People’s Front) also criticised the UK Embassy’s move as “imposing of the LGBT agenda” and condemned using LGBT symbols in public spaces.

Olga Romashko, Nadezhda Krapivina and Dmitry Efremov, students of the Fortinbras theater laboratory at the Belarus Free Theatre, installed an LGBT-themed flower bed on 28 June in front of the Ministry of Internal Affairs. Along with freelance correspondent of BelaPAN, Andrei Shavlugo, the students were detained. They were later fined for disobeying the police.

On 28 November, three members of Belarus Free Theatre’s Studio Fortinbras were arrested and fined for “holding an unauthorised mass event”, when they put on a small public performance dressed up as police officers wearing rainbow ornaments. The performance in Minsk, aimed to draw attention to homophobia in Belarus.

## Police and law enforcement

On 21 July, a police raid took place at the LGBT club Burlesque, in Minsk. The police checked the IDs of those present and asked about their employers. The venue was also raided on 29 June. LGBT activists suggested that the police raids were a response to the flower bed installation at the end of June.



## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Belgium covering the period of January to December 2018

# Belgium

## Access to goods and services

The city of Ghent conducted [research](#) on discrimination in the housing market on grounds of sexual orientation, finding no discrimination during the phase when the two parties first meet. The research did not look into whether discrimination occurs later.

## Bias-motivated speech

In August, the Antwerp Police Department posted a tweet about Antwerp Pride. A 21-year old man responded by saying “the day all faggots come together in one place”, and shared an image of soldiers with machine guns. He was promptly arrested. At his home, police found forbidden weapons and a swastika. When news broke that he was a member of Vlaams Belang, an extreme-right Flemish party, the party cancelled his membership and stated that such tweets “were unacceptable and could harm the party”.

## Bias-motivated violence

In February, the 2017 winner of Mister Gay Belgium, Jamie De Blicke, was attacked in Roeselare. He reported the incident to the police.

In April, a group of people followed and attacked a gay couple holding hands in downtown Brussels. The Facebook post about the attack went viral. In support of the victims and to draw attention to violence against LGBT people in Brussels, RainbowHouse Brussels organised a kiss-in.

In May, another gay couple was attacked by their neighbours in Brussels, in the street where they lived, with people cheering. After a Facebook post about the attack went viral, both the Brussels and the Federal State Secretaries of Equal Opportunities Bianca Debaets and Zuhail Demir condemned the violence.

In August, an Italian-American gay couple in Ghent was brutally attacked by their neighbour and her partner, and were hospitalised. A solidarity event was held to support the victims and raise awareness of hate crimes in the city. Police are investigating the matter and a trial will follow.

## Data collection

In December, “[Living as trans in Belgium - ten years later](#)”, an update of the first social study into the lived experiences of trans people in Belgium in 2007, was published. The research was carried out by Transgender Infopunt, on behalf of the Institute for the Equality of women and men. It highlights improvements in social and psychological well-being after 10 years of equality policy for trans people, but also notes the continuation of certain problems as well as new pitfalls on education, work, and healthcare.

## Education

On 11 May, Çavaria published the first Flemish school climate survey with the support of GLSEN and Columbia University. The survey found that 41% of LGBT+ students felt unsafe because of their sexual orientation and 27% because of their gender expression. Almost one in four tried to avoid the school toilets and gym locker-rooms because they felt unsafe. 50% said that teachers never responded to homophobic or transphobic remarks in school.

In February, the Belgian Equality Body (Unia) published the Diversity Barometer Education on exclusion in the education system, covering the three education systems of Flanders, Wallonia and the German speaking part of Belgium. The report showed that teachers recognised the importance of addressing LGBT topics, but did not know how to do so. A need for training was expressed.

In late 2018, the Flemish parliament approved a new school curriculum for the first grade of secondary schools, making it mandatory for schools to educate students about sexual orientation, gender identity, and gender issues. Schools can now be subjected to inspections evaluating their performance on these metrics.

## Employment

This year, the first KliQ Works Inclusion Index celebrated the most inclusive employers in Belgium. The index is based on an inclusion scan that measures the inclusion of sexual and gender diversity in companies and organisations.

## Equality and non-discrimination

In May, the Federal government, along with the Flemish, Brussels, Walloon, French-speaking and German-speaking governments, launched Belgium's second "[Action plan against LGBTI-phobic discrimination and violence](#)" (2018-2019). The plan features 115 measures to combat discrimination and violence on grounds of SOGIESC. The plan was long overdue, as the first one had expired in 2014. The plan has been criticised by civil society, for only spanning until 2019, lacking coordination mechanisms, and being biased against religious and ethnic minorities when it comes to hate crimes against LGBT people.

## Foreign policy

During the ILGA-Europe conference in Brussels in October, the Belgian Deputy Prime Minister and Minister for Development Cooperation launched a call for applications for civil society associations working on LGBTI issues for the first time. The available funds are EUR 500,000.

## Legal gender recognition

On 1 January, the updated gender recognition legislation (approved in June 2017) came into effect. LGBTI activist had previously highlighted its shortcomings - including the exclusion of non-binary people. The non-profit associations Çavaria, Genres Pluriels and RainbowHouse Brussels filed an application to the Constitutional Court on 10 January, arguing that the new process was discriminatory, providing for only 'male' and 'female' options on IDs.

## Participation in public, cultural and political life

A journalist with Flemish television station VTM publicly came out as trans in January. Bo Van Spilbeeck shared updates about her transition throughout the year on social media and was the subject of an RTL documentary in Flanders.

A documentary M/V/X was broadcast in spring 2018, following five trans people in Flanders.

## Police and law enforcement

Several police trainings were organised on LGBT hate crime in Flanders and Brussels this year, with the involvement of LGBT organisations.

## Public opinion

In August Theo Francken, Belgian State Secretary for Asylum and Migration, published a homophobic and transphobic Facebook post. The post said the world is going crazy as men are wearing lipstick and getting pregnant. His party distanced itself from the post, but Francken has not apologised.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Bosnia and Herzegovina covering the period of January to December 2018

# Bosnia and Herzegovina

## Access to goods and services

In September, Sarajevo Open Centre (SOC) planned to organise a public exhibition at the Academy of Fine Arts, marking 10 years of public LGBTI activism in Bosnia & Herzegovina (BiH). The Vice Dean of the Academy confirmed that the event could take place in the exhibition space, but three days later withdrew the approval without any explanation. SOC filed a complaint to the Ombudsperson, but has not received a response so far.

## Asylum

In January, a gay asylum seeker from Syria had to be relocated from an asylum centre due to violence and harassment from peers. A growing number of LGBT citizens of BiH have contacted SOC for information on moving to or seeking asylum in the EU or the US on the ground of their SOGI.

## Bias-motivated violence

In 2018, SOC documented 29 hate crime cases on grounds of SOGI, amongst that 7 cases of school bullying and 5 of domestic violence. Hate crimes based on SOGI are regulated by criminal codes of BiH, but implementation and education of police, prosecutors and judges are lacking. In January, the Cantonal Prosecutor's Office in Sarajevo dedicated a special prosecutor as a contact person for SOGI related hate crimes.

## Bodily integrity

A [four-country comparative study](#) on intersex issues was published by UNDP in May. The chapter on BiH noted the complexity of the health system, with its 13 subsystems, and the lack of internal protocols regarding intersex children. The report recommended forming multi-disciplinary medical teams to care for intersex children and support parents; developing written treatment protocols; and collecting data on intersex-related practices in hospitals.

## Data collection

The police and the justice sector still do not collect data on gender and SOGIESC based hate crimes. In 2017 and 2018, SOC sent inquiries to all courts in BiH regarding the number of these crimes. Most courts reported that they have not dealt with such cases yet.

## Employment

In 2018, three persons contacted SOC because they suffered discrimination in employment because of their SOGI. Two of them were too afraid to report the case and one left the country.

## Enlargement

In April, the European Commission published its interim report on BiH. The report finds a lack of breakthroughs on LGBTI rights, that the prosecution of hate crimes and hate speech remains insufficient, there is still no legal recognition of same-sex couples, freedom of assembly legislation has to be aligned with international standards, and trans people continue being marginalised.

## Equality and non-discrimination

In September, the Ministry of Human Rights and Refugees of BiH prepared a draft "Action Plan for Equality of LGBTI People in BiH (2018-2020)", which was welcomed by the Government of Federation of BiH. There was no equivalent initiative in Republika Srpska entity and the Action Plan can only be adopted at the country level with the agreement of the Rep. Srpska. Civil society is expecting developments in the first half of 2019.

The Ministry of Labour, Social Policy, Displaced Persons and Refugees of Sarajevo Canton is working on a report on the human rights of LGBTI people and women, to be published soon. The report is meant to be the starting point for an action plan on equality of LGBTI people and women.

## Family

An increasing number of same-sex couples registered their relationship abroad and asked for legal recognition in BiH. In October, the Federal Ministry of Interior acknowledged the need to legally regulate the issue. The Government is currently setting up an inter-ministerial group to identify necessary legislative changes. Following persistent lobbying, the Government promised to include civil society experts. In Republika Srpska no progress was made in this area.

## Freedom of assembly

In mid-March, SOC tried to organise a public event on Trans Day of Visibility, but was unable to get a permit from the BBI Center shopping mall to use their space. The reasoning of the BBI Centre was that it was a high risk event and its messages were inappropriate.

## Health

There are still no legal provisions providing for state funded health care for trans people.

## Legal gender recognition

Legal gender recognition remains medicalised, and requires sterilisation, surgical and other medical interventions.

## Police and law enforcement

In 2018, the Judicial and Prosecutorial Training Centre and police bodies in the Federation of BiH continued their educational activities on hate crimes and LGBTI issues. The Federal Ministry of Internal Affairs gave positive signals towards implementing hate crime modules in the Police Academy of FBiH next year. No formal agreement was made, but NGOs are expecting the trainings to begin shortly.

## Public opinion

During the campaign period for the 2018 elections, most presidential candidates positioned themselves against same-sex partnerships and the Pride march. Only very few politicians publicly supported LGBTI rights. The increased and professional reporting of mainstream media on LGBTI topics continued in 2018.

## Social security and social protection

SOC held trainings for social workers, psychologists, psychiatrists and civil servants in public institutions in the Sarajevo Canton. Local departments of social services have since provided psychological support to victims of bullying and worked with the families of victims, and schools.

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## Annual Review

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# Bulgaria

## Bias-motivated speech

In lack of criminal sanctions in place, civil society continued to use the Protection against Discrimination Act (PDA) to tackle hate speech, as it provides protection against harassment. Several cases were filed this year and perpetrators were fined.

Social acceptance has been severely impacted by the “anti-gender” movement steering up a heated debate around Bulgaria’s possible ratification of the Istanbul Convention this summer (see Equality and Non-discrimination). During the debate, the term “gender” became the new slur, replacing “faggot”.

## Bias-motivated violence

Despite continued civil society lobbying, hate crimes on grounds of SOGIESC are still not recognised in criminal law and can only be prosecuted as general (unbiased) crimes.

## Bodily integrity

Bilitis continued advocacy for banning medically unnecessary and non-consensual surgeries on intersex children, and for health specialists advising parents accordingly as well as for adequate health services for trans people. Initial collaboration started throughout 2017 with health specialists from St. Marina university hospital in Varna, Bulgaria.

## Data collection

NGOs [GLAS Foundation](#) and [Deystvie LGBT Youth Organization](#) published [Running through Hurdles](#), a report on anti-LGBT hate crimes committed in 2017. Data collected by Bilitis on anti-LGBT hate crimes was also included.

## Education

The “anti-gender” movement (see Equality and Non-discrimination) seriously impacted the work on inclusive education. A university in Burgas deleted a gender related course from its curriculum. LGBTI organisations were no longer able to work in schools, or partner with school authorities to promote LGBTI inclusion. The Minister of Education was called upon to extract gender-related content from school curriculum, and media reported on 300 teachers volunteering to do that.

## Equality and non-discrimination

Although some MPs and leaders of mainstream political parties met with activists on different occasions, and expressed some openness to discuss the rights of LGBTI people, no meaningful steps were taken towards LGBTI equality in the political agenda of the current government.

In late 2017, the government indicated its intention to ratify the Istanbul Convention, which was met by severe criticism by nationalist parties in the ruling coalition, among others. Opposition to the convention claimed it would mean Bulgaria having to introduce a “third sex” and the possibility of marriage equality, among many other inaccurate claims.

*“...enough of this Convention! We will withdraw it from parliament and leave to the Constitutional Court to decide. We will ratify it when there is total agreement within society”*

Prime Minister Boyko Borissov (GERB; conservative), TV interview on 14 February

On 27 June, the Constitutional Court [ruled](#) on the case, finding the Istanbul Convention incompatible with the Bulgarian constitution. The Court found that the Istanbul Convention was indeed based on ‘gender ideology’ and that through replacing the concept of ‘sex’ with the concept of ‘gender’, this ‘ideology’ teaches that sex is relative and thus the differences between sexes are being compromised.

Key opponents of the Convention have already warned of the ratification of the Convention by the EU. [According](#) to Constitutional Court judge Atanas Semov, Bulgaria could halt any effect of such ratification by relying on Article 4 (2) TEU and the concept of ‘constitutional identity.’

## Family

On 29 June, the Sofia City Administrative Court issued a positive decision regarding residence rights of a French-Australian lesbian couple in Bulgaria, who married abroad. This was the first positive case of litigation in relation to the Coman judgment (see more under the **European Union** chapter).



Unfortunately, the migration department later blocked the decision. The case is pending at the Supreme Administrative Court. As part of the [Love Moves](#) project, a petition with 5000 signatures was sent to the authorities, asking for the recognition of same-sex families residing in Bulgaria, whose family status is recognised by another EU country.

### Freedom of assembly

Sofia Pride on 9 June was attended by over 3500 people and received unprecedented support from companies. For the first time, a large Bulgarian company raised the rainbow flag on its building. [Sofia Pride Film Fest](#) and [Sofia Pride Arts](#) grew their audiences. A new initiative preceding Pride week was [Sofia Pride Sports](#).

### Freedom of association

The first LGBTI community centre, [the Rainbow Hub](#), opened in April in Sofia. Managed by Bilitis, GLAS and Deystvie, it offers a safe space for peer support and other groups. The effect on community mobilisation was immediately felt with an increasing number of volunteers for Sofia Pride and other community events.

### Freedom of expression

A billboard campaign featuring same-sex couples standing in front of emblematic public buildings in Bulgaria stirred a lot of controversy and hateful remarks in December. Some posters were [vandalised](#). No billboards were damaged in Sofia and Plovdiv, the two largest cities.

### Health

Thanks to the lobbying work of Deystvie, GLAS and Bilitis, people living with HIV can now access 3-month prescriptions for anti-viral drugs.

### Legal gender recognition

In its decision on the Istanbul Convention, the Constitutional Court condemned attempts to introduce any administrative or legal procedure granting access to LGR. Soon after the decision, a trans woman's LGR claim was rejected by the court.

### Participation in public, cultural and political life

A new [video](#) of singer Azis featured a gay couple as a symbol of freedom, and a statement by famous Bulgarian actress Tsvetana Maneva on the need to accept "others".

### Police and law enforcement

As part of the EU co-funded project [Come Forward](#), Bilitis provided training to police officers in Sofia and Burgas on how to deal with anti-LGBT hate crimes.

Yet collaboration with law enforcement institutions on prevention, recording, classifying and investigating hate crimes remains difficult.

### Public opinion

An [opinion poll](#) on "gay marriage" by Gallup showed that 78% of Bulgarians do not support marriage equality.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Croatia covering the period of January to December 2018

# Croatia

## Asylum

In March, a same-sex couple from a South Asian country managed to get asylum in Croatia, with Zagreb Pride's support. The couple's application was initially rejected due to inadequate support by their legal representative and translator.

## Bias-motivated speech

'My Rainbow Family', a picture book aimed at preschool children of same-sex couples, drew negative reaction from anti-LGBTI equality groups (see also **Education**). A [petition](#), saying the material would manipulate children, gathered 17,000 signatures. On 4 February, an effigy of the book was set on fire at a carnival near Split. Minister for Education Blaženka Divjak (independent) and Children's Ombudsperson Helenca Pirnat Dragičević both condemned the incident.

The State Attorney's Office and the judiciary are still slow and inefficient in resolving cases of bias motivated speech. This year, one person was found guilty of incitement, after posting hateful comments on Zagreb Pride's Facebook page.

## Bias-motivated violence

On 12 June, Croatia became the 31st state to ratify the Istanbul Convention, which entered into force on 1 October. Following a cabinet meeting in March, where government ministers unanimously supported the ratification, protests were organised by conservative and nationalistic groups calling the treaty a threat to "traditional values". The government adopted an interpretative declaration upon ratification, clarifying that the convention would not change the constitutional definition of marriage or oblige Croatia to "introduce gender ideology".

## Bodily integrity

Civil society is increasingly advocating the need for legal protection of intersex persons, but so far there have been no developments regarding legislation. There is one publicly out intersex activist working on awareness raising and advocacy.

## Education

In January, rainbow families NGO Dugine Obitelji launched "[My Rainbow Family](#)", the first children's book in Croatia that features

same-sex parents. 500 copies were freely available to the public, and several kindergartens, schools and libraries ordered a copy. The initial print was sold out in less than a month, and a crowdfunding campaign was organised, with schools, libraries, teachers and academics reserving their copies.

The Faculty of Humanities and Social Sciences at the University of Zagreb found in its research among 312 high school students that the Croatia educational system does not provide sufficient and adequate information about sexual orientation, affecting growing levels of discrimination.

## Family

The trend of excluding same-sex life partners from newly adopted laws and regulations, continued in 2018, going against the 2014 [Life Partnership Act](#), which ensures equal treatment. Recent examples include the Real Estate Tax Act, the Law on the Rights of the Croatian Homeland War Veterans, and most recently the [Foster Care Act](#). The new Foster Care Act, adopted on 7 December, excludes formal and informal life partners from being able to foster children. This is in direct violation of the Life Partnership Act, which grants equal rights to same-sex life partners regarding fostering. Zagreb Pride and others are preparing a lawsuit against the state.

## Freedom of assembly

Zagreb Pride continued facing obstacles when trying to organise the Pride March. This year, the City of Zagreb tried to block the event, unlawfully imposing a fee on the organisation. After Zagreb Pride complained, the City withdrew their claim, and the March was [successfully](#) held on 9 June.

## Health

Research conducted among 410 LGB people by the Department of Psychology, Faculty of Humanities and Social Sciences at the University of Zagreb, affirmed that hiding one's sexual orientation negatively impacts life satisfaction and mental health, causing anxiety, depression and stress.

Trans healthcare remains unregulated. Civil society continued to record cases of inconsistent practice, e.g. some trans people having to pay for services that insurance covered for others.

## Legal gender recognition

On 23 May, the Minister of Education issued official instructions to all educational institutions, obliging them to re-issue certificates and diplomas after name changes or legal gender changes.

## Police and law enforcement

The Victims' Rights Directive (2012/29/EU) entered into force on 1 October, ensuring that hate crime victims receive special protection measures during criminal proceedings. The transposition of the Directive in the Criminal Procedure Act only applies to criminal offenses. Given that police routinely process anti-LGBTQI crimes as misdemeanour, LGBTQI victims do not qualify for support services or special protection measures.

In September, Zagreb Pride continued holding trainings for the police, on recognising hate crimes and treating victims with dignity and respect.

## Public opinion

A poll, conducted between August - September on behalf of the "Call It Hate" partnership (to be published next year), recording 1000 answers, found that women and people with higher levels of education had more positive attitudes towards LGBT people. Alarmingly, when it comes to age, young people aged 18-24 were the least supportive of LGBT people.

## Sexual and reproductive rights

The third annual "Walk for Life" (anti-abortion) march took place on the 19 May in Zagreb, Rijeka and Split. Several feminist counter-protesters were arrested in Zagreb and Rijeka during the rallies.

In 2017, the Constitutional Court gave the government two years to regulate abortion. In November, a Working Group was formed, mostly bringing together representatives known for their opposition to sexual and reproductive rights. LGBTI and women's rights organisations are concerned that the drafting process will not be transparent and a more restrictive law will be adopted.

## Social security and social protection

In February, a person whose same-sex life partner was severely ill was denied "temporary incapacity leave", despite the right being

guaranteed by the Life Partnership Act. The category "temporary incapacity to work" had not been modified in the electronic healthcare system, to include life partners. Ivan Zidarević, human rights activists, contacted the Croatian Health Insurance Fund and the Ombudsperson for Gender Equality. In October, the Fund issued a directive to all competent services to act according to the Life Partnership Act that regulates benefits, obligations and legal rights regarding healthcare and health insurance. The Fund also updated guidelines on their website to include life partners.

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# Cyprus

## Bias-motivated speech

Homophobic speech by the Archbishop, the head of the Cypriot church, was reported by civil society back in 2016. Even though the Ombudsman established that it was indeed hate speech, the attorney general has taken no action to hold the Archbishop responsible. On December 14, at a police conference “The ECHR and its effect on the legal order”, Accept - LGBTI Cyprus raised the issue again, asking the president of the Supreme Court whether the Law against discrimination and enforcement of justice (2013) did not apply to the Archbishop. The Supreme Court president responded: “No one is above the law”. However, there is still no public statement from the attorney general.

## Bias-motivated violence

Transphobic assaults on trans women or their property were recorded and reported to the police in July in the coastal cities of Limassol and Paphos. No attacks were identified and recorded in the Northern part of the island.

## Data collection

A new online platform for anonymous reporting of homophobic and transphobic assaults was launched by Accept - LGBTI Cyprus in 2018.

## Equality and non-discrimination

New rainbow meetings were started in Geroskipou this year. Rainbow Meetings are run by Accept - LGBTI Cyprus and attended by LGBTI people, family members and allies. Queer Cyprus Association and Accept - LGBTI Cyprus also hold Rainbow Meetings together in English each month.

## Freedom of assembly

For the third time, the 17th of May Organisation Committee of over ten NGOs gathered on the occasion of IDAHOBIT and painted rainbows over northern Cyprus. This year’s march in north Nicosia ran from the Dereboyu Suitex to Uray street and was organised under the slogan “Neither my fight, nor my love is over”. After the march, the Committee urged the authorities to punish homophobic and transphobic acts and called for speedy legal and social reforms:

*“We support the need for radical changes which accept diversity in family, health, labor and education policies; reminding that laws can only be efficient if they resonate with the society.”*

17th of May Organisation Committee

The Cyprus Pride 2018 march in Nicosia took place on 3 June for the 5th time and focused on legal gender recognition. The event was once again placed under the auspices of the President of the Republic of Cyprus and the Mayor of Nicosia and was supported by the Cyprus police. For the first time, the Government of Cyprus financially supported the event, the first time it offered financial support to an LGBTI organisation.

