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ILGA-Europe

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

2013



ILGA-Europe in brief

- ILGA-Europe is the European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association.
- ILGA-Europe works for equality and human rights for lesbian, gay, bisexual, trans & intersex (LGBTI) people at European level.
- ILGA-Europe is an international non-governmental umbrella organisation bringing together 408 organisations from 45 out of 49 European countries.
- ILGA-Europe was established as a separate region of ILGA and an independent legal entity in 1996. ILGA was established in 1978.
- ILGA-Europe advocates 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 strengthens the European LGBTI movement by providing trainings and support to its member organisations and other LGBTI groups on advocacy, fundraising, organisational development and communications.
- ILGA-Europe has its office in Brussels and employs 12 people.
- Since 1997 ILGA-Europe enjoys participative status at the Council of Europe.
- Since 2001 ILGA-Europe receives its largest funding from the European Commission.
- Since 2006 ILGA-Europe enjoys consultative status at the Economic and Social Council of the United Nations (ECOSOC) and advocates for equality and human rights of LGBTI people also at the UN level.



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Annual Review



ILGA-Europe

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

2013

This Review covers the period of January to December 2012.

Written by ILGA-Europe staff

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May 2013

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Introduction

This 2013 edition of the *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe* is ILGA-Europe's second edition of this annual publication, covering the period of January to December 2012. It provides a snapshot of what happened during the year, at both the international and national levels, and documents progress and trends regarding the human rights situation of LGBTI people.

While this edition of the *Annual Review* once again covers various cases of violence, hatred and discrimination against LGBTI people (at times perpetrated at the hands of the State), the scope of the document is not that of naming and shaming, or pointing 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.

For the purpose of documentation and comparability of information, this *Annual Review* remains largely faithful to the format established in the first edition. However, it introduces two new elements which we believe will help the reader make better use of the document, namely:

1. **Highlight of key developments and trends** which serves as an editorial bringing together a thematic collection of the major developments in the European region. These developments may be positive or negative, or a mixture of the both. The summary also indicates the trends and challenges that are still faced in the development of the understanding of human rights as it relates to LGBTI people, highlighting good practices where available.
2. **Chapter introductions** that summarise the situation of LGBTI people at the institutional and country levels, highlighting legal and social developments as well as the issues that may be under consideration.

The country legal overviews that featured in the first edition of the *Annual Review* were not included this year. For a thorough review of the legal and policy situation of the different Europe, it is suggested that the reader consults the *ILGA-Europe Rainbow Map* at:
www.ilga-europe.org/rainboweurope

ILGA-Europe hopes that this publication meets the readers' expectations and needs, and welcomes any suggestions for improvement at:
annualreview@ilga-europe.org

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

ILGA-Europe's Annual Review Team

A note on data collection and presentation

The collection and presentation of data on the developments at national level in 49 countries represents a significant challenge. Beyond difficulties related to the diversity of languages in which some of the original reports were written, there are a number of conceptual differences across Europe as, for example, the use of terminology around LGBTI issues is not harmonised. Nonetheless, all information within the *Annual Review* has been checked and verified against original sources and the best available knowledge. Where possible, information was also checked against institutional and national reports, and reliable news sources.

For comparative reasons, the language within the *Annual Review* has been kept in line with ILGA-Europe's standards, and refers to sexual orientation, gender identity and gender expression, and related terminology; while moving away from country specific legal terms that may have a different meaning elsewhere. At the same time, we respected and accommodated for the diversity of terms used by LGBTI communities to self-identify in different countries and contexts. This is why the *Annual Review* does not exclusively refer to LGBTI but also to 'LGBT', 'LGBTQ' and other formulations. Likewise, while trans is used as the umbrella term for all trans people, other specific terms used by trans communities such as transvestite, transgender and others were kept where appropriate.

Different reasons can be attributed to missing data on some events or issues in this *Annual Review*. Firstly, it depends on whether the event itself was adequately reported, or whether there were confusing or contradictory reports which ILGA-Europe was unable to verify about it. Secondly, the primary goal of the *Annual Review* is the reflection of the human rights situations of LGBTI people and their social position in society. This means that we limited the reflection of community events and the documentation of the work of LGBTI

organisations, unless such events and work represented an important milestone towards the acknowledgement of the rights of the LGBTI community in that country. Thirdly, efforts were put into the collection of information on intersex issues where available but unfortunately intersex people's human rights remain largely unaddressed at national level.

Finally, this is only our second *Annual Review*. While we invested in further improvement of our rigorous data collection system, a number of limitations continued to apply. We will continue to incorporate the lessons learnt during the first two *Annual Reviews* with the goal of continuing the improvement of the quality of reporting on LGBTI issues in Europe.

How to use this Annual Review?

The *Annual Review* is divided into two main sections.

The first section *International reviews* provides an overview of international developments and contains 4 chapters covering the United Nations, the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe. The second section *Country reviews* contains 49 chapters covering all European countries in alphabetical order.

The content of all of the chapters is presented under standardised thematic categories to facilitate searches and comparative analysis between chapters. The Index at the end of the *Annual Review* provides an overview on which chapters contain which thematic categories. Most chapters contain information organised under multiple thematic categories. When this is the case, the categories follow an alphabetic order. The presentation of the different developments is marked by introductory bullet points and follows a chronological order, without distinguishing between positive and negative developments.

Finally, each country chapter opens with a country chapter introduction that serves as a snapshot of the LGBTI human rights situation in the country.

Highlight
of key
developments
and trends

Access to goods and services

There was little legislative progress towards protecting LGBTI from discrimination in accessing goods and services, aside from Iceland announcing its plans to include gender identity to the list of prohibited grounds of discrimination in this field.

A number of documented cases show that LGBTI people are still subjected to discrimination in their everyday life only because of their sexual orientation and/or gender identity, thus demonstrating the need for comprehensive anti-discrimination legislation in this field. Here are examples of cases taken by equality bodies or other national institutions: (i) a Dutch trans woman was humiliated and laughed at by the staff of a McDonalds restaurant; (ii) a lesbian couple from Norway was refused to rent a house after the landlord found out about their sexual orientation and a gay couple in Bosnia and Herzegovina was asked to move out from a rented apartment in similar circumstances; (iii) a Lithuanian transport company initially agreed to rent a bus to an LGBTI organisation but withdrew their offer after realising that the bus would be used for an LGBTI event; (iv) a Slovak printing company initially refused to print materials because they contained the word 'gay'; (v) a Slovenian tourism agency included a pictogram 'no homosexual wanted' in their accommodation catalogue; and (vi) a Danish priest refused funeral service for a 74-year-old woman because she had been in a relationship with another woman for 30 years.

Another relevant development is the emerging case law on reconciling discrimination in access to public services with an ethos based. The UK courts issued two decisions in this respect in relation to (i) a gay couple who was refused a double room in a Christian-run bed & breakfast; and (ii) a Catholic adoption agency which wanted to be exempted from equality legislation to enable them to refuse adoption applications from same-sex couples.

Asylum

The information collected throughout the year shows that LGBTI asylum seekers in Europe continue to

be subject to inconsistent and arbitrary decisions with regard to the granting of asylum. Many national courts in Europe have rejected applications from LGBTI people coming from Afghanistan, Guatemala, Iran, Nigeria, Russia, Saudi Arabia and Uganda amongst others. In some cases, LGBTI asylum seekers were asked to return to their country of origin and live "discreetly" or "hide their sexuality" even when their home country criminalises their sexual orientation and makes it punishable by the death penalty. In this context, the Dutch Court of State asked for a preliminary ruling to the Court of Justice of the European Union (CJEU) on the interpretation of European union law concerning the requirement of 'living discreetly' which is often raised in LGBT asylum cases, and the effect of criminalisation of same-sex sexual activity in the country of origin. This case is likely to be very important in shedding light on how EU asylum legislation should be applied in these circumstances.

On a more positive note, a number of countries recognised the need to update their policy framework. Denmark adopted an agreement on better treatment of asylum seekers that specifically refers to the needs of LGBT people; the Netherlands updated its asylum guidelines; Norway updated its guidelines on gender based persecution, thus including trans and intersex people; and the Swedish government sent a letter of assignment to the migration Board stressing the need to focus on the situation of LGBT asylum seekers. Finally, Ireland and Finland worked in cooperation with civil society to train the staff from their domestic immigration services.

Bias motivated speech

Statements and expressions motivated by hatred against LGBTI people are among the most common trends across Europe. Degrading, offensive, and defamatory language is being used by public officials at all levels – starting from heads of states to local councillors. Other groups continue to be reported as employing hateful language and inciting hatred towards

LGBTI people in particular (i) religious leaders and representatives of organised religions; (ii) representatives of conservative parties and organisations; (iii) representatives of traditional values and traditional family organisations; and (iv) representatives of far-right, radical and nationalist organisations.

This bias motivated speech is very often being justified by invoking the right to freedom of expression or to religious belief. As a result, many cases of bias motivated speech remain unchallenged thus contributing to making homophobic and transphobic speech seem acceptable. The content and severity of language are ranging from jokes, inappropriate comments to open incitements to violence and killings of LGBTI people, for example suggestions to beat gay people with batons; comparing homosexuality with an incurable disease, necrophilia and paedophilia; suggestions that LGBTI people pervert society and present a risk to national security; and open calls for the death penalty to 'faggots'.

Among the positive developments are (i) suggestion by Albanian Ombudsman to include sexual orientation and gender identity in the Criminal Law provisions dealing with hate speech; (ii) adoption of new Hungarian Criminal Code which now refers to sexual orientation in gender identity in provisions on hate speech; (iii) ban of Serbian radical movement known for its among others homophobic rhetoric; (iv) court decisions against individual posting anti-LGBTI comments on Facebook in Lithuania and Slovenia.

At European level, it is important to highlight the first ever decision by the European Court of Human Rights on hate speech in relation to sexual orientation and gender identity. The Court found that Sweden did not violate the right to freedom of expression of the applicants who had distributed leaflets containing allegations which were "serious and prejudicial" about LGBT people.

Bias motivated violence

Violence is the most extreme expression of homophobia and transphobia. Such violence remains a truly pan-European phenomenon and is a serious concern. The perpetrators of such violence are not only

individuals but also organised groups. According to documented cases, a lot of this violence is motivated by (i) nationalism; (ii) protection of 'traditional customs'; (iii) radical political philosophy; and (iv) fundamentalist religious beliefs. Documented cases included: (i) intimidation, threats of physical attack and death threats; (ii) physical and sexual assaults; (iii) disruption of public LGBTI events including by destroying banners, throwing eggs, setting gas bombs on participants; (iv) cyber-attacks on LGBTI portals; (v) attacks on LGBTI venues, including setting petrol bomb; (vi) 'honour' killings and corrective rapes by family members; and even (vii) murders. The lack of adequate legal frameworks and recognition of homophobic and transphobic motives in such violence remain problematic as it often contributes to impunity. The absence of an adequate response from police and other law enforcement structures is another on-going problem.

Fortunately, there are a number of positive developments in the region, such as (i) the vocal and repeated calls by the European Parliament to include homophobia and transphobia in a recast *EU framework decision on combating racism and xenophobia*; (ii) the growing number of countries introducing sexual orientation and/or gender identity in their criminal legislation on hate crime (e.g. Austria, Georgia, Hungary and Malta); (iii) the development of national action plans to combat homophobic and transphobic hatred (e.g. Belgium and France).

Criminalisation

Northern Cyprus continued to be the only territory in all of Europe which criminalises sexual relations between consenting adults, despite repeated promises made to Members of the European Parliament and other European officials to decriminalise homosexuality. In view of this, a case was submitted to the European Court of Human Rights to challenge the continued criminalisation of homosexuality in the territory.

This said, the proposed and/or adopted laws banning the 'propaganda of homosexuality' are considered by many to be a new wave of criminalisation and repression

targeting the LGBTI community and limiting the space for civil society. By the end of 2012, laws prohibiting the 'propaganda of homosexuality' were adopted in nine regions of Russia, and through local ordinances in more than 16 localities in Moldova. Federal laws banning 'propaganda of homosexuality' were also proposed and discussed at federal level in Russia and Ukraine. Similar proposals were made in Hungary and Lithuania by conservative Parliamentarians but were defeated. They can be considered a new form of criminalisation as violations of these laws can be sanctioned by steep fines or even imprisonment sentences. Several incidents demonstrate how these laws contribute to the spread of stigma and discrimination, even when they are not yet adopted.

Data collection

Data collected across Europe amongst the LGBTI community continues to show very high levels of discrimination against the LGBTI community, as well as high levels of fear of violence. For example, in the Netherlands, 50% of gays and lesbians continue to adjust their behaviour when they are in public, adjusting to the 'heterosexual norm' to avoid negative attitudes or violence; while 50% of trans people are not out at work. In Italy, 73% of LGBTI people have been discriminated at least once in their life, citing school and family settings as particularly conducive to discrimination. In Belgium, 80% of trans people experienced violence due to their gender identity, including sexual, physical and/or psychological violence. Similarly high levels of intolerance among the general public was also demonstrated in studies that were conducted in Armenia, Georgia and Northern Cyprus.

While the above studies are very useful to highlight the extent of the problem and to show that homophobia and transphobia are widespread in Europe, no European study had until now assessed the situation of LGBT people across the region. In this context, the European Union Agency for Fundamental Rights' LGBT Survey, which had more than 93,000 LGBT participants from the EU-27 and Croatia, is expected to

provide a unique set of data about the real life experience of LGBT people in Europe. The results will be published in May 2013.

Education

The adverse effects of homophobic bullying were reconfirmed by three national studies conducted in Cyprus, Spain and the UK, all showing very high levels of suicidal thoughts and attempts amongst young people who are subjected to this kind of harassment. Sadly, two student suicides directly resulting from homophobia in schools were documented this year. 20-year-old Tim Ribberink from the Netherlands and a 15-year-old boy from Italy took their life after they were subjected to bullying both at school and online.

Fortunately, more and more countries are taking concrete measures to address homophobia and transphobia in schools. For example, Belgium and the Netherlands introduced compulsory education on sexual diversity and sexual education in schools; while Portugal adopted a law on students' statutes expressly prohibiting discrimination on the grounds of sexual orientation and gender identity against students. Furthermore, publications on sexual orientation and gender identity diversity and on tackling traditional gender roles were published in Finland and in Latvia. Additionally, various other initiatives on tackling homophobia and transphobia in schools were carried out by LGBTI organisations in partnership with national policy-makers in different countries.

Unfortunately, not all developments were positive. Homophobia and transphobia continue to form part of textbooks used in schools and higher education in different parts of Europe, as was highlighted in Albania, Croatia and FYR Macedonia, where reports were made about textbooks referring to LGBTI people as deviants, abnormal or as having various pathologies. Other example of a negative trend is that of Spain dropped its human rights module in education thus reducing access to information on sexual orientation and gender identity; while Hungary's new curricula do not mention LGBT issues at all.

Employment

An important issue in relation to employment discrimination in many countries concerns challenges for LGBTI people working for faith-based schools. Cases were taken up with courts in Germany and the Netherlands by individuals dismissed by church-led schools because of their sexual orientation. The issue was raised in Ireland with the introduction of a draft bill aimed at protecting teachers from discrimination, which was unfortunately rejected. The number of countries struggling with this issue shows that discrimination against LGBTI people working in the field of education is not yet adequately addressed. The European Commission also addressed this question in the context of its monitoring of a new Act adopted in Hungary which widens the freedoms of religions including their institutions and schools to determine who they employ “[as] necessary to preserve their specific identity”; in this case, the Commission warned Hungary that this new Act may run counter to the *EU Employment Framework Directive*. In addition, discrimination in other sectors is coming to the surface, one example being the case referred to the European Union Court of Justice to establish whether the provisions of the EU Directive apply to the director of a football team who publicly stated that he would categorically refuse to hire gay players in his team.

On the whole, a few researches published in Italy, France and Malta show that discrimination in recruitment continues to be high for openly gay men (30% in Italy) and that issues related to sexual orientation discrimination continue to be considered as sensitive and difficult to handle both by trade unions and persons that may witness or fall victim of such discrimination

Enlargement

In its *2012 Progress Reports*, the European Commission detailed the progress that was made with regard to LGBT equality as per the *acquis communautaire* as well as the issues that gaps that accession countries may have in meeting the accession requirements.

The Commission's conclusions were mixed, praising some developments, but on the whole the message was that more needs to be done by accession countries to meet the minimum criteria that are expected to be in place by the countries' membership. In fact, many of the reports indicated that while some legislative or policy developments had taken place, the situation on the ground for LGBTI people had remained precarious with the risk of threats, discrimination and violence being rampant.

Equality and non-discrimination

The area of equality and non-discrimination remains the backbone of progress towards greater recognition of LGBTI people at both the European and at national levels, requiring legislative and policy measures, but also strong equality bodies, training and awareness raising activities. In this respect, it is positive to see the growing number of initiatives that are undertaken jointly by governmental institutions and civil society organisations.

At the European level, the call for an EU LGBTI roadmap became stronger as the European Parliament released the results of a study that it commissioned, indicating various measures that the EU can take. At the Council of Europe, LGBTI issues gained more prominence as LGBTI equality became increasingly institutionalised into the processes of the Council. Additionally the first ever high level conference dedicated exclusively to sexual orientation and gender identity was held under the UK Chairmanship, while the Committee of Ministers agreed to conduct a review of the implementation of the *2010 Recommendation on combatting sexual orientation and gender identity discrimination*. Interesting progress was also observed with regard to the growing attention that is dedicated to trans and intersex issues. The European Commission published its first study on the discrimination experienced on the grounds of sex, gender identity and gender expression, and complementary studies and processes were carried out at national level in Germany and Finland.

At the national level, the *International Day against Homophobia and Transphobia* (IDAHO) as well as *International Human Rights Day* were increasingly celebrated jointly by LGBTI organisations and national human rights institutions (or even Governments). These collaborations at times led to further developments such as joint action after the events. Importantly, a number of governments have adopted or are working towards the adoption of national LGBTI governmental equality action plans to promote equality in governmental institutions and society at large. Not all developments were positive though. As seen in Hungary, opportunities for change, such as the adoption of a new Constitution, have been used to limit rather than increase the recognition of LGBTI people.

Family

The achievement of family recognition rights is one of the highest priorities of LGBTI communities in Europe and the call for legislation recognising same-sex partnerships and LGBTI parenting has continued to extend southwards and eastwards. In this context, family issues have come to symbolise the fight for equal rights and the sphere where successes and backlash are most visible.

Among the many positive developments of this year we can mention: (i) Denmark's introduction of gender neutral marriages; (ii) the Spanish Constitutional Court's affirmation that the marriage equality law introduced in 2005 is constitutional; (iii) the introduction of marriage equality bills in the Parliaments of France, Finland, the United Kingdom and Scotland; (iv) the tabling of bills in the Belgian and Dutch Parliaments providing the non-biological co-mother in a lesbian couple with automatic legal parent recognition, and the discussion of the issue in Sweden; (v) continued progress towards the adoption of the marriage equality bill in Luxembourg; (vi) Ireland's opening of a Constitutional Convention aimed at discussing key chapters in the Constitution that may need to be revised prior to allow for the opening up of marriage to same-sex partners in the country; (vii) Switzerland's Council of State's approval of a motion

opening the right to adoption by same-sex partners; (viii) German Courts' narrowing down of differences between same-sex registered partnerships and heterosexual marriages; and (ix) a growing political support towards the legal recognition of same-sex partners in Croatia, Estonia, Italy, Malta and Montenegro.

Not all developments were positive however. In Slovenia, the new *Family Code* which could have provided greater recognition of same-sex couples and their children was rejected in a popular referendum called for by a conservative group. In Hungary, the entry into force of the new Constitution, and the *Family Protection Act* resulted in a weakening of the legal status of same-sex couples. In Portugal, access to medically assisted reproduction and adoption entitlements for same-sex partners were rejected in Parliament. Similarly, bills intended to recognise same-sex partners for the first time in Poland and Slovakia were rejected in the respective parliaments. In Latvia, the process led by the Ombudsman exploring legal recognition of same-sex partners met significant hostility and was truncated abruptly, while government and elected officials in FYR Macedonia and Lithuania publicly expressed hostility against the recognition of same-sex couples.

Foreign policy

While a growing number of European countries are including the rights of LGBTI as a priority issue in their own foreign policy, the European Union institutions are also stepping up their work to increase coordination of actions to advance LGBTI rights around the world. In the past year, examples of LGBTI issues raised in the context of European foreign policy include: (i) concerns raised by EU member states in relation to the growing attempts at the silencing of LGBTI people in Russia and Ukraine; (ii) concerns raised with regard to the continued criminalisation of homosexuality in many countries in the world, and the drastic worsening of the situation in some countries such as Uganda; and (iii) the provision of financial assistance to civil society engaged

in challenging homophobia and transphobia in non-EU countries.

Swimming against this tide, Russia is adopting the opposite position in its external policy as the government actively attempted to undermine the increased recognition of LGBTI equality at the international level. The resolution tabled by Russia at the UN Human Rights Council which claims to promote “human rights and fundamental freedoms through a better understanding of traditional values of humankind” is one such example.

Freedom of assembly

In a number of European countries, the basic and fundamental right to freedom of assembly is still being denied and/or hindered by the authorities. In the past year, Pride marches and other public events organised by LGBTI communities were still banned in some countries, while in others states, municipal authorities enacted a range of administrative obstacles to discourage events from taking place. In many places, LGBTI public events continued to attract violent protests by religious extremists and nationalists and lead to expressions of homophobia and transphobia in the public arena.

Fortunately, there were also some positive developments. The Moldovan LGBTI human rights defenders won a case against a ban of their Pride event at the European Court of Human Rights. Pride events that had been troublesome in previous years (like Split Pride in Croatia and Baltic Pride in Latvia) took place without any reported incidents. It is also very positive to observe that in a growing number of countries politicians, community leaders and celebrities are joining LGBTI Prides and public events.

Freedom of association

As a result of the introduction of legal bans of ‘homosexual propaganda’, the existence of LGBTI organisations is coming under threat again in some Eastern European countries. LGBTI groups in Russia are facing an additional threat as a result of the adoption of the law on ‘foreign agents’ which targets organisations

which receive financial support from abroad. On a positive note, there were no documented cases of refusal to officially register or of closure of LGBTI organisations by authorities in 2012.

Freedom of expression

The debates and/or adoption of legal bans of ‘homosexual propaganda’ have posed serious threats to the freedom of expression of LGBTI human rights defenders and their organisations, as well as teachers, journalists and anyone supporting the human rights of LGBTI people. Cases of refusing venues for LGBTI events, censoring TV programmes, hindering and banning exhibition, attacks on websites, clearing list of cartoons not suitable for minors due to LGBTI content were documented during the year. There were however a few positive developments such as the decision of the Irish Press Ombudsman regarding a press article found to be homophobic because it failed to adequately distinguish between facts and commentary; and the decision from the Moldovan Supreme Court of Justice to allow broadcasting a documentary on LGBTI rights on the main public TV channel.

Health

A ban on individuals who identify as LGB or ever had same-sex sexual contacts to donate blood remains in force in many European countries. However, the European trend is towards abandoning the practice adopting blanket bans based on sexual orientation, and instead to consider sexual as a determining factor in blood donation. In this field a number of developments took place: (i) Bosnia and Herzegovina lifted such ban; (ii) Luxembourg’s Minister for Health stated that sexual orientation cannot be a reason in itself to ban blood donation; (iii) the Portuguese Government set up a working group in view of lifting such a ban; and (iv) a legal challenge against the blood donation ban was initiated in Northern Ireland. However, the Dutch Minister of Health made a statement against this trend, saying she was not yet ready to reconsider the ban. Similarly, the French Minister for health stated the policy

banning gay men to donate blood could not be changed.

Debates around corrective operations performed on intersex babies are also starting to emerge. This resulted in opinions by prominent health authorities in Germany and Switzerland. In Germany and Switzerland, prominent health authorities published opinions on corrective operations, which for the most part challenge such practices. In Switzerland, the suggestion was not to perform these operations until the persons in question can participate in decision making about their bodies.

Human rights defenders

The climate in which still too many LGBTI human rights defenders work is one of on-going (and in some countries increasing) hostility, as they are confronted with security threats, victims of verbal and physical attacks.

At the same time, there is growing recognition and appreciation of the work of LGBTI human rights defenders both nationally and internationally as LGBTI organisations are given an active role in various governmental consultation, policy and legislative development processes. More LGBTI organisations and human rights defenders are also receiving human rights awards and other forms of recognition given by the human rights community at the national and international level.

Legal gender recognition

The call for adequate legal gender recognition of trans people continued to gain momentum both at European and national levels. However, in most countries, progress in this area is slowed down by challenges faced in setting conditions under which public authorities would allow trans people to acquire a new legal gender. On a positive note, a growing number of institutional actors (such as the Commissioner for Human Rights of the Council of Europe and the European Parliament LGBT Intergroup) are vocally and clearly stating that requirements for divorce/single status, sterility and compulsory medical treatment are contrary to current human rights standards. A few national bodies are also starting to draw the same

conclusions. In 2012, the Swiss Federal Civil Registry Office was clear in affirming that the requirement of sterilisation violates the *European Convention on Human Rights* and the Swiss Constitution. The Administrative Court of Appeals in Stockholm arrived at the same conclusion and ruled that the sterilisation requirement breaches both the *European Convention* and the Swedish Constitution.

This approach is slowly being accepted by governments in the revision of laws, as was the case of Sweden and Finland which are finally abolishing the sterilisation requirement in the review of their legislation. Another positive example is the law on non-discrimination against trans people adopted in the Basque country, which includes provisions for legal gender recognition that empowers trans individuals to affirm their gender without any need of psychological expertise or of the undergoing of any medical procedures. Iceland also introduced a new law, albeit it continued to demand psychological examination.

While this progress is welcomed, several States continue to face difficulties in removing such requirements from their laws. While draft laws on legal gender recognition are either in the pipeline or have been promised in several countries, most of the legislative proposals debated or adopted continue to include various requirements to be met by trans persons in order to change their legal gender. The entry into force of the Czech trans law with its numerous requirements, and the parliamentary defeat of a bill aimed at introducing a formal legal gender recognition procedure in Poland show that not all countries are yet ready to provide trans people with legal gender recognition that meets current human rights standards.

Police and law enforcement

Education and engagement with police and law enforcement agencies continued in different countries in the region. This included (i) the adoption of memorandum of cooperation between LGBT organisations and police; (ii) training provided to police forces and judges on what

constitutes homophobic and transphobic hate crimes; (iii) inclusion of LGBT specific content in official police curricula; and (iv) the establishment of LGBTI police networks.

Public opinion

Public opinions polls carried out in several countries demonstrated significant differences of attitudes towards LGBTI people across Europe, including some diametrically opposed public opinions from one country to another. For example, while 65% of UK respondents agreed that same-sex couple should have the right to get married, 94% of Armenians did not want to have gay neighbours. The largest public opinion poll carried out in Europe, the *Eurobarometer* was conducted among the 27 EU Member States, and sadly showed that opinions on LGBTI issues have not evolved since the last *Eurobarometer* of 2009. The only positive outcome of the poll was that, on the whole, people living in the EU are increasingly comfortable with openly LGBT people in highest elected political position. It is also important to note that, for the first time, the 2012 *Eurobarometer* included questions about attitudes towards trans people.

Sexual and reproductive rights

LGBTI people's right to sexual and reproductive health remain widely disregarded or actively restricted by national laws in most countries. In Denmark, the law on assisted fertilisation was amended to allow non-anonymous sperm donation but only for heterosexual couples; while new laws adopted in Croatia and Malta expressly ban single women and women in same-sex relationships from accessing fertility treatment. The main positive development of the year came from (i) Moldova where the right to medically assisted reproduction was extended to single women without distinction; and (ii) Sweden where the ban on fertility treatment for single women was lifted. Moreover, both Iceland and Finland included LGBT organisations in national debates on sexual and reproductive health.

Social security and social protection

The rights of same-sex partners to social security and social protection were addressed in only three countries. On a positive note, the Finnish government extended the paternal leave to families in which a second parent adoption is completed. In Italy, the Court of Milan ruled that cohabiting same-sex couples should have the same healthcare benefits and rights as cohabiting different-sex partners, arguing that sexual orientation should not have any bearing on the rights which partners in the same situation should be accorded. Regrettably, the Czech Public Defender of Rights used a similar logic to limit the rights of registered same-sex partners to social security, on the basis that all non-married couples are not entitled to family benefits, disregarding the fact that same-sex parents are not allowed to marry in the country.

Abbreviations

CJEU – Court of Justice of the European Union
DSM – Diagnostic and Statistical Manual of Mental Disorders
EC – European Commission
ECHR – European Convention on Human Rights
ECtHR – European Court of Human Rights
ECRI – European Commission against Racism and Intolerance
EP – European Parliament
EU – European Union
FRA – European Union Agency for Fundamental Rights
HDIM – Human Dimension Implementation Meeting
HIV – Human Immunodeficiency Virus
HRC – Human Rights Council
ICD – International Classification of Diseases
IDAHO – International Day against Homophobia and Transphobia (17 May)
LGBTI(Q) – lesbian, gay, bisexual, trans, intersex, (queer)
MEP – Member of the European Parliament
NGO – non-governmental organisation
ODHIR – Office for Democratic Institutions and Human Rights
OHCHR – Office of the High Commissioner of Human Rights
OSCE – Organization for Security and Cooperation in Europe
PACE – Parliamentary Assembly of Council of Europe
SHDM – Supplementary Human Dimension Meeting on Freedom of Assembly and Association
UN – United Nations
UNESCO – United Nations Educational, Scientific and Cultural Organization
UPR – Universal Periodic Review
USA – United States of America

Pan-European member organisations of ILGA-Europe

Association of Nordic and Pol-Balt LGBTQ Student Organizations

www.anso.dk

European Forum of LGBT Christian Groups

www.euroforumlgbtchristians.eu

European Gay Police Association

www.eurogaycops.com

Gay Christian Europe

www.gaychristian-europe.com

IGLYO – International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organization

www.iglyo.com

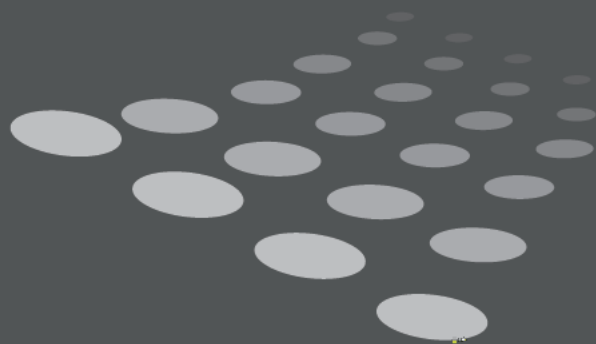
NELFA – Network of European LGBT Families Association

www.nelfa.org

Transgender Europe

www.tgeu.org

Institutional reviews



United
Nations

The human rights of LGBTI people were increasingly acknowledged by various UN agencies and officials. This was particularly noticeable at the leadership level through the determination of the Secretary General and the High Commissioner for Human Rights. However, progress remains piecemeal partly due to organised opposition.

Bias motivated violence

- In December, UN Secretary-General Ban-Ki Moon repeated an earlier call for an end to violence and discrimination based on gender identity and sexual orientation. He did so during a special event on the need for leadership in the fight against homophobia held at the UN Headquarters in New York, organised in the context of *International Human Rights Day*. Amongst others, Moon was joined by French Minister for Women's Rights, Najat Vallaud-Belkacem, out gay pop singer Ricky Martin and Ukrainian human rights defender Olena Shevchenko.

Criminalisation

- In December, the UN 3rd Committee voted to include sexual orientation and gender identity as specific grounds for protection in its *Resolution on Extrajudicial, Summary, and Arbitrary Executions*. The vote reversed the events of 2010, when the same body voted to strip the resolution of reference to sexual orientation. The 3rd Committee included gender identity for the first time in the resolution's history.

Education

- In May, UNESCO organised a meeting addressing homophobic bullying in educational institutions. Following this meeting, UNESCO published a *Good Policy and Practice in HIV and Health Education booklet on Education Sector Responses to Homophobic Bullying*.

Equality and non-discrimination

- Following the first ever UN resolution on human rights, sexual orientation and gender identity adopted by the Human Rights Council (HRC) in 2011, the HRC session of March brought special attention to human rights of LGBT people by organising a panel on ending violence and discrimination against individuals on the basis of their sexual orientation and gender identity. The Secretary-General delivered a video message in which he said: "A historic shift is under way as more countries are seeing the gravity of this type of violence and discrimination." He added:

"To those who are lesbian, gay, bisexual or transgender, let me say: You are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values of the United Nations that I have sworn to defend and uphold. Today, I stand with you and I call upon all countries and people to stand with you, too." UN High Commissioner for Human Rights Navi Pillay, during the panel, presented the first ever UN study on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. The presentation of this report led to a number of delegates of states in the Organisation of Islamic Conference to walk out of the room in protest against the panel.

- On the occasion of the *International Day against Homophobia and Transphobia* (IDAHO), the UN High Commissioner for Human Rights launched a video calling for an end of violence towards LGBTI people. She said: "When I raise these issues, some complain that I'm pushing for 'new rights' or 'special rights' for lesbian, gay, bisexual and transgender people. But there is nothing new or special about the right to life and security of person, the right to freedom from discrimination. These and other rights are universal [...] enshrined in international law but denied to many of our fellow human beings simply because of their sexual orientation or gender identity." At the same time, the Office of the High Commissioner for Human Rights (OHCHR) published the publication *Born Free and Equal - Sexual Orientation and Gender Identity in International Human Rights Law*, outlaying five core legal obligations of states with respect to protecting the human rights of LGBT persons. The obligations include: (i) protect individuals from homophobic and transphobic violence; (ii) prevent torture and cruel, inhuman and degrading treatment of LGBT persons; (iii) decriminalise homosexuality; (iv) prohibit discrimination based on sexual orientation and gender identity; and (v) respect freedom of expression, association and peaceful assembly.

- In November, the UN Committee against Torture published its concluding observations on the consideration of the periodic report of the Russia on the implementation of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. A set of recommendations by the Committee concerned the need to combat hate crimes against gay, lesbian, bisexual and transgender (LGBT) people in Russia. The Committee expressed its concern at reports of on-going cases of discrimination and other violations, including violence, against people based on their identity or social marginalisation. It specifically noted that the police does not respond properly, investigate effectively and prosecute those responsible for violent attacks against LGBT persons.

Family

- A second resolution on ‘traditional values’ was adopted by the HRC during its September session. During dialogues, Russia asserted repeatedly that a new resolution was needed to restore the ‘moral dimension’ of human rights. The study that was requested by the first resolution on ‘traditional values’ (2011) was delayed by the Advisory Committee, but was eventually published in December and is expected to be tabled for discussion in the 2013 March session of the HRC.

Freedom of assembly

- In October, the UN High Commissioner for Human Rights released a statement in response to the decision by the authorities in Serbia to ban the Pride Parade. She urged the authorities to ensure that the Parade could go on.
- During the June session of the HRC, UN special rapporteur for Freedom of Assembly and Association recommended countries to: “ensure that the rights to freedom of peaceful assembly and of association are enjoyed by everyone: women, men, young people, indigenous peoples, persons with disabilities, persons belonging to minority groups or groups at risk,

including those victims of discrimination because of their sexual orientation and gender identity, non-nationals, as well as activists advocating economic, social, and cultural rights, as well as by any registered or unregistered entities.”

Freedom of expression

- In November, the UN Human Rights Committee decided on the case *Irina Fedotova v. Russian Federation* (Communication No. 1932/2010), that Russia had violated Fedotova’s rights to freedom of expression and to be free from discrimination. In March 2009, Fedotova had displayed posters declaring “Homosexuality is normal” and “I am proud of my homosexuality” near a secondary school building in Ryazan. The *Ryazan Law on Administrative Offences* prohibited “public actions aimed at propaganda of homosexuality among minors.” She was arrested, convicted, and ordered to pay a fine of 1,500 RUB (circa €36). The Human Rights Committee ordered the Russia to reimburse the fine paid by Fedotova as well as her legal costs and to ensure that the relevant provisions of domestic law are made compatible with articles 19 and 26 of the Covenant. In its decision, the Human Rights Committee emphasised that limitations for the purpose of public morals, which are derived “from many social, philosophical and religious traditions,” could not be based exclusively on a single tradition. Furthermore, any such limitations “must be understood in light of universality of human rights and the principle of non-discrimination.” The Committee recalled that the “prohibition against discrimination under Article 26 comprises also discrimination based on sexual orientation.” The Committee stated that Russia “has not shown that a restriction on the right to freedom of expression in relation to ‘propaganda of homosexuality’ – as opposed to propaganda of heterosexuality or sexuality generally – among minors is based on reasonable and objective criteria.”
- “I am concerned about laws and bills restricting freedom of expression and assembly for LGBT persons

and groups, for example in Ukraine, Moldova, and the Russian Federation, as well as repeated high-level expressions of homophobia exacerbating the situation.” The UN High Commissioner for Human Rights said in her opening statement to the June session of the UN HRC.

Council of Europe

The Council of Europe continued its proactive and systematic work to monitor the human rights situation of LGBTI people by (i) including the monitoring of homophobic and transphobic hate crimes in the mandate of the European Commission against Racism and Intolerance; (ii) selecting a General Rapporteur to tackle discrimination on the grounds of sexual orientation and gender identity within the Parliamentary Assembly; (iii) hosting the first ever conference on LGBTI issues at the Committee of Ministers; (iv) agreeing to conduct a follow-up review of the implementation of the *Recommendation on combating sexual orientation or gender identity discrimination*; and (v) making regular statements regarding the violation of LGBTI rights in Member States. Additionally, the European Court of Human Rights delivered a landmark judgment in a case of hate speech in the context of sexual orientation and gender identity.

Bias motivated speech

- In February, in its judgement on the case of *Vejdeland and Others v. Sweden* (Application No. 1813/07), the European Court of Human Rights (ECtHR) found unanimously that Sweden did not violate the right to freedom of expression of the applicants who had distributed leaflets containing allegations which were “serious and prejudicial” about members of the LGBT community. In doing so the Court applied principles developed in relation to hate speech to the context of sexual orientation and gender identity for the first time.
- In April, delegates to the Parliamentary Assembly of the Council of Europe (PACE) made a Written Declaration condemning the use of homophobic “hate speech” as a political weapon by a fellow member of the Assembly, Vladimir Voronin, leader of the Moldovan Communist Party, and a former President of that country.
- In June, the European Commission against Racism and Intolerance (ECRI) took the decision to start monitoring homophobic and transphobic hate crimes and hate speech as part of its next five-year cycle of monitoring of the 47 Member States, which starts in 2013. This is the first time that a monitoring body of the Council of Europe has mainstreamed sexual orientation and gender identity discrimination in its work.
- In September, within the framework of the project *Young people combating hate speech online*, the Youth Department of the Council of Europe launched a survey on young people’s attitudes and experience of online hate speech. This project aims to combat racism and discrimination in the online expression of hate speech by equipping young people and youth organisations with the competences necessary to recognise and act against such human rights violations.

Bias motivated violence

- In June, ECRI expressed concern at events in Armenia, which involved leading political figures making statements openly condoning homophobic violence, following the firebombing of an LGBT friendly bar in Yerevan. Later that month some PACE delegates adopted

a written declaration addressing the same incident, entitled *Homophobic violence openly condoned by certain Armenian members of Parliament*. The delegates called upon Armenian authorities: (i) to publicly repudiate such statements; (ii) to ensure that the perpetrators are brought to justice; and (iii) to put in place measures to protect LGBT people from violence and discrimination and to counteract homophobic and transphobic attitudes in society.

- In October, the ECtHR delivered its judgment in the case of *X v. Turkey* (Application No. 24626/09) finding violations of Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 14 (prohibition of discrimination) of the Convention taken together with Article 3. The case concerned a gay prisoner who, after complaining about acts of intimidation and bullying by his fellow inmates, was placed in solitary confinement in a small rat infested cell for over 8 months and denied even the possibility of exercise outside his cell. This case is significant because: (i) a significant problem in some countries is that the authorities ignore homophobic or transphobic motivation in the case of hate crimes or other forms of discrimination, or even fail even to investigate such incidents, where they involve LGBTI people; (ii) maltreatment of LGBTI prisoners is a serious problem in a number of Council of Europe Member States; and (iii) the case is very important for the situation in Turkey.

Criminalisation

- In June, *H.Ç. v. Turkey* (Application No 6428/12) a case challenging the last remaining law criminalising same-sex relations in Europe, that of Northern Cyprus, was lodged at the ECtHR.

Employment

- In April, a Written Declaration by PACE delegates called on Turkey to cease the degrading treatment of gay men in relation to service in the Armed Forces, and to put in place measures to enable them to serve without danger of violence and discrimination.

Equality and non-discrimination

- In March, Håkon Haugli of Norway was elected as the PACE General Rapporteur for tackling discrimination on the grounds of sexual orientation or gender identity.
- In March, under the auspices of the United Kingdom Chairmanship of the Committee of Ministers of the Council of Europe, a conference entitled *Combating discrimination on the grounds of sexual orientation or gender identity across Europe: Sharing knowledge and moving forward* took place. This was the first ever conference on LGBT issues held by the Committee of Ministers and was addressed by several Ministers from Member States as well as the Thorbjørn Jagland, Secretary General of the Council of Europe and Sir Nicholas Bratza, President of the ECtHR.
- In April, PACE's Equality and Non-Discrimination Committee conducted a hearing on the rights of LGBT people, which was addressed by the newly appointed General Rapporteur, Håkon Haugli, the Deputy Secretary-General of the Council of Europe, ILGA-Europe's Executive Director, and a member of the UK's Permanent Representation.
- In May, the Secretary General, in his statement on the *International Day against Homophobia and Transphobia* (IDAHO) warned that discrimination and prejudice against LGBT continues to blight the lives of millions of Europeans and cannot be left unanswered: "LGBT people still face intolerant attitudes and social barriers across most, if not all, Council of Europe Member States. Recent judgments of the European Court of Human Rights point at unjustified bans or administrative obstacles imposed on gay pride parades. They underline problems related to discrimination in granting social rights such as the right to employment. A number of applications pending before the Court concern the incrimination of 'propaganda of homosexuality' and could lead to violations of freedom of expression. The introduction of such legislation has often started at the local or regional level but in recent months is finding an echo at national level in some countries."
- In September, the ECtHR held a hearing on four cases, *Eweida et al v. UK* (Applications nos. 48420/10, 59842/10, 51671/10 and 36516/10), in which practising Christians

complained that UK law does not sufficiently protect their rights to freedom of religion and freedom from discrimination at work. Two of these cases involved the question of whether employees working in organisations offering services to the general public should be allowed to refuse to serve LGBT people on the grounds of their religious beliefs.

- In September, the Committee of Ministers agreed to conduct a review of implementation of the *Recommendation on combating sexual orientation or gender identity discrimination*. The review would be concluded in the spring of 2013.
- In September, the 9th Council of Europe Conference of Ministers responsible for youth, held in St Petersburg, ended in disarray, when Russia vetoed the conference declaration because it contained an item referring to the requirement to combat discrimination against LGBT youth.
- In October, the PACE Bureau approved a proposal for a major new report, as a follow-up to developments in Europe since the Assembly's last main report on the rights of LGBT people in 2010. The fact that a further report was authorised so soon after the previous one reflected concern at the deteriorating situation in some parts of Europe. Norwegian MP Håkon Haugli, the PACE General Rapporteur on the rights of LGBT people, was appointed to prepare the report.
- In October, prior to his participation in the ILGA-Europe's Annual Conference, Nils Muižnieks, Council of Europe Commissioner for Human Rights said: "The lives of millions of lesbian, gay, bisexual, trans and intersex persons are still burdened by widespread prejudice, stigmatisation and in some cases even violence. Many of them are treated as second-class human beings. This situation is unbearable in today's Europe".
- Throughout the year, the new Council of Europe LGBT unit conducted a programme of assistance to Member States in implementing the Committee of Ministers *Recommendation on combating sexual orientation or gender identity discrimination*. Albania, Italy, Latvia, Montenegro, Poland and Serbia are participating in the project.

Family

- In October, the Grand Chamber of the ECtHR held a hearing in the case of *X. and Others v. Austria* (Application no. 19010/07). The case concerns the complaint by two women, who live in a stable same-sex relationship, about the Austrian courts' refusal to grant one of the partners the right to adopt the son of the other partner (second-parent adoption).
- In November, the ECtHR issued its judgment in the case of *H v. Finland* (Application No. 37359/09). The case concerned a trans woman whose application to change her gender was rejected because she did not want to divorce her wife and enter a registered partnership instead. The Court rejected her case.

