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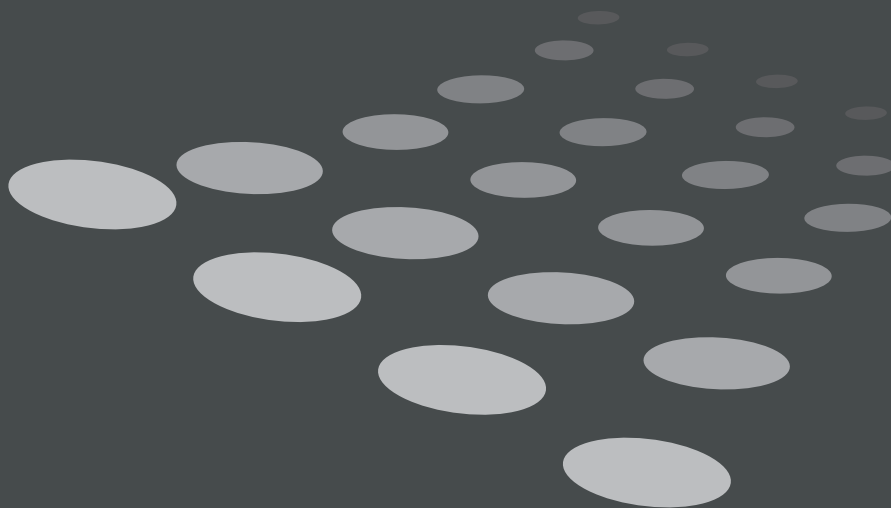
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ILGA-Europe

**Annual Review of the Human Rights Situation of
Lesbian, Gay, Bisexual, Trans and Intersex People
in Europe**

2018



ILGA-Europe in brief

- ILGA-Europe are the European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA).
- ILGA-Europe are a driving force for political, legal and social change for lesbian, gay, bisexual, trans & intersex (LGBTI) people in Europe and Central Asia.
- ILGA-Europe are an international non-governmental umbrella organisation, bringing together over 490 organisations from 45 countries in Europe.
- ILGA-Europe advocate for human rights and equality for LGBTI people at European level organisations such as the European Union (EU), the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE).
- ILGA-Europe strengthen the European LGBTI movement by providing training and support to its member organisations and other LGBTI groups on advocacy, campaigning, community organising, fundraising, organisational development, and strategic communication.
- ILGA-Europe was established as a separate region of ILGA and an independent legal entity in 1996. (ILGA was established in 1978.)
- Since 1997, ILGA-Europe have enjoyed participative status at the Council of Europe.
- Since 2006, ILGA-Europe have consultative status at the UN's Economic and Social Council (ECOSOC) and we also advocate for equality and human rights of LGBTI people at UN level.
- ILGA-Europe's office is in Brussels.
- ILGA-Europe receive funding from public and private donors.



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Annual Review



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Lesbian, Gay, Bisexual, Trans and Intersex People
in Europe
2018

This Review covers the period from January to December 2017.

May 2018

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

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and others who we may have been mistakenly omitted in spite of their contributions towards this edition of the *Annual Review*.

Introduction

Welcome to the seventh edition of ILGA-Europe's *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe*. The publication includes events that occurred between January – December 2017. It provides a snapshot of what happened during the year, at national, regional and international levels, and it documents progress and trends regarding the human rights situation of LGBTI people.

While the institutional reviews and individual country overviews focus on 2017, our highlights section puts these trends in context, with reference to further developments that took place in early 2018, prior to the *Review's* publication.

The country chapter pages also feature a visual snapshot of the legal situation in a particular country at the end of 2017. Colourful graphics show how many of the Rainbow Europe criteria each country had met by the end of the year. The chapters all feature an opening overview, emphasising the major developments, as well as a series of recommendations aimed at policymakers.

This information is all available online too, via the ILGA-Europe website and our updated *Rainbow Europe* web module.

Once again, we must stress that this document is not an exercise in apportioning blame. ILGA-Europe's goal is not to point fingers at specific countries. Instead, this publication intends to serve as a tool for the exchange of best practices and policies, and as an open invitation for enhanced cooperation between governments and LGBTI civil society.

ILGA-Europe want this publication to meet our readers' expectations and needs, and welcome any suggestions for improvement.

We hope that you will find this edition of the *Annual Review* informative and useful.

ILGA-Europe's Annual Review Team
May 2018

A note on data collection and presentation

Collecting and presenting data on developments at national level in 49 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. 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.

Recommendations for national policymakers have been included in country chapters once again. These are intended to encourage policymakers to address the most pressing legal and policy priorities within the framework of our Rainbow Map/Index. While ILGA-Europe are urging national authorities to follow these recommendations, we did not come up with the suggestions unilaterally. The recommendations were gathered following an online consultation with a wide range of our member organisations. As a result, the recommendations are tailored to the needs of activists working on the ground.

Of course, the *Annual Review* cannot cover every development in all 49 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 are not still not comprehensively addressed in national-level legislation.

Finally, this is our seventh *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 Reviews* and continue to improve the quality of our reporting on LGBTI issues in Europe.

How to use this Annual Review?

This *Annual Review* covers developments at national, European and international level between 1 January 2017 and 31 December 2017.

The *Review* itself is divided into two main sections. **Institutional reviews** provide an overview of developments at the European Union, the Council of Europe, the United Nations, and the Organization for Security and Cooperation in Europe. The second section, **Country reviews**, contains 49 chapters covering European countries in alphabetical order.

ILGA-Europe also include an editorial-style **highlights** section at the start of the Annual Review, where we outline what we see as the major trends and developments that took place in Europe in the past year.

The layout of the country chapters follows the same structure as last year. All the country chapters open with a short introduction. This is followed by a colourful graphic, showcasing what the legal and policy situation was like in each country at the end of 2017. This graphic ‘wheel’ features the six main categories found on ILGA-Europe’s Rainbow Map/Index and is based on the graphics used on the Rainbow Europe web module – www.rainbow-europe.org

Each of the country chapters concludes with a series of **recommendations**. These are targeted at national-level policymakers and return for the second year. We hope this will help to direct policymakers to the areas where they can improve the legal and policy situation for LGBTI people. It is not intended to be an exhaustive list. Rather, it will pinpoint where respective domestic laws are lacking and suggest where legislators can start to be proactive.

These bullet points are motivated by feedback that ILGA-Europe received from our members and Rainbow Europe’s team of country experts. For clarity (and to try and save some trees!) we tend to stick to three suggestions per country but naturally this can be difficult, as our members are often working on a whole range of issues.

And we completely get it. It’s so hard to choose just three elements of life, as all the laws and policies recorded in the Map/Index are important. The existence of one law cannot serve as a sticking plaster for the wounds caused by the absence of another. Equal marriage laws won’t stop you being harassed in the workplace on the basis of your gender identity. Equal treatment laws regarding goods and services won’t defend you against LGBTIphobic hate crimes. And action plans won’t automatically help your intersex child feel safe or included in school.

Life is complicated and we need to feel protected in all aspects – that is why there is still so much work left to be done. And why ILGA-Europe will continue to develop and improve our Rainbow Europe benchmarking tool, to continue to hold governments to account, and to continue to showcase the innovation of our members in the Annual Review.

Highlights,
key
developments
and trends

Every year, as we prepare to mark International Day against Homophobia, Transphobia and Biphobia, ILGA-Europe are naturally asked what the state of play for LGBTI people in Europe is. As there is no such thing as a typical LGBTI person, it's impossible for our responses to capture the lived reality for our communities across the region in one neat and tidy answer. The experiences that LGBTI people and human right activists in Europe have are diverse, rich and conflicting. What ILGA-Europe can reflect and comment on is the legal, political and social environments that significantly influence the life of a person, whether they are lesbian, gay, bisexual, trans or intersex.

When we are inevitably asked to talk about the landscape in terms of law and policy for LGBTI equality in Europe at the moment, there also seems to be an assumption that all our answers are going to be overwhelmingly positive. Of course, there have been great steps forward for the LGBTI communities in 2017 and early 2018. However, the stories that end up in the media headlines do not always capture the full complexity of what it means to advocate for LGBTI equality in Europe and Central Asia right now. The reality for LGBTI communities across our continent is complex. Looking at the situation as it stands in the spring of 2018, the most honest statement we can make is that **the work on LGBTI equality is nowhere near done**. In fact, from ILGA-Europe's vantage point, there are several signs around us that many of the recent wins are fragile. It's incredibly clear that the risk of having hard-won equality milestones rolled back is all too real.

'Rollback' is indeed very real from the perspective of LGBTI communities in our region, with the most visceral example being the resurgence of **state-led persecution targeting LGBTI people**. From the horrific cases of torture in secret detention camps in Chechnya to the wave of arbitrary arrests and intimidation by police forces in Azerbaijan, 2017 has shown how far some states are

willing to go to silence LGBTI communities. Sadly, we have all witnessed the persisting reality that, in Europe and Central Asia today, agents of the state still deliberately target people they perceive to be LGBTI.

The impunity which followed (in both situations) is especially worrying. The authorities in **Azerbaijan and Chechnya** showed little remorse for their actions. In fact, in both cases, the authorities actually defended and attempted to justify their actions targeting LGBTI communities, reinforcing the fact that these measures were condoned by the state. Equally concerning is the lack of an effective investigation in Chechnya, in spite of European and international pressure calling for action from the Russian authorities in response to these gross human rights violations. It begs the question – when vocal condemnation is followed by little concrete action, what does that say about the leverage held by international institutions right now in parts of our region?

Of course, 'rollback' also refers to the general atmosphere that human right advocates are working in. Populism, anti-democratic opinions and far-right extremism are not just emerging trends or isolated incidents anymore. They are ever-present features in the lives of many LGBTI activists. Democratic backsliding is here and is very real. This claustrophobic working environment is being felt by activists across the region – Poland, Turkey and Hungary are just a few examples that spring to mind immediately. In late 2017, the Ankara governor's office banned public events organised by LGBTI groups, adding an unwanted layer of complexity to the already complicated lives of NGOs in the Turkish capital. This inevitably puts a question mark in the minds of LGBTI community organisers, creating uncertainty around how they can run events like Pride or provide support services to their community. Published in 2018, the EU's Fundamental Rights Agency's report on *'Challenges facing civil society organisations working on human rights in the EU'* also backs up the stories we hear

from our members, that the issue is not an isolated problem confined to a few ‘problem’ governments. It exists across Europe.

If political leadership on LGBTI equality gives way to political apathy or populism, then **life can get very difficult for civil society very quickly**. The LGBTI communities know all too well how vulnerable we are to undemocratic tendencies. Very often, law and policies are the last line of defence for LGBTI people against discriminatory behaviour or personal attacks. That is why it is vital that the movement continues to hold governments to account and insist on making sure our countries’ legislation explicitly protects our human rights.

Another trend that LGBTI activists are encountering with greater frequency is actually one that twists the human rights discourse for its own benefit. Organisations that are part of the so-called ‘**anti-gender’ movement** have created a conspiracy theory around what they call ‘gender ideology’ or ‘gender theory’. Who knows exactly what ‘gender theory’ is supposed to mean, but this non-existent threat serves as the perfect cover for their genuine opposition to gender equality and LGBTI equality.

We have mentioned some of these movements in previous Annual Reviews, so their existence is not the new trend. What is becoming increasingly clear is the scope of their networks – which cross continents – and the immediate impact that their words and actions are having on real people all over Europe. The virulent opposition stirred up in many countries to the Istanbul Convention is one very timely example. This whole point of this Convention from the Council of Europe is to give a legal instrument to protect and prevent gender-based violence, but its adoption in several countries has been actively opposed by anti-gender groups – for example in Latvia, Bulgaria and Lithuania. In early 2018, Croatia actually ratified the text, only for anti-gender opponents to

immediately begin a signature collection to attempt to reverse the decision. How a group, that purports to have the best interests of families at its core, can actively seek to block an instrument designed to stop violence is beyond belief.

Having said all that, there are still – thankfully! – several major success stories to share from the LGBTI movement in Europe.

One incredibly encouraging example is the growth of the **trans and intersex movements** – both in terms of visibility and impact. These movements continue to flourish and issues concerning trans and intersex activists are increasingly finding their way onto the agendas of policymakers.

In October 2017, the Council of Europe adopted a resolution on **the human rights of intersex people** – the first intersex-specific resolution of its kind from a European intergovernmental institution. This major development, which came about following an extensive collaboration between intersex activists and the Council of Europe’s Parliamentary Assembly rapporteur on the rights of LGBTI people, Piet de Bruyn, offers a clear roadmap for national governments across Europe on how to respect and protect the fundamental rights of intersex people.

At national level, the Portuguese parliament voted in favour of a law that would make it illegal to perform unnecessary surgery on intersex children on 13 April 2018, making it only the second European country to approve such legislation after Malta. This same law introduces a model of self-determined legal gender recognition, although that has not entered into effect yet. However, the Portuguese president subsequently vetoed the law on self-determination and protection of intersex people’s bodily integrity. At time of writing, the law was due to be re-examined by members of parliament.

This said, two other countries did pass **legal gender recognition** laws since the last Annual Review was published. Belgium passed a new legal gender recognition procedure and the Greek parliament improved the national gender recognition law in October 2017 (although missed the opportunity at that point to introduce self-determination).

And the fact that makes us even more excited is that fact that this work is sustained. There were some new laws passed in the past twelve months, but even more progressive change is on the way. For example, activists in several countries have reported that their governments are currently working on legal gender recognition legislation in some capacity. Ireland is reviewing its existing 2015 legislation, with a view to extending its scope to include younger trans people, intersex people and non-binary people. Another review proposed in the UK is considering the introduction of self-determination, while Sweden, Spain, Luxembourg and Iceland are also looking at how to improve their existing laws.

We are also witnessing several positive trends in family law, an area of legal change that consistently commands headlines and public attention. Indeed, there is growing recognition of the wonderful diversity of families – and the need to legislate to protect them beyond marriage equality alone. In February, Finland’s parliament passed a new Maternity Act and one of its provisions will allow for **automatic co-parent recognition** for female same-sex couples following fertility treatment. When it comes into force in 2019 the law will protect children in rainbow families who (up until now) have been in a very precarious legal position.

Marriage equality became a reality for couples in Finland, Malta and Germany since the last Annual Review was published; the individual laws themselves all had very different backgrounds. Long-time Rainbow Europe fans will remember that the Finnish law had actually been

signed by the president in 2015 but it did not come into effect until March 2017. In Malta, the bill’s entry into force was the culmination of years of planning. In Germany, after years of entrenched opposition, the parliament’s swift vote in favour of equal marriage (in a move that felt like it almost happened overnight) was an important lesson for LGBTI activists – never to lose hope, but try to be agile and ready to react. You never know when change is just around the corner.

As the final touches are being put to this Annual Review, Adrian Coman and Clai Hamilton have just received the Court of Justice of the European Union’s judgment in a case that centred on their family’s right to freely move within the EU. The couple were married in Belgium in 2010 but are not recognised as a family by the Romanian authorities. The positive decision in the **Coman case** (clarifying that the term “spouse” in freedom of movement laws includes same-sex couples) now requires all EU Member States to recognise such unions for the purposes of freedom of movement and residence in the EU. This clearly include the six remaining EU Member States who currently fail to legally recognise same-sex couples – Romania, Bulgaria, Poland, Slovakia, Lithuania and Latvia. On a less positive note, the constitution of Georgia was revised in 2017 to definite marriage as between a man and a woman only, while in March 2018, the Latvian parliament’s Mandate, Ethics and Submissions Committee rejected a petition for introduction of gender-neutral **partnership** legislation. These are reminders that there is still a lot of work to do in Europe regarding recognition of rainbow families.

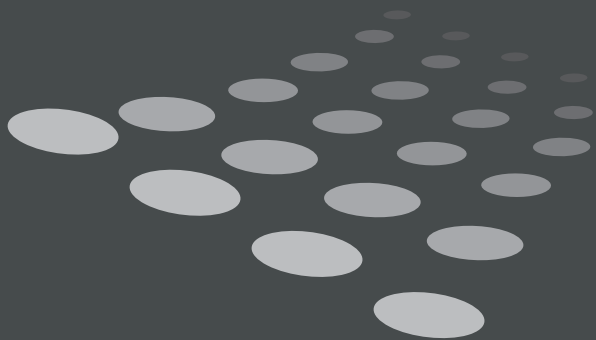
In 2019, people all over the European Union will (hopefully) go to the polls and send clear directions to policymakers about what sort of representation they want. ILGA-Europe will no doubt be asked about the state of play for LGBTI activism before and after the **European elections** too. Looking at the current context, it is clear that human rights must be at the heart of that discussion,

not lost on the fringes. And getting out to vote in these elections will be a priority, because the EU institutions still have relevance for LGBTI equality in 2018. Over the past twelve months, we have witnessed their role in defending the rule of law. It might sound like going 'back to basics' in a way, but these conversations around rule of law in Poland or democratic values in Hungary or the common application of EU law raised by the Coman case – all of these remind us why laws, policies and European institutions are so important. They offer marginalised communities a significant layer of defence against discrimination.

The message emerging loud and clear from this Annual Review is that **there has never been a better time to support LGBTI equality work**. That statement might seem counter-intuitive at first; when faced with all these evolving challenges it can be difficult to know where to start. But the LGBTI movements have been growing in size and creativity over the past few years.

It can actually be very frustrating for ILGA-Europe and our members to see that complacency might be setting in among some policymakers, as so much more could be achieved right now, if only the political will was followed by real-world action. If politicians, funders, independent media outlets (basically anyone with resources and time to devote to equality work) ever wanted to boost their support for LGBTI initiatives, then the time is now! Their increased support would be utilised by activists and their impact would repay the initial investment multiple times over. We can see what historic milestones have already been achieved by NGOs and individuals operating with minimal budgets. There is an explosive energy within the LGBTI communities; it just needs the right conditions to flourish. Imagine what these same resourceful activists could do with more targeted support! Check back next year to find out...

Institutional reviews



United Nations

LGBTI advocacy continued to feature prominently at the United Nations in 2017 – particularly through the highly visible work of the Human Rights Council’s Special Procedures. During the year, the newly appointed Independent Expert on SOGI issues, Vitit Muntarbhorn began consultation work and released detailed reports. Before the end of 2017, the mandate was taken up by Victor Madrigal-Borloz as Muntarbhorn retired for health reasons; both Experts emphasised the work that still needs to be done by UN Member States to protect and promote the rights of LGBTI people. Treaty bodies continued to refer to LGBTI equality issues in their concluding observations; the treatment of intersex minors was consistently raised. New global standards outlining how businesses can be equality drivers were published and the first-ever Trans Advocacy Week was held in Geneva.

Education

- The UN's Free and Equal campaign marked International Day against Homophobia, Transphobia and Biphobia with a social media action on school bullying. The #CultureOfLove mini-campaign focused on the role culture plays in the lives of LGBTI people and stressed the fact that LGBTI victims of harassment are at risk of dropping out of school altogether unless the issue is tackled by governments.
- During the Human Rights Council's 35th session in June, several resolutions with references to sexuality education were adopted. Both the Violence against Women (VAW) and Elimination of Discrimination against Women (DAW) resolutions referred to the role played by comprehensive sex education in combatting harmful norms and reaffirmed the right to autonomy over all matters related to your own sexuality.

Employment

- The UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein released standards of conduct for businesses around the world on how to treat LGBTI employees, suppliers, and customers. At the launch on 27 September at Microsoft's New York offices, the High Commissioner said that "social change requires the active involvement of all parts of society – including, critically, the business community". The standards included actions to eliminate workplace discrimination, and encouraged companies to stand up for the rights of LGBTI people in the countries where they operate, including through advocacy and support for local organisations.

Equality and non-discrimination

- The first Trans Advocacy Week took place from 5-9 June during the 35th Session of the UN Human Rights Council in Geneva from 5 to 9 June. Attended by 16 trans and gender-diverse activists from 15 countries, Trans Advocacy Week was organised by the LGBTI NGOs Asia Pacific Transgender Network (APTN), Global Action for Trans Equality (GATE), ILGA, the Swedish Federation for LGBTQ Rights (RFSL), and Transgender Europe (TGEU).

Universal Periodic Review (UPR)

- From 1 to 11 May, the 27th Universal Periodic Review (UPR) Working Group session examined the human rights record of Finland, Poland, and the UK. The international LGBTI NGO ILGA compiled all sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) recommendations made during the session.
- Finland received 10 SOGIESC recommendations of which it accepted two, partially accepted one, and noted seven. Finland committed itself to implement comprehensive legislation to guarantee protection for all ground of discrimination, and in particular discrimination on the grounds of sexual orientation and gender identity (SOGI). Finland noted recommendations towards eliminating forced sterilisation of trans people.
- Poland received 11 SOGIESC recommendations of which it accepted six, partially accepted four, and rejected one. The country indicated that it was willing to amend the Criminal Code to provide that crimes motivated by discrimination on SOGIESC grounds are investigated and prosecuted as hate crimes. Poland did not accept the recommendation to recognise civil unions between same-sex partners.
- The United Kingdom received three SOGIESC recommendations of which it supported one, and noted two. The UK supported the recommendation to dedicate more resources to fight negative stereotypes in the media, especially those targeted against the most affected minority groups. It noted recommendations to end discrimination against same-sex couples in Northern Ireland by bringing the relevant law into line with other parts of the United Kingdom, as well as to review its Equality Act in relation to gender identity and the rights of intersex persons in the context of rights to health services.
- The Netherlands received five SOGIESC recommendations, of which it accepted three and noted two recommendations. It marked the first time the Netherlands received recommendations concerning LGBTI issues. The country accepted the recommendations to integrate comprehensive human rights education and sexuality education into the

national school curriculum, including topics such as sexual diversity, sexual rights, and consent. The Netherlands noted the recommendations to implement measures to protect intersex persons from discrimination, as well as to guarantee access to legal gender recognition to both intersex and trans people of all ages, without legal, administrative or financial barriers.

■ From 6 to 17 November, the 28th UPR Working Group session took place. Both Switzerland and Ukraine received recommendations during this session. Switzerland supported the recommendations to introduce specific legislation prohibiting discrimination based on gender identity or intersex status, as well as to provide human rights training for the protection of trans people. Ukraine received five SOGIESC recommendations but had not commented on these by the end of 2017.

SOGI Independent Expert

■ On 24-25 January, the SOGI Independent Expert Vitit Muntarbhorn held a public consultation in Geneva. Various LGBTI NGOs and civil society actors presented the diversity of LGBTI lives and issues. On 26 January, an additional closed intersex meeting was held with the Independent Expert.

■ On 19 April, Vitit Muntarbhorn published his first report on protection against violence and discrimination based on sexual orientation and gender identity, on the theme of *"Diversity in humanity, humanity in diversity"*. Muntarbhorn asserted that the local and global phenomenon of SOGI-bias violence and discrimination is rooted in the political, social, cultural, and economic settings of our lives. Therefore, a context-specific analysis and understanding of each country is necessary. The SOGI Independent Expert Vitit Muntarbhorn delivered the findings of his first report to the UN General Assembly in New York on 27 October. During his presentation to UN Member States, the Independent Expert called for all remaining laws criminalising same-sex relationships to be repealed, stressed the vital role played by LGBTI activists, human rights defenders and civil society in advancing equality, and stated that immediate action must be taken by governments to protect LGBTI people (and those perceived to be LGBTI) against serious human rights violations.

■ On 19 July, the SOGI Independent Expert Vitit Muntarbhorn released a second report on the protection against SOGI-bias violence and discrimination. The theme of the report was *"Embrace diversity and energise humanity"*. The report sought to especially underpin the importance to decriminalise same-sex relations and gender identity and expression, as well as to introduce and uphold effective anti-discrimination measures.

Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

■ On 9 March, the CEDAW concluded its observations on the combined seventh and eighth periodic reports of Germany. The Committee recommended Germany to adopt clear legislation that explicitly prohibits the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age at which they can provide their free, prior and informed consent, and urged Germany to provide the families of intersex children with adequate counselling and support. A second recommendation of the Committee was for Germany to provide effective access to justice for intersex people who underwent unnecessary procedures against their informed consent. Suggestions were to amend the statute of limitations, and to consider the establishment of a compensation fund.

■ On 9 March, CEDAW concluded its observations on the combined sixth and seventh periodic reports of Ireland. It recommended that Ireland develop and implement a rights-based healthcare protocol for intersex children, based on informed consent and self-determination of the child and their parents.

■ On 9 March, CEDAW concluded its observations on the eighth periodic reports of Ukraine. The Committee urged the State party to address the specific needs of various groups of internally displaced women who are subjected to multiple forms of discrimination, including lesbian, bisexual, and trans women. It further recommended Ukraine to introduce anti-discrimination legislation and revise existing discriminatory laws to protect women against SOGIGE-based discrimination and violence.

■ On 24 July, CEDAW concluded its observation on the seventh periodic report of Italy. The Committee recommended legal amendments to protect lesbian,

bisexual and trans women and intersex people from intersecting forms of discrimination. Furthermore, it recommended Italy to develop and implement a rights-based healthcare protocol for intersex children.

■ On 24 July, CEDAW concluded its observation on the second periodic report of Montenegro. The Committee recommended authorities take steps to combat discrimination and violence against lesbian, bisexual, and trans women. It also called for a legal gender recognition procedure without forced sterilisation.

Committee on Economic, Social and Cultural Rights (CESCR)

● During various sessions in 2017, the CESCR addressed the position of LGBTI people. The Committee recommended the Netherlands (during its sixth review) to review the practice of surgeries and medical intervention on intersex children. It asked Moldova (during its third review) to provide information on legislative and administrative measures taken to eliminate and prohibit SOGI-based discrimination. In addition, the Committee asked Russia to provide information on discriminatory practices employed against LGBT individuals.

Committee on the Rights of Persons with Disabilities (CRPD)

● On 3 October, the CRPD published its concluding observations on the initial report of the United Kingdom, which included multiple references to intersex people. Recommendations made by the Committee that specifically included intersex people concerned equal access to justice, repealing all types of legislation, regulations, and practices allowing any form of forced intervention or surgery, and ensuring the right to prior and informed consent.

Committee on the Rights of the Child (CRC)

● On 26 October, the CRC concluded its observations on the fifth periodic report of Denmark. The Committee recommended extending anti-discrimination legislation for trans and intersex individuals to all areas - and not just employment. Concerning the ongoing surgical

interventions on intersex children, the Committee recommended developing and implementing a child rights-based healthcare protocol which guarantees bodily integrity, autonomy, and self-determination. Additionally, it recommended adopting legal provisions to provide compensation to victims of surgical interventions.

Human Rights Committee

■ In March, the Human Rights Committee's concluding observations directed to Bosnia and Herzegovina noted that efforts should not only be made to fully investigate and prosecute anti-LGBTI hate crimes but that training should also be provided to reduce stigma and negative stereotypes, for example among law enforcement officials.