Additionally, for the first time, buses were available for a small fee for those who wanted to join from Paphos. Paphos activists also organised parallel events to mark Pride Days.

## Health

NGO Accept - LGBTI Cyprus monitored, supported and raised awareness about the demeaning experience of a local trans man in August 2018, whilst visiting the Larnaca general hospital to secure a testosterone shot. The attending nurse was ignorant of trans healthcare, subjecting the person to intrusive and humiliating questioning before administering the shot. Following the man’s written complaint to the hospital authorities and Accept’s support and propagation of his letter to high-level allies, hospital authorities issued a formal apology, pledging to take measures to prevent similar conduct.

## Legal gender recognition

Legal gender recognition was the main theme of this year’s Cyprus Pride March in Nicosia. Activists are awaiting the finalisation of the country’s legal gender recognition reform for years, cooperating with international NGOs and the Council of Europe.

### **Participation in public, cultural and political life**

In June, Costas Gavrielides, NGO Accept - LGBTI Cyprus president, was appointed as an adviser to the President of the Republic of Cyprus for promoting multiculturalism, acceptance and respect for diversity. Part of his tasks is the creation of a national committee to promote multiculturalism, acceptance and respect for diversity. The committee will also serve to combat prejudice, homophobia and transphobia.

### **Police and law enforcement**

Incidences of homophobic and/or transphobic hate speech by police and law enforcement agencies were reported to QCA's Solidarity Line. However, no official charges or complaints were made.

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of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Czech Republic covering the period of January to December 2018

# Czech Republic

## Bias-motivated speech

A high-ranking priest of the Roman Catholic church delivered a sermon on 28 September, primarily aimed against the ratification of the Istanbul Convention, with several aggressive, homophobic and sexist statements. He was later fully backed by the head of the church. Feminist organisations filed a criminal complaint against the priest for inciting hatred, the investigation of which is currently pending.

## Education

An NGO opposing LGBTI equality and its affiliates have made several claims throughout the year, via media appearances or public hearings in the Parliament, that public education should not include information on LGBTI families, as this would violate freedom of religion and conscience. This kind of argument is fairly new in the Czech Republic, which is not a religious country. It also perpetuates stigma against LGBTI people.

## Equality and non-discrimination

The opposition to LGBTI equality, including marriage equality, has risen substantially in 2018. Among the voices in the civic sector were “Alliance pro rodinu” (in English: Alliance for family), by the Roman Catholic Church and several ultra-conservative politicians.

## Family

As a result of the campaign for marriage equality run by the Czech NGO coalition for equal marriage “Jsme Fer”/We Are Fair since April 2017, a bill introducing same-sex marriage and granting the same rights to all marriages, was filed to the Czech Parliament on 12 June. This bill is co-sponsored by 46 MPs from 6 out of 9 parties present in the lower chamber. More MPs, including the Prime Minister, supported the bill, but decided not to co-sponsor. Two days later, a second bill was filed, to introduce a ban on equal marriage in the Constitution. It is co-sponsored by 37 MPs, including Christian Democrats, and many conservative MPs from the Civic Democratic Party.

Jsme Fer/We Are Fair, the Czech NGO coalition for equal marriage, presented a petition with over 70,000 signatures in support of marriage equality to parliament on 26 June. A public hearing on the petition was held in the Parliament on 9 November in presence of both We Are Fair and the opposition Alliance For Family (non-profit).

On 14 November, the House of Representatives held its first ever debate on equal marriage. Due to lack of time and a heated debate, no vote was taken and the debate may resume in the beginning of 2019.

A third proposal is widely being discussed in the media, even though no bill has been presented. It would allegedly grant same rights to registered partners as to married couples, but would reserve marriage to heterosexual couples only. It is not clear whether it would include adoption rights. The idea came from a MP of the leading ANO liberal party. Who claims to have large support for his proposal and states he plans to submit the bill in early 2019.

## Human rights defenders

The Office of Public Defender publicly supported equal marriage in a statement in September. The Deputy Head of the Office publicly opposed the idea, however the Office stated that these are his private views and do not represent the views of the office.

## Legal gender recognition

Forced sterilisation is still a requirement of legal gender recognition in the Czech Republic. On 1 October, the European Committee of Social Rights ruled in the case of Transgender Europe and ILGA-Europe v. the Czech Republic (No. 117/2015) that this seriously impacts trans people’s health, physical and psychological integrity, and dignity. The Committee also emphasised the importance of the right to give free consent when accessing medical treatment. The government did not publicly react to the ruling.

However, in reaction to the 2017 A.P., Garçon and Nicot v. France judgment of the European Court of Human Rights (2017), the Justice Ministry already started drafting a law proposal addressing LGR around spring. The draft is currently being debated with other government bodies. Civil society remains concerned that even though mandatory sterilisation might be abolished, the law will retain the psychiatric diagnosis requirement.

## Public opinion

A public opinion poll from February carried out by a well established agency, shows support for equal marriage at 64%, matching Pew Research Center findings from May 2017.



## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Denmark covering the period of January to December 2018

# Denmark

## Asylum

NGO LGBT Asylum arranged a [conference](#) in the Parliament in August on politics and policies on LGBT asylum seekers and refugees in Denmark. In addition to asylum seekers speakers and panelists included NGOs LGBT Asylum, Danish Refugee Council, Amnesty International, Danish Red Cross, LGBT Denmark and politicians. Themes included housing while seeking asylum, decision practice and life as a refugee.

## Employment

As part of the Government's action plan a survey of the conditions of LGBTI persons in the labour market was carried out. The results are not yet available.

## Equality and non-discrimination

In 2017, the Government established a coordinating minister regarding LGBTI people's rights and non-discrimination and announced Denmark's first ever action plan on LGBTI, but had to negotiate with Folketinget (Parliament) about funding. On January 11, 25 million DKK (approx. 3.4 million EUR) were allocated to ensure the implementation of the [action plan](#). In June, the fleshed out action plan was presented, setting out 42 initiatives for the period of 2018-2021. Based on the action plan, the department of the minister has reached out to the community widely and engaged in communication and meetings.

Under the action plan, the Government is evaluating current legislation to identify inequalities regarding LGBTI persons. To support this, NGO LGBT Denmark conducted an evaluation and highlighted a number of gaps in the anti-discrimination and equal treatment legislation, family law and regarding legal gender recognition.

## Family

In connection with the Danish chairmanship of the Committee of Ministers of Council of Europe, the Danish Parliament and the Parliamentary Assembly of the Council of Europe jointly organised a [conference](#) on LGBTI people's right to private and family life (video recording available [here](#)), focusing on achieving equality in private and family life regardless of sexual orientation.

## Freedom of association

NGO LGBT Denmark obtained core funding from the state of 15 million DKK (approx. 200.000 EUR). Except for 1990 this has never happened before. The funding is now secured on an annual and ongoing basis.

Sabaah, the LGBT+ organisation focusing on ethnic minorities, received project funding of 2.9 million DKK (approx. 390.000 EUR) in the Government's action plan and was the only organisation specifically mentioned in the plan. The project, which concerns counseling for minority-ethnic LGBT-persons and their relatives, will run for four years.

## Health

In 2018, the state has started providing free HPV vaccination for boys who are attracted to boys between the ages of 15 and 20. The Health Authority has also initiated an [evaluation](#) of the possibility to provide HPV-vaccination to all boys in the same way as it is available to all girls today. The results are expected for spring 2019. In anticipation, the government already included funding for free HPV-vaccination for all boys who turn 12 years old 1 July 2019 or later in the state budget for 2019-2022.

In November, the Danish Regions - the political bodies running the regional health care including the major hospitals - decided to follow the recommendation from the Health Authority to provide PrEP to persons at high risk of HIV infection. Implementation is expected in 2019.

In spring, the Gender Equality Committee and the Health and Senior Citizens' Committee of the Parliament held a [hearing](#) on blood donation by men who have sex with men (MSM). Subsequently the Government [decided](#) to abolish the permanent ban of MSM to donate blood. The new rule establishes that MSM can make a blood donation four months after having sexual intercourse.

## Participation in public, cultural and political life

LGBT Denmark celebrated its 70th anniversary this year in August. The anniversary celebration was hosted by the Lord Mayor of Copenhagen and speakers including the LGBTI-coordination minister as well as the last living founding member of the organisation.



## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Estonia covering the period of January to December 2018

# Estonia

## Family

On 22 January, the Tartu Circuit Court annulled the decision by a lower level court and approved a lesbian couple's application for adoption. The couple had been in a registered partnership and raised the child as family since birth. The adoption was supported by the Social Insurance Board that carried out a family assessment, and found that the family could provide for the child everything they need for their welfare and development. The Court ruled that adoption decisions cannot be made on the basis of bias, but must be guided by the best interest of the child.

*"A child has the right to feel safe and secure, together with loving parents – also in a legal sense,"*

Kelly Grossthal, equal treatment expert at Estonian Human Rights Centre.

On 17 October, the Tartu Circuit Court annulled a similar decision made by the same judge and granted adoption to a lesbian couple. The chairwoman of the county court did not recognise this recurring problem as an issue, although the Estonian Human Rights Center (EHRC), who represented the applicants, said it was an infringement of Estonian Judges' Code of Ethics. According to EHRC, the cases clearly show that the fact that the Estonian Parliament has not yet adopted the implementing acts of the Registered Partnership Act may lead to arbitrary court interpretations.

On 10 April, the Constitutional Review Chamber of the Supreme Court affirmed in a decision that despite the lack of implementing provisions, the Act entered into force on 1 January 2016. The Supreme Court failed to establish that the lack of implementing acts is unconstitutional, which has been criticised by civil society. The Court followed the argument of the Chancellor of Justice, saying that in most cases it is possible to overcome the lack of implementing acts by way of interpretation and application of general principles of law. The Supreme Court stated that the Act needs to be interpreted by courts in a way that ensures a decision that is in line with the Constitution. Although the decision is a positive step, it may take pressure off politicians to work on implementing provisions.

On 16 April, the Supreme Court of Estonia announced their decision to not process the appeal of Sarah Raud over a permanent residence permit. Sarah and Kristiina Raud got married in the US in 2015 and later moved to Estonia where same-sex marriage is not legal. Sarah is a US citizen, Kristiina Estonian. The Court's decision means that the district court's previous ruling, according to which the state of Estonia does not recognise Sarah's and Kristiina's marriage as grounds for issuing a permanent residence permit, will remain in force.

## Freedom of expression

In April, the Rakvere City Council was sued for its failure to comply with the Estonian Constitution and its own regulations on financing cultural events when it reduced the amount of funding for NGO SevenBow's LGBT+ film festival without any justification. Members of the Council, who belong to the extreme right wing Conservative People's Party of Estonia, confirmed to the press that the decision was their initiative, as they believe that the event constitutes "homopropaganda". According to the EHRC, this is a deterrent example of how public power can interfere with freedom expression on the basis of prejudice. EHRC considered that the Council violated the Estonian Constitution. The case is pending.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Finland covering the period of January to December 2018

# Finland

## Bodily integrity

As part of the National Action Plan on Fundamental and Human Rights 2017-2019, the government initiated a study on the rights and experiences of intersex persons. The study will be published in spring 2019.

## Equality and non-discrimination

The Ministry of Justice continued implementing the two-year "Rainbow Rights Promoting LGBTIQ Equality in Europe", which ended on 31 December. The Project focused on mainstreaming equality and non-discrimination on grounds of SOGIESC in Finnish municipalities, raising awareness of LGBTIQ issues at the local and transnational level, and pursuing cross-border cooperation on LGBTIQ policy.

On 19 December, the Ministry of Justice published a report on multiple discrimination faced by LGBTIQ people in Finland, as part of the Rainbow Rights Project.

## Family

A new Maternity Act was approved by parliament on 22 February. 122 MPs voted in favour of the legislation, which includes a provision to introduce automatic co-parent recognition for lesbian same-sex couples following fertility treatment. The Act is expected to come into force in spring 2019. When it does, lesbian couples who have undergone fertility treatments, will no longer have to go through an adoption process in order for both parents to be recognised. The Maternity Act was the second piece of legislation passed by Finnish parliamentarians following a successful citizen's initiative. (The maternity law initiative was started in late 2015 by human rights groups; the first successful initiative was the law that eventually introduced marriage equality.)

*"(this is) one of the most important milestones in our organisation's history"*

Juha Jämsä, executive director of the Rainbow Families Association, 28 February 2018

The Evangelical Lutheran Church voted against a proposal to recognise same-sex couples within the church's understanding of marriage. Bishop of Porvoo Björn Vikström had submitted the proposal to the church's decision-making body, the General Synod but the suggestion was rejected by 59 votes to 46 on 21 May. As a result, the Lutheran Church will not perform marriage ceremonies for same-sex couples. After the vote, some bishops expressed a desire to discuss the issue again at future synods.

## Foreign policy

Finland was among the 15 OSCE member states invoking the Vienna Mechanism to investigate human rights abuses against LGBTIQ people in Chechnya.

## Health

Non-binary trans people faced new obstacles in Finland this year. In the fall, university hospitals units in Helsinki and Tampere decided to exclude non-binary people from accessing trans healthcare services, arguing that there is not enough evidence on the effectiveness of gender affirming treatment for this group. The hospital units have the mandate to give a psychiatric diagnosis to trans people, who want to access trans healthcare or change their legal gender. Non-binary people have received trans healthcare services for the past 10 years.

The decision sparked protests across Finland, organised by non-binary activists. NGOs working on trans rights lobbied hospital units to withdraw their decision. Consequently, the Tampere unit informed NGOs that it would resume providing trans healthcare to non-binary people. The Helsinki unit said they would do the same in the beginning of 2019.

In November, the Deputy Parliamentary Ombudsperson Maija Sakslin published an opinion on a complaint regarding waiting times for psychologists and psychiatrists at the Helsinki university hospital. Trans people who want to access legal gender recognition, must meet with a psychologist and a psychiatrist as part of the process to receive a diagnosis. In this case, the patient had waited for over 8 months to get an appointment. Sakslin established that the waiting time was far too long, and noted that it has a serious impact on the right to legal gender recognition. Sakslin recommended that Finland reform its LGR procedure.



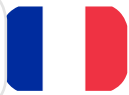
She also affirmed that the mandatory sterility requirement is a violation of the right to family and private life, as set out by the European Court of Human Rights in 2017. The decision was sent to the Ministry of Social Affairs and Health, requesting a reply by March 2019 the latest.

### Legal gender recognition

Despite repeated calls by local NGOs and international human rights mechanisms, Finland has failed to reform its legislation on LGR. LGR is still conditional upon mandatory sterilisation and psychiatric diagnosis and inaccessible for minors. In March, the Chair of the Parliamentary LGBTI Network, MP Jani Toivola asked the government when it will initiate the law reform. Minister of Family Affairs and Social Services Annika Saarikko responded that the government had no such plans.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in France covering the period of January to December 2018

# France

## Asylum

The National Assembly adopted an amendment to the Law for controlled immigration, effective right of asylum and successful integration on 26 July, to exclude countries that criminalise homosexuality from the list that France considers 'safe' for asylum purposes. The amendment was originally tabled by Elise Fajgeles and Matthieu Orphelin (La République En Marche, LREM; centrist) in April. The amendment entered into force on 11 September.

## Bias-motivated violence

Two young women were attacked and subjected to lesbophobic insults on a train journey in February. They were travelling together on the RER train to Paris when a group of young people pulled their hair, taunted and violently attacked them. When the train reached Conflans-Sainte-Honorine, police officers arrested seven 17-years-olds for 'willful violence based on sexual orientation'; two of the attackers were detained in custody. The trial took place on 6 November at the Pontoise Child Court. The judgment is expected in 2019.

To mark the city's hosting of the 2018 Gay Games, a pedestrian crossing in the Parisian district of Marais was painted in rainbow colours. The crossing was then vandalised twice within one week in June – firstly with the message "LGBT, out of France", and secondly "LGBT dictatorships" and comments urging Anne Hidalgo (the city's mayor) to resign. A complaint was filed to Paris City Council, with Hidalgo stating that "this homophobia will not go unpunished". Hidalgo also said that the rainbow color crossings will be permanent.

Vanessa Campos, a trans and migrant sex worker was murdered in Paris on 16 August, which sparked a campaign of international solidarity. Campos was killed, by a police gun, while her client was being robbed. France put in place the 'Swedish Model' in 2016, penalising the clients of sex workers. This April, Médecins du Monde France published a report on the impact of this legal change, showing that 63% of sex workers have experienced a deterioration of their working conditions and 42% have been more exposed to violence. The report noted that marginalised sex workers, including those trans and migrant, have been most affected.

On 3 October, the Assize Court of Basse-Terre in the French territory of Guadeloupe in the Caribbean, sentenced two men to 20 and 18 years of imprisonment for the homophobic murder of Patrice Gélabale in 2016.

## Bodily integrity

The National Consultative Human Rights Commission (CNCDH) made an announcement on 22 May, referring to non-consensual and medically unnecessary surgeries on intersex people are "sexual mutilation" and calling them extremely harmful for victims. The statement is not binding. The Commission is an independent state body, consisting of civil society organisations.

## Family

A six-month long national public consultation on bioethics was announced by the government in January, in order to shape the update of the bioethics law. President Emmanuel Macron (La République En Marche, LREM; centrist) had campaigned on a promise to revise the existing laws on medically assisted reproduction and open them to single women and lesbian couples. In a meeting in November with civil society, including the Network of European LGBTIQ\* Families Associations (NELFA) and Inter-LGBT, Macron confirmed that the law is to be expected in the summer of 2019.

The European Court of Human Rights rejected the case of a lesbian woman who had been refused paternity leave on 18 January. A three-judge committee ruled that the application in Hallier and Others v France was inadmissible. In their decision, the judges found that paternity leave pursued a legitimate aim, that any difference in treatment had not been based on sex or sexual orientation, and that the biological mother's partner has become eligible for carer's leave since the application was made.

On 1 March, the European Court of Human Rights ruled that the Bonnaud and Lecoq v. France case was inadmissible. The case involved a lesbian couple, who had given birth to two children and wanted to be recognised as exercising joint parental responsibility. The ECtHR found that the French court decision had not been based on a difference of treatment due to their sexual orientation.

## **Freedom from torture, cruel, inhuman or degrading treatment**

In April, Laurence Vanceunebrock-Mialon (La République En Marche, LREM; centrist) announced a proposal to ban so-called 'conversion therapies'. The MP stated that her initiative was inspired by the 2016 Maltese legislation that outlawed harmful practices that attempt to treat people's SOGIESC characteristics like an illness. Vanceunebrock-Mialon's initiative would criminalise such actions with fines and prison terms of three years. This could potentially rise to 10 years imprisonment if the practice resulted in the suicide of an individual. There have been no updates since the spring.

## **Legal gender recognition**

On 25 April, the University of Caen announced that, from autumn 2018, trans students would be able to use their first names during their studies, not the entry that appears on the civil registry. The announcement came after students published an open letter and called for a meeting with the university's president.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Georgia covering the period of January to December 2018

# Georgia

## Bias-motivated speech

There is still no code of conduct in place sanctioning hate speech by MPs. On 18 May, MP Koba Lursmanashvili (Georgian Dream) said in parliament that *“the rights of the minorities may be protected. [I] demand public interest to be protected. This interest is frequently violated by drug users, drug sellers and by faggots.”*

On 6 December, the Tbilisi City Court found politician Besik Danelia (‘Democratic Movement - United Georgia’) guilty of damaging the honor and dignity of LGBT activist Levan Berianidze by calling him “Pidaradast” (“faggot”) on TV. The court issued a minimal fine of 0,40USD.

## Bias-motivated violence

(see under **Human rights defenders**)

In 2018, NGO Equality Movement documented 20 anti-LGBT hate crimes, mostly against gay men and trans women.

## Education

In 2018, NGO Women’s Initiatives Supporting Group (WISG) published a report, finding that 16.4% of LGBT respondents have experienced discrimination in education, mostly by classmates.

In 2018, Equality Movement wanted to study the attitudes of public school teachers towards LGBT persons, but the Ministry of Education, schools and teachers unions did not cooperate.

## Employment

WISG found that one in three LGBT respondents have been discriminated in employment. Equality Movement is currently working on a case, where a gay man was fired from his job at the Ministry of Infrastructure, because he was seen walking next to a gay activist at the Women’s March.

## Equality and non-discrimination

WISG found that LGBT respondents were most likely to be discriminated while accessing services (46%), in employment (34%), in education (9%) or by law enforcement (5%). In 2018, Equality Movement took legal action in seven discrimination cases, in healthcare and access to services by media and police.

## Family

The new amendment of the Georgian Constitution, which entered into force in December, limits marriage to a union between a man and a woman. The Civil Code already bans same-sex marriage.

## Freedom of assembly

On May 12, two queer friendly night-clubs and important meeting places for the community, Bassiani and Café Galery, were raided by heavily equipped police storm-teams, allegedly after 5 drug related deaths in the Georgian capital. Despite statements of the club owners that the deaths occurred outside the clubs, and that customers are thoroughly searched, the police made a number of arrests before raiding the clubs. Several day long protests were organised outside the Ministry of Interior in support of the clubs and the community. During the protests, LGBTI protesters were circled by far-right groups, without police protection or interference, despite their awareness of the ‘siege’ – activists say.

On May 17, organisers cancelled the IDAHOT event, due to threats from extremists and the expected lack of police protection. In the end, organisers held small protests in six different locations in Tbilisi, including Ministries.

## Freedom of expression

Guram Kashia, the vice-captain of the Georgian national football team, received the UEFA #EqualGame Award for supporting the LGBT community.

*“I believe in equality for everyone, no matter what you believe in, who you love or who you are.”*

Guram Kashia, player on the Georgian national football team and recipient of the UEFA #EqualGame Award

On 9 September, members of the LGBT community attended one of Kashia’s games to show support. Security forces did not let them enter the stadium with rainbow flags and other symbols, and when these were found inside, they were immediately taken away.

Equality Movement and four other organisations condemned the police action and stressed that restrictions on the freedom of expression of LGBT people has been a serious issue for years.