Freedom of assembly

- In June, in the case of *GENDERDOC-M v. Moldova* (Application no. 9106/06), the ECtHR ruled that Moldova had violated GENDERDOC-M's rights to peaceful assembly and to be free from discrimination when it banned the LGBT campaigning group from holding a peaceful demonstration in front of the Parliament.
- In September, the Secretary General, sent a letter of support to the organisers of the Belgrade Pride Parade. In October he expressed his surprise and disappointment at the Serbian authorities decision to ban Belgrade Pride.
- In September, the Committee of Ministers, in reviewing whether Russia had complied with the judgment of the ECtHR in the Moscow prides case, *Alekseyev v. Russia* (Applications nos. 4916/07, 25924/08 and 14599/09), noted that the authorities still refused to agree such events, repeated its concern regarding the use of regional laws prohibiting propaganda of homosexuality, and called for Russia to raise the awareness of, and train, authorities responsible for freedom of assembly events.
- In October, the Commissioner for Human Rights wrote a letter to Serbian Prime Minister and Minister of the Interior raising his concern on the banning of Belgrade Pride.

Freedom of expression

- In June, a number of PACE members signed a written declaration drawing attention to the violations of the rights of the LGBT community in Russia, including the introduction of regional 'propaganda for homosexuality' laws, and called "upon the Russian authorities to respect, rather than violate, the rights of LGBT people, and on the Committee of Ministers to insist that Russia respect its obligations as a member State of the Council of Europe".
- In June, the Human Rights Commissioner published a view point on some Member States attempting to introduce laws banning 'homosexual propaganda', saying that "Recent months have seen renewed efforts in some Council of Europe Member States to silence voices against homophobia and transphobia. Laws banning information about lesbian, gay, bisexual, transgender and inter-sex (LGBTI) issues mark a worrying step back towards a bygone era when homosexuals were treated like criminals. These efforts to curtail freedom of expression and assembly run starkly against international and European human rights standards."
- In October, in a resolution addressing Russia's obligations as a member of the Council of Europe, PACE delegates voted to express their concern at the denial of freedom of assembly to LGBT people and at laws prohibiting 'propaganda for homosexuality'.
- In October, in a letter sent to the Chairman of the Verkhovna Rada, Volodymyr Lytvyn, the Secretary General expressed deep concern over a bill which proposes to ban the 'promotion of homosexuality' in Ukraine.
- In October, PACE delegates expressed concern over the vote by the Ukrainian Parliament to support this law. 36 delegates supported a Written Declaration calling for the Ukrainian Parliament to reject the legislation at its second reading.
- In December, the PACE General Rapporteur on tackling discrimination on the grounds of sexual orientation and gender identity issued a statement on Russia saying that "The Russian Parliament should remove the consideration of a draft bill prohibiting the promotion of homosexuality among minors from its order of business".

Legal gender recognition

- In June, following his visit to Finland, the Human Rights Commissioner published a report in which he stated that he “welcomes the explicit prohibition of homophobic hate crime in the *Finnish Penal Code* and urges the authorities to extend such a specific provision to cover transphobic hate crime as well”. He then went on to say that the “Finnish authorities should give particular attention to improving the protection afforded to trans people and intersex persons. Infertility and non-marriage requirements for the official recognition of gender reassignment should be abolished.”
- In June, the Human Rights Commissioner also took up the failure of the Irish authorities to provide for legal gender recognition, and again argued that infertility, compulsory medical treatment and compulsory divorce for trans people who are married, should not be required for such recognition.

European Union

No major legislative or policy framework aimed at improving the situation of LGBTI people was adopted. The comprehensive *Anti-Discrimination Directive* continued to be blocked by Member States. Additionally, despite numerous calls from the European Parliament and civil society, the EU Commission has not yet signalled its intention to introduce EU policy framework on LGBTI issues. The EU made progress by stepping up LGBTI human rights aspects in its external policy work and it needs to harmonise its internal policy and act consistently. Positively, the EU; (i) conducted the first ever survey among LGBT people to find out the real live situations/ experiences and the extent of discrimination in the areas of EU competences; and (ii) published its first report exclusively dedicated to trans and intersex issues, the first of its kind by any international institution. The European Parliament continued to be most active, consistent and vocal advocate for LGBTI equality among EU institutions.

Access to goods and services

- In March, the European Parliament (EP)'s Committee on Civil Liberties, Justice and Home Affairs hosted a special hearing entitled *Unblocking the Anti-Discrimination Directive* with the goal of bringing the proposed *Anti-Discrimination Directive* (COM(2008) 426 final) back on the agenda, and achieving progress towards the adoption of the text under the Danish Presidency of the EU.

Bias motivated speech

- In March, Members of the European Parliament (MEPs) condemned the calls for violence against LGBT people by Albanian Deputy Defence Minister Ekrem Spahiu, while at the same time welcoming Albanian Prime Minister Sali Berisha's rebuttal and branding of the call for violence as "unacceptable". Ulrike Lunacek, Co-president of the European Parliament's Intergroup on LGBT Rights (LGBT Intergroup) said: "Integrating Albania into the European project is very dear to us in the European Parliament, but this does come with conditions. One of them is that, quite simply, ministers don't call for violence against any minority, be it women, LGBT people, ethnic or linguistic minorities, or anyone for that matter."

Bias motivated violence

- In March, on the occasion of *International Women's Day*, the two Co-Presidents of the LGBT Intergroup recalled that violence often targets women also because they are lesbian, bisexual or transgender. They also welcome the release of a Council of Europe study on *Discrimination against lesbian and bisexual women and girls, and transgender persons*.
- In September, the EP agreed on the *Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime* (Directive 2012/27/EU). This directive offers protections to victims of homophobic and transphobic crimes as it expressly refers to the grounds of gender and gender identity or expression, as well as sexual orientation.

Criminalisation

- In February, MEPs reacted once again against the law criminalising homosexuality in Northern Cyprus following the arrests of two more men. The arrests came in spite of promises by Northern Cypriot leader Derviş Eroğlu. In her reaction Eleni Theocharous, a Cypriot MEP and member of the LGBT Intergroup, stated that: "The prosecution of citizens based solely on their sexual preference constitutes a vulgar violation of elementary human rights. I call upon the regime subordinate to Turkey in the occupied area of Cyprus to immediately release the two men and desist from any legal action against them."
- In April, Michael Cashman, Co-president of the LGBT Intergroup visited Northern Cyprus, and met the Speaker of the local parliament, the Prime Minister and local leader Derviş Eroğlu. Cashman advocated for the abolishment of the law criminalisation same-sex sexual activities, as well as the equalisation of the age of consent.

Data collection

- In April, the European Union Agency for Fundamental Rights (FRA) online LGBT Survey was launched covering the EU27 and Croatia. The aim of the LGBT Survey was to gather more details and evidence about the experiences of LGBT people in the European Union in order to support equal treatment legislation and policy making. In view of this, the LGBT Survey asked a range of questions including: (i) personal circumstances; (ii) public perceptions and responses to homophobia and/or transphobia; (iii) discrimination; (iv) rights awareness; (v) safe environment; (vi) violence and harassment; and (vii) the social context of being an LGBT person. The survey stayed open until June. Some 93,000 respondents participated in it making it the biggest such study worldwide. The final survey results will be presented on the *International Day against Homophobia and Transphobia* (IDAHO) in May 2013.

Employment

- In April, the European Commission (EC) investigated the new Hungarian law on religion and its compatibility with the *Employment Framework Directive* (Directive

2000/78/EC). The *Act on the Right to Freedom of Conscience and Religion and on the Legal Status of Churches, Religious Denominations and Religious Communities* allowed church institutions (including schools) to determine who they employ “[as] necessary to preserve their specific identity”. The EC affirmed that EU law did not allow for wide exemptions in anti-discrimination law and hence Hungary had to ensure conformity with the Directive.

Enlargement

- In March, the EP adopted its annual progress reports on the accession of the Former Yugoslav Republic of Macedonia and Bosnia and Herzegovina. Both countries were invited to do more for LGBT people’s human rights before they can progress to join the EU.
- In April, the EP adopted the remaining accession reports regarding Turkey, Serbia, Montenegro and Kosovo. While the EP did recognise that some sporadic progress towards greater LGBT equality had taken place in these countries, it emphasized that much more needed to be done for them to meet the minimum EU criteria.
- In October, the EC published its annual reports on accession countries, which contained important information (both positive and negative) on the situation of LGBT people in these countries. While there was no overall trend, they welcomed the efforts of Croatian authorities, as well as Albania’s and Montenegro’s legal framework development. The reports however, highlighted intolerance against LGBT people in Croatia, Serbia, Bosnia and Herzegovina and Turkey with the latter causing particular concern regarding the treatment of transgender people. Iceland was the only country that had only positive developments noted.

Equality and non-discrimination

- In January, the President of the EP and dozens of other MEPs gathered in support of lesbian, gay, bisexual and trans people’s rights. MEPs reiterated their commitment to mark the middle of the current mandate

and to continue to support ILGA-Europe’s *Be Bothered* pledge.

- In January, two right-wing MEPs asked several written questions to the European Commission, challenging the legitimacy of European funding to fight homophobia and transphobia. The questions primarily challenged the funding of ILGA-Europe following what appeared to be a coordinated campaign by an ultra-conservative blog based in the USA.
- In February, the LGBT Intergroup co-hosted a seminar on the Rights and Citizenship Programme that was proposed by the European Commission. The seminar focused on the ‘equality chapter’ of the European Union’s 7-year budget, the *Multiannual Financial Framework 2014-2020*.
- In March, the EP adopted its annual report on equality between women and men in the EU. The text looked at recent advances in gender equality, and includes several recommendations for LGBT rights.
- In May, EU leaders including the President of the EP, the President of the European Council and Members of the EC released a video clip for young LGBT people telling them that *It Gets Better*.
- In May, the EP with a great majority and support from all major political groupings adopted a resolution on the fight against homophobia including the homophobic laws in Europe.
- In June, the European Commission published the *Trans and intersex people: Discrimination on the grounds of sex, gender identity and gender expression* that focuses exclusively on the situation of trans and intersex people; a first of its kind by any international institution. The report addresses various issues related to discrimination on the grounds of gender identity and gender expression, as well as discrimination on grounds of sex vis-à-vis intersex people, including the influence of EU law and case law on increased recognition of these grounds of discrimination. This study also highlights the obstacles and negative attitudes faced by this community and the difficulties with regard legal recognition and rights and looks at case studies from national legislation and case-law on gender identity and

gender expression discrimination which can be used as good practices.

- In September, the LGBT Intergroup hosted a seminar *Trans and Intersex People: Challenges for the EU* which examined the new report on trans and intersex issues and discussed possible future developments for EU law and policy.
- In October, the EP started working on calling for an EU-wide action plan for LGBT rights by releasing a study on potential measures that such a policy strategy could contain.
- In December, the EP adopted a comprehensive report on fundamental rights in the EU. The document included an extensive snapshot of the situation for LGBT people and called for action in the fields of: (i) homophobic and transphobic hate crime; (ii) non-discrimination; (iii) free movement between Member States, including for same-sex couples and their children; (iv) freedom of assembly at Pride events; (v) access to employment, goods and services; and (vi) asylum.

Family

- In March, the EP adopted a resolution to ensure national laws on successions are respected throughout the EU. The EP said this new European law must respect existing rights of same-sex spouses and partners. Now the EU Member States that do not recognise same-sex unions will not be allowed to reject succession decisions that are legal under Member States that do.
- In March, the EP adopted its annual report on EU citizenship, in which it laments that same-sex couples and their families still faced disproportionate obstacles when moving inside the EU. The EP “reiterate[d] its previous calls for Member States to ensure freedom of movement for all EU citizens and their families, without discrimination on the grounds of sexual orientation or nationality.” The EP specifically reminded Member States that they must implement the rights granted under the *Free Movement Directive* (Directive 2004/38/EC), not only for married heterosexual couples, but also registered partners and same-sex spouses.

- In June, FRA stated that the 2011 EC proposed regulations to facilitate couples’ free movement may not be in line with the *EU Charter of Fundamental Rights*. This is due to the fact that the proposed regulations (COM(2011) 127 final) do not offer civil partners the same choice as married couples over which national law is applicable. FRA’s opinion concludes that the proposed law does not provide convincing reasons for denying registered partners a comparable choice as would be offered to married couples. This runs a serious risk of violating the principle of equal treatment under EU law.

Foreign policy

- In March, the EP adopted a resolution on the situation in Nigeria. The resolution among other things condemns the legal threats to LGBT people, in particular, the 2011 *Same-Gender Marriage Prohibition Bill* providing punishing those in a same-sex union with 14 years’ imprisonment, and anyone ‘aiding or abetting’ such unions with 10 years in prison.
- In April, the EP adopted its annual report on human rights in the world paying close attention to EU action for the human rights of LGBT people. While acknowledging a range of new measures such as the creation of an EU Special Representative on Human Rights, the EP suggested additional action in the coming years. It acknowledged that the EU has consistently stood up for LGBT people’s human rights at the UN, as well as occasionally in bilateral relations. The EP called on the Council to change the *Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People* (LGBT toolkit), adopted in 2010, into binding guidelines, reasserting that the EU relationship to the Africa, Caribbean and Pacific group of states entails non-discrimination, including on the basis of sexual orientation. The EP also asked that people fleeing persecution because of their sexual orientation or gender identity be granted asylum, and that the Commission produces a comprehensive roadmap against homophobia and transphobia, including in the field of external relations.

- In June, the EP recommended that the EU Special Representative for Human Rights should also promote LGBT rights among other human rights. The EP adopted a resolution asking the Foreign Affairs Council to grant the Special Representative “a strong, independent and flexible mandate”, including “gender issues, and the fight against discrimination in all its forms, whether based on disability, racial or ethnic origin, gender, sexual orientation or gender identity”. The European Parliament recommended that the mandate be based on the principles guiding the EU’s human rights policy, including the *LGBT Toolkit*.
- In July, the EP adopted a resolution condemning violence against lesbians in Africa, expressing its acute concern over the arrests, violence, rape and murder of lesbians in African countries.
- In July, the Council of the European Union adopted a human rights package consisting of the *EU Strategic Framework and Action Plan on Human Rights and Democracy*. In relation to LGBT issues, the package provides for the development of a clear EU strategy on how to cooperate with third countries on human rights of LGBT people, including within the UN and the Council of Europe. The *Action Plan* also envisages development of guidelines for EU institutions, EU Member State capitals, EU Delegations, Representations and Embassies based on the *LGBT Toolkit*.

Freedom of assembly

- In April, the Budapest Police Headquarters denied a permit for the holding of the Budapest Pride Parade which was eventually overturned. The Member of the LGBT Intergroup took a stand on the matter condemning the attempts to limit freedom of assembly, and expressed concern about the antagonism among the Hungarian authorities towards LGBTI people.
- In June, a Co-President of the LGBT Intergroup participated in Baltic Pride March in Riga which this year was peaceful and with no incidents. During the same month, Co-Presidents and Vice-Presidents of the LGBT Intergroup sent an open letter to the Mayor of Budapest urging him to allow and protect the upcoming Budapest

Pride. In July, a Co-President and a Vice President of the LGBT Intergroup took part in Budapest Pride, while a Co-President of the Intergroup took part in Bucharest Pride.

- In September, the LGBT Intergroup expressed deep regret that the Belgrade Pride was banned. Jelko Kacin, Member of the LGBT Intergroup, attended an alternative closed pride event in Belgrade.

Freedom of expression

- In February, the EP adopted a resolution on the then upcoming presidential election in Russia, where it clearly denounces Russian laws which forbid the public mention of homosexuality or gender identity to minors.
- In May, the Members of the LGBT Intergroup expressed their concerns regarding serious threats to freedom of expression of LGBT people in a number of European countries. The statement followed the cancellation of the Kyiv Pride and violent attacks on its organisers, a brutal attack in St Petersburg, where a bus transporting LGBT activists was violently attacked, as well as developments in Russia, Ukraine, Moldova, Lithuania, Latvia and Hungary where laws banning ‘homosexual propaganda’ were either proposed or adopted. A few days later, the European Parliament adopted a resolution on the fight against homophobia in Europe in which it strongly condemned proposed or adopted law banning ‘homosexual propaganda’ in Hungary, Latvia, Russia, Ukraine, and Moldova.
- In October, the Members of the LGBT Intergroup condemned the adoption in the first reading of a law banning ‘homosexual propaganda’ by the Ukrainian Parliament.
- In December, the EP adopted two resolutions, on Russia and on Ukraine, in which it called on both countries to shelve the laws banning ‘homosexual propaganda’.
- In December, Štefan Füle, the Commissioner for Enlargement and European Neighbourhood Policy, made a statement on behalf of the EC, saying that the law banning ‘homosexual propaganda’ proposed in Ukraine would jeopardise prospects of visa liberalisation with the EU.

Health

- In June, 62 MEPs sent a letter to John Dalli, the Commissioner for Health and Consumer Protection, questioning the elimination of terms and references related to sexual orientation and men having sex with men from the executive summary of the European Commission's report *The State of men's health in Europe*.
- In October, Tonio Borg was nominated as Malta's candidate for the post of EU Commissioner for Health and Consumers following the resignation of John Dalli. Tonio Borg's nomination was widely contested in view of his previous statements on gays, women's rights, and undocumented immigrants. A coalition of MEPs and a number of international and European NGOs working in the areas of women's rights, migrants' rights, sexual and productive right, public health, religious freedoms and humanism, HIV prevention and LGBTI rights was set up to oppose his nomination. His positive hearing at the EP did not appease the concerns of many MEPs and he was thus asked to subscribe to a set of principles as a guarantee prior to his confirmation. He subsequently sent a letter to the EP in which he agreed with the list of principles and particularly made a number of commitments relevant for LGBT people, including a clear commitment to proactively combat discrimination based on sexual orientation within his area of competences and to advocate for depathologisation of trans identities. Tonio Borg was later approved with 386 votes in favour, 281 against and 28 abstentions.

Legal gender recognition

- In January, Members of the LGBT Intergroup in a public statement reacted with disbelief at the Swedish government's decision to keep in force the requirement of sterilisation for the purpose of legal gender recognition under national law. The MEPs pointed out that "forced sterilisation breaches Article 3 of the *EU Charter of Fundamental Rights*, which protects the right to physical integrity."
- In February, the Commissioner for Justice, Fundamental Rights and Citizenship, replied on behalf of the EC to a parliamentary question on sterilisation of trans

people. She pointed out that a study on discrimination against trans and intersex people on the grounds of sex, gender identity and gender expression was commissioned in 2011 by the EC and said the EC would look at appropriate follow-up once the study is completed.

Public opinion

- In November, the EC published its latest survey on discrimination in the EU, including on grounds of sexual orientation and for the first time gender identity. It showed that opinions on LGBTI issues have not evolved since the last similar poll in 2009. 2012 Eurobarometer survey reveals that sexual orientation was second most widely perceived ground of discrimination (46%) after ethnic origin (56%). 43% believe sexual orientation discrimination is rare and 3% believe its non-existent. The Eurobarometer's question on gender identity shows that 45% believe that such discrimination is widespread and 42% believe it is rare or non-existent. Europeans are increasingly accepting of diversity in the public sphere in 2012. Overall more Europeans say that they would feel comfortable rather than uncomfortable if a person from one of the minority groups analysed were to lead their country, and the proportions feeling comfortable have increased since 2009. However, there are large differences between countries when it comes to accepting such political position being occupied by LGBT people.

Organization for Security and Cooperation in Europe

Different processes continued contributing to the documentation and monitoring of hate crimes targeting LGBTI people and to the development of recommendations in areas such as freedom of assembly.

Bias motivated speech & violence

- In April, the Office for Democratic Institutions and Human Rights (ODIHR) organised a *Supplementary Human Dimension Meeting (SHDM) on Combating Racism, Intolerance and Discrimination in Society through sport*. This event, which took place in Vienna, was preceded by a civil society roundtable which resulted in recommendations to the SHDM. LGBTI organisations as well as other anti-discrimination organisations took part to the roundtable and to the SHDM.

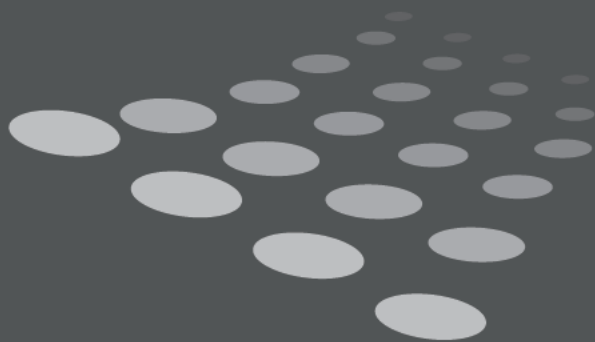
- At the end of September, the annual *Human Dimension Implementation Meeting (HDIM)*, the most important ODIHR meeting in the area of human rights, was held in Warsaw. The HDIM provides a forum for all stakeholders to discuss the implementation of human dimension commitments adopted by the OSCE. During the year, LGBTI organisations participating at the HDIM focused on monitoring manifestations of intolerance and discrimination against LGBTI persons, as part of the implementation of the *Ministerial Decision N° 9/09 on combating hate crimes*, adopted in 2009. A side event was organised on this theme, with the sponsorship of various participating States: Belgium, Canada, Croatia, Finland, Germany, the Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States.

- In the frame of its Tolerance and Non-Discrimination mandate, the OSCE tasks ODIHR with the publication of an annual report on *Hate Crimes in the OSCE Region: Incidents and Responses*. This report draws on two types of resources: official data provided by the participating States, and civil society data provided by NGOs. The report on 2011, published in November 2012, provides information and data on crimes and incidents motivated by bias against LGBT people in 30 countries. This number remained stable when compared to the previous report, confirming both the importance of the problem and the existing gaps in reporting systems in a big part of the OSCE region. The figures also confirm the gap between hate crimes recorded by civil society organisations and the lack of official data in a vast majority of countries.

- In November, the ODIHR published *The Report on the Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States*. The report was based on the

monitoring of various public demonstrations by the ODIHR's staff between May 2011 and June 2012. The monitored events included 8 LGBTI pride events in Croatia, Italy, Moldova, Poland, Serbia, Slovakia, Ukraine and the United Kingdom. The report includes a series of recommendations to OSCE participating States on issues such as the notification and authorisation for assemblies, the possibility of restrictions imposed before assemblies, the clarification of the duties and responsibilities of the organisers, policing of demonstrations and counter-demonstrations, engagement and communication by the police with assembly organisers and participants, and access and restrictions for journalists and assembly monitors.

Country
reviews





Albania



Albania continued to make progress at the institutional level towards greater recognition and protection of LGBTI people. This was clearly demonstrated through amongst others: (i) the Ombudsman's *Special Report on the situation of the LGBT community* and subsequent follow-up work; (ii) the Ministry of Labour, Social Affairs and Equal Opportunities' drafting of a *National Activity Plan* towards the promotion of greater LGBT equality; and (iii) the State Police's development of a *Memorandum of Cooperation* with LGBT civil society. At the same time, homophobia and transphobia remain widespread, and unfortunately at times fuelled by public officials, as was the case with the Deputy Defence Minister's call for violence against LGBT people. In this context, the level of social stigma remains high, including among young people who harbour high levels of negative attitudes.

Bias motivated speech

- In March, Deputy Defence Minister Ekrem Spahiu stated that “they [LGBTI people] should be beaten with a batons”, thereby endorsing violence against people participating in the *Festival of Diversity* planned to take place on the *International Day against Homophobia and Transphobia* (IDAHO). The statement was condemned by the European Union, Prime Minister Sali Berisha and the People’s Advocate (the Ombudsperson), as well as by various human rights and civil society organisations. The Deputy Minister’s Party, Legality Movement, supported his claims and stated that, “homosexuality is a vice, misfortune and a curse”. The comments were discussed within the Committee of Ministers of the Council of Europe, of which Albania was holding the Presidency. Following these incidents, Aleanca LGBT and Pro LGBT signed a complaint requesting that Minister Spahiu be charged under Article 226 of the *Criminal Code* for making the statement. However, the prosecutor responded that Article 226 does not refer to hate speech against LGBT people and therefore was not applicable to this case. The Commissioner for Protection from Discrimination subsequently started an *ex officio* investigation on the statements by Minister Spahiu but failed to issue any recommendation because she could not collect ‘sufficient proof’ that the statement was made by the Minister.
- During the march of the *Festival of Diversity*, a ‘pro-family’ counter demonstration was held by an Islamic group. In their statements in the media they condemned homosexuality and asked for homosexuals to leave Albania. Similarly, representatives of the Catholic Church demonstrated their institutionalised homophobia through bias motivated comments about a potential Pride Parade in Tirana. There were no incidents or clashes between the marchers and participants of either counter demonstration.
- In May, the Deputy Minister stated that the Ambassador of the Netherlands, Henk van den Dool, should be declared persona non grata due to his support for the rights of LGB people. The Deputy Minister said the “too gay friendly” attitude of van den Dool did not fit with Albanian culture. Once again, the EU Delegation in Tirana condemned this the Deputy Minister’s statement.

Bias motivated violence

- The Ombudsperson issued a *Special Report on the situation of the LGBT community* and recommended to Parliament that the Criminal Code be reviewed to include definitions of hate speech and hate crime. He also recommended the introduction of a bias motive, including on the basis of sexual orientation, as an aggravating circumstance. The Ministry of Justice has responded positively to these recommendations.
- In May, during the *Rainbow Bike Ride* held on IDAHO, a gas bomb was thrown at the participants by a group of five men. Two of them were arrested by the police and prosecuted.
- In June, the United States’ Government sponsored the Regional LGBT Workshop *Stop the violence: LGBT rights are Human Rights*, held in Tirana. This two-day event brought together various LGBT organisations from Southeast Europe to discuss ideas and share best practices; to facilitate future collaborative efforts; to build skills for effective advocacy work and inform international stakeholders’ decisions on how to engage host-country governments and societies to develop tolerance and encourage greater understanding.
- ILGA-Europe collected information on 10 hate crimes perpetrated during the year. These crimes included an attack directed at LGBTI events, various cases of physical violence and of violent physical or death threats targeting LGBTI people. In three of these cases, the perpetrator of the offence belonged to the family of the victim. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Education

- Aleanca LGBT, the alliance against LGBT discrimination, conducted a study on high school textbooks. This study focused on the existing texts on LGBT issues in high school with a view to making recommendations for improvement. The exercise revealed a great lack of information regarding LGBT issues in the textbooks.

- In his *Special Report on the situation of the LGBT community*, the Ombudsperson recommended that the Ministry of Education and Sciences: (i) include information on LGBT issues in school curricula and education programmes; and (ii) train academic staff on LGBT issues. These recommendations aim to create a safe education environment and to fight discrimination in schools.
- In December, the Commissioner for Protection from Discrimination issued a positive decision on a complaint by PINK Embassy/LGBT Pro Albania with regards to discriminatory texts in university textbooks of the Faculty of Medicine and Law. The Commissioner concluded that the content of the book *Legal Medicine* discriminates against LGB people and recommended that the text of the book be modified or the book be removed from sale and from libraries.

Employment

- Following his Special Report on the situation of the LGBT community, the Ombudsperson recommended changes to the *Labour Code* through: (i) the inclusion of sexual orientation as a ground of discrimination in the workplace; and (ii) the addition of a paragraph on the burden of proof in accordance with the *EU Employment Framework Directive* (Directive 2000/78/EC). The Ministry of Labour has agreed to make these changes and a proposal has been sent to the Parliament.

Enlargement

- Albania is a potential candidate country for EU membership. In October, the European Commission issued the *2012 Progress Report on Albania*, in which it acknowledged that the country has made moderate progress in the field of non-discrimination and equality. However, the report also highlighted that LGBT people, particularly trans people, continue to suffer from discrimination, including in access to social and health services. In view of this, the report recommended that additional measures should be taken by the Commissioner for Protection from Discrimination to process and conclude cases of discrimination against LGBT people, and that the legislation be reviewed with a

view to addressing potentially discriminatory provisions against LGBT people.

Equality and non-discrimination

- The Ministry of Labour, Social Affairs and Equal Opportunities, with the participation of LGBT organisations, drafted a plan including measures to tackle discrimination on the basis of sexual orientation and gender identity. The initiative was part of the Council of Europe's regional project Combating discrimination based on sexual orientation and gender identity and part of the National Activity Plan for the country's potential accession to the EU. LGBT organisations participated in the meetings and roundtables and provided a training course on the rights of LGBT people to members of the public administration.
- In December, PINK Embassy/LGBT PRO Albania, in collaboration with the Ministry of Labour, Social Affairs and Equal Opportunities, the Ombudsperson, the Commissioner for Protection from Discrimination and with the participation of Aleanca LGBT, organised *The respect of LGBT rights: achievements and challenges*, a roundtable to mark *International Human Rights Day*. The organisation also published a brochure and held a summer school for the LGBT community with the aim of increasing the awareness of the community on their rights and protections under the existing legal framework of Albania.
- The Ombudsman has signed collaboration agreements with LGBT organisations on the following areas: (i) exchange of information; (ii) preparation of studies and special reports on Albanian legislation and its implementation; (iii) analysis of draft legislation prepared by the Parliament; (iv) undertaking common initiatives for the improvement of human rights; (v) treatment of specific cases of discrimination by the public administration; and (vi) the raising of awareness on LGBT rights among the general public.

Freedom of assembly

- Plans for the first Pride Parade in Albania, during 2013, were drawn up during the year.

Freedom of expression

- In May, to mark IDAHO, LGBT organisations held a number of public events including an exhibition called *Kukafshehti* (Hide and Seek), reflecting various aspects of the life of LGBT people in Albania, an exhibition called *City of Colours*, an LGBT themed film screening at the Marubi Academy in Tirana, a bike ride with rainbow flags and other visual displays, and a 'diversity fair' where human rights organisations distributed information. The events were attended and addressed by high level officials, international embassy representatives and institutional representatives, as well as local civil society and activists. The events generated a lot of media coverage.

Police and law enforcement

- Aleanca LGBT, in cooperation with State Police, organised a training session for fifteen heads of sectors and specialists aiming to raise their awareness of LGBT issues and the existing legal framework protecting the rights of LGBT people. The trainers provided information on documented cases of discrimination and violence against LGBT people in Albania, and on the standards and methods of handling cases of violence against LGBT people. Furthermore, they emphasised the need for data collection and the introduction of hate crime legislation.
- The OSCE organised a training session on diversity with Heads of Police Units from Albania and invited PINK Embassy and Aleanca LGBT representatives to speak about LGBT issues and the organising of a Pride.
- A *Memorandum of Cooperation* between LGBT organisations and the State Police is expected to be signed during 2013.

Public opinion

- A study entitled *Albanian Youth 2011: Between trust in the future and doubts for the present* conducted during the period of September-November 2011 and published in 2012 revealed that Albanian youth are strongly prejudiced against LGBT people. 50% of respondents would not welcome being neighbours with a homosexual couple and would feel bad or very bad about it.

Member organisations of ILGA-Europe

Alliance against discrimination of LGBT
www.aleancalgbt.org

Pink Embassy/LGBT PRO Albania
www.pinkembassy.al



Andorra



No major legal or social development related to LGBTI people took place in the Principality of Andorra, other than that the Youth General Council adopted a position in favour of the introduction of marriage equality.

Family

- In March, the Youth General Council of Andorra, a representative body for the country's secondary school students and youth vested with the capacity to propose legislative bills, approved a proposal in favour of opening the right to civil marriage to same-sex couples. The proposal was reportedly endorsed by an overwhelming majority of the Council. Council members compared legal discrimination against gays and lesbians to "a form of racism similar to others".

Member organisations of ILGA-Europe

As of December 2012, there were no member organisations of ILGA-Europe in Andorra.



Armenia



The situation of LGBTI people in Armenia remains very bleak as they face extensive discrimination and harassment in different areas of life. During the year, several violent attacks against LGBTI people were reported, but remained unpunished. There were also several cases of homophobic speech by Members of Parliament, the representatives of the Mayor of Yerevan's office and other influential public figures. At the same time, there were cases of violation of the freedom of expression of LGBTI people. In view of this, the Parliamentary Assembly of the Council of Europe called on Armenian authorities to address the situation, which call was widely ignored.

Bias motivated speech

- In February, in response to the arguments of environmental activists and residents who protested to preserve the remaining green spaces in the Armenian capital, public relations representatives for the Mayor's office in Yerevan used homophobic language on the mayor's Facebook page, referring to a park in downtown Yerevan as 'gay-park' and making homophobic reference to men who are considered gay if they have long hair.
- In March, [Slaq.am](#), an internet-TV project, conducted a video survey in the streets of Yerevan on people's attitude towards homosexuality, headlining the video report with the question: *Homosexuals have no right to live?* The report was biased and inaccurate, and the issue was introduced with the statement "Psychologists consider homosexuality as a disease due to deviations which occurred during the early childhood".
- The editor-in-chief of daily newspaper *Aravot*, Aram Abrahamyan, started the title of his editorial with "Blue-coloured", a derogatory term to refer to gay people in post-Soviet states. He drew parallels between gay men and sex workers expressing his contempt for both and unwillingness to be 'politically correct'. In an editorial two years previously, *Aravot's* editor expressed his dismay at what he considered false displays of "European values" and called homosexuality "disgusting" and a "disorder".
- In May, the arson attack on an LGBT friendly bar, mentioned below, was characterised by a Member of Parliament (MP) Eduard Sharmazanov as "completely right and justified." He also claimed that those who support the rights of LGBT Armenians "are perverting our society, and defaming the Armenian national identity." Another MP, Artsvik Minasyan, stated that the young men behind the attack "acted in accordance with our society's values and national ideology, and in an appropriate manner." "It was wrong to cause material damage, but I have repeatedly said that Tsomak (the owner of the bar) and her like are destructive for our society," he added. In an interview with the editor of local *Aravot* daily, MP Minasyan called for a fight against the "spreading of homosexuality" as a "threat to national security". The chief of staff of the Public Council of Republic of Armenia, a consultative body of the

Armenian President, created a Facebook page *In support of fire bombers of DIY club*, calling for the attackers to be freed from prosecution. The president of the Football Federation, former MP of the ruling Republican Party, reflecting on the fire bombing of DIY club, said he was "in favour of punishing gays and ready to do it myself". In a written declaration in June, 28 Members of the Parliamentary Assembly of the Council of Europe (PACE) condemned the above mentioned statements by Armenian MPs and called upon Armenian authorities "to publicly repudiate such statements, to ensure that the perpetrators are brought to justice, to put in place measures to protect LGBT people against violence and discrimination and to counteract homophobic and transphobic attitudes in society". The Ombudsman has also condemned the violent attack against the LGBT friendly bar in Yerevan and the homophobic rhetoric of the political figures, pointing out that LGBT events are examples of lawful expression to which everyone is entitled.

- In May, a Diversity March was organised by PINK Armenia and Women's Resource Centre in order to mark the UN *World Day for Cultural Diversity*. A group of extremist-nationalist counter-demonstrators, who outnumbered the marchers four times over, dubbed the march a 'gay pride' and attacked the participants while chanting nationalistic songs and slogans referring to gay people as a disease and a threat to children. Police allowed close proximity between the two groups but prevented the skirmishes from escalating into wider violence. Some participants of the march reported that remarks by certain police officers sanctioned the hate speech chanted by violent protesters.

- In July, in response to the Armenian Catholic Church cleric's statement "it is not in our culture to accept homosexuals", some Members of the European Parliament reiterated that respecting the rights of LGBT people is a condition every country aspiring to become an EU member should meet.

- In October, the host of the public television programme *Tesnakyun* discussing a survey conducted by PINK Armenia on public opinion and attitude towards

LGBT people said that gladly it was negative, adding that LGBT rights are a threat to Armenian nation.

Bias motivated violence

- In May, a group of young men attacked DIY club in Yerevan. There were two separate incidents: (i) a petrol bomb thrown through the bar's window on the 8th of May, which destroyed the interior of the facilities, and (ii) an attack on 15 May, when a group of men destroyed anti-fascist posters and drew a Nazi sign on the wall. The Police reacted to the petrol bomb attack after a 12 hour delay, detaining 2 young men who were later released. One of the individuals arrested by the police in connection with the attack was bailed out by two MPs Artsvik Minasyan and Hrayr Karapetyan from the Armenian Revolutionary Federation (ARF). The United Nations and the Council of Europe offices, EU Delegation and US Embassy in Armenia as well as the European Commission against Racism and Intolerance (ECRI) have condemned the attacks on DIY bar, disruption of the Diversity March and endorsement of homophobic violence by leading political figures.
- In June, ECRI expressed concern at events in Armenia, which involved leading political figures making statements openly condoning homophobic violence, following the firebombing of an LGBT friendly club in Yerevan. Later that month some PACE delegates adopted a written declaration addressing the same incident, entitled *Homophobic violence openly condoned by certain Armenian members of Parliament*. The delegates called upon Armenian authorities: (i) to publicly repudiate such statements; (ii) to ensure that the perpetrators are brought to justice; and (iii) to put in place measures to protect LGBT people from violence and discrimination and to counteract homophobic and transphobic attitudes in society.
- In May and in September, local media, News.am reported two cases of bias motivated violence against trans sex workers in Yerevan's downtown park *Kom aygi*. In the first case, shots were fired from an air gun causing minor injuries to the victims. Two young male suspects were swiftly identified, detained and questioned by the police. In the second case, trans sex workers were

attacked and beaten by a group of youths. The attackers have been questioned by police.

- In November, the activists of PINK Armenia were stalked by young people who attacked the Diversity March in May. The attackers of the march followed activists on the streets and sat next to them in cafes. Activists believe that the motive behind these actions was to intimidate and silence them.

Data collection

- During September and October, PINK Armenia conducted a survey amongst the LGBT community with the aim of monitoring and documenting discrimination and harassment against LGBT people. The survey revealed that LGBT people are often subjected to mockery, ridicule and unequal treatment in the workplace. More than half of the respondents did not come out to their families about their sexual orientation and gender identity because of the fear of being discriminated against and alienated. Many respondents reported psychological pressure from their families to change their sexual orientation and/or gender identity amongst others.

Education

- In April, the *Day of Silence*, aimed at drawing attention to discrimination and bullying towards LGBT students and other social groups in educational institutions, was marked by PINK Armenia with a poster campaign *I am erasing my mask of silence*. On this occasion, PINK Armenia organised a press conference to speak about bullying and harassment of young LGBT people in schools.
- In May, three one-day forum theatres for youth on the topic 'tolerance and homophobia' were organised.

Equality and non-discrimination

- In February, the Helsinki Association in Armenia published its *Human Rights Report* that extensively covered the human rights issues of LGBT people. The LGBT section of the report noted that LGBT people face discrimination and harassment in various fields, especially in education, healthcare, employment, military service, law enforcement authorities, the media and the church.

Freedom of expression

- In October, the screening of the film *Parada*, an internationally acclaimed Serbian LGBT rights comedy film, sponsored and organised by the German Embassy and EU Delegation in Armenia, was cancelled due to the withdrawal of Congress Hotel and other venues from their initial commitment to host screenings. The cancellation was a result of pressure from nationalist groups, such as the Hayazn movement, on the hosts of the screenings. The film screening was part of the EU Delegation activities on non-discrimination and tolerance related to *International Human Rights Day*. The head of the EU Delegation in Armenia said that the reaction towards the film screening indicated that LGBT people in Armenia are “the most vulnerable”. A group of 28 non-governmental organisations published an open letter addressed to the Prime Minister, German Ambassador and the Head of the EU Delegation, expressing their concerns about limitations to freedom of expression in Armenia, illustrated by the cancellation of this film screening.

Human rights defenders

- In September, the International Hrant Dink Award named PINK Armenia as *Inspiration 2012* thereby recognising its work for human rights of LGBT people in Armenia. The award is presented to people/organisations that work “for a world free of discrimination, racism and violence, take personal risks for their ideals, use the language of peace and by doing so, inspire and encourage others”.
- In October, human rights defender and president of PINK Armenia, Mamikon Hovsepyan, was forced to withdraw as a speaker in the panel discussion at *the Armenians and Progressive Politics conference* in Los Angeles, organised by the Armenian Revolutionary Federation (ARF) Central Committee – Eastern Region, after he was threatened with retribution because of the LGBT nature of his speech. Hovsepyan was later told that the extreme nationalist forces within ARF didn’t want him to speak at the conference.

Public opinion

- Public opinion in Armenia remains vastly intolerant. A survey by PINK Armenia, along with the regional towns of Gyumri and Vanadzor, found that 72% of the respondents believe that the state should take measures to “fight against homosexuals.” A survey conducted by the Organisation for Economic Cooperation and Development and the Caucasus Research Resource Centre revealed that 94% of Armenians would not want a gay neighbour. CivilNetTV presented this data in an animation based on a compilation of the survey data suggesting very widespread intolerance in Armenia.

Member organisations of ILGA-Europe

Guarantee Center of Civil Society
www.guarantee-ngo.blogspot.com

Public Information and Need of Knowledge NGO
www.pinkarmenia.org

We For Civil Equality
www.wfce.am



Austria



Austria remained reluctant to improve the rights enjoyed by same-sex couples. The Austrian Constitutional Court delivered negative decisions related to gay and lesbian registered couples' access to: (i) equal registration ceremony venues; (ii) joint surnames; and (iii) medically assisted reproduction. In terms of legal protection, a positive development this year was the inclusion of an explicit reference to the ground of sexual orientation in the *Criminal Code* provisions related to incitement to hatred; however, Austria failed to extend the same protection to the ground of gender identity.

Bias motivated violence

- As of January, Article 283 of the Austrian *Criminal Code* protects LGB people in its provisions prohibiting incitement to hatred through the inclusion of sexual orientation in the list of protected grounds. Previously, the law only referred to the grounds of race and ethnic origin and religion.

Employment

- In 1976, a police constable was fired following his conviction for a homosexual offence, under the now repealed Article 209 of the *Criminal Code*. He was never reinstated to the police force and his pension remained cut by 25%. The Ministers of Interior and of Finance denied his claim for compensation. The man relied on the *European Convention on Human Rights* and on the *Employment Framework Directive* (Directive 2000/78/EC) and in 2009 made a claim for compensation for (i) loss of earnings; (ii) loss of pension and (iii) non-pecuniary damages. The Minister of Interior and Minister of Finance rejected his claim as they argued that it had no basis in law. The former policeman took his case to the Supreme Administrative Court and won. The Court quashed both decisions for violation of both material and procedural law. The Minister of Interior now has to decide on compensation for loss of earnings and the Minister of Finance for compensation for loss of pension. Both will have to take a decision on non-pecuniary damages.

Equality and non-discrimination

- *Homophobia*, a short film set in the Austrian army, was released online ahead of the *International Day against Homophobia and Transphobia* (IDAHO) with the aim of portraying fear of the unknown as the motives behind homophobia. The 22-minute film was partly financed through crowd funding and the decisions about the script and cast were presented for discussion on social media platforms.
- A gay man in a registered partnership was allowed by an Austrian cardinal to serve on a local Parish Council, in a decision that overruled an earlier ban on the services of out gay people. The parish priest had originally taken a

negative decision about his appointment and the decision was backed by the Archdiocese. However, an Austrian cardinal overruled this ban and called his decision a “decision for human beings”.

Family

- In November, the Constitutional Court decided that the reference to “persons of the opposite sex” in Article 2 Section 1 of the *Reproductive Medicine Act* whereby “medically assisted reproduction is only allowed in a marriage or cohabitation of persons of the opposite sex” is constitutional. The decision itself was based on the formalistic grounds that simply deleting “persons of the opposite sex”, as requested in the complaint, would not eliminate this supposedly anti-constitutional provision in the *Reproductive Medicine Act*. For the Constitutional Court also stated that the conditions laid down in the law could only be met by partners in opposite-sex unions (access to donor sperm is only possible if the sperm of the male partner is not reproductive). Based on this, it has to be assumed that even a broader formulated request for review of the *Reproductive Medicine Act* will lead to the same result, as the law obviously is also very restrictive for heterosexuals: women without a (infertile) male partner cannot meet the conditions set out by law. What would be needed is a wider political decision that brings about legislative change so that the existing statutory exclusion from access to medically assisted procreation of single women and women living in same-sex relationships is removed.