■ The concluding observations of the Committee during the sixth review of Italy included the recommendation to take all measures to end discrimination on the grounds of sexual orientation and gender identity. Furthermore, the Committee recommended Italy to consider allowing same-sex couples to adopt children.

■ On 22 August, the Human Rights Committee concluded its observations on the fourth periodic report of Switzerland. The Committee recommended taking all necessary measures to ensure that no child undergoes unnecessary surgery intended to assign sex, and that psychological assistance and reparation, including compensation, are provided for victims of needless surgical procedures. In addition the Committee recommended adopting comprehensive civil and administrative legislation against discrimination on the grounds of sexual orientation and gender identity.

■ The concluding observations of the Committee during the third review of Serbia included the recommendation to strengthen its measures to eradicate all forms of social stigmatisation, discrimination and violence against persons based on their sexual orientation and gender identity, or HIV status.

● An expanded version of the Yogyakarta Principles (YP plus 10) was adopted on 10 November. Originally published in 2006, the Principles were developed by a group of human rights experts to affirm all the international human rights laws related to sexual orientation and gender identity. The 2017 update complements the original

document, specifically recognising the grounds of sex characteristics and gender expression.

Freedom from torture, cruel, inhuman or degrading treatment

- Five UN experts issued a joint statement on 13 April to condemn the abuse and detention of (perceived) gay and bisexual men at unofficial detention camps in Chechnya. The statement called for the detainees' immediate release and for an investigation by the Russian authorities. The experts stated that the LGBTI community in Chechnya was currently *"living in a climate of fear fuelled by homophobic speeches by local authorities"*.
- On 29 September, the UN Human Rights Council voted to condemn the imposition of the death penalty for consensual same-sex relations. The resolution on *"The question of the death penalty"* was passed with 27 States voting in favour, 13 against, and 7 abstentions.
- On 13 October, a group of UN experts urged Azerbaijan to act after receiving reports of human rights abuses against gay and trans people, including arbitrary arrests and ill-treatment, torture and forced medical examinations in detention.

"International human rights law and the treaty obligations of Azerbaijan are clear – no one should be arrested on the basis of their actual or perceived sexual orientation, gender identity, or because they are or are perceived to be a sex worker."

Vitit Muntarhorn, Dainius Pūras,
José Antonio Guevara Bermúdez (Special Rapporteurs),
13 October 2017

Human rights defenders

- On 31 October, Vitit Muntarhorn's term as SOGI Independent Expert ended. Muntarhorn resigned for health and family reasons and on 4 December, the Human Rights Council formally confirmed Victor Madrigal-Borloz as the new Independent Expert. Madrigal-Borloz is a Costa Rican lawyer and previously worked in the fields of torture prevention and accountability. While the appointment of Victor Madrigal was welcomed by LGBTI organisations, there was disappointment and concern among activists regarding the lack of gender diversity among the candidates for the position. (From the twelve potential appointees, there was only one female candidate.)

In order to improve the legal and policy situation for LGBTI people, ILGA-Europe recommend:



Continuing to actively support and adequately resource the work of the UN SOGI Independent Expert.



Encouraging meaningful and effective dialogue between civil society and member states in UN spaces by ensuring access to key meetings, such as at the Human Rights Council, the Commission on the Status of Women, the General Assembly and ECOSOC.



Supporting the participation of civil society groups as key stakeholders in the UPR process and the development of even more specific recommendations by treaty bodies for states to proactively follow up on (in cooperation with civil society).

Council of Europe

The Council of Europe (CoE) continued to provide extensive support throughout 2017 for the protection and promotion of human rights standards for LGBTI people. Its various institutions reacted strongly (and repeatedly) to major human rights violations in Chechnya, Azerbaijan and Turkey. The European Commission against Racism and Intolerance (ECRI) worked on mapping the situation in member states through its country reports, while the SOGI Unit provided technical support to national authorities on such topics as the policing of hate crimes and legal gender recognition. The Parliamentary Assembly adopted a ground-breaking resolution on the rights of intersex people, while the Commissioner for Human Rights proactively spoke out on a range of issues. The European Court of Human Rights handed down two landmark judgments, condemning Russia's ban on so-called "gay propaganda" and France's requirement for trans people to undergo sterilisation as a prerequisite for legal gender recognition. Towards the end of the year, plans were put in place for a review in 2018 of member states' progress in implementing the Committee of Ministers' Recommendation on combating discrimination on grounds of sexual orientation or gender identity.

Bias-motivated violence

- At a meeting in Nicosia on 1 February, (organised in cooperation with Cyprus' Chairmanship of the Committee of Ministers) the Sexual Orientation and Gender Identity (SOGI) Unit launched a manual called "Policing Hate Crime against LGBTI persons: Training for a Professional Police Response". The manual is designed for police trainers, investigators, managers, hate crime officers and frontline police officers and it has since been used at a number of training events.

Bodily integrity

- On 12 October, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on the human rights of intersex people. It was the first comprehensive intersex-specific resolution by any interparliamentary or intergovernmental institution and followed a detailed report by rapporteur Piet de Bruyn (Belgium). Among its recommendations was a call to ban medically unnecessary 'sex-normalising' surgeries, sterilisation, and other treatments practised on intersex children without their informed consent. The resolution also suggested compensation should be considered for individuals who have suffered as a result of invasive and/or irreversible sex-'normalising' treatment carried out without their consent.

Diversity

- The SOGI Unit organised a conference entitled "Being Roma and LGBTI - at the crossroads of discrimination". The event took place on 9 June and it allowed participants to present recommendations to policymakers, and to build further bridges between LGBTI and Roma communities.

Equality and non-discrimination

- Following his visit to the country on 18 and 19 January, the Council of Europe's Commissioner for Human Rights, Nils Muižnieks stressed that Monaco should strengthen its legislation on protection against discrimination by passing a framework law against all forms of anti-LGBT discrimination and violence.

- As part of its five-year monitoring cycle, the European Commission against Racism and Intolerance (ECRI) adopted reports covering the rights of LGBTI people in Andorra, Bosnia and Herzegovina, Denmark, Iceland, Montenegro, Serbia, Spain and Ukraine. The reports provide thorough evidence of the discrimination faced by LGBTI people and detailed recommendations for the authorities on the actions they should take.

Family

- On 21 February, Human Rights Commissioner Nils Muižnieks published a statement entitled "Access to registered same-sex partnerships: it's a question of equality". He called for Council of Europe member states, as a minimum, to enact legislation giving same-sex couples access to the same rights as those enjoyed by different-sex couples (whether through marriage or registered partnership). On 17 May, in an interview to mark IDAHOBIT, he emphasised that the failure to provide this protection has huge consequences for LGBT people and their children in day-to-day life.

- In November, the SOGI Unit published its "Good Practice Guide on Values Based Campaigning for Legal Recognition of Same-Sex Partnerships", based on the successful experiences gained in developing and implementing the successful 2015 marriage equality campaign in Ireland.

Freedom of assembly

- PACE delegates tabled a Written Declaration on 29 June condemning the ban imposed on the 2017 Istanbul Pride march and the subsequent attack on a peaceful demonstration that involved 24 arrests, the blocking of streets and the use of rubber bullets.

Freedom of expression

- In March, in supervising the execution of the European Court of Human Rights (ECtHR) judgment in the case of *GENDERDOC-M v. Moldova*, the Committee of Ministers expressed serious concern with regard to a legislative initiative in the Moldovan parliament aimed at

introducing liability for “propaganda of homosexual relations”.

- On 20 June, the ECtHR ruled in favour of three Russian LGBTI activists challenging Russia's law banning so-called ‘gay propaganda’ in the case of *Bayev and Others v. Russia*. By six votes to one (with the Russian judge dissenting), the Court ruled that Russia was in violation of Article 10 (freedom of expression) and Article 14 (prohibition of discrimination) of the Convention. The ruling argued that the law “reinforced stigma and prejudice and encouraged homophobia.”
- On 20 November, the Human Rights Commissioner expressed consternation at the decision of the Ankara Governor’s Office to indefinitely ban any event organised by LGBT organisations (such as the projection of films, staging of theatre plays, panels, discussions and exhibitions). On 14 December, the PACE General Rapporteur on the rights of LGBTI people Piet De Bruyn emphasised that stifling LGBTI organisations’ free expression is harmful and a breach of fundamental rights.

Freedom from torture, cruel, inhuman or degrading treatment

- On 25 April, PACE adopted a resolution stating that “...recent reports of large-scale abductions, secret detentions, torture and even extrajudicial killings of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Chechnya are a new and particularly grave concern”. In view of these “alarming reports”, it urged the Russian Federation “to carry out an immediate and transparent investigation... in order to bring to justice those responsible and to ensure the safety of the LGBTI community in the North Caucasus.” The Human Rights Commissioner saw these reports as representing “massive human rights violations of the most serious kind”. Others who expressed extreme concern included the CoE’s Secretary-General, Thorbjørn Jagland, and the PACE General Rapporteur on the rights of LGBTI people. PACE decided to conduct a special investigation into “Alleged extreme discrimination and crimes against LGBTI people in the Chechen Republic”, the report to be debated in mid-2018. The Committee for the Prevention of Torture

also commenced an investigation and visited Chechnya in December.

- On 29 September, Piet de Bruyn, PACE General Rapporteur on the rights of LGBTI people, expressed deep concern at reports from Azerbaijan that “scores of gay men and transgender women have been detained by the police on dubious charges, ill-treated, humiliated and imprisoned or fined.” On 11 October, the PACE adopted a resolution focusing on the reported “massive arrests of gay and transgender people and allegations of ill-treatment by the police” in Azerbaijan and called for independent and effective investigations. The Secretary-General and the Human Rights Commissioner also spoke out to condemn the arrests.

Health

- On 16 January, the Council of Europe Committee on Bioethics published a study on the challenges posed to the rights of the child by scientific and technological developments in biomedicine. One chapter of the report ‘The Rights of Children in Biomedicine’, prepared by researchers from Uppsala University Department of Law (Sweden), focused on clinical practices for children classified as minorities based on their gender, sexuality, and physical sex characteristics. The authors noted that the biomedical sector has historically been a source of pain for the LGBTIQ communities and that “...the highest attainable standard of health for [LGBT] children will remain compromised in general until training is both sensitive and patient-centred for each child...”.

Legal gender recognition

- The ECtHR ruled on 6 April that making legal gender recognition conditional on undergoing an operation or sterilising treatment to which the individual concerned did not wish to submit violated Article 8 (right to respect for private life) of the Convention. (However, the Court held that there had been no violation in respect of an obligation to undergo a medical examination or to prove that the individual concerned suffered from gender identity disorder.) The rulings arose from three cases, *A.P., Garçon and Nicot v. France*.

● During the course of 2017, the SOGI Unit advised national authorities in Greece, FYR Macedonia, Lithuania and Portugal on the development of legal gender

recognition legislation consistent with Council of Europe standards.

In order to improve the legal and policy situation for LGBTI people, ILGA-Europe recommend:

-  **A continuing focus on, and high-level support for, a thorough review of implementation by member states of the Committee of Ministers Recommendation on combating discrimination on grounds of sexual orientation or gender identity, leading to strong recommendations to member states and the Council of Europe for further work on implementing the Recommendation.**
-  **Continuing to strengthen the CoE's own institutional mechanisms to ensure that the CoE's support for the human rights of LGBTI people is coherent and visible.**
-  **Increasing the level of technical assistance provided by the SOGI Unit for national level legislative and policy advances across Europe, ensuring close involvement of civil society and national authorities.**

European Union

2017 proved to be a year of renewed visibility and attention for LGBTI issues at EU level. The European Commission celebrated a significant first as it publicly marked International Day against Homophobia, Transphobia and Biphobia. Several Commission directorates took steps towards integrating LGBTI rights into their work, in areas such as health, education, internal human resource management, data collection and combating hate speech. A report from the EU's Fundamental Rights Agency (FRA) clearly demonstrates a need for improvement by EU Member States in providing information, guidelines and training on the rights and specific needs of LGBTI asylum seekers, just at the time when a revision of a number of EU legislation regarding asylum was being discussed. There was another shared moment at EU level, as the shock felt by LGBTI community members as the news from Chechnya broke was echoed by EU institutions who roundly condemned the human rights violations by authorities there. Unfortunately, the same swift institutional response was not quite as forthcoming when LGBTI people were targeted in Azerbaijan.

Asylum

- On 24 March, the European Union Agency for Fundamental Rights (FRA) published a report on the current migration situation in the EU that focused on the situation of LGBTI asylum seekers. The report found that stereotypes have a detrimental impact on the registration, reception conditions and case decisions affecting LGBTI asylum seekers, and highlighted a lack of access to safe accommodation and adequate healthcare. The report was very timely as the three EU institutions were busy discussing the future of a number of legislative proposals regarding EU asylum policies.
- These points were reiterated by FRA in its statement marking International Day against Homophobia, Transphobia and Biphobia (IDAHOBIT), as it urged the EU and its member states to systematically improve the protection afforded to LGBTI asylum seekers.

Bias-motivated speech

- The second and third monitoring exercises for the implementation of the European Commission's Code of Conduct on Countering Illegal Hate Speech Online took place in May and December. (These exercises evaluated the rate and quality of responses by Facebook, Twitter and YouTube to reports of alleged hate speech on their platforms.) Differences existed between the platforms' performance, but all demonstrated a positive trend in the way in which such reports are handled. Some challenges remain, in particular with regard to content considered to be in a "grey area" between hate speech and freedom of expression.
- On 14 March, the European Parliament adopted the report on equality between women and men in the European Union in 2014-2015. The report urged the Commission to expand the scope of EU hate speech law to include hatred on grounds of sexual orientation, gender identity and sex characteristics (SOGIESC).

Bias-motivated violence

- The mobile application and reporting website UNI-FORM was launched at the European Parliament on 28 September. The UNI-FORM app, developed by LGBTI

organisations in nine EU member states with the financial support from the EU Commission, is the only online reporting platform specifically for hate crimes and online hate speech targeting LGBTI people and people perceived to be LGBTI.

- On 5 December, five key guiding principles on hate crime recording were endorsed by the EU High Level Group on combating racism, xenophobia and other forms of intolerance (cultivating a human rights culture within all law enforcement agencies; developing crime recording mechanisms to correspond to national needs; cooperating with civil society organisations defining and applying bias indicators; reviewing procedures to allow the flagging of incidents as potential hate crimes.) The principles were proposed by a subgroup facilitated by FRA and comprised of representatives from national authorities, the European Commission, ODIHR, ECRI, as well as civil society organisations – including ILGA-Europe.

Bodily integrity

- The European Parliament report on equality between women and men in the EU in 2014-2015 (passed in March, **see Bias-motivated speech**) condemned the fact that medically unnecessary surgeries are still performed on intersex children in most EU countries.

Data collection

- On 26 April, the European Centre for Disease Prevention and Control (ECDC) published a thematic report on HIV and men who have sex with men (MSM) in the EU/EEA. Specific recommendations included addressing low testing rates and high rates of late diagnosis among MSM, strengthening and expanding prevention programmes and addressing barriers that block the provision and uptake of prevention/testing services.
- FRA published the second European Union Minorities and Discrimination Survey in December. The survey collected information from over 25,500 respondents with different ethnic minority and immigrant backgrounds across all 28 EU Member States. 73% of the respondents felt comfortable with or neutral about having LGBT

neighbours; 66% felt comfortable when asked about trans neighbours specifically.

Education

- On 24 January, the European Parliament's Children's Rights Intergroup organised an event for the launch the report of the advisory network of experts working on the social dimension of education and training of DG EAC (NESET) 'How to prevent and tackle bullying and school violence'. In particular, the launch focused on bullying on grounds of sexual orientation and gender identity. Two young LGBTI students were invited to share their stories.
- In February, the Council of the EU adopted 'Conclusions on Inclusion in Diversity to achieve a High Quality Education For All'. In the document, the Council called on member states to promote a democratic and inclusive school culture and to take measures to prevent social exclusion and bullying.
- In the framework of its high-level group against discrimination, the Directorate-General (DG) Justice organised a two-day seminar for representatives from EU member states in June to exchange good practices on combatting bullying based on sexual orientation, gender identity/expression or sex characteristics in educational institutions. The event was hosted by the Portuguese government.

Employment

- After controversy surrounding his appointment early 2017, Commissioner Oettinger met with the LGBTI and Anti-Racism and Diversity Intergroups and civil society organisations – including ILGA-Europe – in March to discuss the EC's diversity strategy. The Strategy (called 'A better workplace for all') was published in July and specifically referred to LGBTI equality in the workplace, stating that awareness activities and trainings would be provided for managers and staff, in particular to address any unconscious bias. In July, the Commission also adopted a Diversity and Inclusion Charter.
- In addition, Commissioner Oettinger was a keynote speaker at Workplace Pride's 2017 annual international conference in June in Brussels, where he also met with

representatives from the business sector. The cabinet of Commissioner Jourova was also represented in a panel at the conference.

Enlargement

- In June the European Parliament adopted three of its annual reports for candidate and potential candidate EU countries, assessing the rights of LGBTI people in Macedonia, Serbia, and Kosovo.
- The European Commission's DG for European Neighbourhood Policy and Enlargement Negotiations did not issue its annual enlargement reports in 2017 as it moved to a new format, covering the calendar years. The reports for 2017 (and last few months of 2016) will be published in April 2018.

Equality and non-discrimination

- Throughout 2017, the European Commission published various testimonies by LGBTI people as part of their "We all share the same dreams" campaign, and #EU4LGBTI stories. The videos published in 2017 featured personal testimonies from an intersex activist in Bulgaria, a trans man living in Lithuania, and a gay man from Italy who shared his story about coming out to his family and in the workplace.
- As part of the Maltese Council Presidency, a high-level ministerial conference on LGBTIQ equality mainstreaming was held in Malta in February. On the event agenda was the launch of the first Annual Report on the European Commission's List of Actions to advance LGBTI equality
- There were a series of institutional events to mark IDAHOBIT. The Commission celebrated 17 May publicly for the first time, organising a lunch time debate for its employees, while the European Council organised a lunch time event focusing on trans integration in the workplace. A rainbow pedestrian crossing was painted on the road outside the Commission's Berlaymont building in Brussels. DG Justice held an IDAHOBIT breakfast for its staff and the Maltese Council Presidency organised a 'Colours of the Rainbow' debate in Brussels.

Foreign policy

- Collectively, the EU institutions showed a swift and strong response to news of widespread persecution, illegal detention and torture of (perceived) gay and bisexual men in Chechnya in the spring and summer of 2017. Responses included statements by HRVP Federica Mogherini's office, European Parliament President Tajani, the LGBTI Intergroup and several political party groupings. In May, the Parliament issued a Resolution on the implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) gay and bisexual men in Chechnya, calling for an immediate halt to the detentions, an investigation into the allegations, and asylum to be granted to victims.
- On 25 September, the Subcommittee on Human Rights of the European Parliament held a public hearing on the situation of the human rights of LGBTI people outside the EU and the implementation of the EU's LGBTI Guidelines. Panellists highlighted the inconsistent implementation of the guidelines, in particular drawing attention to a study conducted by Dutch NGO COC on the topic and spoke about the situation in Chechnya.
- EU institutions did not respond publicly to news of widespread arrests and torture of (perceived) LGBT people in Azerbaijan, which were part of an official government clampdown on sex workers (though only LGBT people were targeted). The arrests were reported by the media in September and the European External Action Service raised the situation during the 2017 Human Rights Dialogue with Azerbaijan.
- On 16 October, the European Council adopted the EU Annual Report on Human Rights and Democracy in the World in 2016, including a section on the human rights of LGBTI persons and the EU's actions taken in this regard in 2016.

Freedom of assembly

- On 18 December, members of the LGBTI Intergroup wrote to the Ambassador of Turkey to the EU, urging them to revoke the indefinite ban on LGBTI activities issued by

the Ankara governorship, and protect the right of assembly and of freedom of speech.

- In March, the European Parliament posed written questions to the EEAS and the European Commission regarding support and visibility of EU in Pride events. The MEPs received responses in late June detailing each institution's celebrations to mark 17 May.

Freedom of association

- The EU made a formal complaint against Hungary to the European Court of Justice (ECJ) in December over Prime Minister Viktor Orbán's crackdown on political freedoms. The complaint specifically cited the government's bill designed to increase regulations for foreign universities and also legislation passed in June that requires NGOs in receipt of foreign funding to register themselves as 'supported from abroad'.

Freedom of movement

- On 2 February, the European Parliament adopted a report backing EU-wide recognition of adoptions regardless of the parents' sexual orientation. The report noted that the principle of non-discrimination should be affirmed within adoption laws, protecting the rights of same-sex parents under provisions of the EU Charter of Fundamental Rights.
- On 21 November, the Court of Justice of the European Union (CJEU) heard the case of Adrian Coman and his husband Clai Hamilton. The Romanian General Inspector for Immigration refused to grant the right of residence of one of the spouses, who got married in Belgium in 2010. Exceptionally, the CJEU decided that the proceedings in question would take place before the Grand Chamber, where only cases of utmost importance for the European Union's legal framework are analysed.

Freedom from torture, cruel, inhuman or degrading treatment

- As news emerged from Chechnya, EU institutions issued public calls for an urgent and thorough investigation into the persecution of perceived gay and bisexual men (**see Foreign policy**).

Health

- In February, the European Parliament adopted the Becerra Report on promoting gender equality in mental health and clinical research by the Committee on Women's Rights and Gender Equality. The report condemned the poor treatment of trans people in mental health and called for more action to protect trans and intersex people.
- On 5 July, the European Parliament passed a resolution to make the HIV prevention drug PrEP (pre-exposure prophylaxis) widely available across Europe.
- European HIV-Hepatitis Testing Week in November was officially endorsed by the European Commission and the European Parliament LGBTI Intergroup. As part of Testing Week, co-president of the LGBTI Intergroup Daniele Viotti MEP took a HIV test. In addition, he called for an increase of HIV testing among men who have sex with men (MSM) and trans people.

In order to improve the legal and policy situation for LGBTI people, ILGA-Europe recommend:



Ensuring full implementation of existing legislation and policies, including relevant EU directives, the European Commission's 'List of actions to advance LGBTI equality' and the EU's 'Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex persons' beyond 2019.



Continuing to strengthen the EU's own institutional mechanisms to ensure the work of the European Commission's different Directorates-General on LGBTI issues is coordinated and coherent, by setting up a bi-annual consultative body made up of LGBTI activists and representatives of different DGs to ensure coordination.



Stepping up the leadership of the European Union by visibly protecting and advancing the human rights of LGBTI people across the EU and in its external policies, also through including a fund for democracy and fundamental rights in the EU in the next multiannual financial framework (MFF).

Organization for Security and Co-operation in Europe

Compiling and publishing vital data (gathered by NGOs and state agencies alike) on LGBTI-phobic hate crime continued to be one of the most visible elements of the OSCE's work on LGBTI equality issues in 2017; however there was lots of additional work going on behind the scenes. OSCE events provided a space for civil society groups to raise their concerns around complex issues such as repression in Chechnya and Azerbaijan. The organisation also highlighted the vulnerability of human rights defenders and the risks taken by LGBTI activists in particular.

Bias-motivated violence

● On 16 November, (International Day of Tolerance) the Office for Democratic Institutions and Human Rights (ODIHR) published data on the number of hate crimes committed in 44 OSCE participating states throughout 2016. However, only 16 of those provided statistics on the number of recorded hate crimes targeting LGBT people, while civil society groups provided information about homophobic and transphobic incidents in 33 states. In total, 5998 incidents were reported; of which 900 were hate crimes targeting LGBT people. In a press release on their website, the OSCE Parliamentary Assembly expressed its concern about the growing crackdown on LGBT communities.

Freedom from torture, cruel, inhuman or degrading treatment

● On 13 April, Michael Georg Link, then-ODIHR Director, called on Russian authorities to urgently

investigate the reports of human rights violations against gay men in Chechnya. Moreover, he urged Russia to adopt protection measures for victims and vulnerable individuals.

● On 6 October, the United States Mission to the OSCE expressed its concerns in writing about the reported police abuse of gay and transgender people in Azerbaijan.

Human rights defenders

● On 14 September, the OSCE published the report *The Responsibility of States: Protection of Human Rights Defenders in the OSCE Region (2014-2016)*. The report described LGBTI people as being among the most stigmatised and marginalised human rights defenders, who face the most extreme smear campaigns and targeted attacks.

In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Strengthening the monitoring/reporting mechanisms on hate crime at all levels, including national and civil society monitoring mechanisms.



Developing a more structured strategy for how the OSCE engages with civil society organisations.

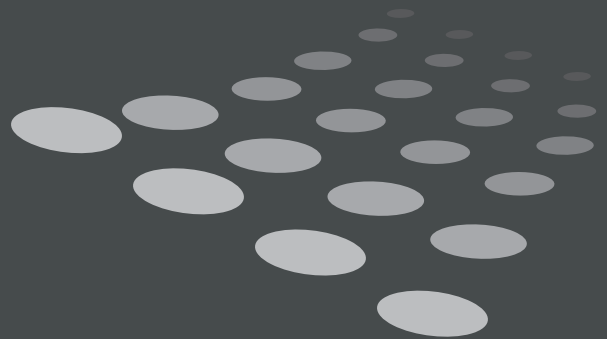


Making the OSCE institutions'/missions' commitment to engaging with human rights defenders more explicit, and following up on reported attacks on human rights defenders.



Encouraging OSCE participating states to collect and report official data on hate crimes targeting LGBTI people.

Country
reviews



Albania



LGBTI activists in Albania were certainly kept busy in 2017. Parliamentary elections were scheduled for June, meaning that NGOs had to mobilise quickly at the start of the year. Several LGBTI NGOs compiled manifestos and information for LGBTI voters and their allies on the equality record of the various candidates, gaining media attention and visibility for LGBTI issues.