Before the game, neo-fascist groups made threats that they would only refrain from violence if LGBT flags were prohibited in the stadium. The police sided with them and silenced LGBT people.

## Health

In 2018, five trans people turned to WISG for being denied cost coverage for receiving a psychiatric diagnosis of transsexualism. The cases are being considered by the Ombudsperson.

HIV prevalence (currently at 25%) continued to increase among gay men and other men who have sex with men (MSM). According to Equality Movement's research (to be published), only 17% of 3800 MSM living with HIV knew their HIV status, 75% received ART and viral suppression was achieved in 88% of those cases. The country has failed to achieve the Fast Track 90-90-90 targets. Trans people are not included as a key population in the national HIV strategy, despite civil society lobbying.

## Human rights defenders

On 28 January, Miranda Pagava, a trans activist of Equality Movement, was physically assaulted in Tbilisi. The attacker used transphobic and homophobic slurs against her. He was arrested and criminal proceedings were initiated against him.

On 28 September, four Equality Movement activists were physically attacked by neighbours of their office. The activists called the police, notified the Public Defender's Office and General Inspection of the Ministry of Interior. Police spoke to the victims aggressively and did not intervene when the perpetrators continued to assault them. The doctors in the ambulance failed to fully record the victims' injuries in official documents. The Ministry of Internal Affairs later released a statement, without mentioning the homophobic motive. The neighbours' harassment continued, and Equality Movement had to close their office.

On 12 November, two trans women, including an activist of WISG, were attacked in central Tbilisi. The four unknown attackers fled the scene immediately after the attack, but three were arrested on the same day, the fourth a week later. The victims were hospitalised with severe injuries and concussion. They reported that the attackers used homophobic and transphobic slurs, stating that the victims "pretend to be women" and therefore "their life has to be taken".

## Legal gender recognition

WISG and European Human Rights Advocacy Centre (EHRAC) submitted two applications to the Strasbourg court, concerning the refusal of LGR to two trans men. On 6 September, the Court communicated both applications, and the cases are now being processed jointly.

## Police and law enforcement

In January, the Ministry of Internal Affairs set up the Human Rights Department, mandated to monitor the investigation of hate crimes. The HRD actively cooperates with civil society.

## Social security and social protection

In 2018, the claim of a young lesbian woman to be recognised as "socially disadvantaged" was denied by the Social Services Agency. The woman was a victim of domestic violence by her father, and had to leave home. She could no longer pay her university tuition and applied for state support. The Agency denied her claim on the basis that she was living at a shelter. WISG submitted the case to the Ombudsman.

The UN SOGI Expert made a country visit to Georgia in the fall. In his mission statement, he highlighted significant challenges in the protection of LGBT rights.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Germany covering the period of January to December 2018

# Germany

## Asylum

In November, the Federal Parliament (Bundestag) discussed again a bill introduced by the Federal Government considering Georgia, Algeria, Morocco and Tunisia safe countries. NGOs condemned the proposal. No vote took place.

## Bias-motivated violence

Last year, the Federal Government presented the draft “National Action Plan Against Racism”. The plan only discusses homophobia and transphobia in a retrospective manner, looking at what had been done in the past. NGOs Network Against Racism, the Trans\* Federal Association (BVT\*) and LSVD made a submission asking for an Action Plan that effectively counters homophobia and transphobia and includes defined targets, timeframes, and resources. The submission is attached to the Plan as an annex, but the government failed to meaningfully integrate it. The coalition agreement of the current government from February 2018 (see Equality and non-discrimination) does not mention the Action Plan.

## Equality and non-discrimination

After the elections in October 2017, a coalition agreement was finally signed in February between the conservative parties (CDU/CSU) and the social-democratic party (SPD). The 180-page [paper](#) mentions only a handful of initiatives regarding the rights of LGBTI people, e.g. the Constitutional Court’s decision on gender diversity, hate crimes, and the need to ban surgeries on intersex children.

In June, the second chamber (regional governments (Bundesrat)) discussed again a proposal to amend Section 3.3 of the Constitution on equality, which currently covers belief, origin, race, disability and gender. The proposal includes sexual orientation and gender identity. The proposal is not expected to be adopted, given adoption would require a two-thirds majority in both chambers.

## Family

Despite entry into force of marriage equality October 2017, family laws do not sufficiently guarantee the rights of rainbow families. For instance, women in a same-sex marriage still need

to undergo second-parent adoption if one of them gives birth to a child. The Federal Court in Germany ruled against an automatic co-parent recognition, stating lesbian couples should go through a “reasonable” stepchild adoption process”.

Far-right party Alternative for Germany (AfD) proposed a bill in the Bundestag to abolish marriage equality, attempting to overturn the law established in October 2017. The proposal was rejected.

## Freedom from torture, cruel, inhuman or degrading treatment

On the 10 th anniversary of the inauguration of monument commemorating gay victims of Nazi persecution in Berlin, President Frank-Walter Steinmeier publicly asked for forgiveness for the crimes committed in the name of the German state.

## Health

In October, new medical guidelines for “treating” gender dysphoria/gender incongruence were [published](#) (immediate effect). Trans NGO BVT\* members were part of the drafting committee. The guidelines abolish the ‘real life test’ and mandatory therapy. Instead, they are based on individualised healthcare provision, whereby a trans person reaches an informed, common decision together with the medical expert about possible interventions. The guidelines also include non-binary trans people and intersex people, and cover more trans healthcare services than previously.

Nevertheless, [major gaps remain](#). First, mandatory psychiatric diagnosis (ICD-10) remains a requirement for LGR (until 2020). Second, health insurance policy needs to be revised to be in line with the new guidelines and to ensure systematic coverage without conditions.

## Legal gender recognition

Following the 2017 Constitutional Court [decision](#), German legislators were required to introduce a third gender option or remove gender registration altogether by the end of 2018. On 14 December, the law was [adopted](#) by Parliament.

Shortcomings were highlighted by trans and intersex activists, i.e. that medical certificates are still required and that the “divers” third gender option is only available to intersex people, excluding non-intersex non-binary people. BV\*T called the bill a “historical chance missed” for recognition of the right to self-determination.

The government has still not started to work on the long overdue revision of the German Transsexual Law. In 2018, the Federal Minister of Justice (Dr. Katarina Barley) stated that her ministry will put it on the agenda for 2019. The Federal Ministry for Family, Seniors, Women and Youth commissioned a study on gender diversity and its legal requirements. Results are expected in the first half of 2019.

### **Police and law enforcement**

The German police has access to trans people’s old name and gender assigned at birth in background registries. This makes some trans people vulnerable to discrimination by the police.

Trans people who are part of the police or applying to join the police reported discrimination/rejection when in the process of medically/legally transitioning, and before having secured the protected status of public servant. Some federal states, like Berlin, are in the process of revising admission standards and non-discrimination rules. Trans groups have advocated for better regulations across all states.

### **Social security and social protection**

The German Federal Fiscal Court (BFH) ruled that IVF costs incurred by an infertile woman in a same-sex relationship were tax-deductible. The applicant underwent IVF treatment in 2011. When she had included these expenses on her tax form, they were rejected by the tax agency and the first instance fiscal court. On 3 January, the BFH ruled that these expenses are covered by section 33.1 of the German Income Tax Act.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Greece covering the period of January to December 2018

# Greece

## Bias-motivated speech

On 15 March, the Metropolitan bishop of Kalabryta and Aigialeia Ambrosios was acquitted of the charges of incitement of hate speech and abuse of religious function. On December 2015, when the law of the cohabitation agreement was voted by the Greek parliament, he wrote on his personal blog that gay people are “abominations of society” and incited to “spit on them and blacken them”. At court, he appeared unrepentant saying “If I had a gun and it was allowed by the law I would use it to get over with it” and “God detests them”. The district attorneys of two superior courts appealed and Ambrosios will stand trial again, the exact date being undetermined.

Cross-disciplinary discussions were held in 2018 regarding sexuality and gender, including by the Childhood Psychiatry Society of Greece on 20 April. Events such as this one commonly contained homophobic and transphobic interventions, including by clergymen. The LGBTQI community condemned the hateful statements.

## Bias-motivated violence

The Treaty of the Council of Europe on Preventing and Combating violence against women and domestic violence of 2011 was ratified by the Greek parliament on 5 April.

The district attorney of the Supreme Court has asked for an investigation to establish whether there was homophobic motive to the attack that led to the death of the activist Zak Kostopoulos (see more under **Human Rights Defenders**).

## Data collection

On 17 May, Colour Youth published the results of a survey assessing the school climate in Greek schools. The survey gathered responses from 2000 LGBT high school students. The LGBTQI Inclusive Education Report of IGLYO ranked Greece among one of the least inclusive countries when it comes to LGBTQI issues in education.

In July, a 14-year-old died by suicide because of bullying, including because of their gender expression (article).

## Family

On May 9, the Law on Adoption 4538/2018 was voted to include the right of same-sex couples to become foster parents. The opposition party expressed strong objection to this article. The right of same-sex couples to adopt is not covered by the law, even though members of the ruling party had made a commitment to include this to the LGBT community.

## Freedom of expression

On 5 June, a Common Ministerial Decision of the Ministries of Digital Policy and Health was adopted, stating that broadcasting messages with social content, including regarding the rights of LGBT+ people, is free.

## Human rights defenders

On 21 September, LGBT+ and HIV activist Zak Kostopoulos was trapped in a jewellery shop at Omonoia, Athens and was beaten to death by the owner, a second person and the police, while the crowd was watching the incident. The paramedics of the National Emergency Aid Service drove him handcuffed and unconscious to the hospital. Despite the fact that videos of the violence were made public, the media painted a completely misleading picture of the incident, suggesting that Zak was trying to rob the shop and that he was under the influence of drugs. Both of these accusations were proven false.

It took the district attorneys weeks to establish the biased motivation of the murder. The district attorney of the Supreme Court is now asking for an investigation to see whether there was any homophobic motive to the attack.



## Legal gender recognition

On 26 June, the Magistrates Court of Thessaloniki accepted the request of a trans woman who had been recognised as a refugee in Greece, to correct her name and gender marker on her documents. Decision 444E/2018 acknowledged that not having ID documents in her gender, made the woman vulnerable, added to the stress she had already experienced, and did not allow her to be fully included in Greek society. The existing 2017 law on legal gender recognition procedures does not contain any provision for people who are not registered with a Greek registry office, and the Regional Asylum Office in Thessaloniki had originally refused her request. The decision creates legal precedent, which is guiding but not binding. The Hellenic League for Human Rights and NGO The Greek Trans Support Association supported the case. On 12 February, the Magistrates Court of Amaraoussion, Athens accepted the request of a non-binary person to hold two names, male and female (“Jason Antigone”). The deletion of the person’s gender marker was rejected and there was an appeal against this part of the decision.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Hungary covering the period of January to December 2018

# Hungary

## Access to goods and services

In June, the Equal Treatment Authority (ETA) found that a youth centre network in Szeged discriminated against an LGBT group when not letting them use the space for events. In November, the Metropolitan Court of Budapest upheld the decision.

In July, the Metropolitan Court of Budapest issued a binding judgment reaffirming the 2017 decision of the ETA that a local-government run pool discriminated against an LGBTQ sports club when declining to rent out swimming lanes for an event.

In November, the ETA established harassment on the basis of sexual orientation, when a same-sex couple was told to stop kissing in a restaurant in May.

## Asylum

In January, the European Court of Justice ruled that psychological tests cannot be used to 'prove' an applicant's sexual orientation. The CJEU held that Hungarian asylum officials were wrong using such tests to determine whether a Nigerian applicant was gay. F's asylum claim was rejected, after the authorities decided it lacked credibility following a psychologist's report.

In a case concerning a trans refugee, the Constitutional Court found in June that non-Hungarian citizens permanently living in Hungary have the right to legal gender recognition.

## Bias-motivated violence

A new criminal statistics system entered into force on July 1, introducing a new field flagging hate crimes and categories for SOGI bias.

## Diversity

Mozaik Hub & partners continued their project on LGBTI inclusion in the Jewish community, and held a conference during Pride month. Activists held a Roma LGBTQ week during Pride, and joined the march with a Roma truck for the third time.

## Education

In March, ETA established SOGI based discrimination and fined the University of Debrecen for banning an LGBTQI roundtable in 2016.

In October, the government abolished Gender Studies MA programs in Hungary. The degree was offered at two universities, ELTE and CEU.

## Employment

In January, NGO Háttér published a report on trans people in employment, finding that over 30% of trans respondents faced long-term unemployment in the past 5 years. Many reported being fired, or having to deal with misgendering or unwanted curiosity at work.

## Family

The Metropolitan Court of Budapest ruled on 9 February that same-sex couples who got married in another country have the right to have their union recognised as registered partnership in Hungary. Marriage equality is not legal in Hungary, but registered partnership was introduced in 2009.

In June, the Equal Treatment Authority found that a prison discriminated against a same-sex couple, banning them from in person visitation.

Government Office of Budapest clarified in June that the same-sex registered partner of an adopting parent is entitled to childcare allowance, and issued an apology for providing wrong information to a gay couple.

In November, Háttér published a guide for family members of LGBTQI people and organised a series of family day community events.

## Freedom of assembly

This year's Budapest Pride Festival was one month long, with events in 5 cities. Security measures by police at the Pride March were results of consensus between police and the organisers.

The Kecskemét police banned a tabling event by local Cifra LGBTQ group. The activists held the event nonetheless and were fined. In October, the Metropolitan Court of Budapest found both actions unlawful.

## Freedom of association

On 20 June, the ‘Stop Soros’ package laws were adopted, making it a criminal offence to assist undocumented immigrants. On 20 July, MPs approved changes to the tax code, introducing a 25% levy for NGOs supporting immigration. These laws, heavily criticised by the Venice Commission and the European Commission, could impact NGOs working LGBTQI asylum seekers.

In October, NGO Transvanilla opened TámPONT in Budapest, the first trans community space in the country. The community space also welcomes LGBTI people in general and members of other marginalised groups.

## Health

In February, the ETA case concerning degrading treatment of a trans person by a urology clinic ended in settlement. The clinic apologised and published a trans healthcare guide in a urology magazine.

NGO Háttér was informed that MSM are now included as a specific category in the lifetime blood donation ban. Previously, MSM were subsumed under “risky sex”, resulting in a one-year ban.

## Legal gender recognition

On 1 January, the new government decree 429/2017 on LGR came into effect, governing the operation of the national birth registry. This was the first time that LGR was given a legal basis in national legislation. The process remains medicalised, requiring medical certificates. LGR procedures were suspended on 25 May to comply with Regulation (EU) 2016/679 on data protection. There is also a difference in interpretation of the new provision between the Ministry of Human Capacities (health ministry) and the Government Office of the Capital City Budapest (supervising registrars). The Ministry argues they do not have any role in this procedure so a new procedure is needed.

In October, the Commissioner for Fundamental Rights issued a new report noting that the complete lack of legal regulations and the unpredictability of requirements violate the requirement of legal certainty and that the lack of information given about the

practice causes a serious damage to the right to fair procedure and to legal remedy, seriously harming human dignity. He also highlighted that LGR should be based solely on self-determination. Until the law is in place, he urged the authorities to ensure applications are processed and requirements are made publicly available.

*“As LGR procedures are suspended again, we hope the report draws the attention of the legislators to the seriousness of the situation so that transgender people do not have to wait unreasonably long for the restart of evaluation of requests. [...] Transgender people have the right to a fair trial, just like anyone else, and arbitrary behavior of law enforcers should not prevent their gender identity to be recognized.”*

Barnabás Hidasi, President - Transvanilla Association

## Police and law enforcement

Háttér produced a guide for law enforcement on how to support victims who suffered hate crime victims on the basis of their SOGIESC.

## Public opinion

European Social Study found that 44% of Hungarians would feel ashamed if they had lesbian or gay family members, scoring among the least accepting countries in the European comparative study.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex  
People in Iceland covering the period of January to December 2018

# Iceland

## Bias-motivated speech

Six members of parliament, including former prime minister Sigmundur Davíð Gunnlaugsson and former minister of foreign affairs, Gunnar Bragi Sveinsson, were recorded discussing their political opponents in a sexist, ableist and homophobic manner. The recording was sent to the Icelandic media by someone who had overheard the conversation in a bar, and recorded it on their phone.

In early December, the Ethics Committee of the Icelandic Parliament was convened to investigate the scandal. The Committee did not set a timeframe for the investigation, and there were no outcomes by end of the year.

A demonstration was organised to condemn the remarks. According to a recent poll, 74-91% of the public would want the MPs to resign. Several civil society organisations, including international women's and disability rights groups have called on the MPs to resign.

## Employment

The Equal Treatment in the Labour Market Bill was passed by parliament on 11 June and entered into force on 1 September. The legislation, proposed by social affairs minister Ásmundur Einar Daðason (Progressive Party, FSF; centre-right), outlaws discrimination in employment on multiple grounds, including sexual orientation, gender identity, gender expression and sex characteristics. The law will apply to a wide range of employment scenarios, such as recruitment processes, decisions related to promotion/pay and access to training. Any employer found to be violating the act will be subject to daily fines.

## Freedom of association

The Ministry of Equality doubled the funding for Samtökin '78 - The National Queer Organisation of Iceland. Until now, Samtökin received 6 million ISK annually (42.000 euros). The government has promised to be supportive and Samtökin are hopeful that in the year 2019, the funding will increase even more.

Samtökin '78 turned 40 this year and held an anniversary gala, attended by the First Lady of Iceland and The Minister of Equality, who both gave speeches. The First Lady of Iceland, Eliza Reid, announced that Guðni Th. Jóhannesson, Iceland's President, had decided to become Samtökin's "patron".

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# Ireland

## Bias-motivated speech

A group of cisgender feminists wrote an open letter on Jan 22 to the organisers of the 'We Need to Talk' tour that featured transphobic events in the UK. The letter, signed by over 1000 individuals, stated

*"We, the signatories of this letter, organise hand in hand with our trans sisters. Together, cis and trans, we are Irish feminism"*

Two biased motivated acts of speech were recorded in Dublin city centre in 2018, both in prominent bars. The George was vandalised with swastikas and anti-gay slurs, while Pantibar had a rock thrown through the window with a note that read "fairies out of Ireland". Neither of the perpetrators faced charges for their actions.

## Bias-motivated violence

On IDAHOBIT, Senator Fintan Warfield (Sinn Fein; Irish republican) called on Minister for Justice Charlie Flanagan (Fine Gael, FG; centre-right) to introduce legislation to protect LGBTI people against hate crime. On 4 July, human rights body The Irish Council for Civil Liberties published its latest report "Lifecycle of a Hate Crime" and found that criminal justice professionals in Ireland had inconsistent understanding of hate crime as a concept.

## Data collection

NGOs Focus Ireland, BeLonG To youth services and University College Dublin launched a research project on the status of LGBTI+ Homeless youth in Ireland.

The LGBTI+ Youth Strategy, launched by the Ministry for Children and Youth Affairs this year, makes a clear commitment to data collection on the lived experiences of young LGBTI+ people.

## Diversity

On 22 June, the National Women's Council passed a unanimous motion to include trans women within the national women's council.

## Education

In April 2018, Solidarity TD (MP) Ruth Coppinger launched the Provision of Objective Sex Education Bill 2018, which has entered into the second stage and covers contraception, sexuality, gender, LGBT+ issues and consent.

## Equality and non-discrimination

The "LGBTI+ Youth Strategy 2018-2020" was launched on 29 June. The strategy is the first of its kind – nationally and internationally – and was shaped by the views and experiences of young LGBTI+ people. It includes 15 objectives and 59 actions to achieve three main goals: to create a safe and inclusive environment for young LGBTI+ people, to improve their health and well-being, and to gather data. An annual implementation forum and a youth forum will be set up to ensure the voice of young people remains central to the strategy implementation process.

## Family

The Child and Family Relationships (Amendment) Bill was passed by the Dail (lower house) and the Seanad (Senate or upper house) in July. While the bill has been signed into law, the commencement orders enacting sections 2 & 3, governing parental recognition for children born in Ireland following donor-assisted reproductive treatment, remain outstanding. These sections will allow for different-sex couples, female same-sex couples and single women to register their parentage on their child's birth certificate without having to go through adoption procedures.

## Freedom of assembly

The first Trans\*Pride in Dublin took place on 28 July with approx. 1,000 marchers, highlighting a lack of trans-inclusive healthcare, and a lack of recognition or legal protection for non-binary and intersex people.

Dublin's LGBTQ Pride march on 30 June attracted an estimated 60,000 participants (a 100% increase since 2017). TENI chair Sara Phillips was the Grand Marshall, becoming the third trans person to hold that position.

## Health

Senator Fintan Warfield (Sinn Fein; Irish republican) published a proposal to ban conversion therapy in March. The bill received cross-party support, with 21 senators co-signing. The Bill is currently before Seanad Éireann, Third Stage.

NGOs TENI and LGBT Ireland launched the Gender Identity Family Support Line in March, to support family members of trans and gender non-conforming people in Ireland.

Organised by the #ThisIsME grassroots campaign, a protest march calling for inclusive healthcare for trans, including non-binary people in Ireland was held in Dublin on 7 July. 400 people marched to the Irish parliament buildings.

A growing number of trans individuals have sought gender affirming healthcare abroad, instead of remaining on the HSE waiting list of two years. A model of care for trans children, adolescents and adults was developed last year by the HSE Quality Improvement Division, but is yet to be implemented.

## Legal gender recognition

After a consultation process with civil society, a review of Ireland's existing law on legal gender recognition concluded in 2018. The Report of Review Group was published on 18 July. It contained 10 key recommendations, including introducing an LGR process for young trans people and for non-binary people. The draft bill has not announced yet.

## Sexual and reproductive rights

On 25 May, Ireland voted to repeal the 8th Amendment by referendum, with 66.4% in favour. Thus, there is no longer a constitutional ban on abortion and the Oireachtas is now in the process of legislating for abortion access. The proposed legislation is now before the Seanad. Until new legislation is enacted, abortion remains illegal in Ireland, except where there is a real and substantial risk to the life (as distinct from the health) of the mother.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Italy covering the period of January to December 2018

# Italy

## Asylum

In November, Italy passed a law that could stop the country offering protection to LGBTI people fleeing persecution and applying for asylum on 'humanitarian' grounds.

## Bias-motivated speech

Several instances of hate speech were recorded this year, mainly taking place in the street.