- In March, the Austrian Constitutional Court delivered a decision concerning the possibility of a joint family surname for one of the partners in a registered partnership. One of the spouses in a different-sex marriage could acquire a double-barrelled surname at any time, including after the marriage ceremony, while same-sex registered partners, following explicit statutory regulation, could only do so at the time of registration. With its recent judgment VfGH 03.03.2012, G 131/11, the Constitutional Court rejected this as discriminatory. In the ruling, the Constitutional Court stressed that same-sex couples also enjoy the constitutional protection of family.

- A man entered into a registered partnership in Austria and later noticed a coded entry in his passport. This code relates to the payment of fees connected to identity verification which takes place during the process of partnership registration. There were concerns that such a code might out the person as living in a same-sex partnership, which could violate one's privacy and informational self-determination as well as present a potential danger when travelling to countries where same-sex relationships are considered criminal. These entries are made in non-Austrian passports. Shortly after a notice from the NGO Lambda, the city of Vienna changed the code into a neutral one. Other Austrian provinces are unaffected by this decision and continue to follow the previous practice.

- In October, the Austrian Constitutional Court has affirmed that the different treatment of marriage and registered partnership in terms of which authority is competent to conduct the ceremony would fall under the legislator's margin of appreciation and therefore is not unconstitutional, VfGH 9 October 2012, B 121/11, B 137/11. This confirms the existing legislation which provides for same-sex partnerships being registered at the regional administrative offices which normally deal with the issuance of driving licenses, industrial licenses, residence permits and similar affairs. Different-sex couples have their marriage ceremony at the civil registry office.

- In October, the Grand Chamber of the ECtHR held a hearing in the case of *X. and Others v. Austria* (Application no. 19010/07). The case concerns the complaint by two women, who live in a stable same-sex relationship, about the Austrian courts' refusal to grant one of the partners the right to adopt the son of the other partner (second-parent adoption).

Public opinion

- According to Eurobarometer 2012, 37% of Austrians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 37% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Austrians scored 5.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they

would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Austrians scored 4.8 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Austrian Gay Professionals
www.agpro.at

Austrian Queer Families
www.regenbogenfamilien.at

Green Party LGBT Group
www.gruene-andersrum.at

Homosexual Initiative (HOSI) Salzburg
www.hosi.or.at

Homosexual Initiative (HOSI) Vienna
www.hosiwien.at

Homosexuelle Initiative Linz (HOSI Linz)
www.hosilinz.at

Homosexuelle und Glaube Wien
www.hug-wien.at

QWIEN – Center for Gay & Lesbian Culture and History
www.qwien.at

Rechtskomitee LAMBDA
www.rklambda.at

Rosa Lila Tipp
www.villa.at

SoHo – Sozialdemokratischen
Homosexuellenorganisation
www.soho.or.at

VEPO Austria



Azerbaijan



LGBTI issues and communities remain mostly invisible and silent. The only event which brought discussions around LGBTI issues to the surface was a prejudicial projection of the *Eurovision Song Contest 2012*. In the run up to the event, several hostile reactions against the supposed 'gay' nature of the Eurovision, as well as the possible holding of a Pride Parade were made, including by public officials, while official websites related to the event were hacked or disturbed. In response, the European Parliament adopted a resolution condemning the threats.

Bias motivated speech

- In spring, several weeks ahead of the *Eurovision Song Contest* organised from 22 to 26 May in Baku, rumours were spread about the possible organisation of an LGBT Pride Parade in the capital. Hostile reactions amounting to hate speech and direct threats to the LGBT community were recorded. Amongst others, Alchin Manafov, the acting leader of the Islamic Party in the Republic of Azerbaijan made the following statement: “The government of Azerbaijan should know full well that God forbade [...] if this evil [Pride Parade] happens in our country, our blood will be shed to defend Islam and we will do anything to prevent this from happening. They should know that they will have to walk over our bodies to have the Eurovision [...] They should know that if [Pride Parade] happens nothing else will matter to us. We will turn Azerbaijan into a burning hell and are not afraid of a possible civil war in the country.”
- In May, the European Parliament adopted a resolution on the human rights situation in Azerbaijan, in which it “strongly condemn[ed] the threats made by radical Islamist organisations and individuals against participants in the upcoming *Eurovision Song Contest*, and in particular those belonging to the LGBT community; strongly support[ed] Azerbaijan’s secular identity and its free choice of foreign policy orientation.”

Freedom of assembly

- In May, following the rumours spread about the organisation of a LGBT Pride event at the time of the *Eurovision Song Contest*, a diplomatic incident happened between Azerbaijan and Iran, when officials from that country accused the Azeri authorities of breaching ‘Islamic values’ by accepting the event. The Azeri authorities clarified that no Pride event was taking place in Baku. At the same time, they also suggested that no Pride could ever take place in the country. At a press conference, senior presidential administration official Ali Hasanov said, “we are holding Eurovision, not a gay parade. [...] There is no word in the Azerbaijani language for gay parade.”

Freedom of expression

- Another incident around the *Eurovision Song Contest* happened with attacks against websites relating to the event. In April, the Eurovision website was the first to be attacked, and in May, the independent Escotoday website was hacked and taken down by hackers that called the song contest “a gay pride”. According to another Eurovision related website, a group called The Devotees of Azerbaijan claimed responsibility for the attack.
- After the end of the contest, the winner, the Swedish pop star Loreen, met with human rights activists and spoke out against Azerbaijan’s bad gay rights records. The Presidency’s administration criticised her for her statements, calling them “attempts of politicisation”.

Member organisations of ILGA-Europe

Gender and Development



Belarus



Homophobia and transphobia remained widespread in Belarus, as captured by the President of Belarus' statement: "it is better to be a dictator than gay." During the year, attempts were made by conservative politicians and religious leaders to further limit the rights of LGBTI people through legislative proposals ranging from: (i) the criminalisation of homosexuality; to a (ii) ban on gender reassignment procedures; and (iii) a ban on artificial procreation techniques.

Bias motivated speech

- In March, the President of Belarus, Alexander Lukashenko, said “it is better to be a dictator than gay”. The remark was made after the EU leaders called for new measures to pressure Lukashenko over human rights abuses. Lukashenko’s comments were seen as an attack on Germany’s openly gay Foreign Minister Guido Westerwelle. A similar incident occurred in 2010 during a meeting with the Ministers of Foreign Affairs of Poland and Germany when the Belarus President had told Mr Westerwelle to lead a normal life.
- In May, Dmitry Kariakin, the singer of the band Lightsound that represented Belarus at the Eurovision Song Contest stated that he is against ‘the propaganda of homosexuality’. He asked, “I was silent during the Eurovision Song Contest, but now I will not be - I state openly that I am against the propaganda of homosexuality. Who is with me?” The singer clarified his being against any ‘promotion of homosexuality’ through cinema, music, LGBT Parades and social behaviour.

Bias motivated violence

- In April, activists of the opposition youth organisation Youth Front attacked a group of LGBTI activists marching with rainbow flags during the Chernobyl Way march for democracy. The LGBTI activists were eventually forced to go to the back of the march after their flags were grabbed by members of Youth Front.
- In July, a group of men attacked a young gay man in Minsk. Four of them were identified by the police and acknowledged that they attacked him because he is gay. In September, only one of the assailants was prosecuted and sentenced to pay a fine by the Frunzenski Borough Court of Minsk. With the support of GayBelarus and the Belarusian Helsinki Committee, the victim initiated criminal proceedings against the other identified suspects.

Criminalisation

- In November, Dr Zianon Pazniak, a former candidate in the presidential elections and the leader of the Belarusian People’s Front, a conservative Christian party,

was interviewed by InterPolit on gay people’s rights and said that in a democratic Belarus there should be legislation that criminalises what is against nature.

Education

- In September, a 17-year-old gay student was attacked by classmates in one of the professional schools of Brest. A year prior to that, the victim had disclosed his sexual orientation to a female friend. After the incident, the victim was hospitalised and diagnosed with an open fracture of the nose. He did not lodge a complaint as he did not want to disclose his sexual orientation to the police.

Freedom of assembly

- In March, LGBTI activists participated in the National Day march, carrying rainbow flags, without objection from the march organisers.
- In May, authorities denied permission for the holding of public LGBTI events planned for the *International Day against Homophobia and Transphobia* (IDAHO) citing technical issues and repair work near the proposed locations as reasons for denying the protest. These included a picket in front of the Belarusian People’s Front headquarters, as well as pickets of LGBTI activists on Nyamiha and Bangalore Squares. However, activists did organise a series of educational and social events in commemoration of IDAHO.
- In October, the 8th Minsk Gay Pride took place. Permission was not granted for a Pride Parade but 15 events took place throughout the city. Among them was an international interdisciplinary scientific conference, *Queer Sexuality: Power, Policy and Practice*, which gathered experts from Belarus, Russia, Kyrgyzstan, Ukraine, Sweden, Poland, Latvia and other European countries. The events culminated in LGBTI activists riding through the centre of Minsk in a streetcar on 11 October, *Coming Out Day*.
- In October, the Minsk City Council refused to allow a public protest in front of the Ukrainian Embassy in Belarus. An activist from Amnesty International in Belarus had applied to the Minsk City Executive Committee for permission to picket the Embassy of Ukraine under the

slogan “No law #8711”, which refers to the bill intended to ban ‘homosexual propaganda’ in Ukraine.

Sexual and reproductive rights

- In November, the Belarusian Orthodox Church and the Minsk-Mogilev Roman Catholic Archdiocese proposed a number of amendments to the Belarusian law *On Healthcare* (enacted on 18 June 1993, No 2435-XII). Amendments were proposed to ban abortion, surrogacy, and sperm donation for IVF unless destined for a married heterosexual couple, as well as gender reassignment procedures for trans people. They would also introduce a right for healthcare workers to refuse a medical intervention on religious, ethical and moral grounds.

Member organisations of ILGA-Europe

Gay.by – Gay Alliance Belarus
www.gayby.net

GayBelarus
www.gaybelarus.by



Belgium



Two homophobic murders shocked the country. In response, the Prime Minister made it clear that violence against LGBTI people needed to be addressed at national level, and a process towards a national action plan to combat LGBT-phobic violence was initiated. Other positive developments included a resolution adopted by the Belgian Senate recognising the *Yogyakarta Principles*, and regional action enhancing equality in education. Regrettably, Belgium has not addressed gaps in legal protection for trans people, by (i) adopting an expected amendment of the *Transsexual Law* and (ii) introducing explicit inclusion of gender identity and gender expression in anti-discrimination legislation.

Bias motivated speech

- In April, a concert of reggae artist Sizzla scheduled to take place in Ghent was cancelled after Belgian organisations called on the organisers to do so. The singer is known for including homophobic language in some of his songs.
- The reggae community, reggae organisers and LGBT movement signed a charter in which both parties denounce hate speech and homophobia. The LGBT movement will not boycott concerts anymore as long as the charter is followed, and both parties agreed on campaigning for tolerance.

Bias motivated violence

- In 2011, a 20-year-old woman in Virton lodged a complaint against her father for assaults and ‘corrective rapes’. The situation began in 2008 when her father found out that she was a lesbian. He was convicted in 2012 and sentenced to 4 years in prison (2 years to be served).
- In May, a 32-year-old gay man was found dead close to the city of Liège after his disappearance in April. According to witnesses, the victim was at a gay bar in Liège on the night he disappeared. He then left the club and entered a car with four other men. The victim is then said to have made sexual advances towards the other men, who decided to “teach him a lesson” by beating him up and leaving him naked in a field in the middle of the night. Later his dead body was found in a field off a road leading out of the city. The death is possibly the first to be classified as a bias motivated murder under Belgian law, although not the first homophobic murder as such. The four attackers have been charged with robbery, forcible confinement and assault causing death with homophobic intent as an aggravating circumstance.
- In July, two gay men were subjected to a violent attack while sitting in a bar in the East Flemish town of Aalst. They were attacked by two men, who punched the victims and hit them with snooker cues and bar stools. The victims were taken to hospital, where one of them remained in a critical condition. The victim recovered well under the circumstances. The perpetrators were arrested for deliberate assault motivated by homophobic motives and resulting in an incapacity to work.

- In July, a 65-year-old gay man was beaten to death with a hammer in the city of Liège, in a park known for encounters among gay men. Police detained a 35-year-old man for the attack. The suspect defended his actions stating that he was sexually abused in the same park a month prior to the murder.
- In July, in response to the above mentioned incidents and increased incidence of LGBT-phobic violence in general, Prime Minister Elio Di Rupo announced his intention to draft a new law with more severe punishments, as well as to launch an action plan to combat LGBT-phobic violence. The draft law provides an increase of the maximum punishment for murder to a life sentence.
- At the same time the government announced that it would publish a circular addressing police officers and judicial authorities, with practical instructions concerning complaints about LGBT related discrimination and violence.
- According to news reports in November a student who went to his initiation evening dressed as a woman was set upon by a group of youths, who took him to a car park before robbing him of his mobile and gang raping him. According to news reports, two youths aged 15 and 17 were detained in connection with the incident.
- Three people were convicted and sentenced to between 3½ to 4½ years in prison for raping a young man in 2008.

Data collection

- In November, the Institute for Equality of Women and Men published the first results of research about violence experienced by transgender people in Belgium. The finding indicated that 80% of transgender people have experienced violence due to their gender identity; 33% have experienced sexual violence at least once; 25% of the respondents experienced physical violence, whilst 80% of respondents experienced verbal or psychological violence; and 20% experienced damage to property. The researchers concluded that the perpetrators are often known by the victim, are mostly male and 75% of the perpetrators are older than 20.

Diversity

- The trade union organisation ACV/CSC Public Services organised a *Respect for Diversity* campaign that included posters featuring cross dressers.

Education

- In July, the Parliament of the Fédération Wallonie-Bruxelles adopted a decree establishing mandatory activities covering the issues of affective, relational and sexual life in all secondary schools.
- In October, Pascal de Smet, Minister for Education and Equal Opportunities in Flanders, and other stakeholders in the field of education, signed a charter that aims at ensuring respect for all sexual orientations in schools and at enabling open discussions on homosexuality, gender identity and expression, both in the classroom and in the teachers' room.
- In December, following media attention regarding a transgender teacher, the Flemish Catholic school network sent out a press release asking media, parents and others to respect this teacher and called for calm, thereby supporting the teacher.
- The Dutch-medium Brussels Institute of Higher Education University (HUB) banned students from wearing drag as part of student fraternity rituals. HUB advised its students that "Certain groups perceive wearing drag as being provocative." The advice was given following a rape incident targeting cross dressers. Later, the Brussels regional Secretary of State responsible for equal opportunities, Bruno De Lille, responded by saying that he believes that the HUB was sending out a wrong signal, and questioning whether cross-dressing or trans identities justify attacks and rape.

Equality and non-discrimination

- In May, in the period around the *International Day against Homophobia and Transphobia* (IDAHO) and Pride, the rainbow flag was raised in 48 cities and towns in Flanders, 7 in Wallonia and Brussels.
- In December, the Belgian Senate adopted a resolution recognising the *Yogyakarta Principles* and demanding that the Government support them. While not legally binding this can be taken as a political commitment.

- The Region of Wallonia and the Fédération Wallonie-Bruxelles adopted *Equality Plans* with a list of measures addressing the grounds of age, gender, disability and sexual orientation.
- A national plan against homophobia was discussed throughout the year and is expected to be adopted at the beginning of 2013.
- Slight changes in the non-discrimination package (Federal laws and regional decrees) were considered and are expected to be adopted during 2013 so as to fully include gender identity among the list of protected grounds.

Family

- In July, the Belgian Constitutional Court ruled on two cases concerning adoption rights of same-sex couples. The first judgment concerned a married lesbian couple with a child born by means of artificial insemination. After the birth of the child, a second parent adoption procedure began with the consent of the biological mother. However, shortly after filing the petition for adoption the couple decided to divorce. The biological mother withdrew her consent to the adoption. In the view of the co-mother this was irresponsible. The Constitutional Court ruled that a judge can set aside the refusal of the biological mother to give her consent for adoption and stated that the best interests of the child was more important than the right of the biological mother to withdraw her consent. The second judgment concerned a lesbian couple with two children, who lived together in a *de facto* relationship for ten years. The children were born by means of artificial insemination. The couple broke up before the second parent adoption by the co-mother was completed. However, the co-mother wanted to go through the adoption process with the consent of the biological mother. The court of first instance denied the adoption because the couple no longer lived together when they filed the petition. The Constitutional Court overruled the earlier decision and stated that the adoption could contribute to the creation of a stable environment for the children. The Constitutional Court ruled that the *Adoption Law* is unconstitutional in the sense that it does not allow the co-mother to adopt, with

the consent of the biological mother, after the cohabitation has ended.

- In October, a new proposal for a law to modify the *Civil Code* relating to filiation and aimed at allowing the second, non-biological, parent to access the recognition procedure instead of adoption of a child inside same-sex couples was tabled in the Belgian Parliament. The proposal is still pending but expected to be adopted in 2013.

Foreign policy

- During the 9th Council of Europe Conference of Ministers for Youth, Flemish Youth Minister Pascal de Smet and French-speaking Youth Minister Evelyne Huytebroeck demanded that the conference declaration include mention of discrimination on the grounds of sexual orientation and gender identity. This proposal was rejected by host country Russia, ultimately leading to no declaration being adopted.

Health

- In 2012, the Minister for Public Health created a group of experts in order to work on a *National Plan against HIV* which is expected to be adopted in June 2013.
- Several pilot projects were authorised and financed by the public health authority to launch rapid HIV tests in a non-medical environment.

Legal gender recognition

- The legal review of the law on legal gender recognition was initiated during the year. No formal proposals had been made by the end of the year.

Participation in public/political life

- In May, openly gay Prime Minister Elio Di Rupo, received representatives of all LGBT organisations of the country to explore how best to address homophobia in society.
- In December, in an interview, the Prime Minister said that he feels that his country has become a less tolerant place over recent years. Meanwhile he expressed pride at the fact that Belgium has some of the most protective rules regarding LGBT people. Di Rupo continued that as tolerance had receded, "We should raise awareness concerning our laws".

Police and law enforcement

- The Rainbow Cops, an association of police officers, was set up following an initiative of the Diversity Department of the National Police.
- *The National Plan against Homophobia* includes the training of police officers and magistrates with regard to diversity.

Public opinion

- According to Eurobarometer 2012, 50% of Belgians believe sexual orientation discrimination is widespread. This is slightly higher than the EU27 average (46%). 45% believe gender identity discrimination is widespread. This is the same as the EU27 average (45%). Belgians scored 7.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Belgians scored 6.2 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

Arc-en-Ciel Wallonie
www.arcenciel-wallonie.be

Belgian Business Association
www.belgianba.be

Belgian Pride
www.thepride.be

Brussels Gay Sports
www.bgs.org

Casa Rosa
www.casarosa.be

çavaria
www.cavaria.be

EGALITE – Equality for Gays and Lesbians in the European Institutions
www.egalite-online.eu

English-speaking Gay Group
www.eggbrussels.be

EX AEQUO
www.exaequo.be

Fédération Arc-en-ciel
www.arc-en-ciel-bxl.be

Genres Pluriels
www.genrespluriels.be

Goudou

HAGAR

Het Roze Huis-çavaria Antwerpen
www.hetrozehuis.be

Het Vlaams-Brabantse Holebihuis
www.holebihuis.be

Mikpunt
www.mikpunt175.be

Polaris
www.polaris-wvl.be

Rainbow House
www.rainbowhouse.be

RoSa Documentation Centre
www.rosadoc.be

Tels Quels
www.telsquels.be

Wel Jong niet Hetero
www.weljongniethetero.be

Why Me
www.why-me.be

WISH – Werkgroep Internationale Solidariteit met Holebi's



Bosnia and Herzegovina



Experiences of homophobia and transphobia remain very common in Bosnia and Herzegovina with limited or no action taken by authorities to address such discrimination, harassment or violence. In fact, the case of the derogatory comments made by the Deputy Minister of Human Rights and Refugees in one of the main newspapers was an example of how government officials contributed to perpetuating homophobia. Positively, the Blood Transfusion Institute amended its blood donation regulations by deleting the discriminatory provisions.

Access to goods and services

- Two gay men who lived as a couple in a rented apartment in a small town in Bosnia and Herzegovina (BiH) were asked to move out of the apartment when the landlady became suspicious of their relationship. It is believed that their small business went bust for the same reason and their families have been harassed. As a result they were forced to leave the town and now live in economic hardship and social isolation. They have not reported the case to the authorities.

Bias motivated speech

- In March, Dnevni Avaz, the largest and most influential daily newspaper in Bosnia and Herzegovina, published an article on 'homosexuality' under the heading: *How many homosexuals are there in Bosnia and Herzegovina?* The article quoted representatives of religious communities but did not include comments of human rights organisations. The paper quoted the Deputy Minister of Human Rights and Refugees Saliha Đuderija saying that a potential public gathering "shall not interfere with or disrupt the human rights of others. Expression must not provoke conflicts and not disturb public order." The article also stated that LGBTI people are seen at "a maximum of two places" in Banja Luka.
- In April, an incident took place at the University of Sarajevo when a group of students criticised the discriminatory practice of blood collection. One of the students came out as a lesbian during the event, and was threatened as a result. A public servant at the University library told the lesbian student that "if you were my child, I would kill you on the spot" and that she would be waiting for the student at the end of the day. Students also experienced threatening behaviour and were assaulted by an employee of the Institute for Transfusion Medicine, who organised the blood donation event.

Bias motivated violence

- In May, an organisation working on human rights of LGBT people received a phone call from a man threatening to "come and deal" with the people working in the organisation. This threat was reported to the police but no action was taken.

- In December, a young man was attacked and beaten by unknown men in Mostar, sustaining severe physical injuries. According to eyewitnesses unknown men attacked the victim because of his sexual orientation. The case came to the attention of Sarajevo Open Centre through a web portal. The organisation issued a press statement calling on the Ministry of Interior Affairs and Prosecutor's Office to swiftly investigate the case.

Education

- Sarajevo Open Centre started a school for law students on the human rights of LGBT people. A three-day training event was held in October; trainers and speakers included one of the Ombudspersons of BiH, experts and representatives from national and regional NGOs, the OSCE Mission, the Council of Europe and academics.

Enlargement

- Bosnia and Herzegovina is a potential candidate country for EU membership. In October, the European Commission issued its *2012 Progress Report on Bosnia and Herzegovina* where it reiterated that discrimination against LGBT persons remains widespread in BiH. The report also stated "LGBT activists continue to be subjected to threats and harassment. Hate speech and intolerance towards LGBT persons by media and politicians remain an issue of concern".

Equality and non-discrimination

- To mark *International Human Rights Day*, Sarajevo Open Centre, together with the Council of Europe office in Sarajevo, organised an event entitled *LGBT rights are human rights*. Key stakeholders, including administration level Ministries of BiH, Ambassadors and heads of international organisations, attended the event.
- In its *2012 Progress Report on Bosnia and Herzegovina*, the European Commission noted that limited steps have been taken by the authorities to ensure effective implementation of the anti-discrimination law. In addition, it found that "public awareness of the legal remedies provided by the law remains weak and the

number of discrimination cases brought by citizens remains low”.

Freedom of assembly

- In October, Sarajevo based LGBT organisation Okvir planned a peaceful flash mob *We are everywhere* in front of the Presidency building, followed by a short walk to the Cathedral. The organisers gave the required advance notice to police about the gathering. The police informed Okvir that their action could not be held because the legal procedure for informing the police about planned gatherings had changed and fourteen days advance notice, instead of seven, were now required. In spite of this claim, the only publicly available law on public gathering, published on the website of the Ministry of Internal Affairs, continued to clearly state that planned peaceful public gatherings should be reported to the police only five days before the day of the gathering.

Health

- In October, the Blood Transfusion Institute of Federation of BiH, following advocacy activities by LGBT human rights defenders, changed the discriminatory regulation and practice of voluntary blood donation which prohibited “all the individuals who had temporary or permanent sexual contacts with homosexuals” from donating blood. The new questionnaire for blood donors emphasizes high-risk sexual behaviour, instead of sexual orientation, as a deferral criterion.

Police and law enforcement

- In BiH the police has the right to determine whether an act “violates the public order or public morality”. On various occasions the police interfered in situations such as women kissing in a bar or two men holding hands in a park, stating that the behaviour violated public morality.
- A trans person was taken to the police station for disobeying a police officer on the street and was mocked by the police officers when they saw that the person’s name in their identity documents didn’t match his/her gender identity and expression. The case was not reported up the command structure.

Member organisations of ILGA-Europe

Organisation Q
www.queer.ba

Sarajevo Open Centre
www.soc.ba



Bulgaria



Overt homophobia and transphobia expressed by government and religious leaders as well as by extremist groups remained common in Bulgaria. Reported cases of homophobic speech include (i) derogatory comments towards LGBTI community by the Minister of Culture; (ii) a call to violence against the Pride Parade marchers by a clergyman from the Bulgarian Orthodox Church; and (iii) a counter event organised by nationalist parties during the Pride Parade. Nonetheless, the Pride march was able to be held peacefully and without disturbance for the first time, with over 2000 participants marching through the streets of Sofia.

Bias motivated speech

- In January, the Minister of Culture, Vezhdi Rashidov controversially slammed the gay community in an interview for *Biograph* a local magazine. He said: "I find the gays to be the most unpleasant community, since they combine the worst qualities of women and the most despicable qualities of men." Rashidov's statement came after he was asked whether he behaves in an authoritative manner towards women.
- In June, prior to the Pride Parade, Evgeniy Yanakiev, a clergyman of the Bulgarian Orthodox Church, from a provincial town of Sliven, stated: "Our whole society must in every possible way oppose the gay parade that is being planned. For this reason today I appeal to all those who consider themselves Christians and Bulgarians: throwing stones at gays is an appropriate way." As a result, the Sofia Pride initiative committee published an official statement asking the Church to separate itself from any calls to violence against the Parade made on behalf of its representatives. In response the Holy Synod of the Bulgarian Orthodox Church issued a statement which did not mention the priest's remarks but declared that homosexuality was "an unnatural lust which unconditionally harms both the personality of those who commit it and the society as a whole".
- In July, prior to the Sofia Pride Parade held protesters affiliated with nationalist parties in Bulgaria (Ataka, the Bulgarian national movement, the Bulgarian National Union, the Bulgarian National Radical Party, and National Resistance) organised a counter event opposing 'homosexuality' and shouted bias motivated statements such as "Homosexuality is a perverted fashion imported from the United States" and "Death to faggots".

Bias motivated violence

- In April, the latest draft of a new *Criminal Code* was presented for consultation, clearly including coverage of hate crimes based on sexual orientation. The bill has not yet been adopted.
- In June, Amnesty International (AI) released a report on hate crimes against LGBTI people in Bulgaria *Changing Laws, Changing Minds*, criticising the lack of legislation

addressing bias motivated violence on the basis of sexual orientation and gender identity. Due to insufficient legislation, the motives of such crimes are rarely uncovered. AI also drew attention to several cases of violence against LGBTI people in Bulgaria. According to AI, transgender individuals face additional discrimination and are attacked more frequently than LGB people. In some instances, police have reportedly refused to investigate violence against trans people.

- In June, a participant of the Sofia Pride was attacked and beaten a few hours after the March, on his way back home. The attack was particularly dangerous because it nearly broke his insulin pump, as he suffers from a severe form of diabetes. He was saved by car drivers who stopped the perpetrators.

Equality and non-discrimination

- During the year, the equality body processed two applications submitted on the grounds of sexual orientation.

Foreign policy

- In August, the proposed Bulgarian ambassador to the Vatican was ultimately not confirmed in his position. It remains unclear whether this was linked to the fact that he had previously written a novel with a gay theme. There was no official comment or position on the case by the Minister of Foreign Affairs, however, another candidate was proposed for the position and Cyril Marichkov, the former candidate, still lives and works in Italy.

Freedom of assembly

- In July, over 2000 people participated in the fifth Sofia Pride Parade which took place peacefully and without disturbance for the first time. The ambassadors of the United Kingdom and United States and representatives of other foreign embassies were present. Additionally, a letter of support was received from 134 Members of the European Parliament. The police presence was less numerous than in previous years. It is worth mentioning that this was the first Pride in Bulgaria for which the organisers were not asked to pay for the services of police

officers and taxes to the municipality for the march. The opposition was confined to a licensed protest that same morning. No incidents were reported.

Public opinion

- According to Eurobarometer 2012, 20% of Bulgarians believe sexual orientation discrimination is widespread. This is significantly less than the EU27 average (46%). 16% believe gender identity discrimination is widespread. This is significantly less than the EU27 average (45%). Bulgarians scored 3.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Bulgarians scored 3.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Bilitis Resource Center Foundation
www.bilitis.org

Sofia Pride
www.sofiapride.info



Croatia



Croatian officials continued to gradually improve the human rights situation for LGBTI people. The authorities ensured there was adequate police protection for participants to the Split Pride (which had been violent in 2011) and it was even attended by five government officials. The Prime Minister called for greater rights for same-sex partners although he fell short of supporting marriage equality because of the strong opposition from the Catholic Church. The government also expressed its intention to remove the degrading and offensive references to homosexuality identified in biology and religious education textbooks, while LGBT specific content was included in official curricula of the Police Academy. However, discriminatory legislation on fertility treatment was adopted which explicitly excludes single women and women living in same-sex relations from access to medically assisted insemination.

Education

- An analysis of primary and secondary school textbooks commissioned by Lesbian Group Kontra revealed that the content related to homosexuality in both religious education and biology textbooks is inaccurate and discriminatory. Textbooks on religious education refer to homosexuality as a 'deviance' and 'an unacceptable phenomenon that is not sufficiently researched by medicine and psychology'. In biology textbooks, homosexuality is discussed solely in relation to sexually transmitted diseases, especially HIV/AIDS. Similarly, references to 'intersexuality' are only made when describing abnormal and antisocial behaviour. Kontra therefore demanded that the relevant ministries remove the discriminatory texts. Following this request, the government expressed its intention to initiate a procedure to remove the texts, however, no action had been taken by the government by the end of the year.

Employment

- In February, the Croatian Supreme Court held that Vlatko Marković, the former president of the Croatian Football Association, discriminated on the ground of sexual orientation when he said that he would not allow gay players on the Croatian national football team. The judgment was published in the newspaper *Večernji list*.
- In July, the Municipal Court in Varaždin announced the verdict in a case of sexual orientation discrimination and harassment against a professor at the Faculty of Organisation and Informatics of Zagreb University in Varaždin. The court found that there had been discrimination and harassment against the victim in the workplace on the grounds of his sexual orientation and prohibited the university from hindering the victim's further professional advancement at the university. However, the Court did not accept the plaintiff's claim of victimisation when two of his colleagues responsible for the discrimination and harassment initiated a procedure against him before the ethical committee of the university, resulting in his being reprimanded for publicly speaking out about the discrimination at the university. At the same time the Municipal Court in Varaždin allowed

individual lawsuits of the two mentioned colleagues to proceed, they claimed that the plaintiff had harmed their reputation and honour; the court refused to join the two cases. The plaintiff and the Gender Equality Ombudswoman filed two requests for the removal of the judge on the basis of omission and bias. The requests were rejected by the president of the Municipal Court in Varaždin. Both the plaintiff and the defendant are appealing.

Enlargement

- Croatia is expected to accede to the European Union and become the 28th Member State in July 2013, subject to its acceptance by all EU countries. As with other countries in the enlargement process, Croatia is monitored on how it transposes the EU *acquis* and meets the political criteria for EU accession. In October, the European Commission issued its *2012 Progress Report on Croatia* where it stated that "Lesbians, gays, bisexual and transgender (LGBT) people still face discrimination and even threats and attacks". The report also noted the Croatian government's commitment to ensuring the smooth organising of Split and Zagreb Prides given its failure to ensure adequate protection of the participants of the first Split Pride in 2011.

Equality and non-discrimination

- The Ministry of Justice agreed to develop a *Programme and an Action Plan* based on a *draft National Programme and Action Plan for combating sexual orientation and gender identity discrimination* submitted by Kontra.

Family

- In January, Kontra and Iskorak challenged the constitutionality of the Family Law. There had been no response by the end of the year.
- In May, the Prime Minister of Croatia, Zoran Milanović, called for public discussion on equality and stronger civil rights for same-sex couples before the law. In his statement he referred to legal recognition of same-sex relationships, saying that there was no intention to create

an equal marriage law due to the strong resistance of the Catholic Church and other religious parts of society, but a bill on registered partnership would be appropriate.

- In November, LGBT organisations participated in the ministerial working group discussions on the drafting of the registered partnership bill which will be prepared by the Ministry of Administration.

Freedom of assembly

- In May, Split City Council illegally denied permission for the Pride Parade to follow the same route as the previous year, to the city's waterfront (the city's central place). In addition, the city authorities made homophobic statements in the media and took other measures, including ordering a private company to dismantle the stage at the waterfront and placing metal fences and stone flower pots at the site of the gathering, to hinder the march from taking place on the original route. The City Council cited the need to avoid repetition of the violence during the 2011 Parade, when an estimated 10,000 anti-gay protesters turned up and some attacked the demonstrators. The police had arrested 137 people, resulting in seven convictions in April. The Croatian Gender Equality Ombudsman condemned the City Council's decision and called for the Parade to be allowed to proceed on its chosen route. In the end, the 2012 Pride Parade was held under heavy security, without incident and with the participation of five members of the government. The event was closely monitored by the EU and the OSCE.

Human rights defenders

- In June, Kontra, Iskorak and Domine received the 'civil activism and democracy' award from GONG, an NGO overseeing elections in Croatia, for their organisation of Split Pride 2011.

Legal gender recognition

- In November 2011 the Ministry of Health adopted the *Rules on Gathering Medical Documentation on Sex Reassignment*. Adoption of the Rules was a direct consequence of the pressure on state institutions that was

created by the case of a transgender minor. The Rules prescribed that the "opinion of the National Health Council on the change of sex represents documentation that is the basis for the procedure of the entry of data on the change of sex in the registry of births." A request for an opinion from the National Health Council should be submitted (form for this was published as part of the Rules). It is visible from the Rules that the form should be filled in by the endocrinologist, psychologist, general practitioner and a social worker. It is unclear what kind of opinion can be provided by a social worker on someone's gender identity and change of name in personal documents. Furthermore, the form provides the possibility for the person in question to underline three ways for changing sex: (i) medical treatment; (ii) surgical procedure; and (iii) other way. The third option was not explained and it remained unclear why opinions of doctors are requested in the form if medical treatment is not necessary for change of data in personal documents.

- In September, following a request by Kontra, the Ministry of Health responded by stating that, "in accordance with the view of the medical profession it is necessary to have an interdisciplinary team of experts" and again listed the experts that were identified in the *Rules* as necessary to give their opinion, without providing any additional information as to the sort of opinion that is necessary. In two cases that Kontra worked on, the National Health Council (the implementing body of the *Rules*), first refused to implement the *Rules* under the claim that the *Rules* were not clear, even though both persons had forms filled in by all prescribed experts; and later the Council stated that in both cases "change of the gender marker in the state registry is denied on the basis of the fact that sex reassignment was not done irreversibly and completely."

Police and law enforcement

- In March, the OSCE Office for Democratic Institutions and Human Rights, in co-operation with the Croatian Ministry of Interior, introduced the *Training Against Hate Crimes for Law Enforcement (TAHCLE)* programme to law enforcement officers in Zagreb. The objective of the

TAHCLE is to improve police skills in recognising, understanding and investigating bias motivated crimes.

- Following the changes in the *Criminal Code* in 2011 LGBT organisations advocated for the introduction of LGBT specific content in official curricula of the Police Academy. The response from the Police Academy has been positive and they introduced the subject into their training courses in the academic year 2012/2013.

Sexual and reproductive rights

- In May, the *Medical Insemination Act* was adopted. The act limits fertility treatments to women with fertility problems, and expressly excludes single women and women living in same-sex relationships. The Minister of Health, Rajko Ostojić, had earlier stated that the new law would not discriminate, but later withdrew his statements. Initially the proposed law explicitly stated that transgender people are not entitled to the treatment (Article 10 Paragraph 7); this provision was removed as a result of pressure from civil society and the Office of the Gender Equality Ombudswoman. In November, the Women's Network of Croatia submitted a proposal to evaluate the constitutionality of the *Medical Insemination Act*.

Member organisations of ILGA-Europe

ISKORAK – Sexual and gender minorities rights center
www.iskorak.hr

Lesbian Group Kontra
www.kontra.hr

Lesbian organization Rijeka – LORI
www.ori.hr

Women's Room – Zenska Soba
www.zenskasoba.hr

Zagreb Pride
www.zagreb-pride.net

An aerial photograph of a sandy beach with several people walking. A lifeguard stand is visible on the right side of the beach. The background is a clear blue sky with some light clouds.

Cyprus



While a number of activities for greater awareness around LGBTI issues were implemented, no substantial policy or legal changes were brought about. Nonetheless, there was greater collaboration between government agencies and LGBTI civil society was characterised by a dialogue between members of the Parliamentary Human Rights Commission and LGBTI movement to identify possible actions to improve the situation.

Bias motivated speech

- In June, the Office of the Commissioner for Administration released its first report on hate speech, as a follow-up on complaints received in relation to homophobic statements made by a Member of Parliament in 2010. The report made specific recommendations for the extension of the legislation that currently covers racist hate speech to also cover homophobic and transphobic hate speech.

Education

- Between May and October, a campaign entitled *Shield against homophobia in education* was put together by the Pool of Trainers of the Cyprus Youth Council and the Cyprus Family Planning Association. The campaign was officially supported by the Ministry of Education and Culture, the Commissioner for Children's Rights and the Office of the Commissioner for Administration. The campaign was also supported by the Pedagogical Institute and the University of Nicosia.
- In December, the Office of the Commissioner for Administration released a report on homophobia in education in Cyprus. The report highlighted the large extent of homophobic bullying in schools, noting that children who experience this form of discrimination often feel isolated and socially excluded, and have low self-esteem. The report recommended that: (i) bullying is tackled in the education system through a policy by the Ministry to cover the needs of teachers, students and parents; (ii) sexuality education is provided in schools; (iii) infrastructures at schools are set up to handle bullying; and (iv) the capacities of teachers to handle issues of sexual orientation and gender identity are increased.

Equality and non-discrimination

- In May, a series of Voices against *homophobia* events was organised for the third consecutive year by accept-LGBT Cyprus, with activities held with the support of the municipalities of Nicosia, Limassol and Paphos. These events received support from the US Embassy, European Parliament Representation, European Commission Representation, the Equality Body, and various NGOs.

Events included workshops, exhibitions, panel discussions, Rainbow Human Library and performances.

- In May, a video campaign was organised under the theme: *Life is not just black & white*, featuring nine videos of LGBT supporters sending their own message against homophobia and transphobia. The video campaign was supported by the Cyprus Community Media Centre and NGO Support Centre with support of the European Commission Representation. The videos were published online and on social media. The concluding event of the campaign, a *Rainbow Human Library*, was held for the first time with diverse LGBTQ people taking part in the event.

- In October, accept-LGBT Cyprus and Queer Cyprus Association organised an international bi-communal conference entitled: *Towards Inclusion: Healthcare, Education and the LGBT Community*. The two-day conference was attended by more than 70 people (psychologists, teachers, activists, sociologists, nurses etc.). The conference included guest speakers from Greece, Turkey, Scotland, the United States and Cyprus. It achieved its aim as it contributed to building the capacities of people from both communities of Cyprus in issues related to health and education and LGBT people. For the first time, trans activists were in Cyprus to host workshops on gender identity and expression, providing a framework for participants to share practices, knowledge and experience and lay the groundwork for future collaboration. Another first included public discussions on LGBT parenting enabled by the presentation of LiSTAG from Turkey.

- As a follow-up to the 2011 research results on *Sexual orientation: mapping the sociopolitical climate, experiences and needs*, an advocacy and dissemination plan of the results was implemented by accept-LGBT Cyprus in partnership with Cyprus Family Planning Association. The plan included meetings with Members of Parliament, different Ministries (Justice, Interior, Defence and others), the Police and the Equality Body. Through these meetings officials were informed about the research results as well as accept-LGBT Cyprus' three main advocacy goals of (i) legislation and policies

tackling bullying; (ii) laws against homophobic and transphobic hate speech and hate crimes; and (iii) legal recognition of same-sex couples.

- In October, various political parties from the Human Rights Committee of the Parliament, for the first time, invited accept-LGBT Cyprus and Cyprus Family Planning Association to present their research findings of *Sexual orientation: mapping the sociopolitical climate, experiences and needs* and recommendations. This initiative by the MPs created a dialogue with the LGBT movement of Cyprus working towards legal changes. By the end of the meeting, which was widely reported in the media, MPs Roula Mavronikola, Stella Kyriakidou and Stella Misiadou stated that different actions need to be undertaken including: (i) an action plan on LGBT matters; (ii) legal recognition of same-sex relationships through registered partnerships; and (iii) policies against homophobia and bullying in education.
- In November, accept-LGBT Cyprus marked the *Transgender Day of Remembrance*. The event, supported by the Equality Body, included a candle light vigil and a film screening followed by a discussion. As the event coincided with the *Equality Summit* of the Cypriot Presidency, representatives of Transgender Europe attended the event and took part in discussions on the situation of trans rights in Cyprus and on how the LGBT movement can be more trans inclusive.

Legal gender recognition

- In February, a report was released by the Office of the Commissioner for Administration in relation to a complaint submitted in 2009 by a trans woman who is a recognised refugee. The complaint addressed the anomaly whereby in spite of the fact that the woman was granted political refugee status on the grounds of gender identity, the state denied her request for coverage of the expenses related to the gender reassignment process. Such surgeries are not performed in Cyprus due to the lack of infrastructure and respective legislation. The report clearly found that the current framework is discriminatory and has negative impacts on the health of trans people. The Ministry of Health was therefore asked

to re-examine the existing framework in order to adequately include trans people.

Public opinion

- According to Eurobarometer 2012, 77% of Cypriots believe sexual orientation discrimination is widespread. This is significantly above the EU27 average (46%). 76% believe gender identity discrimination is widespread. This is significantly above the EU27 average (45%). Cypriots scored 4.1 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Cypriots scored 3.0 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Cyprus, Northern¹

Criminalisation

- Following the high profile arrest of former Cypriot Minister Michael Sarris and two other men in October 2011, community leader Derviş Eroğlu had promised that the *Criminal Code* would be amended. Articles 171 and 173 currently provide for five years imprisonment for homosexual acts, and three years imprisonment for 'attempts to commit [these] crimes'. In January, however, Turkish Cypriot community sources reported that contrary to these promises, the two men in prison for previous offences were brought to court accused of 'acts against nature'. They were each sentenced to one month in prison. The changes to the law as proposed by the Communal Democratic Party have not yet been voted on by Parliament.
- In June, an application to the European Court of Human Rights was lodged challenging the continued criminalisation of homosexuality in Northern Cyprus. The case, *H.Ç. v. Turkey* (Application No 6428/12), was

¹ An unrecognised jurisdiction separated from the Republic of Cyprus through a UN buffer zone.

submitted on behalf of the applicant by the Human Dignity Trust. The case is against Turkey, as it is responsible for protecting and promoting human rights in the so called Turkish Republic of Northern Cyprus.

- Two men were accused of carnal knowledge against the order of nature in 2010 and one of the accused asked that the case be transferred to the Constitutional Court. The Attorney General's Office announced to the Constitutional Court that Article 171 of the *Criminal Code* would be changed and the case was postponed to February 2013.
- Members of the European Parliament LGBT Intergroup rights have increased their pressure to change the law dating from 1889. Amongst them, MEP Marina Yannakoudakis made several appeals to community leader Derviş Eroğlu, and in April, MEP Michael Cashman visited Northern Cyprus and called for the repeal of the law.
- In November, during the Cypriot Presidency's Equality Summit, ILGA-Europe met with representatives of three opposition parties. The aim of the meetings was to discuss the continued criminalisation of male homosexual conduct and other serious human rights violations of LGBT people which were documented in a study launched by Queer Cyprus Association coinciding with ILGA-Europe's visit.

Data collection

- In November, Queer Cyprus Association released its study *Documentation of LGBT human rights violations in Northern Cyprus*. The study explores, identifies and displays human rights violations such as humiliation and discrimination experienced in legal, public and private arenas by LGBT people in North Cyprus. The majority of participants in the study stated their awareness of *Criminal Code* Article 171 as well as its effect of preventing them from receiving proper public services. The number of survey participants who had been mocked and humiliated because of their sexual orientation was very high. The survey also showed a serious rate of physical violence and/or threats. The number of people who stated that they were beaten, hit, slapped, had personal property damaged, and even faced the possibility of

being injured by gunfire cannot be underestimated. Another notable issue uncovered by the survey is that a considerable number of abuse and rape cases due to sexual orientation exist but LGBT individuals do not (or rather cannot) go to the police to claim their rights. Study results also revealed that there are lesbian, gay and bisexual individuals who have been detained by the police without justification and who have encountered violence and/or abuse at the hands of the police or the army.