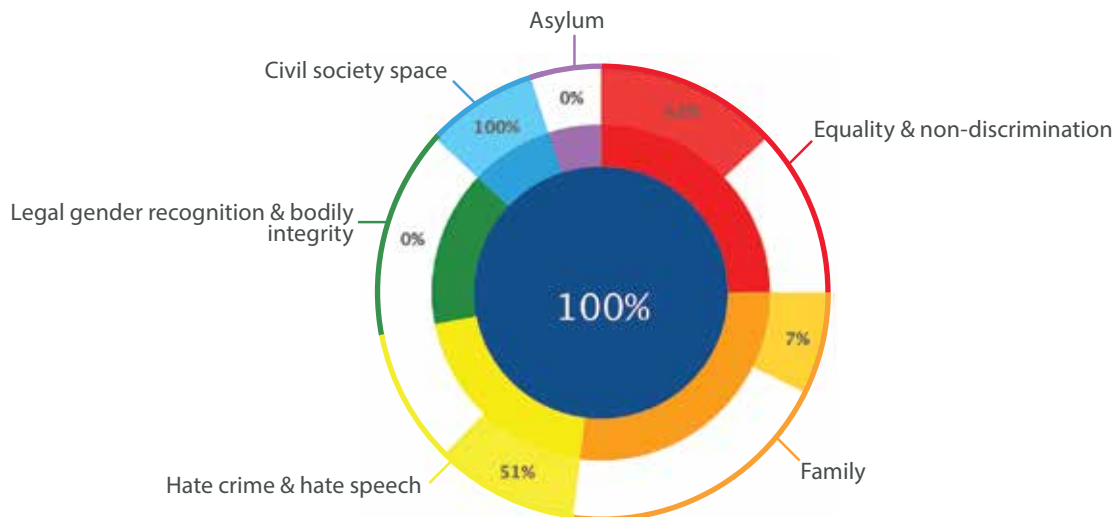
In the wake of the election (won by the Socialist Party of Albania), the work of activists was not over. The Ministry of Social Welfare and Youth was disbanded and its mandate divided between the remaining ministries. This is a point of great concern for LGBTI activists as one of the former Ministry's tasks was to implement the 2016-2020 National Action Plan for LGBTI People. The existence of action plans and laws is not enough; to effect real change for LGBTI people, they must be put into practice. At the end of the year, activists were still trying to get clarity on the ultimate fate of the Action Plan.

The movement also had to deal with the temporary closure of the LGBTI community centre following fire damage and a long-time human rights defender and LGBTI activist left the country. The organisers of Tirana's annual (P)Ride community event held another successful edition in spite of an opposition protest which prevented embassy staff and international representatives taking part. In relation to legal developments in 2017, there was no movement on legal gender recognition, an area in which people living in Albania have zero legal protection.

However, there were hints that the Family section of Rainbow Europe's Map may be changing in the coming years. Activists planned to file a case before the European Court of Human Rights, arguing that same-sex couples should be recognised and protected – a call echoed by last year's Annual Review recommendations for national policymakers in Albania.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Albania** as of 31 December 2017



In order to improve the legal and policy situation for LGBTI people, ILGA-Europe recommend:

- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).
- ➡ Adopting legal measures to recognise and protect same-sex couples, such as cohabitation legislation.
- ➡ Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.

Andorra



Andorra's law and policies relating to LGBTI equality were not substantially improved in 2017, however there were several encouraging signs that this framework will be updated in the not too distant future.

Established in 2016, the White Paper on Equality Working Group presented their overall conclusions to government during the year. LGBTI activists were part of the working group, ensuring that the needs of the LGBTI communities are reflected in the discussions.

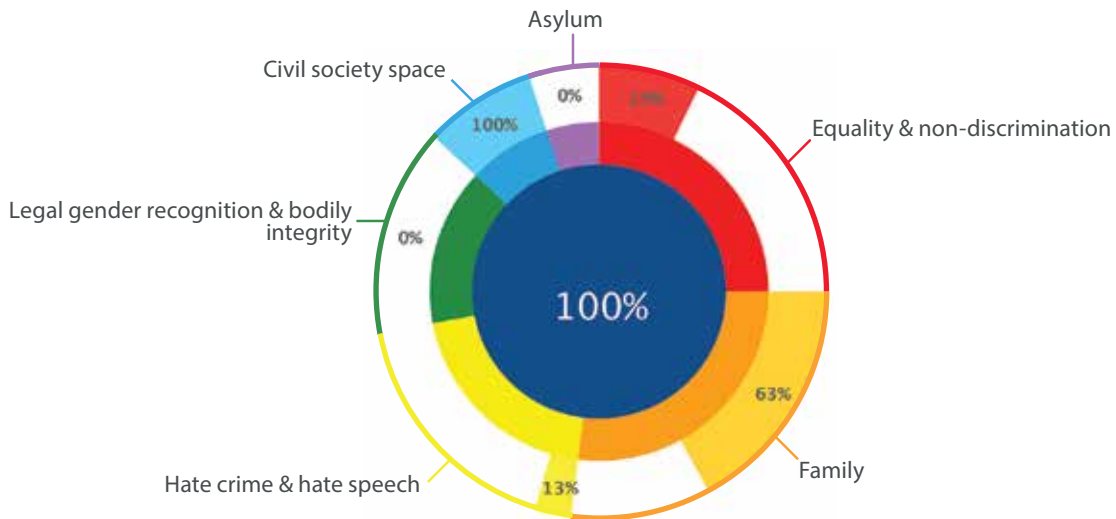
This engagement with civil society is particularly important, as the paper will form the foundations of a new anti-discrimination and equality law. This was one of the key recommendations for Andorran policymakers put forward in last year's Annual Review and the White Paper process was one of the items discussed by national authorities during a visit from the Council of Europe's SOGI Unit officials.

The Ministry of Health committed to making hormone treatment for trans people more accessible and reimbursable through the social security system.

There were no other developments reported in relation to the recommendations included in last year's Annual Review, and ECRI's monitoring reports instructed the Andorran authorities to collect information on the LGBTI communities in the country to ensure that their interventions are as effective as possible.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Andorra** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).
- ➡ Introducing laws on asylum that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.

Armenia



Armenia's legal and policy situation remained relatively unchanged at the end of 2017. Legislation continues to overlook the day-to-day experience of LGBTI people living in Armenia.

Operating in a relative legal vacuum, LGBTI NGOs continually worked to provide support to the community. From training courses on fundraising and activism for LGBTI organisers, to developing guidelines on LGBTI mental health for medical professionals, to running the first community camp for trans people, NGOs provided a wide range of vital services. A prominent LGBTI activist was also recognised for their equality work with the 2017 Hepple Equality Award.

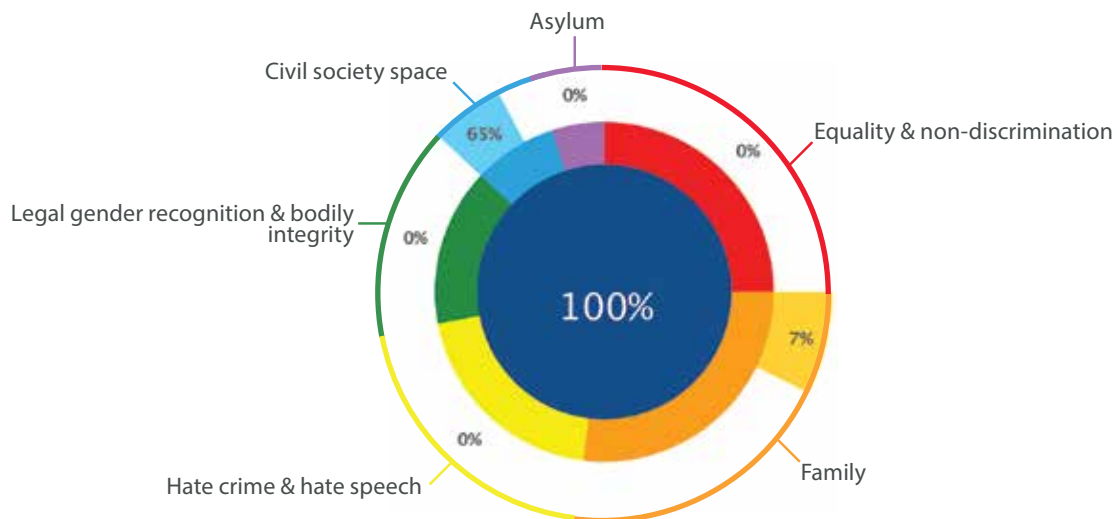
This support was often provided in a hostile environment that was not particularly encouraging for civil society. Right Side NGO was the target of attacks and had to relocate their office, but continued to work with the LGBTI community and advocate for greater legal protection for trans people throughout.

NGOs also reported that hate speech, attacks and intolerance towards LGBTI people remains commonplace. In the absence of any progress on the recommendations to policymakers made in last year's Annual Review, a significant number of LGBTI people surveyed by NGOs admitted they had made plans to leave Armenia entirely.

Several attempts to increase public awareness of LGBTI issues were thwarted during the year. The removal of NGO Pink Armenia's campaign posters from Yerevan city centre drew complaints from LGBTI activists, while two films featuring LGBTI themes were removed from the Golden Apricot International Film Festival programme without a satisfactory explanation.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Armenia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Introducing hate crime laws that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➡ Specifically including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in legislation prohibiting discrimination in all spheres of life.
- ➡ Developing fair, transparent administrative measures for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

Austria



Marriage equality was certainly a topic that attracted media attention in Austria in 2017.

In a somewhat unexpected move in December, the Federal Constitutional Court opened up the possibility of marriage to same-sex couples and civil partnerships to different-sex couples. It ruled that having two different and separate legal institutions violated the principle of equality. Opening up marriage and partnerships to all couples had been an explicit recommendation to policymakers included in the last Annual Review, but the change came instead from the judicial benches.

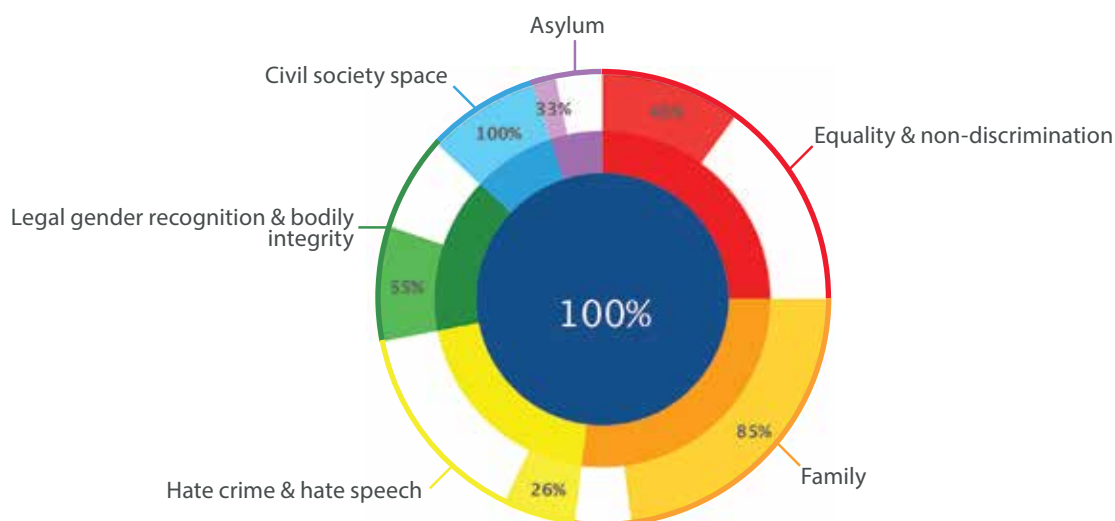
Some politicians had made promises to discuss marriage equality after the next general election, however the Constitutional Court's decision accelerated the conversation significantly. Its judgment means that equal marriage will be a reality by 1 January 2019 (unless the government acts earlier than that).

The Constitutional Court could also play an active role in providing great legal protection for the LGBTI community in the coming months; a judgment in the case of Alex Jurgens, who has questioned the current gender marker system, is due in early 2018.

Activist members of the intersex movement from 16 CoE member states came together for the first OII-Europe intersex community event in Vienna. The European Lesbian* Conference also took place in Vienna and culminated in a march through the city's streets by the 500 participants. Local intersex NGOs were also involved in a working group that met during the year to develop guidelines around the treatment of intersex people; these guidelines are due to be published in 2018 and would be a welcome step forward in a jurisdiction that does not yet outlaw unnecessary surgeries on intersex bodies.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Austria** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Drafting and adopting legislation that expressly protects against discrimination on the grounds of SOGISC (sexual orientation, gender identity, sex characteristics) when accessing goods and services.



Ensuring marriage equality and registered partnership (without restrictive provisions) are a possibility for all couples, in line with the Constitutional Court decision of 5 December 2017.

Azerbaijan



Being a human rights activist or a member of the LGBTI community in the country that lies at the bottom of Rainbow Europe's country ranking is undoubtedly challenging. In 2017, life for the community became even more precarious, with police raids against LGBTI people hitting global headlines.

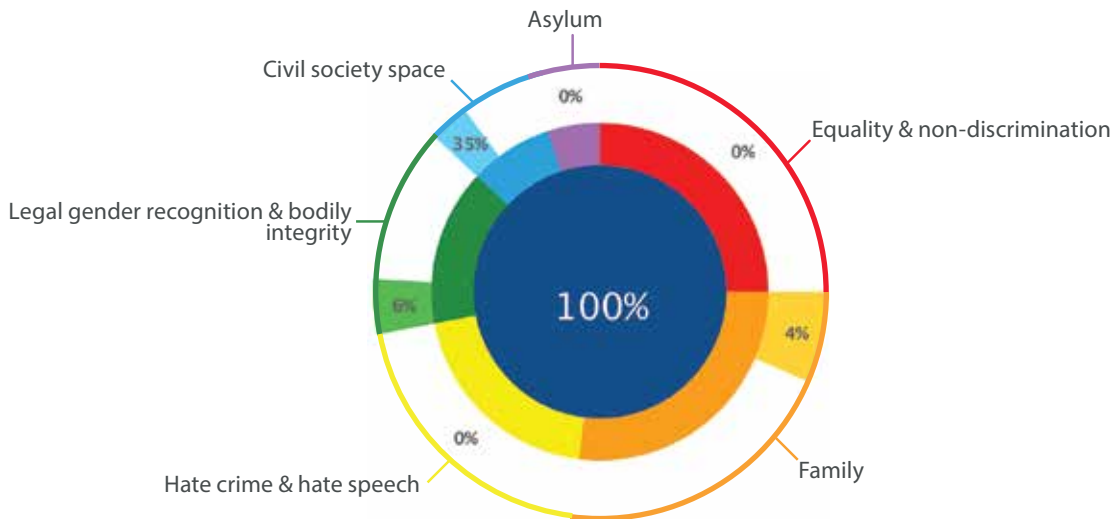
NGOs and activists in Azerbaijan had received reports of raids in previous years (for example, last year's Annual Review noted incidents in the capital). But while being targeted by the police was not a new experience for LGBTI people, the scale of the arrests in September was unprecedented. News of assaults, forced medical exams and blackmail by police emerged, while the authorities attempted to justify the detentions for public health reasons.

In addition to the Baku raids, there were other examples of how space for activists and dissenting voices is being consistently reduced. Journalists were placed in detention, news websites were blocked and politicians continued to make anti-LGBTI public statements.

On the legal and policy front, there were no positive developments to report under any of the Rainbow Europe criteria, in a year that proved to be increasingly difficult for LGBTI people and their allies.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Azerbaijan** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommends:



Introducing anti-discrimination law to expressly protect LGBTI people against discrimination on the grounds of SOGISC (sexual orientation, gender identity, sex characteristics) in employment.



Introducing hate crime laws that explicitly cover all bias-motivated crimes based on SOGISC (sexual orientation, gender identity, sex characteristics).



Explicitly including SOGISC (sexual orientation, gender identity, sex characteristics) in the mandate of a national human rights institution/equality body.

Belarus



LGBTI people in Belarus continued to be omitted from laws and policy in the country. There is a lack of legal protection against discrimination, bias-motivated incidents and there is no recognition of rainbow families.

This absence of legal backing became even more apparent when several people were detained following raids on two LGBT clubs in Minsk. This also coincided with the shutdown of a gay dating site and raised questions among the LGBTI community about the motives behind these actions.

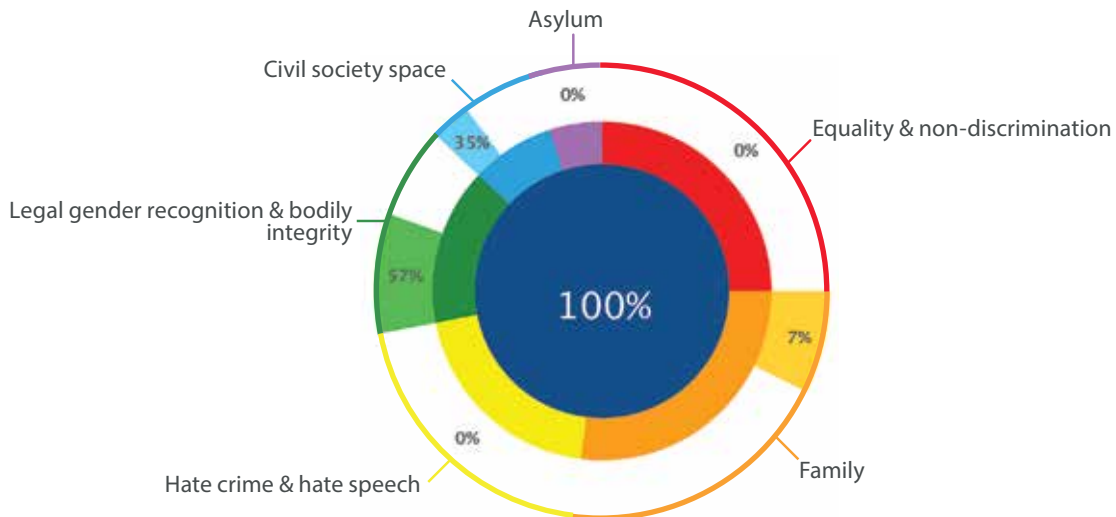
Another area of law that overlooks LGBTI people is hate crime and hate speech. Widespread hate speech was one of the issues raised as an ongoing concern by Belarusian LGBTI activists during a meeting with their counterparts from Lithuania and Norway in 2017. One notable example was an MP's assertion that anything other than a married man and woman with children was an attempt to destroy the notion of family.

There was no progress to report on the recommendations for policymakers contained in last year's Annual Review – laws on hate crime, anti-LGBTI speech or greater protection for the trans community were not forthcoming.

This lack of leadership from policymakers – either in terms of law or visible public support of LGBTI equality – means that changing entrenched social attitudes is more challenging for activists. Despite the fact that many respondents to an opinion poll felt that tolerance was an essentially Belarusian characteristic, 70% of those surveyed said they would not like to live next to an LGBT person.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Belarus** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Introducing anti-discrimination laws to expressly protect LGBTI people against discrimination on the grounds of SOGISC (sexual orientation, gender identity, sex characteristics) in employment.
- ➔ Including express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in policies designed to tackle hate crime.
- ➔ Including express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in policies designed to tackle hate speech.

Belgium



After discussions on the topics that spanned several years, Belgium's new legal gender recognition legislation reached its final vote in 2017.

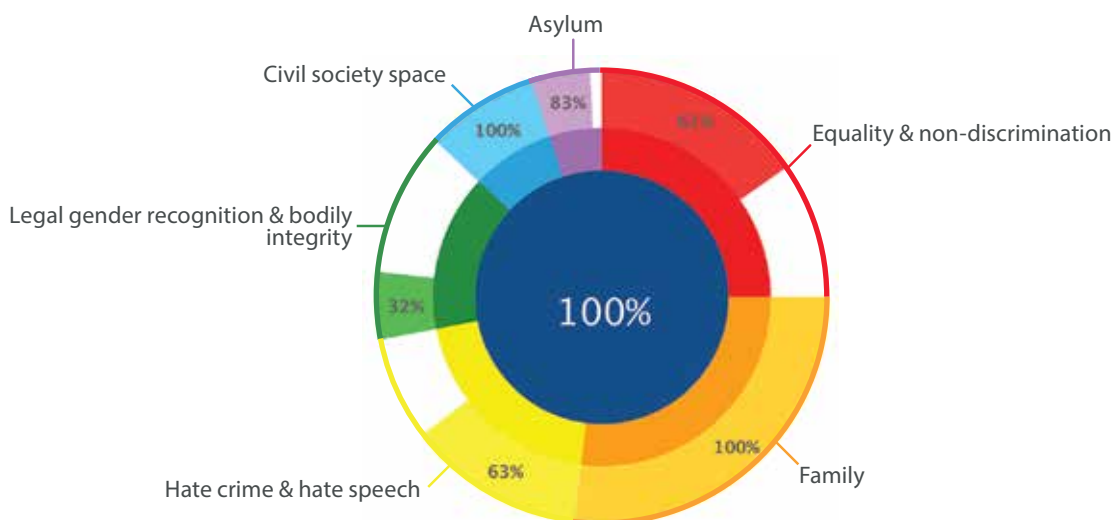
The new law was the result of intensive consultations between trans activists, LGBTI NGOs and Belgian policymakers, and it removed the previous requirements of sterilisation and mental health diagnosis. The long-awaited move towards a self-determination model is very much welcomed, however there is still work to do to bring the law in line with best practice. (For example, not all minors can access the legal gender recognition procedure and people must renew their intent three months after their initial application).

Unfortunately, equality body Unia's annual report highlighted rising numbers of discrimination cases based on sexual orientation being referred to it.

The situation faced by intersex people in Europe was brought firmly into the spotlight by Belgian model Hanne Gaby Odiele. She came out as intersex in January and became an outspoken advocate for protection of intersex people's bodily autonomy throughout the year. Odiele succinctly summed up her own experience and the taboo that can surround intersex bodies, telling USA Today "It's not that big of a deal being intersex... It became a trauma because of what they did."

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Belgium** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Giving LGBTI people protection under the constitution, by expressly referring to sexual orientation, gender identity and sex characteristics.
- ➔ Introducing hate crime laws and policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➔ Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent, and expressly including references to sex characteristics in anti-discrimination legislation.

Bosnia and Herzegovina



LGBTI activists continued to deliver a clear, unambiguous message to the national authorities in 2017 – the equality legislation looks good on paper but there is still a lot of work required to make daily life safe for LGBTI people in Bosnia and Herzegovina.

This divergence between the existence of laws and their implementation was emphasised by local LGBTI NGOs, global human rights bodies and European institutions. The fact that tolerance needs to be improved and that a strategy to achieve this is urgently needed was mentioned in reports from Amnesty International, Human Rights Watch, the European Commission against Racism and Intolerance and in submissions to the UN's Committee against Torture.

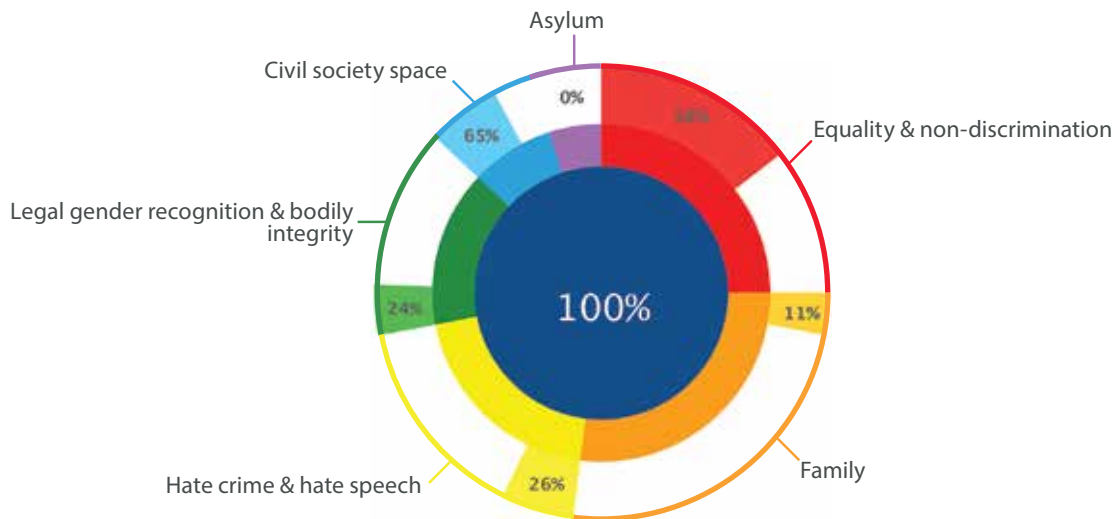
Discrimination and violence against LGBTI people still exists in Bosnia and Herzegovina. LGBTI NGOs who regularly document hate crime were concerned to note trends among the victims who reported such crimes in the past year – many were activists themselves; many of the reported cases were attacks by close family members or school peers, some involved mistreatment by the police. LGBTI activists were forced to protest outside a government ministry in May after their application for an IDAHOT march was not dealt with, a move that the Ombudsman later called a human rights violation.

And such discrimination continues because inaccurate stereotypes about LGBTI people and their lives are allowed to persist. These kinds of inaccurate representations were found in 2017, in everything from educational textbooks to media articles. LGBTI NGOs are continually providing materials and training for civil servants, police officers and teaching staff - but efforts by civil society to create understanding does not relieve national politicians of their own responsibility to act as leaders in this area.

The experiences of the trans community were discussed in parliament for the first time ever, during a thematic session. Community research carried out in 2017 by the NGO Sarajevo Open Centre showed that two-thirds of trans people have experienced violence and been discriminated against, highlighting their vulnerability within the LGBTI community. Unfortunately, in legal and policy terms, trans people in BiH continued to be marginalised. No progress was made on a more inclusive and accessible legal gender recognition procedure, despite the fact that activists had included it in their recommendations to policymakers contained in the previous edition of the Annual Review.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Bosnia and Herzegovina** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Adopting legal measures to recognise and protect same-sex couples, such as registered partnership.**
- ➔ **Introducing laws designed to tackle hate speech that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.**
- ➔ **Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).**

Bulgaria



LGBTI activists in Bulgaria had a busy 2017, as they celebrated a mix of positive milestones and frustration.

Activists successfully organised the first ever LGBT+ festival in the city of Varna, running for six days. However, not all LGBTI events ran smoothly, as the organisers of Sofia Pride can attest. The 10th edition of Pride in the capital was complicated by the fact that ultranationalist opponents were also granted permission for a protest of their own, one hour before Pride was due to start, entitled 'Let's clear Sofia of trash'.

The Supreme Court of Cassation handed down a decision that also contained a mix of good and bad news for trans activists. The judgment stated that so-called 'reassignment surgery' was not necessary but that people requesting a legal change of gender do have to undergo hormone therapy. This was a frustrating moment, as a legal gender recognition framework free from abusive requirements had been called for by LGBTI NGOs and included as a recommendation in last year's Annual Review.