In October, homophobic billboards appeared in Italian cities featuring two men standing behind a crying infant with the caption: "Two men don't make a mother". The billboards aimed to denounce surrogacy. Rome Mayor Virginia Raggi ordered their removal.

In December, psychotherapist and writer Silvana De Mari was condemned for defamation and sentenced to pay a € 1,500 fine. According to the judge, "she repeatedly offended the honour and reputation of people with a homosexual tendency" and claimed that "tolerating homosexuality is the same as accepting paedophilia".

## Bias-motivated violence

Numerous hate crimes against LGBT people were documented this year. Examples include a trans person being attacked in Catania in January, a 14-year-old gay boy suffering burns inflicted by his family in February, a lesbian couple being beaten up by their neighbours in Asti in March. The first two cases were reported to the police.

## Education

In January, a 20-year-old gay man shared his story of suffering from homophobic bullying for years, in a Facebook post that went viral. Thousands shared and liked it and hundreds posted supportive comments.

In December, the Education Minister blocked a university survey on homophobic bullying in Umbria, after the Family Day Committee complained that this would be "gender indoctrination". FDC are the organisers behind the largest anti-LGBT rallies in Italy.

## Family

A great number of cases challenged discrimination of LGBT people in family life this year, many of them concerning the registration of children of lesbian couples. Italian law states that children can only be registered if they were conceived through heterosexual sex. For the first time this April, a lesbian couple was allowed to register their son as the child of both parents, even though he was conceived through medically assisted procreation in Denmark.

*"I need to make this stand not for me, but for Niccolò, for all Rainbow children, for families who do not have the same strength to face these battles, for the children of single women and those with partners who have chosen medically assisted procreation with external donors and want to tell the truth"*

Chiara Foglietta (source: Above the Law)

Since then, dozens of Italian local authorities allowed couples to do the same. Three decisions in July (Court of Appeal of Naples 4 July, Court of Pistoia 5 July, Court of Bologna 6 July) held that a parent consenting to assisted reproduction is also a legal parent, regardless of their gender. At the same time, other judges disagreed.

A lesbian woman reported herself to the Public Prosecutor for false declaration to a public official, because she had to lie about the conception of her child to have them registered. The child was conceived in Barcelona last year. The mother is raising the child with her partner, with whom she lives in a civil partnership.

The Constitutional Court will hold a hearing on the matter next year, on the case of two mothers from Pisa.

The Court of Appeal of Milan found in May that a same-sex partner was entitled to survivor's pension even before the entry into force in 2016 of the Italian civil union act. In November, the Italian Data Protection Authority blocked the government's attempt to change the term "parents" with "mother" and "father" in IDs.

Also in November, a minors' court in Milan gave green light to stepchild adoption for the non-biological father of two children. The recognition of a child being registered abroad, as having two fathers, will be dealt with the Supreme Court next year. So far, three Appeals Courts have stated that full recognition was in line with Italian law (Trento in February 2017, Rome in February and Venice in July).

### Foreign policy

In December, Italy signed a joint paper prepared by the Maltese government, calling for continued efforts within the EU to ensure full protection of LGBTI rights.

### Health

In January, a gay patient was bullied and made fun of by a doctor. The same month, a doctor was reported to be sponsoring conversion therapy in his practice. A gay man was forbidden to donating his blood in Oristano.

### Human rights defenders

In November, the first Italian woman to publicly come out as lesbian, Mariasilvia Spolato, died at 83. Spolato lost her job as a university lecturer when she came out in the 1970s and was homeless for years afterwards.

### Legal gender recognition

In March, the Trento Court ruled in favour of a trans woman, who wanted her gender marker changed in her children's birth certificates.

### Public opinion

In November, Italian Deputy Prime Minister, Matteo Salvini, and Minister for Family and Disability, Lorenzo Fontana, announced the Italian government's support and their participation to the World Congress of Families XIII in March 2019 that fosters homophobia and transphobia.

In June, Italy's Minister for Family and Disability stated that rainbow families "don't exist", at least as far as Italian law is concerned.

In May, the TV show Ballando con le Stelle (Dancing with the stars) featured a same-sex couple. Despite facing some early criticism from the judges, the pair won over the TV audience and made it through to the show's grand finale.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Kosovo covering the period of January to December 2018

# Kosovo\*

## Bias-motivated speech

During the Pride Week in October, several cases of hate speech by political figures were recorded. The political Party “Fjala” held a press conference denouncing the Pride march, and urging the government to ban such events in public places. The leader of the party claimed that a workshop on self-defence organised as part of Pride Week was an indication of the fact that LGBTI persons are organising a terror attack.

A member of the leftist Political Party “Levizja Vetevendosje”, Donika Gashi, who is also part of the Ministry of Culture, Youth and Sport, made a statement on her Facebook profile calling LGBTI persons “sick” and “shkije” (a derogatory word used to refer to Serbs). The organisers reacted with a [press release](#) asking for perpetrators to be called to justice.

Pride week was accompanied by a rise in hate speech, and threats sent to community members and organisers, all of which were reported to the police.

## Bodily integrity

In January, LGBT NGOs Center for Social Group Development (CSGD) had a meeting with the Ministry of Internal Affairs, starting conversations about amendments of the Civil Status Law to recognise gender of trans people in their public identification documents and public registers, as well as amending article 32, paragraph 3 of the law which states: “When the child’s genital organs have disorders, the gender shall be established by a medical report”, thus directly violating the right to bodily integrity of intersex people.

## Freedom of assembly

LGBT NGO CSGD and Centre for Equality and Liberty (CEL) successfully organised the second Pride march in Prishtina on 10 October. The march took place without incidents, with a considerable number of police being present, but no barricades around the participants. The march attracted a much higher number of LGBTI persons than in previous years. A few members of government institutions also participated, including the Minister of European Integration, Ms. Dhurata Hoxha, member of the Social Democratic Party, Frasher Krasniqi, and Prishtina Mayor, Shpend Ahmeti. However, it was accompanied by a rise in hate speech (see above Bias-motivated speech).

This year’s IDAHOT event on 17 May in the main square of Prishtina also passed without incident.

## Human rights defenders

Human rights defenders, especially LGBTI activists, were targeted by threats and hate speech online during 2018 (see above Bias-motivated speech). However, no physical attacks on LGBTI activists were reported this year.

## Legal gender recognition

In January, CSGD had a meeting with the Ministry of Internal Affairs about amendments of the Civil Status Law to allow for legal gender recognition.

On 4 April, [Blert Morina](#), a trans man, filed a request to change their name and gender marker in the Civil Status Registry at the Civil Status Office of the Municipality of Gjakova.

On 15 May, Morina received the decision of the Commission of the Civil Status Office in Gjakova, rejecting the request based on lack of evidence of Morina’s inability to integrate in society with the current documents. The second instance authority of the Agency for Civil Registration under the Ministry of Internal Affairs rejected Morina’s appeal. Morina filed a lawsuit against the Agency at the Prishtina Basic Court – Department for Administrative Cases and a Request for Constitutional Review about the rejection to his name and gender marker change.

## Police and law enforcement

Overall, cooperation between the Kosovo police and LGBTI organisations is strong. A case of police misconduct was reported in 2018. A video was shared online, featuring five police officers insulting two LGBTI individuals. The victims reported the case and the officers concerned were suspended. The Police Inspectorate of Kosovo opened an investigation.

## Public opinion

According to the report [“Life on the Margins: Survey Results of the Experience of LGBTI people in South Eastern Europe”](#), LGBTI people’s perception of their acceptance in Kosovo remains the lowest in the region of Western Balkans. 74% of the respondents stated they are not open about their sexual orientation, which is

\* ‘Included in this Review as a separate jurisdiction following UNSCR 1244/1999’

the highest percentage in the Western Balkans. 73% said that they avoid certain locations for safety reasons, while 90% of the respondents stated that they avoid holding hands with their same-sex partner for the same reason (both figures represent the highest percentage in the Western Balkans). The report also showed there are high levels of discrimination, as well as concerning levels of harassment and violence against LGBTI individuals.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Kyrgyzstan covering the period of January to December 2018

# Kyrgyzstan

## Asylum

NGO Kyrgyz Indigo received several requests from community members this year, who planned to seek asylum in Europe due to discrimination on the basis of SOGIESC or economic violence by relatives. Some have left the country already.

## Bias-motivated speech

In cooperation with NGO Labrys, British Article 19 [published](#) a five-country report on anti-LGBT hate speech in June, finding that hate speech in Kyrgyz media, online and used by influential public figures is alarmingly common. The report raised concerns about reporting, e.g. a local TV show “TV-Kaiguul” screening clips featuring police violence against trans women sex workers people in 2016.

LGBTQI people commonly face forced outing in media and online. In August, someone posted a photo of LGBT activists without their permission, asking the public to share it. The post received hateful comments and violent threats against the community. NGOs petitioned the State Committee for National Security.

On 17 October, “NewsTV” released a [programme](#) featuring trans women, which was later widely shared online, receiving transphobic comments and threats. One trans woman was severely affected. Police had also been harassing her.

In the fall, a video featuring a lesbian couple in a park was posted on Youtube and reached 700,000 views in two days. Due to pressure from LGBTQI groups, Youtube removed the video.

## Bias-motivated violence

Hate crimes against LGBTQI people remain a severe issue and no SOGIESC-inclusive hate crimes laws are in place. Reporting is very low as victims fear further violence by the police.

In the spring, six LGBTQI people were beaten and robbed by a group of people. Three perpetrators were arrested and fined. Supportive lawyers were indispensable in the case.

## Bodily integrity

“Ala-kachuu”, i.e. bride kidnapping, is still common, especially in rural areas, despite the government having toughened

punishment in 2013. In early 2018, a trans girl was kidnapped and taken to a remote region. After escaping thanks to her friends, she reported the case.

## Diversity

The discourse on LGBTQI people is slowly shifting. This November, NGO Kyrgyz Indigo organised the exhibition “[El emne deit?](#)” (What will people say?) focusing on gender-based violence against women with intersectional identities, including LBT women, women living with HIV, and who use drugs.

## Education

Any information regarding SOGIESC is still lacking in curricula, and training is only carried out by civil society. NGO Kyrgyz Indigo held trainings at the Kyrgyz Police Academy under Ministry of Internal Affairs and Kyrgyz State Institute of Retraining and Advanced Training under the Ministry of Health on sexual and gender diversity, and later on harm reduction.

## Employment

Discrimination against LGB and particularly trans people, remains widespread in employment. For example, a trans man was bullied into quitting his job after his colleagues found out he was trans. They verbally harassed him every day, severely damaging his emotional well-being.

A gay man was asked to show a certificate of his HIV status by his employer. Following the intervention of Kyrgyz Indigo, the Anti-Monopoly Regulation Agency of the Kyrgyz Republic had this discriminative requirement removed. The Agency established that the company’s policy violated the Law about HIV/AIDS.

## Equality and non-discrimination

In May, the UN Committee on the Elimination of Racial Discrimination [recommended](#) Kyrgyzstan to adopt comprehensive anti-discrimination legislation. The civil society Coalition for Equality continued advocacy for such legislation in 2018.

## Freedom of expression

The draft law on “prohibiting propaganda of nontraditional sexual relations” is currently pending second reading at the Zhogorku Kenesh (Parliament), aiming to outlaw any positive

presentation of the LGBT community. The law has stirred great public discussion, triggering a wave of hate crimes.

## Health

The government has been cooperative on health issues, agreeing with civil society that everyone should have access to healthcare, including LGBTQI people. Kyrgyzstan is the only country in the EECA region, where state programmes on HIV specifically target key populations (gay men and other MSM, bisexuals, and trans people).

Trans healthcare is regulated by the “Manual on provision of medical and social care for transgender, transsexual and gender nonconforming people for medical professionals of all levels of the Kyrgyz Republic healthcare system and other institutions”, approved in 2017. The Manual was prepared with the cooperation of the Ministry of Education, trans activists, and NGOs, and also establishes the procedure of LGR (see under **Legal gender recognition**). It will be part of the curriculum for medical professionals.

## Human rights defenders

Kyrgyz Indigo reported several attacks against LGBTQI activists this year. In September, an activist was detained by police and threatened with a fine of 5000USD unless they made a video of all LGBT people in the region.

In August, the leader of LGBT Initiative received anonymous hate calls and found dead cats by his house. The house was later attacked. In September, he had to leave the city for safety.

## Legal gender recognition

Labrys continued advocacy with the Ministry of Health and the state registration service on LGR, which is regulated by the Manual on trans healthcare (see under **Health**). An outstanding issue is that even after the changing of legal gender and name, the personal identification number (PIN) remains gendered according to the person's gender assigned at birth.

## Police and law enforcement

Police violence, including arbitrary detention, extortion and blackmail, remain common. Few LGBT people have trust in the police, many considering them sources of physical and psychological violence. Kyrgyz LGBT people in Russia face similar abuse by police. Migrant trans women sex workers are routinely targeted by police raids, have been video recorded and abused emotionally and physically, or deported back home.

## Public opinion

Public opinion about LGBTQI people continues to be negative. Young LGB people face pressure from their families to get married.

In June, the Eurasian Coalition on Male Health (ECOM) released a five-country report on the attitudes of social services staff, including in Kyrgyzstan. Respondents from almost all professional groups held positive attitudes about LGBT people in all five countries, except for the Kyrgyz police.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Latvia covering the period of January to December 2018

# Latvia

## Bias-motivated violence

In 2018, Mozaika registered a total of 22 hate crimes against LGBT people. Despite calls from civil society, hate crime legislation still does not explicitly mention grounds of sexual orientation, gender identity or expression.

## Family

On 7 March, the Mandate, Ethics and Submissions Committee of the Saeima (parliament) of Latvia, rejected a petition for introducing partnership legislation open to all couples, including same-sex couples (2 in favour, 5 against, 2 abstentions). This is the second time the Saeima rejected such an initiative. According to Latvian legislation, the Saeima is required to consider any initiative which is signed by 10,000 citizens. The petition was initiated in 2015 by member of the Riga City Council and chairperson of the party "For Latvia's Development" Juris Pūce and the threshold met in December 2017.

On 29 October, the Office of the Ombudsman issued an opinion calling the Ministry of Justice and the Saeima to introduce a framework for the recognition and protection of same-sex families and to review and create a common understanding of the concept and protection of the family in regulatory frameworks.

*"The legislator must be able to make decisions that may not enjoy the support of the majority of society, but the adoption of which is necessary to ensure the fundamental rights of different groups within society and the fulfilment of international obligations of the state."* -

Ombudsman of Latvia

The Ombudsman's opinion recognised that in the 21st century marriage cannot be seen as the only basis for the formation of a family, as families take many different forms, including between partners of the same sex. The Ombudsman identified clear recommendations to the authorities, and indicated a timeframe for responding to him about progress made in implementing them.

## Freedom of assembly

Latvia hosted the annual Baltic Pride in Riga on 9 June. The March was attended by 8000 people, making it the largest Baltic Pride event so far. A full 100 days of Pride events preceded the march, including a cultural programme, celebrating diversity and human rights, as well as 100 years of independence of the Baltic states. For the first time, a business, Accenture, and three political parties marched in the Pride, and businesses around Riga celebrated Pride with special window displays.

## Health

On 1 October, Latvia introduced its "Test and treat" policy, as a result of which all HIV patients can receive immediate access to antiretroviral treatment, free of charge.

## Participation in public, cultural and political life

In the October general elections, for the first time in Latvia's history, openly gay and lesbian politicians Edgars Rinkēvičs ("Jauna Vienotība" party - EPP) and Marija Golubeva ("Attīstībai/Par!" alliance - ALDE), were elected to be MPs, several other openly LGBT candidates ran but were not elected.

*"The election of two openly gay and lesbian MPs is definitely a significant development for the LGBTI community which until recently remained mostly invisible in public life. Their election will serve as a strong encouragement and an assurance for LGBTI people to come out. This is also an important signal for the wider society further breaking down the stereotypes and prejudice."*

Juris Lavrikovs, LGBTI activist

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Liechtenstein covering the period of January to December 2018

# Liechtenstein

## Bias-motivated speech

The use of hate speech targeting LGBT persons and others in readers' letters published in the press and on Internet was noted in a European Commission against Racism and Intolerance (ECRI) [report](#) published in May, as was the lack of a specific regulatory body dealing with hate speech.

The [Criminal Code](#) was amended in 2016 and punishes hate speech on grounds of sexual orientation with up to two years of imprisonment. As part of Liechtenstein's third Universal Periodic Review (UPR) review, several countries [noted concern](#) that only sexual orientation was included.

## Bodily integrity

In July, the UN Committee for the Elimination of Discrimination against Women (CEDAW) [recommended](#) that Liechtenstein ban non-consensual and medically unnecessary interventions on intersex children.

## Education

In the beginning of the year, local LGBTI NGO Flay contacted the Department of Education asking for the withdrawal of a textbook used in religion classes in public schools (ages 12-16), which teaches that the Catholic church is against same-sex relationships and masturbation. The Department of Education responded that it has no influence over what is being taught in religion class.

## Equality and non-discrimination

As part of the UPR, Liechtenstein accepted [recommendations](#) to continue its efforts against the discrimination of LGBTI people and to improve social inclusion. Several countries were concerned that only sexual orientation was included in the country's Criminal Code with regard to discrimination.

ECRI expressed concern that LGBT persons face prejudice in schools and discrimination in employment and housing, and recommended that the state commission a study about the problems faced by LGBT people and measures needed to tackle these. ECRI also noted that Liechtenstein's National Human Rights Institution, the Association for Human Rights, is mandated with protecting LGBT people.

## Family

The CEDAW [recommended](#) Liechtenstein to achieve equality between registered same-sex partnerships and marriage. ECRI noted that in many areas this has already been achieved, for instance via the inheritance law, social insurance law, occupational pension law, the law governing foreigners and naturalisation and tax law. However, ECRI called on Liechtenstein to introduce second parent adoption and to eliminate any other legal differences.

## Legal gender recognition

Human rights defenders continued lobbying for a legal basis for legal gender recognition this year, which currently does not exist. Some trans people have been able to change their name and gender marker, but the procedure remains ad hoc, and thus inconsistent and difficult for applicants. Regulations about trans healthcare and insurance coverage are also lacking, as ECRI noted.

## Public opinion

ECRI welcomed that attitudes towards LGBT people have significantly improved.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Lithuania covering the period of January to December 2018

# Lithuania

## Bias-motivated violence

The door of the LGBT NGO LGL's office was set on fire in the early hours of 10 August. A passing taxi driver stopped and extinguished the fire. Within two hours, the house of LGL's executive director was also attacked. LGL asked the Vilnius County 3rd Police Department to investigate the motive of these incidents. No pre-trial investigation was opened for the attack against the house of the director and the investigation regarding LGL's office was suspended. LGL was not given any further information.

In another incident, a fire was started outside the home of Romas Zabarauskas, an openly gay film director. Zabarauskas had a rainbow flag hanging from his balcony at the time. Reportedly, the attack was not targeting Zabarauskas, but his neighbours, who were involved in criminal activities at the time. Nonetheless, Romas Zabarauskas commented that he had been discouraged from reporting the fire as a bias-motivated incident, saying that the police officer has instead suggested that he take down the flag, in order to avoid more damage. Zabarauskas and local LGBT+ activist Tomas Vytautas Raskevičius later raised funds and bought 500 rainbow flags to wave around the city, as a response to the attacks.

*"Taking down a flag and hiding your true identity never makes you feel safer. Freedom of expression and acceptance do. I'm currently surrounded by rainbow flags—I can see one in each of the three buildings around mine. That makes me feel great."*

Romas Zabarauskas to [PinkNews](#)

## Education

In August, the Coalition of Human Rights Organizations in Lithuania called on the Ministry of Science and Education to ban teacher training material disseminating discriminatory and bias-motivated misinformation regarding LGBT people. Training material on health and gender issues included stereotype-based information about gender and sexuality, in which homosexuality was portrayed as "mentally unhealthy behaviour" that evolves as a consequence of improper parenting.

## Family

On 25 September, the Constitutional Court began the procedure aimed at determining whether Constitutional provisions regarding family unification apply for same-sex couples.

The case dates back to 2015, when a Belarussian citizen married a Lithuanian and applied to the immigration authorities for permission to live together with his spouse in Lithuania. In December 2016, the case was referred to the Constitutional Court after the Migration Department refused to issue a residency permit for the Belarussian citizen on the basis of family unification. The Administrative Court of Lithuania ruled that EU law, specifically Directive 2004/38/EC, could not be applied to the particular circumstances of the two men. While the Law on the Legal Status of Aliens in Lithuania does not officially prohibit the reunification of same-sex couples, it is uncertain whether the term "spouse" includes same-sex spouse for the purpose of granting a right of residence to non-EU citizens.

On 8 November the judgment was postponed to 5 December as the applicant, the representative from the Supreme Administrative Court of Lithuania, did not show up for the hearing. In the meantime, there were a few public signs of supporting a Court decision in favour of the couple, one made by the Minister of Interior. The Court delivered its judgment in January 2019 and affirmed that Lithuanian Constitution protects family life of same-sex couples, and that it safeguards against discrimination based on sexual orientation or gender identity.

## Freedom of association

Since July, leaflets urging people to sign a petition against the 2019 Baltic Pride March for Equality have been disseminated to people's mail boxes. The leaflets were made by The Institute of Christian Culture, funded by Polish religious fundamentalist groups. The Prosecutor General's Office refused to open an investigation into a possible breach of Article 169 of the country's Criminal Code which prohibits discrimination on grounds of sexual orientation.

### **Legal gender recognition**

In 2018, 14 trans people have been able to change their personal identification documents through a judicial procedure. While administrative procedures remain unavailable, the well-established practice by the national courts amounts to effective legal gender recognition. Trans people are not required to undergo either surgery or sterilisation as a prerequisite.

### **Police and law enforcement**

In 2018, LGL organised a number of hate crime trainings for police officers on recognising bias-motivated anti-LGBT hate crimes and responding to victims' needs.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Luxembourg covering the period of January to December 2018

# Luxembourg

## Bodily integrity

As part of the National Action Plan (see Equality and non-discrimination), the Ministry of Family launched an awareness raising campaign about intersex issues and discrimination that intersex people may experience, on 25 October. The campaign also includes information for parents. The available materials are leaflets, posters, and compilations of reports, legal references, online resources, and important contacts, such as for counselling. These resources are available in [French](#) and [German](#).