Member organisations of ILGA-Europe

accept-LGBT Cyprus
www.acceptCY.org

Feminist Atolye
www.feministatolye.org

Gay Liberation Movement of Cyprus

Queer Cyprus Association
www.queercyprus.org



Czech Republic



Progress in the Czech Republic was mixed. The participation of three leading presidential election candidates in a panel debate on the rights of LGBTI people during the second Prague Pride events sent a positive signal with regard to future progress towards greater LGBTI equality. A law providing access to gender reassignment for trans people entered into force; while a positive step towards legal recognition of trans people, the law includes various requirements that do not meet human rights standards. Reluctance towards greater recognition of same-sex partners indicate that the country is still not at ease with the recognition of the need to respect the rights of LGBTI people in private and family life.

Access to goods and services

- In February, the President of the Czech Republic signed a new *Civil Code*, which was intended to codify private laws into a single piece of legislation. It removed discrimination against same-sex couples in the field of housing by eliminating the automatic establishment of joint leases for spouses. Joint lease may only arise on the basis of an agreement between the tenants and the lessor.

Bias motivated speech

- In August, Petr Hájek, an adviser to President Václav Klaus, wrote a controversial article criticising the Pride Parade. Mr Klaus refused to condemn the comments even posting a statement on his own website saying, “I do not feel any pride in the event either”.
- In August, Tomáš Vandas, the Chairman of the Workers’ Party of Social Justice (DSSS), stated that, “Public promotion of ‘sexual difference’ fits into the permanent campaign against the traditional family and the upbringing of children, in short, against life itself”.
- In August, leaders of anti-choice groups signed a petition circulated by the World Congress of Families condemning the United States Embassy in Prague for their plans to participate in the Pride Parade. The petition stated that “Washington is aggressively promoting the ‘gay’ agenda internationally, including same-sex ‘marriage’ and the stigmatization and marginalization of any who object to the same.” The US Embassy was represented at the 2011 Pride in Prague.
- In August, the Czech Movement for Life (HPZ), an anti-choice organisation, also protested against the Pride Parade as the culmination of the Prague Pride festival. Its President, Michal Ucháč said that “the ‘homosexual ideology’ destroys the family, freedom and the nation”. It supported demonstrations against the march held by conservatives from the Citizen Initiative D.O.S.T. (Trust, Objectivity, Freedom, Tradition) and the Young Christian Democrats. D.O.S.T. chairman Michal Semín said: “The festival mostly represents a week-long party of homoeroticism and [the] pornographic industry.”

Family

- In August, Czech authorities refused to issue a certificate of Czech citizenship for two twins adopted in California by a gay couple of which one of the partners is a Czech citizen. The authorities argued that through this decision, they aimed to preserve public order in the Czech Republic. If this couple were heterosexual, the certificate would have been issued automatically. According to the Czech citizenship law, children born to Czech citizens abroad also receive Czech citizenship. Under the current legislation, registered partners cannot adopt in any circumstance, while single people can.
- By August, a total of 1,390 same-sex couples had entered into registered partnerships in the Czech Republic since the law came into force in July 2006. The majority of the couples are male. According to a Czech activist, in the first half of 2012, 102 same-sex couples entered into registered partnerships.

Freedom of assembly

- In August, the second Prague Pride Parade took place peacefully. The mayor hosted an opening night reception to launch the celebrations. A few days earlier, Prague Pride had hosted a debate on LGBT rights, attended by three leading candidates in 2013’s presidential election. 80 events took place during Prague Pride, including a discussion about living as an LGBT person within the Roma community.

Legal gender recognition

- Following the adoption of the new *Civil Code* in February, as of January 2014, trans people wanting to undergo gender reassignment will see their marriage or registered partnership automatically come to an end.
- In April, a new *Act on Specific Healthcare Services* entered into force. This act, adopted in 2011, sets the conditions under which a trans person may undergo gender reassignment treatment. The applicant must (i) get a diagnosis of gender identity disorder, (ii) provide evidence of their ability to permanently live as a person of the opposite sex, (iii) prove that they didn’t enter into marriage or registered partnership or that the marriage or

registered partnership came to an end, and (iv) receive a positive decision from the expert committee. Gender reassignment is then performed through surgery which includes terminating the reproductive function of the trans person (i.e. forced sterilisation). The decision of the expert committee (which consists of seven persons – including an unspecified representative of the Ministry of Health) has to be unanimous.

Public opinion

- In May, a poll conducted by the Public Opinion Research Centre of the Institute of Sociology of the Academy of Sciences (CVVM Institute) showed that 75% (compared to 72% in 2011) of Czechs believe that same-sex couples should have access to registered partnerships, and 51% supported marriage equality for same-sex couples. Whilst around 37% (compared to 33% in 2011) supported equal adoption entitlements for same-sex couples, 55% (compared to 60% in 2011) opposed the introduction of legislation that would make such adoptions legal.
- According to Eurobarometer 2012, 23% of Czechs believe sexual orientation discrimination is widespread. This is significantly below the EU27 average (46%). 23% believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Czechs scored 4.9 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). The Czechs scored 4.2 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Social security and social protection

- In March, the Public Defender of Rights ruled that a same-sex couple had been treated the same as a different-sex couple regarding access to family benefits for registered couples. The complainant was raising a child with her registered partner and as such was entitled

to a parental benefit. When her partner gave birth to another child, the Labour Office required the complainant to return her parental benefit as only the partner looking after the youngest child is entitled to this benefit. The Public Defender upheld the decision of the Labour Office arguing that there was no discrimination on the ground of sexual orientation as the complainant was treated the same as someone in a different-sex couple.

Member organisations of ILGA-Europe

Charlie o. s.
www.charlie.li

PROUD Platform for equality, recognition and diversity
www.proudem.cz



Denmark



Two of the main developments of the year were the introduction of gender neutral marriage and recognition of asylum seekers who claim asylum due to fears of persecutions on the grounds of their sexual orientation and gender identity. This year's Eurobarometer poll also revealed that the Danes are the nation in the European Union that is most comfortable with openly LGBT people elected to high political positions. On a lesser positive note, important challenges remain with regards to increased recognition of the rights of trans people. The Danish government continues to be slow in taking steps to depathologise trans identities and adopt adequate gender recognition procedures. Moreover, the government refrained from including gender identity explicitly in the mandate of the Board of Equal Treatment, stating that gender identity is already covered under the ground of gender.

Access to goods and services

- In April, a priest from the city of Aalborg refused to conduct a funeral ceremony for a 74-year-old woman because she had had a relationship with another woman for 30 years. Two weeks later, the priest apologised for his behaviour.

Asylum

- In January, the Danish asylum authorities denied the application for asylum of a trans woman from Guatemala. This was despite evidence of transphobic violence in her home country and that her safety could not be guaranteed. The case stirred a lot of media attention, and several international and national LGBTI organisations reacted to the case and new information on the case was obtained. In September, as a result of this pressure, the Danish asylum authorities agreed to reconsider her case and she was granted asylum in November.
- In August, the Danish Red Cross, which oversees most camps for asylum seekers in Denmark was criticised for the way in which they handle trans asylum seekers. For example, in the above-mentioned case they did not take the asylum seeker's gender identity into account, and placed her in the men's section of the camp where she experienced assaults and rape.
- In September, the government, with support from the Red-Green Alliance and the Liberal Alliance, adopted an agreement on better treatment of asylum seekers that specifically refers to the needs of LGBT people.
- In October, the Danish asylum authorities decided to consider LGBT people as members of a particular social group in the sense of the *UN Refugee Convention*. LGBT refugees in Denmark now get convention status rather than protection status (secondary status).

Bias motivated speech

- In February, the Christian Democrats submitted a complaint to the Danish Broadcasting Corporation after a music video with a man dressed in women's clothes was shown during a programme aimed at younger children. In his explanation for their complaint provided to the Danish newspaper *Jyllandsposten*, Stig Grenov, the party's current

Chair, compared transvestites and transgender people to paedophiles.

- In May, during the debate concerning the equal *Marriage Law*, various bias motivated comments were made. These included the former Minister of Ecclesiastical Affairs, Birthe Rønn Hornbech (Venstre), who was quoted as saying: "Aside from slugs and a few other species, the living world is made up of 'him' and 'her' and that is why the world is able to keep on going."

Employment

- In May, in connection with the *International Day against Homophobia and Transphobia* (IDAHO), the organisation Q-factor organised a panel discussion on discrimination in employment. The event took place at the facilities of Coop Denmark, which is one of the leading consumer goods retailers and which has launched a progressive employment policy, particularly towards trans people. The panel included leading employers in Denmark and representatives of LGBT Denmark.
- In October, the Board of Equal Treatment decided the case of a lesbian woman whose job application was rejected because of her sexual orientation. The employer stated that they had had bad experiences with her kind. The employer was found against and ordered to pay the woman compensation of DKK 25,000 (circa €3,300).

Equality and non-discrimination

- In February, the Danish Government did not include gender identity in a proposal for a law relating to which grounds the Board of Equal Treatment should cover. The absence of this ground went against recommendations from civil society. The omission was justified on the basis that gender identity was already covered under the ground of gender.
- In March, a bar in Copenhagen started a competition where women could upload an image online and the one that received the most 'Likes' would win a breast enlargement operation. A group of trans women participated. However, they were soon either deleted from the website, or unfairly lost all the 'Likes' that they had received, effectively disqualifying them. The unfair

competition stirred a lot of media attention in favour of the trans community, and the bar was reported to the police.

- In June, LGBT Ungdom and Amnesty International (Denmark) staged an action during Roskilde Festival, the biggest music festival in Northern Europe, to support Russian LGBT activists. The action was coordinated to take place at the same time as a pride event took place in St. Petersburg in Russia.
- During the summer, Danish media gave a lot of coverage to the gendered upbringing of children after an article was printed in a Danish newspaper *Berlingske* about 3-year-old Herbert who liked to dress up in dresses with full parental approval. The discussion revolved around whether it is damaging for young children to have fluid gender roles. Herbert's parents were interviewed several times in various media, and remained supportive of their child's decision.

Family

- In June, the Danish Parliament voted in favour of gender-neutral marriage legislation with 85 votes in favour and 24 against. With this decision, Denmark became the 8th country in Europe to introduce equal marriage legislation for all. The law came into effect on 15 June. The previous law on registered partnership was repealed upon introduction of marriage equality and couples in a Danish registered partnership may convert their partnership into a marriage if they want to. All couples, under the new law, are able to get married in state churches. However, priests are allowed to opt-out from marrying same-sex couples in their churches, and then the parish council is obliged to find an alternative priest who is willing to perform the ceremony. It was the government that demanded that the bishops specify a ritual for the gender-neutral marriage, as the Minister of Ecclesiastical Affairs is the administrative leader of the Danish state church. The law concerning legal consequences of same-sex marriage has not yet been issued, and for the time being the legal consequences of a gender-neutral marriage are the same as if it were a registered partnership under the obsolete law.

Foreign policy

- In February, LGBT Denmark gave input to a hearing on a proposed law from the Danish Government on Denmark's development work in Africa and Asia with regards to the respect of human rights. It was noted that there was a need to explicitly mention LGBTI people as a marginalised and stigmatised group. The recommendations were adopted in the final proposal in April.
- In May, LGBT Ungdom sent an open letter to the Minister of Foreign Affairs, Villy Søvndal, urging him to intervene in the situation of LGBT people in Ukraine. The minister did not react to the open letter. In June, prior to the *Euro Cup* in Poland/Ukraine, LGBT Denmark and PAN Idræt, Denmark's biggest LGBT sports organisation, urged the Danish government to put pressure on the Ukrainian hosts. The two organisations argued that Denmark could make diplomatic use of its Presidency of the European Union. The Danish government rejected the call from the two organisations, and the Minister of Culture, Uffe Elbæk, attended Denmark's first match in order to support the Danish football team. However, Minister Elbæk chose not to take part in the official UEFA delegation and he also set up meetings with Ukrainian human rights defenders during his stay.
- In August, a new website, LGBTnet.dk, was launched. The website provides an introduction and various resources on how to work with aspects of sexual orientation and gender identity in international development. LGBTnet.dk is a joint collaboration between LGBT Denmark, The Danish Family Planning Association, Danish Refugee Council and Sabaah. In October, this consortium of organisations organised a conference in the Danish Parliament on LGBT rights and development in the 'global south'. The conference was attended and hosted by the Minister of Development Cooperation, Christian Friis Bach.
- In December, the same consortium received a grant of DKK 200,000 (circa €27,000) from The Danish NGO Forum, which is a Danish membership body for NGOs working in international development. The grant was provided to strengthen knowledge sharing on LGBT

issues in Danish development work. Furthermore, in December, the consortium received another grant of DKK 180,000 (circa. €24,000) from Civil Society in Development (CISU) to carry out a development project in Tanzania. This is the first time that Danish LGBT organisations will be able to carry out a development project.

Freedom of assembly

- In July, the Faroe Islands held its biggest Pride event to date. More than 5,000 people attended. The huge turnout at Faroe Pride seems to demonstrate a significant improvement in attitudes towards LGBT people on the Islands. The local political setting also signals a more positive approach, in contrast to what had been seen in recent years.

Freedom of expression

- Following the adoption of the equal *Marriage Law* in June, a newspaper editor in Northern Jutland refused to include stories about the law because he disagreed with it in principle. The editor, Preben Eskildsen, was quoted as saying: "it [the equal marriage law] is wrong and I will not waste space on it". A local priest, Roar Pedersen raised the issue saying that the refusal to acknowledge a fact because one disagrees with it is problematic for democracy.

Health

- In March, 37 NGOs and 11,000 individuals sent an open letter to the National Board of Health concerning the pathologisation of trans people in Denmark. At the end of 2012 no concrete initiative had been tabled despite several calls from civil society. Following the open letter, a meeting took place between the National Board of Health and LGBT Denmark, the authorities informally declared resistance to depathologisation of trans identities as well as an intention to bar hair removal and other modifications without psychiatric evaluation.
- In September, the Health Committee of the Danish Parliament hosted a hearing focusing on LGBT issues and health. Speakers from an extensive number of NGOs and medical experts were invited to speak at the 3 hour-long hearing.

- In November, the Danish health authorities obliged a gynaecologist to stop providing the necessary hormones to trans people. In order to receive hormones the trans people affected had to register with *Sexologisk Klinik*, which is a part of the psychiatric centre of Copenhagen.
- In November, a complaint from the health authorities against a surgeon, who did not require psychiatric evaluation of gender patients, was upheld. Surgery of trans people outside *Rigshospitalet* (the national general hospital based in Copenhagen) was consequently shut down. In media coverage the chief executive of the responsible authority said the desire for gender correction is impossible to understand without a psychiatric evaluation of the person seeking it.

Legal gender recognition

- In spring, the discussion concerning the abusive requirements that trans people have to undergo to obtain their legal gender recognition was raised again. The parties in Government and the Conservative party agreed that the procedure should be reviewed. Only the right-winged party *Dansk Folkeparti* disagreed. However, at the end of 2012 no concrete initiative had yet been tabled or discussed.

Public opinion

- According to Eurobarometer 2012, 37% of Danes believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 38% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Danes scored 8.9 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly above the EU27 average (6.6) and the highest in the EU. Danes scored 7.6 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly above the EU27 average (5.7) and the highest in the EU.

Sexual and reproductive rights

- In June, the law on assisted fertilisation was revised, making non-anonymous sperm donation accessible in Denmark. Identity release sperm can be used by all couples. However, the rules concerning a couple using a person they know as a sperm donor only apply to heterosexual couples. The reason is that revisions of family law were being formulated as a consequence of the new gender neutral marriage legislation, and revisions were expected to include the corresponding provisions for same-sex couples.

Member organisations of ILGA-Europe

BLUS Denmark
www.blus.dk

Lambda – Bøsser og Lesbiske på Fyn
www.lambda.dk

LGBT Denmark
www.lgbt.dk

LGBT Ungdom
www.lgbtungdom.dk

Pangea International LGBTIQ+
www.pangeainternational.dk

Sabaah
www.sabaah.dk



Estonia



Estonia continued to make progress towards greater legal and social recognition of LGBTI people. Legislation providing protection against hate crime and hate speech on the grounds of sexual orientation and gender identity was initiated by the Ministry of Justice, while promising declarations were made towards the introduction of legislation recognising same-sex couples for the first time. A number of civil society-led initiatives in the field of education and employment launched this year are proving to instigate changes in practice.

Bias motivated speech

- In July, the Ministry of Justice initiated a process to amend sections 151 and 152 of the *Penal Code* (incitement of hatred and violation of equality respectively). The amendment was initiated in light of the *European Council Framework Decision 2008/913/JHA*. Once adopted, these changes are expected to make the *Penal Code* provide greater protection in cases of hate speech. The bill is expected to be discussed in Parliament during 2013.

Bias motivated violence

- In July, The Ministry of Justice started the process of amending section 58 of the *Penal Code* (aggravating circumstances). Commission of an offence motivated by hostility/hatred towards the victim due to their sexual orientation or gender identity has been added to the bill as an aggravating circumstance. The bill will probably come before Parliament in 2013.
- ILGA-Europe collected information on four hate crimes perpetrated during the year. These crimes included homophobic assaults and physical violence against gay men, as well as harassment and direct threats of physical violence against a lesbian couple. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Education

- In May, the Estonian LGBT Association started a teacher-training programme and organised four training sessions on sexual orientation, tolerance and bullying. This programme is the first of its kind in Estonia. Sixty teachers participated in the training sessions. The programme is expected to continue in 2013.

Employment

- In November, the Estonian Human Rights Centre introduced a diversity charter for companies. The companies that sign the charter, among other things, promise to pursue a staffing policy which ensures the optimum use and equal treatment of all employees,

avoiding discrimination on the basis of gender and sexual orientation.

- Seventeen companies signed the charter during 2012. All of the companies are provided with advice and training on equal treatment in the workplace.

Equality and non-discrimination

- In February, the Estonian Human Rights Roundtable was set up to bring together NGOs working in the field of human rights in Estonia. The purpose of the roundtable is to develop the field of human rights, improve communication among the organisations and find possibilities for cooperation as well as joint human rights advocacy activities. Four roundtables were held during the year, resulting in a joint statement to the Prime Minister of Estonia asking for explanations in a variety of human rights fields, especially with regard to Estonia's becoming a member of the UN Human Rights Council.
- In September, President Toomas Hendrik Ilves met with Judy and Dennis Shepard, the parents of Matthew Shepard who was killed in a bias motivated attack in 1998. The parents of Matthew Shepard travel around the world to highlight the importance of human rights for all, and the meeting with the Estonian President received a lot of media attention.

Family

- In April, an administrative court in Estonia ruled against a decision by the local authority of Harju County that had refused to issue a civil status certificate to a gay Estonian citizen who intended to enter into a marriage abroad. The court concluded that Harju County Government did not have the legal competence to issue the certificate under the *Family Law Act* as it had considered doing, since a certificate of no impediment is regulated under the *Civil Status Act* instead. Harju County Government was asked to review the application for a civil status certificate and it then refused to issue the civil status certificate under the *Civil Status Act* in June. In October, the decision was brought before the court again, and the court concluded that the refusal had been correct and the case was lost.

- In August, the Postimees newspaper reported Estonia's Gender Equality Commissioner, Mari-Liis Sepper's call for more comprehensive rights for sexual minorities and other vulnerable groups, stating that "It is extremely important that the state, in legislating the rights of same-sex couples to family life, send out a signal to society: that you are citizens equal in standing, with rights. Your family and children are just as valuable to Estonia as any other families," and that, "This will also hopefully reduce conflicts and ostracism experienced from their closest relatives-parents and grandparents."
- In August, the Chancellor of Justice started a procedure on assessing whether the *Aliens Act* complies with the *Constitution* after receiving an application from a person whose same-sex partner could not apply for a residence permit in Estonia. The *Aliens Act* only allows spouses to apply for a residence permit, not cohabiting partners (regardless of gender). However, since same-sex partners cannot get married, the Chancellor has expressed the view that it might be possible that an exception is needed for same-sex couples as regards the *Aliens Act*. The Chancellor sent a request for information to the Ministry of Internal Affairs who stated that there is no contradiction between the *Aliens Act* and the *Constitution* and that the principal of equal treatment has not been violated. The Chancellor of Justice has not yet reached a final decision.
- In August, the Ministry of Foreign Affairs granted the registered partners of US diplomats the same rights as the spouses of US diplomats. This is probably the first time that Estonia has officially recognised same-sex registered partners. However, this agreement is not two-way as Estonian diplomats do not enjoy the same rights in the United States.
- In August, the Ministry of Justice introduced a proposal for a *Cohabitation Law*. The bill concerns gender neutral cohabitation, and would thus extend legal protection to de facto same-sex partners.
- At the end of the year an official working on the cohabitation bill at the Ministry of Justice stated that the Minister of Justice had decided on three priorities for 2013. These are cohabitation of different-sex couples,

rights of children who are living in families with unmarried different-sex couples and finally "other forms" of cohabitation i.e. same-sex couples. This last issue will only be dealt with if there is enough time for it after the first two have been resolved. The official, who is supposed to work on these three issues alone during 2013, said there is no possibility that there will be time to work on the law of same-sex cohabitation.

Foreign policy

- In November, Estonia was elected to be a member of the UN Human Rights Council from 2013-2015. Estonia's candidacy received support from 184 countries, with five abstentions. As a member of the UN Human Rights Council, Estonia is also prioritising the topic of LGBT rights.

Public opinion

- In October, a public opinion poll on LGBT issues in Estonia was launched. The survey was commissioned by the Ministry of Social Affairs from Tallinn University of Technology Law School and prepared by Turu-uuringute AS on the basis of the results of the corresponding module of omnibus surveys conducted in June 2012. The survey showed that 34% of the respondents found homosexuality completely unacceptable, and only 10% found it completely acceptable. They also showed that the opinion on whether same-sex couples should be able to have their partnerships recognised dramatically differs from north Estonia (where over 60% disagree and less than 30% agree) to south Estonia (where less than 60% disagree and over 30% agree). The same survey also showed that 61% recognise that "a person born as a man can feel that they are female and vice versa – that a person born as a woman can feel that they are male."
- According to Eurobarometer 2012, 32% of Estonians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 22% believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Estonians scored 4.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected

political position in their country. This is slightly below the EU27 average (6.6). Estonians scored 4.3 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU average (5.7).

Member organisations of ILGA-Europe

AIDS-i Tugikeskus (AIDS Information & Support Center)
www.tugikeskus.ee

Eesti Nahkmeeste Klubi
www.lmc-estonia.visionhb.se

Estonian AIDS Prevention Centre
www.aids.ee

Estonian LGBT Association
www.egn.ee

Gei ja lesbi infokeskus (Estonian Gay League)
www.lgbt.ee



Finland



A number of developments in Finland offer promise for greater recognition of LGBTI people in the country. Finland adopted a *National Action Plan for Human Rights and a Gender Equality Policy Programme*, while the Ombudsman for Equality published a report on trans and intersex persons opening the discussion towards greater recognition in Finnish society. However, while marriage equality enjoys wide public support as well as the support of a significant number of parliamentarians, little progress was achieved during the year. Similarly, the amendment of the *Act on Legal Recognition of the Gender of Transsexuals* seems to be increasingly problematic due to the difficulty that the removal of the sterilisation requirement, including for the Minister of Health and Social Services.

Asylum

- In January, YLE, the Finnish Broadcasting Company, published a news article on the *Fleeing homophobia in Europe* research, which showed that Finland has deported asylum seekers to countries where they could be subject to capital punishment for their sexual orientation. Some applicants were asked to conceal their sexuality to ensure they remain safe. The Ministry of the Interior promised to investigate the case.
- In January, the Supreme Administrative Court gave a decision in the case of a homosexual Iranian asylum seeker. The applicant had explained that he had been convicted of homosexuality in an Iranian court and feared that if returned to Iran he would be detained and eventually executed. The Finnish Immigration Service had denied the asylum application because, according to them, there was no reason to believe that the applicant would be in danger upon his return to Iran. The Administrative Court considered that there was insufficient proof that the applicant was in fact convicted for homosexuality and given the death penalty in his country of origin. The Administrative Court also considered that the applicant would be able to live in Iran without fear of persecution if he relocated outside of his home town. The Supreme Administrative Court ruled that the Finnish Immigration Service and the Administrative Court had not given proper consideration to the applicant's possible situation in Iran and returned the case to the Immigration Service.
- In March, the Finnish Immigration Service invited Seta, the national organisation for LGBTI rights in Finland, to train their staff on sexual orientation and gender identity issues.

Bias motivated speech

- In July, a few members of the extremist right-wing group Finnish Defence League (FDL) attempted to take part in the Pride Parade in Tampere. The Finnish Defence League wanted to highlight the "Islamic threat" to homosexuals, which the FDL maintained the LGBTI movement in Finland has ignored. However, the members of the FDL were not able to attend the parade

because they were booed away by other participants of the march. The Pride march was then conducted without disruption.

- In August, Member of Parliament James Hirvisaari of the right-wing True Finns party was quoted on the website Honnaforum as saying: "In my opinion there is a good reason to ask if homosexuality is some sort of disability in sexual development if a person cannot develop in the natural order [being able to reproduce] of things," and continued "It's [homosexuality] not a sickness but only a disability." An anonymous request to investigate Hirvisaari's views was made to the police of the Finnish Päijät-Häme region. The police reported Hirvisaari's views as an offence saying that his views may be considered as inciting hatred against a group. The local police said that it had forwarded the case to the office of the Prosecutor General because it felt that the case required the Prosecutor General's expertise in deciding whether Hirvisaari's views are in fact criminal or whether they are protected under freedom of expression. In September, Helsingin Sanomat reported that the Deputy Prosecutor General had decided to end the investigation into Hirvisaari. According to the Deputy Prosecutor General Hirvisaari's writings did include defamatory and improper remarks which may be considered as hate speech but that the investigation would most likely not lead to a prosecution.
- In October, a candidate representing the Centre party in the municipal elections compared gays to sodomites in a panel debate at a school. This was widely debated in the media just before the elections. Leaders of the Centre party said that this did not represent the party's line.

Bias motivated violence

- In June, a man and a woman threw eggs at participants of Helsinki Pride. A police investigation followed and in November charges were brought against the two people. They were charged with resisting a person maintaining public order, one defendant was charged with two assaults, the other defendant with one assault and both were charged with nine violations of political freedom.

- In June, following his visit to Finland, the Council of Europe Human Rights Commissioner Nils Muižnieks, published a report in which he stated that he “welcomes the explicit prohibition of homophobic hate crime in the *Finnish Penal Code* and urges the authorities to extend such a specific provision to cover transphobic hate crime as well”.
- In July, in an event affiliated with North Pride in the city of Oulu, the main speaker Dan Koivulaakso, a politician from the Left Alliance who has written about extreme right-wing groups in Finland, was attacked with pepper spray. The attacker managed to flee before the police arrived. The case is under investigation.

Data collection

- In January, the Ombudsman for Equality published a report on trans and intersex persons. The report included a review of legislation concerning trans and intersex persons and a review of the challenges that trans and intersex persons face in Finnish society.
- In May, Seta received funding from the Programme for Developing Child and Youth Policy to conduct a study on the well-being of LGBTI youth together with the Network for Youth Research. Preparations for the study were made in autumn, and the study is expected to be conducted in spring 2013.

Education

- In April, teaching material by the Swedish RFSU, Association for Sexuality Education, about sexuality and sexual rights was translated and published in Finnish. The material presents heterosexuality, homosexuality and bisexuality as equal and equally ‘normal’ and also makes reference to transgender identity. The suitability of the material was discussed in public mainly due to the strong reaction of the Federation of Parents. The Federation argued that the material was not suitable for all areas of the country due to varying attitudes. Seta and other organisations and experts defended the material and claimed the right of all pupils to non-discriminatory and empowering information on sexual and reproductive health and rights.

- In May, Seta received funding from the Programme for Developing Child and Youth Policy for a project to prepare materials about the diversity of sexual orientation and gender identity for teachers. The project is being implemented together with two national student organisations SAKKI and FSS. A website to collect pupils’ and students’ experiences about normativity in schools was launched in December.
- In October, municipal elections took place in Finland. Seta and some of its member organisations around the country campaigned under the theme *Rainbow town*. A poll of leading civil servants, related to school in the 15 biggest cities and coordinated by Seta’s youth committee, received some public attention. The responses by the interviewees showed that LGBTI teachers were accepted in principle but concrete measures to tackle LGBTI discrimination or advance LGBTI pupils’ and teachers’ rights were lacking.

Equality and non-discrimination

- In January, the Human Rights Center was established and started its work, and thus the National Human Rights Institution became complete. Seta’s Secretary General was appointed as a member of the civil society council associated with the Center.
- In February, the Ministry for Foreign Affairs organised a seminar on LGBTI rights that was aimed at Finnish public servants and Members of Parliament. The Ministry of Foreign Affairs also published a Finnish translation of the Council of Europe *CM Recommendation 2010/5*.
- In February, the government adopted for the first time a *National Action Plan for Human Rights*. During the preparation of the plan a panel consisting of human rights actors was set up by the Ministry of Justice to monitor and comment on the preparation. Prior to the adoption the panel gave a long statement unanimously proposing a number of measures to be included in the *Action Plan*. A reform of the *Gender Recognition Act* and a human rights based evaluation of intersex persons’ care as well as setting a focal point for LGBTI issues were part of the panel’s common statement. These measures were not included in the *Action Plan* as concrete projects. In the

Action Plan there is only a reference to the need for coordination of LGBTI issues, and a measure to include protection of trans and intersex persons in the *Gender Equality Act*. In the autumn, the panel was re-established to monitor the implementation of the *Action Plan*. An inter-ministerial network of human rights focal points was established as part of the *Action Plan*.

- In May, Finland received a recommendation from Iceland in the Universal Periodic Review at the UN Human Rights Council to increase its efforts to eliminate discrimination against LGBTI people with regard to family and parental rights and the right to security and integrity of the person, inter alia, by reviewing national legislation and administration. The Government accepted the recommendation.

- In May, a statement was distributed from a working group under the Ministry of Labour, which had been set up in 2011 to prepare a draft for new non-discrimination legislation for employment. The working group disagreed so strongly that a draft could not be formulated. After that, preparation for a general anti-discrimination law continued in the Ministry of Justice. NGOs and ombudspersons tried to influence the procedure in order to ensure strong anti-discrimination provisions for all discrimination grounds in all fields of life. In November, NGOs were invited to participate in a network that would discuss the reform in detail. The first hearing was in December and the proceedings will continue in 2013.

- In June, the government approved a *Gender Equality Policy Programme*, which included a general notion of improving the status of gender minorities albeit without the concrete measures that NGOs had demanded. Even though there was internal disagreement within the government about the matter, the policy programme included the aim of reforming the *Gender Equality Act* to provide protection from discrimination on the basis of gender identity and expression. During the summer there was a round of consultation about the reform. Several NGOs and bodies for children's rights and gender equality gave statements strongly in favour of an inclusion of protection against discrimination based on gender

identity and expression as well as the inclusion of intersex people.

- In September, Seta addressed the UN Human Rights Council for the first time. The speech was a part of the Universal Periodic Review (UPR) of Finland. Seta demanded that Finland adopts a comprehensive LGBTI human rights policy. Moreover Seta stated that despite progress, significant challenges remain in the human rights situation of LGBTI people in Finland: (i) gender non-conforming children face transphobic bullying in schools; (ii) discrimination in the employment market is common, and many trans persons remain outside the labour force; (iii) intersex children sometimes suffer serious mental and physical complications due to surgical operations that lack medical grounds. Lastly Seta noted that the recently adopted *National Action Plan for Human Rights* has very few references to sexual orientation or gender identity. Seta suggested drafting a comprehensive LGBTI policy action plan. Seta also raised the importance of some on-going legal reforms.

- In September, Nils Muižnieks, the Council of Europe Commissioner for Human Rights, launched a report based on the findings of his visit to Finland carried out in June. Following the launch he stated that "the Finnish Government has started a timely reform of the national equal treatment legislation. It is now crucial to ensure accessibility of the protection framework to all victims of discrimination and avoid unnecessary fragmentation of equality bodies."

Family

- In February, a bill to open marriage to same-sex couples signed by 76 Members of Parliament was submitted in Parliament. A first debate was held and the bill was sent to the Legal Committee of the Parliament. However, the Committee has no obligation to select the bill for a vote and nothing further happened with it in Parliament during 2012. A group of private citizens started preparing a popular initiative on marriage equality. The initiative and a campaign will be launched in March 2013.

- In May, Sateenkaariperheet was appointed to take part in a group tasked with monitoring the work of a

group preparing a reform of the paternity law. This group was appointed by the Ministry of Justice.

- In July, a new reform of the adoption law came into effect. However, even after the reform of the adoption law, same-sex couples are not able to file for joint adoption. The reform included minor improvements for LGBTI families. In cases of second parent adoption, the biological mother's consent for the adoption may be obtained without the eight weeks consideration time if the applicant lives in a registered partnership with the biological mother and the child has been born as a result of fertility treatments given during the registered partnership. The law also makes it possible to establish a right to maintain contact between a child given for adoption and the parent who has given his/her consent to the adoption. The child's biological mother's registered partner may apply for this, for example, in cases where a child's father gives his consent for adoption in the case of a second parent adoption.
- In October, about 60 NGOs and institutions participated in a consultation organised by the Ministry of Justice on the potential need to reform the law on fertility treatment to allow surrogacy. The results were to be published in early 2013 and the political conclusions are yet to be reached about whether or not a legal reform will be initiated. Among others, Seta and Sateenkaariperheet (Rainbow Families) submitted statements demanding that if surrogacy is to be allowed, the prerequisites have to be non-discriminatory and take into account family forms other than married different-sex couples.
- In November, the European Court of Human Rights (ECtHR) decided on the case of *H. v. Finland* (Application no. 37359/09). The applicant, *H.*, had undergone gender reassignment surgery in 2009 and had previously changed her first names. *H.* wished to obtain a new identity number that would indicate her female gender in her official documents. However, in order to do so her marriage to a woman would have had to be turned into a civil partnership, which *H.* refused to accept. She complained that making the full recognition of her new gender conditional on the transformation of her marriage into a civil partnership had violated her rights under, in

particular, Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights. The Court rejected the applicant's claim. The availability of the fall back option of registered partnership for same-sex couples in Finland and lack of a consensus on marriage of same-sex partners across Europe were crucial in this determination. However, the ECtHR held that the legislation interfered with the applicant's right to privacy, and Finland admitted this.

Foreign policy

- In March, Minister for Foreign Affairs Erkki Tuomioja participated in the LGBT conference at the Council of Europe and spoke strongly in favour of LGBTI people's rights.
- In 2012, Finland supported ILGA World with a grant of €100,000. This was the first time Finland gave direct financial support to ILGA World.

Legal gender recognition

- In February, the Minister of Health and Social Services, Maria Guzenina-Richardson, fired her Special Advisor for discussing a draft legal amendment to repeal the sterilisation requirement as a precondition for legal gender recognition, without the Minister's consultation. The incident was discussed publically and it fostered a wide debate on the sterilisation requirement in the media. The Minister's motives were speculated on.
- In March, the Finnish Ombudsman for Equality, Pirkko Mäkinen, restated her earlier views and condemned the current procedure of forced sterilisation.
- Also in March, MP Astrid Thors of the Swedish People's Party asked in a written question whether the government would take action in order to combat discrimination faced by trans people and how the government would work in order to abolish the sterilisation requirement. In April, the Minister of Health and Social Services, Maria Guzenina-Richardson replied that the Ministry will set up a working group to assess the possibility of abolishing the sterilisation requirement.
- In June, following his visit to Finland, the Council of Europe Human Rights Commissioner Nils Muižnieks, said

that the “Finnish authorities should give particular attention to improving the protection afforded to trans people and intersex persons. Infertility and non-marriage requirements for the official recognition of gender reassignment should be abolished.”

- In September, the Finnish Government gave its reply to the UN Human Rights Council on the Universal Periodic Review recommendations. The Government accepted the LGBTI recommendation given by Iceland and stated in its answer that a working group will be appointed to examine the need to amend the *Act on Legal Recognition of the Gender of Transsexuals*.

- In October, the newspapers Lapin Kansa and Pohjolan Sanomat reported that the reform of the “trans law” had stopped in the Ministry of Health and Social Affairs due to a lack of resources and because bigger law reforms had been prioritised. The Ministry’s newly appointed Permanent Secretary, Päivi Sillanaukee, was reported to have said that it was not certain that the group considering the reform would be appointed during the mandate of the government. Ms. Sillanaukee also said that abolishing the sterilisation requirement would in fact mean the introduction of a third gender in Finnish legislation. The news generated many reactions. In a written question to the government MP Astrid Thors from the Swedish People’s Party urged the Minister of Health and Social Services Maria Guzenina-Richardson to immediately appoint the group considering the reform of the trans law and asked whether the government would take action in order to combat discrimination against transgender persons and whether the group to consider the law reform would be appointed in the near future. In November, in the reply to Ms. Thors, Minister Guzenina-Richardson promised that, as previously stated, the group would be appointed in 2013.

- In October, 20 Finnish civil society organisations sent an open letter to the Finnish government demanding a reform of the gender reassignment law. Also in October a demonstration was organised to demand the same.

- In November, a gender studies conference with some 140 participants at Tampere University issued a statement condemning forced sterilisation. The leading Finnish

newspaper Helsingin Sanomat interviewed Professor in Women’s Studies Päivi Korvajärvi from Tampere University. She is quoted as saying: “The present law violates the human rights of trans people. We do not understand that gender is so strongly tied with reproductive capacity.”

- In November, Seta and Trasek met with the Ministry of Health and Social Affairs’ Permanent Secretary Päivi Sillanaukee. In the meeting, Sillanaukee promised that the Ministry would cooperate with the NGOs in reforming the trans law. Also in November, the Minister in charge of equality, Paavo Arhinmäki from the Left Alliance, and Minister for Foreign Affairs Erkki Tuomioja from the Social Democratic Party were both quoted as saying that the sterilisation requirement of the trans law should be abolished.

Participation in public/political life

- In February, the first openly gay presidential candidate, Pekka Haavisto from the Green Party, came second in the race for the presidency. Prior to Election Day, the suitability of a gay President and tolerance were widely discussed in the media.

Public opinion

- According to Eurobarometer 2012, 50% of Finns believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 51% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). Finns scored 5.2 on a scale from 1 (‘totally uncomfortable’) to 10 (‘totally comfortable’) when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Finns scored 3.9 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Sexual and reproductive rights

- In December, the National Institute for Health and Welfare (THL) asked Seta to provide feedback on the

government's current action plan for sexual and reproductive health and rights as a new plan will be drafted in 2013. Seta suggested that diversity of sexual orientation and gender be mainstreamed in the new programme.

Social security and social protection

- In December, a law reform was approved under which the length of paternal leave was extended to 54 days. The right to paternal leave also applies to families in which a second parent adoption has been completed.

Member organisations of ILGA-Europe

Helsingin seudun Seta ry
www.heseta.fi

Oulun SETA ry
www.oulunseta.fi

Pirkanmaan SETA ry
www.treseta.fi

Rainbow Families Finland (Sateenkaariperheet)
www.sateenkaariperheet.fi

Seta - LGBTI Rights in Finland
www.seta.fi

Trasek ry
www.trasek.net

Turun seudun Seta ry
www.tuset.fi



France



Developments in France were greatly linked to the Presidential and Parliamentary elections. Following electoral promises to introduce marriage equality and other measures to ensure greater LGBT equality, the new French government promptly introduced a number of positive measures including: (i) the adoption of an *Action Programme against Violence and Discrimination Based on Sexual Orientation and Gender Identity*, and (ii) the tabling of a bill on marriage and adoption equality. In reaction to this legislative proposal, a coalition of opponents held massive demonstrations.

Bias motivated violence

- In May, SOS Homophobie published its *Annual Report* on hate related incidents during 2011. The report documented 1,397 incidents and encompassed cases of hate crime, hate speech as well as discrimination against LGBT people. This is the highest figure since SOS *Homophobie* started collecting testimonies. Among those incidents reported, there were 185 physical assaults, 19 sexual assaults, and 277 cases of harassment.

Employment

- In January, the Defender of Rights, the French equality body, and the French office of the International Labour Organisation (ILO) published their *5th Barometer* on the perception of discrimination in the workplace. According to this survey, the disclosure of an employee's sexual orientation or gender identity remains a potential source of tension at work. As a result, 42% of respondents in the business sector said they wouldn't feel comfortable enough to react if they were the victims of or the witnesses to discrimination. On a more positive note, the survey also showed an increasing awareness of the importance of tackling discrimination on the grounds of sexual orientation and gender identity.

Equality and non-discrimination

- In July, the Parliament adopted a law on combating sexual harassment, in which an amendment was introduced to add 'sexual identity' to the discrimination grounds prohibited in French legislation. A few days later, the government issued an instruction, clarifying that 'sexual identity' was meant to apply in cases of all "transsexual and transgender people". However, LGBT organisations criticised the fact that the law uses the restrictive term of 'sexual identity' rather than the more accurate ground of gender identity. The same law also complemented French hate crime legislation.
- In October, the government adopted an *Action Programme against Violence and Discrimination Based on Sexual Orientation and Gender Identity*. The Programme includes four main priorities: combating homophobic and transphobic violence, the development of inclusive

dedicated programmes and curricula in the education system, initiatives to tackle discrimination, and governmental action at European and international levels to promote the rights of LGBT people.

- In November and December, LGBT organisations took part in hearings organised by the National Assembly's Laws Committee in the framework of the examination of the governmental bill on equal access to marriage and adoption.

Family

- In February, President Nicolas Sarkozy made it clear that he would oppose marriage and adoption equality legislation were he to be re-elected in May. This provided clarity for the election as all the other main candidates had announced their positions in 2011. While the far-right candidate Marine Le Pen had confirmed her hostility to further recognition of LGBT families, the main centrist and left-wing candidates agreed that same-sex couples should be granted equal rights, including parental recognition.
- In March, the European Court of Human Rights (ECtHR) delivered its decision in the *Gas et Dubois v. France* case (Application N° 25951/07). This decision upheld pre-existing case-law on second parent adoption from French Courts; in France second parent adoption is only allowed for married couple but not PACSed or cohabiting couples irrespective of sexual orientation. The absence of the possibility for a same-sex PACSed couple to adopt was not deemed discriminatory. However, the ECtHR also confirmed that the resolution of such cases lay within the remit of the national government and parliament, which have the capacity to modify their legislation.
- In June, Pride was celebrated in Paris a few days after the completion of the presidential and legislative electoral processes. The Pride Parade motto, *2012 Equality cannot wait any more*, was meant to be an acknowledgement of the commitments made by the new political majority, and as encouragement to the new government to take action as soon as possible. Pride Parades were also celebrated in many other cities from May to July, under similar mottoes.
- In November, the government published a bill on marriage and adoption equality. The bill was sent to the

Parliament for discussion. The vote on the bill was scheduled to take place in 2013. The proposed legislation, which was debated at length at parliamentary hearings and in the media, was criticised by LGBT organisations because it included neither access to medically assisted procreation for lesbian couples nor the recognition of filiation between second-parents and their children without marriage and adoption procedures, while the government's intentions remained unclear about the possible inclusion of such provisions in a separate legislative initiative. A few days after the publication of the bills, a coalition of opponents led by conservative, right-wing and religious organisations held massive demonstrations against the proposed legislation.

- In December, equally massive demonstrations took place to support and improve the government's proposal. The implication of the Catholic Church as a leader in the mobilisation against marriage equality became obvious when the General Secretariat of the Catholic Education System sent an instructions to the directors of their 8,300 primary and secondary school to promote "initiatives [...] as regards the public authorities' choices" on marriage equality, also stating that the Catholic Education System opposed this choice. These instructions violated the legally recognised principle of neutrality in the French public and private education systems.

Foreign policy

- In September, in his speech at the UN's General Assembly, the President Hollande mentioned the universal decriminalisation of homosexuality as one of the priorities of France in the area of human rights and fundamental freedoms, stating that sexual orientation "cannot be considered a crime, but should be recognised as an orientation".

Health

- In December, the Minister of Health announced that the ban on blood donation from gay men "could not be lifted", despite earlier announcements on a possible

change in policy. The Minister justified her decision by stating that "not all the conditions were yet met" to lift the ban, recognising at the same time that the current policies include "an element of discrimination" which she didn't "find normal".