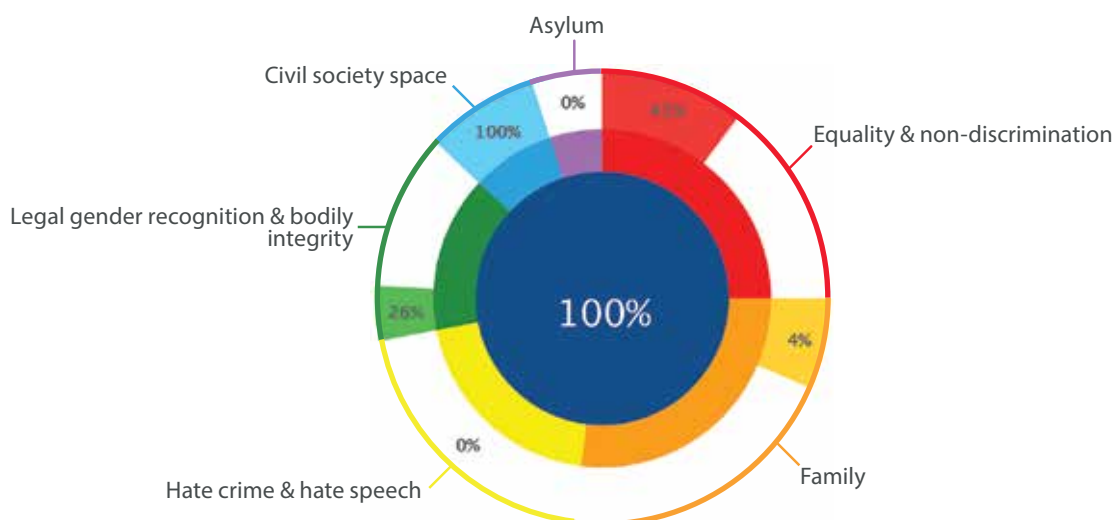
Support from political figures also varied widely – one MP was condemned and ridiculed in equal measure for suggesting that MPs should reveal their sexual orientation in case it was a conflict of interest, while Sofia's mayor met with LGBTI activists to discuss sexual health initiatives on World AIDS Day.

There were several moments of encouraging visibility, as intersex activist Pol Naidenov received a human rights award from the Bulgarian Helsinki Committee, the first offline trans and intersex-led support meetings took place and the first LGBTI workplace inclusion manual was published.

And, as the year came to a close, activists watched with interest to see how human rights and equality issues would be approached as Bulgaria prepared to take over the rotating six-month Council presidency.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Bulgaria** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Adopting legal measures to recognise and protect same-sex couples, such as registered partnership and/or cohabitation.



Introducing hate crime laws and policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.



Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

Croatia



Several questions relating to rainbow families and their legal position were raised in Croatia in 2017.

Firstly, LGBTI NGOs queried the decision of the Croatian authorities to deny a same-sex couple's request to adopt jointly, as the 2014 act governing life partnerships does not explicitly rule out the possibility.

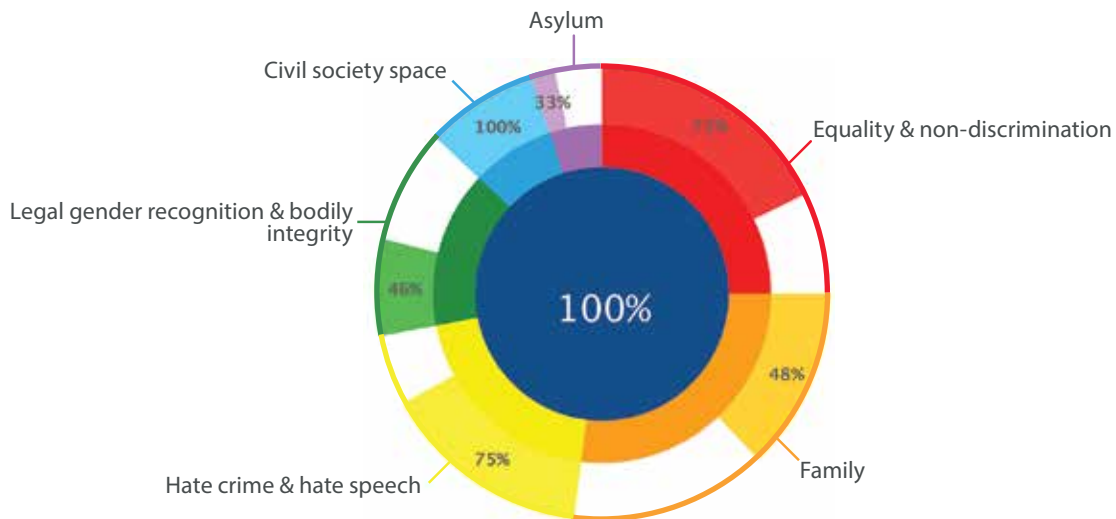
A legislative proposal drafted by a former government minister caused concern and anger among many families in Croatia when it was submitted to parliament in the autumn. The draft Family Law suggested that only different-sex couples with children would be defined as family; an idea that drew a critical response from rainbow families and the general public alike.

The bill was eventually withdrawn but the very fact that such a legal change was even mooted in the first place is worrying. Croatia's laws and policies for LGBTI equality ensure a good position on the Rainbow Europe country ranking but these policies can't become embedded in reality without political leadership.

A lack of vocal support for LGBTI equality – among politicians and national media – was raised as an ongoing issue by the LGBTI Workplace Equality project. The same initiative also released figures in 2017 that showed many LGBTI employees don't feel comfortable being out at work, in spite of existing employment anti-discrimination legislation.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Croatia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.



Replacing the existing legal framework for legal gender recognition with new legislation that ensures the process is based on self-determination and is free from abusive requirements.

Cyprus



The recommendations for national policymakers contained in the last edition of the Annual Review dominated many of the conversations that took place between LGBTI activists and political figures in 2017.

Currently, Cyprus does not have any law in place to protect trans or intersex people, and this fact was top of the agenda for a meeting between LGBTI NGO Accept-LGBT Cyprus and President Anastasiades. Joined by Council of Europe officials, LGBTI activist highlighted the importance of legislating for trans and intersex equality.

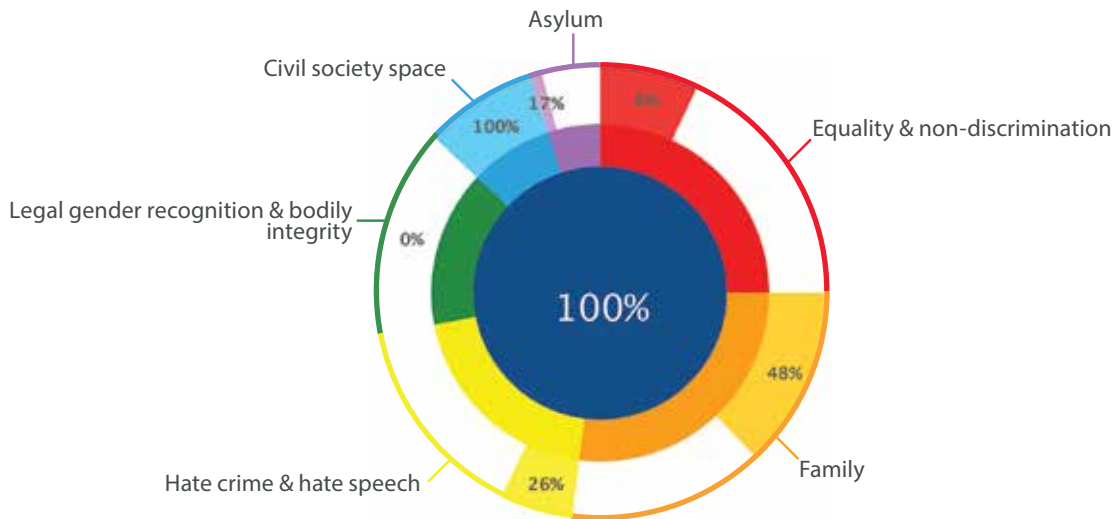
Learning from the example set by Malta, local activists worked to produce a proposed law on gender identity, expression and sex characteristics. At the time of writing, the government had not presented the law to parliament for consideration.

Another recommendation proposed in last year's Annual Review was also highlighted during the meeting between activists and the President – namely the fact that hate crime/speech laws need updating. This is not only due to the fact that many members of the LGBTI communities are excluded from the provisions but also because the hate speech laws do not work in practice, according to the experiences of activists.

On a positive note, a rainbow flag was flown by the Paphos city officials in support of Pride for the first time and the Attorney General clearly stated that children cannot be excluded from sex education classes. However, activists sounded a note of caution around the lack of a coordinated government strategy on how to deal with the rise of new HIV infections.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Cyprus** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/ medical diagnosis, or surgical/medical intervention).
- ➡ Actively implementing existing legislation to ensure that people are protected against hate speech on the grounds of sexual orientation and gender identity, and extend the law to cover sex characteristics.
- ➡ Drafting and adopting legislation to allow same-sex couples to have access to joint adoption.

Northern Cyprus*

- ➡ Amending labour laws to expressly protect LGBTI people against discrimination on the grounds of SOGISC (sexual orientation, gender identity, sex characteristics) in employment.
- ➡ Specifically including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in legislation prohibiting discrimination in the field of education.
- ➡ Specifically including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in legislation prohibiting discrimination in the field of health.

*(Areas not under the effective control of the Republic of Cyprus)

Czech Republic



Same-sex couples, rainbow families and their legal protection (or lack thereof) were the issues at the forefront of LGBTI activists' minds in 2017.

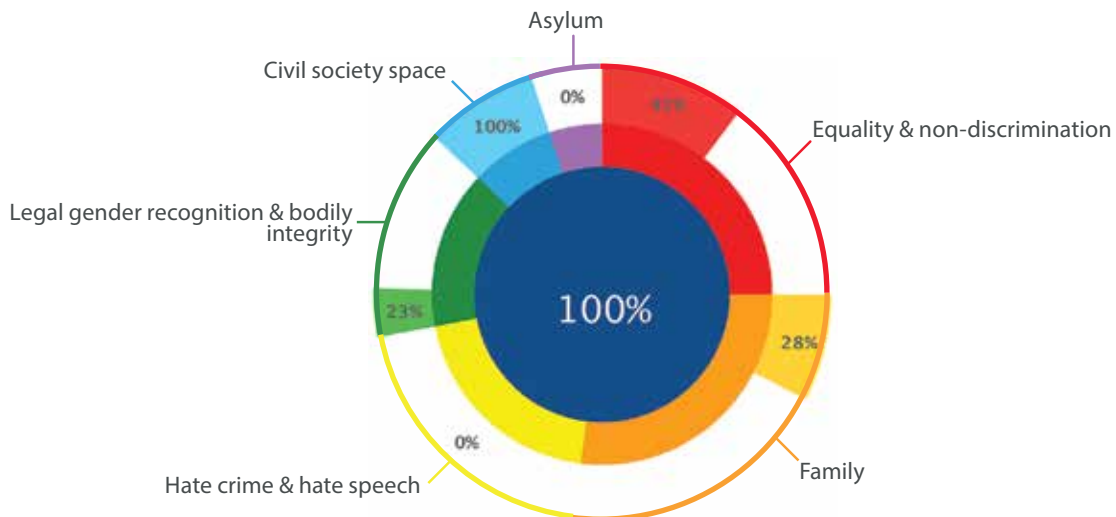
The year began on a disappointing note, as a long-awaited bill on second-parent adoption failed to be debated and was removed from the legislative agenda. (Under existing legislation, only married couples are eligible to access the adoption process.) However, there were encouraging court cases, including the recognition of a couple's parenthood of their child who had been born via surrogacy in the USA.

Importantly, the LGBTI community did not allow themselves to be discouraged by the political inaction on adoption. Five Czech NGOs grouped together under the *Jsme fér* (We are Fair) campaign title and began a national conversation on marriage equality. Public opinion polls showed that young adults in particular are very positive about the possible introduction of equal marriage.

Trans activists were left feeling frustrated after National Geographic's Czech edition featured transphobic language and a different cover to the international version of its 'Gender Revolution' edition, while Roma LGBTI activists continued to build links with fellow NGOs through solidarity campaigns. The incident involving National Geographic and intolerant public statements by presidential candidates serve as a timely reminder that there is still an absence of hate crime and hate speech laws to explicitly protect LGBTI people from bias.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Czech Republic** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Ensuring marriage equality for all.**
- ➔ **Drafting and adopting legislation to allow same-sex couples to have access to adoption.**
- ➔ **Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as sterilisation, GID/medical diagnosis, divorce or surgical/medical intervention).**

Denmark



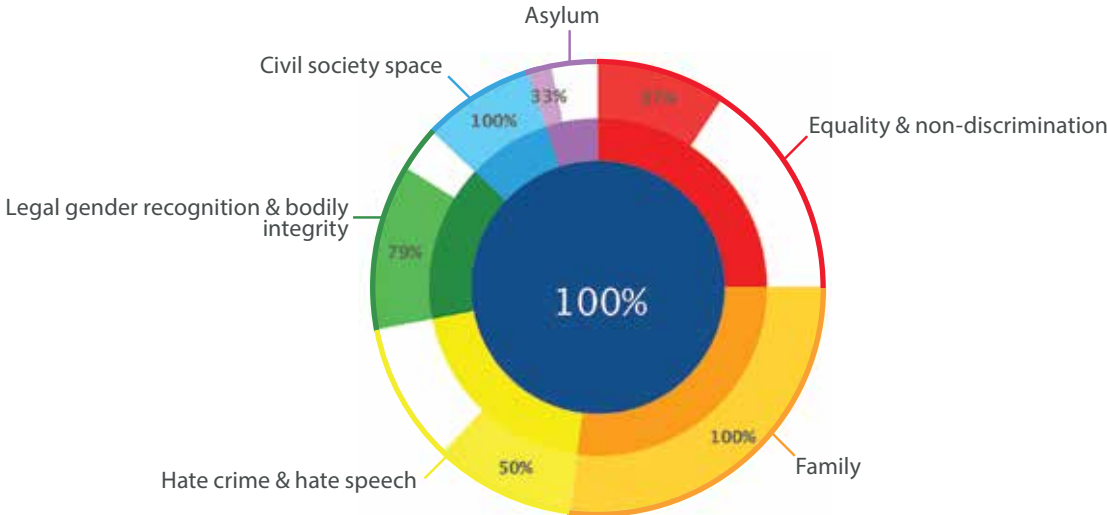
Since the last Annual Review was published, Denmark created history by removing identifying as trans from the Danish Health and Medicines Authority's list of mental illnesses. It is the first country in the world to declassify trans identities in this way, moving away from the WHO's International Classification of Diseases.

This news was followed later in 2017 by the new guidelines from the national Health Authority, revising previous protocol in an attempt to improve access to trans health services. This marks a step towards fulfilling one of the recommendations for policymakers included in last year's Annual Review, around transforming the healthcare model for trans people in Denmark. Marriage equality finally became a reality in the Faroe Islands and legislation giving an infertile woman with a female partner access to egg donation including donation from her partner was passed by parliament.

Despite Denmark's impressive overall ranking position, the bodily integrity section of the Rainbow Europe Map is still an area in which the country can improve, a fact reiterated by an Amnesty International Report on the treatment of intersex children. The report's recommendations called for sex characteristics to be included in legislation as a protected ground. As the Annual Review goes to print, LGBTI activists are also eager to see the new LGBTI-specific Action Plan announced by the government become fully operational in 2018.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Denmark** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Updating the existing legal framework for legal gender recognition, to ensure that people under the age of 18 can access the process.
- ➔ Ensuring that a comprehensive national action plan on LGBTI equality that expressly mentions all SOGISC (sexual orientation, gender identity, sex characteristics) grounds is commenced and enforced.

Estonia



The Registered Partnership Act may have been originally passed in 2014 and formally came into force in 2016, but it continued to occupy the minds of Estonian LGBTI activists in 2017.

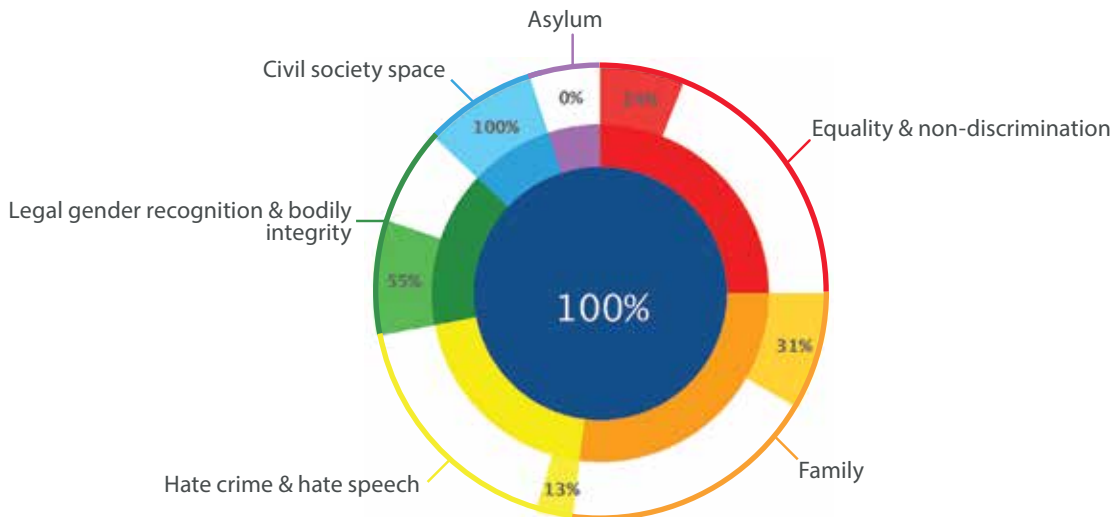
The law that introduced the option of legally recognised partnerships for same-sex couples had been the subject of a repeal attempt by politicians who continued to oppose it. Thankfully this bill was rejected by Parliament in October. Earlier in the year, the Administrative Court in Tallinn had ruled that by delaying the introduction of the Partnership Act's implementing legislation, the Estonian state had negatively impacted couples who wanted to register as partners (this was subsequently appealed by the state).

Once again, Estonia's experience with the Registered Partnerships Act shows policymakers all over Europe that the existence of laws on paper is only part of the equality process – practical implementation of LGBTI-inclusive laws is vital.

Other developments in family law included the first inclusion in the national register of a marriage between a same-sex couple carried out abroad; an adoption carried out by a same-sex couple was also recognised. Estonia joined the list of countries that have ratified the Istanbul Convention, although little movement was noted on the gaps that continue to persist in law and policy, particularly in the areas of hate crime/hate speech, asylum and the abusive requirements involved in the legal gender recognition process.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Estonia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Including express mentions of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in laws designed to tackle hate speech.
- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).
- ➡ Ensuring that the existing laws on registered partnership are fully implemented to ensure that same-sex couples are recognised and protected.

Finland



2017 was a year of mixed emotions for the LGBTI community in Finland – some long-awaited legislative changes finally came into effect, while calls for reform in other policy areas were not heeded by policymakers.

Equality advocates celebrated in March as the equal marriage law (initially approved in 2014) came into effect. The legislation had also survived a last-minute attempt by opponents to derail its introduction; a citizen's initiative to repeal the law was roundly rejected by parliament in February.

Several interesting discussions on potential legal change also took place during the year. A working group was set up to examine the national ID system and its use of gendered personal identification numbers. (The review is expected to run until 2019.)

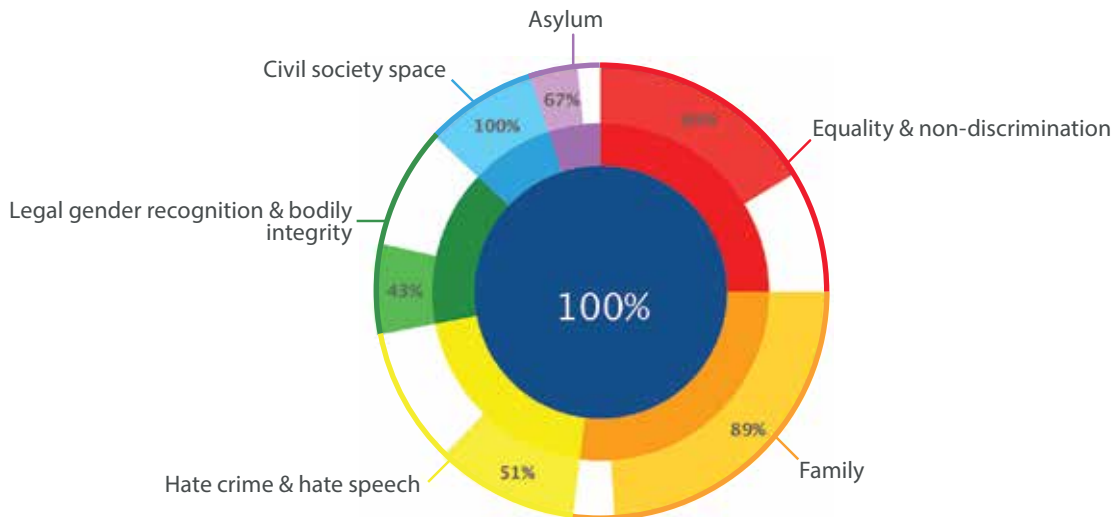
Another possible future reform is ability of both parents in a female same-sex couple to obtain automatic legal parenthood. This was recommended in the last edition of the Annual Review and was supported by MPs in the legal affairs committee in 2017; the bill will be considered by parliament in 2018.

However, other recommendations directed to policymakers by LGBTI activists were ignored in 2017. Trans activists and civil society continued to push for the removal of sterilisation as a requirement in legal gender recognition. And the calls for change also came from international observers. The UN Human Rights Committee recommendation to remove the need for sterilisation in May was rejected by the Finnish government several months later. A bill with this aim in mind had not received enough support from politicians to make it onto a committee agenda by the end of the year.

Following concerns raised by LGBTI asylum seekers, LGBTI NGOs engaged with migration agencies to increase awareness of the specific situation of LGBTI asylum seekers and the support they require when arriving in Finland.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Finland** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).



Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.



Adopting a comprehensive national action plan on LGBTI equality that expressly mentions all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.

France



Many of the high-profile developments related to LGBTI equality in France during 2017 came from judicial benches as opposed to parliamentary chambers.

In a historic judgment, the European Court of Human Rights held that requiring people to be sterilised before they can access legal gender recognition was a clear human rights violation. Unfortunately, the Court did not view forced medical exams or mental health diagnosis to be a breach of the Convention, but the decision marks a major victory for LGBTI activists and should herald a swift move away from abusive requirements such as sterilisation by governments across Europe.

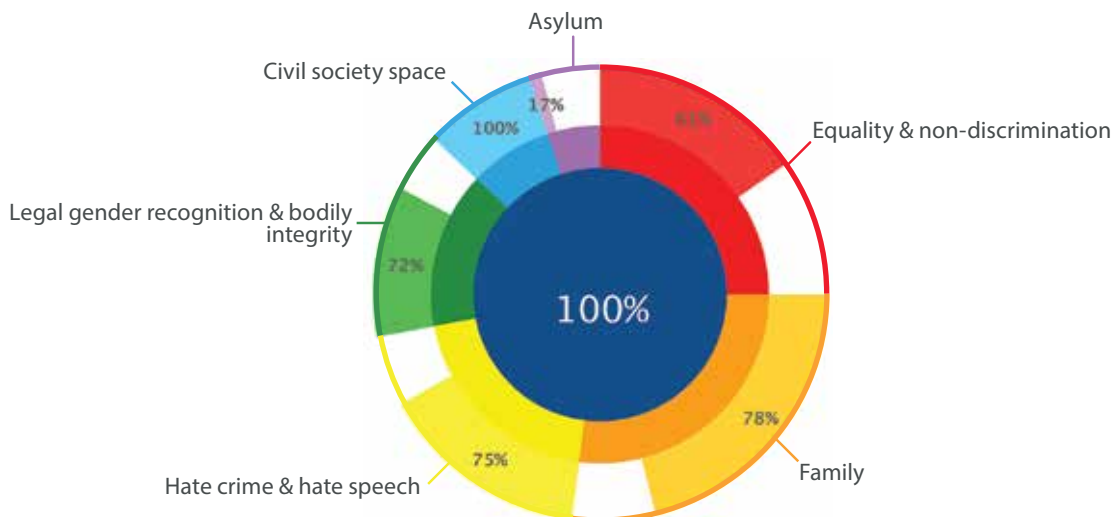
Another significant legal discussion took place in Clermont-Ferrand where an intersex man filed an official complaint against the surgeons who operated on him as a baby without consent. LGBTI activists believe this investigation by the prosecutor is the first case of its kind in France.

However, in the year after the passage of a new legal gender recognition procedure, France's highest court of appeal ruled that a gender-neutral person could not be recognised as such on any government documents, ruling out the possibility of a third gender marker.

Access to medically assisted insemination for individuals was cited by LGBTI activists as a priority in the previous edition of the Annual Review. That particular recommendation was on the agenda of legislators in 2017, following advice from the national ethics committee that access be extended to lesbian couples and single people. The minister for gender equality made a public commitment to the legislation but no legal change took place before the end of the year.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **France** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Allowing for equal access to medically assisted insemination treatments for all individuals and all couples.**
- ➔ **Introducing policies on asylum that contain express mention of all SOGISC (sexual orientation, gender identity sex characteristics) grounds.**
- ➔ **Allowing for automatic co-parent recognition, so that children born to couples (regardless of the partners' sexual orientation and/or gender identity) are not facing any barriers in order to be recognised legally from birth to their parents.**

Georgia



LGBTI activists working on the ground in Georgia had to face several challenges in 2017 – not only when community members required their support, but because the activists themselves were the targets of bias-motivated attacks.

Several LGBTI activists were subjected to a hate campaign instigated by ultranationalist opponents, with violent threats being spread through social media posts and newspaper articles. Five members of the LGBTI community, including activists who worked with LGBTI NGOs, were physically attacked in Batumi city, but received no support from law enforcement officials.

These clear attempts to intimidate and make LGBTI activists cease their work is another example of the increasingly difficult climate that human rights defenders are operating in across Europe.

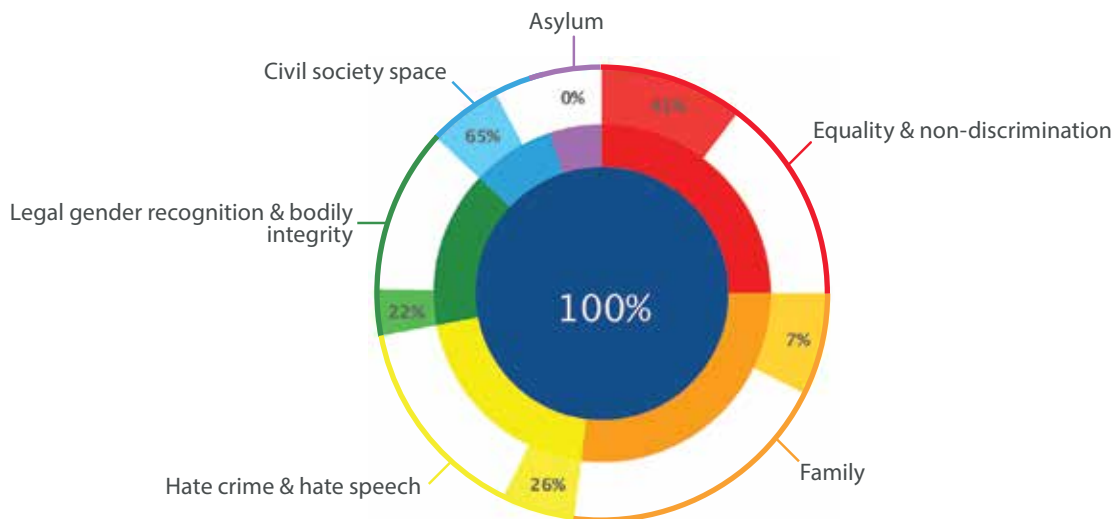
Little progress was made on the recommendations issued in the previous edition of ILGA-Europe's Annual Review. The fact that the existing legislative protections are not being fully utilised only adds to that disappointment. Zizi Shekiladze's murderer was given a 13-year prison sentence, but transphobia was not considered by the court as an aggravating circumstance, despite provision for this possibility under the country's Criminal Code.