## Equality and non-discrimination

The first national LGBTI Action Plan was published by the Ministry of Family and Integration on 13 July. 10 government ministries were involved in creating the action plan, in collaboration with human rights organisations. The new multi-year plan covers eight thematic areas: education, employment/work, health, family, integration, hate crime and hate speech, the rights of trans people, and the rights of intersex people. An inter-ministerial LGBTI committee, chaired by the Ministry of Family, will be set up to monitor the plan's implementation.

## Legal gender recognition

On 25 June, the Chamber of Deputies [voted in favour](#) of a law to simplify the legal gender recognition process and move towards a model of self-determination. A large parliamentary majority approved Bill no. 7146 to amend the existing Civil Code, replacing the judicial procedure with an administrative process. The proposal, originally introduced by Minister of Justice Felix Braz (The Greens) was passed by 57 votes to 3 (only the Democratic Reform Party (ADR; right-wing)) voted against the legislation. Under the new law, anyone wanting to change their name or gender marker on civil documents, will no longer have to present any evidence of medical, hormonal or surgical treatment, or a psychiatric diagnosis. Minors, citizens of Luxembourg living abroad, and citizens from other countries living in Luxembourg (for more than one year) will also be able to access the process. Intersex and Transgender Luxembourg reacted to the July vote, saying that the “progressive law will bring great relief”, and thanked the MPs who had backed the legislative change. The bill was officially [published](#) and entered into force on 10 August.



## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Malta covering the period of January to December 2018

# Malta

## Bias-motivated violence

In January, the police amended their reporting system by adding the category of hate crime in the drop-down menu list of possible crimes. The police are currently working on adding more options that would allow people to choose the relevant ground as well, as is already the case when it comes to hate speech.

## Equality and non-discrimination

In September 2018, the government launched Malta's second "LGBTIQ Equality Strategy and Action Plan", for the period of 2018-2022. The Action Plan was formulated by the Human Rights and Integration Directorate (HRID) in close partnership with the LGBTIQ Consultative Council, which includes LGBTIQ NGOs, trade unions and equality working groups of political parties.

It aims to mainstream legislative and policy changes introduced by Malta in recent years into service provision and daily life. In June 2018, the government set up the SOGIGESC Unit within the HRID, which will be responsible for the day-to-day implementation of this Strategy and Action Plan.

## Health

On 12 November, Malta's first Gender Wellbeing Clinic was opened, providing state funded trans healthcare services delivered by a multi-disciplinary team. The services provided include counselling, endocrinological assessment, speech therapy and the free provision of hormonal treatment. The Clinic will also issue referrals for surgeries that are available in Malta. With regards to other surgeries, options currently being considered include periodically bringing over a surgeon to Malta or establishing protocols with foreign clinics and people undergoing surgeries abroad. The provision of the Gender Wellbeing clinic had long been advocated by the community and was widely welcomed.

## Sexual and reproductive rights

The Embryo Protection Act was updated in June following several months of public debate. The changes that proposed widening access to IVF treatment (among other amendments) were supported by LGBTI activists and rainbow families, but had been strongly opposed by prominent members of the Catholic Church. At a press conference on 11 April, Health Minister Chris Fearne commented that the "government feels that denial of

access on the grounds of sexual orientation is discriminatory". On 19 June, 34 MPs voted in favour of the Embryo Protection (Amendment) Act (27 opposed). Under the updated legislation, same-sex couples and single women in Malta will be able to access IVF treatment domestically for the first time. The Act was then signed by the President on 21 June, and the law came into effect on the 1 October.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Moldova covering the period of January to December 2018

# Moldova

## Access to goods and services

During the Moldova Pride festival in May, organisers tried to rent buses for the Queer tour of Chisinau and the Pride March. Several companies were contacted. Initially, the companies agreed to collaborate, but a few days later they informed the organisers that they had no free buses anymore. The activists presume that the management of the company was not supportive. No complaint was filed.

## Bias-motivated speech

One of the biggest challenges with regards to hate speech in Moldova, is posed by so-called satirical news websites, such as the Moldovan Dream. Although the websites explicitly say they are satirical, a large number of readers perceive them as real news. Their articles are often taken over by other media outlets and distributed widely. Their posts have been openly homophobic, inciting hate, and ridiculing political leaders and activists. No one has taken responsibility for the articles.

The Socialist Party (PSDM) continuously promoted hate speech against LGBT people this year. Civil society registered 9 cases where party leaders used hateful remarks. On 8 May, Ion Ceban, candidate for the Chisinau mayoralty, said that once elected, he will ban the annual Pride march. On 22 May, President of the Republic of Moldova, Igor Dodon (PSDM) said that as Moldovan society does not accept LGBT people, the march is a provocation for violence. In a previous statement on 12 May, Dodon said that the march should be prevented by all means, because it destroys Moldova's traditional values. Media outlets belonging to the party also published such content.

The Metropolis of Moldova (bishop), affiliated with the Russian Patriarchate, also made several anti-LGBT remarks this year, mostly during the Pride Festival and the Traditional Family Conference supported by the President.

## Equality and non-discrimination

The Human Rights Action Plan for 2018-2022, published in May, includes for the first time nondiscrimination on SOGI grounds, and specific measures, such as amending anti-discrimination and hate crime legislation, sensibilisation and capacity building of public officials and general population and data collection.

## Freedom of assembly

The 17th LGBTI Moldova Pride Festival took place this year, including the Solidarity March on 19 May in Chisinau. The March was attacked by Orthodox Christian protesters, but the police successfully stopped them by deploying tear gas. Participants of the March were guarded by police escorts, as last year's event was violently attacked and protection was deemed necessary. Alarming, Moldova's President Igor Dodon congratulated the counter protesters, similar to last year.

Two days prior to the March, 22 embassies published a joint statement to show their support.

*"On the occasion of the International Day Against Homophobia, Transphobia and Biphobia, we express our support for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in the Republic of Moldova."*

Joint statement by 22 embassies in Moldova, 17 May 2018

## Participation in public, cultural and political life

Angela Frolov, Lobby and Advocacy Program Coordinator of GENDERDOC-M and openly lesbian activist, is one of the participants of the OptmartSRL weekly TV show airing on the independent TV channel TV8. "OptmartSRL" focuses on problems faced by women. As an out lesbian and LGBT rights advocate, Angela Frolov aims to increase the visibility of LGBT people and has discussed issues of equality, non-discrimination, same-sex relationships, sexual education in schools, and gender equality in her interventions.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex  
People in Monaco covering the period of January to December 2018

# Monaco

## Equality and non-discrimination

As part of the Universal Periodic Review, Monaco accepted a recommendation to adopt specific legislation to punish and prevent all forms of discrimination, violence or abuse against persons based on their SOGI.

## Family

Monaco received several UPR recommendations on family rights, including to adopt laws on marriage equality, or at least legally recognise same-sex couples and grant them equal rights with regard to adoption and employment. Monaco noted these recommendations.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Montenegro covering the period of January to December 2018

# Montenegro

## Bias-motivated speech

Between January-October, LGBT Forum Progress filed over 120 charges for online hate speech, more than in the same period last year.

In August, a charge was filed against the Metropolitan of the Serbian Orthodox Church in Montenegro, Risto (Amfilohije) Radović, for calling homosexual people sick, and homosexuality a disease that needs to be eliminated from Montenegrin society. Following this statement, online hate speech further increased.

## Enlargement

According to the European Commission's Western Balkans strategy, released in February, Montenegro is expected to become an EU member by 2025, if it continues to show political will and real reforms.

## Equality and non-discrimination

The National LGBT Strategy (2013-2018) expired in December, with a significant portion of the planned activities uncompleted. A working group was set up by the Ministry of Human and Minority Rights (MHMR) early this year to draft the new LGBTI Strategy. The group included members of civil society. After two meetings in April, NGOs were not involved in the drafting process and only presented with the draft in October. NGOs at this stage criticised the plan for being insufficient in some parts and unrealistic in others. One shortcoming was that the Strategy fails to set out the provision of social services to LGBTI people.

The MHMR signed a memoranda of understanding with 14 municipalities regarding activities against homophobia. NGOs Juventas and Queer Montenegro continued their work with municipalities in Podgorica, Kolašin, Mojkovac, Bijelo Polje and Kotor, with a special focus on drafting and implementing local LGBTI Action Plans.

The LGBTIQ Shelter in Podgorica, the oldest of its kind in the region, was on the verge of shutdown due to lack of state funding. Temporarily, MEP Terry Reintke provided financial aid to prevent the closing. Finally, the MHMR granted 12 months' worth of funding in December.

## Family

On 16 June, the draft Law on Life Partnerships of Persons of the Same Sex was presented by a working group established by the MHMR. Public discussions on the draft law were held in three cities. The discussion in Podgorica was attended by religious leaders and right-wing parties, who criticised the draft. Civil society also criticised the law for creating a separate institution for same-sex couples, which will inevitably out people against their will. Further, partnership records will be available to the public. Although the LGBT Strategy mandated the parliament to vote on the law this year, the vote was postponed to spring 2019.

## Freedom of assembly

July marked the sixth anniversary of the first Pride march in Montenegro, the SeaSide Pride in 2013.

The sixth Pride march in Montenegro took place on 27 November in Podgorica, under the motto "Break the chains". Cooperation with police was, as in previous years, very successful. Police presence was less visible than before, far more people from the LGBT community marched openly, and no incidents were recorded.

In October, the Constitutional Court of Montenegro issued a decision overruling the previous judgement of the Supreme Court of Montenegro, regarding the triple ban of Njivic Pride in 2015 rejected the reasoning given by the government regarding the ban and upheld rights guaranteed by the Constitution.

## Legal gender recognition

In July, a meeting took place between NGOs Spectra, Queer Montenegro and Juventas and relevant ministries to discuss a draft law regarding LGR, prepared by the NGOs with the Institute of Legal Studies. A follow-up meeting will take place in early 2019, focusing on increasing the knowledge of institutions on LGR.

A trans man changed his first name without any obstacles in April. However, in 2017, a trans woman was denied a name change by the Ministry of Internal Affairs, despite the recommendations of the Ombudsperson.

## Participation in public, cultural and political life

The first Montenegrin lesbian novel “In your own four walls” (U svoja četiri zida) by Keti Radošević, a prominent journalist and activist, was published in June.

## Police and law enforcement

In September, representatives of 5 NGOs met with the newly elected Chief of Police, Veselin Veljović. Veljović stated his full support to the LGBTIQ community in Montenegro, and expressed support to re-establish a “Team of Trust” between the police and LGBTI organisations to facilitate trust-building and cooperation in tackling anti-LGBT hate speech, hate crimes, and discrimination (the previous mandate expired in spring 2018).

NGO Juventas, Queer Montenegro and Center for Monitoring carried out research projects about the situation of LGBTIQ prisoners in 2017 and 2018, finding that trans inmates are placed in facilities in accordance with the gender stated on the ID, rather than their gender identity. This practice leads to abuse and discrimination of trans individuals. The relevant ministries did not express willingness to discuss the finding and propose necessary changes.

## Public opinion

The World Bank study, “Life on the Margins. Experiences of LGBTI people in Southeastern Europe”, published in September, found that acceptance of LGBTI people in Montenegro is higher than in other accession countries and that a slightly higher proportion of LGBTI people feel they can be open about their SOGI. LGBTI people enjoy the greatest visibility in Montenegro in the region, with 14% of respondents saying it is common for same-sex partners to hold hands in public, and 17% that public figures are generally open about being LGBTI.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Netherlands covering the period of January to December 2018

# Netherlands

## Asylum

In June, LGBTI NGO COC presented the report [Trots of schaamte?](#) to the State Secretary for Asylum and Migration Affairs, finding that the Dutch LGBTI asylum policy heavily relied on stereotypes about LGBTI people. It recommended removing the stereotyping criteria and that asylum officers should take into account photos presented by applicants or testimonies from partners or NGOs. In July, Harbers included many of the findings into the new LGBTI asylum [policy](#). However, implementation over the following months was found to be flawed. In December, Harbers made a commitment to better implement the policy.

## Bias-motivated speech and violence

Verbal and physical violence continue to be an issue. According to [research](#) first launched in 2008 by the government, police, and anti-discrimination bureaus, between 1,000-1,500 LGBTI people report verbal and physical violence each year. According to the report that was published in 2018 by government, police, and anti-discrimination bureaus 1.149 cases of verbal/physical violence and discrimination on the grounds of SOGIESC were reported during 2017. This number does not include 731 cases of verbal/physical violence and discrimination on the grounds of SOGIESC against public servants (i.e. police, health care workers, etc.)

In November, trans NGO Transgender Network Netherlands (TNN) presented its report [Everywhere on the lookout](#), finding that trans people are seven times more likely to suffer violence than the average population and showing significantly higher numbers of domestic abuse among trans people, for both youth and adults. The perpetrator in most cases was the (step)father. The [LGBT Monitor 2018](#) by the Netherlands Institute for Social Research (SCP) revealed that trans youth reported more abuse and neglect at home than cisgender youth, and twice as often bullying at school.

In April, several gay men were attacked after being called 'dirty faggot' by a group of young men in Dordrecht. Similar to other cases, the judge failed to consider the homophobic aspect in the case, sparking protests from the LGBTI community.

After repeated calls from LGBTI NGOs, the Dutch parliament adopted a [resolution](#) in April, requesting the government to present an action plan against anti-LGBTI violence. The plan is yet to be presented.

## Bodily integrity

In December, the UN Committee against Torture (CAT) published its [concluding observations](#), recommending the Dutch government to take legislative, administrative and other measures to protect the physical integrity and autonomy of intersex people. The CAT urged the government to ban non-consensual and medically unnecessary treatment on intersex children, investigate such practices, and provide redress for victims of these treatments.

## Data collection

The periodic LGBT monitor of the Netherlands Institute for Social Research (SCP), commissioned by the government, routinely fails to take intersex into account. Therefore, essential data on intersex people, e.g. levels of acceptance by society, remains lacking.

## Education

In December a [report](#) by COC in cooperation with Columbia University was published on the situation of LGBT youth in Dutch high schools, finding that nearly three out of four hear hateful remarks and/or feel deliberately excluded by their peers, almost half are verbally harassed because of their identity, and that they feel five times more lonely than other students.

## Employment

The Amsterdam municipality enacted the first ever transition leave [regulation](#). Although it is a minor improvement, it does create more certainty for trans employees and human resource management alike. NGOs continue lobbying for regulations on transition leave nationally.

## Equality and non-discrimination

In July, the Dutch House of Representatives voted in favor of a bill to include GIESC in the Dutch Equal Treatment Act, which

currently only implicitly covers them under “sex”. The final vote is expected to happen in 2019. If approved, the Act will explicitly protect trans, non-binary and intersex people from discrimination, in fields such as labor, education and goods and services. The government is also considering changing the current wording “homo-or heterosexual orientation” to “sexual orientation”.

## Family

In 2018, the Government secretary for Family Law announced more research will be done regarding the legal protection for ‘rainbow families’ consisting of more than two parents, with results published in 2019. NGOs protested this decision, as a government commission had already studied the subject for over two years. The same is the case for new legislation on surrogacy and improvement of the lesbian parenting law.

At least two clinics (Leiderdorp, Elsendorp) confirmed that they will open their services to gay couples wishing to become parents through altruistic surrogacy.

## Freedom of expression

For the first time, intersex people were represented in several Pride activities, in Utrecht, Rotterdam, and Amsterdam.

## Health

The waiting lists for trans healthcare continue to increase, in some cases to over a year. Despite continuing negotiations, no substantial change occurred in 2018.

The State Secretary for Public Health announced reimbursement of breast surgery for trans women to be implemented in spring, but no regulation was adopted.

In July, the government announced to cover PrEP for men who have sex with men and for the members of other key populations on an individual basis, from 2019 onwards. The government will reimburse 75% of the costs.

## Legal gender recognition

On 28 May, the Limburg District Court of Roermond ordered the removal of the gender marker in the Dutch population register of Leonne Zeegers, an intersex person, who does not identify as male or female. The court stated that binary options are too restrictive, violating the right to private life and self-determination. It suggested that in view of social and legal developments, Dutch law allow for the removal of gender markers. Following continued civil society advocacy, the State Secretary for the Interior Raymond Knops stated that he will start working on such a bill.

The Dutch government is working on a plan to limit sex registration as much as possible, expected in 2019.

The government issued no response to last year’s external evaluation of the Dutch transgender law, which suggests abolishing the expert opinion requirement for LGR and lowering the age limit to 16.

## Participation in public, cultural and political life

During the March local elections, multiple municipalities signed local Rainbow Ballot Agreements. Four trans women were elected as city council members, in Nijmegen, Apeldoorn and Utrecht.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in North Macedonia covering the period of January to December 2018

# North Macedonia

## Asylum

The new [Law on International and Temporary Protection](#) adopted in April, recognises SOGI as grounds for seeking asylum or protection, under the definition of “social group”. The first documented case of an asylum seeking person based on persecution on sexual orientation submitted in November 2017, has not been decided upon, passing all legal deadlines. Unfortunately, there are no specific measures in place to prevent violence against LGBTI asylum seekers in asylum centres or in detention. The asylum seeker in question was housed at the LGBTI shelter, and cooperation between civil society and authorities was good.

## Bias-motivated speech

The Criminal Code still does not explicitly regulate hate speech and hate crimes on grounds of SOGI. In 2018, NGOs documented 19 cases of hate speech in the media, including on social media, and 26 cases in public spaces. The Commission for Protection from Discrimination, the Public Prosecutor’s office and the Ministry of Interior Affairs all fail to address these cases. The latest public awareness LGBTI campaign “[Do not judge who loves whom](#)” in November, triggered considerable levels of hate speech on social media.

## Bias-motivated violence

NGOs documented 43 hate crimes against LGBTI people in 2018 (up to November). In the absence of SOGI inclusive hate crime laws, attacks on the LGBTI Support Centre and activists in previous years remain unsolved, despite evidence and promises of the ruling party.

Trans people, especially trans sex workers, are most exposed to violence. Macedonia ratified the Istanbul Convention in March 2018, and adopted an action plan on its implementation. This could provide wider protection for trans people. [According to recent research](#) in the trans community, all respondents have experienced violence.

## Education

LGBTI youth continue to face harassment and bullying in school. The Law on Primary Education and the Law on Secondary Education are currently being amended, and civil society organisations submitted their suggested amendments to the law in 2018.

## Equality and non-discrimination

The new draft Law on Protection and Prevention against Discrimination, which includes SOGI as grounds for discrimination, was presented to Parliament. It was expected to be adopted in June, but is still pending. Following the adoption, all laws will have to be amended to include SOGI in their anti-discrimination clause.

In February 2018, the Inter-Party Working Group for LGBTI Rights held a session in the Parliament for the first time. The group consists of 14 members from different parties and two independent MPs. The group, founded last year, actively works with LGBTI organisations and aims at ensuring legislation are in line with the new anti-discrimination law. It has already submitted amendments to the Law on Media for inclusion of SOGI in the anti-discrimination clause.

NGOs documented 18 discrimination cases this year, including in healthcare, access to goods and services, and education. Trans people are especially vulnerable to discrimination in employment.

## Freedom of assembly

Pride Weekend Skopje in June and the [ERA conference](#) in October took place without incidents. The Pride Weekend of cultural events was attended by over 500 people. However, a homophobic attack occurred at Pich Preach, a feminist event. LGBT United Tetovo tried to organise a “Queer Iftar”, but cancelled the event because of hate speech and threats.

## Freedom of expression

Access to mainstream media for LGBTI organisations remains limited and the media rarely covers LGBTI news.

## Health

Two cases were documented this year, of gay men suffering discrimination in healthcare on grounds of their sexual orientation. Three people living with HIV also reported discrimination (a gay man, a trans woman, and a cisgender straight woman) to NGOs. Despite free legal aid, none of the victims reported their case. A rising number of HIV infections among MSM were documented. Civil society organisations are concerned that the budget allocated the state allocates to them to address this rise in infections is insufficient.

## Human rights defenders

Activists of LGBT United Tetovo received numerous threats (see **Freedom of assembly**). The director's address and photos were published online, and he had to temporarily flee Tetovo with his family for their safety. Perpetrators were reported to the police and criminal charges were filed against 11, on grounds of threats to the life of a member of a marginalised community.

Activities for strengthening the capacities of the trans community continued, and an informal trans organisation TransForma was established.

## Police and law enforcement

Six cases of police misconduct were documented in 2018. Even in cases where a particular police officer was identified, no investigation or punishment followed.

## Public opinion

According to a World Bank study, Macedonia is one of the least accepting countries towards LGBTI people in the region. Yet, government representatives have been more openly supportive. The ERA conference was organised in partnership with the Ministries of Labor and Social Affairs, and Foreign Affairs, and the Inter-Party Working Group for LGBTI Rights. A national LGBTI campaign in cooperation with MPs and local anti-discrimination bodies took place in December in two cities. The Skopje Pride Weekend received a grant from the Ministry of Culture.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Norway covering the period of January to December 2018

# Norway

## Asylum

NGO FRI (The Norwegian Organisation for Sexual and Gender Diversity) finds it worrisome that Norway continues to practice a strict asylum policy, creating fear that people seeking asylum on the grounds of SOGIESC will not be granted protection. FRI has also criticised authorities for relying on stereotypes and a Western understanding of coming out and reflections on SOGIESC, when assessing claims.

## Bias-motivated speech and violence

On 26 June, the government published a guide for police force on how to correctly register bias-motivated crimes, including on grounds of “gay orientation”, as part of the implementation of the Government’s Plan against Hate Speech (2016-2020). Implementation of the national “LGBTI Action Plan: Safety, Diversity, Openness” (2017-2020) also continued.

The neo-nazi group the Nordic Resistance Movement, spoke several times throughout the year in different cities, used hate speech and threatening language toward LGBTI people. They use “Crush the gay lobby” as their slogan and threaten LGBTI people and activists by photographing them in Pride parades and publishing them on their websites. They also advocate for the banning of homosexuality in the public sphere.

Civil society reported that hate crimes against LGBTI people have been on the rise in recent years, particularly around the time of the annual Pride events. Two people were attacked this year and others received threats. The government has suggested to amend the section of the Penal Code on hate crimes, and include gender identity and gender expression as protected grounds, among others. The public could comment on the proposal. Civil society hopes that the vote will happen in 2019.