Human rights defenders

- Consultative Commission on Human Rights (CNCDH). The Commission is a national human rights institution according to the Paris Principles, as such it is the consultative body advising the government in all areas relating to human rights and fundamental freedoms.

Legal gender recognition

- In June, the Court of Cassation delivered a decision in the case of *S v. France* (Decision N° 757, reference 10-26.947). The Court confirmed that tribunals could force a trans claimant to obtain three expert opinions on the effectiveness of irreversible medical reassignment as a condition for the legal recognition of gender change and the delivery of modified identity documents. The leading LGBT organisations, considering that the decision reinforces the *de facto* sterilisation requirement, urged the government and the parliament to propose legislative change.
- In October, the Existrans, a March dedicated to trans rights, was organised in Paris. Its chosen motto was, *ID papers if and when I want*. This demonstration was an additional opportunity for the LGBT movement to call on the government to deliver legislative change.

Participation in public/political life

- In February, the three main LGBT coalitions (Inter-LGBT, Fédération LGBT and Coordination InterPride France) launched an *Equality 2012 Campaign* to coordinate their efforts in the preparation of the presidential and legislative elections that were held in spring. The highlight of the campaign was the *LGBT Meeting for Equality* organised in Paris in March. The main presidential candidates were represented by their spokespersons, with the exception of extreme-right candidates who were not invited. The spokespersons confirmed their candidates'

commitments and publicly gave more details on their plans as regards the rights of LGBT people. The representative of candidate François Hollande, who was subsequently elected President in May, confirmed his position in favour of marriage equality, the right to adoption and the possibility for lesbian women to access fertility treatments. In addition, he announced that new legislation would be proposed to facilitate gender recognition of trans people. So far, France has no legislation regarding gender recognition, and case-law varies from one jurisdiction to another. Generally, sterilisation is required by the different courts. Other announcements on behalf of François Hollande included the organisation of consistent campaigns to address homophobia and transphobia in the education system, and the inclusion of gender identity in the list of grounds of discrimination prohibited by French legislation and in the bias motivations considered as aggravating circumstances in the Criminal Code.

Public opinion

- According to Eurobarometer 2012, 61% of the French believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 53% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). The French scored 7.3 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). The French scored 5.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Actions Concrettes Conciliant Education Prevention Travail Equite Sante et Sport pour les Transgenres – ACCEPTESS-T

ADFH – Association des Familles Homoparentales
www.adfh.net

An Nou Allé!
www.annoualle.france.qrd.org

Arc-en-ciel Toulouse
www.aectoulouse.com

ARDHIS
www.ardhis.org

Association de Lutte Internationales pour L'Identité des Femmes Transgenres Travestis transsexuelles et Sida

Association des Parents et Futurs Parents Gays et Lesbiens
www.apgl.fr

Association Gayttitude Psychologie
www.gayttitude-psychologie.org

Association nationale transgenre -Trans Aide

Association PsyGay
www.psygay.com

Association The Warning
www.thewarning.info

CARITIG

CENTR'ÉGAUX – Association des Centristes et Democratres Lesbiennes Gays Bi Trans et GayFriendly
www.centregaux.org

Centre LGBT Paris et Île-de-France
www.centrelgbtparis.org

Chéries-Chéris – Festival du Films Gay, Lesbiens, Trans et ++++ de Paris
www.cheries-cheris.com

Comité pour la reconnaissance sociale des homosexuel/les CRSH France

Contact Paris/Ile-de-France
www.asso-contact.org

Coordination Lesbienne en France
www.coordinationlesbienne.org

CQFD Fierté Lesbienne

David & Jonathan
www.davidetjonathan.com

Europe Ecologie – Les Verts
www.eelv.fr

Fédération Française des Centres LGBT
www.inter-centres-lgbt.france.qrd.org

Gaipar

GayLib
www.gaylib.org

Homosexualité et Socialisme
www.hes-france.org

Homosexuels Musulmans 2 France
www.homosexuels-musulmans.org

Inter-LGBT
www.inter-lgbt.org

L'Autre Cercle
www.autrecercle.org

L'Egide
www.legide.org

Rainbow Banquass
www.rainbowbanquass.fr

Réseau d'assistance aux victimes d'agression et de discriminations – RAVAD
www.ravad.org

RHIF et Les Juristes Gais
www.juristesgaisfr.org

SOS Homophobie
www.sos-homophobie.org

Universités d'Été Euroméditerranéennes des Homosexualités
www.ueeh.net



Georgia



The LGBTI community remains subjected to great social opposition and resistance. One shocking example was the call for the criminalisation of homosexuality and ending 'homosexual propaganda' by the director of a human rights NGO. LGBTI human rights defenders received threats of physical violence. The first Pride Parade was organised and was violently disrupted by religious counter-demonstrators. On a positive note, following recommendations of the European Commission against Racism and Intolerance, the *Criminal Law* was amended to include homophobic or transphobic motivation as aggravating factors in sentencing perpetrators of crimes.

Bias motivated speech

- In March, Nana Kakabadze, the Director of Former Political Prisoners for Human Rights, a human rights NGO, stated in an interview that she supported the restoration of Article 121 of the *Criminal Code* of the Soviet Union which provided punishment for homosexuality. “It’s also a crime,” she said, “when you are engaging in [homosexual] propaganda and giving a gay an opportunity to speak out about unhealthy sexual orientation.”

- In May, ahead of the organisation of a celebration Pride march around the *International Day against Homophobia and Transphobia* (IDAHO), a number of threats, including threats of physical violence, were reported by Identoba, one of the organising NGOs. In particular, Identoba had to abandon its office in Tbilisi following threats from neighbours. New anti-gay Facebook groups also emerged, including one in which members debated the best way to kill gay people.

- In August, a pre-election advertisement was made public on social networks by political party Free Georgia. The advertisement included various nationalistic and homophobic statements, such as “We will nationalise forests and pastures captured by foreigners; Return lands to the Georgian peasant; change English inscriptions and Turkish flags with Georgian ones; stop building Azizie’s complex (mosque) in Batumi; impose a ban on the propaganda of homosexuality and religious sects.” The advertisement also included pictures of the demonstration organised by LGBTI activists in May. As a result, six human rights NGOs, including WISG and Identoba, called on the Chairperson of the Central Election Commission to take legal action against those responsible for the advertisement. The Commission subsequently sent the case to the Tbilisi City Court, which imposed a fine on the party for having used xenophobic appeals, in breach of the election code of Georgia.

- In June, the online information website www.argumenti.ge reported the setting-up of a Facebook group called ‘The Brigade Fighting against Pederasts’. On the group’s webpage, a video produced by a Russian skinhead group was published, showing members of sexual minorities being beaten up, and

openly inciting the murder of gays and lesbians, who were also called “mistakes of nature”. The group also allowed discussion on how LGBT people should be tortured and killed. Identoba referred this webpage to the Chief Prosecutor of Georgia. Other similar webpages inciting hatred and violence were also discovered.

Bias motivated violence

- In March, an amendment to Article 53 of the *Criminal Code* was adopted to tackle intolerance on the grounds of sexual orientation and gender identity. Homophobic or transphobic motivation is now considered an aggravating factor in sentencing perpetrators of crimes. This legislative change was adopted as a response to the recommendations from the European Commission against Racism and Intolerance. However, the government did not take measures to ensure effective implementation of these provisions, such as training the relevant police officers or actions to build confidence between law enforcement forces and the LGBT community, in order to allow victims to feel confident enough to report incidents.

- ILGA-Europe collected information on seven hate crimes perpetrated during the year. These crimes included various types of attacks, including rape, and various types of physical violence threats, including death threats. Some of the attacks targeted the organisers and participants of the IDAHO demonstration that took place in May. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Data Collection

- In November, the NGO Women’s Initiatives Supporting Group published a report on the Situation of LGBT persons in Georgia. The report provides an overview of existing legislation in the area of discrimination, as well as a description of the stigmatisation processes LGBT people fall victim to in the country. Active stigmatisation by politicians, in the media, within families or within the health system is specifically documented for each part of the LGBT community. The report also includes the results of research based on 150 interviews with Georgian LGBT

people, which indicates that 78% of LGBT people think that society's attitude towards them is intolerant. In addition, the research revealed that 32% of the respondents had experienced physical violence at least once, and that 90% had experienced psychological violence. Three out of four victims of physical violence said they chose not to report the incidents to the police.

Equality and non-discrimination

- In April, the NGO Women's Initiatives Supporting Group published an extended version of a shadow report prepared for the CEDAW Committee, depicting the situation of LBT women in the country. This report specifically documents human rights violations of LBT women and makes use of interviews and focus groups organised within the community. It also provides the CEDAW Committee and the government of Georgia with legislative and policy recommendations.
- In November, the NGO Women's Initiatives Supporting Group published an extended version of monitoring results concerning the implementation of the *Council of Europe's Committee of Ministers Recommendation CM/Rec(2010)5* in Georgia. The report assesses the progress made by the Georgian authorities in implementing the Recommendation, and highlights the areas where further action is needed. The report also includes concrete recommendations towards improving the situation of LGBT persons in Georgia.

Freedom of assembly

- In May, LGBTI activists organised a Pride Parade in Tbilisi to celebrate IDAHO. This event was the first Pride Parade ever organised in the country, and government representatives pledged to protect such events in the future. However, the march was violently disrupted by Orthodox Christian counter-demonstrators, leading to an intervention by the police. Some LGBTI activists and counter-demonstrators were detained. The following day, several dozen LGBTI activists and their supporters gathered outside the Parliament to protest against the violence that had taken place. This rally, despite hostile reactions from passers-by, took place without major incident.

Freedom of expression

- In May, the leader of the Christian-Democratic Movement presented a proposal for constitutional reform to Parliament. This proposal, which the party justified as for the protection of society's moral interests, would prohibit "propaganda of homosexuality and indecency", and its promoters explicitly targeted events such as the IDAHO celebration. The Office of the Public Defender, some Members of Parliament, as well as Human Rights and LGBTI NGOs criticised the proposal as discriminatory and breaching freedom of assembly and expression.

Health

- In June, the Centre for Information and Counselling on Reproductive Health, Tanadgoma, conducted different studies among men who have sex with men (MSM), including a study on HIV infection and related stigma and discrimination MSM, and transgender people, in Georgia, as well as a research report on "needs assessment for MSM-friendly healthcare services in Georgia". The reports indicated that 37% of the respondents thought that medical personnel didn't have enough knowledge to carry out counselling with MSM patients. They also showed that only 9.9% of MSM patients correctly assessed the risks of HIV infection, and revealed that qualitative research should be undertaken to assess transgender persons' needs in terms of HIV prevention, treatment and care.
- In May, three NGOs signed an agreement on the establishment of the South Caucasus Network of MSM/TG Organisations, which will work on HIV/AIDS prevention among MSM and trans communities in the region. The Georgian member of this network is the Centre for Information and Counselling on Reproductive Health – Tanadgoma. NGOs from Azerbaijan and Armenia also joined this partnership, which will allow them to develop counselling activities, capacity building of specialists and advocacy in the area of healthcare policies.

Police and law enforcement

- In October, the LGBTI NGOs Identoba and WISG were invited to join a group of 50 civil society representatives in charge of monitoring Georgian prisons. This initiative

came from the former Ministry of Corrections and Legal Assistance. The monitoring group was allowed to visit all penal establishments without limitation on time or frequency over a period of four months. Identoba stated that its participation was an opportunity to provide adequate responses and action where violations of the rights of LGBTI people are discovered in Georgian prisons. In November, the working group members were invited by the new Ministry to continue working on establishing an alternative mechanism of monitoring.

Public opinion

- In June, the Caucasus Resource Research Centre (CRRC), conducted a nationwide poll in Georgia for the US based non-profit think tank National Democratic Institute (NDI). The NDI and CRRC conducted 6229 face-to-face interviews over the most recent and fourth phase of this study. The survey conducted by NDI involved a question about support to the Christian-Democratic Movement's proposition for a constitutional amendment banning same-sex marriage in Georgia; 89% of those interviewed supported the amendment, while only 6% refused to support it and 4% did not know what to answer.
- In July, a study, published by the Institute for Policy Studies, on the moral values of the different generations revealed that: "although low percentages appear for all groups on the questions of [whether homosexual persons have] the right to live as they like, more youths share that view": the proportion of respondents giving a positive answer reached 14.4% in the first age group (18-24), 8.1% in the second age group (40-50) and 7.2% in the third age group (60-70). The survey also showed that in answering the question on the desirability of having representatives of certain groups as neighbours, homosexual persons were named as the least desirable, followed by drug addicts and persons with mental problems. Intolerance towards all the listed groups, except persons with mental problems, increases with age".

Sexual and reproductive rights

- In June, new amendments were proposed to the *Law of Georgia on Health Care* (N07-3/639; 08.06.12), which

would restrict access to surrogacy techniques to childless infertile couples living in a validly celebrated marriage. Until now, other couples, including unmarried couples, could also access surrogacy, and this service is used, among others, by foreign same-sex couples.

Member organisations of ILGA-Europe

Identoba
www.identoba.org

Inclusive Foundation
www.inclusive-foundation.org

LGBT Georgia
www.lgbt.ge

Women's Initiatives Supporting Group
www.women.ge



Germany



Germany maintained its *status quo* regarding LGBTI equality and no further substantial legal and policy changes were made. On the contrary, a number of negative court rulings and public statements by political leaders demonstrated that achieving equality in practice remains a challenge. Significantly, the German Ethics Council published its opinion on the situation of intersex people calling for better acknowledgement of intersex people and the need for protection from medical decisions taken on their behalf at an early age and other forms of discrimination.

Asylum

- In June, a lesbian woman from Iran who had applied for refugee status in Germany was ordered by Bayreuth Administrative Court to return to Iran and live 'discreetly', hiding her sexual orientation. In Iran, same-sex sexual conduct is criminalised and if convicted LGB people risk being condemned to death. She appealed the decision and was eventually granted a residence permit for one year.

Bias motivated speech

- In August, a senior member of the Christian Democrats (CDU), Katherina Reiche, stated that the rise of same-sex unions was "next to the Euro crisis [as] the biggest threat to German prosperity." According to her, the future of the country "lies in the hands of families, not in same-sex partnerships." Her comments coincided with a debate within government about the legal status of same-sex partnerships.
- In October, www.kreuz.net, a website that portrayed itself as a Catholic news website commented on the death of the popular gay actor Dirk Bash with the sentence: "Now, he'll burn in eternal homo hell". The website regularly portrayed LGB people as "homo-criminals", "homo-disturbed" or "homo-terrorists". Following the campaign *Together against* www.kreuz.net, the website ceased its activities and the Catholic priests that were active on the website were forced to apologise.

Diversity

- In November, The Diverse Living Space (Lebensort Vielfalt) opened its doors, in Berlin, thanks to Berlin's Gay and Lesbian Advisory Service. It hosts LGBT people of all ages but is primarily dedicated to the elderly. The house has mainly been sponsored by the private sector.
- In December, the Government of the City of Berlin organised a one-day event focused on the situation of trans children and adolescents. It was aimed at recognising that young people can feel that their gender identity does not match the sex attributed to them at birth and was also intended as an informative and empowering event.

Employment

- In June, in violation of EU Directive 2000/78/EC prohibiting discrimination on the ground of sexual orientation in the area of employment, the Administrative Court in Augsburg authorised a kindergarten managed by a Catholic parish church foundation to dismiss an employee who had come out as a lesbian. The employer had also dismissed her in spite of the fact that she had recently given birth. However, the Court confirmed that the employee could not be fired before the end of her maternity leave. In October, the local Labour Court proposed a compromise to both parties and the employer agreed to pay the employee a high level of compensation.
- In September, Angela Merkel, Germany's Chancellor, stated that German gay footballers should have no fear of disclosing their sexual orientation "I am of the opinion that anyone who sums up the strength and bravery – and we have a long tradition of this behind us in politics – should know that they live in a land where they have nothing to fear". She continued: "The fact that there are still fears for some people for their own situation means we need to send out a clear message: you must not be afraid."

Equality and non-discrimination

- In February, the German Ethics Council presented its opinion, commissioned by the Federal Government, on the situation of intersex people. The Council stated that intersex people should be better acknowledged, and be protected from medical decisions taken on their behalf at an early age, as well as from discrimination in society. Nonetheless, the Council was criticised due to its lack of clarity regarding CAH intersex people. IVIM/OII-Germany stated that, "[u]nfortunately the paper is a severe backlash when it comes to ensure the right of bodily integrity and self-determination of intersex infants, children and teenagers. Though the Ethics Council first admits that "all medical treatments have a more or less severe impact on the core area of a person's identity and corporal integrity" the paper then abstains from warning against medical intervention for intersex people with so-called CAH (Deutscher Ethikrat 2012, 33) – this group being one most

often subjected to surgical alteration in infancy and childhood.”

- In July, the Parliament of Lower Saxony welcomed the position of the German Ethics Council and committed to examining more closely how it would apply to German Federal Lands.

Family

- In August, the Federal Constitutional Court in Karlsruhe ruled that same-sex couples in registered civil partnerships must be treated the same as married different-sex couples with regard to land transfer tax. The legislation had already been amended in 2010 but the amendment did not provide for retroactive application. The new court decision states that the law should be applied retroactively to benefit same-sex couples in cases prior to 2010.
- In December, Chancellor Merkel spoke out against equality between same-sex partnerships and marriage in the area of taxes, linking the privilege of marriage to the constitutionally guaranteed protection of families. “Me personally, I would like to maintain the privilege of married couples when it comes to splitting income taxation because our basic law (constitution) links marriage in a direct context with family and the basic law puts both (marriage and family) under the special protection of state order (public law).”
- In December, the Constitutional Court held a hearing on the ban on adoption within a registered partnership. Two same-sex couples had filed a constitutional complaint to challenge the existing legislation that forbids them from adopting children. In a registered civil union, the same-sex partner may adopt the other’s biological child, but not a child that his or her partner has adopted. The Court is expected to rule on these cases at the beginning of 2013.

Foreign policy

- In November, the Federal Minister of Economic Cooperation and Development, Dirk Niebel, declared that the preparation process for financial support to Uganda for the period 2013-2015 had been frozen. This decision is

partly due to the draft bill penalising and criminalising homosexuality that appeared on Uganda’s Parliament Order Paper on 21 November.

Health

- In January, the Youth Welfare Office in Berlin decided to send an 11-year-old trans girl to a mental institution to receive treatment for ‘gender dysphoria’. The girl’s mother supported her gender expression whereas her father strongly rejected it and wanted to force her to live as a boy. The girl is claiming she would rather die than go through puberty-related changes of her body. The Youth Welfare Office, contacted by the father, said that the correct response to the suicide threats was for this girl to be committed to a mental institution. The case has been referred to the Supreme Court of Germany.
- In September, the Court of Social Affairs of Kassel ruled that a trans woman who could not develop a ‘satisfactory’ chest (bra cup A) following hormonal treatment was entitled to breast surgery covered by her health insurance company.

Public opinion

- According to Eurobarometer 2012, 36% of Germans believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 37% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Germans scored 6.4 on a scale from 1 (‘totally uncomfortable’) to 10 (‘totally comfortable’) when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Germans scored 5.3 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

AG Lesben und Schwule in der Berliner SPD (Schwusos)
www.schwusos-berlin.de

Akademie Waldschloesschen
www.waldschloesschen.org

Aktionsbündnis gegen Homophobie e.V.
www.aktionsbueundnis.org

BAG Die Linke.queer
www.die-linke.de/partei/zusammenschluesse/bagdielinkequeer

BiNe German Bisexual Network
www.bine.net

Bundesarbeitskreis Lesben, Schwule, Bisexuelle und Transgender in ver.di
www.regenbogen.verdi.de

Bündnis 90/Die Grünen Landesverband Berlin
www.gruene-berlin.de

Fliederlich e.V.
www.fliederlich.de

Homosexuelle und Kirche Germany
www.huk.org

Initiative Queer Nations e.V.
www.queer-nations.de

International Support Group for Information Transfer and Networking

IVIM/OII-Germany
www.intersexualite.de

Lesben und Schwule in der Union
www.lsu-online.de

Lesbenring e.V.
www.lesbenring.de

Lesbian and Gay Federation in Germany LSVD
www.lsvd.de

LGBTI-WCI – Website Certification Institute
www.lgbti.de

LUSK UNI-Köln

Mann-O-Meter e.V.
www.mann-o-meter.de

Municipal Working Group Tolerantly Brandenburg – KATTE
www.katte.eu

Referat für Lesben Schwule Bi & Transsexuelle der ASTA TU

RollenWechsel
www.rollenwechsel.net

Schwulenreferat der Carl von Ossietzky Universität
www.schwulenreferat.uni-oldenburg.de

Sonntags-Club e.V.
www.sonntags-club.de

Spinnboden Lesbenarchiv & Bibliothek e.V.
www.spinnboden.de

TransInterQueer e.V.
www.transinterqueer.org

Völklinger Kreis e.V.
www.vk-online.de



Greece



A wave of violence has left a negative mark on the year. In the wake of the economic crisis which is used as a platform by extremist groups to target several minority groups in Greece, a number of LGBTI activists and supporters have been victims of violence and threats from extremists and supporters of the neo-Nazi Golden Dawn party.

Bias motivated violence

- In October, the Gay and Lesbian Community of Greece (OLKE) recorded six homophobic attacks perpetrated by extreme-right groups and which were reported to the police. Peter Sapountzakis, one of the victims, is an LGBT activist working in the area of homophobia and education. It is reported that the number of homophobic attacks is on the rise due to the increasing social presence of far-right groups, including Golden Dawn, which results in a higher level of hate violence.
- In November, 12 men physically assaulted a group of volunteers distributing anti-homophobic flyers in Athens. The victims were chased in the street. The Racist Violence Recording Network, an initiative of the National Commission for Human Rights, the Office of the UN High Commissioner for Refugees in Greece, and 18 NGOs, claimed that far-right groups such as the Golden Dawn party are spreading hatred against the LGBTI community.

Equality and non-discrimination

- In December, the Greek Transgender Support Association (GTSA) reported a case of transphobic harassment and discrimination. The victim, a 25-year-old trans woman, faced problems when trying to register as a student, and was then told not to come to the school but to sit the exams. GTSA reported that the school's director also tried to intimidate her by using derogatory language and threats of physical violence. The victim was also subsequently harassed by other students.

Freedom of assembly

- In June, the first Thessaloniki Pride took place in the country's second largest city. However, the Pride Parade was not without incident, as some counter-demonstrators threw eggs and shouted hostile slogans at Parade participants.

Freedom of expression

- In October, the Greek State television NET decided to censor the scene of a kiss between men from the TV drama *Downton Abbey*, which was broadcast by the

channel. The decision was described as "an extreme act of homophobia and discrimination" by LGBTI activists, while the managing director of the Hellenic Broadcasting Corporation said the decision was only due to "parental guidance warnings."

- In November, the Greek law on blasphemy was used to charge Laertis Vasiliou, the director of *Corpus Christi*, a play portraying Jesus Christ as a gay man. The lawsuit for "insulting religion" and "malicious blasphemy" had been lodged by an Orthodox bishop. A few days earlier, Vasiliou had already chosen to close his production, after it had been subject to protest, in particular from the neo-Nazi Golden Dawn party, which participated in violent demonstrations around the theatre, beating up audience members and journalists. Mr Vasiliou and his family also repeatedly received homophobic and racist threats, including through messages to her mobile and home phones. The following is a quote from one of the threats received: "You fucking Albanian, come out and we will bury you alive. We will take your head off. We will cut you in pieces."

Police and law enforcement

- In August, GTSA reported that the police had detained 25 trans women at the central police station of Athens, without sufficient explanation as to the reason for their detention. The 25 women were forced to undergo HIV tests. According to GTSA, the incident was also representative of problems relating to the protection of personal health data, since the Hellenic Data Protection Authority considered that the publication of the identities of HIV-positive people was not to be considered as a violation of personal data.

Public opinion

- According to Eurobarometer 2012, 65% of Greeks believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 64% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). Greeks scored 4.5 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would

feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Greeks scored 3.7 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Co-operation Against Homophobia

Lesb.Equal – Lesbians for Equality
www.lesbianbimafia.blogspot.com

OLKE (Gay and Lesbian Community of Greece)
www.olke.org



Hungary



There were a number of hostile developments in Hungary during the year. A controversial new Constitution came into force, which omits sexual orientation from the list of prohibited grounds of discrimination, while it restrictively defines marriage exclusively as a union between man and a woman. A number of other regressive legislative proposals were also made to ban 'homosexual propaganda', to introduce new crime of 'propagation of disorders of sexual behaviour' and to limit freedom of assembly and expression; fortunately, these proposals were defeated in Parliament. Positively, explicit reference to sexual orientation and gender identity was included in the Hungarian legislation on hate speech and hate crime.

Bias motivated speech

- In June, the Parliament adopted the new *Criminal Code*, which specifically includes references to sexual orientation and gender identity in its provisions on hate speech and hate crime. This means that while homophobic and transphobic hate were already implicitly punishable under earlier legislation under “against certain group of the population” the new law has made such provisions explicit.

Bias motivated violence

(see above)

- ILGA-Europe collected information on seven hate crimes perpetrated during the year. These crimes included various types physically violent attacks, as well as some threats and instigation to organised violence. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Education

- A new *National Basic Curriculum* and related *Framework Curricula*, for various types of schools, were adopted in Hungary during the year. The Hungarian LGBT Alliance submitted opinions calling for the explicit inclusion of LGBT content, but this was rejected. The 6036 page *Framework Curricula* does not contain a single reference to LGBT issues, let alone promoting acceptance and equality towards LGBT people.

Employment

- In February, Members of the European Parliament LGBT Intergroup asked the European Commission (EC) to assess whether Hungary’s new law on religion was in conformity with the *Employment Framework Directive* (Directive 2000/78/EC). According to the new Hungarian law, since churches (including religious schools) are ‘ideologically committed’, they are allowed to determine who they employ “[as] necessary to preserve their specific identity”. The European Parliamentarians found the wording vague, as it could imply that some schools will be able to discriminate against current and prospective

employees on the ground of their sexual orientation. In April, the EC confirmed that the EU law does not allow wide exceptions to anti-discrimination. EU Commissioner for Justice, Fundamental Rights and Citizenship concluded that the EC will contact the Hungarian authorities to examine whether Hungarian law is in conformity with EU law.

- In September, a Hungarian court, the Kúria, ruled that an employee had lost his job as a result of unlawful discrimination because of his sexual orientation, the first such ruling in Hungary. The court found that the two-year contract demanded by the plaintiff’s employer in 2005 was illegal, as public servants could only have open-ended contracts. The head of the school arbitrarily amended the contract in 2006, and then terminated the employment. The plaintiff said he will turn to the Constitutional Court and the European Court of Human Rights in Strasbourg, with a view to obtaining financial compensation, as the Kúria referred his demands for compensation to the same Pest County Court that had earlier ruled against him.

Equality and non-discrimination

- In January, the *new Constitution* entered into force. Unlike the *EU Charter of Fundamental Rights*, which was often cited as a model, it does not specifically list sexual orientation as a ground in the prohibition of discrimination clause, and thus sexual orientation and gender identity are only implicitly covered under ‘other status’.

- In June, the EuroGames took place in Budapest. The event was opened by Ulrike Lunacek and Kinga Göncz, both Members of the European Parliament LGBT Intergroup. Over 2000 people from 34 countries took part in the event. Extreme right-wing opposition party Jobbik, and the youth group of the junior coalition member in the national government, called on publicly owned venues to cancel their contracts with the organisers. The Mayor of Budapest István Tarlós distanced himself from the event “and this way of life” in an open letter to the Mayor of Berlin. No public officials condemned these discriminatory comments.

- The *Criminal Code* reformed the terminology of sexual offences: while the previous legislation was based on a

strong separation between vaginal intercourse and any other form of sexual activity, the new legislation does not differentiate between forms of sexual activity.

Family

- In January, the new *Constitution* entered into force. Among other things, it restricts the definition of marriage to a union between a man and a woman. Additionally, the new *Family Protection Act* came into force defining the family unit as heterosexual and stating that preparing for family life should be part of the school curriculum.
- In June, the Hungarian Ombudsman for Fundamental Rights, Máté Szabó, submitted a petition to the Constitutional Court stating that the Family Protection Act is unconstitutional and discriminatory on the grounds of sexual orientation. In December, the Court refused the claim of discrimination based on sexual orientation, but still abolished the relevant provision arguing that it excludes a large number of living arrangements that come under the broader sociological concept of family.
- The new *Civil Code* was debated in autumn. The Code covers a wide range of issues and is intended to incorporate the former *Family Code* as the *Book on Family Law*. In the original version of the bill submitted to Parliament by the Government this section of the *Code* would have integrated legislation on registered partners, and extended the rights of cohabiting couples (including same-sex cohabiting couples). However, the junior coalition party, the Christian Democrats, proposed to remove references to registered partnership (although they would keep the current legislation, but not as part of the *Civil Code*), and limit the extension of the rights of cohabiting couples to those having a common child. The governing parties claimed that same-sex couples are not 'family', and thus should not be mentioned in the *Book on Family Law*. Both amendments were adopted, the final vote on the bill is expected early in 2013.

Freedom of assembly

- In April, the Budapest Police Headquarters denied a permit for the holding of the Budapest Pride Parade. The ban was challenged by the organisers, with support from

the Hungarian Civil Liberties Union (TASZ), in the Budapest Metropolitan Court, which overturned the decision. The court ruled that the march could be held on the specified route and the police had no legal foundation upon which to ban it. The European Parliament LGBT Intergroup took a stand on the matter condemning the attempts to limit freedom of assembly, and expressed concern about the antagonism among the Hungarian authorities towards LGBTI people. The police decision was equally condemned by Amnesty International and Human Rights Watch.

- In July, the Pride Parade was held under heavy security and without incident. The participants were addressed by MEPs prior to setting off and the US Ambassador was in attendance. The organisers stated that with around 3000 participants, this was the biggest Budapest Pride Parade ever.

Freedom of expression

- In April, the nationalistic party Jobbik proposed a ban on 'homosexual propaganda'. Two bills proposed amendments to the Constitution's provisions on freedom of assembly and freedom of expression. A third bill included proposed amendments to the law on advertising and media law and an amendment to the Criminal Code to introduce a new crime of 'Propagation of disorders of sexual behaviour' punishable with imprisonment of up to three years, and in certain cases up to eight years. The proposals were condemned by the LGBT Intergroup. In May, the Parliamentary Committee on Constitutional and Legal Affairs did not support the inclusion of the proposals on the Parliament's agenda.
- In April, Jobbik also initiated similar action at the local level. It submitted a proposal to the General Assembly of Budapest to make "the portrayal of same-sex sexual relations as socially acceptable, normal sexual behaviour with the aim of propagating it for a large audience" punishable with a fine of up to 150,000 HUF (circa € 500). The proposal was debated at the meeting of the General Assembly in April and was voted down. However, councillors of the governing party, FIDESZ, submitted a proposal on the floor of the General Assembly that would have refused granting public space permits to activities

that “harm the environment, pose a health or public security risk, and marches that are obscene or cause public indignation”. It was later withdrawn.

- In May, a FIDESZ councillor proposed an amendment to a draft local ordinance to sanction anti-social behaviour in the local assembly of District 18 of Budapest. The proposal would have banned “anti-social events that aim at portraying sexual deviance”. The proposal was supported unanimously by the Committee on Organisational, Procedural and Coordination Matters, but was later rejected by the assembly following the legal counter-arguments of the notary. Jobbik also made proposals for amendments to local ordinances in Békéscsaba, Pécs and Érpatlak.

Human rights defenders

- In June, the US Ambassador presented an Active Citizenship award to the Háttér Support Society for Gays and Lesbians in Hungary in recognition of their anti-discrimination efforts. The Ambassador said at the awards ceremony that President Barack Obama had declared June Lesbian, Gay, Bisexual, and Transgender Pride Month. She added that the Active Citizenship award was granted to the organisation because it had done much for the community.

Public opinion

- There was a large scale, European public opinion poll study published by Hungarian scholars in the journal *Equality, Diversity and Inclusion: An International Journal* on how partnership legislation contributes to social acceptance of LGBT people. The study provides hard evidence that progressive legislation influences people’s attitudes, thus refuting the argument that public support has to precede adoption of legal reforms in the field of LGBT rights.
- According to Eurobarometer 2012, 42% of Hungarians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 34% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Hungarians scored 4.2 on a scale from 1 (‘totally uncomfortable’) to 10

(‘totally comfortable’) when asked how comfortable they would feel with an LGBT individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Hungarians scored 3.8 on a similar scale when asked about transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Habeas Corpus Working Group

Háttér Support Society for LGBT People in Hungary
www.hatter.hu

Hungarian LGBT Alliance
www.lmbtszovetseg.hu

Transvanilla Transgender Association
www.transvanilla.hu



Iceland



The main development was an adoption of a comprehensive gender recognition law which was supplemented by a number of proposals to extend protection from discrimination in access to goods and services and in relation to bias motivated speech and crime against trans people. The Icelandic Parliament also adopted a controversial resolution on surrogacy and calls for the Ministry of Welfare to set up a working group to draft surrogacy legislation which could potentially increase chances for LGBTI people to have children.

Access to goods and services

- In October, eleven Icelandic MPs announced that they intended to propose a new bill that would extend equal legal protection, in access to goods and services and against bias motivated speech and violence, to trans people. The bill was distributed in parliament on 10 October. It will add the wording 'gender identity' to Articles 180 (goods and services) of the Penal Code, thus extending equal legal protection to trans people in the aforementioned areas of legislation.

Bias motivated speech

- In July, a homophobic blogger and schoolteacher was sent on six months leave from Brekkuskóli in Akureyri after his blog was discovered. The blog's writings, among other things, lash out against homosexuals. The blogger contends that he is only quoting from the Bible, and exercising his right to freedom of expression. Many parents called for his dismissal, and his position at the school was consequently permanently terminated.
- In August, an ad appeared in the Fréttablaðið newspaper on the morning of Reykjavík Pride 2013 quoting 1 Corinthians 6:9-10: "Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor men who have sex with men nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God." The ad was anonymously placed by the Russian Orthodox Church of Iceland. The priest of the Russian Orthodox Church, Rev. Timur Zolotuskiy, told DV newspaper that the ad was his own initiative and placed anonymously as he did not want to put his name under "the word of God." The priest was visited the following weekend by members of the Radical Sexual Deviants' Activist Group – The Pink Fist. The visit took place during the church's 'open house' held on Reykjavík Culture Night. Members of the Pink Fist read the 'Rainbow Commandment' to the priest, bathed him in glitter and liberated him to love and tolerance towards everyone - without regard to sexual orientation or gender identity. Other LGBT activists joined in, sang 'I am what I am' outside the church and engaged in a conversation with the priest and some members of his congregation.

- In October, eleven members of the Icelandic Parliament announced that they intended to propose a new bill that extends the scope of article 233a (bias motivated assault) of the *Penal Code* against bias motivated speech and violence, to trans people.

Bias motivated violence

- In April, a trans man was attacked by three men at a Reykjavík nightclub for using the men's toilets. The victim did not sue over the assault because he did not want to attract public attention to himself or his family. The victim's friend, who is also trans, said prejudice is rife in Icelandic society and that people in their position are frightened. He described the events on his website, saying his friend was lucky to escape with minor injuries. Samtökin 78, the National Queer Organization, the following week called for tolerance and support for transgender individuals. The organisation also urged Alþingi, the Icelandic Parliament, to complete amendments to the *Penal Code* in order to improve the legal situation of trans people. Trans people do not enjoy any legal protection under current legislation.
- (see also last item in *Bias motivated speech*)

Family

- In April, the newly elected bishop of the Evangelical-Lutheran State Church of Iceland, Agnes M. Sigurðardóttir, stated that she will not act on the current discrimination against LGBT people within the church. Current laws and regulations allow priests of the church, who also happen to be public servants, not to marry same-sex couples, should they choose to act on 'freedom of conscience'. Asked about this discrimination shortly after being elected, Agnes responded: "Freedom of conscience' is respected by law, and I want to make it clear that no one will be forced to do something that their conscience does not allow. There are very few priests who do not feel comfortable marrying people of the same sex, and they have every right to have that opinion. I don't think it's a problem. The matter has already been settled, as far as I'm concerned."
- In August, the Icelandic Ethical Humanist Association 'Sidmennt' carried out its first same-sex marriage

ceremony when a lesbian couple was wed by Hordur Torfason, one of the association's masters of ceremonies. In 1975 Hordur, a popular actor and singer/songwriter, became a pioneer in the fight for the rights of Icelandic LGBT people when he decided to come out as a gay person in a magazine interview, thus becoming the first Icelandic ever to do so. He then founded Samtökin '78 – The National Lesbian and Gay Organisation in 1978. 'Sidmennt' – The Icelandic Humanist Association has offered a variety of secular ceremonies since 2008, e.g. civil confirmations, weddings and funerals.

- In November, the Mayor of Reykjavík, Jón Gnarr, spoke out online at the protest in Paris on 17 November against marriage equality. He shared a link to online coverage of the protest and posted the simple statement (attributed to American actor Morgan Freeman): "Homophobia is not a phobia. They are not scared. They are just a bunch of assholes."

Foreign policy

- In April, Össur Skarphéðinsson, Minister for Foreign Affairs and External Trade, presented his annual report on foreign affairs to Parliament. The report now includes, for the second time, a special chapter on LGBT issues. In his report the Minister stated that Iceland actively participates in the fight for the human rights and equal social and legal status of LGBT people. He said that Iceland had supported the resolution of the UN Human Rights Council on human rights, sexual orientation and gender identity in June 2011. He also said that Iceland had, amongst other things, supported the EU's position in encouraging states to protect the human rights of LGBT people during the 19th session of the UN Human Rights Council in March. The Minister said that Iceland cooperates closely with other Nordic countries in the fight for LGBT rights and against bias motivated violence; Iceland had closely monitored the situation of LGBT people in African countries that have partnership agreements with Iceland on development cooperation, especially in Malawi and Uganda. He said that in Uganda's case, Iceland was represented in a donor state group on human rights that has LGBT issues on its agenda. Iceland

was also working closely with 'like minded' states on LGBT issues in Malawi. The Minister said that recent introduction of anti-LGBT law in some regions of Russia had given Iceland good reason to follow developments in Russia very closely. He added that Iceland had contacted the governments of Russia, Malawi and Uganda and formally commented on the situation of LGBT people in those countries.

- In September, Minister for Foreign Affairs and External Trade Össur Skarphéðinsson, reiterated Iceland's support of the rights of LGBT people, in a speech during the General Debate of the 67th Session of the UN General Assembly.
- In December, Minister Össur Skarphéðinsson, said the Icelandic government will do everything in its power to fight against a new homophobic bill in Uganda.

Freedom of assembly

- In July, the Mayor of Reykjavík, Jón Gnarr, showed his support to the Faroese LGBT community by attending Faroe Pride and providing the keynote speech on stage. In his speech the Mayor addressed the poor legal status of LGBT people in the Faroe Islands. He also praised the efforts of the Faroese LGBT community in putting LGBT rights on the agenda, saying their work was a beacon of hope and watched by many with great admiration. The mayor spoke about the important role capital cities hold in protecting human rights and said the City of Reykjavík was very proud of having supported the Icelandic LGBT community, both financially and politically, for many years. He went on to emphasise the importance of Nordic cooperation in relation to LGBT rights and commended both the municipality of Tórshavn and the Nordic Culture Fund for supporting the Pride. The mayor then reiterated his support for the Faroese LGBT community, extended his thanks for being given the chance to take part in the Pride and said he hoped that Faroese LGBT people will soon be able to enjoy all the rights their cousins in Iceland already do.
- In September, Jón Gnarr, the Mayor of Reykjavík, wrote an open letter to Sergey Sobyenin, the Mayor of Moscow, in which he called for the lifting of the ban on LGBT prides. Mr Gnarr expressed his view that the ban is a clear violation of human rights.

Health

- In February, a study of LGBT youth in 10th grade, launched from the University of Akureyri, showed that one third of LGBT youth had attempted to commit suicide. Moreover the study showed that about 40% of young lesbians have attempted suicide 1-4 times and about 18% of the young gay men interviewed. About 21% of young gay men have attempted suicide 5 times or more where this was only the case with 5% of the young lesbians.
- In November, the Minister of Welfare, Guðbjartur Hannesson, stated that the rules on blood donations which prevent gay men donating blood will not be changed.

Human rights defenders

- In August, Jón Gnarr, the Mayor of Reykjavík, dressed up as one of the members of the Russian feminist band, Pussy Riot, in the Reykjavík Pride march, demanding their release.

Legal gender recognition

- In June, the Icelandic Parliament, Alþingi unanimously adopted a new comprehensive *Act on legal status of individuals with 'Gender Identity Disorder' (GID)*. The bill for the new law was drafted by a special five-member Commission on the legal status of trans people, which was appointed by the Minister of Welfare in March 2011. Trans-Ísland, the National Organisation of Trans People, and The Icelandic Human Rights Centre each appointed a representative to the commission. The law is in accordance with the government coalition platform from 2009, where the Social Democratic Alliance and their junior coalition partner, The Left-Green Movement, committed themselves to improving the legal status of trans people in the country – a move previously recommended by the Parliament's Ombudsman. The new law entered into force on 27 June.

Participation in public/political life

- In May, IGLA, International Gay and Lesbian Aquatics championships, took place in Reykjavik, Iceland. Around one thousand contestants from all over the world took

part in the championships, making IGLA in Reykjavik one of the biggest aquatic sport events that have ever been held in Iceland.

- In August, two LGBT exhibitions, *Into the Daylight – Queer History in the Archives* and *Queer Days in Pictures*, were held at Reykjavik City Hall during Reykjavik Pride. *Queer History in the Archives* was an exhibition arranged by Reykjavik City Archives, displaying a selection of documents and publications that cast a light on Icelandic LGBT History. The exhibition was based on documents from Samtökin '78 – The National Queer Organisation, which are now part of the City Archives. *Queer Days in Pictures* was a selection of photographs by two Icelandic photographers, showing the history of Reykjavik Pride and Queer Days.
- In August, the documentary 'Hrafnhildur' was released. The documentary, which follows the life of an Icelandic trans woman, not only got good reviews in Iceland, but it also appealed to a large audience of cinema goers. Over 1,500 people had seen it within the first three weeks, which makes 'Hrafnhildur' the most popular documentary in Iceland to date.
- In November, the Reykjavik Sports Union bid to host the World Outgames in 2017. The only other competing venue is Miami Beach in Florida, USA. The bid is supported by the City of Reykjavik, the Icelandic Government, the National Olympic and Sports Association of Iceland, Visit Reykjavík, Meet in Reykjavik, Samtökin'78, Pink Iceland, Styrmir Sports Club and SagaEvents.
- In November, the LGBT travel agency Pink Iceland was awarded the Icelandic travel industry's Innovation Prize. The prize was handed over, at a ceremony, by the President of Iceland, Ólafur Ragnar Grímsson.

Sexual and reproductive rights

- In January, Alþingi, the Icelandic Parliament passed a controversial resolution on surrogacy. Iceland currently has no clear laws on surrogacy but recent opinion polls have shown up to 87% of Icelanders favour legislation that would allow for surrogate mothers. However, a majority of those institutions and NGOs asked to review the draft resolution, including the Centre for Ethics at the University

of Iceland, The Centre for Gender Equality and the Icelandic Medical Association, raised concerns about the matter or directly opposed the measure. The resolution defines “the mother” as the woman who raises the child; not the woman who gives birth to it. However, it also specified that “no binding contract [between hopeful parents and a surrogate] will ever take precedence over the clear right to one’s own body.” The resolution calls for the Minister of Welfare to set up a working group to draft legislation on surrogacy. The legalisation of surrogacy could possibly increase chances for LGBT people to have children. This is a viewpoint that has been used by some proponents of the resolution – especially with regards to male couples. However, the Icelandic LGBT community remains heavily divided on the issue and the board of Samtökin ’78, The National Queer Organization, therefore chose not to take one side over the other in its review to the parliament. Although not taking sides, the board stated that it wanted to include a trans perspective in the debate while emphasising equal access to surrogacy, should the measure become legal.