More positive legal developments included the initiation of the first case of gender identity discrimination heard by the Public Defender since the introduction of the 2014 equality laws and the Constitutional Court's decision that the blanket ban on blood donation violated the Constitution.

In another development involving the Constitution, parliament voted to introduce a definition of marriage into the document, describing it as a union between a man and a woman. However, the Venice Commission noted that this did not rule out the possibility of legal recognition for same-sex couples.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Georgia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).
- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.

Germany



In a move that was eventually as swift as it was unexpected, marriage equality became a reality for same-sex couples living in Germany.

As several political parties indicated that they would only enter coalition agreement if marriage equality was included, the shift of Angela Merkel's Christian Democratic Union (CDU) party to facilitate a free vote in the weeks before heralded the arrival of equal marriage earlier than many LGBTI activists would have predicted. Before the end of 2017, couples were able to marry and access the adoption process. However, LGBTI NGOs have pointed out that family law issues still remain, around a lack of automatic co-parent recognition and obstacles for trans parents.

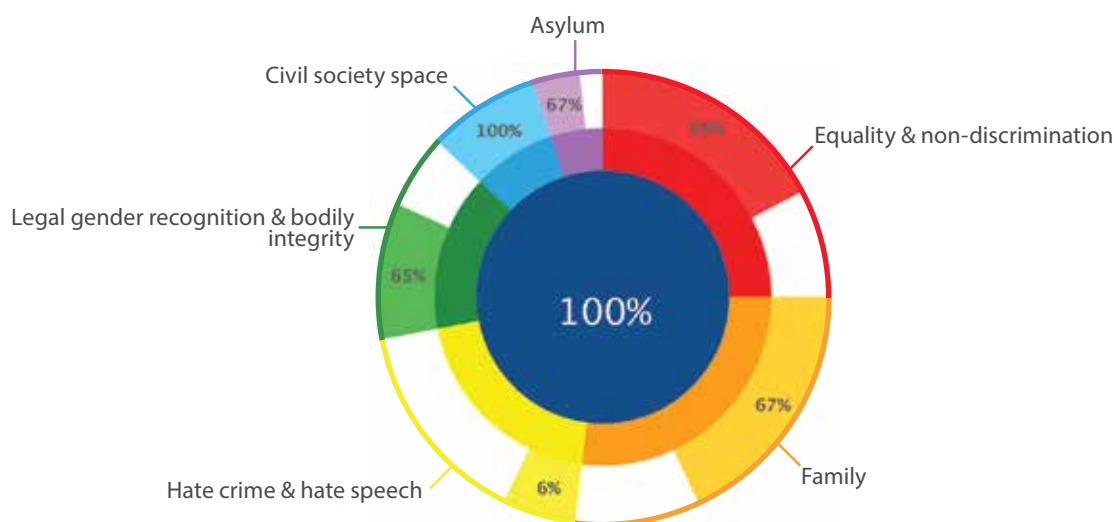
Another historic moment for the LGBTI movement in Germany came in the autumn, as the Constitutional Court declared that the constitution protects people outside the gender binary. In the coming months, legislators have two options: introduce a third gender option for people who do not identify as a male or female, or remove gender registration altogether by the end of 2018.

While some areas of Germany's family laws were updated to include same-sex couples, there was little movement in other sections and gaps remain. There is still no national legislation to protect LGBTI people against bias-motivated speech or violence. Figures released by the Federal Interior Ministry showed a 27% increase in the numbers of sexual orientation-related hate crimes reported in the first half of 2017. This only underlines the urgency for legislation; a move previously recommended by last year's Annual Review.

The Queer Refugees Germany project began its work to mainstream LGBTI issues into German support services for asylum seekers. Germany also moved to apologise for historic convictions handed down to gay and bisexual men, accompanied by a compensation scheme.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Germany** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Including express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in laws and policies designed to tackle hate crime.
- ➔ Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis).
- ➔ Allowing for automatic co-parent recognition, so that children born to couples (regardless of the partners' sexual orientation and/or gender identity) are not facing any barriers in order to be recognised legally from birth to their parents.

Greece



There were several significant legislative developments in Greece in 2017 – most notably in the areas of family and gender recognition laws. However, LGBTI activists pointed out that there is still room for improvement in terms of LGBTI equality. The legal gender recognition process was firmly in the spotlight during the year. In the last edition of the Annual Review, policymakers were instructed to make reform of the existing outdated process a priority.

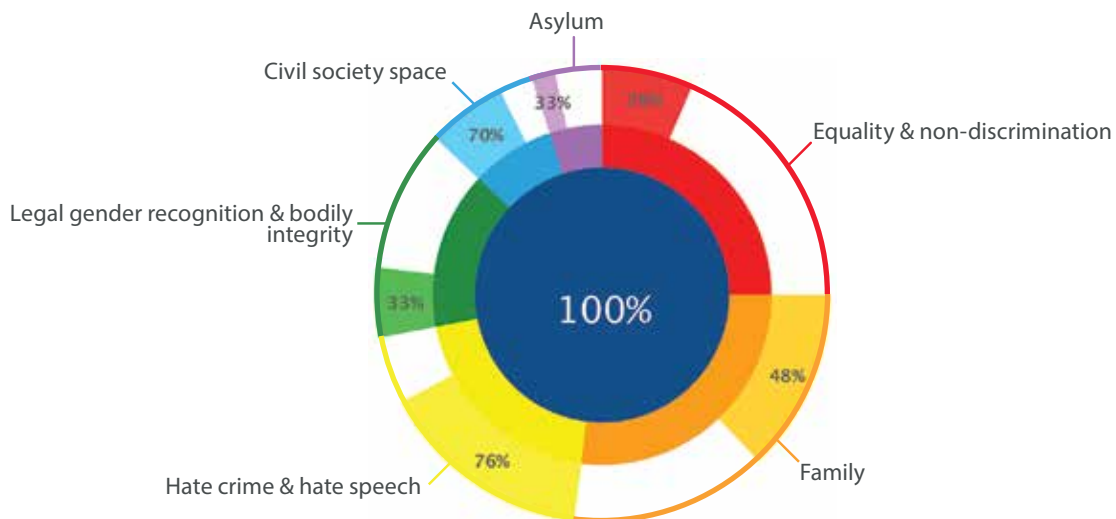
Self-determination was the key request from the trans community and activists alike. However when the final legislation was passed in October it fell short of this overall goal, as a judge will have to decide if the person's gender expression/presentation matches their gender marker before legal recognition is granted. Thankfully, sterilisation was removed as a requirement but difficulties remain for trans people who are currently married, for younger trans people and non-binary trans people.

One same-sex couple received some negative news; they had been married by the mayor of Tilos in 2008 but had their union annulled by the Supreme Court in 2017.

Another recommendation put forward in last year's Annual Review was the introduction of anti-discrimination laws in the area of education. While legislation was not forthcoming in 2017, the Ministry of Education did commit to updating school textbooks in order to promote diversity and eradicate LGBTIphobia. In a first for a serving prime minister, Alexis Tsipras gave an interview to a popular LGBTI magazine.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Greece** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements.
- ➔ Drafting and adopting legislation that expressly protects against discrimination on all SOGISC grounds (sexual orientation, gender identity sex characteristics) in education.
- ➔ Specifically including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in legislation prohibiting discrimination in the field of health.

Hungary



Hungary's existing laws and policies position it towards the middle of the Rainbow Europe country ranking – but that only reveals part of the experience for LGBTI people living in the country. The rhetoric around human rights and LGBTI equality must be examined alongside what exists in the statute books.

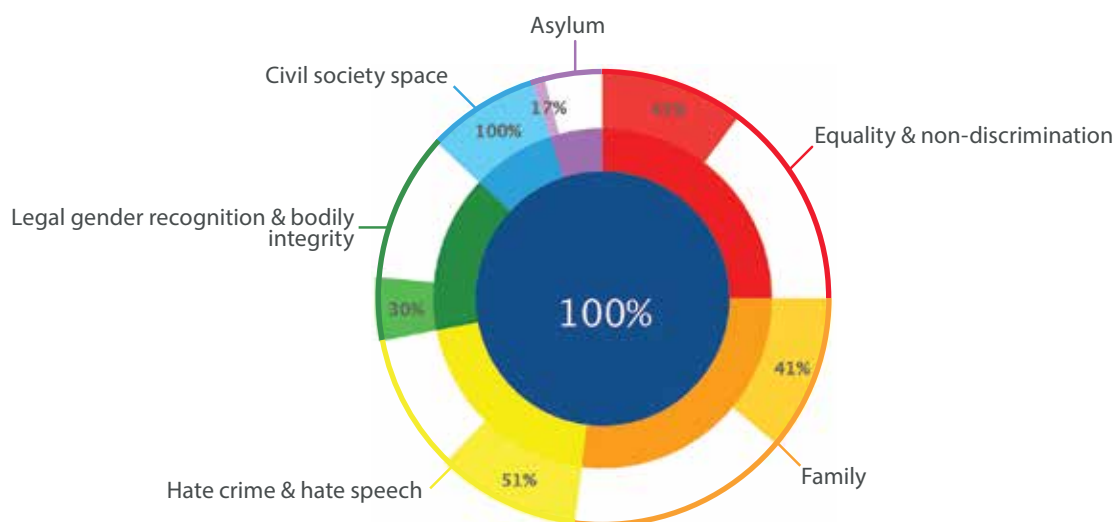
In 2017, the Hungarian government continued to openly vilify NGOs and activists. A controversial new law, imposing additional requirements on NGOs that receive funding from abroad, was condemned as discriminatory and disproportionate by human rights groups. This specific piece of legislation also elicited a reaction from the European Commission, as it stepped up legal proceedings against Hungary for breach of the EU's treaty provisions.

Several politicians drew attention during the course of the year – but not for their support of LGBTI equality. Prime Minister Viktor Orbán spoke at the International Organisation of the Family's annual conference in Budapest, while the mayor of Asotthalom's attempt to introduce 'anti-propaganda' regulations was annulled by the Constitutional Court.

Towards the end of 2017, a new decree was added to the national birth registry regulations. This means that applications for legal gender recognition have a legal basis for the first time in Hungarian law. LGBTI activists point out that the procedure still needs to be improved, echoing their recommendation (contained in last year's Annual Review) to introduce a clear framework, free from abusive requirements.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Hungary** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Removing obstacles to the effective exercise of freedom of assembly, association and expression.
- ➔ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as GID/medical diagnosis or medical intervention).
- ➔ Explicitly including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in an equality action plan, accompanied by specific measures of progress.

Iceland



Named the least homophobic country by an OECD study published in 2017, Iceland's LGBTI activists continued to highlight the divergence between reputation and reality, particularly for more marginalised members of the community.

LGBTI activism was placed at the centre of Iceland's National Day celebrations in June, as a trans woman was named Lady of the Mountain in the township of Hafnarfjörður for the first time. The Fjallkona is said to be a personification of all the country's best qualities and LGBTI activist Eva Agustá Aradóttir was selected for the Hafnarfjörður role in 2017.

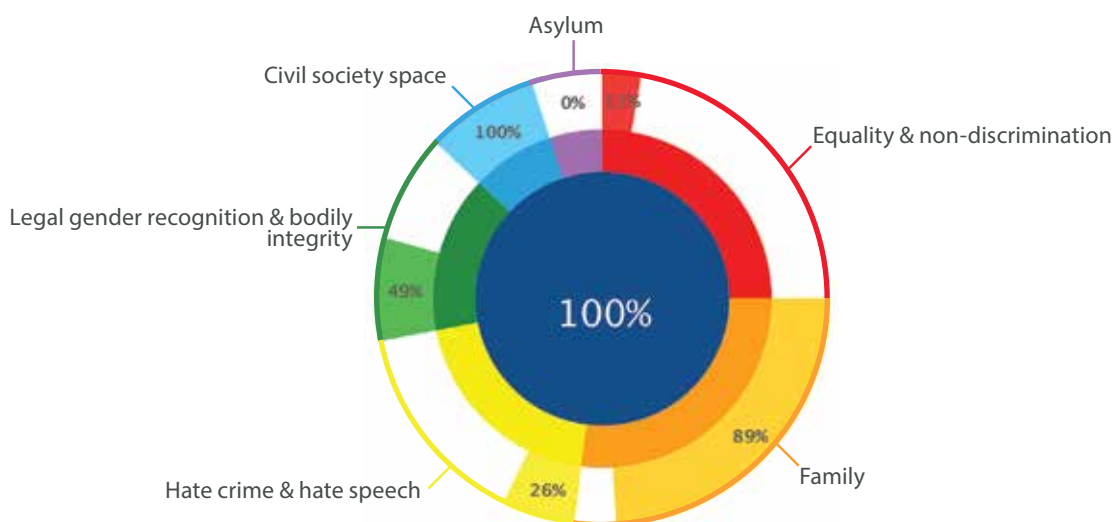
Despite this undoubtedly positive visibility, there was less movement on law and policy related to the protection of LGBTI people's rights during the year. In a letter to the UN Human Rights Committee, LGBTIAP NGOs pointed out the gaps that remain in equality laws and the ongoing lack of protection for intersex people against unnecessary surgeries. These concerns are shared by ILGA-Europe and were included in last year's recommendations to national policymakers in our Annual Review.

The Supreme Court of Iceland found two men guilty of hate speech towards LGBTI people following comments written on a news website comment section. However, this positive decision also reminds Annual Review readers that Icelandic law currently does not protect against LGBTI-phobic hate crime, leaving the community vulnerable. Another issue raised by activists is the lack of training for immigration services staff on the specific needs of LGBTI asylum seekers; an Iranian man seeking asylum on the grounds of sexual orientation was also deported back to Italy despite having reported being sexually assaulted there previously.

2017 ended on an optimistic note, as a new coalition government was formed towards the end of the year, comprised of the Left Green Movement, the Progressive Party and the Independence Party. For the first time, LGBTIAP issues and the need to support civil society were specifically named in the government agreement – with particular emphasis placed on the proposed self-determination legislation currently being discussed by policymakers.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Iceland** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.



Introducing laws on asylum that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.



Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).

Ireland



Reflection appeared to be a common thread running through many of the developments in LGBTI equality in Ireland during 2017.

The existing legal gender recognition legislation is due to undergo a significant review, and this process began in earnest. The Gender Recognition Act, introduced in 2015, will be assessed by an expert group which includes several prominent LGBTI activists. The review will consider the position of trans people under the age of 16 as well as the experience of non-binary people in Ireland, a move that was encouraged by ILGA-Europe and activists alike in last year's Annual Review recommendations to policymakers.

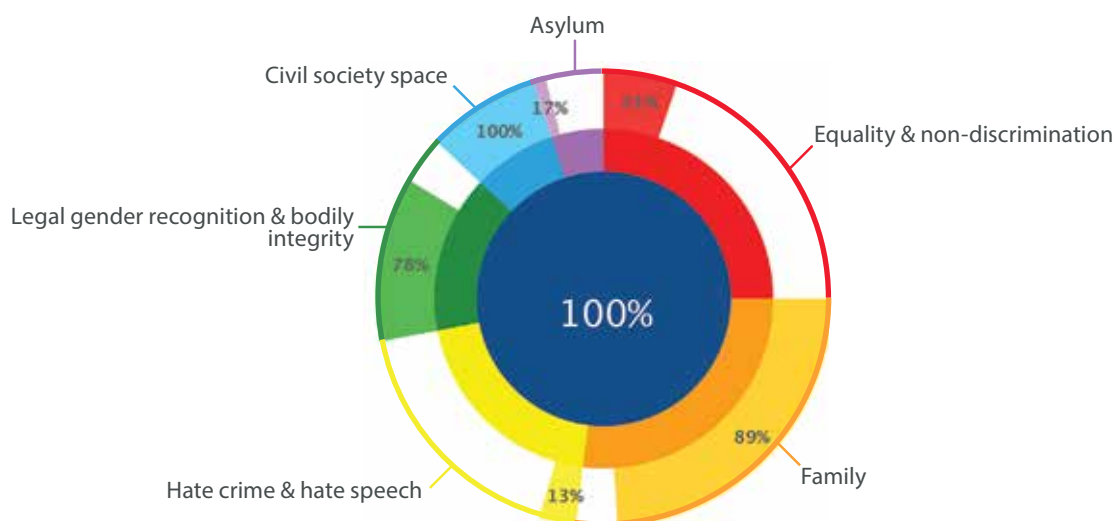
Following similar initiatives in other European countries, the Irish Senate (Seanad) also began discussions on a possible pardon and apology for those historically convicted of consensual same-sex sexual acts.

Another major milestone achieved in 2017 was the publication of the results of a consultation with young LGBTI people in Ireland. These reports will form the basis of the country's first national LGBTI+ Youth Strategy and Ireland is the first country in the world to carry out a national strategy of this kind, focusing on the specific needs of young members of the LGBTI community.

One area of law that continues to be conspicuous by its absence from Ireland's statute books is hate crime legislation that protects LGBTI people; activists continued to push for its introduction. In June, Irish politics featured in global news headlines as Leo Varadkar became Ireland's first openly gay Taoiseach (prime minister).

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Ireland** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Ensuring that existing legislation is commenced and enforced so that children born to couples (regardless of the partners' sexual orientation and/or gender identity) are not facing any barriers in order to be recognised legally from birth to their parents (automatic co-parent recognition).
- ➡ Updating the existing legal framework for legal gender recognition, to ensure the process is free from age limits, and explicitly includes intersex and non-binary people.
- ➡ Adopting a comprehensive national action plan on LGBTI equality that expressly mentions all SOGISC (sexual orientation, gender identity, sex characteristics) grounds and launch the planned LGBTI+ Youth Strategy.

Italy



The topic of family continued to feature prominently in Italy during 2017, particularly in the country's courts. Judges – at local, national and European levels – were asked to decide on a series of cases that were of interest to rainbow families living in Italy.

The European Court of Human Rights decision in the *Orlandi* case was probably the most high-profile of these judgments. The Court found that the fact that Italy had left same-sex couples who had married abroad in a legal vacuum with no protection (prior to the 2016 introduction of civil unions) had violated their human rights. It was a timely reminder for policymakers, and also reminds Annual Review readers of the low level of legal protection for rainbow families in Italy, even in 2017.

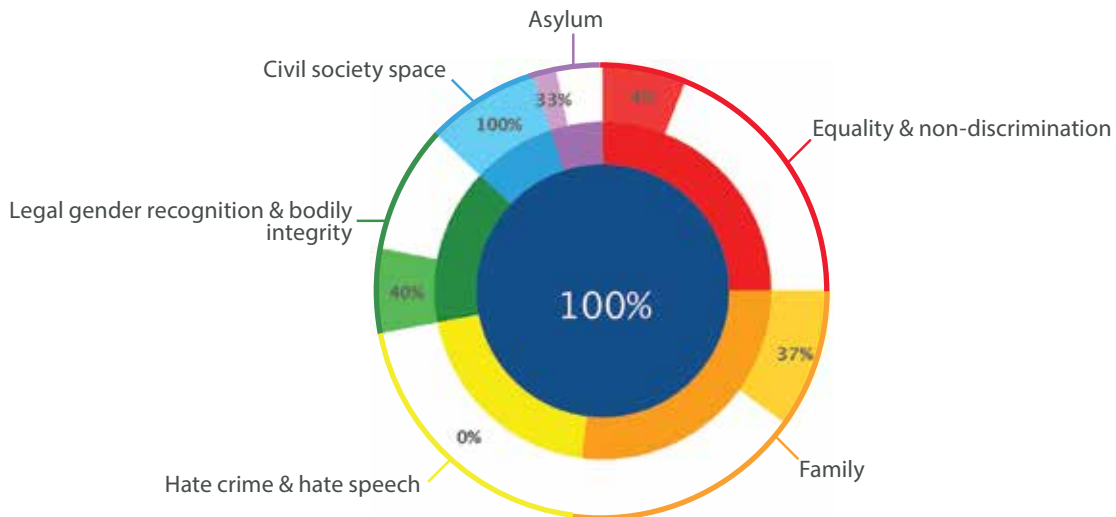
Other cases decided by Italian courts included the Constitutional Court's verdict that decisions around who should be registered as a child's mother following a surrogacy agreement should be guided by the child's best interest. Also, several same-sex couples were registered as parents by local municipalities following adoptions carried out abroad.

Anti-equality groups focused their efforts on education in several regions, issuing complaints about plays that featured gender fluid characters and classifying schools in Bologna by whether or not they include anti-homophobia lessons on the curriculum. The trans community in Romania and Italy were saddened by the news of the murder of a Romanian trans woman in Rome and several LGBTI NGOs started a campaign to assist her family with repatriation and funeral costs.

In a positive development, Umbria introduced a regional law against homo- and transphobia, recognising such discrimination as detrimental to a person's health. This encouraging policy move stands in stark contrast to the lack of legislation protecting LGBTI from discrimination at national level.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Italy** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Ensuring marriage equality for all.
- ➡ Drafting and adopting legislation to allow same-sex couples to have access to joint adoption.
- ➡ Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.

Kosovo¹



The sense of community, solidarity and celebration within the LGBTI movement in Kosovo was clear for all to see in 2017 as Pristina held its first ever Pride event.

While LGBTI activists had exercised their right to peacefully assemble for public events in the past (around IDAHOT, for example), the country had never hosted a Pride before.

The 'In the Name of Love' festival was organised by 9 civil society groups, the prime minister and president were involved in the celebrations, and over 500 people joined the inaugural Pride March. Religious leaders and affiliated political parties opposed the event, but Pride passed off peacefully with no major counter-protest.

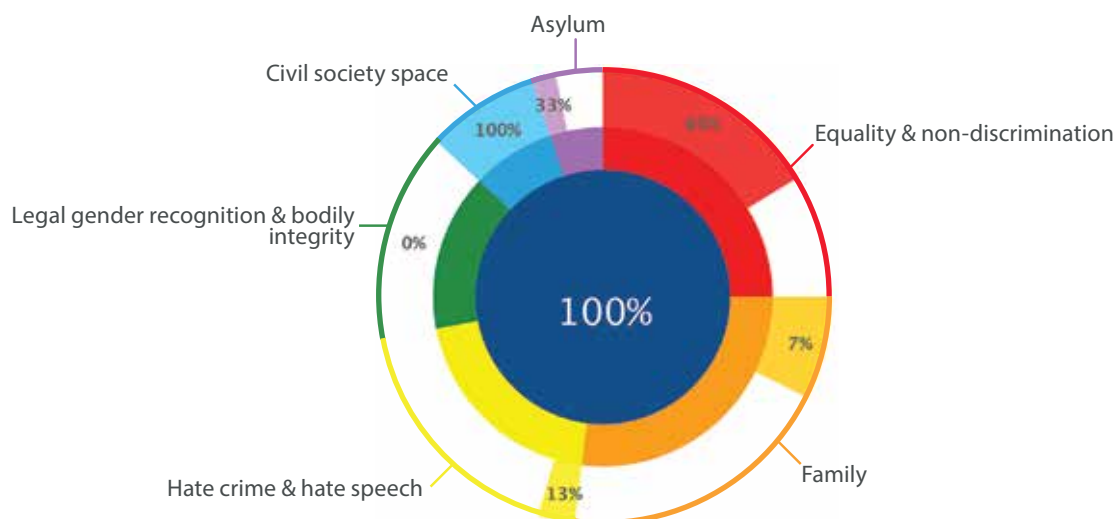
Anti-LGBTI hate speech and hate crime, such as the incidents reported to LGBTI NGOs around Pride and throughout the year, are still not adequately included in national legislation. A recommendation to provide such protection in law was included in last year's Annual Review and was also raised with the Ministry of Justice by activists in 2017. The devastating impact of LGBTIphobia was highlighted by the fact that LGBTI NGOs had to assist several LGBTI people to leave Kosovo entirely as a result of domestic violence, seeking shelter with services in Albania.

Another recommendation from last year's Annual Review focused on developing a legal basis for legal gender recognition, a process that currently is not provided for in law or administrative policy. While new laws were not forthcoming in 2017, activists did commence meetings on the subject with the relevant ministry.

All Rainbow Europe information is available online at www.rainbow-europe.org

¹ Included in this Review as a separate jurisdiction following UNSCR 1244/1999

Legal and policy situation in **Kosovo**¹ as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Introducing hate crime laws that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).
- ➡ Actively implementing the existing national action plan on LGBTI equality.

Latvia



Progress on legal equality for LGBTI people continues to be frustratingly slow in Latvia.

The country's legislation and policies do not contain many LGBTI-specific references, with significant gaps remaining in equality law, family policies, provision for legal gender recognition and protection for trans people.

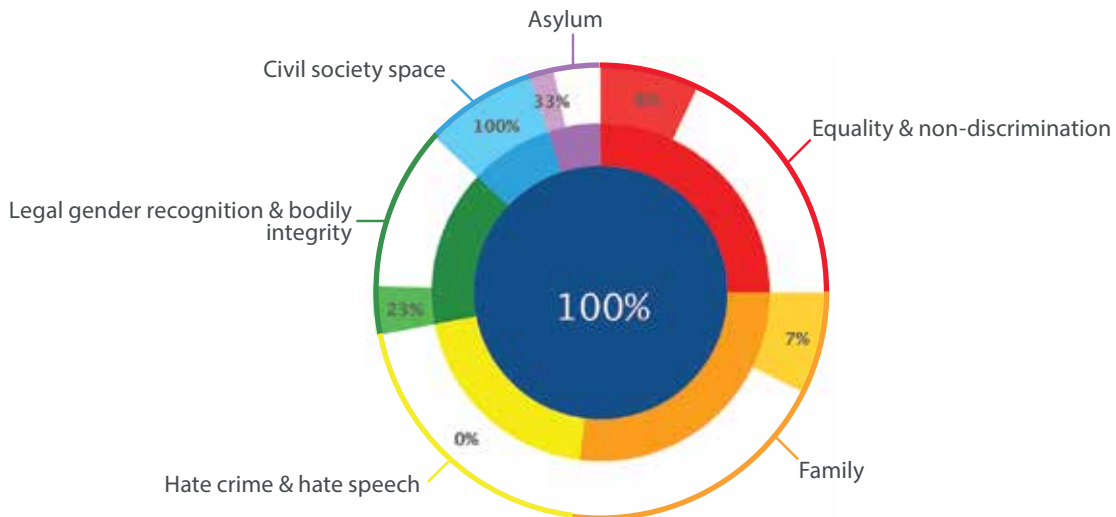
There are no points awarded on the Rainbow Europe Index at all in the area of hate crime and hate speech. The US State Department's annual report on country situations noted that societal discrimination against LGBTI people persists in the country. However, the national Ombudsman's office did clarify that the constitutional article on non-discrimination was applicable in a situation where a photographer refused to take a portrait of a lesbian couple and their family.