## Bodily integrity

Legal gender recognition has been based on self-determination since July 2016. In June and September, two trans people took the Norwegian state to court, as according to the former requirements of LGR, they had to be sterilised to change their legal gender. The cases are at the second instance court, with a judgment to be expected in 2020.

## Equality and non-discrimination

The new Equality and Anti-Discrimination Act came into force in January. The new law combines the previous separate acts on different discrimination grounds. The law explicitly includes SOGIE grounds. Sex characteristics were only mentioned in the preparatory documents, and later omitted from both the current and previous laws. This leaves intersex people without protection from discrimination.

## Family

In June, on the occasion of the tenth anniversary of marriage equality in Norway, FRI launched a new website highlighting the inequalities same-sex couples and non-traditional families still face in everyday life in Norway.

## Health

In 2018, the Ministry of Health set up a working group to draft new national guidelines on trans healthcare, including relevant civil society organisations, with an aim to bring service provision in line with ICD-11 and WPATH’s standards of care (SOC v.7). The guidelines are scheduled to be made public by the end of 2019.

On 1 April, the Norwegian “National Treatment Centre for Transsexualism’s” (NBTS) published a policy stating that the centre will reject referrals for trans people who have started hormones or undergone surgeries before being referred to the service and also terminate the diagnosis process of those who have started hormones or undergone surgeries before being diagnosed by the NBTS.

On 18 April, Transgender Europe, the Board of the European Professional Association for Transgender Health (EPATH) and ILGA-Europe sent a joint letter to the Ministry of Health, voicing their serious concern regarding the policy. The organisations stressed that trans people are entitled to healthcare that is accessible, centres the individual, and enables people to make informed treatment choices. On the same day, roughly 30 NGOs held a protest.

*“The situation now is unbearable. Four out of 5 seeking help from the National Treatment Centre for Transsexualism are denied entry, and the service people*

*receive is poor. Many adult trans people have given up on receiving treatment, teens share health tips online and medicines with each other, while parents are in despair because their children aren't being heard."*

Ingvild Endestad, head of FRI

From September this year, people living with HIV are no longer receiving the same level of treatment as earlier. Instead, they will only get access to the medication that their local healthcare facility can afford to provide. This can lead to more side effects, worse quality of life and increased risk of infection being spread. The Norwegian HIV organisation "Hiv Norge" voiced their concerns.

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# Poland

## Access to goods and services

On 14 June, the Commissioner for Human Rights (RPO) intervened in a case of an employee of a printing company in Łódź, who refused to work on an order by the foundation LGBT Business Forum due to his religious beliefs. Upon the foundation's complaint, the RPO sent a letter to the local police unit, arguing discrimination on grounds of sexual orientation. The police filed a case against the employee, under Art. 138 of the Code of Misdemeanours. First and second instance courts found the employee guilty. The Prosecutor General requested his acquittal, but the Supreme Court dismissed this and stated that the employee did in fact discriminate.

## Education

On 26 October, LGBT NGO Campaign Against Homophobia (KPH) organised the annual "Rainbow Friday" event, which is a campaign to ensure the safety and well-being of LGBTI students. A few days before the event, right-wing media picked up the story, which resulted in public debate and serious attacks on the rights of LGBTI people by right-wing politicians and activists. On 25 October, the Episcopate (Polish Bishop's Conference) issued a statement condemning the event and the fact that the rights of LGBTI people were discussed in schools. On the same day, Anna Zalewska, Minister of National Education (Law and Justice), said in an interview that schools taking part in Rainbow Friday were breaking education laws and were to be inspected. Some regional school superintendent boards ordered schools to not organise the event, again threatening with inspections and consequences.

On the day of the event, schools started contacting KPH confirming that they received unannounced inspections from the superintendent offices to check whether any rainbow materials or clothing were at the school. Teachers reported principals being pressured to discipline teacher or students involved. Some schools reported that trucks with homophobic posters were being parked around the schools. Teachers were threatened with being fired or prosecuted. On 27 October, the Ministry of Education announced on twitter that more inspections would follow and that there would be repercussions.

On 28 October, KPH was informed by principals that an online survey was sent by the superintendents' office asking if schools

had organised the Rainbow Friday and if parents gave consent to this activity. Students and teachers reported principals and teachers disciplining anyone wearing rainbow symbols at school and threatened students with lowering their grades. In one case, a student was expelled from the Students' Council.

## Family

In October, the Supreme Administrative Court ruled in favor of a lesbian couple, who requested to register their child in Poland. In 2015, the couple was refused a Polish birth certificate stating both women as parents, even though they were already legally recognised as parents in the UK.

## Freedom of assembly

On 9 October, mayor of Lublin Krzysztof Żuk issued a decision banning the Equality March, which was to take place a few days later. The president argued that safety of participants could not be granted as a counter demonstration was planned on the same day. The District Court of Lublin upheld Żuk's decision to ban the march. One of the organisers of the March, Bartosz Staszewski, challenged the decision at the Court of Appeals, which ruled in Staszewski's favour.

## Freedom of expression

During the 1 st Equality March in Częstochowa in July, two participants were carrying a rainbow flag depicting the Polish state symbol, a white eagle. After receiving a complaint from one of the counter-demonstrators, the Minister of Interior and Administration, tweeted about the case, stating that there will be a formal investigation. The district prosecutor's office in Częstochowa launched a formal investigation into a possible crime of slandering Polish symbols. During other Equality Marches, participants carrying banners or wearing T-shirts with the same symbols were stopped by the police officers and their personal details were recorded.

## Participation in public, cultural and political life

Poland's first openly gay mayor since 2014, Robert Biedroń announced in April that he will be running for the presidential seat at the 2020 elections. Biedroń was Poland's first out MP and was attacked several times while in this position. Today he is widely supported by the public and reported to be the third most

popular choice for president. Biedroń will represent the center-left party Your Movement.

*“They would probably have said ‘You faggot’ or they would spit at me. Today, they say ‘Good Morning Mr Mayor’ and this is a sign of change.”*

Robert Biedroń to the BBC

### **Sexual and reproductive rights**

Poland is planning to further tighten its abortion regulations, which are one of the strictest in Europe already. Mass protests followed the announcement in March. The bill seeks to ban abortions in cases of foetal abnormality - one of the few exceptions allowed under the current law. The bill is being processed at Parliamentary Commission Commission of Family and Social Affairs. The bill was also criticised by the former Council of Europe Commissioner for Human Rights, Nils Muiznieks.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Portugal covering the period of January to December 2018

# Portugal

## Bias-motivated speech

Portugal's largest victim support association APAV launched an awareness raising campaign on hate speech called "Fight Hate with Respect", including SOGIESC issues. The videos feature well-known rappers and one video includes a trans woman.

## Bodily integrity

On 12 July, the Portuguese parliament adopted a law banning non-consensual surgeries on intersex children. Portugal is now the second country worldwide to outlaw medically unnecessary treatments on intersex kids. The law was first adopted on 12 April, and was later vetoed by the President. Following the adoption in July, it entered into force on 7 August.

A lot of work is needed now to ensure that the law is effectively implemented, in a way that it best protects the fundamental rights of trans and intersex people. For instance, guidelines for the healthcare and education sector will be important.

Local NGOs and OII Europe voiced criticism over some sections of the law. OII Europe criticised the law, as instead of banning all deferrable surgeries and other medical interventions, it refers to the "moment in which the person's gender identity is manifested" as starting point after which "interventions [...] are to be carried out with the person's express and informed consent, through the person's legal representatives". It does not state how the knowledge of this "manifestation" of a minor's gender identity is to be established. Nor does it require proof of whether the child has the capacity to consent to these medical interventions.

*"Many deferrable interventions on intersex children are carried out at a very young age. There is a high risk that parents and doctors may declare or believe the child's gender identity to be 'manifested' in order to carry out deferrable and irreversible interventions on the child's sex characteristics. Children depend on their caregivers and, therefore, are especially vulnerable. It is very unlikely that a younger or even an older child will have the capacity to defend themselves, when pressure to 'consent' is put on them, or be able to actually identify biased or lacking information. The law, as it is, is not strong enough to protect intersex children against a violation of their bodily integrity."*

Dan Christian Ghattas, Executive Director of OII Europe

## Education

In June, ILGA Portugal launched the results of their National School Climate Survey, collecting responses from LGBT youth aged 14-20, during 2016-2017. The results showed that schools continue to be spaces where anti-LGBT attitudes, harassment and even violence take place. Students indicated however that support from educators and an inclusive environment were really helpful. ILGA Portugal called for more investment into resources, specialised training for educators, and sensitisation for youth on SOGIESC issues.

## Equality and non-discrimination

For the first time, a specific National Action Plan on SOGIESC was adopted in May 2018, within the framework of the National Strategy for Equality and Non-Discrimination, and will initially be in force until 2021. The National Strategy and its specific Action Plans are constructed within the 2030 Agenda.

The Portuguese government hosted the 6th annual European IDAHOT Forum on May 14, in Lisbon.

## Family

In May, the Constitutional Court declared some of the provisions of the law on Assisted Reproductive Technology (ART) as unconstitutional, also regarding the anonymity of the donor. The law is suspended until the Parliament adopts the necessary changes.

## Legal gender recognition

On 12 July, Portugal became the sixth country in Europe to establish a legal gender recognition procedure based on self-determination. Trans people will no longer need to be diagnosed with gender identity disorder in order to have their gender legally recognised.

*"With the adoption of this law, the State is finally saying that it is on the side of trans people and that it recognizes them fully, giving signs to society that they deserve dignity in their daily lives. In the same sense, by protecting the sex characteristics of intersex infants and children, it ensures that intersex people have the right to experience their bodies in full, without mutilation, without decisions not consented to or without their express will"*

Daniela Bento, GRIT (Reflection and Trans Intervention Group), ILGA Portugal

The law was first adopted on 12 April and also allowed for minors aged 16 and above to access the process. Unfortunately it was vetoed by President Marcelo Rebelo de Sousa in May, despite pressure by local and European LGBTI civil society. The veto centred on the inclusion of minors, with the President suggesting that minors should have to obtain a medical opinion in order to change their gender marker.

Unlike the original law, the final version which was adopted, now foresees that young people between 16 and 18 need to obtain a document certifying that they are able to provide consent from a doctor or a psychologist (of their choice).

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Romania covering the period of January to December 2018

# Romania

## Family

On 5 June, the Court of Justice of the European Union (CJEU) issued the Coman judgment that affirmed that the term spouse includes same-sex partners and thus EU member states have an obligation to recognise same-sex marriages contracted in other EU countries, in order to ensure the right to free movement within the EU. Adrian Coman, a Romanian citizen, and Clai Hamilton, a US citizen, got married in Belgium in 2010. When they wanted to settle down in Romania, they were denied a residence permit for Mr Hamilton as their marriage was not recognised.

In 2016, the case reached the Romanian Constitutional Court, which referred the case to the CJEU.

On 18 July, the Constitutional Court reaffirmed the CJEU's judgment by saying that Romania must recognise same-sex partnerships or marriages when conducted abroad under the EU freedom of movement, even though there is no legal recognition of same-sex couples in Romania.

*"In this light, applying the CJEU decision, which interpreted the European law, the [Romanian] Constitutional Court finds that the relationship of a same-sex couple is part of "private life" and also "family life," similar to the relationship of a heterosexual couple, which brings the protection of the fundamental right to private and family life, guaranteed by Art. 7 of the Charter of Fundamental Rights of the EU, art. 8 of the European Convention on HR, and art. 26 of the Romanian Constitution. Enjoying the right to private and family life, same-sex couples, who form stable couples, have the right to express their personality within these relationships and to enjoy, in time and by the means provided for by law, legal and judicial recognition of the corresponding rights and duties"*

Decision 534 of the Constitutional Court, 18 July 2018

Local LGBTI NGOs welcomed both judgments.

*"Today's decision confirms once again that rainbow families are equally valuable as any other family. From this moment on, the Constitution of Romania considers a married heterosexual couple and same-sex couples*

*equal, even though there is no legal form of registration of these family relationships. Civil partnership needs to be urgently regulated by Parliament."*

Romanița Iordache, Co-President of ACCEPT

On October 6, a civil partnership bill was tabled in Parliament with the support of 42 deputies from across the political spectrum. The bill is due to enter parliamentary debate in February 2019.

On 4 September, the Senate's legal committees approved the initiative to hold a referendum on whether or not to amend the existing definition of family in the constitution and replace it with text that limits constitutional protection to the marriage of a different-sex couple only. The referendum was initiated in 2015 by the Coalition for Family (23 NGOs purporting to support family values). On 11 September, the Senate, sitting in plenary, approved the initiative by 107 votes; 13 senators voted against. On September 17, the Romanian Constitutional Court approved a proposal (by 7 votes to 2) to hold the referendum on the definition of family and the referendum took place on the 6 and 7 October.

The vote focused on a potential amendment of the current neutral wording of Article 48.1 of the Constitution, to a narrower definition only recognising married different-sex couples as a family deserving of constitutional protection. Romanian civil society launched a campaign encouraging voters to boycott the vote on 6-7 October. The referendum failed to reach the required 30% turnout target by a wide margin as only 20% of Romanian voters cast their ballot.

## Freedom of assembly

This year's Pride Parade in Bucharest was the largest ever, with over 5000 participants marching for LGBT equality on 9 June. Then second Pride march took place in Cluj on 23 June.

## Freedom of association

A recent bill proposed to require organisations to report within 15 days the names and personal data of people they helped. Another bill requires NGOs to publish a list of their donors and publish a full financial report twice a year. Both bills are pending.



## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Russia covering the period of January to December 2018

# Russia

## Bias-motivated violence

In St. Petersburg, Moscow and other regions of Russia, homophobic and criminal groups continued to lure gay men to “setup dates”, then robbing and physically assaulting them. In 2018, LGBTI group “Coming Out” brought several people to trial for such crimes; one perpetrator was sentenced to the maximum 5.5 years of imprisonment. However, the motive of hatred was not investigated or taken into account.

In January, a gender non-conforming young person was attacked and beaten in downtown St. Petersburg: the attackers reacted to their lipstick and feminine appearance, and made hateful statements about LGBT people. The police refused to initiate a criminal case.

In April, LGBT activists in Ufa reported a homophobic social media campaign to ‘hunt gays’. NGO Alliance of Heterosexuals and LGBT for Equality spoke to Radio Free Europe about “Saw: a homophobic game” that encouraged people to target LGBT people, between March and June (called “hunting season”).

In May, Boris Konakov, LGBT and HIV activists, was attacked in St. Petersburg, suffering severe injuries. The police refused to initiate a criminal investigation.

In June, during the World Cup in St. Petersburg, two French citizens were attacked and injured when returning from a gay club. The alleged criminals were detained.

On 9 November, several volunteers of the Fifth LGBT Family Conference in Moscow were physically attacked with pepper spray outside the venue. Two suffered eye injuries and were taken to hospital.

## Data collection

Despite recommendations of international human rights institutions, the government does not collect statistics on hate crimes and discrimination against LGBTI people.

## Education

In November, police seized children drawings from a school in Yekaterinburg. The drawings were devoted to the Day of Tolerance, several of them showed same-sex couples. The

police are conducting a check against the school for “promoting non-traditional sex among minors”.

## Family

Pavel Stotsko and Yevgeny Voitsekhovsky were married in Denmark on 4 January. Back in Russia, they referred to the government services of recognition of marriages registered abroad and had their passports stamped by an official. They were later charged with “intentional damage to passports” under Article 19.16 of the Administrative Code and their passports were declared invalid. The couple left Russia and relocated to the Netherlands.

## Freedom of assembly

The 10th IDAHOBIT Rainbow Flashmob rally took place in St. Petersburg. Notifications on the event were denied by administrations of seven different districts, reasoning either that the venue was already occupied or that the event violated the law on “propaganda”. In previous years, the event had been held in a ‘hyde park’ in downtown St Petersburg. Under Saint Petersburg law, “hyde parks” are designated places for expression of public opinions, and events there require no authorisation from city authorities; the location however was stripped of its status as a ‘hyde park’, requiring to find a new location.

Organisers challenged the denials in court, but were rejected. They decided to hold the rally anyway, changing the rally site several times, the last time one hour before the event, as they learnt that 200 teenagers were brought to the site for an event aimed at “propaganda of healthy lifestyle,” and the police informed the organisers that rally participants would be detained. The rally was eventually held in a “hyde park” in a remote neighbourhood. A group of riot police arrived, warning participants that they would be detained if the rally continued, but they were persuaded to provide protection instead. Counter protesters made hateful comments and threats, but police blocked attacks and the rally was peaceful.

During the 2018 World Cup in June, Diversity House in St. Petersburg was surrounded by barriers by the police. As a result, the owners terminated the lease agreement and the organisers had to find a different site.

LGBT NGO Revers and the Service Project for Trans People T\*Revers held Trans\*Camp in the Krasnodar region between 10-

12 June, bringing together 30 people for workshops, discussions, and social events. 30 people attending Pride in St Petersburg on 4 August were detained by the police. 19 were fined (Administrative Code's Art. 20.2), two activists - Vyacheslav Vereshchagin and Alexander Khmelev - were charged the highest amount for 150 and 170 thousand rubles each, for repeated administrative offences.

In September, several events of Queerfest in Saint Petersburg were disrupted by fake bomb threats. The organisers appealed to the police, who are conducting an investigation. No criminal case has been initiated; the perpetrators have not been brought to justice. Queerfest events continued despite the pressure, were held, but at other venues.

In October, State Duma deputy Vitaly Milonov, co-author of the law "on the prohibition of propaganda of homosexuality", disrupted events of LGBT film festival "Side by Side" by blocking the entrance at the opening ceremony. As a result, the venue terminated the lease agreement with the festival; the organisers had to look for another venue.

In September, the authorities banned a rally in support of LGBT rights in Pyatigorsk, planned by activists of the LGBT movement "Solidarnost" (Solidarity), citing the "propaganda" law.

On 29 October, the "Human Library" project to combat stigma, was disrupted by homophobic activists. The police stopped the event, stating that they had received a complaint about a "gathering of homosexuals who are engaged in propaganda".

In November, the Fifth LGBT Family Conference, held in Moscow with the support of the Center for Social-Psychological and Cultural Projects "LGBTIQA Resource Moscow", was disrupted. The venue owners had received homophobic threats and two cancelled the events.

On 27 November, the ECtHR passed a judgment on the Alekseev and Others v. Russia case, confirming the systematic problem of banning LGBT-related public events in Russia. The Court acknowledged the absence of effective and accessible legal protection from such state intervention, and called for change. On 4-6 December, the Committee of Ministers of the Council of

Europe considered the issue of the implementation by Russia of two significant ECtHR judgments: Alekseev v. Russia (ban on LGBT public events) and (for the first time) Bayev and others v Russia (the existence of laws prohibiting the propaganda of homosexuality).

## Freedom of expression

In January, legislation extending the scope of the foreign agents' media law to include individuals passed first reading in the Duma. Blacklisted news organisations and individuals will have to add a 'foreign agent' label to all content they produce, including social media posts. Anyone citing the content will have to specify that it was created by a foreign agent.

In June, the Kuibyshevsky Court of St Petersburg dropped a case against three LGBT activists previously detained for displaying rainbow flags during the 1 May March in St Petersburg. The activists had been charged under Article 20.2 of the Administrative Code for violating the correct procedure for conducting a march, but the judge held that the rainbow flag is not a banned symbol in Russia and that the procession had been coordinated correctly.

## Developments related to the 'anti-propaganda' law

The Gay.ru and Lesbi.ru websites were blocked by censorship body Roskomnadzor in April, following a decision by the Altai District Court of the Republic of Khakassia. Lawyers representing Gay.ru said that they planned to appeal the judgment and intended to pursue it all the way to the ECtHR if necessary.

In April, a court ruled to block "Parni Plus", the largest Russian website on LGBT health, citing the "propaganda law". As a result of court proceedings initiated by Coming Out, the court overturned the decision on blocking the portal.

On 7 August, Maxim Neverov became the first minor to be charged under the 2013 'anti-propaganda' legislation. Neverov, who was 16 at the time, was detained on 24 July and charged because of photos that he had saved to albums on the Vkontakte social media platform. Neverov is an LGBTI activist and politically active, involved with civil rights project 'Protest Biysk'. He was fined 50,000 rubles (approx. 656 EUR) - more than the average monthly salary in Russia. The court decision was later cancelled and the case was dismissed.





## Annual Review

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### Freedom of association

In the end of December 2018, the Ministry of Justice announced plans to propose amendments to the Law of Public Associations: <https://www.kommersant.ru/doc/3854782>. The amendments aim to regulate and oversee nonregistered civil society groups. If adopted, the amendments would oblige non-profit organisations without a legal entity to sign up to a dedicated registry, akin to the law on ‘foreign agents’. Without this notification-registration, they would not be allowed to organise events, engage with public authorities, inform the public about their work, use an organisational name and title, etc.

### Arbitrary detention and extra-judicial killings

A group of 15 countries issued questions to Russia under the OSCE’s Vienna Mechanism on 30 August. Russia did not respond to the questions within the ten-day timeframe. On 1 November, 16 OSCE countries initiated the Moscow Mechanism against Russia, launching an independent fact-finding mission into reported human rights abuses in Chechnya. This includes – but is not limited to – the illegal detention, abuse and extra-judicial killing of perceived LGBT people.

### Legal gender recognition

The Ministry of Health published an order on 22 January that approved a procedure to issue medical certificates for LGR. Coming into force on 2 February, this marks the first set procedure for LGR in Russian law. The procedure involves a preliminary medical examination, the issuing of a diagnosis of “transsexualism”, and an examination by a medical commission. In the end, the commission issues a certificate of “sexual reorientation”. After submitting the certificate to the registry office, the trans person receives a new birth certificate. Under this new procedure, LGR is faster and no longer requires medical interventions. However, it remains expensive and there are only few medical commissions, mainly at private clinics in Moscow and St. Petersburg, and state clinics in Voronezh, Omsk, Tyumen, Novosibirsk, and most recently Krasnodar. There have been efforts to open others in Ekaterinburg and Samara.

### Public opinion

A poll on conspiracy theories against Russia (carried out by the state-owned Russian Public Opinion Research Centre), released on 20 October, found that 63% believed that there is an organisation trying to destroy the nation’s spiritual values through the promotion of ‘unconventional sexual relations’. Yet 48% of 18-24 year-olds said that people who argue for the rights of ‘sexual minorities’ are not being destructive.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex  
People in San Marino covering the period of January to December 2018

# San Marino

## Equality and non-discrimination

The European Commission against Racism and Intolerance (ECRI) published its report on San Marino in February. It noted with concern that there is no data on LGBT people in the country and discrimination they may face. ECRI highlighted that in lack thereof, it is difficult to draw up and implement any policies to address potential issues.