Member organisations of ILGA-Europe

Samtökin ’78
www.samtokin78.is



Ireland



LGBTI issues were very visible throughout the year, not least due to the fact that Ireland hosted three major European conferences: (i) European Gay Police Association's conference; (ii) Transgender Europe's bi-annual Council; and (iii) ILGA-Europe's Annual Conference. Additionally, equal access to marriage was high on the agenda, receiving the support of the Deputy Prime Minister, other cabinet Ministers and various local and city councils across the country. Regretfully, the country continued to drag its feet with regard to its duty to provide trans people with the right to legal gender recognition.

Asylum

- In January, BeLonGTo launched a training programme on LGBT asylum seekers and refugees in Ireland. With the two-year pilot project BeLonGTo aims to increase the safety and quality of life of LGBT asylum seekers and refugees. Major protection challenges for LGBT asylum seekers and refugees include safety, insufficient access to appropriate services including healthcare and psychosocial support, mental health issues, often arising from delays in decision-making, lack of early legal representation and gaps in LGBT sensitive service provision.
- In December, BeLonGTo launched a report on working with LGBT asylum seekers and refugees to coincide with *International Human Rights Day*. The report, entitled *Key Principles for Working with LGBT Asylum Seekers and Refugees*, is the first of its kind in Ireland and was designed to provide a best practice blueprint for service providers on working with and ensuring the protection of at risk LGBT asylum seekers and refugees.

Bias motivated violence

- In September, three participants of the *European Transgender Council* were physically and verbally attacked by two unknown persons in Dublin at the Temple Bar district. Another participant intervened trying to protect the victims and got spat on his face. The incident was reported to the police.

Data collection

- In March, the results of the 2011 Census were published. There was almost a 100% increase in the number of cohabiting lesbian and gay couples to 4,042 from the previous census in 2006, even though the census was conducted before civil partnerships became available.

Education

- In March, BeLonGTo together with schools organised a *Stand Up! Awareness Week on Homophobic Bullying*. The annual campaign aimed to raise awareness of homophobic bullying and the issues that

affect young LGBT people. Amongst others, Stand Up! Packs include background information on homophobic bullying for teachers and suggest activities for students.

- In May, the government organised an anti-bullying forum helping to bullying in schools. Experts, support groups, parents and students attended the forum held in Dublin on the *International Day Against Homophobia and Transphobia* (IDAHO), with the support of GLEN and BeLonG To, and with Minister for Education and the Minister for Children and Youth Affairs participating.
- The Minister for Education set up a Working Group on Bullying which undertook to develop an *Action Plan on Bullying* for all schools in Ireland by the end of the year, and which fully integrated measures to tackle homophobic and transphobic bullying. GLEN and BeLonG To were the only NGOs invited to sit on the working group.
- Towards the end of the year, Ireland agreed to host the first thematic conference tackling LGBTI-phobic bullying in schools under the auspices of its EU Presidency.

Equality and non-discrimination

- In March, Ireland provided answers to questions raised during its UN UPR session the previous October. Ireland accepted and answered two questions of relevance to LGBT people – the Section 37.1 Employment Equality exemption and access to marriage, and outlined the processes the Government was following to address these issues.
- In March, Michael D Higgins, President of Ireland, hit out at homophobia and racism in the country. He said, “The idea that any young person would be driven not just to lower self-esteem, exclusion, isolation, loneliness but self destruction itself is an appalling blight on a society,” and added that the Irish have “to ask about how racism gets going, how homophobia does its destructive work, how isolation tears at a person’s wanting to exist, how important every person is. These are important issues, they are not merely emotional issues.”

- On St. Patrick's Day, GLEN, NLGF and Marriage Equality were invited to join the President to celebrate the national holiday at the President's residence.
- In September, more than 200 delegates from 37 countries took part in the *4th European Transgender Council held in Dublin* under the motto *Trans Rights Now! Realizing Recognition, Respect and Equality* trans people and human rights activists, civil society and policy makers convened to discuss and draw strategies for the improvement of the human rights situation of trans people.
- In October, Ireland held yet another European LGBTI conference, this time ILGA-Europe's *16th Annual Conference*, under the motto: *Advancing LGBTI equality in challenging economic times*. Eamon Gilmore, Ireland's Deputy Prime Minister, was one of the speakers of the event who delivered a moving speech and re-affirmed his support for the introduction of marriage equality.

Family

- In February, the government decided to set up a Constitutional Convention to discuss reforms of the key chapters of the Constitution, including access to marriage by same-sex couples. So far, the current Constitution's provisions relating to marriage have been interpreted by the courts to exclude same-sex couples from marriage. A new case challenging this interpretation has been lodged by Senator Katherine Zappone and her partner Ann Louise Gilligan who married in Canada. In July, Eamon Gilmore, Deputy Prime Minister, became the first senior government Minister to publicly call for marriage equality. Later in the year, Mr Gilmore said that he would like to see a referendum on marriage equality for same-sex partners "as soon as possible" and that in his own view the "time has come" for the country to extend equal rights to all couples, concluding that he doesn't "believe [that Ireland] should postpone what is a human right."
- The former President of Ireland, Mary McAleese also came out strongly supporting access to civil marriage for lesbian and gay couples.
- In November, the Minister for Justice and Equality announced that he would bring forward comprehensive

legislation to provide for parenting and LGBTI families. This is the key omission from the Civil Partnership legislation, which otherwise provides almost all the rights and responsibilities of marriage.

- During the year, various districts, local and city councils and counties passed motions to support marriage equality. These included: Ardee Town, Cork, Castlebar, Down, Dublin, Dun Laoghaire-Rathdown, Fingal, Omagh, Louth and Fingal, Moyle and Magherafelt, Mullingar, Newry, South Dublin and Waterford City.
- The Chief Justice of Ireland launched a new guide to Civil Partnership compiled by the Irish Council for Civil Liberties and GLEN.

Foreign policy

- Ireland was elected to the UN Human Rights Council and on their election stated that LGBTI rights will be an important aspect of Ireland's work on the Council.

Freedom of expression

- In October, the Press Ombudsman upheld a complaint by Marriage Equality and BelongTo against an article that was published in March on the *Irish Independent*. The Ombudsman found that it was in breach of Principle 2 (Distinguishing Fact and Comment) of the *Code of Practice for Newspapers and Magazines*, as well as Principle 8 (Prejudice). The article, headlined "Every single human decision has a consequence - so remember that the next time you vote for someone's rights", addressed the extension of full marriage rights to same-sex couples and reported as fact that: (i) "the liberalisation of the laws against homosexual acts" had resulted in the "catastrophic reality" of "at least 250,000 deaths from AIDS"; (ii) "the record of every society shows that boys without a strong stable male figure in their lives are an express train heading for trouble"; and (iii) Catholic adoption agencies have "closed rather than do something which they feel is immoral, which is to hand children over to homosexual couples". The Press Ombudsman's opinion was that, in this case, the failure to distinguish adequately between fact and comment was sufficiently substantial to justify a decision that the article was in breach of Principle

2 of the *Code*. Furthermore, the breaches of Principle 2 above were, in the circumstances, capable of causing grave offence under Principle 8 and, for that reason, amounted to a breach of that Principle too.

- In December, the Advertising Standards Authority for Ireland (ASAI) upheld complaints against Irish telecommunications company Meteor for an advertisement that promoted transgender stereotypes and encouraged a cheap laugh at the expense of trans people. The ASAI reviewed the complaints and the response of the advertiser and found that “the advertisement must not appear again in the same format.” In October, TENI galvanised people to speak out against the ad with a twitter campaign #MeteorShame which trended in Ireland for several hours on 16 October and was tweeted over 1300 times. The campaign featured recent comments from trans people on how they felt about trans representation in the media. It highlighted the exacerbation of depression and debilitating isolation to which irresponsible media directly contributes.

Legal gender recognition

- In April, the Irish State indicated that it was considering making an ex gratia payment to Lydia Foy, who fought a 14-year legal battle to secure official recognition as a woman. The Cabinet agreed that a payment might be appropriate in the case of Dr Foy, and on the recommendation of Joan Burton, Minister for Social Protection, an adviser was meant to be appointed to assess what level of compensation might apply in her case. The matter will then return to Cabinet for a final decision.
- In September, Joan Burton, Minister for Social Protection, announced plans to closely examine the issue of gender recognition for transgender people during the autumn. The Minister made the statement in a speech at the opening of the *4th European Transgender Council* in Dublin. A proposed *Gender Recognition Scheme* published in July 2011 continues to require a compulsory divorce before legal gender recognition. Her statement was initially welcome, however when it was understood that the legislation would continue to demand invasive

medical treatment, sterilisation and divorce, the Minister was met with protest including placards that said: “Shame on you Minister Burton”, “Same Old Story”, “Not Good Enough” and “15 years and still waiting.” The latter placard referring to the number of years that trans people had been waiting for Ireland to implement of the High Court.

- In October, the first transgender rights rally take place in Dublin to demand greater recognition in law. Calls were made for the government to introduce legislation that would allow transgender people to have their true gender recognised by law. The demonstration at the gates of Leinster House, fell on the fifth anniversary of the case of *Lydia Foy*, when Ireland was found in breach of the European Convention of Human Rights for not recognising a person’s changed gender. A number of European LGBTI activists who were attending the *ILGA-Europe Annual Conference* joined the rally to extend their support to the Irish trans community.

- In October, the Gay Doctors Ireland (GDI), a professional organisation of LGBT doctors and medical students, organisation supported TENI’s campaign to extricate the medical progress, including diagnosis of gender identity disorder, from the criteria for gender recognition legislation.

Participation in public/political life

- In April, Jerry Buttimer became the first member of Parliament in the largest party in parliament – Fine Gael – to be openly gay, and the third openly gay member of the lower house of parliament. He set up a new group within the Party – Fine Gael LGBT – which was formally accepted by the Party as an affiliated Party group. The Party’s annual conference approved a motion to prioritise access to marriage at the Constitutional Convention. While Fine Gael do not yet have a formal position on marriage, all other Political Parties have policy positions supporting access to marriage for lesbian and gay couples, with the Fianna Fail party adopting a resolution supporting marriage at their annual conference.

Police and law enforcement

- In June, Michael D. Higgins, President of Ireland, opened the European Gay Police Association (EGPA) conference held in Dublin. The President praised An Garda Síochána (the Republic's police force) in his speech, calling it an organisation "where conditions for lesbian, gay and bisexual members have become so much more positive in recent years." However, this sentiment wasn't fully echoed at the Dublin Pride Parade just three days after the President's speech, when Irish LGBT police officers were not permitted to wear their uniforms during the march. This sparked some controversy, and was described as "a lost opportunity" by Chief Superintendent Herman Renes, President of the European Gay Police Association (EGPA). In contrast, a sizeable contingent of the EGPA marched in uniform at the Pride celebrations.
- In June, a report stated that many gay or lesbian gardai remained in the closet for fear that they would never progress up the career ladder if they revealed their sexual orientation. The research from academics at Dublin City University (DCU) identified a leadership vacuum within the higher levels of the gardai in relation to the treatment of lesbian, gay and bisexual officers (LGB). Dr Vera Sheridan, one of the authors of the report, said that "Strong leadership is needed for change in the institutional culture of An Garda Síochána as a whole-institution response to equality in the workplace."

Public opinion

- In October, an opinion poll showed that 66% of Irish voters support changes to the law to allow same-sex partners the right to marriage. The Behaviour and Attitudes poll of the Sunday Times showed that support for the change was strongest amongst women and younger voters, while at the same time more than half of voters over 55 were also in favour of marriage equality. Just over a quarter of those surveyed believed that the law should remain unchanged, with provision for civil partnership.
- According to Eurobarometer 2012, 23% of Irish believe sexual orientation discrimination is widespread. This is significantly below than the EU27 average (46%). 20%

believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Irish scored 8.2 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Irish scored 7.1 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

BeLonG To
www.belongto.org

Cork Gay Community Development
www.gayprojectcork.com

GLEN-Gay + Lesbian Equality Network
www.glen.ie

Labour LGBT Ireland
www.labour.ie

LGBT Noise
www.lgbtnoise.ie

LGBT Society University College Cork
www.ucclgbt.com

LGBT Synergy
www.lgbtsynergy.com

Marriage Equality
www.marriageequality.ie

National Lesbian & Gay Federation
www.nlgf.ie

Outhouse LGBT Community Resource Centre
www.outhouse.ie



Italy



Positive developments in Italy result mainly from court decisions rather than legislative initiatives, in large part because of unwillingness from the political class to respond to calls from the LGBTI community to open the discussion around marriage equality or other rights. It is worrying that Italy continues to have a relatively high level of homophobia and transphobia which expresses itself through violence. During the year, three trans women were murdered while several other LGBTI people were seriously injured.

Asylum

- In September, the Supreme Court recognised the right to asylum for LGB persons that fled from their country due to the criminalisation of homosexuality, in this case, Senegal. The Court explained that per se such laws impinge upon the most essential rights of the individual.

Bias motivated speech

- In May, the Minister for Equality, Elsa Fornero, attacked the extension of marriage to same-sex partners. In her letter to *Avvenire*, a Catholic newspaper, she wrote, "Same-sex marriage could lead to social crisis, which could worsen the debt and economic crisis. We must defend individual people's rights, but we cannot make gay marriage equal to the traditional one." A week prior to this statement, the Minister had defended marriage equality on the *International Day of Family* but following an attack from the Catholic newspaper, she reversed her position.
- In July, Santino Bozza, a local politician and a member of the regional parliament of Veneto, described gay people as "ill and perverted", adding that "they need a cure".
- In July, Marcello Veneziani, a journalist and a politician wrote: "with gays humanity is committing suicide" and "homosexuality has been invented by nature for the destruction of human kind".
- In July, UEFA fined Italian footballer, Antonio Cassano, for offensive remarks directed towards LGB people. The Italian forward was fined €15,000 for comments he made during Euro 2012. Asked at a news conference during a tournament if there were any gay players in Italy's squad, Cassano replied, "Queers in the national team? That's their business. But I hope not." Cassano later issued an apology through the Italian state news agency ANSA after criticism from gay rights organisations. "I am sincerely sorry that my comments have caused controversy and protests among gay groups," he said. "Homophobia is not a point of view that I share. I didn't want to offend anyone and I absolutely don't want to put a person's sexual freedom under discussion."

- After the City of Milan introduced the possibility of civil union registration, Alfonso Colzani, the spokesman on family issues for the Milan diocese warned: "There's the risk that giving equal status to families based on marriage with those founded on civil unions will legitimise polygamy." According to him, this was because people in civil partnerships would be freer to have sexual relations with other people. He added: "Introducing a communal register of civil unions is an ineffective initiative – and maybe only a PR exercise. Instead it is the family that needs support in this time of hardship. The concept of marriage is a precise one and not to be confused with homosexual unions."
- In August, Forza Nuova, a far right party, stuck up posters in Pescara reading: "Italy needs children, not homosexuals".
- In October, a group of skinheads ruined with stains of white paint a work of art by writer Borondo on the façade of the office of the LGBTI organisation Mario Mieli in Rome. Borondo's work of art was inspired by Plato's Symposium and represents two men with melting heads, to symbolise the fusion of body and soul.
- In October, the far right party Forza Nuova hanged a sign reading "perversions must be cured" on a wall outside the "Cassero" in Bologna where a famous gay venue and Arcigay's office are located.
- In November, Rocco Buttiglione, a conservative politician, maintained that he has "the right of saying that morally homosexuality is wrong in respect to what is the true good of the person". Buttiglione was answering a question on his political disagreements with Nichi Vendola, an openly gay politician, as a guest in the show *Un giorno da pecora* broadcast live on Radio 2.
- In November, Andrea Di Pietro a town councillor in Vigevano elected on behalf of the right-wing party PDL tweeted: "Vendola is as slimy as the vaseline he uses!!"
- In two cases, the Supreme Court has extended protection against bias-based speech. In July, the Court held that outing a gay couple could amount to a criminal breach of their rights to privacy and against defamation, depending on the context, in this case, a small town. In December, the Court concluded that a Catholic

association's branding of a lawyer as 'pro-homosexual' was also an offence, on the basis that his right to engage in political activities in relation to marriage equality can be threatened by the insults.

Bias motivated violence

- In January, the UN Special Rapporteur on Violence against Women noted that violence against women, trans women included, is still high in Italy.
- In February, a trans sex worker was stabbed by a client in Rome, while another trans sex worker in Milan was found murdered wearing only a pair of underwear and with a knife stuck in her chest. During the same month, a 20-year-old trans person was punched and kicked by 10 men in a pub in Catania. While the attack was taking place, the manager of the pub watched without intervening.
- In April, a gay man was attacked outside of a bar in Calabria. After the incident he went to a hospital for a check-up, where he was recommended psychological help and hormonal treatments to 'cure his homosexuality'.
- In June, a group of four men abused a well-known gay human rights activist in a park in Rome, causing him head injuries, bruises and broken ribs.
- In June, two young gay men were attacked and threatened with a knife in a tram in Milan. No serious injuries were reported.
- In June, three under-aged men insulted and attacked a group of 20 gay men in Chieti by throwing stones and bottles at them wounding five of them. The three perpetrators were arrested for the homophobic attack later in September.
- In September, a gay man in Florence was stripped, badly beaten up, robbed and left in the middle of a street wearing only his underwear.
- In September, a trans woman was found dead in Pisa. According to the police report she might have been run over. Another trans woman was murdered and found naked in Rome two months later.
- In total, ILGA-Europe collected information on sixteen hate crimes perpetrated during the year. These crimes included various types physical violence, including within

families, as well as vandalism targeting private individuals or LGBT associations. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Data collection

- In October, the NISO project releases its final results, whereby 73% of LGBTI people state of having been discriminated against in their life. While 43% of the gay men surveyed cited school as the most common place they encountered discrimination. 37% of lesbian women said they were more likely to encounter homophobia in their family. However, on the whole, gay and bisexual men as well as transgender people cited more instances of discrimination than lesbian or bisexual women. Furthermore, students seemed acutely aware of the difficulties encountered by LGBT people: 55% of students interviewed believe that gay and lesbians are discriminated against in Italy.

Education

- The Minister of Education set up a new website homophobia, bullying, racism and violence against women: www.noisiamopari.it
- In November, a 15-years-old boy committed suicide after repeated homophobic bullying at school and on Facebook.
- In November, the Court of Cassation rules that bullying can be punished at a par with group rape if, with the intention of humiliating the victim, his sexual freedom is violated. The Court inflicts seven years and six months of jail to a boy guilty of having inserted a stick in the anus of a school mate with the intention of affirming his supremacy on the victim.

Employment

- In June, a study by Fondazione Rodolfo De Benedetti, a Milan based research institute, concerning LGB employment, was released. The study shows that it is 30% more difficult for an openly gay man to find a job than it is for a heterosexual man. The Milan-based institute of

research sent companies 3,000 fake CV and cover letters. Those indicating an internship at Arcigay, Italy's main LGBT association, were less successful and did not lead to an interview. The study also showed that, for a lesbian, nothing changes and the rate of successful interviews is not lower than that of straight women.

Equality and non-discrimination

- In November, the Commission of Justice at the House of Representative rejects the anti-discrimination on grounds of sexual orientation and gender identity bill.

Family

- In February, an Italian judgment of the First Instance Court of Reggio Emilia recognised for the first time the right to family reunification to a spouse of the same-sex in application of the Freedom of Movement Directive (Directive 2004/38/EC). The applicant was married in Spain to an EU citizen and applied for a permit of stay in Italy as a family member of an EU citizen exercising his right to free movement. The court expressly notes that this case is different from cases of same sex-partners in a civil partnership as for such cases the EU directive limits the application to cases in which the legislation of the host member state treats registered partnerships as equivalent to marriage. This considers a first instance decision and could be appealed.
- In March, the Supreme Court (Corte di Cassazione) ruled that a same-sex couple, married outside of Italy, enjoyed the 'right to family life' similarly to other *de facto* couples. However, the decision does not recognise the right to register a marriage contracted abroad. The judgment of the Court of Cassation, in this case, states that same-sex couples living in a stable *de facto* relationship, while not able under Italian law to claim the right to marry or register a marriage contracted abroad, have the "right to family life" and the inviolable right to live freely as a couple. The Court further stated that, regardless of the intervention of the legislature on the subject, the judiciary shall, on a case-by-case basis, grant such couples the same legal rights as enjoyed by married couples.

- In July, the city of Milan decided to approve civil registration, equally allowing different-sex and same-sex couples to enter a civil union. The decision was taken after an extensive debate in the city council, which in the end voted in favour of the proposal. The resolution institutes a separate register in which heterosexual and same-sex couples can be entered when they are entered in the family register. Marco Mori, the president of Arcigay Milan, pointed out: "Registering a civil union will afford access only to municipality-supplied services. It will not confer the right to inherit or receive a survivor's pension, benefits that are reserved for married couples and guaranteed by national laws."

- In August, 173 MPs elected in the right-wing party PDL sign a document against marriage equality.
- In September, the Commission of Justice in the House of Representatives began the discussion on civil unions bills.
- In November, a circular of the Ministry of Home Affairs was made public. It indicated that according to the rulings of the Tribunal of Reggio Emilia, of the Court of Cassation and of the Constitutional Court, the police are required to issue a residence permit to the foreign same-sex partner of an EU citizen. The circular explicitly states that, although Italian legislation does not recognise civil unions or provide any law protecting the rights of same-sex couples, recent decisions of Italian courts have recognised certain rights for same-sex couples as the judiciary, in the exercise of its function, has taken action to fill the legal vacuum in this area of law. This followed a number of examples in Milan and Rome where resident permits were issued.

Foreign policy

- In November, the City of Milan, Venice and Turin suspended their bilateral accord with the City of St. Petersburg in view of the Russian city's law that imposes fines for the spreading of 'homosexual propaganda'. This meant that the cities do not have to organise activities under the twinning agreement any longer.

Freedom of expression

- In November, the scene of two men kissing in the TV series *Downtown Abbey* was censored by Rete 4, one of the three TV channels of the Mediaset network.

- Militia Christi, an Italian Catholic group, called for the boycott of a lesbian and gay themed film in Italy. The film features four stories of gay and lesbian couples and was released in 60 Italian cinemas. Protests over the film's release erupted across Italy, including at a preview screening in Palermo.

Legal gender recognition

- In September, the Tribunal of Rome ruled that the name and gender of a transsexual person must be changed on her legal identification documents regardless the fact that she had not yet undergone surgical sterilisation.

Participation in public/political life

- In November, Rosario Crocetta, who was the first openly gay mayor in Italy when he became mayor of Gela in 2003, successfully ran as a candidate, becoming Sicily's Governor for a centre-left coalition encompassing both the Democratic Party and the Christian Democrats (UDC). He is the first left-wing governor of Sicily since 1947 and the second openly LGBTI Governor in Italy, after LGB rights campaigner Nichi Vendola became Governor of Apulia in 2005.

Police and law enforcement

- In July, Italian police quickly apologised after they were forced to change a training manual that listed homosexuality as a "sexual deviance" in the same category as bestiality, incest and necrophilia after an outcry from gay rights organisations. A passage in the 585-page manual, which was being used internally in officer exams by the Carabinieri police force, read: "The main sexual deviances are homosexuality, exhibitionism, fetishism, sadism, incest and bestiality." In its reaction, the Carabinieri commander general Leonardo Gallitelli said that it was "an unfortunate mistake," adding that the text "was based on an obsolete formula".
- In October, the Minister of Home Affairs removed discrimination against same-sex couples in a document on police officers' mobility. From then on, the definition of family was extended to include de facto families for the purpose of change of office.

Public opinion

- In May, the National Institute of Statistics, released the results of its survey entitled *The homosexual population in Italian society*, the first of its kind. The survey found that 43% of the general population support marriage equality and that 20% of the interviewees support adoption by same-sex couples. On the other hand, 42% would not want to have gay teachers in primary schools.
- In July, ISIMM, an institute of research in the field of information, communication and new technologies, and UNAR, the Italian Equality body, released a joint survey titled TV information and biases of discrimination that investigated how information programs on Italian TV treat potential targets of discriminations. Only 0.06% of news time is dedicated to people that are potentially discriminated against because of their sexual orientation and gender identity. Most of that time LGBTI people are mentioned in news related to criminal activity where close to 70% of the time they are portrayed in the role of the victim.
- According to Eurobarometer 2012, 63% of Italians believe sexual orientation discrimination is widespread. This is significantly above the EU27 average (46%). 64% believe gender identity discrimination is widespread. This is significantly above the EU27 average (45%). Italians scored 5.8 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Italians scored 5.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Social security and social protection

- In March, the Court of Milan ruled that cohabitation as a couple is not characterised by the different-sex of the cohabiting couple, adding that it would be discriminatory and arbitrary to consider this element as relevant. The Court of Appeals later confirmed this judgment. The ruling considered a case in which the Mutual Fund of a

bank extends healthcare benefits to the cohabiting partner after payment of the premium. When such an application was presented by a live-in same-sex partner, the bank refused to pay. The Court ruled that Article 3 of the Constitution protects the individual from any discrimination linked to sexual orientation and that these general principles apply in all circumstances including health care. The concept of cohabiting couple that this judgments recognised gives value to the choice and the responsibility of individuals, to their shared sentiment, to their willingness to form a couple, while increasingly moves away from 'naturalistic' arguments.

Member organisations of ILGA-Europe

Arcigay Catania
www.arcigaycatania.com

Arcigay Frida Byron Ravenna
www.fridabyron.org

Arcigay Gioconda Reggio Emilia
www.arcigayreggioemilia.sitiwebs.com

Arcigay Il Cassero
www.cassero.it

Arcigay La Giraffa
www.lagiraffaarcigay.wordpress.com

Arcigay Nazionale
www.arcigay.it

Arcigay Piacenza
www.piacenzagay.blogspot.com

Arcigay Pisa
www.arcigaypisa.it

Arcigay Roma Gruppo Ora
www.arcigayroma.it

ArciLesbica
www.arci lesbica.it

ArciLesbica Bologna
www.arci lesbica.it/bologna

Associazione Genitori di Omosessuali AGEDO
www.agedo.org

Associazione InformaGay
www.informagay.it

Associazione Omosessuale Articolo 3 Palermo
www.articolotrepalermo.blogspot.com

Associazione Radicale Certi Diritti
www.certidiritti.it

Centro Risorse LGBT
www.risorseigbti.eu

Circolo di Cultura Omosessuale Mario Mieli
www.mariomieli.org

Circomassimo - Associazione gay e lesbica
www.circomassimo.org

Comitato provinciale Arcigay Alan Mathison Turing – Arcigay Rimini
www.arcigayrimini.blogspot.com

Comitato Provinciale Arcigay Bergamo Cives
www.civesarcigaybergamo.org

Comitato provinciale Arcigay CIG – Milano
www.arcigaymilano.org

Comitato Provinciale Matthew Shepard – Arcigay Modena
www.arcigaymodena.org

Coordinamento Torino Pride GLBT
www.torinopride.it

CUBE - Centro Universitario Bolognese di Etnosemiotica
www.etnosemiotica.net

Di'Gay Project
www.digayproject.org

Famiglie Arcobaleno
www.famigliearcobaleno.org

Fondazione FUORI
www.fondazionefuori.it

Ireos – Centro Servizi Autogestito Comunità Queer
www.ireos.org

Lambda

Omphalos Gay and Lesbian Life
www.omphalospg.it

Rete Genitori Rainbow
www.genitorirainbow.it



Kosovo²



Rampant homophobia remains a serious threat for LGBTI people in Kosovo. This was illustrated by violent attacks and threats directed at LGBTI activists. While anti-discrimination legislation on the grounds of sexual orientation is in place, the impact of the law remains very limited in the absence of any proactive policy to ensure its effective implementation.

² Included in this Review as a separate jurisdiction following UNSCR 1244/1999

Bias motivated violence

- In December, the launch of the Kosovo 2.0 magazine on *Sex and sexuality*, which contained articles on LGBT activism and human rights work in the Western Balkans, was disrupted by mob violence. Two days after the incident, Pristina-based LGBT organisation Libertas was attacked by a group of violent extremists who beat up one member of the community. They entered the premises of the community centre and threw a tear gas canister creating havoc. Following these attacks, death threats were repeatedly issued on the internet and by phone against individual human rights activists, including the uploading of a YouTube video showing digitally manipulated images of the editor in chief of Kosovo 2.0 and the leader of Kosova Women's Network, an openly lesbian women's rights advocate, with targets on their heads. Police responded swiftly to both incidents. The Prime Minister of Kosovo condemned the violent attacks and affirmed the constitutional rights of all citizens to freedom of expression and protection from discrimination, including on the ground of sexual orientation. He further called "to find the authors of these violent attacks and put them in front of justice".

Enlargement

- In March, the European Parliament adopted Kosovo's latest accession report emphasising that discrimination of LGBTI people is still a serious problem in the country, and called for the government to implement a broad anti-discrimination strategy on all grounds, including sexual orientation and gender identity. Kosovo holds the status of a potential candidate in the EU accession process.

Member organisations of ILGA-Europe

Libertas
www.libertas-kos.org



Latvia



Latvia continued to show signs of progress towards greater LGBTI equality, as witnessed through the state-guaranteed respect of freedom of assembly of LGBTI people (which was previously highly contentious). The country's participation in the Council of Europe's LGBT project, as well as initiatives in the field of education, are two more examples of steps forward. However, on a negative note, the Ombudsman published an opinion saying that recognition of same-sex couples continues to be regarded as "unacceptable" by a majority of people in the country while the Eurobarometer poll revealed that the Latvians are the least comfortable in the European Union with openly LGBT person elected to high political position.

Bias motivated violence

- In November, Prosecutor General Ēriks Kalnmeiers said that Article 78 of the *Criminal Code*, which criminalises hate speech on the basis of race, ethnicity and nationality, should be amended to also protect such minority groups as homosexuals, pensioners and disabled people.
- ILGA-Europe collected information on four hate crimes perpetrated during the year. These crimes included an assault and cases of threats of violence against LGBT people, as well as a relatively minor attack against the Baltic Pride participants in June. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Education

- In September, the Ministry of Welfare launched two books for pre-schools *The Day when Ruth was Richard* and *The Day when Karlis was Karlina* addressing the issues of gender equality and tackling understanding of traditional gender roles. 54 family values and Christian organisations signed and sent a letter to the Prime Minister, the Ombudsman, the Minister of Justice and the State Children's Rights Protection Inspectorate demanding that publication and distribution of the books be halted and that the Minister of Welfare Ilze Viņķele resign. The Ministry of Welfare refused to ban the books and they were also made available on the Ministry's website.

Equality and non-discrimination

- In November, the Council of Europe and the Latvian government co-organised the start-up conference of the Council of Europe's LGBT project. The project's objective is to support Latvia and other Member States in their efforts to develop strong, cross-sectoral LGBT policy, supporting the national fight against discrimination on the basis of sexual orientation and gender identity, and applying the *Recommendation (2010)5 of the Committee of Ministers* that was adopted in 2010. Representatives of various Latvian ministerial departments and of the police, as well as NGOs, contributed to the conference and discussed the situation of LGBT people in Latvia in that perspective.

Family

- In January, the Ombudsman published an opinion in which he concluded that "the majority of people in Latvia [...] are not prepared to compare registration of same-gender partnership to the institution of marriage or to accept homosexual relations as a normatively acceptable lifestyle." The Ombudsman therefore considered that the proposals made by LGBT and Their Friends' Association Mozaika should not be accepted. Instead, the Ombudsman considered that "amendments to a series of legal acts" could be considered to bring the legal protections of unmarried couples closer to the legal protections of married couples, as regards the rights of patients, the protection of conflicts of interest, and some social rights relating to labour or social subsidies legislation.

Freedom of assembly

- In March, a member of the Riga City Council tabled amendments to the city's internal order regulation to ban "public propaganda of homosexuality" in order to prohibit the Baltic Pride Parade scheduled for the end of spring. However, this proposal was not even examined by the City Council, which is a sign of remarkable evolution given the serious ban threats experienced ahead of the previous Baltic Pride Parade organised in Riga in 2009.
- In June, the Baltic Pride Parade took place peacefully in Riga. Contrary to what had happened at the previous Pride Parade held in Riga in 2009, participants walked without being separated from other citizens by police forces. No serious attack was registered.
- In June, various events took place around the celebration of the Baltic Pride. A conference was held in the premises of the Latvian Ministry of Foreign Affairs, with the participation of a number of Latvian officials. The Minister for Welfare, Ms. Ilze Viņķele, and the Mayor of Riga, Mr. Nils Ušakovs also took part in a reception to celebrate the Baltic Pride, and the Minister presented Mozaika with a plaque of recognition for its contribution towards the improvement of the human rights situation of LGBTI people in the country. In addition, the Minister for Foreign Affairs, Mr. Edgars Rinkēvičs, attended the

closing event of the Pride March, which was the first participation of a government representative in a Pride event in Latvia.

Health

- In May, on the basis of collaboration with the AIDS Healthcare Foundation (AHF), Mozaika engaged in the distribution of condoms and lubricants in all Riga gay venues, during Baltic Pride events and during other public events.
- In June, Mozaika, in collaboration with the Latvian Centre for Disease Prevention and Control, organised the first free testing for HIV and STI in one of Riga's nightclubs. Mozaika also participated in the Latvian Coordination Committee meetings on HIV/AIDS/STI and in the Northern Dimension Expert Group on HIV/AIDS and AI Meetings, initiating future regional projects on HIV prevention among MSM.

Police and law enforcement

- In February and March, two seminars were organised by the NGO Mozaika and the State Police College on prevention and response to hate crimes. These seminars benefited from the support and participation of the US Embassy.

Public opinion

- According to Eurobarometer 2012, 26% of Latvians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 17% believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Latvians scored 3.2 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6) and is the lowest in the EU. Latvians scored 2.8 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7) and is the lowest in the EU.

Member organisations of ILGA-Europe

Alliance of lesbian, gay, bisexual, trans people and their friends – Mozaika
www.mozaika.lv



Liechtenstein



No legal or social development related to LGBTI issues were reported to have taken place in the Principality of Liechtenstein.

No known LGBTI specific developments took place in 2012.

Member organisations

As of December 2012, there were no member originations of ILGA-Europe in Liechtenstein.



Lithuania



Homophobic statements by Lithuanian politicians continued to contribute to a climate of intolerance towards LGBTI people which included the comparison of homosexuality to necrophilia and paedophilia. Some of these homophobic positions were translated into two proposed amendments to the *Constitution*, one to ban 'propagation of homosexual relations', and another one to equate family with marriage and parenthood. Both proposals were rejected by the Parliament. Lithuania also continues to fail to implement the decision of the European Court of Human Rights to provide legal framework for legal recognition of trans people. On a positive note, a Lithuanian court fined a man for publishing hateful comments on Facebook. For the first time, a political party expressed its support towards recognition of legalisation of civil partnerships for same-sex partners.

Access to goods and services

- In July, the Equal Opportunities Ombudsperson issued a warning to a transport company operating in Vilnius over discrimination based on sexual orientation. The warning followed a complaint made by the Lithuanian Gay League (LGL). The company in question had originally responded positively to LGL's request to rent a bus on 17 May 2012 and confirmed the booking, only to cancel the reservation after learning that the bus would be used by an LGBTI organisation. The Equal Opportunities Ombudsman found that the transport company had refused to rent a bus to the client on the grounds of sexual orientation, and had thus violated the *Lithuanian Equal Opportunities Act*.

Bias motivated speech

- In January, a court ordered a man from Vilnius to pay a fine of 1560 LTL (circa €450) for a comment posted on Facebook. The comment said: "What we need is another Hitler to exterminate those fags because there's just too many of them multiplying." The First District Court of Vilnius City ruled that the man had used inflammatory rhetoric and encouraged mockery, defiance, discrimination and physical violence against a group of people on the grounds of sexual orientation.
- In May, Petras Gražulis, a Member of Parliament (MP) from the Order and Justice Party, interrupted a press conference held on the eve of the *International Day against Homophobia and Transphobia* (IDAHO). Mr. Gražulis shouted comments such as: "How are homosexuals better than necrophiliacs or paedophiles?" and expressed his wish to chase LGBTs and 'gay-friendly' ambassadors out of the country. Security intervened and Mr. Gražulis left the venue.
- In July, the then Chairman of the Parliamentary Committee on Health Affairs, Antanas Matulas MP, stated that regulations on the issue of gender reassignment surgery would legitimise "unnatural" and "immoral" surgeries in Lithuania. Commenting on a legislative proposal about gender reassignment, Mr Matulas advised trans persons to "find another treatment and if nothing else helps and you really believe that nature and God have

made a mistake, save some cash, go somewhere else and let someone cut off or attach whatever you might wish. But I will never agree to such surgeries being financed at the expense of actually ill persons – those with cancer, diabetes or heart disease."

- In November, Antanas Matulas submitted a legislative proposal in order to explicitly prohibit gender reassignment surgeries in Lithuania. The explanatory memorandum of the proposal identified gender reassignment surgeries as "castration of healthy individuals, who could otherwise bear children."

Criminalisation

- In June, Petras Gražulis MP proposed a public referendum in order to adopt an amendment to the *Constitution* banning 'propagation of homosexual relations' and 'homosexual adoption'. He registered the proposal after the European Parliament passed a resolution condemning homophobic laws and discrimination in Europe. The Lithuanian Parliament rejected the proposed amendment.

Education

- In November, the Ministry of Education and Science decided that two children's books published in Latvia would not be distributed in Lithuania. The two booklets entitled *The Day when Ruth was Richard* and *The Day when Karlis was Karlina*, which are written for kindergarten-age children, tell the stories of a girl who woke up one day as a boy and a boy who woke up as a girl. The decision of the Ministry followed protests by the National Parents and Family Association, as well as several members of Parliament, who opposed the introduction of this teaching methodology aimed at combating gender stereotyping.

Equality and non-discrimination

- In May, Rainbow Days were organised to mark IDAHO. Events organised during the Rainbow Days received the support of several embassies, Members of Parliament and various human rights NGOs. On 16 May, the LGL's new publication *Changing Faces – First March for LGBT Equality*

in Lithuania was launched at a press conference in the presence of Members of Parliament, high-level representatives from the embassies of the Netherlands and the United States, and from Amnesty International. Another event was a joint reception hosted by six ambassadors (France, Germany, Sweden, Finland, Spain and the Czech Republic) for the LGBT-friendly civil society of Lithuania, gathering representatives of various human rights organisations, ministries, public authorities and other institutions at the French Ambassador's residence to celebrate achievements in human rights for LGBT people in Lithuania.

- In July, the UN Human Rights Committee expressed concern over discrimination against LGBT people in its concluding observations on Lithuania. The Committee notably expressed concerns over the increasing negative attitudes towards and stigmatisation of LGBT persons in Lithuanian society. Moreover, the Committee expressed concerns that certain legal instruments such as the *Law on the Protection of Minors against the Detrimental Effect of Public Information* may be applied in a manner unduly restrictive of the freedom of expression and may contribute to justifying discrimination against LGBT people. The Committee also raised concerns about various legislative proposals, including amendments to the *Code of Administrative Offences*, the *Constitution*, and the *Civil Code*, explaining that if adopted, such laws would impact negatively on the enjoyment of fundamental rights by LGBT individuals.

- In December, an awareness-raising initiative led by LGL was obstructed by administrative services of the Seimas (the Lithuanian Parliament). LGL distributed copies of a publication on the first equality march in Lithuania, *Changing Faces*, along with a letter calling for constructive dialogue with the newly elected MPs to mark *International Human Rights Day*. However, the book and letter were confiscated from the MPs' mail boxes by the Communication Department of the Seimas on the grounds that the procedures for distribution of material in the Parliament had not been respected. It was explained that the rules of incoming correspondence require that all promotional materials distributed in the Parliament

should be officially registered in the Unit and directly addressed to individual MPs. Dalia Kuodytė MP, a member of the Liberal Movement, who assisted LGL in distributing the packages expressed her surprise at the decision, saying that MPs often receive promotional materials, which are not officially registered, and that it is the first time during her two tenures in the Parliament that such problems arise. The situation was resolved following discussions between LGL, Ms Kuodytė and the Communication Department, and the majority of MPs received the book and the letter.

Family

- In June, the Parliament came close to amending the *Constitution* with a statement that family means marriage and parenthood. The amendment was proposed by Stasys Šedbaras MP, from Homeland Union, a conservative party. As a constitutional amendment, the proposal would have needed to pass two rounds of voting and to gain at least 94 votes in favour. In the first vote the bill was supported only by 91 MPs. Following allegations of procedural shortcomings, the vote was taken again and in the second vote, 93 MPs voted for the bill. Currently, the *Constitution* states that only different-sex couples can be married, yet it does not rule out the possibility of same-sex couples forming families on a basis other than marriage.

- A number of leading Lithuanian political parties made their position on the legal recognition of same-sex relationships publicly known during the year. In a press release, Mr. Algis Čaplikas, the Chairman of the Liberal and Centre Union stated that the party was against the legalisation of same-sex partnerships. Similarly, Irena Degutiene, the Chairperson of the Parliamentary Group of the Homeland Union and the former Speaker of the Parliament, claimed that she will actively oppose the legalisation of same-sex partnerships. The only party to publicly express support for legalising same-sex partnerships was the Liberal Movement. In a television debate, Eligijus Masiulis, the Chairman of the Liberal Movement – then part of the ruling coalition – said that his party was “in favour of the legalisation on civil partnership, regardless of the sex of the partners”.

- In November, the Ministry of Justice announced that Lithuania would join the *EU Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes* which allows couples to choose a country for divorce or separation. According to the Ministry, this step was only taken by the Lithuanian authorities after the introduction of a public policy exception on marriages of same-sex partners, which foresees that the procedure will not be applicable in situations contravening the national constitutional order or main principles of domestic law.

Freedom of assembly

- In April, two MPs, Petras Gražulis and Kazimieras Uoka, were ordered by a Vilnius court to pay fines for crossing police barriers, refusing to obey police orders and disturbing public order during the Vilnius Baltic Pride Parade in 2010. The court found the two parliamentarians in question guilty of administrative violations. A fine of 200 LTL (circa €60), the maximum penalty for this violation, was imposed on each MP. Mr Gražulis refused to pay the fine.

Legal gender recognition

- In July, the Ministry of Justice proposed new draft legislation to enable people who have undergone gender reassignment surgery to be issued new identity cards without a lengthy court procedure. However, the proposed draft law also provides for the removal of existing state provisions for gender reassignment. Following a ruling by the European Court of Human Rights (ECtHR) in 2007, Lithuania is obliged to enact a law regulating the procedure and conditions of gender reassignment. Currently the *Civil Code* states that any unmarried, adult person is entitled to medical gender reassignment, but a law enforcing this, as suggested by the ECtHR, is missing. It is to be noted that this draft law was proposed 4 days prior to the review procedure under the UN Human Rights Committee, but was never placed on the Parliamentary agenda.
- In November, Antanas Matulas, a member of the Parliamentary Committee on Health Affairs, submitted an

amendment to the draft law to introduce a clause to prohibit any medical gender reassignment in Lithuania. An identical draft amendment was submitted in 2011, but was not adopted. This amendment seeks to prohibit gender reassignment surgeries in Lithuania through a change in the generic article in the *Civil Code*. The Department of Law and the Department of European Law within the Parliament have criticised the proposal by indicating that it is based on transphobic prejudices and that it would breach the principle of legitimate expectation.

Public opinion

- In January, a survey by research company RAIT found that only 4% of Lithuanians support same-sex civil partnerships.
- A public opinion survey, commissioned by the Human Rights Monitoring Institute (HRMI), indicated that perception levels on discrimination against LGBT individuals have increased slightly (4.77 points on a 10-point-scale this year in comparison to 4.58 in 2010). It should be noted that respondents in the survey were also asked whether a public announcement of their child's sexual orientation on the radio would constitute a violation of the parent's right to privacy, the answers reached 8.38 points on the 10-point-scale.
- According to a survey by Spinter Tyrimai (Public Opinion Research) 36.6% of the population would ask to replace a teacher in their child's school if s/he was gay or lesbian. Meanwhile 37.2% of the respondents said a teacher's sexual orientation has nothing to do with the teaching.
- According to Eurobarometer 2012, 42% of Lithuanians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 30% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Lithuanians scored 4.1 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Lithuanians scored 3.7 on a

similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Lithuanian Gay League
www.lgl.lt

Tolerant Youth Association
www.tja.lt



Luxembourg



Progress towards Luxembourg's adoption of the marriage equality law continued to be slow, mainly due to lack of agreement around whether adoption rights should be accorded to same-sex couples. Following the splitting of the bill into two (one bill for marriage, and the other for adoption) a renewed effort for the passage of the marriage equality bill was launched.