The civil society space section of the Map is the only policy area that scores well, a fact that LGBTI activists will hope remains as Riga prepares to host Baltic Pride in 2018 (following the inspiring scenes of 2015).

Unfortunately, there was no progress to report on the recommendations for policymakers contained in the last edition of the Annual Review, as no action plan on equality was developed and same-sex couples are still not formally recognised in law. In fact, one piece of legislation that was passed asks public officials to declare who their spouses or people they live with are, to avoid potential conflicts of interest – a law that not only fails to legally protect same-sex cohabiting couples but will also publicly out them.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Latvia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Including express mentions of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in law and policies designed to tackle hate crime.
- ➔ Adopting legal measures to recognise and protect same-sex couples, such as cohabitation, civil unions or registered partnership.

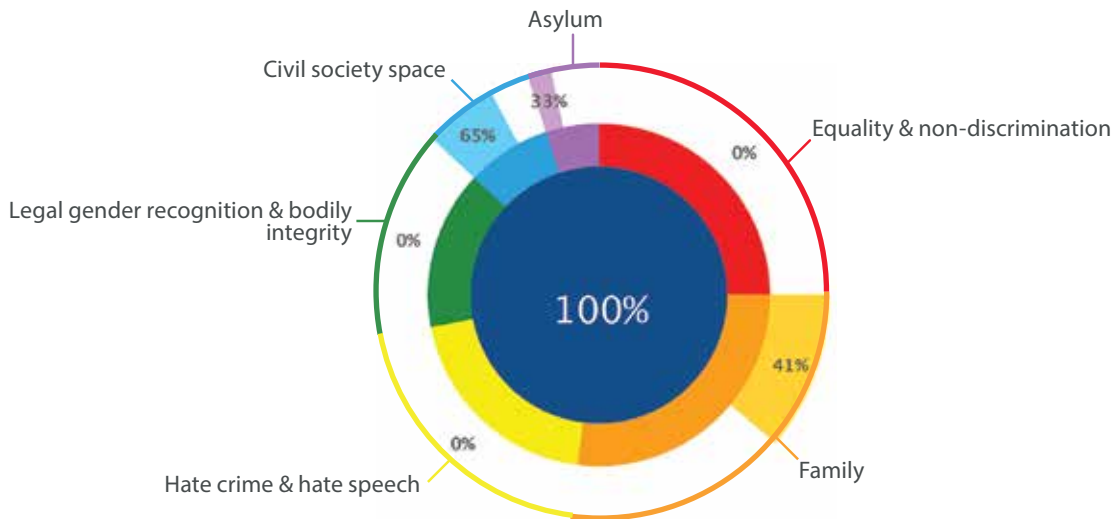
Liechtenstein




There were very few developments related to sexual orientation, gender identity or sex characteristics recorded in 2017.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Liechtenstein** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

 In the absence of specific recommendations from country experts based in Liechtenstein, ILGA-Europe encourage national authorities to take proactive steps to engage with LGBTI activists to improve the legal and policy situation for LGBTI people in 2018.

Lithuania



Throughout 2017, Lithuanian parliamentarians discussed a range of legislative proposals that could have a significant impact of the lives of LGBTI people – for better and for worse.

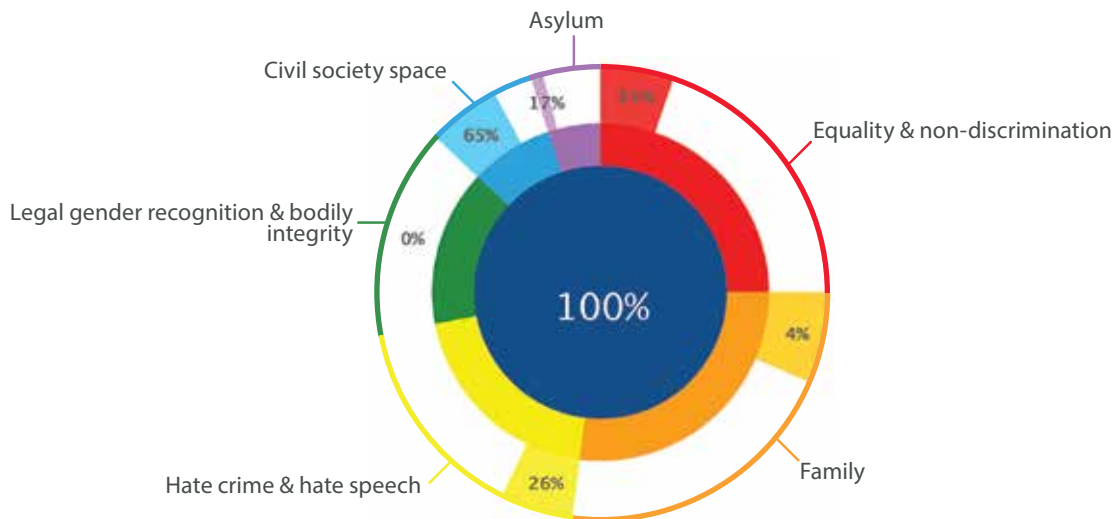
Family, its definition and the overall place of same-sex couples in Lithuanian society was the focus of several parliamentary debates. While a gender-neutral partnership suggestion was ultimately rejected by legislators, a sizable group of 29 MPs did back the proposal.

Last year's Annual Review had recommended introducing measures to protect same-sex couples but no great advances were made towards that. In fact, several laws were introduced that excluded same-sex couples from their remit – amendments to an equal opportunities law omitted registered partners of EU/EEAS citizens from its definition of 'family members'. Another law on 'strengthening family' only spoke of different-sex married couples with children in its provisions.

Another area of law and policy where major gaps remain is legal gender recognition. Again, LGBTI activists and ILGA-Europe have stressed this was a priority in the last edition of the Annual Review. At the start of the year, there were encouraging signs to suggest that these calls were being heard. Two trans people received positive court judgments, meaning that they were granted legal gender recognition without having to undergo surgery. There was also promising moves by the justice ministry, as a draft law on recognition of gender identity was opened for public consultation. However, within days, this was followed by a bill from MPs seeking to completely ban access to legal gender recognition.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Lithuania** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).
- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.
- ➔ Protecting and promoting freedom of expression for LGBTI people by repealing Article 4.2.16 of the “Law on the Protection of Minors against the Detriment Effect of Public Information”.

Luxembourg



While there were not many legal or policy developments finalised in 2017, LGBTI activists in Luxembourg continued to push for greater equality for the LGBTI community.

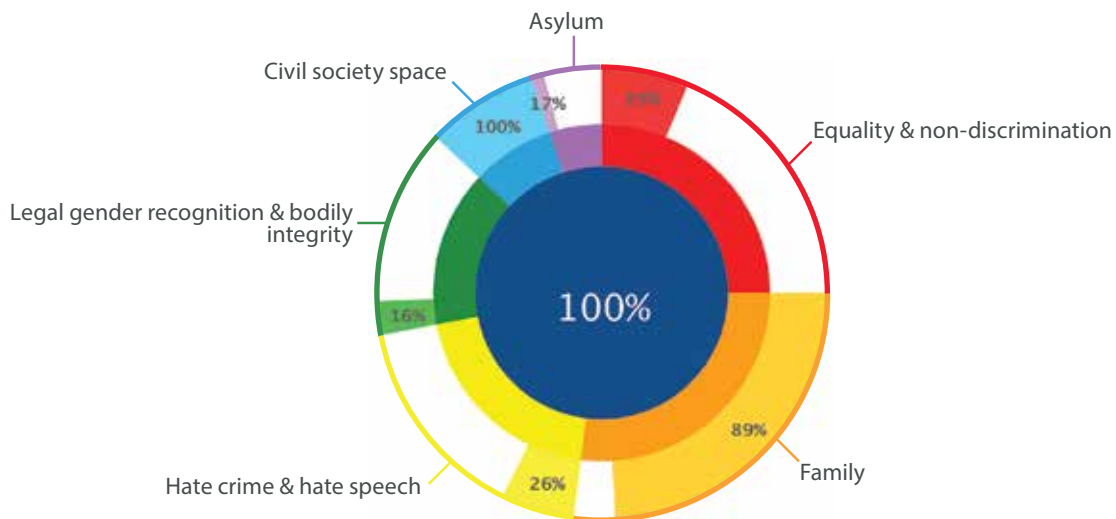
A very important bill was drafted and introduced by the government in May; the draft legislation focuses on reform of the legal gender recognition process. Under the proposed law, self-determination is the ultimate goal for adults and children and abusive requirements, such as sterilisation would be removed. At the end of the year, the bill had not moved on to the full parliament discussion stage. Activists from inside and outside Luxembourg will watch its progress with interest.

The visibility of high-profile same-sex couples also hit the headlines as Gauthier Destenay, the husband of Prime Minister Xavier Bettel, became the first male spouse to join the partners of leaders from fellow NATO members. However, the official photograph of the summit became infamous after Destenay was left out of the photo's caption.

LGBTI activists took the opportunity to engage with local politicians around October's municipal election, providing practical examples of how the LGBTI community and lawmakers could work together. Disappointingly, there was no progress reported on the three recommendations for policymakers included in last year's Annual Review – gaps in laws on asylum, the bodily integrity of intersex people and equality action plans all remain the same.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Luxembourg** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Allowing for automatic co-parent recognition, so that children born to couples (regardless of the partners' sexual orientation and/or gender identity) are not facing any barriers in order to be recognised legally from birth to their parents.



Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.



Introducing policies on asylum that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.

FYR Macedonia



The LGBTI community in FYR Macedonia experienced a vast spectrum of emotions throughout 2017. Those twelve months contained everything from moments of concerns around shrinking civil society space, election deadlock and the ensuing uncertainty, followed by the expectation of change and hope for the future.

The year opened with attempts to discredit civil society organisations, particularly those associated with George Soros and the Open Society Foundations. In a move reminiscent of anti-NGO rhetoric in Hungary, attempts were made to delegitimise groups who were calling for change. (This was not the end of the links between Hungary and FYR Macedonia in 2017 – as Hungarian Prime Minister Viktor Orban also made a cameo appearance during the local election campaign in support of the conservative VMRO-DPMNE party.)

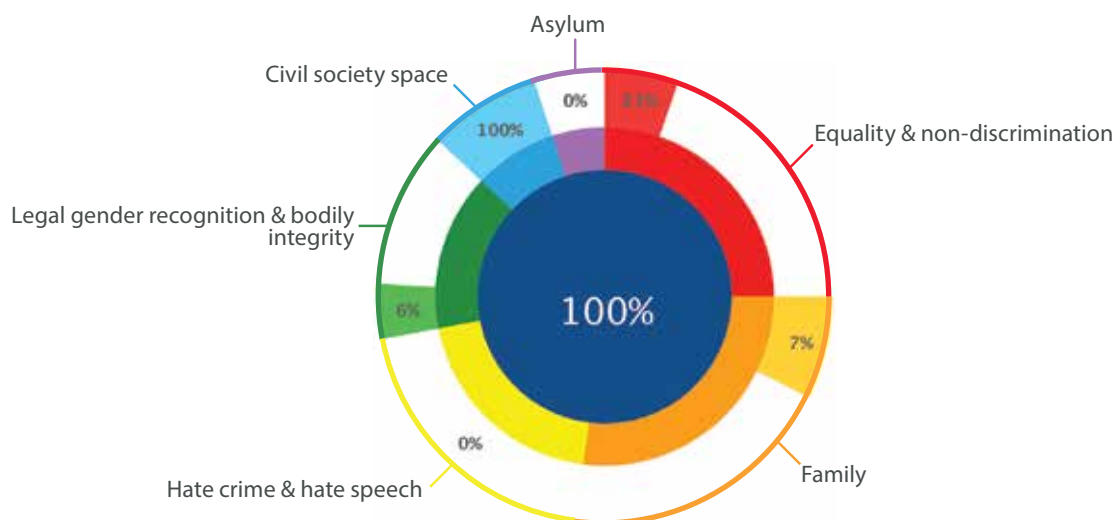
Fortunately for LGBTI NGOs (and Macedonian society at large), these attempts were ultimately unsuccessful and the initiative had been largely forgotten by the end of the year. What could not be so easily forgotten was the fallout from the December 2016 general election. Negotiation deadlock was followed by demonstrations and parliament was even stormed before the Social Democrats (SDSM) formed a government in June.

This was followed by a period of activity and optimism for LGBTI activists. A new anti-discrimination bill providing comprehensive protection on multiple grounds, long called for by the community, was drafted after consultation with LGBTI NGOs. (The need for anti-discrimination legislation to protect the rights of LGBTI people was also referred to in last year's Annual Review recommendations.) The new education ministry committed to reviewing textbooks and curricula to remove LGBTI-phobic material. The Istanbul Convention was ratified and the NGO LGBTI Support Centre celebrated its fifth anniversary, a major milestone attended by the prime minister.

One of the most positive trends observed after the formation of a new government was the visible public support for LGBTI equality demonstrated by political figures. Ministers attended Pride events and LGBTI NGO festivities – a move credited by LGBTI NGOs as a reason for more positive coverage of equality issues in the media. One particular positive commitment was the enthusiasm of MPs to join a new inter-parliamentary group for LGBTI issues, a body that is expected to launch in 2018.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **FYR Macedonia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).**
- ➔ **Introducing hate speech laws and policies that explicitly include sexual orientation, gender identity and sex characteristics as protected grounds.**
- ➔ **Introducing hate crime laws that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.**

Malta



The work of LGBTI activists and human rights defenders is never done – and Malta is a perfect of example. Despite the fact that the country maintained its place at the top of the Rainbow Europe law and policy ranking for IDAHOBIT 2017, there were still updates to legislation to come in the following months.

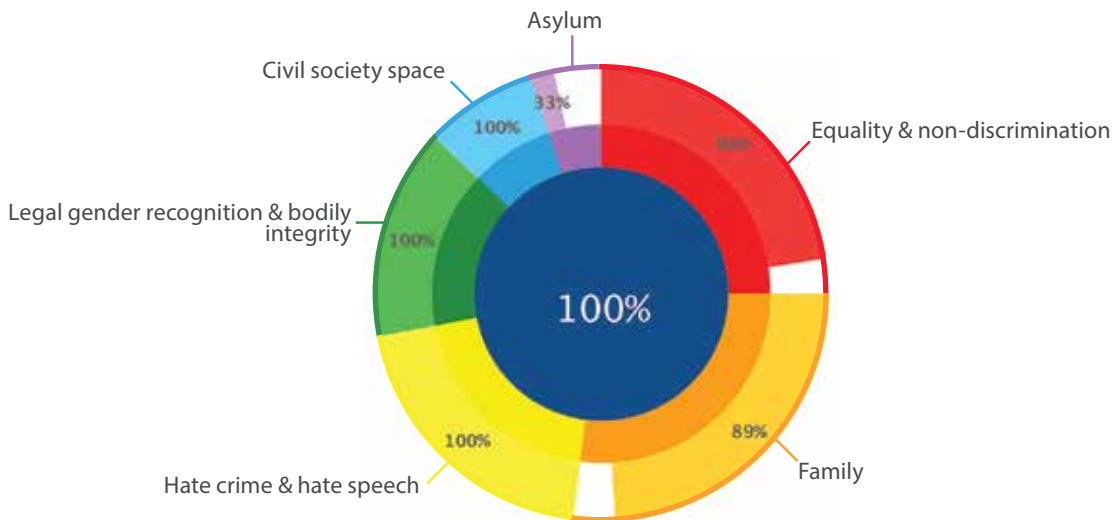
The most widely reported of these legal changes was arguably the vote in favour of marriage equality (almost unanimously) by parliament in July. This came into effect in September and marriages involving same-sex couples were being entered in the public registry by the end of the year.

Another significant step was the Maltese government's introduction of X gender markers on official documentation, introducing the possibility of gender-neutral markers for people's passports and identity cards.

Minister for European Affairs and Equality Helena Dalli reminded policymakers that politicians have a role to play in shaping positive public opinion on equality issues. The importance of social acceptance cannot be overlooked; laws are part of the process of change, not the conclusion. The fact that Maltese LGBTI NGOs reported 15 cases of online hate speech during a six-week monitoring exercise is a wake-up call, reminding policymakers that intolerance can exist in countries at all levels on the Rainbow Europe ranking.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Malta** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Finalising and adopting legislation that expressly protects against discrimination on the grounds of SOGISC (sexual orientation, gender identity, sex characteristics) when accessing goods and services.



Allowing for equal access to medically assisted insemination treatments for all individuals and all couples.

Moldova



Moldova's LGBTI activists and allies achieved some significant milestones in 2017, despite operating against a backdrop of low public acceptance and a series of blatantly discriminatory statements made by leading political figures.

Attracting over 450 people onto the streets of Chisinau, LGBTI activists reported that the 2017 No Fear solidarity walk was the largest and most well attended LGBTI march ever held in Moldova. LGBTI NGO GENDERDOC-M was also part of a coalition of civil society groups who organised the first feminist festival to take place in the country, coinciding with International Women's Day on 8 March.

However, the No Fear solidarity march also encapsulated several of the concerns raised by activists throughout the year. Despite the fact that the LGBTI march was taking place peacefully, the activists and allies were evacuated by police after completing only part of the previously agreed route.

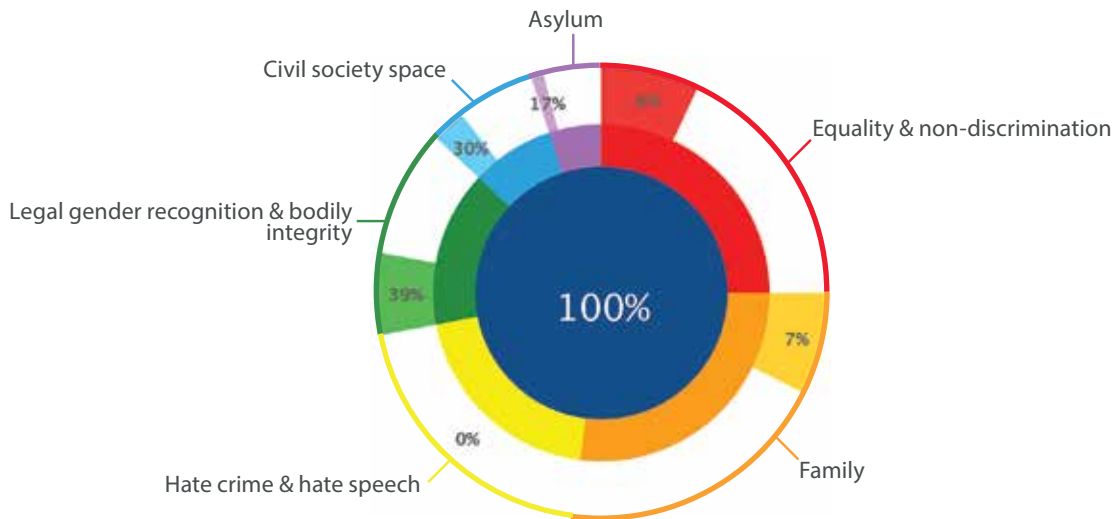
This evacuation occurred after counter-protestors (smaller in number than those marching with the No Fear event) blocked the road. This reaction poses a number of questions about the true nature of LGBTI freedom of assembly in Moldova. Protection of this fundamental freedom was among the priorities for national authorities highlighted in the last edition of this Annual Review and ILGA-Europe are keen to see it supported in 2018.

Activists also drew links between consistent anti-LGBTI hate speech and subsequent incidents of hate crime. Hate crime on LGBTI grounds is not legislated for in Moldova and a draft bill to amend the Civil Code to provide such protection was still not passed by the end of the year. One particularly damaging and public exponent of anti-LGBTI speech was President Igor Dodon, who exclaimed that LGBTI people would never be accepted while condemning the No Fear march. NGOs received several reports of attacks on LGBTI people during the year; activists and NGO staff members were among the victims.

Activists were also keeping a close eye on parliament at the end of the year, following the retraction of a series of amendments to the country's laws on NGOs. Several of the amendments sounded very familiar to LGBTI activists, as they featured references to foreign funding and additional requirements, similar to other initiatives in other European countries.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Moldova** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Introducing hate crime laws that explicitly cover all bias-motivated crimes based on all SOGISC (sexual orientation, gender identity and sex characteristics) grounds.
- ➡ That public authorities take proactive and visible steps to protect the right of LGBTI people and their allies to freely assemble.
- ➡ Developing a fair, transparent framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as GID/ medical diagnosis, or divorce).

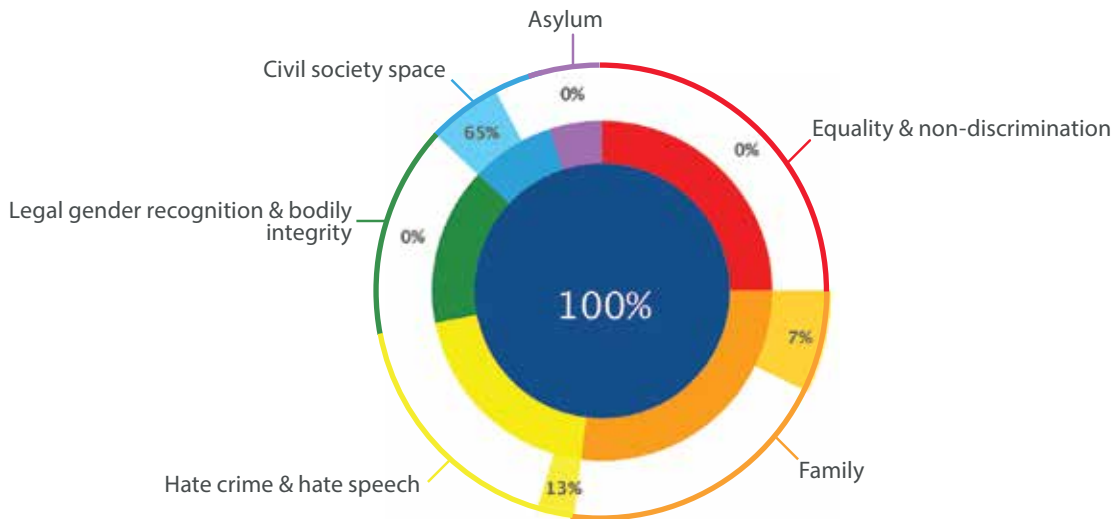
Monaco




There were very few developments related to sexual orientation, gender identity or sex characteristics recorded in 2017.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Monaco** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

 In the absence of specific recommendations from country experts based in Monaco, ILGA-Europe encourage national authorities to take proactive steps to engage with LGBTI activists to improve the legal and policy situation for LGBTI people in 2018.

Montenegro



The LGBTI movement in Montenegro experienced another busy year, as they called for existing laws and policies to be actively enforced, in addition to advocating for new legal protection.

One of the most visible moments for a city's LGBTI community is Pride – and the 2017 edition of the event was declared a success by the organisers. No violent incidents or disruption was reported to the police, who protected the march, but required less numbers than in previous years.

However, the online reaction to Podgorica's Pride was less encouraging – monitoring of social media by LGBTI NGOs revealed a steep increase in anti-LGBTI hate speech in the wake of Pride. Additional public opinion polls showed that politicians and other public figures need to do more to improve awareness and understanding of LGBTI equality issues.

During 2017, LGBTI activists drew attention to the disparity between the law on paper and in practice, drawing on the fact that no criminal cases for hate crime on SOGI grounds have been successfully taken. That is despite that fact that NGOs are aware of bias-motivated violence and that such legislation has existed since 2013.

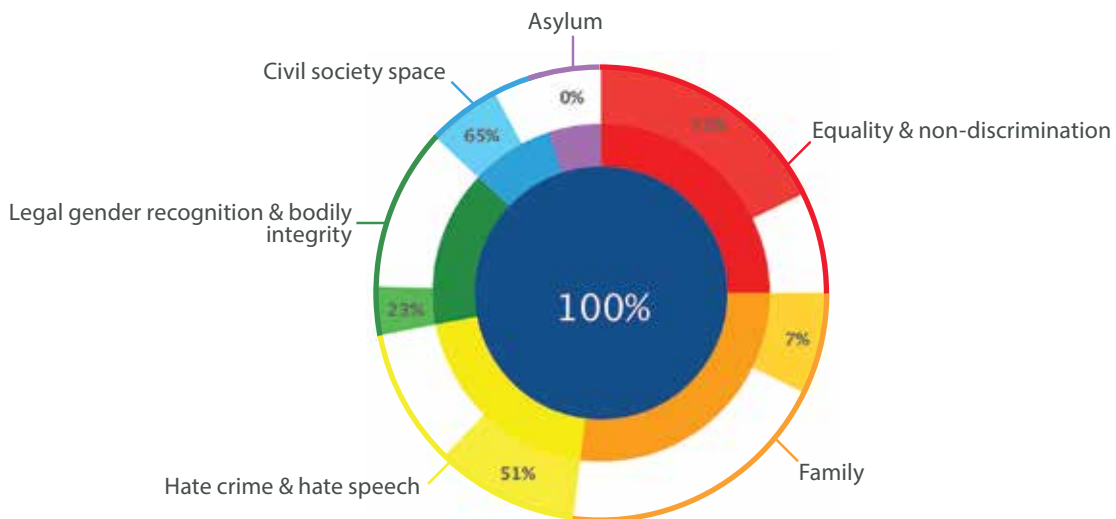
One of the recommendations for policymakers contained in last year's Annual Review was the introduction of recognition for same-sex couples. LGBTI NGOs continued to call for this in 2017, taking their places at the table with politicians at the working group set up to examine a draft partnership bill.

Other positive developments included the establishment of Spectra, an organisation focusing on equality for trans, intersex and gender variant people, and the passage of an armed forces law with specific protection from discrimination on SOGI grounds.

In the absence of reliable, consistent government assistance, NGOs continued to provide support for LGBTI asylum seekers arriving in Montenegro and for LGBTI people who required shelter services.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Montenegro** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Ensuring draft registered partnership legislation to recognise and protect same-sex couples is passed and implemented effectively.



Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

The Netherlands



2017 posed many questions for LGBTI activists as general elections drew lots of attention in March. The LGBTI movement made an effort to put LGBTI policy and legislative proposals on the agenda during the campaign. An encouraging picture emerged at the end of the year, as eight political parties signed a pledge with national NGO COC including eight commitments on LGBTI issues (the Rainbow Ballot Agreement). Several of these commitments were later included in the new coalition government agreement.

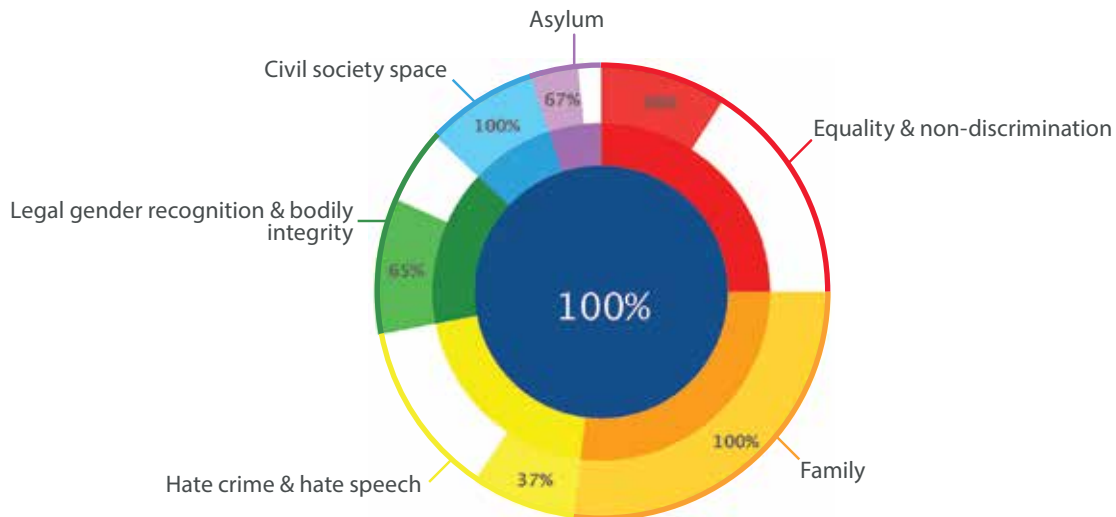
The work of trans and intersex advocates was to the fore throughout the course of the year. Amsterdam hosted the fourth International Intersex Forum, the largest forum to date. Several surveys outlined the precarious situation that many trans people can find themselves in, especially in relation to employment and discriminatory treatment. Supportive political allies put forward a bill to add sex characteristics, gender identity and gender expression to the list of grounds protected against discrimination. This gap in legal protection had been highlighted by activists, the Rainbow Ballot Agreement and by ILGA-Europe in last year's Annual Review recommendations to policymakers.

Unfortunately, there was less momentum around another of those previous recommendations, namely the call to introduce hate crime laws that specifically protect LGBTI people. This year's Annual Review contains several incidences of bias-motivated violence reported to NGOs, a fact that shows that a country's impressive record on LGBTI equality does not guarantee acceptance in the future.


While most media interest focused on the poll numbers of right-wing populist parties in the run-up to March's general election, the interesting news for LGBTI NGOs came in October. Among the commitments in the Rainbow Ballot Agreement and the coalition government agreement were commitments to extend constitutional protection to LGBTI people and amend equality laws to protect against trans and intersex discrimination. However, the multiple parenting options discussed in 2016 appear to have stalled by the end of the year.


All Rainbow Europe information is available online at www.rainbow-europe.org


Legal and policy situation in **The Netherlands** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

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Extending anti-discrimination protections in employment law beyond the current legislative base, to include gender identity, gender expression and sex characteristics.
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Giving LGBTI people protection under the constitution, by expressly referring to sexual orientation, gender identity and sex characteristics (SOGISC).
- 

Introducing hate crime laws that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.

Norway



Norway's rise towards the top of the Rainbow Europe country ranking was accelerated by the introduction of the 2016 legal gender recognition law. The following year, however, was not as active on the legislative front.

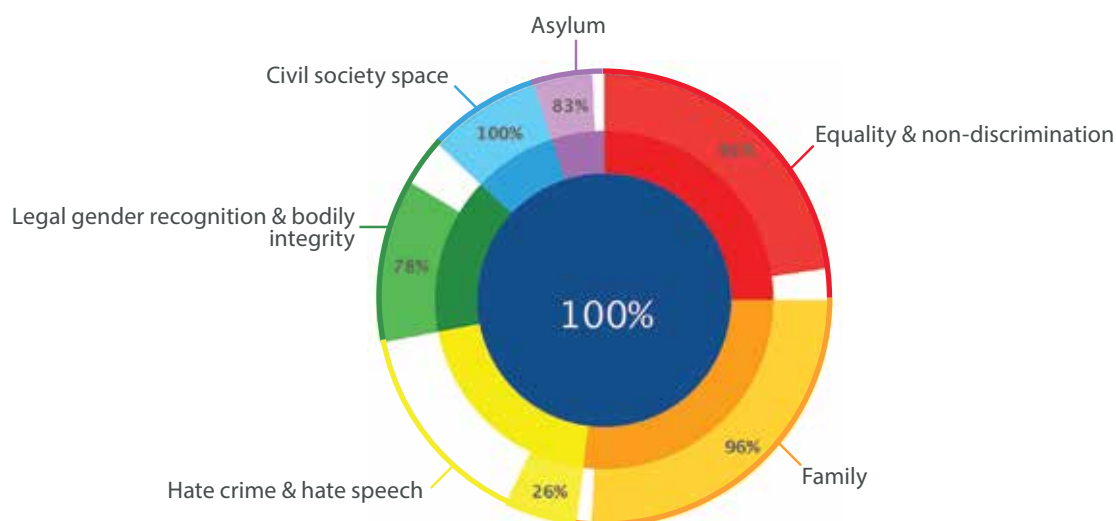
Several incidents throughout the year reminded LGBTI activists and policymakers alike that LGBTIphobia can exist everywhere, even in countries like Norway that are considered to be progressive on equality issues. A group of Nazis from the Nordic Resistance Movement attempted to organise an LGBTIphobic march in the city of Fredrikstad, while a couple were harassed and attacked because of their sexual orientation while visiting a town north of Oslo.

Police in Oslo received four reports of bias-motivated hate crimes during Oslo Pride, incidents that remind the LGBTI community that Norway's hate crime and speech laws should be extended to cover all SOGIGESC grounds. This recommendation was included in last year's Annual Review but no progress seems to have been made on this in 2017. The additional suggestion, made by ILGA-Europe and LGBTI activists, that policymakers also need to prioritise legislation to protect intersex children against unnecessary surgeries was not worked on by politicians in the past year.

Frustratingly for the non-binary community in Norway, proposals by the Labour Party to introduce a neutral gender marker on passports were rejected by parliament in February.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Norway** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Introducing hate crime laws and policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.



Ensuring that the existing laws on asylum are fully implemented to ensure that LGBTI people seeking asylum on the grounds of on sexual orientation, gender identity and sex characteristics are recognised and protected.

Poland



LGBTI people in Poland continued to encounter discrimination on a regular basis in 2017 – either in an individual capacity or when organising collectively as activists and in civil society groups.

From an NGO perspective, LGBTI activists remain concerned how the space that civil society occupies in Poland is gradually being eroded. They are continuing to monitor how new laws, such as the Public Assembly Bill (now deemed constitutional), will operate in practice. Worries also linger around access to funding and resources to support LGBTI activism in the coming years.

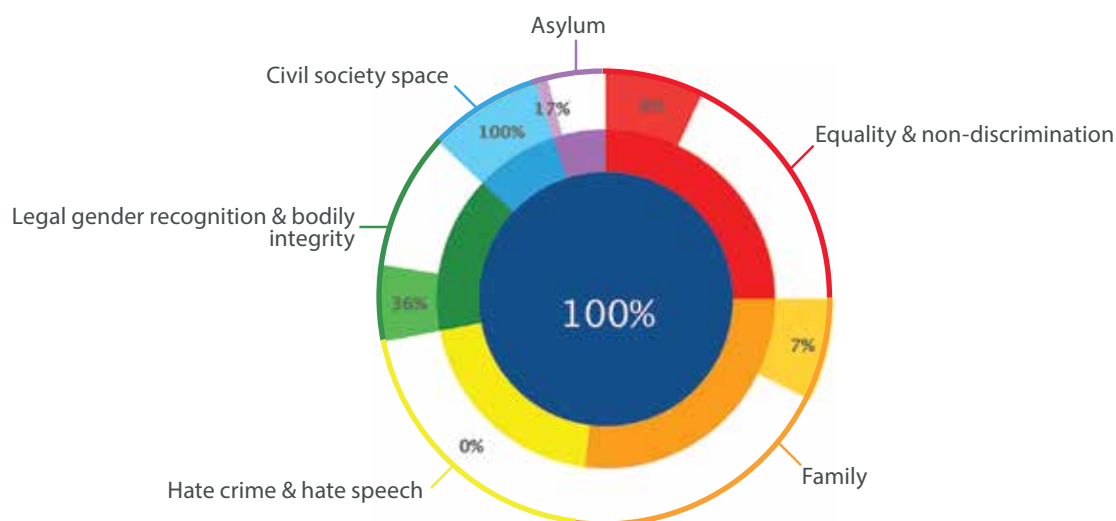
Several NGO-led studies also revealed the personal difficulties experienced by LGBTI people. The absence of any clear protocol or training for medical professionals in Poland was highlighted in a comparative study into trans-specific health needs. The recommendations of that particular report included the introduction of a legal gender recognition process based on self-determination, underlining the glaring legal gap as demonstrated in our own Rainbow Europe Map.

Thousands of LGBTI people also responded to a survey on their social lives by NGOs KPH, Lambda Warsaw and Trans – Fuzja Foundation, sharing their experiences of depression and anti-LGBTI violence. However, the same survey also contained an element of hope for the future, as the LGBTI community were shown to be very politically engaged and turn out to vote in huge numbers.

The physical attacks reported by individual LGBTI people are not just statistics. They are personal cases. (A recommendation included in last year's Annual Review called for action and legislation against bias-motivated crimes.) There was no movement on another recommendation to protect same-sex people in partnerships, motivating several couples (supported by an NGO coalition) to initiate legal action in Strasbourg before the European Court of Human Rights.

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Legal and policy situation in **Poland** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Introducing hate crime laws that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnerships.
- ➔ Introducing hate speech laws that explicitly include sexual orientation, gender identity and sex characteristics as protected grounds.

Portugal



LGBTI activists turned their attention to the legislative process in 2017, as several proposals for major legal change were being discussed by parliamentarians.

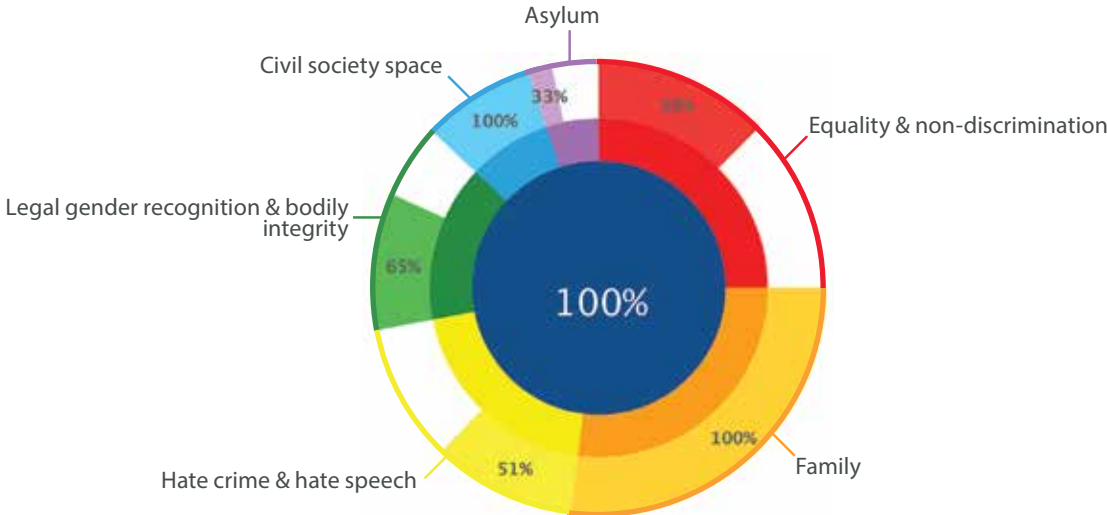
Under existing legislation, the process for changing legal gender markers is governed by a 2011 law amending sections of the Civil Code. However, a standalone piece of legislation was proposed, one that would recognise an individual's right to their own gender identity. The proposals also refer to a process based on self-determination, that this process would be open to anyone over the age of 16, and that so-called corrective surgeries on intersex children would be banned.

Although the law had not been voted on by the end of 2017, it is encouraging to see steps being taken to put the recommendations of LGBTI activists into practice. (The May 2017 Annual Review had specifically called on policymakers to update the LGR procedure and to protect intersex minors.)

Sexual health advocates received a positive piece of news during the year, as Portugal met the first of three 90-90-90 targets set by UNAIDS. The importance of implementation of existing equality standards was also highlighted; LGBTI activists drew attention to the difficulties encountered by same-sex couples who have tried to access the adoption system since the law was amended in 2016.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Portugal** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Updating the existing framework for legal gender recognition, to ensure the process is based on self-determination and is free from abusive requirements (such as GID/medical diagnosis, or age limits).**
- ➔ **Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.**
- ➔ **Specifically including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in legislation prohibiting discrimination, including in access to goods and services, and in the field of health.**

Romania



Same-sex couples and their families continued to dominate discussions in Romania – and outside the country's borders too.

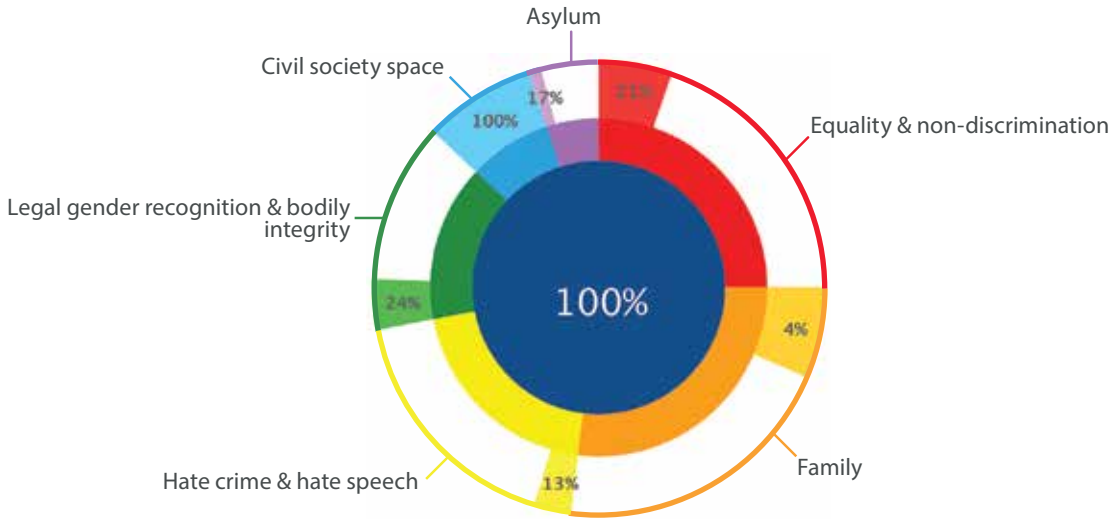
In what promises to be a highly significant case for same-sex couples in Europe, Adrian Coman and Clai Hamilton's request to be recognised as family reached the Court of Justice of the European Union. The couple's case was heard by the Grand Chamber of 15 judges, a sign of the magnitude of the legal principles being argued in the case.

Readers of the Annual Review may also be familiar with the 2013 signature collection campaign, run by anti-equality campaigners. (This initiative proposes holding a referendum on the constitutional definition of marriage, in an attempt to block same-sex couples from being able to marry in the future - in spite of an already existing ban in the country's civil legislation.) The Chamber of Deputies backed the initiative in May; a move that was critiqued by MEPs who pointed out the human rights of LGBTI people would be violated. The ruling Social Democrat party continued to support the idea of a referendum, but no vote was held before the end of the year.

Cluj Napoca made history as the first Romanian city outside the capital to host a Pride march. The event had to be moved following threats from opponents and Cluj's mayor subsequently implied that the city's authorities were not keen to host another Pride event.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Romania** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.
- ➔ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

Russia



ILGA-Europe have been compiling Annual Reviews for many years and in many ways the Editorial Team thought they had seen it all. But in the spring of 2017, news began to emerge from Chechnya that shocked the LGBTI community globally.

The detention of community members in unofficial prisons and the human rights violations they suffered there, as revealed by Novaya Gazeta reporters, was difficult to comprehend. Activists in the region reported that people were being kept in illegal detention centres, tortured and even killed, based on their perceived sexual orientation.

The violence in the multiple detention centres was further compounded by the treatment that several victims received from family members following their release. In a region where traditional family customs are embedded in society (and where external pressure on families from the regime itself is also very real), many feared reprisals or even 'honour' killings, prompting many people to seek safety outside Russia. The mobilisation of local activists, NGOs and the LGBTI community around the world to support the survivors was an inspirational moment in the midst of crisis.

The efforts of investigative journalists to expose what was happening in Chechnya remind us of the importance of the fundamental freedom of expression. A bill that would allow the Russian authorities to list certain media outlets as so-called 'foreign agents' was rushed through parliament, and came into effect immediately.

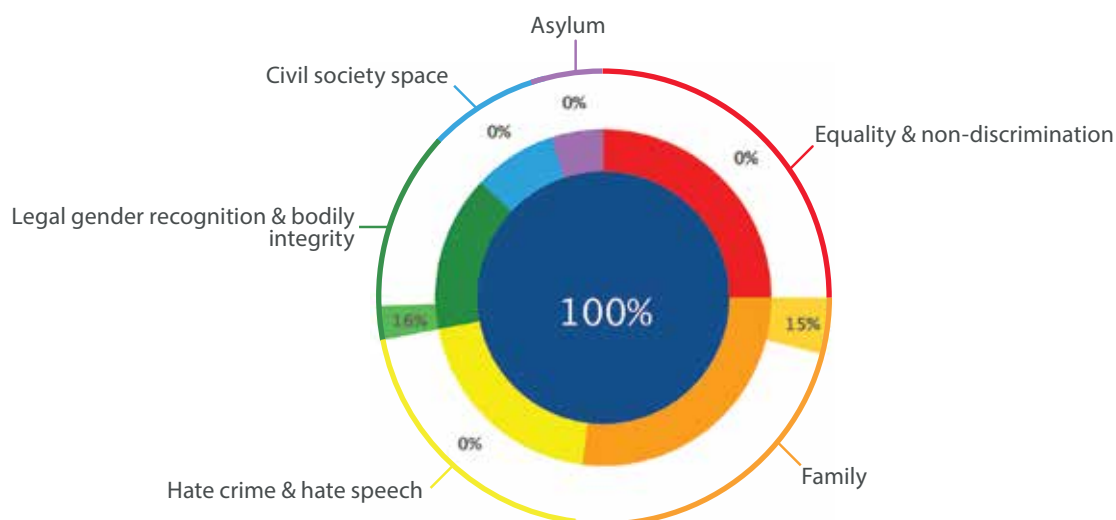
The restriction of freedom of expression was also at the core of the *Bayev v Russia* case, in which the European Court of Human Rights declared that Russia breached the rights of activists who had complained about the effects of the country's 'anti-propaganda' legislation. It was a landmark decision and the first time that the Strasbourg Court had ruled on the infamous law.

While no progress was recorded on the legal and policy front, or on the recommendations contained in last year's Annual Review, LGBTI activists persisted with their work. St Petersburg witnessed its largest Pride event since 2010 and the organisers of Queer Fest in the city reported no disruption as the festival welcomed over 1000 people. Results from the first-ever study on the rights of LGBTIQIA people with disability in Russia were published and there were several positive court decisions on access to legal gender recognition.

But as this Annual Review goes to print, the shadow of Chechnya still hangs over the work of activists in the region. Despite the international condemnation, there are still major security concerns for survivors and no investigation has begun, one year on.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Russia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Introducing hate crime laws and policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➡ Removing obstacles to the effective exercise of freedom of assembly, association and expression.
- ➡ Repealing the legislation prohibiting 'propaganda of non-traditional sexual relationships'.

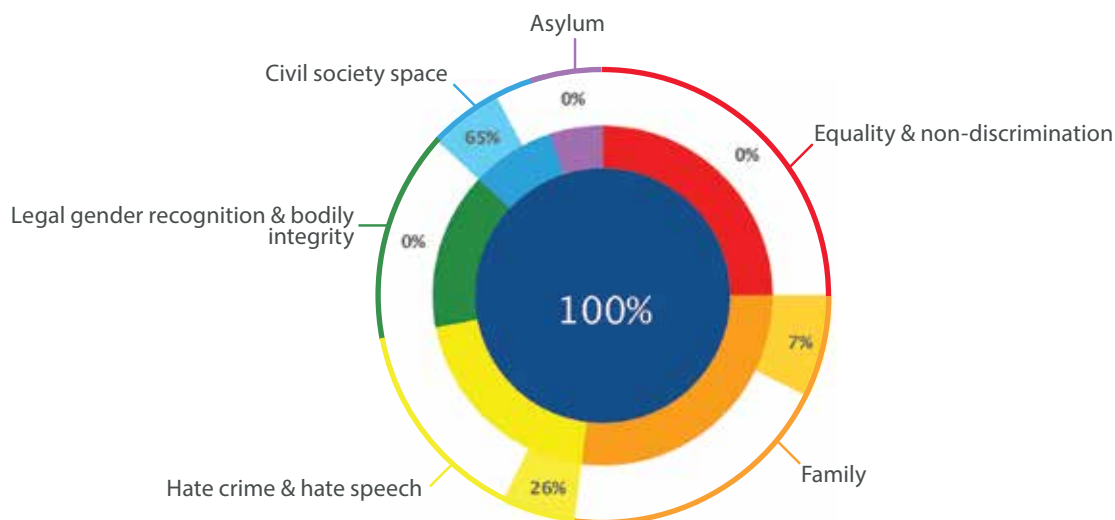
San Marino




There were very few developments related to sexual orientation, gender identity or sex characteristics recorded in 2017.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **San Marino** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

 In the absence of specific recommendations from country experts based in San Marino, ILGA-Europe encourage national authorities to take proactive steps to engage with LGBTI activists to improve the legal and policy situation for LGBTI people in 2018.

Serbia



During their work in 2017, LGBTI activists in Serbia encountered several familiar challenges – resistance to the introduction of new legislation and unsatisfactory implementation of existing standards.

Same-sex couples continue to be omitted from the pages of family law, with no legal protection or recognition of their relationships. LGBTI NGOs reported that the rhetoric around registered partnership for same-sex couples is not positive, but they still attempted to keep the issue in the spotlight by calling on new (openly lesbian) Prime Minister Ana Brnabić to adopt a law within the lifetime of her government. This was one of the priority pieces of legislation referred to by activists and included in the previous Annual Review's recommendations to policymakers.

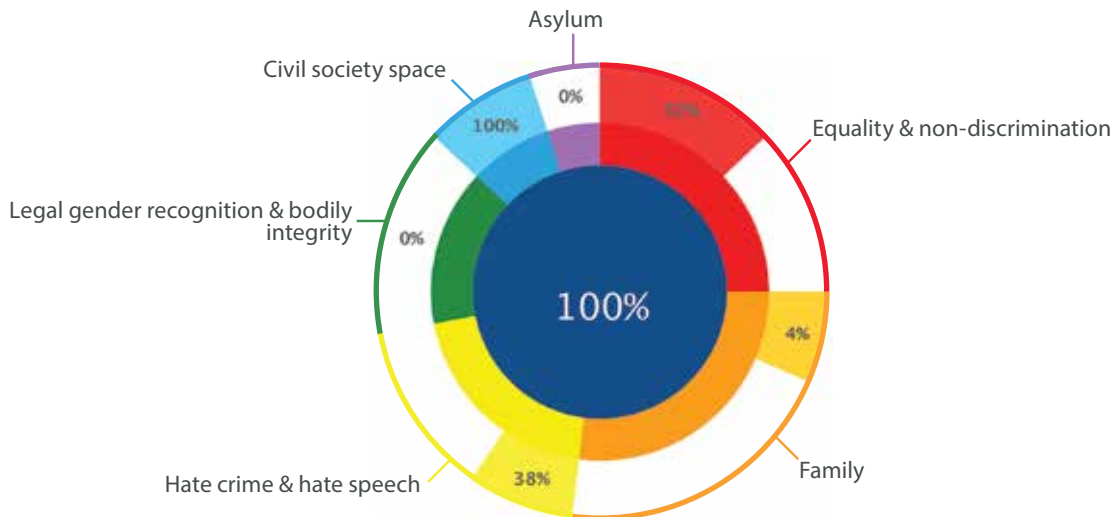
Asylum law is an area where Serbian legislation makes little provision for LGBTI people; activists watched with interest as a new bill on asylum and protection began its journey through parliament in the autumn. Another law that will be keenly examined by LGBTI NGOs is the Biomedical Fertility Act, which gives access to assisted reproduction to single women for the first time.

The fact that many public LGBTI events were held without incident in 2017 is a very positive development. Organisers reported that the freedom of assembly was well respected, the capital's Pride March was attended by the prime minister, and Nis hosted its first-ever Pride Week. There was also encouragement for trans and intersex activists during the year – NGO XY Spectrum began its work as the first organisation working on intersex issues in the country, and a national commission was renamed following an NGO request to choose a title that does not pathologise trans identities.

While LGBTI NGOs are undoubtedly improving the lives of LGBTI people all over Serbia, they cannot be expected to do this work alone. Existing laws and policies need to be implemented fully effectively in order to be truly effective. Hate crime legislation alone does not stop bias-motivated crimes; the cases reported to NGOs in 2017 prove that point.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Serbia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.



Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

Slovakia



Slovakia's laws on LGBTI equality were not significantly altered since the last Annual Review was published, although there were some promising discussions initiated during 2017.

In December, LGBTI activists discussed LGBTI equality issues with President Kiska, a meeting which concluded with a call from the head of state to introduce legal protection for same-sex couples.