ECRI also reported that the Criminal Code sanctions hate speech, discrimination, and violence on the basis of sexual orientation and gender identity and that such bias counts as aggravating circumstance. It recommended that San Marino adopt additional provisions in civil and administrative law to explicitly prohibit SOGI based discrimination.

## Family

ECRI recommended that the authorities begin the process for legal recognition of same-sex relationships. In line with these recommendations, San Marino introduced civil partnerships for same-sex couples on 16 November.

## Legal gender recognition

There is no legal or administrative process in place for legal gender recognition. ECRI recommended that this be remedied.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Serbia covering the period of January to December 2018

# Serbia

## Bias-motivated speech

In 2018, NGO Da se zna! sent seven hate speech complaints to the Commissioner for the Protection of Equality (CPE), mainly concerning hate speech in media by political figures. In September, the CPE ruled that the Minister of Innovation and Technological Development, Nenad Popovic had violated the Anti-discrimination law when tweeting about same-sex families in a disrespectful manner. His tweet said that *“it is not normal to have two mothers or two fathers”*.

## Bias-motivated violence

Between November 2017 and October 2018, CSO Da Se Zna recorded 34 cases of hate crime and/or discrimination, including 6 cases of physical attack, threats, economic violence and peer violence. Relevant legislation is applied incorrectly by law enforcement, who insist on ‘outing’ victims, even though the criminal code specifies assumed, not proven, sexual orientation. At the same time, prosecutors are also reluctant to use Article 54a of the Criminal Code in the indictments.

The first successful verdict was passed down in 2018. The case concerned domestic violence against a gay man. The First Basic Court of Belgrade issued its judgment on 2 November, relying on Article 54a. The perpetrator was put on probation.

## Bodily integrity

In May, UNDP published a four-country study on intersex issues in the region. In relation to Serbia, the report noted the lack of information on the experiences of intersex people and high levels of stigma towards the community, particularly in rural areas. It also pointed out that the outdated term ‘hermaphrodite’ is still used by some medical institutions and that NGO XY Spectrum was set up to work specifically on intersex issues. The report recommended that necessary treatment is covered by national health insurance, hospital staff educated and civil society supported to advocate on intersex issues.

In 2018, NGO XY Spectrum submitted a contribution to the UPR, addressing intersex issues.

## Education

After NGO Labris lodged a complaint to the Ombudsperson in 2017, the Ministry of Education revoked six textbooks in April, containing homophobic and discriminatory content. Two more textbooks are still to be revised accordingly.

## Equality and non-discrimination

The Commissioner for the Protection of Equality (CPE) did very little in 2018 to publicly stand for the human rights of LGBTI people, as such, LGBTI people are reluctant to submit complaints to this office, or the Ombudsperson. Instead, they report discrimination to NGOs. LGBTI NGOs were not invited to meetings organised by the CPE in 2018 about harmonisation of Anti-discrimination law with the EU acquis.

## Freedom of assembly

The 7th Belgrade pride took place in September 2018. For the first time, the march featured more participants than police officers. After the march, a public concert and drag performances took place.

## Freedom of expression

On the eve of 7th Belgrade Pride, a new LGBT+ magazine named “Ponos” (Pride in Serbian) was launched. The first issue featured an interview with Serbian PM Ana Brnabić, who is the first woman and the first openly lesbian person to hold the office.

## Health

During 2018, the Public Health Strategy in the Republic of Serbia (2018-2026) and the Strategy for the Prevention and Control of HIV Infection and AIDS (2018-2025), with the accompanying Action plan, were adopted. For the first time the strategy recognises trans people as a target group. Both strategies were published in the official gazette in August 2018.

## Legal gender recognition

The Law on Amendments to the Law on Registry Books, regulating for the first time the legal gender recognition procedure, was adopted in June. Unfortunately, the law requires trans people to undergo surgeries and sterilisation before accessing LGR. NGOs criticised the law, referring to the 2017 Strasbourg judgment, that establishes the sterility requirement as a violation of the right to private and family life.

## Participation in public, cultural and political life

In April 2018, the first LGBT+ Community Center in Serbia was opened in Novi Sad, with the financial support from the programme of European Youth Capital Novi Sad 2019, primarily targeting LGBT+ youth and their families. There have been no incidents or interruptions thus far.

For the second year in a row, Pride Info Center welcomed LGBT+ people in downtown Belgrade. The centre opened in August for a period of six months with the objective to empower the local LGBT+ community and inform citizens about the situation of the LGBT+ community in Serbia. The centre hosted lectures, workshops and exhibitions on LGBT+ related topics every week.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Slovakia covering the period of January to December 2018

# Slovakia

## Bias-motivated speech and violence

In June, a gay couple, both high school students, was insulted, followed and beaten by a group of men outside the Stejdž club in Trenčín.

*"First, they started shoving my friend and shouted vulgar homophobic taunts," one of the victims told the Aktuality.sk website. "We went inside, since there is a security guard there. After some time we hoped they had left and so we went away, too. However, they were waiting for us outside and started chasing us. We received several punches."* The attackers allegedly followed the couple across the park to a bus station where they caught and beat them. A taxi driver saved the boys, driving them to a neighbouring. They suffered chin injuries and bruises. They did not report the case to the police.

In June, the Initiative Inakost' (Otherness) wrote an open letter to Prime Minister Peter Pellegrini, other politicians and the media, stating that such cases are not uncommon. According to a nationwide LGBT poll (see under Equality and non-discrimination), half of LGBTI people in Slovakia have experienced verbal or physical attacks. Inakost' urged the police leadership to help rebuild the public's trust in the police. Inakost received no official response to the letter.

## Education

On 1 November, an amendment to the Higher Education Act entered into force (adopted in September), obliging universities and colleges to issue new certificates, such as university degrees, for trans people who have changed their legal gender.

## Employment

The Ministry of Labour, Social Affairs and Family and Pontis Foundation, awarded the title of "Family, Gender Equality, and Equal Opportunities-Friendly Employer" to the IT company Accenture Slovakia, for granting LGBTI employees family benefits. Slovak legislation does not guarantee any such benefits.

## Equality and non-discrimination

Inakost' conducted the largest survey to date on the situation of LGBT people in the country and published its results in May. The survey collected responses from 2088 LGBT people, over the age of 15. More than 80% considered prejudice, stereotypes,

misunderstanding and ignorance as the most serious problem in their lives. Many reported low self-confidence, anxiety, depression, and suicidal thoughts. 40% have experienced discrimination, this rate being higher among trans respondents. Almost half of LGBT people did not hold hands with their partner in public.

On a positive note, the survey revealed that LGBT people face less rejection by their families than thought earlier. Over 80% of parents were supportive of their child after they had come out and their relationship did not change. That said, hiding their relationship from the family was still identified as a major problem for many.

The survey also showed that according to popular belief among Slovak churches, a third of LGBT people are believers, and most of them Catholic.

In November, NGO Inakost' launched a counseling service for LGBTI people, which provides help online, by phone, and in person if needed. During the first weeks of its operation, 55 clients turned to the service.

## Family

Following the Romanian Coman judgment of the CJEU in June (see chapter on Romania), the Slovak authorities stated that "as of 1 January 2012, the law on the residency of foreigners is valid, part of which is the directive on the law of EU citizens and their family members to move freely and stay on the territory of member states." This means that family members of an EU citizen enjoy the right to reside in Slovakia, even if they accompanied their spouse before the Coman ruling.

Meanwhile, the Slovak Justice Ministry also stated in June, that Slovak law does not recognise same-sex partnerships or same-sex marriage. The Slovak Constitution stipulates that marriage is a unique bond between a man and a woman. In September, a bill about rights of cohabiting couples (including same-sex couples) prepared by the Freedom and Solidarity party, was rejected by the Parliament. Only 31 of 150 MPs voted in favour, no MP from the ruling coalition supported the bill. Minister of Justice Gabor Gal pledged to prepare a governmental proposal for legislation about cohabitation. The Freedom and Solidarity party has been working on the issue since 2012, but all attempts failed so far.



In July, the leader of Smer and former Prime Minister Robert Fico stated that under his leadership Smer will never support same-sex marriage, but that he had no problem with granting specific rights to cohabiting couples.

### **Freedom of assembly**

Rainbow Pride in Bratislava took place without any incidents. On 1 September, Kosice held its annual Pride march. Around 20 supporters of the extremist LSNS party tried to disrupt the march, but police and organisers formed a human chain to prevent this. The attackers chanted homophobic slogans.

### **Participation in public, cultural and political life**

The diaries of Imrich Matyáš (1896-1974), one of the very first LGBTI activists in Czechoslovakia, were recently found. NGO Inakost' dedicated a website to Matyáš.

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# Slovenia

## Health

In 2018, Slovenia took important steps to prevent stigma and discrimination against people living with HIV. First, the Health Insurance Institute of Slovenia limited access to information on prescribed medication for HIV to general practitioners only. In the past, healthcare workers were able to access information on their patients' use of antiretroviral treatment. The decision was made following cooperation between Legebitra, the Department of Infectious Diseases and Febrile Illnesses of the Ljubljana University Medical Centre, and after consultation with the Ministry of Health, national Medical Ethics Commission and other relevant stakeholders.

Secondly, on 10 July, the second instance court in Maribor ruled in a binding judgment that the fact that in 2016, a person living with HIV was refused access to healthcare by a healthcare worker, due to their HIV status, was unlawful and discriminatory. The person filed a lawsuit against the healthcare worker in 2017. This was the first court case of its kind in Slovenia.

*"Undetectable is untransmittable, it is time that healthcare workers realise that."*

Legebitra

In November 2018 TransAkcija submitted a formal request to the Ministry of Health signed by 275 individuals requesting the formation of a protocol for trans affirming health care. Trans affirming health care is still not regulated in the national health care system. There is no protocol for trans affirming health care and no dialogue with the Ministry of Health.

## Participation in public, cultural and political life

Slovenia held its parliamentary elections on 3 June. Representing the Levica ("Left") party, Natasa Sukic was elected, becoming the first openly lesbian woman to serve in the parliament. Sukic is a founder of Lesbian Section SKUC-LL, a lesbian initiative within the NGO ŠKUC, and formerly sat on the Ljubljana City Council. Sukic has been open about being lesbian since the late 1980s.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Spain covering the period of January to December 2018

# Spain

## Bias-motivated speech

In December, the police arrested a neo-nazi who ran a website featuring racist, xenophobic and homophobic content.

## Bias-motivated violence

In February, Najuzaiith Zahell, a 35-year-old gay man, was stabbed to death in his own apartment after arranging a Grindr date. The police failed to establish a homophobic motive. In September, La Ely, a well-known gay man, was brutally attacked by a minor in Valladolid and later found unconscious. He died in hospital a few days later. Police are investigating if this was a hate crime.

In February, the European Commission Against Racism and Intolerance (ECRI) called on the government to record and effectively investigate hate crimes against LGBT people.

## Bodily integrity

In February, the UN Committee on the Rights of the Child issued its concluding observations on Spain, calling for a ban on non-consensual and medically unnecessary surgeries on intersex children, for the provision of counselling and support for intersex children and their families.

## Employment

In May, a measure was adopted in Andalusia to support the integration of trans people into the labor market, granting tax benefits to companies that hire trans people.

## Equality and non-discrimination

ECRI (see more under **Bias-motivated violence**), called on the government to “urgently” create an independent equality body, as with the exception of Spain and San Marino, all 47 Council of Europe states have one.

María Elósegui was appointed as a judge at the European Court of Human Rights. Elósegui widely published homophobic and transphobic opinions, including stating that homosexuality causes diseases and that trans people should go into therapy instead of receiving trans healthcare. She is also a strong opponent of same-sex marriage. Elósegui has been a member of ECRI since 2013. Local LGBTI civil society condemned her appointment.

## National legislation

The LGBTI Equality Law, which was drafted in May 2017, is currently undergoing the parliamentary procedure. Civil society has criticised the government for significantly delaying the adoption. In October 2018, 50 NGOs held press conferences to call for the speedy adoption of the law.

## Regional legislation

In March, the draft LGBTI equality law entered the parliamentary procedure in Castilla y León. In April, Aragon amended its anti-discrimination legislation to be inclusive of gender identity and sex characteristics. In January, Andalusia added sex characteristics to its law this year. In November, Valencia passed an LGBTI equality law.

## Family

Law 7/2018 introducing civil partnerships entered into force on 3 July in Murcia.

## Freedom of assembly

In November, around 100 people held a protest in Murcia against an anti-LGBTI meeting held by Hazteoir. Two protesters were arrested.

## Health

In February, a law banning conversion therapies in Andalusia entered into force. In December, Murcia assumed competence in providing trans healthcare. Previously, all trans people were referred to Málaga.

## Human rights defenders

In December, Fernando Lumbreras, the first president of LGBTI NGO Lambda in Valencia, was found dead with his hands tied and wounds all over his body.

## Legal gender recognition

### National level

In February, a draft law, including the recognition of non-binary people, depathologisation of trans identities, anti-discrimination in health, education, and labor fields, prepared by the Platform for Trans Rights, was registered by the Parliament. The draft was presented by the Confederal Parliamentary Group of Unidos

Podemos-En Comú Podem-En Marea. The parliamentary process had still not begun by October, prompting 17 people to go on hunger strike. As a response, the Confederal Parliamentary Group of Unidos Podemos made a commitment to discuss the draft at the plenary session of Spanish Congress before August 2019.

In March, the draft amendment of Law 3/2007 was registered in the Spanish Congress, regulating name and gender marker change for minors. The draft was presented by the Socialist Parliamentary Group, but is stalled in Parliament.

On 23 October, the Ministry of Justice, through the General Directorate of Registries and Notaries, issued a recommendation to all civil registries to facilitate name change of trans minors, if requested. The temporary measure is to aid trans minors and their families while the decision about Law 3/2007 is pending.

#### Regional level

In March, the draft law on LGBT equality entered the parliamentary procedure. The law sets out the right to self-determination of gender, depathologisation of trans identities and the prohibition of conversion therapy. It provides protection to trans minors in educational, social and family environments.

On 19 April, Aragón approved Law 4/2018, recognising trans people's right to self-determination and establishing social, educational and health measures against discrimination.

### **Participation in public, cultural and political life**

In September, Tomás Marcos (Ciudadanos) was the first senator to come out as bisexual.

After more than three decades in power, the Spanish Socialist Workers Party (PSOE) collapsed in Andalucía. In December, the far-right party VOX gained parliamentary seats in the regional election, entering the parliament for the first time. VOX wants to forbid adoption for same-sex couples and restrict marriage to a union between a man and a woman.

### **Police and law enforcement**

In December, the Home Office presented a new plan against hate crime.

### **Public opinion**

Pope Francis and members of the Spanish Catholic Church made negative statements about LGBTI people this year. Both the Pope and Spanish bishop Argüello expressed concern that homosexuality would "increase in the Church". The Church also spoke out against "gender ideology". FELGTB responded that LGBTI people of faith also want to participate in Church life.

### **Social security and social protection**

Authorities in Madrid approved plans for an LGBT friendly retirement home, funded by the regional government. There are over 160,000 people identifying as LGBT and over 65 in the country, who have expressed they would want to live in a safe home.

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# Sweden

## Bias-motivated speech

In a parliamentary vote on 16 May, MPs voted in favour of protecting trans people against hate speech by adding “transgender identity and expression” in the list of protected grounds. Since the change affects one of the laws forming the Swedish constitution, the newly elected parliament had to vote on it for a second time. The law was successfully adopted on 14 November and entered into force on 1 January 2019.

## Bias-motivated violence

On 16 May, the Swedish parliament voted to add “transgender identity and expression” to the list of protected grounds in section 29 of the general Penal Code, giving trans people legal protection against bias-motivated crimes.

However, the Swedish Federation for LGBTQ Rights RFSL and RFSL Youth noted that “gender identity and expression” would have been their preferred formulation, as they are more in line with the internationally used terms used for protecting trans people. The law came into force on 1 July.

## Bodily integrity

Trans people in Sweden, who were forcibly sterilised between 1972-2013, were given the opportunity to receive paid compensation by the Swedish government, after a parliamentary decision. The government started issuing the payments, equivalent to approximately 22,500 euro per person, on 1 May.

## Equality and non-discrimination

On 13 June, the Swedish parliament decided to incorporate the UN Convention of the Rights of the Child (CRC) into Swedish law. The new law will enter into force on 1 Jan 2020 and hopes are that this might be an opening to end unnecessary surgical and other treatments against intersex children in Sweden.

## Family

On June 13, the Swedish parliament voted in favour of a series of changes in the law on assisted reproduction. The law now allows embryo donation, i.e. fertilisation can be carried out outside the body with donated gametes only. It also clarifies that regulations about parenthood after assisted reproductive treatment abroad are the same for same-sex and different-sex couples, including

automatic second-parent recognition. If the reproductive treatment was carried out at an authorised clinic abroad, with sperm from a known donor, who can be contacted by the child in adulthood, parenthood can be established through confirmation. The new law entered into force on 1 January 2019.

However, the law introduced a discriminatory provision for parents who have changed their legal gender. A man, who has previously changed his legal gender to male, will not be automatically recognised as the father of the child, whereas a cis man would be.

On 13 June, the Swedish parliament also changed the rules for adoption, including second parent adoption, making it available for cohabiting partners, including same-sex cohabiting couples, not only married couples. The new rules came into effect on 1 September.

## Freedom of assembly

Due to the increased activity of the violent neo-Nazi group Nordiska Motståndsrörelsen (NMR), several political parties took a stand in favour of changing the law to prohibit Nazi organising. The police allowed NMR to hold rallies in Visby during the politician’s week in July, a major annual political event. The rallies took place on a square directly connected to premises where RFSL was holding a week-long programme. For safety reasons RFSL Youth cancelled its participation. RFSL had to hire security guards for safety reasons. NMR activist in Visby assaulted several people during the week, and a number of police complaints against them have been filed. There were also violent incidents during the diversity parade that RFSL organised on 5 July.

## Health

In 2018, PrEP was made available in most Swedish counties for men who have sex with men (MSM).

## Participation in public, cultural and political life

This year’s EuroPride was held in Stockholm (27 July - 5 August) and Gothenburg (14-19 August). The Stockholm parade on 4 August gathered 60,000 participants and half a million spectators. Party leaders from six parties in Parliament, among them Prime Minister Stefan Löfven, participated. The day before

the march, RFSL hosted a debate with all party leaders about LGBTQ issues, ahead of the fall elections. In Gothenburg, the EuroPride parade on August 18 gathered 25,000 participants.

### **Police and law enforcement**

On 7 June, the Swedish Supreme Court issued a judgment concerning HIV exposure. A man living with HIV was sued for causing danger to another person by having unprotected sex with another man. The person had an undetectable viral load due to treatment and HIV was not transmitted. The court dismissed the lawsuit on the grounds that there is no risk for transmission from a person with well-functioning treatment and an undetectable viral load. To convict a person of “causing danger to another person”, an actual risk for HIV transmission needs to be proven. Historically, Sweden has been one of the countries with most convictions for HIV exposure and transmission per capita.

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## Annual Review

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# Switzerland

## Asylum

In its reply to an interpellation, the Federal Council stated in September that trans asylum seekers can have the costs of their medical transition reimbursed.

## Bias-motivated speech

On 25 September, the National Council voted in favour of adding “sexual orientation and gender identity” as protected grounds in Article 261bis of the Criminal Code. Race, ethnicity, and religion were already included. On November 28, the Council of States only supported the inclusion of “sexual orientation”, not “gender identity”. The National Council in its second debate agreed with this. As a result, only “sexual orientation” was included in the law, as adopted on 14 December. Conservative-religious groups announced requesting a referendum against this revision.

## Bias-motivated violence

On 1 April, the Istanbul Convention came into force in Switzerland. In November, the concept for implementation was presented by the Federal Office for Gender Equality.

In May, LGBT organisations presented a joint report on bias-motivated hate crime and discrimination, based on incidences communicated to the LGBT+ helpline since 2016. The results show that most incidences happen in public places, and that reporting is very low.

## Bodily integrity

On 2 March, the Federal Council responded to an interpellation on three issues pertaining to intersex persons: the protection of intersex children, statistics, and information for healthcare personnel and parents. The Federal Council said that there is no need to revise the Criminal Code to criminalise surgeries on intersex children, that data on intersex people is lacking, and that medical societies are mandated to amend curricula for medical students. In Geneva, a motion dated September 2018 aiming to end genital mutilation on intersex people was among several motions submitted to parliament during 2018.

## Employment

On 15 March, a motion was submitted to the National Council to change employment law and other laws to allow unisex toilets in both public and private settings. The Federal Council opposed the motion, while the National Council decision is forthcoming.

TGNS launched the project “trans welcome”, to improve the inclusion of trans people in employment by giving support and information to employers and employees. Employers can also sign up to join a list of welcoming workplaces.

A substantial number of private companies, NGOs and public entities openly support the project.

## Equality and non-discrimination

On 12 September, the City of Zurich parliament voted in favour of developing and implementing, together with trans NGOs, a comprehensive action plan to ensure trans people’s human rights and equality. The City of Bern created the new post of an LGBTI project leader within its equality office.

## Family

On 1 January, second-parent adoption for registered partners and cohabiting couples came into force.

On 2 July, the legal affairs committee of the National Council communicated their decision to split the civil law revision for introducing marriage for all into two phases. Some aspects of introducing marriage equality only need a change of law, so-called “core version”. Other aspects, such as reproductive rights, require a change of the Federal Constitution and therefore a public vote.

On 14 March, a postulat was submitted to the National Council demanding the right to grant facilitated naturalisation also to registered partners of a Swiss citizen residing abroad. Married couples already have this right. The Federal Council opposes the postulat, while the National Council decision is forthcoming.

## Freedom of expression

On 28 April, a demonstration was held in Bern on the occasion of Lesbian\* Visibility Day.

On 2 June, the first ever pride march in Ticino (the Italian-speaking part of Switzerland) was held in the city of Lugano.

On 16 June, the annual pride march in Zurich attracted more participants than ever. However, members of the queer community who spoke out against the commercial character of the pride, were arrested by the police.