Education

- In September, the *Gender Normativity and its Effects on Childhood and Adolescence* conference was organised under the patronage of the Minister of Health. The programme of the conference, which was prepared in cooperation with Transgender Luxembourg, focused on the manifestation of gender norms during children's education, and addressed the interpretation of the 'best interest of the child', including in the context of social inclusion of gender non-conforming youth.

Family

- In May, the draft law on marriage equality started being discussed in Parliament, after a pre-existing bill covering both marriage and adoption equality was modified and split into two different bills: a marriage equality bill (N°6172 A) and a draft bill on equal access of same-sex couples to joint adoption (N° 6172B).
- In December, the Council of State which is an advisory body, published an opinion on the marriage and adoption equality bill which has been before the national parliament since 2010; the opinion was required by the Prime Minister. The Council of State considered that it was "impossible to establish a full consensus on such a question", and called for a broader debate to be held before any decision be made. This opinion was justified by the Council of State's reasoning that such a reform "would be a fundamental change of the anthropological basis of marriage".

Health

- In June, the Minister of Health declared that "sexual orientation cannot be a reason to ban blood donation. Sexual orientation is not a risk in itself." However, the government did not lift the ban on blood donation by gay men, which Rosa Lëtzebuerg later pointed out to be a contradiction.

Public opinion

- According to Eurobarometer 2012, 32% of Luxemburgers believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%).

35% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%).

Luxemburgers scored 8.5 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly above the EU27 average (6.6). Luxemburgers scored 7.2 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

Rosa Lëtzebuerg Asbl
www.rosa-letzebuerg.lu



FYR Macedonia



Discrimination and stigmatisation of the LGBTI community remained widespread in the country, and often fuelled by bias motivated speech from public officials. One of the most high profile incidents revolved around the derogatory comments of the Minister of Labour and Social Policy about LGBTI families, comments made under the guise of protecting minors and defending of the heterosexual family unit. Likewise, journalists also contributed significantly towards the stigmatisation of the LGBTI community through sensationalist and inflammatory articles. Furthermore, there were cases of violence against LGBTI human rights defenders, including an attempt to set the LGBTI Support Centre on fire.

Bias motivated speech

- In October, Spiro Ristovski, the Minister of Labour and Social Policy, reiterated his claims that “homosexuals cannot raise healthy children” on national TV station SITEL. The journalists of the station presented homosexuality as a threat to the nation and to civilisation, drawing parallels between homosexuality and paedophilia, incest and zoophilia. Civil society organisations held a press conference criticising the statement by the Minister and calling on him to respect existing national laws on non-discrimination. Widespread media coverage of the press conference presented civil society’s demands as that of “same-sex marriage and adoption of children” and hence a threat to family values. This was followed by numerous media articles with homophobic discourse. Four front pages of the newspaper Vecer on four subsequent days published articles containing images from gay porn films under the following titles: “There will be No Homosexual Marriages in Macedonia”, “Chicks with Condoms”, “We want nephews, not faggots” and “Researchers prove that children of homosexual couples are victims of paedophilia”. These provocative and homophobic articles fuelled a hostile environment. Homophobic hate speech continued on the internet editions of some newspapers, in internet forums and social networks.

Bias motivated violence

- In October, the Macedonian Helsinki Committee opened an LGBTI Support Centre in Skopje with the aim of providing space for LGBTI groups to self-organise and provide support. A day after the opening of the Centre (and following the above mentioned media portrayal of the issue), three masked assailants stoned the Centre and broke the glass at the entrance. The Helsinki Committee reported the attack to the police and the case is under investigation.
- In December, there was another attempt to attack and set fire to the LGBTI Support Centre. The face of one of the attackers was captured on the security camera which was sent to the police. The case is under investigation.

- In total, ILGA-Europe collected information on six hate crimes perpetrated during the year. Apart from the attacks targeting the LGBTI support centre, cases of violence occurred within families as well as against a gay man belonging to an ethnic minority. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Education

- In 2011, the Commission for Protection against Discrimination (CPAD) ruled that a textbook used in third-year secondary education contained discriminatory portrayals of LGBT people. The textbook calls being LGBT “wickedness”, and refers to LGBT people as “persons with mental health difficulties and obstacles” with “neurotic and psychotic personalities”, who are “participants in such perverted, unnatural, and [...] abnormal sexual life”. The Commission requested that the Ministry of Education review the textbook and change the homophobic content. In 2012, the Ministry of Education and Science announced that the textbook would be revised. The textbook for Pedagogy printed in 2012 had the discriminatory parts removed. However, no positive new content was introduced in the textbook to cover LGBTI issues.

Enlargement

- In October, the European Commission issued the *2012 Progress Report on FYR Macedonia* where it noted that the “LGBT community continue to suffer from discrimination and stigmatisation” and reiterated that the anti-discrimination law is still not fully in line with the *acquis* as protection from discrimination on the grounds of sexual orientation is still omitted. It further recommended that the government of FYR Macedonia establish structured and systematic data analysis on discrimination and conduct awareness raising activities on equality and non-discrimination.

Family

- In June, the Minister of Labour and Social Policy, Spiro Ristovski, stated that he will do everything to keep the

legal provision defining marriage as a union between one man and one woman. The Minister's remarks came as a response to the Macedonian Helsinki Committee for Human Rights' initiative, before the Constitutional Court, to reassess a provision in the *Family Law* regulating close personal relations as "personal relations between people of different sexes". Macedonian Helsinki Committee claimed that this definition provides grounds for discrimination against people who are in same-sex relationships in cases of protection from domestic violence. In November, the Constitutional Court rejected the submitted initiative on the basis that there is no single category of citizens excluded from protection from domestic violence and the law recognises the potential victims of family violence (including same-sex couples) as those who live in a 'common household'.

- In October, Minister Ristovski, in the frame of a public presentation related to the *International Day of the Girl Child*, stated that he did not even want to consider the possibility of adoption of children by homosexual people because he believes that "[...] a child should be brought up correctly, to grow and develop in a marriage with a mother and a father in a true and biological sense of the word." He further commented on the reaction of the Coalition of Sexual and Health Rights of Marginalised Communities and the Network for Protection from Discrimination to his initial statements, "I and the party I belong to make efforts for a healthy nation [not a racially clean nation as the Coalition and the Network claimed]. In fact, statistics show a decrease in the birth rate, and how otherwise shall we increase it, if not by births of healthy children in a healthy natural environment".

Freedom of assembly

- In November, the March of Tolerance was organised by the Macedonian Helsinki Committee/LGBTI Support Centre together with other civil society representatives working on non-discrimination and equality. Before the start of the March, as the organisers were setting up information stands at the central square, one masked man threatened and punched two LGBT activists. The police arrested and charged the attacker with violent behaviour.

Helsinki committee also brought charges against the attacker for obstruction of the planned public gathering.

- Preparations were made by a group of LGBT organisations, women's rights and mainstream human rights organisations to organise Skopje Pride in June 2013.

Member organisations of ILGA-Europe

LGBT United Macedonia
www.facebook.com/lgbtunitedmacedonia

Women's Alliance
www.womensalliance.mk



Malta



Malta enhanced its protection on the grounds of sexual orientation and gender identity through: (i) the inclusion of the grounds in the Criminal Code in relation to hate crime and hate speech; (ii) the improvement of equality legislation through express inclusion of the ground of gender identity for the first time; and (iii) the extension of the remit of the national equality body to cover both grounds. However, the country failed to extend equality in the area of partnership and parenting. The adopted IVF law entitled *Embryo Protection Act* expressly excludes lesbian couples and single women from access to fertility treatment, while the proposed cohabitation bill, while open to same-sex partners, was greatly criticised by LGBTI civil society due to its weak set of rights, and its disregard of same-sex partners' family life.

Bias motivated speech

- In May, Gozo Bishop Mario Grech published a pastoral letter that said that “A family is built on a relationship between man and woman, based on the permanent bond of marriage [...] to procreate, raise and educate children.” He then added that “[Recognition of unmarried couples as families] is nothing but blindness. Those who live together are not a family, and while they have every right for the state to respect their individual rights, it is also the state’s duty to recognise the family for what it is and develop policies in favour of the family.”

Bias motivated violence

- In January, a teenage lesbian couple was attacked in the town of Hamrun. They were sitting on a bench kissing when two young men approached them. First they shouted insults and then physically attacked one of the lesbians, eventually head butting the girl causing her a nose fracture. Her girlfriend was also pushed to the ground and left with scratches. A 35-year-old woman joined the boys in the incident. Afterwards, the teenage girl was taken to a health centre. The case was later brought to court, and in June, the boys were sentenced to fines amounting to €500, while the 35-year-old woman was fined €50.
- In February, an off-duty bus driver attacked two lesbian passengers on a bus. The incident was caught on camera and uploaded on YouTube. The driver was charged of causing injury and disrupting public order. The bus company Arriva sacked the driver after the incident and emphasised that they have a zero tolerance policy on violence on any grounds.
- In June, the Parliament amended the *Criminal Code* regulating hate crimes, extending the scope of the law also to sexual orientation and gender identity. Prime Minister Lawrence Gonzi announced that the law was amended as a result of two violent incidents, which seem to have been provoked by homophobic motives. “Laws, that are a reflection of our values, should be enforced and all institutions are to avoid discrimination and respect people”, the Prime Minister stated.

- In October, a man from Mellieħa (a rural town) who had deliberately ran over an Australian tourist with his car in 2004 was conditionally discharged by Magistrate Carol Peralta in spite of his causing permanent disability to the tourist. The court ruled that the victim had taunted the aggressor while in a drunken state, calling him “gay”. In his judgement, Magistrate Peralta justified his decision by stating that “The incident happened in Mellieħa, and before fellow villagers, so the insinuation that the accused was ‘gay’ – even if there is nothing wrong with that – perhaps in the accused’s psyche and other villagers’, was not acceptable.”

Diversity

- In March, the Millennium Chapel in collaboration with the Drachma Parents’ Group organised a seminar for parents of LGBT people. The seminar was mainly intended to facilitate a conversation around the understanding of sexual and gender diversity, and to assist parents to come to terms with their children’s ‘sexual identity’.
- In July, Vodafone launched a publicity campaign that included billboards featuring a lesbian couple under the slogan “Who is your number 1?” The campaign did not pass unnoticed, and while the majority of the comments were positive, some were upset by the campaign. In response, Monique Brinciau, a Vodafone Malta representative said: “These two particular girls can be anything from sisters, best friends and, yes, they could also be in a relationship.”

Employment

- In January, a report by the Centre for Labour Studies of the University of Malta found that although awareness about discrimination in the workplace seems to be increasing in Malta, trade unions may still need to be convinced about their role in ensuring an equitable and inclusive workforce. The report stated that the issue of sexual orientation at the workplace was not given much attention by the unions interviewed. It was remarked that workers rarely go to the unions with complaints about this type of discrimination because it is still regarded as “a sensitive issue”.

- In May, Tony Zarb, the General Secretary of the General Workers' Union, expressed his support of the extension of protection of the *Criminal Code's* provisions against violence to LGBT people, while reaffirming his union's continued support in the fight against homophobia.

Equality and non-discrimination

- In June, the Parliament enhanced the remit of the Commission for the Promotion of Equality (NCPE), the equality body, to include sexual orientation and gender identity among other grounds. This followed the amendment of *Chapter 456 Equality for Men and Women Act* to which the grounds of sexual orientation and gender identity were expressly added. The NCPE has a number of functions including the monitoring of employment adverts and other communication in media to ensure compliance with anti-discrimination legislation.

Family

- In January, the Malta Gay Rights Movement (MGRM) launched its position paper on marriage equality.
- In February, newspapers reported that a Maltese-run Ethiopian orphanage through which several people have adopted children, has decided to stop adoptions by single people. Archbishop Paul Cremona expressed his opinion that it was preferable for children to be adopted by married couples. The Bishop's comments coincided with the belief that this move was intended as a restriction on adoption by LGBT people from church-run orphanages as it became known that some lesbians had adopted children through this channel.
- In March, Jeffrey Pullicino Orlando, a Nationalist MP, came out in favour of marriage equality, thus becoming the first parliamentarian to support MGRM's position.
- In June, the *Cohabitation Bill*, as announced by the government the previous year, was introduced to Parliament. The law was intended to provide civil rights for unmarried couples, both different-sex and same-sex which recognition would hinge on the durability of relationships.

- In July, a third party intervention was submitted by the European Centre for Law and Justice (ECLJ) with regard to the case of *Joanne Cassar v. Malta* (Application no. 36982/11). In their submission ECLJ called on the European Court to take the opportunity to reverse *Goodwin v. UK* arguing that human rights are a reflection of natural law and that the right to marry cannot and should not be severed from biological procreation. It further argued that the fact that the Constitutional Court of Malta ignored *Goodwin* meant that *Goodwin* was wrongly decided. Later in the year, the Maltese government followed the argumentation of ECLJ in its correspondence with the Court.
- In August, Chris Said, Minister for Justice launched the draft *Rights and Obligations of Cohabitants Act* during a designated press conference. The proposed Act laid out a law that recognised same-sex couples for the first time, but fell short of installing a new set of rights that are not already available through private notarial deeds. In its reaction, MGRM stated "It is hugely disappointing that the bill proposed does not accede to most of MGRM's demands and fails to attain even the minimal level of recognition acceptable, that is civil unions at a par with marriage. As things stand, the bill acknowledges those who enter into a de jure cohabitation agreement as next of kin and grants residency rights to those who come from Third Countries but continues to exclude these couples from the government's definition of family".
- In August, the Labour Party accused the government of "institutionalised homophobia". Joseph Muscat, the Party's leader, hit out against comments that Minister Said made during the press conference saying that government had no intention of recognising same-sex partners as family. Muscat went on to affirm that for his party "a family was formed irrespective of the sexual orientation of the persons involved".
- In August, Alternattiva Demokratika – the Green Party, came out in support of MGRM's position on marriage equality and equal access to parenting rights thus becoming the first party to adopt such a position.
- In September, the National Youth Parliament, with 29 votes in favour and 2 abstentions adopted a resolution in

favour of marriage equality, and same-sex parenting including adoption rights. Oriana Farrugia, the Youth Parliament's leader, argued that "If we are granting [same-sex couples] the same rights because they are taxpayers like us, why should we place them even one millimetre below us?" She also added that there was no point in delaying the inevitable.

Foreign policy

- In October, Tonio Borg was nominated as Malta's candidate for the post of EU Commissioner for Health and Consumer Affairs following the resignation of John Dalli. Tonio Borg's nomination was widely contested in view of his previous statements on gays, women's rights, and undocumented immigrants. His positive hearing at the European Parliament did not appease many MEPs and he was thus asked to subscribe to a set of principles as a guarantee prior to his confirmation. Following a letter sent to the European Parliament in which he agreed with the list of principles, he was approved with 386 in favour, 281 against and 28 abstentions.

Public opinion

- In May, a MaltaToday survey found that 41% of Maltese people agree with marriage equality, while 51.2% oppose the introduction of an equal marriage law. Those in favour include 9% who specified that they agree with the introduction of marriage equality but disagree with the couples adopting children. The overall support has increased by 13% since 2007 when the survey was last conducted. The support for equal marriage is strongest among 18-to 34-year-olds, with 60% support.
- According to Eurobarometer 2012, 54% of Maltese believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 51% believe gender identity discrimination is widespread. This is significantly above the EU27 average (45%). Maltese scored 6.8 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Maltese scored 5.1 on a similar scale

when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Sexual and reproductive rights

- In July, the government proposed the *Embryo Protection Bill*, which was adopted later in the year with the aim to regulate in vitro fertilisation, and establish strict criteria as to who can accede to this method of procreation. The law limits access to IVF to married and unmarried heterosexual couples in a stable relationship, thus expressly excluding single women and lesbian couples from acceding to it. The law prohibits third party gametes donation as well as surrogacy.

Member organisations of ILGA-Europe

Malta Gay Rights Movement
www.maltagayrights.org



Moldova



The level of antagonism around LGBTI issue remained high, while some progress was made on specific issues. A number of hateful statements against LGBTI people were made by public figures such as the Moldovan Ombudsman, parliamentary speakers and representatives of the Orthodox Church. A number of towns and villages adopted ordinances prohibiting 'aggressive propaganda of non-traditional sexual orientation'. The new *Anti-Discrimination Law* bans discrimination on the ground of sexual orientation in employment. The parliamentarians ensured that the Law does not extend protection from discrimination to other areas of life. On a positive note, the European Court of Human Rights ruled that the ban of 2005 Pride event was a human rights violation, and the Supreme Court of Justice issued a recommendation to improve the legal gender recognition process for trans people.

Bias motivated speech

- In March, Ombudswoman Aurelia Grigoriu made several homophobic statements while participating in a talk show on MIR TV Channel. For example, she referred to equality of people before the law and stated that: "Moldova is a Christian Orthodox country with orthodox traditions" using this argument with regard to possible limitations of LGBT people's right to freedom of assembly. The Ombudswoman added that peaceful demonstrations held by LGBT people constitute "propaganda of a lifestyle and propaganda of themselves" and added that "propaganda is a strong mover of influence on minds of the younger generation".
- In April, delegates to the Parliamentary Assembly of the Council of Europe (PACE) made a Written Declaration condemning the use of homophobic "hate speech" as a political weapon by a fellow member of the Assembly, Mr Voronin, leader of the Moldovan Communist Party, and a former President of that country.
- In May, the Speaker of the Parliament, Marian Lupu, made a series of homophobic comments in a talk show: "They are not like us. Don't get offended! They are people, but not like us. At least I'm speaking on my behalf in this regard. I deny only the right to marry, to form a family, to adopt children, and the right to all sorts of public demonstrations and so on." Mr Lupu added: "I treat these things [same-sex relations] as lechery. This is my stance. And being sufficiently well-educated, I'd like to tell you I know that the super-developed civilisations collapsed due to the lack of morality, its loss and establishment of the norms of lechery", he added.
- In June, the Russian Orthodox Church appealed to Moldovan authorities to "curb attempts to promote sexual perversions and immoral behaviour" as a reaction to the adopted *Law on Ensuring Equality*. The statement by the Russian Orthodox Church's Holy Synod continues: "In most cases, homosexuality is a personal choice [...] which is why treating 'sexual minorities' in the same way as ethnic, racial or social minorities is totally incorrect".
- In October, the Moldovan Orthodox Church declared that there was no place for homosexuals in hospitals, schools and the food catering system. "The Law on

Ensuring Equality has widely opened the gates of heaven to homosexuals. We demand to stop them for a while and not let them be employed in educational, medical and food catering institutions. Just imagine how a homosexual, and 92% of them are AIDS carriers, get employed at the blood transfusion centre. It would be a disaster", said the Bishop of Bălți and Falesti Marckel.

- A Court in Moldova ruled that a website had violated the right to private life and abetted hatred after it published a 'black list' of public figures who allegedly promote homosexuality. A year previously, on his blog Vitalie Marian labelled some public individuals working in the press, governmental bodies or civil activists as promoters of homosexual behaviour. The post was later published by portal Our Moldova, adding new names to the list. The court ruled that the manager of the website, who published the extended 'black list', should remove the controversial list of names and pay 5,000 Lei (aprox. €330) in compensation to each complainant. The Court claimed that the list violated the right to private life and discriminated based on sexual orientation.

Bias motivated violence

- In March, a gay person filed a complaint with the police against two unknown persons, who attacked him in his apartment. Under the pretext of having a sexual relationship with him the offenders got into the apartment, kicked him while calling him 'faggot', threatened him with a kitchen knife and stole his notebook, mobile telephone, and wallet. The total damage was estimated to amount to €750. Despite the fact that the bias motivated violence of this case was clear, according to the conclusion in the police ordinance the case did not fall under hate crime. At the end of December both offenders were sentenced to eight years of imprisonment as they were found guilty of committing robbery with weapons or other objects used as weapons and causing considerable damage.
- In June, two gay men were beaten by members of a Military Unit. The soldiers beat and insulted them for their sexual orientation. As a result of the attack, both victims suffered minor bodily injuries. One of the men called the

police, but the call was only registered after GENDERDOC-M intervened. On duty police guards arrived at the crime scene a while later, approached the soldiers, asked them about the incident but ignored the victims entirely. They laughed as soldiers described what had happened using derogatory language while describing the victims. The policemen changed their attitude only after repeated intervention by GENDERDOC-M asking the police to perform their duties. They called an ambulance for one victim and took another to the Police Commissariat for interrogation. Later in August, both men were summoned to the Military Prosecutor's Office for interrogation. The prosecutor asked personal questions regarding the victims' sexual preferences and stated that if he had been in the soldiers' shoes, he would also have beaten the men because of their sexual orientation. Afterwards, in a discussion with the victims' lawyer, he added that he "will not punish some children [the soldiers] because of faggots". Consequently, an order to refuse initiation of criminal investigation was issued. In October the victims' lawyer filed a request to annul the order which was later rejected.

Criminalisation

- In January, the City Council of Bălți, Moldova's second largest city, adopted an ordinance prohibiting "aggressive propaganda of non-traditional sexual orientations". In the ordinance, the City Council referred to religious, historical and cultural reasons for prohibiting 'propaganda' within the city of Bălți. A representative of the government to the municipal council, from the Centre for Human Rights (Ombudsman), expressed the view that the decision was a breach of the *Constitution* and goes against Moldova's international commitments.

Equality and non-discrimination

- In May, the government organised a roundtable discussion between civil society organisations and the Minister of Justice on a new *Anti-Discrimination Bill*. The draft originally prohibited discrimination on the ground of sexual orientation in all areas of life, but three days prior to the roundtable, the bill was revised and the ground of

sexual orientation was excluded throughout the bill with the exception of the area of employment. However, the proposed *Bill* was intended to protect from discrimination on 'any other [similar] grounds'. It is legally unclear whether sexual orientation would be covered under 'any other ground'. After the revision, a new article stating that marriage is exclusively a union between a man and a woman was also included. The *Law on Ensuring Equality* was adopted by the Parliament and signed by the President in late May. Human rights organisations expressed concerns over the law, stating that it fails to protect LGBTI people from discrimination.

Freedom of assembly

- In June, the European Court of Human Rights ruled that the ban on an LGBT demonstration organised by GENDERDOC-M Information Centre in May 2005 was contrary to Articles 11 (freedom of assembly and association); 13 (right to an effective remedy); and 14 (prohibition of discrimination) of the European Convention on Human Rights. The Republic of Moldova was ordered to pay €11,000 in compensation to GENDERDOC-M Information Centre (Application no. 9106/06).

Freedom of expression

- In August, Moldova's Supreme Court of Justice upheld the judgement of Chisinau Court of Appeals under which the claims of Fericita Maica Matrona Association, Moldovan Orthodox Church and Mrs Larisa Burca were rejected as unfounded. The claims were made in 2011 and a lawsuit was filed against the decision of Teleradio-Moldova Council of Observers to broadcast the documentary film *Rights of Sexual Minorities*, from the series *Human Rights on the Screen*, on the Moldova 1 public television channel.

Human rights defenders

- In December, on *International Human Rights Day*, GENDERDOC-M Information Centre received its first Human Rights Award from the United Nations Moldova Country Office. In their award justification motion, the

organisers stated that Moldova's only LGBT rights organisation was receiving the award for its work on combating discrimination through litigation, advocacy and awareness-raising activities, which were especially showcased during 2012.

Legal gender recognition

- In May, the Appeal Court of Chisinau ruled that transgender people are allowed to change their legal documents, namely birth certificates, in accordance with their preferred gender. The judgment obliged the State Registry Office to change names and gender marker in the identification documents of two plaintiffs. However, a month later, the judgment was abrogated in the Court of Appeals. The reason being that neither of the plaintiffs had attached copies of their birth certificates to the file, even though this had not been required. The case was transferred to the court of the first instance for reconsideration. The case was positively resolved once again. This time, the Court of Appeals ruled abrogation of the first instance's judgment.
- In November the Supreme Court of Justice of the Republic of Moldova issued *Recommendation 16* "on the Procedure of examination of requests regarding amendment of civil status documents following sex reassignment" due to the growing number of lawsuits, which were examined by courts at national level at the time. The *Recommendation* states that "homosexual and transgender people must be protected through the Article 8 from the European Convention on Human Rights and Fundamental Freedoms, i.e. the right to respect for private and family life. The right to change one's sex and name is a component of the right for private life" and explicitly states that where the Registry Office refuses a person the opportunity to modify or amend the act of civil status documents following their sex reassignment, it can be contested in court. The refusal has been issued by a public authority and, therefore, can be contested using administrative and not special procedures because the fact of the sex change has already been established through medical assessment. The Recommendation of the Supreme Court of Justice is expected to have a positive

impact on the overall situation of transgender people in the Republic of Moldova as it will facilitate access to legal gender recognition.

- The second case, also with two transgender plaintiffs, was not accepted for consideration by the court of first instance. The plaintiffs filed the lawsuit after having received an official paper from the Registry Office of Ministry of Justice where the authority explained that the medical certificate and recommendation issued by the specialised commission under the Ministry of Health could not be accepted as an official document confirming gender reassignment. Thus the court did not find the paper as an official refusal from the authority and did not accept the file for further consideration.

Participation in public/political life

- In March and April, similar ordinances were adopted in more than 16 localities such as Drochia, Soroca, Cahul, Anenii Noi, Causeni, Basarabeasca and others. In the majority of these localities, the ordinances were either voluntarily repealed by the authorities who had adopted them or contested by the State Chancellery in court. They remain in force only in 5 of the above mentioned localities. All ordinances were considered and adopted upon suggestion of the Moldovan Orthodox Church.
- The EU Delegation in Moldova condemned the above mentioned ordinances as unacceptable violations of human rights, discriminating against LGBT persons, by stigmatising them and restricting their freedom of expression, association and assembly.

Sexual and reproductive rights

- In June, Parliament adopted the *Law on Reproduction Health* allowing single women to use medical assistance technologies in human reproduction with the use of donor's sperm on the basis of a request signed by the women. At the end of the year, a case of a lesbian couple from Chisinau who had decided to have a baby and applied to the artificial insemination service, proved that artificial insemination is not denied to same-sex couples. The couple went to two clinics (private and public) to ask if they could benefit from the artificial insemination. In

both institutions doctors were open to help them and after the counselling at the medical institution the couple was asked to take genetic tests and afterwards to use the artificial insemination service. Further, at both institutions, private and public, prices were proven to be accessible and the couple is happy they do not need to go to another country to benefit from these opportunities and to pay a significant amount of money for it.

Member organisations of ILGA-Europe

GENDERDOC-M Information Centre
www.lgbt.md



Monaco



Monaco failed to seize the opportunity to update its legislation tackling violence and harassment in the workplace with regard to the ground of sexual orientation, by making an explicit decision to drop legal protection against discrimination targeting LGB people.

Equality and non-discrimination

- In December, the government tabled a bill in the National Council on violence and harassment in the workplace. This bill followed a parliamentary legislative proposal against discrimination and harassment that was introduced in 2011, which included provisions on discrimination based on the ground of sexual orientation. However, the government, which has the power to select the provisions to be considered, chose to omit these provisions in its final proposal.

Member organisations of ILGA-Europe

As of December 2012, there were no member organisations of ILGA-Europe is Monaco.



Montenegro



The reality on the grounds remains very difficult as demonstrated by various cases of hateful expressions and attacks, however, the authorities continued to make progress towards greater LGBTI equality. Montenegrin authorities condemned violence and: (i) joined the Council of Europe's LGBT project; (ii) established a working group to prepare a national strategy against homophobia; (iii) supported the Ombudsman's proposal for the introduction of registered partnership law for same-sex partners; and (iv) amended the national *Healthcare law* to provide gender reassignment treatment for trans people, in large part paid by the State.

Access to goods and services

- Juventas published guidelines for medical workers, psychologists and legal practitioners on how to improve the quality of services provided by those professionals to LGBT people. In addition, a number of trainings and other awareness raising sessions were organised by Juventas for those targeted professional groups in order to improve access and quality of services provided to LGBT people.
- The Director of Montenegro Tourist Association, in a meeting with LGBT Forum Progress, stated that LGBT guests in their hotels are treated as equal to all other guests and agreed that, given the high level of homophobia and transphobia in the country, positive steps should be taken to show that guests, regardless of their sexual orientation, gender identity and other characteristics are welcome and safe in their hotels.

Bias motivated speech

- In April, LGBT Forum Progress filed a complaint about a person who sent a threatening message to the leader of the organisation stating “You faggots, you deserve to be beaten, tortured, tied down naked and burned to death.” The comments were made on Facebook. He also described LGBT people as “miserable, livestock [that is] staining the earth”. The author of the threat was brought to justice. The court found him guilty under the law against discrimination and ordered him to pay a fine of €700.
- In June, a rainbow flag was set on fire in front of the Ombudsman’s office. The person(s) behind the act remain unknown. After the incident the owners of the building refused to put up a new flag for safety reasons. The government condemned the torching of the flag. “Incidents such as this one certainly do not represent the majority view or the government’s position as regards the LGBT persons” the Prime Minister’s statement read.
- In July, an openly gay human rights defender visited his home town of Nikšić, where he faced a series of homophobic comments from the public while giving an interview to a television channel. Several dozen people called him a ‘faggot’ and used other derogatory terms. Despite the name-calling, no violence occurred.

- LGBT Forum Progress have submitted around 100 reports to the police of discrimination on the grounds of sexual orientation or gender identity. Half of these cases were being investigated by the police.

Bias motivated violence

- In May, the assailant who verbally and physically attacked and threatened to kill the leader of the LGBT Forum Progress was sentenced to two years probation, and in the case that he does not obey the Court decision in any aspect, he will face the punishment of three months in prison.
- In September, the director of a video production promoting LGBTI rights, as well as one of the actors and a journalist, were beaten by a group of football fans in Podgorica. The victims were on their way home from a concert, when a group of *Varvari* (Barbarians) attacked them. The group had already acted aggressively towards the victims earlier in the evening, using derogatory language. The government condemned the attack. The alleged perpetrators have been identified and arrested, and a court case was subsequently opened.
- In total, ILGA-Europe collected information on as many as 26 hate crimes perpetrated in 2012, including numerous cases of clear threats of violence. LGBTI activists were often the targets of such threats. Other incidents include physical attacks. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Education

- The Ministry of Education and Sports published an article, based on research data from Juventas, dealing with the problem of homophobia in the Montenegrin society. The article, written by the senior advisor in the Ministry of Education and Sports and published in *Prosvjetni rad* magazine for culture, education and science professionals in Montenegro, points out the negative impact of homophobia and highlights the importance of building a society free of prejudice

towards LGBT people. She further emphasised the important role of education professionals in awareness raising actions.

Enlargement

- In June, the European Council decided that Montenegro had made sufficient progress to comply with the EU membership criteria and started membership negotiations in the areas of (i) judiciary and fundamental rights; and (ii) justice, freedom and security.
- In October, the European Commission issued the *2012 Progress Report on Montenegro* where it acknowledged that “the government [of Montenegro] showed greater openness to promoting and defending LGBT rights and has taken concrete steps to this end” at the same time highlighting that LGBT people, particularly LGBT activists, continue to suffer discrimination. It further noted that the addressing of cases related to sexual orientation and gender identity discrimination remains slow. The European Parliament had earlier stated that the level of ensuring the rights of LGBT people in the country will still need to be improved.

Equality and non-discrimination

- In July, the LGBT Forum Progress filed a complaint to the Ombudsman, concerning 19 Montenegrin mayors, on the basis of discriminatory attitudes towards the LGBT community. Progress stated that the mayors refused to communicate and cooperate with the LGBT community concerning the work of a temporary shelter for LGBT persons who are in conflict with their families because of their sexual orientation or gender identity. The Ombudsman had not issued a response by the end of the year.
- Following last year’s commitment, the Government of Montenegro established a working group to prepare a *Strategy for improving quality of life of LGBT persons*. It is planned that the strategy will be adopted in early 2013.
- Montenegro has become one of the beneficiary countries of the Council of Europe’s regional project *Combating discrimination based on sexual orientation and gender identity*.

Family

- In May, the Ombudsman sent an initiative of a *Partnership Bill* concerning same-sex couples to the Parliament. The Ombudsman’s position was that the adoption of the proposed law would comply with the practice of the European Court of Human Rights, and diminish discrimination against Montenegrin citizens due to their sexual orientation and gender identity. An expert group, set up by the government in 2011 to prepare an analysis of legal regulations concerning the rights of LGBT people, also supported the bill, but it had not been tabled in Parliament by the end of the year.

Freedom of assembly

- Preparations were made for the Pride Parade in 2013. The organising committee of the Pride includes the Ombudsman and a member of the Council of Civil Control of Police. The organisers have requested and are waiting for a government official to be appointed as a member of the Committee.

Freedom of expression

- To mark the International *Day Against Homophobia and Transphobia* (IDAHO), Juventas organised a poster campaign, *Every day is a day of fight against homophobia and transphobia. Live your life.*, challenging the societal prejudice against LGBTI people.

Health

- In March, the *National Healthcare Law* was amended to provide gender reassignment treatment for transgender individuals. Earlier gender reassignment procedures were not covered by the universal healthcare system. The amendment ensures that the government covers 80% of the gender reassignment procedure costs, including hormonal therapy and reassignment surgery.

Public opinion

- Research conducted by Juventas in 32 high schools around the country showed high levels of disapproval towards LGBT people. The survey found that 46% of students interviewed think that homosexuality is a

disease and 45.9% of students do not agree with the claim that homosexuals have the right to express their sexual orientation.

- Juventas' research amongst police officers and medical personnel showed that 51% of police officers and 48.1% of medical workers think that homosexuality is a disease, 68.6% of police officers and 59.7% of medical workers think that homosexuality is not natural and 66.7% of police officers and 48.1% of medical workers would feel they had failed as parents upon finding out that their child is gay. A survey by LGBT Forum Progress and Center for Civic Education in 2012 showed a certain decrease in the level of homophobia among the general public over the previous two years. While in 2010, 68.5% of the respondents believed that homosexuality is a disease, in 2012, 59.9% were of that opinion. The survey also showed a decrease in public support of violence. Nonetheless, in the 2012 survey, 11% of respondents justified violent behaviour directed towards LGBT people.

Member organisations of ILGA-Europe

Juventas
www.juventas.co.me

LGBT Forum Progress
www.lgbtprogres.me



The Netherlands



The Netherlands continued to work to fine tune its legislation and policy framework in different areas including asylum, parenting and legal gender recognition. Another positive development was the introduction of compulsory education on sexual diversity and sexuality education at all primary and secondary schools which also explicitly refers to trans people. Meanwhile, concerns remains regarding the social situation: half of lesbian and gay people adjust their behaviour in public fearing negative reaction and half trans people experienced negative comments and harassment.

Access to goods and services

- In December, whilst visiting McDonalds in Osdorp, a trans woman was humiliated by the staff of the restaurant who laughed at her. The incident was witnessed by a camera crew of a TV programme that was following the woman. COC Netherlands called on McDonalds to investigate the incident and subsequently the establishment contacted COC NL for a discussion of the case.

Asylum

- In June, Immigration Minister Gert Leers announced that he would change asylum rules to ensure that LGBT asylum seekers who are refused asylum are not forced 'back into the closet' upon their return. A new paragraph was therefore added to the relevant regulation in 2012. However, in COC's view, this paragraph represented a deterioration of the original policy, since while the new general rule is indeed that LGBT asylum seekers may not be sent 'back into the closet'; it is followed by several limitations including a possible demand on LGBT asylum seekers to have 'a certain amount of discretion' in their country of origin.
- In July, the government announced that it will open its doors to LGBT Iraqis, after declaring the country unsafe for homosexuals. Minister Leers had previously announced a temporary halt to the deportation of Iraqi asylum seekers, but now went further by declaring that it is impossible for anyone to be openly gay in the country without risking one's safety. LGBT asylum seekers will still have to prove their sexual orientation.
- In August, the Dutch Court of State referred a question to the Court of Justice of the European Union (CJEU) asking for a preliminary ruling on the interpretation of European Union law concerning the requirement of 'living discreetly' often discussed in LGBT asylum cases, and the effect of criminalisation of same-sex sexual activity in the country of origin. The case is pending.
- In September, Minister Leers announced that he would change the regulations, so that LGBT asylum seekers will no longer be refused asylum solely because they raise their sexual orientation or gender identity later

in the asylum procedure. The relevant regulation was changed later in the year.

Bias motivated speech

- In January, European rabbis considered taking action against the Amsterdam Jewish Community had the community upheld their decision to suspend Chief Rabbi Aryeh Rabag. Rabag had been suspended due to the fact that he had signed a declaration stating that homosexuality is an incurable disease.
- In March, the Dutch Press Council concluded that Dutch newspaper Spitsnieuws had wrongly used a photo to accompany an article about a same-sex couple that was bullied away from their home. The photo displayed two half-dressed men during the Amsterdam Canal Pride. The Council commented: "The use of the photo under these circumstances contributes to stigmatising and discrimination, and is unacceptable from a journalistic point of view."
- In December, following the comments of the Pope saying that marriage of same-sex partners would pose a threat to justice and peace in the world, there was a surge in the number of Catholics (reaching several thousand) accessing a particular website that provides information on how to de-register from the church. Minister of Foreign Affairs Timmermans condemned the Pope's statement, but did not initiate any further measures addressing the Holy See, as had been requested by the LGBT community.

Bias motivated violence

- In February, the police of Tilburg arrested the alleged perpetrator of a homophobic attack on a group of three young men. One of the victims was severely injured after being pushed down the stairs.
- In April, the Gaykrant reported that five men from the cities of Kampen, Steenwijk and Zwolle had become victims of robbery after meeting partners in a chat room on an internet dating site. The perpetrator first asked the victims for money and then threatened them with violence in the event that they did not comply. In one of the cases the perpetrator physically abused the victim.

The police started a criminal investigation and called upon witnesses to provide evidence.

- In September, a 24-year-old man was beaten, in The Hague, after receiving homophobic abuse from two perpetrators. The victim, who reported the incident to the police, suffered a concussion and broken lip.
- In August, the Amsterdam police stated that participants of a 'Turkish boat' that joined the Amsterdam Canal Parade received serious treats.

Data collection

- According to researcher Marloe Boon of Amsterdam's Free University, 50% of gay men and lesbian women in the Netherlands say they adjust their behaviour when they are in public. They adapt to the heterosexual norm in order to avoid negative reactions such as disapproving looks, hostile remarks or violence. The researcher was commissioned by the Netherlands Institute for Social Research which conducted 20 in-depth interviews with lesbians and gay men. Those interviewed added that they did not believe homosexuality would ever be totally accepted.
- In November, The Netherlands' Institute for Social Research (SCP) published research about the safety of trans people in the health sector and at work. The report concluded that 50% of trans people were subjected to negative comments during the previous year, and many faced physical violence (including threats, attacks, intimidation). Out of fear of negative consequences, 50% of trans people do not disclose their identity at work. In a response to the report, COC called upon the government to develop a master plan for transgender emancipation.
- In December, the government informed the Dutch Parliament that 2011 had seen a slight decrease in registered cases of discrimination against LGB people. The police registered 622 cases in 2011 compared to 659 cases in 2010. Municipal anti-discrimination agencies in 2011 registered another 450 instances of discrimination on the basis of sexual orientation and the Equal Treatment Committee received 16 complaints related to sexual orientation. The Dutch LGBT organisation COC expressed concern about the fact that the police did not

register segregated information about discrimination against trans people and the lack of measures against discrimination targeting trans people and lesbian women. A report that was published by the government in 2012 shows that very few LGBT people report discrimination: 5% in cases where there is no physical violence, 29% in cases where there is physical violence (source: SCP 2012).

Education

- In October and November, the House of Representatives and Senate (two parliamentary chambers) supported a proposal by Dutch Minister for Education, Culture and Science Marja van Bijsterveldt to introduce compulsory education on sexual diversity and sexuality education in all primary and secondary schools. The proposal came into effect in December.
- Minister Van Bijsterveldt commented that the definition of education on sexual diversity and sexuality would remain at the discretion of schools, but that schools have an important task in securing the safety of all students and teachers including LGBT people. The bill explicitly states that sexual diversity includes transgender people.
- In November, following the bullying induced suicide of 20-year-old Tim Ribberink, his parents published a note in a local newspaper which led to a national outcry against bullying. In the period 2010-11 homophobic bullying messages addressed to Tim had been posted online.

Employment

- In January, a Court in Leiden ruled in favour of a gay teacher who had challenged his dismissal from a Christian school following his coming out. The court stated that the simple fact that the man had made his same-sex relationship public was not a legitimate reason to suspend him. Nonetheless, the man decided to leave his position after an agreement was reached between him and the school.
- Wim Pijl took a case to court following his dismissal as a civil servant from the marriage registry by the City of

The Hague. The City of The Hague dismissed Pijl's case because it considered his objections to marrying same-sex couples discriminatory.

- In June, the Council of State, the principal advisory body to the Dutch government, published advice on how the government should deal with civil servants who refuse to marry same-sex couples. In its advice, the Council pleaded that whilst same-sex couples should have access to marriage in each city, it is not necessary to fire existing civil servants.
- In July, the Minister of Home Affairs Liesbeth Spies said that civil servants refusing to marry same-sex couples will not be dismissed from their jobs. She stated that letting civil servants go on these grounds would require an amendment to the law. The Parliament had earlier adopted two motions calling for action to prevent the refusal of civil servants to carry out marriages of same-sex couples.
- In October, Laurien Koster, chairperson of the Netherlands Institute for Human Rights, in an interview with the newspaper *Nederlands Dagblad*, said that she could not guarantee that Christian schools could continue to discriminate on grounds of sexual orientation in their employment policies. She said that schools would need to abide by legal restrictions about non-discrimination on grounds of sexual orientation.
- In October, the Royal Dutch Football Association (KNVB), together with organisations such as COC Netherlands, published a plan to counter homophobia in football. It was accompanied by a viral video campaign urging LGBT footballers to step out of the closet. The video was commissioned by Dutch broadcaster BNN.
- In November, D66, a social liberal party, proposed a law to no longer allow the appointment of civil servants who refuse to marry same-sex couples. The Council of State again advised against the proposal, arguing that it would lead to inequality between civil servants in access to public positions.

Equality and non-discrimination

- In September, Boris van der Ham MP submitted his proposal to Parliament to include 'sexual orientation' in

Article 1 (non-discrimination) of the Constitution. By the end of the year only a round written of questions had taken place in the Second Chamber. The proposal is awaiting further discussion.

- In September, in the framework of the national elections, nine political parties signed the 'Pink Voting Box Agreement' drafted by COC, in which they agreed to cooperate on five LGBT issues, namely: (i) ending the possibility for civil servants to refuse to marry same-sex couples; (ii) obligatory LGBT education in schools; (iii) improving the legal position of lesbian parents and their children; (iv) simple legal gender recognition for trans people; and (v) ending the 'sole fact construction' paragraph in the Equal Treatment Act which allows pupils and teachers to be expelled from schools if they are openly gay.
- In November, when the new government was presented, Jet Bussemaker was appointed Minister for LGBT emancipation. The 'government agreement' (agreement with policy priorities of the new government) of the new government of Liberal VVD and Labour PvdA includes a paragraph on LGBT emancipation, encompassing the complete 'Pink Voting Box Agreement' as well as other priorities such as the fight against anti-LGBT violence.

Family

- In October, the Parliament voted in favour of a law providing that the non-biological co-mother in a lesbian couple will automatically become the legal parent of a child born in wedlock and from an anonymous donor. In other cases the non-biological co-mother will be able to recognise the child. Previously, the co-parenting mother still had to formally adopt the child after birth. The law is expected to come into force in the first half of 2013, after the Senate approves it. During the discussions in parliament about this law, the government agreed to look into studying how co-parenting situations with three or more parents could be recognised.
- In December, a couple living in the Dutch island nation of Saba became the first same-sex couple in the Dutch Caribbean to marry.

Foreign policy

- In July, Dutch Minister for Foreign Affairs Uri Rosenthal answered a parliamentary question asking whether, in the eventuality that Ukraine passes a homosexuality anti-propaganda law, the EU should suspend plans to allow Ukrainian visa-free access to Europe. He argued that such a law would be incompatible with the association agreement.

Health

- In April, the Parliament urged the government to ensure that men who have sex with men (MSM) can donate their blood to blood banks. Health Minister Schippers responded in November stating that she was not yet ready to change the existing policies and asked blood bank Sanquin to research the 'desire to donate' and 'the risk perception' of MSM first.
- In June, the Minister for Health Edith Schippers removed a Christian 'anti-gay therapy' from the health insurance package. She had criticised the fact that health insurance money was being used to pay an orthodox Christian organisation, Different, to ask gays to "repress their sinful urges".
- In December, the Parliament voted against a law proposed to cover costs of treatments for secondary sex characteristics of trans people. Whilst operations changing primary sex characteristics are covered, secondary changes, such as the removal of facial hair, breast augmentation and erection prostheses remain uncovered.