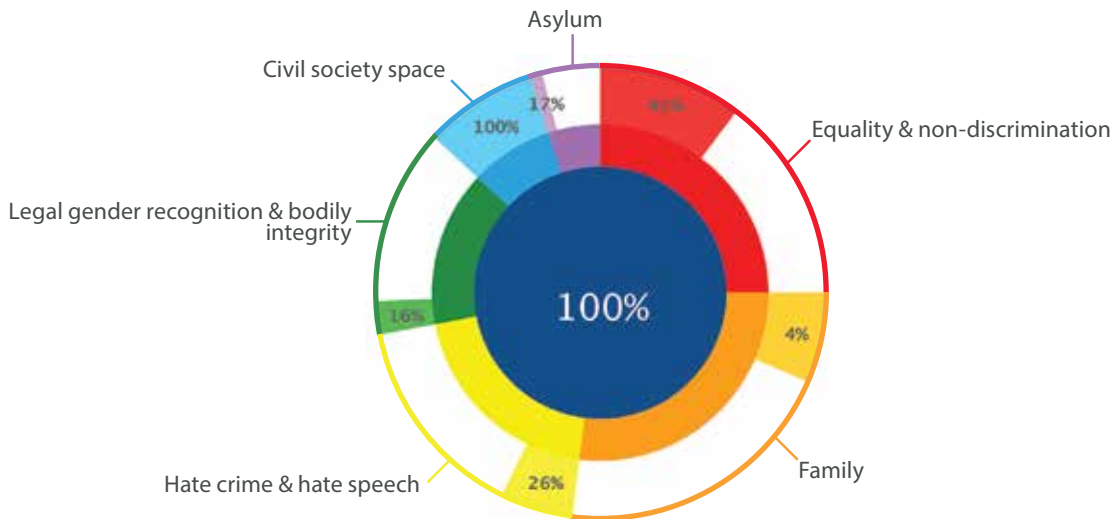
The months preceding the presidential meeting were less positive. There was no change to the laws around protection of intersex people's rights or on legal gender recognition, despite recommendations to policymakers included in the Annual Review published last year.

In the wake of the EU's Victims' Rights Directive, it was hoped that there would be greater protection for individuals against violence. The Slovak Victims' Act, introduced to implement the EU's measures, does refer to sexual orientation. However, its omission of gender as a ground means that victims of violence due to their gender identity or gender expression are excluded. This is even more concerning in light of the fact that the justice ministry also delayed ratification of the CoE's Istanbul Convention during 2017.

An Evangelical theologian who criticised the Church's exclusion of LGBTI people during a speech at Pride in Bratislava was banned from teaching his classes at Comenius University.

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Legal and policy situation in **Slovakia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Adopting legal measures to recognise and protect same-sex couples, such as civil unions, registered partnership and/or cohabitation.



Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

Slovenia



Slovenia's LGBTI movement was certainly kept busy in 2017, initiating conversations with national authorities on a range of important topics.

Originally passed in 2016, the civil partnership legislation came into effect at the end of February, with same-sex couples making use of the law to register their unions immediately. However, access to IVF services and the adoption process is still not available to same-sex couples; extending access to adoption was one of the recommendations contained in last year's Annual Review but no momentum on this was reported in 2017.

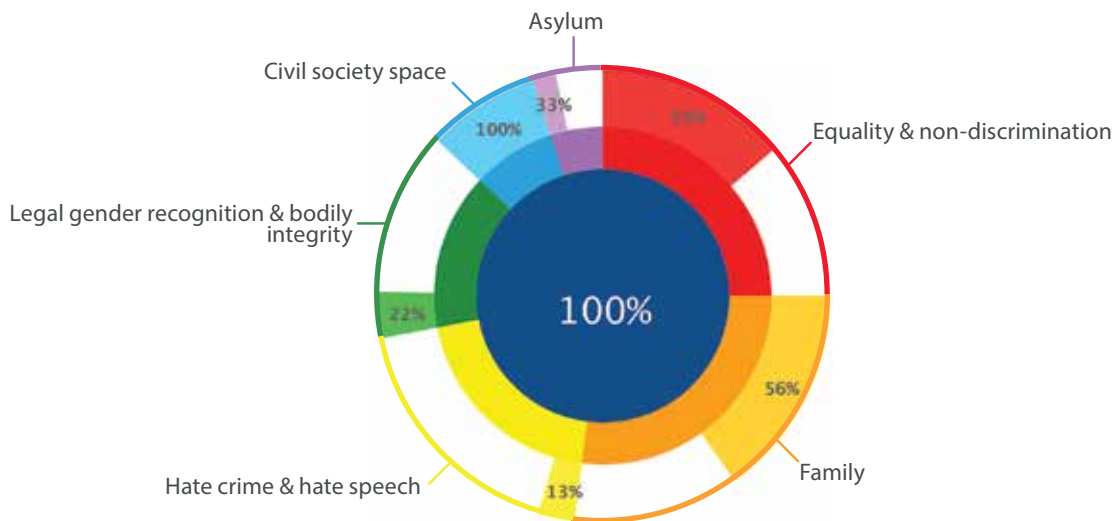
Sexual health was an issue that received a lot of attention from policymakers and activists alike. A national strategy on HIV launched, alongside several high-level consultations on sexual health between civil society, healthcare groups and government officials. LGBTI activists also warned that discrimination against community members living with HIV could be an unintended consequence of changes to insurance card regulations.

Another recommendation put forward by activists and ILGA-Europe in the previous Annual Review was the introduction of a fair, transparent legal framework for legal gender recognition. Unfortunately, this was not achieved in 2017 and there was confusion around the documentation required to change gender markers.

On a more positive note, the *What Do You Notice* campaign launched in 2017 is the largest LGBTI awareness-raising campaign ever run in Slovenia to date, with a government ministry as a project partner for the first time. Also, trans activists produced a set of specific media guidelines to assist journalists when reporting on trans issues, the first of its kind.

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Legal and policy situation in **Slovenia** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).**
- ➔ **Introducing laws designed to tackle hate crime that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.**
- ➔ **Drafting and adopting legislation to allow same-sex couples to have access to joint adoption.**

Spain



2017 proved to be a busy year for LGBTI activists, as multiple legislative proposals were drafted and debated during the course of the year.

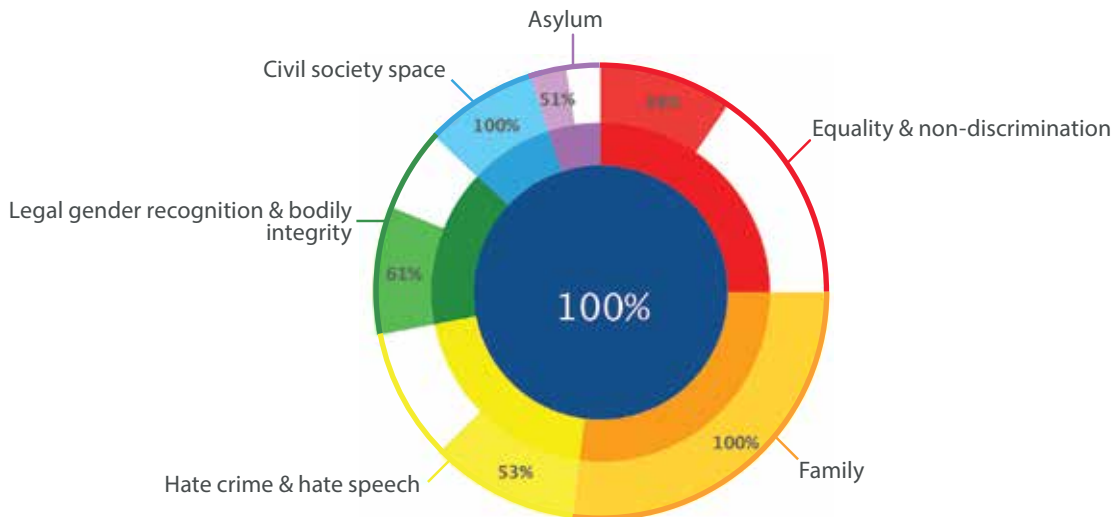
Arguably the most comprehensive of the potential laws is a wide-ranging anti-discrimination bill crafted with the support of Spanish LGBTI NGOs. Not only would it introduce additional equality measures, it also contains references to hate crime and prohibiting unnecessary surgeries on intersex children. It also reflects the desire expressed by LGBTI activists in last year's Annual Review for policymakers to focus on protection from discrimination in order to improve the legal and policy situation for LGBTI people.

Explicit protection for trans and intersex people living in Spain was also the focus of another proposed piece of legislation. Drafted by trans groups, the bill is based on the principle of self-determination and would also outlaw surgeries in addition to recognising the rights of non-binary individuals. While those laws were still in draft form at the end of the year, Valencia did vote in favour of a new regional trans law, meaning that the conversion therapies are now banned and trans identities are no longer considered to be a mental illness.

Public opinion surveys revealed that the Spanish public has a supportive attitude towards LGBTI rights and Barcelona's mayor came out as bisexual on national TV. However, LGBTI NGOs received reports of several bias-motivated attacks throughout the year, including incidents during Madrid's hosting of the World Pride celebrations. Participants in Murcia Pride also had to contend with disruption by far-right groups.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Spain** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Adopting a new equality law that revises the existing framework of anti-discrimination laws by expressly protecting all SOGISC (sexual orientation, gender identity sex characteristics) grounds in all spheres of life.



Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, is free from abusive requirements (such as GID/medical intervention) and free from age limits on a nationwide basis.

Sweden



The experience of trans people living in Sweden was very high on the agenda during 2017. Not only were several initiatives proposed by the government to improve legal protection, the day-to-day experience of the trans community was also the subject of a major report.

While the country's gender identity laws have existed for several decades, the gender recognition process in modern-day Sweden is not without its barriers. Under the existing legislation, people must undergo medical interventions in order to have their gender legally recognised. In last year's Annual Review advocacy recommendations, national policymakers were encouraged to update the legal framework for legal gender recognition.

During the course of the year, the government did announce that it was working on draft laws to replace the current 1972 Act (under which, people must undergo medical interventions). The proposals are expected to be presented to parliament in 2018. In an effort to move away from previous abusive provisions, a government compensation scheme was announced for trans people who had been sterilised before 2013; the compensation law is due to be adopted by parliament in 2018.

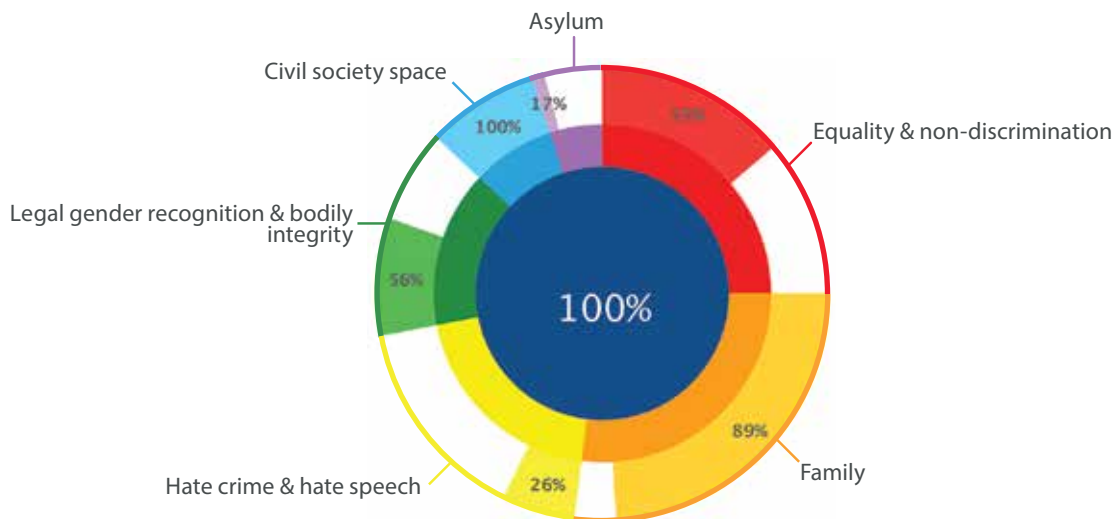
Many other suggestions for change were contained in a 900-page government-commissioned report, one of the world's most comprehensive publications on the experiences of trans people. It also reflects the perspective of intersex people and contains lots of specific recommendations directed at public authorities, proposals that could significantly improve Sweden's Rainbow Europe ranking overall.

Another area where the country's ranking on law and policy could be improved is in the area of asylum. NGO RFSL had previously reported a significant increase in negative decisions for LGBTI asylum seekers and during 2017, the Swedish Migration Agency published their own evaluation of the handling of LGBTIQ asylum cases. The evaluators concluded that one third of the decisions were of very low quality.

Towards the close of 2017, the Swedish government released a new national strategy on the prevention of HIV and other sexually transmitted infections on World AIDS Day; trans people were included as a key population for the first time.

All Rainbow Europe information is available online at www.rainbow-europe.org

Legal and policy situation in **Sweden** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).



Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.



Introducing and implementing laws and policies on asylum that guarantee effective protection on all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.

Switzerland



There were multiple discussions on issues relevant to the lives of LGBTI people happening at local and federal levels during 2017. LGBTI activists reported progress in some legal areas, while decisions on other policy areas were postponed for several years.

Positive developments recorded in 2017 included the Swiss government's ratification of the Istanbul Convention and the introduction of the option of stepchild adoption for civil partners as well as cohabitants (same- and different-sex couples). Intersex NGO InterAction was officially founded and began its work.

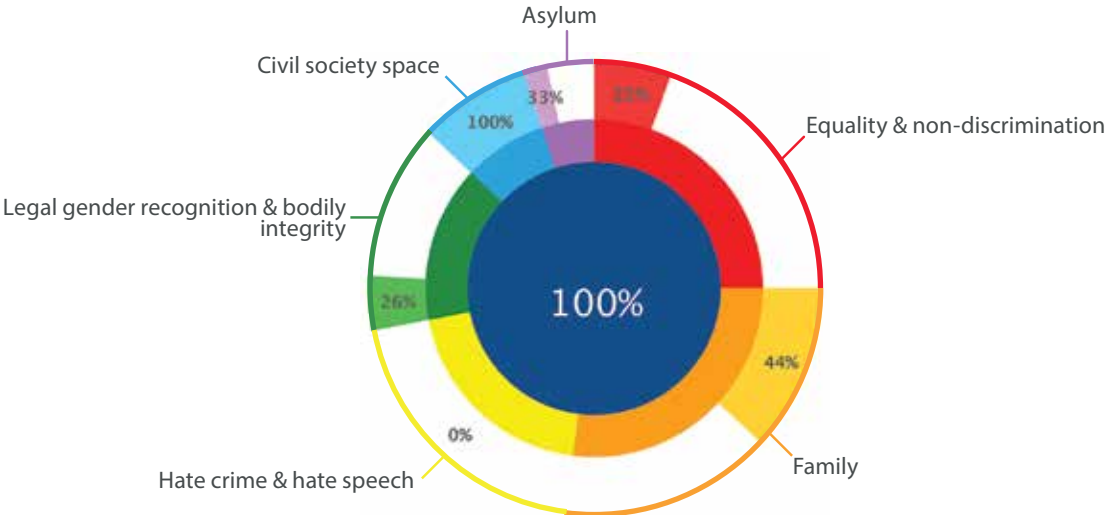
Thanks to several innovative studies, Swiss LGBT NGOs now have data for the first time on the intolerance faced by LGB students in schools and also on the experiences of older LGBT people.

Other legislative initiatives suffered delays or outright setbacks in the past year. While the Geneva canton passed a regulation on non-discrimination on SOGI grounds, a proposal that would institute change at federal level was slowed down. The deadline to review an initiative, which calls for the addition of SOGI to the Penal Code's protected grounds (alongside racism) was extended until 2019. The same timeframe was also imposed on discussions around equal marriage, as the government assess its possible impact across other areas of law.

One of the recommendations for policymakers contained in last year's Annual Review – the introduction of a comprehensive national LGBTI action plan – was unfortunately rejected by the Federal Council.

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Legal and policy situation in **Switzerland** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:



Allowing for equal access to medically assisted reproductive treatments for all couples.



Introducing and implementing federal laws and policies on asylum that guarantees effective protection on all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.



Developing, in consultation with the trans community, a specific, comprehensive national action plan to protect the human rights of all trans people.

Turkey



2017 was another testing year for the LGBTI community in Turkey. In the months since our last Annual Review was published, the community has witnessed limitations of freedom of assembly and expression, as well as the repeated detention of the very human rights defenders who speak out against this repression.

Pride events in Istanbul – previously a loud and colourful display of solidarity - were banned by officials for the third time in three years, citing security concerns. Rubber bullets were then used by police to violently disperse LGBTI people and allies who attempted to march together.

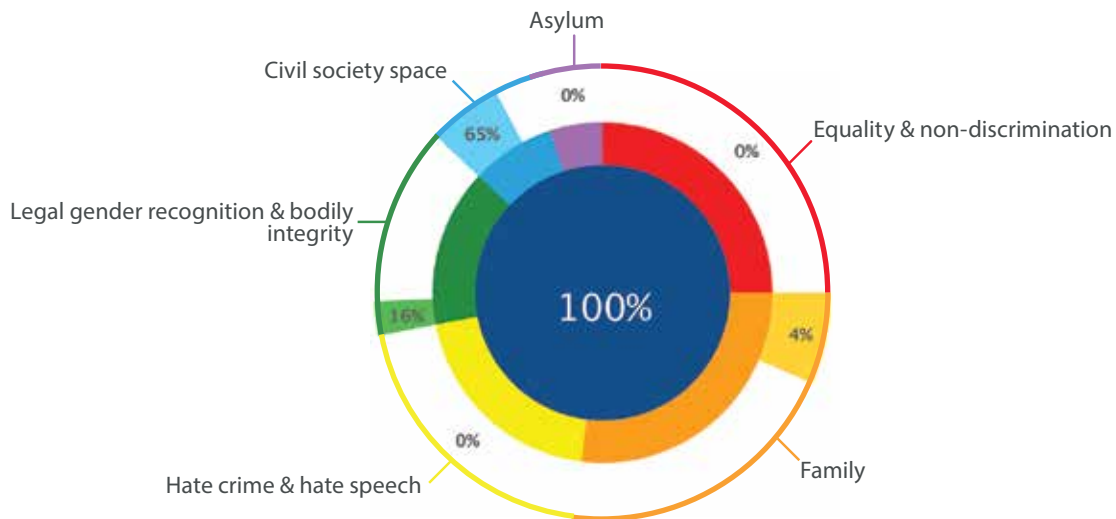
Another ban which attracted international condemnation was the one imposed on public LGBTI activities by the governor of Ankara. It was immediately challenged in court by LGBTI NGOs, as they could see the long-term impact of such a measure. (In early 2018, the first and the second instance courts rejected their applications for stay of execution of the ban.) The ban not only affects the LGBTI community members who wanted to take part in events in the capital, but it also had a chilling effect on organisers in other cities. In addition, the ban served to legitimise discrimination against LGBTI people generally. This only underlines the importance of legal protection for the community, something that is completely lacking in Turkey and a point that ILGA-Europe stressed in our Annual Review recommendations last year.

It is also a mark of the resilience and determination of the LGBTI movement in Turkey that, in spite of the oppressive atmosphere, they continue to push for change. And there were moments of optimism provided by successful court cases during 2017. In a major legal victory, the requirement for people to be sterilised before accessing the legal gender change process was struck down by the Constitutional Court.

That same court also established another precedent towards the end of the year, when it ruled that sex workers cannot be fined for waiting for clients in the street. However, the LGBTI community was shocked to learn that the individuals convicted of sexually assaulting LGBTI activist Kemal Ordek had their convictions overturned.

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Legal and policy situation in **Turkey** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Introducing hate crime laws and policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.**
- ➔ **Removing obstacles to the effective exercise of freedom of assembly, association and expression.**
- ➔ **Introducing hate speech laws and policies that explicitly include sexual orientation, gender identity and sex characteristics as protected grounds.**

Ukraine



The determination of the LGBTI movement in Ukraine to gather, organise and advocate for change was clear to see in 2017.

Despite the fact that there was no significant legislative change finalised in 2017, there were some encouraging signs. Following the repeal of the infamous order 60 health protocol, human rights organisations were at the table as part of a working group convened to suggest how to improve legal protection for trans people. The working group's recommendations had not been approved by the Ministry by the end of the year, but they did contain specific directions to improve legal gender recognition, reduce waiting times and remove the oppressive need for irreversible interventions.

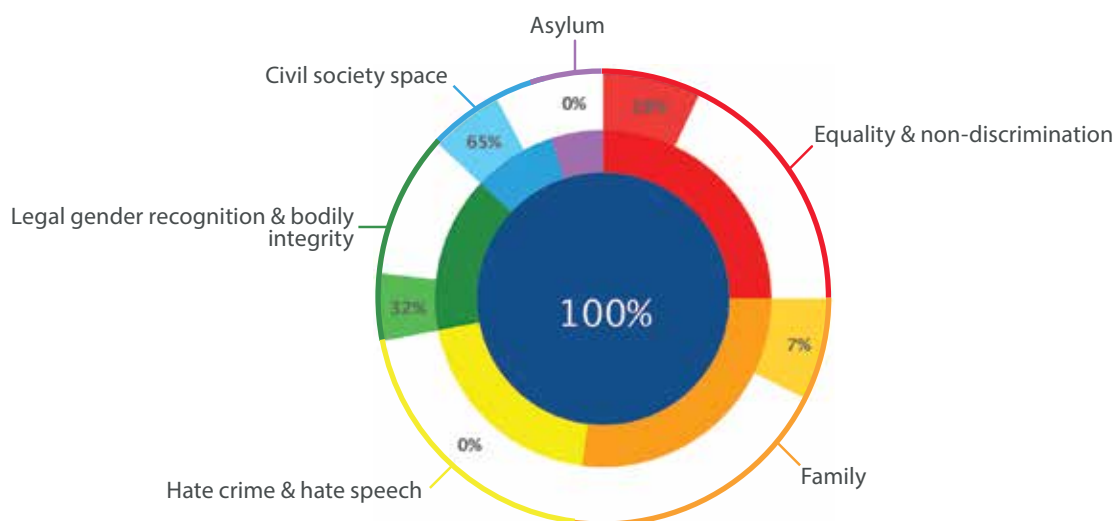
In addition to legal gender recognition, another area of law that currently has little or no provision for LGBTI people is in the area of hate crime and hate speech. LGBTI NGOs recorded multiple instances of both in 2017. Also, LGBTI community members attending public events all over the country found the gathering disrupted or under attack. In many instances, the violence was instigated by right wing opposition groups; and in some cases the police protecting LGBTI activists were also attacked.

These developments only underline the urgency and accuracy of the recommendations to policymakers included in last year's Annual Review. LGBTI activists and ILGA-Europe had urged the Ukrainian authorities to tackle hate crime and protect the right to assemble.

The threat of vital legal protections being eroded or rolled back emerged – albeit briefly – in 2017. A parliamentary committee's suggestion that the SOGI anti-discrimination protections added to the Labour 2015 Code might be revised was immediately criticised by the president's press secretary – but it did provide the movement with a reminder to always be vigilant and ready to act.

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Legal and policy situation in **Ukraine** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.
- ➔ Introducing laws and policies designed to tackle hate crime that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.
- ➔ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

United Kingdom



One of the most notable trends during 2017 was the increased visibility and public discussion of trans and intersex issues in the UK. Following frequent calls from LGBTI activists, public consultations were announced across the UK to review the Gender Recognition Act. Updates to the law, dating from 2004, were one of the key recommendations for national policymakers contained in last year's Annual Review and the consultations will be followed closely.

Trans model and activist Munroe Bergdorf made headlines in 2017 – first as one of the stars of a proposed diversity campaign by make-up brand L'Oréal, and secondly as an outspoken critic of white supremacy. She was sacked by the company after her social media posts in the wake of the Charlottesville rallies, a move which triggered a national conversation on structural racism.

On a more negative note, LGBTI NGOs noted that the announcement of the national consultations on the legal gender recognition process were accompanied by a rise in transphobic commentary across traditional media platforms and online. The effect that bias-motivated speech can have at a personal level was demonstrated by a trans woman from the UK who was forced to seek residency in New Zealand after facing years of discrimination.

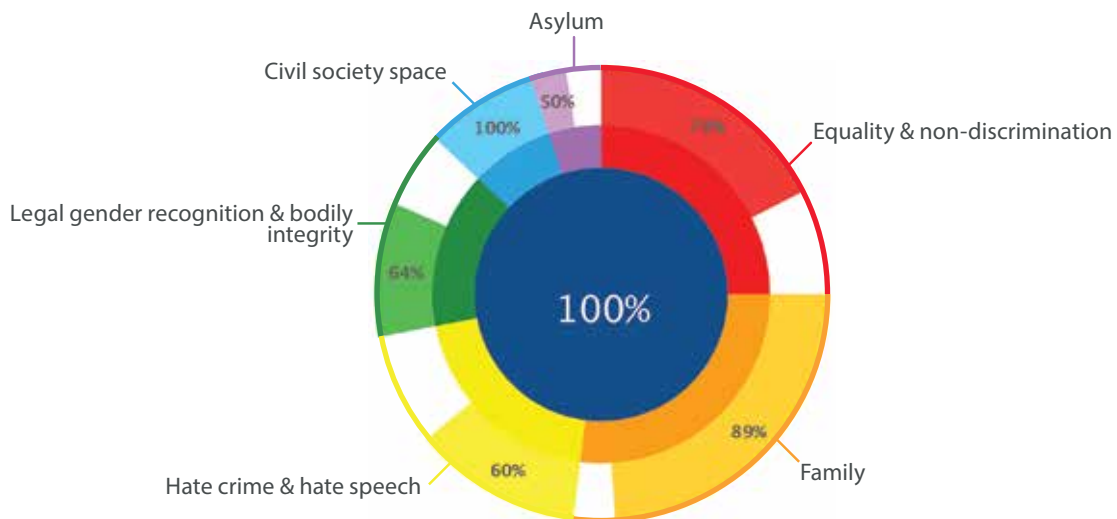
One of the main policy areas in which the UK still has work to do is around the protection of intersex people's bodily integrity. Outlawing unnecessary surgeries on intersex infants would be a positive first step for the UK – a move that was recommended in last years' Annual Review and also highlighted by UN treaty bodies.

Also during 2017, blood donation regulations were relaxed in Scotland, England and Wales, the first safe houses were opened for LGBTI people applying for UK citizenship and historic convictions for consensual sexual relations were met with pardons and public apologies.

The regional variations in legal protection for LGBTI people are still blatantly apparent when you examine the Rainbow Europe Map. The Democratic Unionist Party's support for the minority Conservative UK government brought the situation for LGBTI living in Northern Ireland back into the spotlight. Thousands took the streets of Belfast in support of equal marriage; however there was disappointment for two couples as their cases challenging NI's lack of marriage equality were unsuccessful.

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Legal and policy situation in **United Kingdom** as of 31 December 2017



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Updating the existing legal framework for legal gender recognition, to ensure the process is based on self-determination, is free from abusive requirements (such as GID/medical diagnosis), free from age limits, and includes non-binary recognition.**
- ➔ **Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent, and including references to sex characteristics in anti-discrimination legislation.**
- ➔ **Ensuring access to marriage equality for all, in all parts of the United Kingdom.**