## Legal gender recognition

Minister for Justice Simonetta Sommaruga (Social Democratic Party, SP) announced a [proposal](#) on 24 May to allow people to legally change their name and gender without having to go to court. Following the minister's announcement, the pre-draft policy was sent for consultation by the Federal Council.

The proposal moves away from a judicial procedure to an administrative one, (indirectly) proposes reduction in costs and duration. Civil servants would still exercise control over whether the application requires medical evidence as 'proof' (so not full self-determination), minors would require parental permission (not currently the case under the existing process), and non-binary people are excluded.

In a [motion](#) submitted on 15 June, i.e. during the public consultation phase, a right-wing parliamentarian asked to base the civil law revision on a distinction between inter and trans people, to limit legal gender recognition to once in a person's lifetime, and to base it on biological and medical facts instead of self-determination. The National Council decision is forthcoming.

A member of the green-liberals in the National Council handed in a [postulat](#) requesting a report about abolishment of official gender. The National Council decision is forthcoming.

On 17 September, the National Council supported two postulats ([see here](#) and [here](#)) requesting a report on the legal consequences of introducing a third gender or no longer basing civil status law on gender.

## Participation in public, cultural and political life

In January, the Swiss TV station (SRF) held a thematic week on trans issues. While some contributions were of high quality, one discussion ("Sternstunde Religion") was discriminatory, as [acknowledged](#) by the TV stations Ombudsman.

## Police and law enforcement

On 15 March, a [postulat](#) was submitted to the National Council demanding a report on the situation of LGBTIQ persons deprived of liberty. The Federal Council was against it. The National Council decision is forthcoming.







## Annual Review

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# Tajikistan

## Asylum

In 2017, a gay man left Tajikistan and applied for asylum in Germany. In February this year, he published a video about life for LGBT people in Tajikistan and his own personal struggles. He called his home country “hell for LGBT people”. After the [video](#) went public, the police harassed his family back home and he received threats from some family members. His asylum claim has been refused by German authorities and he is in the appeals process.

## Employment

Many LGBT people face discrimination when trying to find a job and end up leaving Tajikistan for economic reasons. Most of them head to Russia or Kazakhstan in hope for work and a better life. Trans people are particularly affected by unemployment, and many take up sex work in Russia.

## Family

Many LGBT people hide their sexual orientation and gender identity at home, due to stigma and discrimination. Although some do receive support when coming out to their families, others have reported having to leave home.

Some have been forced by their parents to get married, to avoid shaming from other family members.

## Health

Following the decision of the Ministry of Health, the Republican AIDS Center and other NGOs in 2016, the National Program on HIV Prevention and Treatment (2017-2020) excludes men who have sex with men (MSM) and trans people from its scope. The Program was signed by the President, but under the radar. The Global Fund was informed of the exclusion and as a key funder, obliged the government to remedy this or its funding will end. Following this intervention and a meeting between LGBT NGOs and the government, a sub-document to the Program was adopted, explicitly including MSM and trans people as key populations. This document is much weaker than the National Program.

The Global Fund has been funding the provision of free antiretroviral treatment (ART) for everyone living with HIV, including LGBT people. In 2018, the Global Fund began

distributing better quality lubricants than before. Condoms however are still not of good quality or suitable for anal sex.

Many trans people reportedly go to Russia to access hormones and gender affirming surgeries, in lack of access in Tajikistan.

## Human rights defenders

LGBT human rights defenders cannot openly discuss LGBT issues at the national level. Advocacy work is mostly done at the international level, as the government and the police routinely harass LGBT people.

## Legal gender recognition

By law, trans people have the right to change their gender markers in documents. Although the law references medical requirements, these are unclear. In 2018 two trans people have been able to change their gender marker, but the procedure is entirely ad hoc.

## Participation in public, cultural and political life

LGBT communities host cultural events, such as fashion shows or art events. Visible political participation however is limited due to stigma and discrimination.

## Police and law enforcement

In 2017, the international NGO International Partnership of Human Rights published the report [“We just want to be who we are: LGBT people in Tajikistan: beaten, raped and exploited by police”](#). The report documents dozens of cases where LGBT were intimidated, arbitrarily detained, physically or sexually abused or threatened by the police, with almost complete impunity. When LGBT people tried to report these cases, they were further threatened by police.

NGOs have also reported that the police routinely uses dating apps to get information about LGBT people and organises raids at cruising places, despite same-sex relations having been decriminalised since 1998. The police blackmails LGBT people and extort money from them. Between 2016-2018, LGBT NGOs provided legal support to 65 LGBT people and filed complaints about police misconduct.

## Public opinion

Stigma, prejudice, and intolerance towards LGBT people remain the norm, especially among those who are religious. A growing number of Tajik people however become informed about LGBT issues and support LGBT people.

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# Turkey

## Asylum

Attacks against LGBTI refugees continued this year. For instance, on 30 May a trans woman, Ayda, was attacked in Yalova and had to be hospitalised. Seven perpetrators were detained. LGBTI activists started a campaign in solidarity with LGBTI asylum seekers, called #MyNameisAyda.

Two trans women and a gay man who fled Azerbaijan, were detained in Istanbul on 17 July on allegations of sex work. They were held in custody for six days and ill-treated by police. Once released, they returned back to Azerbaijan.

## Bias-motivated speech

Hate speech towards LGBTI organisations and activists in pro-government media continued in 2018, both online and offline. For instance, LGBTI NGO SPoD was called “perverted organisation” by news outlet Akit.

Leaflets with anti-LGBTI content were distributed in several cities in July, including Ankara, Izmir and Osmaniye. The leaflets suggested homosexuality could be ‘reversed’ by ‘persuasion’, called gay people ‘sexual perverts’ and opposed organisations working on LGBTI equality; it is not clear who had produced them.

On 23 May, the Turkish Constitutional Court ruled that calling LGBTI people perverts on media cannot be considered hate speech, as it falls under freedom of expression.

## Bias-motivated violence

At least four trans women were killed in 2018 and many more were attacked. SOGIESC are still not protected grounds in the hate crime law.

## Education

Trans students face discrimination in education, for instance being denied access to dorms, as reported in November.

## Enlargement

Turkey applied to join the EU in 1987; negotiations began in 2005. In its annual enlargement package reviewing progress made towards EU accession, published in April, the European Commission specifically named ‘serious concerns’ around the

protection of LGBTI rights, highlighting the Ankara ban (see under **Freedom of assembly**), the lack of hate crime or hate speech laws, and widespread discrimination.

## Freedom of assembly

On 23 February, the ban on public events organised by LGBTI groups was upheld by Ankara’s 4th and 13th Administrative Courts. The ban was initially imposed by the Ankara Governor’s office in November 2017 and two Ankara-based LGBTI NGOs Kaos GL and Pembe Hayat (Pink Life) then challenged it in court. In April, Kaos GL brought the case to the Constitutional Court on the basis that the ban is “a serious rights violation”. The Court rejected the request for injunction, but the inquiry process is ongoing.

On 3 October, the Ankara Governorship declared a new ban, after the state of emergency was lifted.

The 6th Pride March in Izmir was held on 10 June with hundreds participating. There was no police intervention and the group made their press statement without incidents.

During a volunteer meeting on 26 June at the offices of SPoD, a group of people verbally threatened the volunteers and tried to enter the office. SPoD volunteers called the police, who then also tried to enter the offices, saying “...we are under the state of emergency rule, we can break the door and enter”. A SPoD board member was assaulted by the group outside. The police subsequently obtained a warrant and searched SPoDs’ offices. The volunteers filed a complaint with the Beyoğlu police precinct the same night; the attackers were released several hours later. SPoD temporarily closed their offices and cancelled training and Pride week activities as a precaution.

The 26th annual Istanbul Pride week began on 25 June, with the Pride march scheduled for Sunday 1 July. The theme for the week’s event was ‘Boundaries’ focusing on the work of the LGBTI movement despite bans. The march was banned for the fourth time in a row. Police forces attacked demonstrators in different districts of Istanbul, with plastic bullets and tear gas. 11 demonstrators were taken into custody, and later released.

Activists in Adana in southern Turkey had planned to hold the city's first ever Pride march on 7 July. The governor's office banned the parade the day before, citing safety and morality concerns. The governor's official statement said that the Pride "will incite hatred and hostility amongst a section of the public" and that it could cause "imminent peril with regards to public security".

The 4th Pride March in Mersin was held successfully on 14 July with hundreds of people attending despite the governor's rejection to the request of permission for the march.

### Freedom of expression

Ali Erol, LGBTI activist and founding member of NGO Kaos GL, was detained by police on 2 February. This followed a police operation at his house in Ankara; according to media reports, his social media posts were included in the warrant for his detention. Erol's detention happened at a time when Turkish forces had launched a military offensive into a Kurdish-held enclave in northern Syria. The Turkish Medical Association (TTB) reacted, speaking out against the government's action and calling for peace; several doctors were arrested. Subsequently, hundreds of individuals who had agreed with the TTB or criticised the military offensive on social media were arrested. Erol had posted similar messages and had also opposed the Ankara governorship's ban on his social media accounts (see **Freedom of assembly**). He was released on 7 February under judicial control, without any clarification as to the reasons for his detention or what charges he was being prosecuted under. Since February, Ali had to regularly report to the police and sign a document.

### Health

In November, the General Director of Prisons and Detention Houses informed the Committee on the Inquiry of Human Rights that there are currently 200 LGBTI people in prisons. They also shared that one trans inmate underwent breast augmentation, paid for by the Ministry of Health as it was "required for the person's psychological and physical health".

Three municipalities in Izmir, Bursa, and Mersin started giving free and anonymous STI testing services in 2018, in addition to those available in Istanbul and Ankara.

### Legal gender recognition

Following the Constitutional Court's decision last year, the new law on LGR entered into force on 20 March. The law abolishes the sterilisation requirement, but not surgeries. In practice, it seems that the requirement in the law to submit a proof of surgery is interpreted strictly as relating to genital surgeries that lead to sterility.

### Participation in public, cultural and political life

Hasan Atik, an LGBTI rights activist became a candidate for the parliament elections from The People's Democratic Party (HDP) in Edirne, but was not elected.

### Police and law enforcement

On 25 January, trans woman Diren Coşkun began a hunger strike in Tekirdağ prison. Diren had been arrested in August 2017 during an ID check, on grounds of propaganda for an illegal organisation. She was housed in the male ward, and when she protested was placed in solitary confinement. She went on hunger strike to demand trans-specific healthcare and to be removed from isolation. She later suspended her hunger strike after cooperation with the prison warden.

The Ministry of Justice announced in 2014 a plan to construct a separate prison for LGBTI inmates. There has been no follow up since then. This April, NGO CISST (working on inmate rights) released a press statement saying that they receive a lot of letters from LGBTI inmates about these plans. The Ministry has not answered questions filed under freedom of information claims.

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of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Ukraine covering the period of January to December 2018

# Ukraine

## Equality and non-discrimination

A campaign appealing to authorities with demands to ban “homosexual propaganda” to “protect the traditional family” continued this year. In 2018, the campaign consisted of electronic petitions posted on the websites of the President, government, parliament, and local authorities. If a petition to the former three collects 25,000 votes, it must be considered by the corresponding institution, issuing a reply.

In April, Ukraine’s Ombudsperson had one of these petitions removed from the President’s official website. In addition to demanding a ban on propaganda, the petition also called adoption by same-sex couples “an act of violence” against children involved. The Ombudsperson affirmed that the petition was against Ukraine’s Constitution and the European Convention on Human Rights. The Ombudsman’s step was the first of its kind in protection of LGBT people in the country.

The rest of the petitions remained and received the necessary support to be considered. Petitions on the Verkhovna Rada’s (Parliament) website were reviewed by parliamentary committees, some of which issued homophobic opinions. The petitions on the Cabinet of Minister’s were also examined. The response to petitions on the President’s website stated that “any legislative initiatives to restrict constitutional rights are unconstitutional”. At the same time, the President promised to “examine the adoption of national strategies to protect and promote traditional family values and the institution of the family in Ukraine.”

Acting Minister of Health Ulyana Suprun stated that according to the law, an electronic petition may not include appeals to restrict human rights, and those who submit it could freely leave Ukraine. A lively public discussion started after the coming out of Viktor Pylypenko on 8 June, a veteran of the Anti-terrorist Operation in Donbas. The photo exhibition “We Were Here”, dedicated to him and other LGBT veterans and volunteers of the ATO, was held between 31 August and 7 October. Representatives of the Legal and Psychological Services of the Ministry of Defense attended the opening and assured the audience that the Ministry will apply the principle of non-discrimination and equality towards LGB military staff.

In July, the Ukrainian parliament adopted the law “On the legal

status of missing persons”, which prohibits discrimination of missing persons and their relatives (art. 7), particularly on grounds of sexual orientation. It also recognises same-sex partners of missing persons as relatives. This is the second Ukrainian law, after the Labour Code, explicitly prohibiting discrimination on grounds of sexual orientation.

## Freedom of assembly

The biggest problem of the Ukrainian LGBT movement in 2018 remained the high level of aggression by right-wing nationalist groups, who consistently tried to disrupt LGBT events. Attacks took place on a training event for psychologists on LGBT issues on 31 March in Poltava and the Equality Festival by NGO Insight in Chernivtsi on 19 May.

On 18 November, Insight NGO wanted to hold Trans\*march on the occasion of the Transgender Day of Remembrance (TDOR). The police requested that organisers changed the starting point of the event several times, due to threats and counter-demonstrations by far right groups. When participants moved to the new location at Universytet metro station, a group of radicals attacked them, using smoke bombs. The police did stop them, and instead violently pushed participants of the Trans\*march inside the metro. Three people suffered injuries from the attack. No one of the perpetrators was arrested. MP Svitlana Zalizhchuk made an official statement demanding a proper investigation.

On 19 July, the Dnipropetrovsk District Administrative Court dismissed a claim of the Metallurhiyna District Council in Kryvyi Rih city to ban the Equality March in the city. On 22 July, the march was held under strong police protection. In October, the Ombudsman’s Office made a request to the Chernivtsi City Council to reverse its ban on LGBT events and observe the principles of equality and non-discrimination.

## Freedom of association

Civil society is facing increasing repression by the government, in the lead-up to the 2019 elections. Pending draft amendments to the tax code (No. 6675) and the law on public associations (No. 6674) require NGOs to submit detailed reports about their finances and staff, including any external partners they work with or fund. NGOs that fail to submit the documents can be fined or shut down.

## Health

During the second international trans conference (see under **Legal gender** recognition), the Deputy Head of the Medical Department of the Ministry of Health, Andrii Havrylyuk stated that the Ministry is ready to approve the new trans healthcare protocol. Yet, no steps were taken so far.

## Legal gender recognition

On 23-25 of April, Insight NGO, in cooperation with the Ministry of Health, the Coalition against discrimination in Ukraine, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, and the Post Soviet Trans\*Coalition, hosted the second international trans conference "Transgender issues: challenges and perspectives in modern Ukraine and world" in Kyiv.

The conference focused on legal gender recognition and access to trans healthcare. It stressed that the current LGR procedure discriminates against trans people who cannot or do not want to access hormones, or want to get a psychiatric diagnosis.

Since the 2016 Order No. 972 of the Ministry of Health "On approval and implementation of the medical-technological documents on standardisation of health care for gender dysphoria", there have been several cases where trans people were able to access LGR without undergoing sterilisation. Hormone replacement therapy and a diagnosis however are still requirements.

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## Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in United Kingdom covering the period of January to December 2018

# United Kingdom

## Asylum

NGO UK Lesbian and Gay Immigration Group's report "[Still Falling Short](#)" was published in July and found that asylum officers subject LGBTI asylum seekers to humiliating questioning and often rely on stereotypes.

## Bias-motivated violence

In January, the University of Sussex [reported](#) on the rise of hate crimes against LGBT and Muslim communities in the UK, finding that 7 out of 10 people had been directly victimised in the past 3 years.

Published on 3 July, the [National LGBT Survey](#) report (see under Equality and non-discrimination) found that at least 2 in 5 LGBT people had experienced verbal or physical abuse, but 9 in 10 did not report it. In

October, the government launched the [Hate Crime Action Plan Refresh](#), including the need to review hate crime laws in England and Wales and provide training for the police. The Plan is inclusive of all five hate crime strands, including those based on "sexual orientation" and "transgender identity".

## Diversity

NGO Stonewall's June-dated "[LGBT in Britain: Home and Communities](#)" report uncovered alarming rates of discrimination within the LGBT community, including racism against BAME LGBT people.

## Education

Stonewall's "[LGBT in Britain: Trans Report](#)" found that over a third of trans students in higher education have experienced negative comments or behaviour from staff in the last year.

On 8 November, the Scottish government announced its intention to embed LGBTI inclusive education in the curricula and inspection regime of all state schools, and provide teacher training. The announcement came in the wake of [33 recommendations](#) by the LGBTI Inclusive Education Working Group, all accepted by the government.

In November, the Government [finished](#) consultation on a new draft guidance for the teaching of compulsory Relationships Education in all of England's primary schools, and Relationships and Sex Education in all secondary schools. The draft guidance specifically mentioned LGBT young people, but gaps remain.

## Employment

In LGBT NGO Stonewall's annual workplace ranking of inclusive employers, announced on 31 January, the Welsh Assembly was named the 2018 best place to work for LGBT staff. For the first time, the top trans inclusive employers were also [listed](#).

## Equality and non-discrimination

On 3 July, the government published the findings of the "[National LGBT Survey](#)" that collected responses from 108,000 LGBT people in the UK. As a response, the government launched a 75-point "[LGBT Equality Plan on Improving the Lives of LGBT People in Britain](#)". Labour MP Ged Killen condemned the Government not including NI in the action plan.

*"No one should ever have to hide who they are or who they love. This LGBT action plan will set out concrete steps to deliver real and lasting change across society, from health and education to tackling discrimination and addressing the burning injustices that LGBT people face."*

Theresa May, Prime Minister

Earlier in the year, Stonewall released "[LGBT in Britain: Trans Report](#)", revealing that almost half of trans people do not feel comfortable using public toilets due to fear and a third have been discriminated against because of their gender identity when visiting a café, restaurant, bar or nightclub in the last year.

On 10 October, the UK's highest court unanimously [ruled](#) that Ashers bakery's refusal to bake a cake with a slogan "Support Gay Marriage", was not discriminatory. There is now concern over how the UK's equality legislation will be applied by businesses.

On 8 June, the Presbyterian Church in NI voted in favour of a policy preventing anyone in a same-sex relationship from becoming a full member of the church and their children baptised.

## Family

In January, the UK Court of Appeal allowed the appeal of a trans woman who had not been permitted to have direct contact with her five children following a previous High Court decision. The Court held that the best interests of the child must be the paramount consideration where contact is disputed by the parents. NI remains the only part of the UK where same-sex marriage is not legal. The Secretary of State for NI, Karen Bradley has said that she will not impose same-sex marriage on the region. A Private Members bill has been proposed in both houses, but without government support it is unlikely either will be passed. Stella Creasy MP and Conor McGinn MP secured cross-party support for an [amendment to the NI bill](#), and NI will now have to address same-sex marriage.

## Foreign policy

The LGBT Action Plan includes commitments regarding Commonwealth countries, including on discriminatory legislation. In November, the UK [joined](#) 15 other countries in launching an independent investigation into the abuses against LGBT people in Chechnya.

## Freedom from torture, cruel, inhuman or degrading treatment

The UK has been opposing “conversion therapies” for years, but on 2 July, the UK government announced that it will ban them as part of the Action Plan.

## Health

Stonewall’s [“LGBT in Britain: Health Report”](#) was published in November, covering experiences of mental health and accessing health services.

A few days ahead of World AIDS Day, MP Lloyd Russell-Moyle [announced](#) to the House of Commons that he was HIV positive. Russell-Moyle later tweeted about the severe cuts in the NHS budget that affect access to PrEP.

Gender affirming healthcare services within the Belfast Health and Social Care Trust, the monopoly provider in NI, are at risk of collapse within the next 3 months pending staff changes and funding problems within the wider health and social care sector.

## Human rights defenders

On 18 July, a week before Pride, the office of the Belfast based Rainbow Project was broken into and laptops and other property of staff was stolen.

## Legal gender recognition

Following the positive example of Ireland, both England/Wales and Scotland are in the process of LGR law reform. The Scottish government proposed the new process to be based on statutory declaration, and available to people under 18. Scottish trans and LGBTI organisations called also for legal recognition of non-binary genders. In November, the Scottish Government released analysis of their public consultation, with 65% of respondents supporting the proposals.

The consultation for how best to reform the Gender Recognition Act 2004 in England and Wales ran from July until October. The UK Government are now analysing responses and will report back. Many called for a process of LGR based on self-determination with a simple statutory declaration, the legal recognition of non-binary identities, and for the minimum age to be lowered from 18 to 16.

The debate around the LGR reform process has further escalated anti-trans sentiments in the UK, and transphobic media portrayals.

The Gender Recognition Act reviews in England, Wales and Scotland have excluded NI, and the local Gender Identity Service, the monopoly provider of psychiatric reports to the Gender Recognition Panel in HM Courts and Tribunals Service, has stopped providing reports in 2018, effectively removing access to LGR in NI.

## Participation in public, cultural and political life

The Labour Party [announced](#) that they are working on a policy on the inclusion of trans women on all-women shortlists for parliamentary seats, without a gender recognition certificate. This step follows heated debates in media about Lily Madigan, a trans teenager who was elected women’s officer at her constituency Labour party in Kent. In January, Labour leader Jeremy Corbyn stated “self-identifying transgender women are women”.





In January, the Scottish Parliament passed legislation to require public bodies to move to at least 50% women on their boards, including trans women.

In June, John Blair became the first openly gay member of the NI Assembly.

The UK Government Equalities Office has moved to recruit a representative LGBT Advisory Panel from the UK population, with interviews being held in March 2019.

## Public opinion

The Equality Commission for NI published their "2016 Equality Impact Awareness Survey" results showing that attitudes towards both LGB people and trans people have improved significantly across NI in all age groups and demographics.

## Sexual and reproductive rights

Wales became one of the few countries in the world that made LGBT-inclusive sex education mandatory. In May, the Welsh Government announced that primary and secondary schools will be required to teach Relationships and Sexuality Education from 2022, in a way that fully includes LGBTQI+ learners.

Campaigns continue in NI to decriminalise and legalise abortion. Currently abortion is illegal in NI in most circumstances. In June, a Supreme Court ruling stated that the current law surrounding abortion in NI was in breach of human rights legislation.

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