Legal gender recognition

- In August, the government proposed a bill making it easier for transgender people to have their preferred gender legally recognised. The new law would make the recognition possible without the need of any hormonal treatment or surgery, and would repeal the requirement of sterilisation. However, the law stipulates that an expert will need to determine whether the transgender person's conviction is permanent. By the end of the year, there had only been a round of written questions that are

expected to be answered by government in the first half of 2013.

Public opinion

- A survey on sexual health in the Netherlands, published by Rutgers WPF in January, showed that more than half of the respondents want people to be clearly male or female; 57.3% of the respondents said they dislike uncertainty over someone's gender or sex. A further 20% would not want to have contact with trans people, and for 9% someone's trans status might be a reason to break a friendship.
- According to Eurobarometer 2012, 54% of the Dutch believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 50% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). The Dutch scored 8.4 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). The Dutch scored 6.5 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

AOb – Algemene Onderwijsbond (General Union of Education)
www.AOb.nl

Christelijk Nationaal Vakverbond – Onderwijsbond – Homowerkgroep
www.cnv.nl

COC Amsterdam
www.cocamsterdam.nl

COC Haaglanden
www.cochaaglanden.nl

COC Nederland
www.coc.nl

COC Rotterdam
www.cocrotterdam.nl

COC Tilburg
www.coctilburg.nl

Dutch Bisexual Network
www.lnbi.nl

EduDivers
www.edudivers.nl

Embrace Pink Foundation
www.embracepink.nl

Foundation Transman

Global Alliance for LGBT Education – GALE
www.lgbt-education.info

HoMOVISIE
www.movisie.nl

ILGA Support Group Utrecht

Internationaal Homo/Lesbisch Informatiecentrum en
Archief IHLIA-Homodok
www.ihlia.nl

Landelijk Homonetwerk Politie
www.landelijkhomonetwerkpolitie.nl

Meer dan Gewenst
www.meerdangewenst.nl

RozeLinks
www.rozelinks.nl

Schorerstichting
www.schorer.nl

Stichting De Kringen Utrecht
www.dekringenutrecht.nl

Stichting FLL
www.f-l-l.nl

Stichting Homosexualiteit en Krijgsmacht
www.shk.nl

Transgender Netwerk Nederland
www.transgendernetwerk.nl

Transman.nl

Workplace Pride
www.workplacepride.org



Norway



Norway continued to expand its LGBTI equality framework through: (i) the extension of the national asylum guidelines to cover gender based persecution, including against trans and intersex people; and (ii) an increase in the amount of funding available for action to tackle hate violence. This said, the country still has gaps to address in relation to rights of trans people, in particular in relation to gender recognition legislation and proper access to health.

Access to goods and services

- In November, the Equality and Anti-Discrimination Ombudsman decided that a lesbian couple had been discriminated against in access to housing as they were denied the ability to rent a house after the landlord was informed about their sexual orientation. The decision is the first of its kind regarding the non-discrimination section of the *Tenancy Act*.

Asylum

- In March, the Supreme Court ruled on a case pending from 2011 regarding an asylum seeker from Iraq. Citing the UK Supreme Court judgement given of July 2010, the court ruled that gays and lesbians should not be coerced into returning to their country of origin and 'hiding their sexuality' to avoid persecution. In June, the Ministry of Justice changed the guidelines on gender based persecution accordingly, and included trans and intersex people.
- In spite of the above, in October, an openly gay Afghan asylum seeker was deported to Afghanistan on the grounds that the Immigrations Appeals Board did not find his "alleged homosexuality" credible. LLH, Queer Youth and Queer World strongly advocated against his deportation and organised a rally in front of the Norwegian Parliament. Around the same time, a lesbian couple from Iran, after three years of waiting for a decision, received asylum in Norway. LLH and the Norwegian Bar Association were involved in their lengthy application procedure.

Bias motivated violence

- In October, the Government stated that it will increase its annual support to fight homophobic violence with 700,000 NOK (circa €95,000).

Equality and non-discrimination

- During 2012, the *Pink Competence* project, launched in 2006 to train staff within the Norwegian healthcare system on how to receive LGBT people in a professional manner, was expanded to the justice and educational sectors.

Foreign policy

- During 2012, LLH extended their advocacy on foreign policy work on LGBT issues to include Eastern Europe.
- In June, Save the Children Norway published the results of a study of the situation for young LGBT people in Vietnam and Nepal. This was a starting point for cooperation between Save the Children Norway and LLH on LGBT youth and children outside Norway.

Freedom of expression

- In May and June, LLH met with Kyiv Pride, Gay Alliance of Ukraine, Nash Mir, Fulcrum, Gay Forum of Ukraine and a representative from the Ombudsman of Ukraine regarding Kyiv Pride in May 2012. Together with Kyiv Pride, LLH asked the Norwegian embassy to support Pride 2013. The decision is still pending.
- In June, Queer Youth and LLH organised a demonstration outside the Ukrainian Embassy against the proposed 'anti-homosexual propaganda' laws.
- In June, Polina Savchenko from the Russian organisation Coming Out in St Petersburg was invited to the LGBT event *Skeive dager* to discuss the 'anti-homosexual propaganda' laws. During her visit she met with the Ministry of Foreign Affairs and with Ine Marie Eriksen Søreide, head of the Norwegian Parliament Standing Committee on Foreign Affairs. She also met with Håkon Haugli, the LGBT rapporteur of the Parliamentary Assembly of the Council of Europe, the Helsinki Committee and Amnesty International Norway.

Health

- In November, in views of trans people's lack of access to proper health services, LLH sent an open letter to the Ministry of Health. Among other issues, the letter called for a ban on compulsory sterilisation and an end to the pathologisation of trans identities.

Member organisation of ILGA-Europe

LLH – Norwegian LGBT Organisation
www.llh.no

LLH – The Norwegian LGBT Organisation – Bergen and Hordaland
www.llh.no/nor/fylkeslag/llh_bergen_og_hordaland

LLH – The Norwegian LGBT Organisation – Nordland Region
www.llh.no/nor/fylkeslag/llh_nordland

LLH – The Norwegian LGBT Organisation – Oslo and Akershus
www.llh.no/nor/fylkeslag/llh_oslo_og_akershus

LLH – The Norwegian LGBT Organisation – Rogaland
www.llh.no/nor/fylkeslag/llh_rogaland

Skeiv Ungdom – Queer Youth
www.skeivungdom.no

Skeiv Verden – Queer World
www.skeivverden.no

The National organization for transsexuals in Norway (LFTS) – local group in Bergen



Poland



Progress in Poland was mixed. The Parliament rejected proposals (i) to protect LGBTI people from hate speech; (ii) to introduce same-sex partnership; and (iii) to allow trans people to have their gender being legally recognised without medical intervention. On the other hand, (i) the Minister for Equal Treatment stated that curricula for nurses and midwives referring to homosexuality in a pathological way are unacceptable and replaced them with new ones; (ii) a court awarded the highest compensation ever paid to a victim of homophonic abuse in employment; and (iii) an asylum seeker was granted asylum on the basis of his sexual orientation for the first time in Poland.

Asylum

- In August, a Ugandan asylum-seeker was granted asylum by administrative decision, on the basis of his sexual orientation. This was the first time that asylum was granted on the ground of sexual orientation in Poland.

Bias motivated violence

- In June, the biggest party in the governing coalition, Civic Platform, announced that it intended to introduce amendments to the country's hate speech legislation to add the grounds of sexual orientation and disability to the law on incitement and hatred. Currently the law only covers nationality, race and religion. However, in December, the Civic Platform announced that it only plans to include "personal trait" as a motive. The proposal also mentions the creation of a "Council of Experts" which would determine if the victim actually possesses this "personal trait". This amendment would not allow for a clear protection of victims on the basis of their sexual orientation or gender identity.
- In July, Polish Catholic bishops reacted angrily to the news that Poland would sign the Council of Europe *Convention on preventing and combating violence against women and domestic violence*, claiming that it will lead to the promotion of "non-stereotypical gender roles".
- In December, Poland signed the above mentioned Convention.

Education

- In September, the Campaign against Homophobia (KPH) published a report on homophobic and transphobic bullying in schools and on attitudes of students and teachers, entitled *The Lesson of Equality*. The findings revealed widespread homophobic and transphobic violence. Following the publication of this report, the Plenipotentiary for Equal Treatment sent a letter to the Ministry of Education pressing for a reaction from the Ministry on this issue and suggesting consultation and cooperation with KPH.

Employment

- In December, a court in western Poland ordered the Danish-owned supermarket chain Netto to pay damages to a former gay employee after he was called a 'faggot' by a manager. The employee suffered homophobic abuse and on one occasion was called a 'male bitch' and a 'whore' in front of staff and customers and was finally dismissed. He was awarded €4,400 in damages as well as court costs. Monika Wieczorek, a lawyer who represents the Polish Society of Anti-Discrimination Law (PTPA), said that the ruling is significant and noted that, "The sum of compensation is one of the highest that Polish courts have granted to victims of discrimination based on sexual orientation."

Equality and non-discrimination

- In June, the EU Observer found that the Polish Members of the European Parliament (MEPs) are the least 'gay-friendly' of all MEPs, showing that less than 20% of Polish MEPs voted in favour of five different resolutions over the last six years calling for support of LGBT issues.
- In June, the Euro Pride House in Warsaw opened its doors to LGBT sports fans searching for a safe venue to watch the Euro 2012 football tournament. Organised by the European Gay and Lesbian Sports Federation, the initiative aimed to tackle homophobia and other forms of discrimination through sport. Activists, Members of Parliament Iwona Guzowska, Robert Biedroń, Adam Hoffman and Ryszard Kalisz, and representatives from the football world Suzi Andreis and Maciej Szczesny as well as supporters, attended the official launch in the capital.

Family

- In June, two bills on registered partnership proposed by the liberal Palikot Party and by the Democratic Left Alliance were rejected by the Legislative Commission of the Lower House of Parliament. The bills would have given legal recognition to both same-sex couples and unmarried cohabiting heterosexual couples. The rejection means that the bills will not be discussed further by Parliament.

- In September, the Civic Platform proposed a new bill for the issuance of civil partnerships with many of the legal rights enjoyed by married couples despite fears that it could open up divisions in the party. The bill, drafted by MP Artur Dunin, would give those involved in civil partnerships a broad range of rights including registration in the same registry office where marriages are registered, the right to joint rental of real estate and power of attorney if their partner is medically incapacitated.

Freedom of assembly

- In November, despite protests from civil society, the Polish President and the Parliament passed a new bill on public gatherings following violent incidents during the marches on Independence Day in November 2011. The bill significantly limits freedom of assembly by providing that public gatherings can be moved or cancelled by the authorities if there is more than one happening at the same time in one place and there is a threat to public safety. Also, the organiser of the gathering will be held financially responsible for any damages that may occur during the event (including those caused by counter demonstrations).

Health

- In June, KPH highlighted that textbooks in Polish schools for nurses and midwives refer to homosexuality in a pathological way. The subject often comes under a section of 'sexual problems and illnesses', where references to rape and prostitution are also made. The Minister for Equal Treatment, Agnieszka Kozłowska-Rajewicz, stated that the course content was "unacceptable", and asked the Ministry of Health to ensure that those textbooks would no longer be used. As a result, in November and December, KPH worked with the schools authorities and developed a new curriculum that should be in use from 2013.
- In November, the Polish Ombudsman Irena Lipowicz showed significant interest in discrimination based on sexual orientation and gender identity and reached out to KPH to carry out joint research on the situation of LGBT patients in the healthcare system.

Legal gender recognition

- In May, a *Gender Recognition Bill*, drafted by Trans-Fuzja with the help of other civil society NGOs, was submitted to the Parliament by the Palikot Party. The draft states that gender recognition should be accessible without medical interventions such as hormonal therapy or surgery. In order to obtain a legal change of the gender marker, one would need to submit a statement that their gender identity is different from their legal gender, confirmed by two professionals. In November, this draft legislation was rejected by the Legislative Committee of the Parliament and was dropped. The Committee stated that it would violate the constitutional definition of family and marriage.

Police and law enforcement

- In December, following several meetings between the Ministry of Internal Affairs and KPH, a textbook on diversity was drafted for the police academies and a manual on homophobic and transphobic hate crimes was drafted for the General Prosecutor's Office.

Public opinion

- In July, a study, carried out by the Government's Plenipotentiary for Equal Treatment, showed that 49% of Poles believe gay people are not treated as fairly as straight people. The same study also indicated that only 23% of Poles were in favour of registered partnerships for same-sex couples.
- According to Eurobarometer 2012, 42% of Poles believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%); 35% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Poles scored 5.8 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Poles scored 5.6 on a similar scale when asked about a transgender/transsexual person in the highest elected political

position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

A.W.R. Softpress
www.polgej.pl

Campaign Against Homophobia
www.kph.org.pl

Fundacja Równości (Equality Foundation)
www.rownosc.blogspot.com

KdT Fundacja Kultura dla Tolerancji – Culture for tolerance Foundation

Lambda Szczecin Association

Lambda Warszawa Association
www.lambdawarszawa.org

LGBT Business Forum
www.lgbt.biz.pl

Trans-Fuzja Foundation
www.transfuzja.org



Portugal



Portugal remained the only country in Europe where same-sex partners may legally marry, but cannot enjoy any parenting rights whatsoever. The two bills aimed at extending same-sex parents' entitlement to adoption rights and lesbians' and single women's access to medically assisted reproduction failed to achieve a parliamentary majority. Meanwhile, as a result of the *National Plan for Equality: Gender, Citizenship and Non-discrimination*, a number of projects on sexual orientation and gender identity mainstreaming received governmental funding and were able to be implemented successfully.

Bias motivated speech

- The Regulatory Authority for the Media urged the daily newspaper *Diário de Notícias* to adopt a validation system, which can effectively control online comments, thus preventing the publication of insulting and offensive language that promotes xenophobic and homophobic hatred and violence. Despite this, the editorial management of the newspaper decided not to apply the Regulatory Authority's recommendation as it considered that such a validation system imposes prior censorship on the reader. Instead, the newspaper created an automatic system of comment deletion, which is exclusively activated by the reader.

Bias motivated violence

- ILGA-Europe collected information on seven hate crimes perpetrated during the year. This includes cases of extremely violent assaults. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Education

- In May, on the *International Day against Homophobia and Transphobia* (IDAHO), the Secretary of State for Equality convened a session on homophobic bullying at a Lisbon school.
- In September, the Portuguese Parliament adopted a law on the students' status and school ethics which in Article 7 prohibits any discrimination against students on the ground of their sexual orientation or gender identity.

Equality and non-discrimination

- As a result of the *National Plan for Equality: Gender, Citizenship and Non-discrimination*, ILGA Portugal continued to conduct two projects that are funded under Axis 7 of the *Human Potential Operational Programme of the National Strategic Reference Framework* (POPH/QREN). Under the *Centro LGBT and Porto Arco-Íris* projects, ILGA Portugal conducted awareness-raising sessions for professionals in key fields (e.g. justice and health) on discrimination based

on sexual orientation and gender identity, and distributed several LGBT-themed publications to Lisbon and Oporto's library network to promote the diversification of available materials on sexual orientation and gender identity.

Family

- In January and February, there were two votes in the Portuguese Parliament regarding parenting by same-sex couples. The first vote rejected the extension of access to medically assisted reproduction to single women and lesbian couples. The second vote rejected the extension of the possibility of applying for adoption to same-sex couples that are either married or in de facto unions. In both cases, same-sex parenting was supported by the Left Block and the Greens and by a vast majority of the Socialists, even though the Socialist Party did not adopt a position in favour. In both cases, the Communist Party voted against the legislation, as did almost all of the MPs from the right-wing parties that hold a majority in Parliament.

Freedom of assembly

- In September, the first Pride March took place in the Azores.

Health

- In December, the government set up a working group regarding the existing ban on blood donations from LGBT people. Its aim is to lay out procedures on risky behaviour, blood safety and donor management. The creation of this working group followed *Parliament Resolution no 39/2010's* recommendation calling on government to adopt measures to fight discrimination against homosexual and bisexual persons in blood collection services.

Legal gender recognition

- In March, one year after the entry into force of *Lei no 7/2011* which regulates legal gender recognition, 78 cases of legal change of gender had been recorded.

Public opinion

- According to Eurobarometer 2012, 55% of the Portuguese believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 50% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). The Portuguese scored 5.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). The Portuguese scored 5.5 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Beja Diversidades
www.bejadiversidades.pt.gd

ILGA Portugal
www.ilga-portugal.pt

Obra Gay Associação
www.opusgay.org



Romania



Romania did not register any legal or political progress towards greater recognition of the human rights of LGBTI people. At the same time, the risk of discrimination or bias violence targeting LGBTI people remains high, as demonstrated by reported cases of violent attack and homophobic rhetoric in the country.

Bias motivated speech

- In October, the anti-discrimination coalition reacted negatively to the endorsement of George Becali as a candidate of the Social-Liberal Union for the parliamentary elections since he was known for his homophobic and racist statements. In spite of this, in December, Mr Becali was elected as a Member of Parliament and is now a member of the Legal Committee of the Chamber of Deputies.

Bias motivated violence

- In April, a Swedish female student was beaten up by a nightclub bouncer. The victim said that she had refused the perpetrator's advances and that he attacked her after she disclosed the fact she is a lesbian. The victim had one broken leg as well as other injuries.
- In November, following their attendance at an academic debate about the history of homosexuality in Romania, seven youths were physically assaulted by a group of 10 people in Bucharest's city centre. The assailants claimed they were opposing the "organisation of gay events". ACCEPT, the main Romanian LGBT organisation, called on public authorities to investigate this homophobic attack and to prosecute the perpetrators. However, in spite of the clear motivation behind the attack, the police did not report the incident as a hate crime, opting instead to report it as an isolated act of violence.

Employment

- In February, the Court of Appeal of Bucharest made a reference for a preliminary ruling (Case C-81/12) to the Court of Justice of the European Union (CJEU). The CJEU will have to establish whether the provisions of the *Employment Framework Directive* (Directive 2000/78/EC) apply when, in the absence of any recruitment procedure, the owner of a football club makes an employment related homophobic statement to the mass media. In this incident, the owner of the FC Steaua București said "Not even if I had to close Steaua down would I accept a homosexual on the team". The case is pending.

Freedom of assembly

- In June, the Pride Festival took place in Bucharest without incident. Several European ambassadors, the

Ambassador of the United States, Michael Cashman MEP, as well as Loredana Groza, a famous pop singer, took part in the Pride Parade. For the first time, marchers were protected by police forces, and did not meet any opposition or counter demonstrations.

Public opinion

- In April, the National Council for Combating Discrimination released its report on *Perceptions and Attitudes Regarding Discrimination in Romania*. The main findings indicated that 17% of the respondents believe sexual minorities are severely discriminated against; 31% said they would not feel at all comfortable around a homosexual person; 54% stated they would never have a meal with a homosexual; 48% stated that they would be very disturbed if they found out that a family member was gay. While 40% would be equally disturbed if their children are taught by a gay teacher.
- According to Eurobarometer 2012, 33% of Romanians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 25% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Romanians scored 3.6 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Romanians scored 3.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Member organisations of ILGA-Europe

ACT-Q Romania
www.act-q.org

Asociatia ACCEPT
www.accept-romania.ro

Association Equal from Romania

Eu sunt! Tu? part of Population Services International in Romania
www.totalgay.ro



Russia



Institutional discrimination against LGBTI people and the social climate remains of serious concern. The most worrying development was the spread of laws banning 'homosexual propaganda' which were adopted in six more regions and a similar proposal was launched at the federal level. These laws were strongly condemned by European institutions and found to breach the International Covenant on Civil and Political Rights by the UN's Human Rights Committee.

Bias motivated speech

- At the beginning of the year, the St. Petersburg bill criminalising 'homosexual propaganda' was widely debated. Various politicians and church officials made a number of homophobic remarks during the bill's three hearings and its adoption in March. In one of the hearings, the head of the regional branch of the People's Council, Anatoly Artyukh, called homosexuals "perverts" and "faggots". In one of his speeches to the congregation, Igor Aksenov, a priest, made the following statements: "Children thrown out into the street were sheltered by perverts – both boys and girls were used solely to satisfy sexual appetites" and "The collapse of culture and civilisation of the Roman Empire happened because of the spiritual and moral degradation and the emergence of freedom of sexual relations". In a speech about homosexuality, Dmitry Pershin, the expert with the Committee for Family, Women and Children of the State Duma said that "harassment of this kind damages the children's mental health." He also suggested to ask homosexuals whether they can "live without pestering the minors with promotion of homosexuality and other perversions." Referring to the 'anti-propaganda' law he also added that "such legislation is needed for our children not to become hostages to your non-traditional ways." Lyubov Kachesova, the Chairwoman of Parents' Committee and Women of Russia Section said that "parents in St. Petersburg will not tolerate this propaganda aimed at corrupting and crippling their children." She added that "children in St. Petersburg have the right not to be aware of such filthy sides of life". She explicitly said that homosexuals use their aggressive, manipulative and psychological methods to influence minds when trying to attract people's attention. "If our children somehow are left without the protection provided by this law, nobody knows how aggressive they will be towards our children", she concluded.
- In July, after Madonna held a concert in St. Petersburg and declared her opposition to the *Anti-Propaganda Law*, the Deputy Prime Minister Dmitry Rogozin used a slang term for her that can be interpreted to mean a 'slut', in an

online Twitter post. He later stated that his tweet might have been misunderstood.

Bias motivated violence

- In March, a trans person was attacked by a group of young men (aged 18 to 23) in a café in Omsk. They shouted insults and made a video after which threats of physical violence followed. The police arrived around 45 minutes after they were called and only intervened when the attackers started beating the victim on the head. The attackers eventually ran away and only two of them were caught. On the night of the attack ambulance medics concluded that the victim had no serious injuries and left. However, the following day, in a forensic centre, "multiple bruises" were recorded and the victim took the results of the examination to the police station. Two days later the police took a decision not to institute criminal proceedings due to a lack of evidence. Later the victim had to return to hospital because of pain in the chest and it was established that one rib was broken. The victim reapplied to the prosecutor's office and was informed that the criminal case had been reopened as new evidence had emerged.
- In March, at the inaugural exhibition of LGBT artists in St. Petersburg, four young men pushed their way into the club, sprayed gas into the face of the exhibition supervisor, hit her, threw in a smoke flare and ran off. No damage was done to the LGBT artists' paintings. The guests left the room to allow for the air to be changed and then the event continued.
- In May, during the *International Day Against Homophobia and Transphobia*, a crowd of anti-gay protesters attacked LGBTI activists holding a demonstration in a city centre park in St. Petersburg. They shouted death threats and sprayed tear gas hitting one participant in the face. After the event, the police escorted the LGBTI activists to their buses. The crowd of protesters blocked the vehicles, but the police intervened.
- In May, a group of young women who organised a *Rainbow Flash Mob* in Novosibirsk were attacked by men yelling insults, physically grabbing the women and taking

away their rainbow coloured balloons. The incident was watched by a police officer who did not intervene. At the end of May, religious activists affiliated with the Orthodox church broke up two LGBTI demonstrations in Moscow throwing water and shouting prayers at the participants. Some of them attacked the demonstrators with fists and trampled their rainbow flags to the ground. The city authorities had not endorsed the LGBTI demonstrations. Dozens of LGBTI activists were detained, as well as some counter protesters.

- In August, an LGBTI activist was beaten in a central park in Togliatti. The victim said the attackers made death threats and called him a ‘faggot’.
- In November, the UN Committee against Torture published its concluding observations on the consideration of the periodic report of the Russian Federation on the implementation of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. A set of recommendations by the Committee concerned the need to combat hate crimes against gay, lesbian, bisexual and transgender (LGBT) people in Russia. The Committee expressed its concern at reports of on-going cases of discrimination and other violations – including violence – against people based on their identity or social marginalisation. It specifically noted that the police does not respond properly, investigate effectively and prosecute those responsible for violent attacks against LGBT persons.
- In total, ILGA-Europe collected information on fourteen hate crimes perpetrated during the year. These crimes included other cases of extreme physical violence against LGBTI individuals, some of them being activists. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Criminalisation

- In March, the Governor of St. Petersburg, Georgy Poltavchenko, signed the controversial law prohibiting the ‘propaganda of sodomy, lesbianism, bisexuality, transgenderism and paedophilia to minors’ (the ‘Anti-Propaganda Law’). The law defines propaganda as “the

targeted and uncontrolled dissemination of generally accessible information, which can damage the health, moral and spiritual development of the under-aged.” The legislation does not define the terms ‘bisexualism’ or ‘transgenderism’ leaving room for different interpretations. Any public mention of homosexuality may be considered an administrative offence.

- In March, the ‘*Anti-Propaganda Law*’ was praised by an Orthodox church official calling for a similar law to be adopted at the federal level. On the other hand, the legislation was condemned as a violation of international human rights by several human rights organisations, the European Parliament, and a number of politicians and public figures.
- In March, the regional Parliament of Novosibirsk submitted an initiative for a federal ban on ‘propaganda of homosexuality’ to the Duma. The aim of the initiative was to make ‘promotion of homosexuality to children’ illegal at the federal level. The voting on the first reading was scheduled to take place in December but was then rescheduled for early 2013. This legislative initiative was widely condemned by international bodies and institutions.
- In October, Russia’s Supreme Court considered the appeal by LGBT organisation Coming Out, challenging the law on ‘gay propaganda’ in St. Petersburg on the basis that the law is contrary to federal legislation of the Russian Federation, and, due to a lack of definition of ‘propaganda’, leaves the door wide open for abuse by law enforcement bodies and the judicial system. The Supreme Court dismissed the appeal, finding the ‘gay propaganda’ law consistent with the legislation of the Russian Federation.
- By the end of the year, six more regions had enacted legislative provisions similar to the law adopted in St. Petersburg, namely Kostroma, Novosibirsk, Samara, Bashkortostan, Magadan, and Krasnodar. This means that, following the developments of this year, there are nine Russian regions with homophobic laws. The Moscow City Duma also passed a law banning “all forms of sexual propaganda to minors”. The provisions adopted by the

different regions are generally similar, some only refer to homosexuality while others also mention “sodomy, lesbianism, bisexuality and transgenderism”. Some regional laws also provide for higher levels of fines up to 500,000 roubles (approx. €12,500). Most of the regional laws follow the same model, with the exception of Bashkortostan where no fine is imposed on people considered offenders under the new law.

Education

- In June, a trans girl in Perm who was about to sit for a Uniform State Exam in mathematics was not allowed to take the exam because the person inspecting entrants could not match her with the presented ID. Instead the person in charge started laughing at her and called a police officer. He ignored the fellow students and teachers (who also had their passports with them) who confirmed the girl's identity and dismissed her explanations that she was a transsexual and the ID was hers. Later a male police officer invited her into an isolated room and asked her to take off her clothes. After that the girl was allowed to take her exam.

Employment

- In January, a gay steward of Aeroflot was threatened with dismissal from his job because of his sexual orientation. The man had tried to establish an LGBTI support network for the airline employees, after which he was seemingly ordered to marry a woman to save his job.
- A lesbian woman in Perm was subjected to discriminatory attitudes in her workplace after coming out to fellow colleagues. After the news reached the boss he invited her to his office for a conversation, during which he said, that “since she is not going to take maternity leave, she should work overtime”. The woman still has to work there, and has been insulted and harassed because of her sexual orientation.

Equality and non-discrimination

- In September, the 9th Council of Europe Conference of Ministers responsible for youth, held in St Petersburg, ended in disarray, when Russia vetoed the conference

declaration because it contained an item referring to the requirement to combat discrimination against LGBT youth.

Family

- In July, a group of religious activists demanded that the online social network Facebook be banned in the country for ‘gay propaganda’ among minors, and launched a campaign to criminalise homosexuality. The call for the ban was due to the website's introduction of marriage status icons extended to same-sex partners – one depicting two brides, the other two grooms. As a response, an Orthodox community in the city of Saratov, southern Russia, issued an ultimatum demanding that Facebook stop “flirting with sodomites” and remove “all content promoting homosexuality”.
- In August, a gay user of Russian's leading social network, VKontakte, asked the website's help desk for advice on how to add his boyfriend to the relationship status information. The help desk told him that would only be possible if he “changed sex” in his online profile, and stated that same-sex marriage is illegal in Russia. Administrators of the social network confirmed that they are not planning to implement a same-sex relationship option in the future. However, as of August, VKontakte started to allow users to indicate that they are in a relationship with a person of the same sex.

Foreign policy

- In April, in an international meeting of G8 countries in Washington, Russia took a strong stand against the rights of LGBTI people. The meeting adopted a statement saying “The ministers reaffirmed that human rights and fundamental freedoms are the birth right of all individuals, male and female, including lesbian, gay, bisexual or transgender individuals.” However, Russia emphasised its disassociation from the language. The Deputy Foreign Minister Sergei Ryabkov further stated “under the pretext of protecting the so-called sexual minorities, in effect there's aggressive propaganda and the imposition of certain behaviour and values that may insult the majority of the society.”

- In September, Russia submitted a resolution to the United Nations which highlights and reinforces 'traditional values'. The resolution, entitled *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, "recalls the important role of the family", and calls for "a better understanding of traditional values of humankind". It attempts to elevate 'traditional values' above the principles of human rights and freedoms. Experts believe that, if adopted, it may be applied to restrict the enjoyment of human rights and freedoms by LGBTI people.
- In November, the UN Committee Against Torture raised several questions with the Russian Federation about the status of homosexual, bisexual, and transgender people. Committee members pointed out cases of violence against LGBT people, including forced sterilisation of transsexual people and persecution of human rights defenders who support the LGBT community, and asked about the measures that the authorities undertake to ensure observance of the rights of LGBT people. In response to the questions raised, Mr. Georgy Matyushkin, head of the Russian delegation, stated that "in the Russian Federation, discrimination is prosecuted under the Criminal and Administrative Codes. The Russian legislation does not contain any norms that would discriminate against persons, including, as Mr. Matyushkin emphasised, on grounds of sexual orientation."

Freedom of assembly

- At the end of May, the District Court of Smolninsky ruled that the city authorities in St. Petersburg acted unlawfully when they did not allow LGBTI demonstrations earlier in the spring. The 'Anti-Propaganda Law' was used as a ground for the refusal. The judge stated that the authorities lacked the competence to judge whether the demonstrations were going to constitute 'propaganda of homosexuality', especially before they actually took place. She also drew attention to the *Federal Law on Assemblies*, according to which the administration has no authority to refuse a

public demonstration, only to suggest a different time and place.

- In May, LGBT activists carrying rainbow flags were among the participants in an authorised demonstration held by St. Petersburg's democratic organisations in support of human rights. They were arrested by police officers who were rough and provided no explanations as to why they grabbed the activists carrying flags and why they drove them off in a prisoner van. In total, ten people were arrested. As soon as the arrests began, all those walking in the democratic column stopped moving. Since the police did not intend to release those arrested as demanded by the remaining participants in the march, the organisers of the democratic column took a decision to place the Rainbow column at the head of the march thus preventing further police arrests. Further participation of the LGBT community in the march would not have been possible without the support and solidarity shown by other organisations. The organisers sharing democratic values included the St. Petersburg Chapter of PARNAS political party, denied registration by the authorities, Solidarity Movement, the Russian People's Democratic Union, the Libertarian Party of Russia, Petersburg Observers association, Civic Responsibility movement, and the regional chapter of Yabloko political party. By the time the demonstration reached its destination of Konyushennaya Square, where the general rally was starting, another seven persons had been arrested over placards decrying the state's homophobia.
- In June, LGBTI activists in Moscow organised a small *March of Burning Hearts* on Taras Shevchenko Quay. The event was granted an official permit by the local authorities. The police were present and protected the participants from possible attacks by hooligans, who had gathered close to the place of the march. The event took place without incident and afterwards the police accompanied the participants to the metro station to ensure their safety.
- In June, Moscow City Council refused to issue a one-off permit for Gay Prides for a period of 100 years after activists submitted requests to City Hall to hold LGBTI demonstrations every year up until 2112. The

law does not state how far in advance event permits can be applied for and the decision only means that the City has refused to authorise 100 prides in advance. However, people can still apply for permission in each individual case. The decision was appealed to the High Court of Moscow, which upheld the refusal in August.

- In July, the City Hall of St. Petersburg first granted permission for a Pride parade but retracted the decision two days later referring to the 'Anti-Propaganda law'. The City Hall stated that the ban was imposed on the ground that local media had reported it as a "gay pride event (parade)," rather than a "march and stationary demonstration against the violations of LGBT people's rights," as it was described in the application submitted to City Hall. The activists nonetheless continued as planned, and on the day of the Pride some of the organisers were detained.

- In September, the Committee of Ministers of the Council of Europe, in reviewing whether Russia had complied with the judgment of the ECtHR in the Moscow prides case, *Alekseyev v. Russia* (Applications nos. 4916/07, 25924/08 and 14599/09), noted that the authorities still refused to agree such events, repeated its concern regarding the use of regional laws prohibiting propaganda of homosexuality, and called for Russia to raise the awareness of, and train, authorities responsible for freedom of assembly events.

- In October, the district court of Arkhangelsk held that the refusal of the city administration to grant official permission to LGBT organisation Rakurs for a street action was lawful. Judge Drakunova considered inadmissible a demonstration that was meant to draw attention to social problems of LGBT teenagers, due to the ban on "homosexual propaganda" among minors that is active in the region. The court explained that regional law adopted the previous year prohibited public discussion of homosexuality, thereby ignoring the Supreme Court decision which states that "the ban of homosexual propaganda does not prevent the enjoyment of the right to hold public actions in due order, including open public debates on the social status

of sexual minorities." The judge also omitted all procedural violations that the city administration committed in their consideration of the request for permission. Issuing the decision, Judge Drakunova said that she was not certain that it was correct and that she would not mind were the Arkhangelsk regional court to annul it.

- In December, human rights activists organised a protest in front of the Duma against the adoption of a federal 'anti-propaganda' law. Opponents of the protest threw eggs at the protesters, shouted insults at them and tried to beat them up. Following this, the police detained participants of the protest, some of the opponents and two journalists. Ten out of 11 people were detained overnight despite the detention cell being meant for only three people. The cell was very cold and the detainees were not provided with a hot meal, and were detained for around 30 hours without being given a reason for their detention. They were released the following day at around 6pm after a short trial, which led to them being fined 500 roubles each in accordance with the *Administrative Code* (hooliganism). The police report mentioned that participants of the action had clashed and they pelted eggs at passers-by. The activists intend to pursue a court case for unfair treatment.

Freedom of association

- In July, the Russian Parliament passed the law on 'foreign agents'. According to this law any politically involved NGO that receives funds from abroad should be registered as a foreign agent. The notion of political activity of NGOs is not clearly defined in the law. This makes it possible to use this law against the activity of any NGO in Russia and particularly against organisations that work to defend the rights of the LGBTI community especially taking into consideration existing homosexuality anti-propaganda regional laws. Experts say that this law was adopted to threaten the civil society in Russia and it might impede the activity of the organisations that do not have anything to do with political involvement.

Freedom of expression

- In June, a number of PACE members signed a written declaration drawing attention to the violations of the rights of the LGBT community in Russia, including the introduction of regional “propaganda for homosexuality” laws, and called “upon the Russian authorities to respect, rather than violate, the rights of LGBT people, and on the Committee of Ministers to insist that Russia respect its obligations as a member State of the Council of Europe”.
- In June, an LGBTI Film Festival *Side by Side* was cut short in the City of Novosibirsk. The final day of the festival was cancelled due to a threat of violent attack by homophobic protesters. On the evening of the second day of the festival, a group of approximately 30 protesters surrounded the facility where a screening was about to start, shouting insults and threats. The police were present outside the building, but told the organisers they were not planning to protect the festival participants the following day. The organisers had to call taxis in order to escape attack and harassment.
- In July, a member of the Public Chamber (a public human rights body), Yelena Lukyanova, stated that the ‘Anti-Propaganda Law’s’ conformity with the *Constitution* should be investigated as it might be violating the principle of freedom of expression. According to the Public Chamber, if the laws are not repealed as anti-constitutional, a precise formulation of what constitutes propaganda needs to be introduced.
- In August, Madonna held a concert in St. Petersburg. During the show, she spoke against the ‘Anti-Propaganda Law’ and video clips of demonstrations and same-sex couples kissing were shown. In the speech she praised democracy, love and freedom and compared the LGBT fights to Martin Luther King’s fights for equality. Local deputy Vladimir Milonov condemned the show saying that there were minors present in the audience and that it had therefore breached the ‘Anti-Propaganda Law’. He called for Madonna to be sued for the violation. Later that same month, activists from a group Trade Union of Russian Citizens sued her and the concert organisers

seeking compensation of 333 million roubles (over €8.3 million). “She insulted the believers’ feelings, she promoted homosexuality when there were children at the concert and this is forbidden in St Petersburg. We, the residents of the cultural capital, suffered a colossal moral damage,” union spokesperson Darya Dedova was quoted as saying. Another public organisation, Parental Control, filed a letter with the police calling for action against the pop star for breaching the ‘Anti-Propaganda Law’. On 22 November Judge Barkovski ruled against the claimants and ordered them to pay 60,000 roubles (circa €1,500) to the respondents. The judge explained that the actions during the concert did not aim to promote homosexuality and did not fall under the provisions of the ‘Anti-Propaganda Law’.

- In October, in a resolution addressing Russia’s obligations as a member of the Council of Europe, PACE delegates voted to express their concern at the denial of freedom of assembly to LGBT people and at laws prohibiting “propaganda for homosexuality”.
- In November the UN Human Rights Committee recognised that in the case of *Fedotova v. Russian Federation* (Communication No. 1932/2010), the Ryazani law banning ‘propaganda of homosexuality’ contradicted two articles of the *International Covenant on Civil and Political Rights*: Article 19 (right to freedom of expression) and Article 26 (prohibition of discrimination). The Committee stated that Russia “has not shown that a restriction on the right to freedom of expression in relation to ‘propaganda of homosexuality’ – as opposed to propaganda of heterosexuality generally – among minors is based on reasonable and objective criteria.” Fedotova’s actions were not aimed at involving minors in any particular sexual activity. Rather, “she was giving expression to her sexual identity and seeking understanding for it.”
- UN High Commissioner for Human Rights Navi Pillay said in her opening statement to the June session of the UN Human Rights Council: “I am concerned about laws and bills restricting freedom of expression and assembly for LGBT persons and groups, for example in Ukraine, Moldova, and the Russian Federation, as well as repeated

high-level expressions of homophobia exacerbating the situation.”

- In December, the PACE General Rapporteur on tackling discrimination on the grounds of sexual orientation and gender identity issued a statement on Russia saying that “The Russian Parliament should remove the consideration of a draft bill prohibiting the promotion of homosexuality among minors from its order of business”.

Health

- In April, a teenager in the Moscow region, who came out as gay, was sent to a rehabilitation institute against his will. He stayed in the facility for 12 days before escaping with the help of his friends.

Police and law enforcement

- In January, three LGBTI activists were arrested in the northern city of Arkhangelsk for ‘propaganda of homosexuality’. The activists were holding a poster of ‘Homosexuality is Normal’ in front of the Regional Children’s Library. They were later ordered to pay fines ranging from 1,800 (circa €44) to 2,000 roubles (circa €50). One of the activists referred to the European Court of Human Rights contesting the Arkhangelsk ‘*Anti-Propaganda Law*’.
- In March, in Samara, a gay man was attacked by one of his friends after coming out to him. He suffered head injuries and was hospitalised; soft tissue bruises and a concussion were recorded. The medical report was referred to the police. Upon his discharge from hospital, the victim visited a police station to file a report, however, the police started trying to talk him out of it, suggesting that he invite the attacker to the police station to “talk this over and settle the dispute”. After the victim’s refusal, they were reluctant to write out a document confirming that the report had been accepted and only gave in after a telephone conversation with a lawyer from the Russian LGBT Network.
- In April, two LGBTI activists were arrested in St. Petersburg under the ‘*Anti-Propaganda Law*’, which

entered into force the previous month. During the action *Day of Silence* both men were participating in one-person pickets and had banners with slogans against homophobia: “My family’s friend is a lesbian, her family is as socially valuable as ours” and “No to silencing hate crimes against the LGBT”. Both men were detained under the ‘propaganda’ law, but were later tried for different offences – specifically, disobeying a lawful order from a police officer. One was found guilty, the other was acquitted, despite the fact that the conditions were identical.

- In May, during the May Day demonstrations in St. Petersburg, the police detained 17 LGBTI activists who were marching in a bigger crowd of democrats in the May Day Parade. The activists were holding rainbow flags and posters with anti-homophobic slogans. However, instead of charging the activists under the ‘*Anti-Propaganda Law*’, the police charged them for violating the rules on holding a public meeting and failure to obey police officers’ orders.
- In July, mass media spread information that, according to the Chief of the St. Petersburg Department of the Russian Ministry of Internal Affairs, 73 people were prosecuted in St. Petersburg under the ‘*Anti-Propaganda Law*’: 72 for ‘homosexual propaganda’ and one for ‘propaganda for paedophilia’. The published information created confusion because human rights organisations knew of only one case of the law being applied where a person was fined and three more cases that were being processed. Upon the request of activists the information was corrected to four persons. Several LGBT activists have been repeatedly detained for allegedly “promoting homosexuality” in public events, but none were convicted. In most cases, the law is not referred to in police reports, even though it was used as a pretext for the arrest. Most of the detainees were acquitted; some others were fined under other laws e.g. disobedience to the police or the violation of the order of the meetings. This shows that the practical application of ‘anti-propaganda’ laws in St. Petersburg is sporadic and neither the police nor the courts are sure as to when these laws may apply.

Member organisations of ILGA-Europe

Coming Out Saint Petersburg LGBT Organization
www.comingoutspb.ru

Gay Youth Right Defence Organization
www.gayser.org

Murmansk regional public organization

Raduzhny Dom

Rainbow Association Moscow
www.radarus.org

Rakurs – Arkhangelsk regional non-governmental LGBT organization

Russian LGBT Network
www.lgbtnet.ru

Russian LGBT Sport Federation
www.gay-sport.ru

Russian National GLBT Center TOGETHER
www.gay.ru/together

The St.Petersburg LGBT Human Rights Center – “Krilija (Wings)”
www.krilija.sp.ru

A map of Europe is shown in a light beige color against a dark blue background. A small red circle with a black dot in the center marks the location of San Marino in the northern part of Italy.

San Marino



San Marino repealed a centuries old law on the basis of which foreign same-sex couples had been denied visas.

Family

In June, the Parliament repealed a 16th century law on the basis of which foreign same-sex couples living together had been denied visas. 33 Members of Parliament voted for lifting the ban, while 20 voted against.

Member organisations of ILGA-Europe

As of December 2012, there were no member organisations of ILGA-Europe in San Marino.



Serbia



Despite some improvements, the situation remains difficult. The right to freedom of assembly of LGBTI people was violated this year as the Belgrade Pride was banned by authorities. The risk of physical attacks and threats against members of the LGBTI community also continued to be high. At the same time, (i) the Belgrade Court of Appeal confirmed that hate speech against LGBT people cannot be justified under freedom of speech; (ii) the government started working on a *National Strategy against discrimination*; and (iii) a discussion on the rights of trans people has started.

Bias motivated speech

- In February, the Belgrade Court of Appeal confirmed that hate speech against LGBT people cannot be justified under freedom of speech and information. The court upheld the decision of the court of first instance and ruled in favour of Gay Straight Alliance (GSA) in the case between GSA and the daily newspaper Press. The decision was the first judgment concerning hate speech against LGBT people, and one of the first verdicts based on the *Anti-Discrimination Law*. The dispute concerned comments on the newspaper's online articles, where it permitted publication of comments which contained hate speech against LGBT people, insults, calls for murder, and threats of attacks on lives and property.
- In March, the leader of right-wing movement *Obraz* ('Honour'), Mladen Obradović, was sentenced to ten months imprisonment for inciting hatred against LGB people. The First Basic Court in Belgrade found him guilty for statements made prior to Pride Parade in 2009, which included phrases such as: "We're waiting for you", "Death to faggots", "Blood will flow; there will be no gay parade in Belgrade". Prior to this conviction, he had already been sentenced to two years in prison for his leading role in the riots around Belgrade Pride 2010. In November, the Court of Appeal in Belgrade overturned the verdict of first instance for Mladen Obradović and the case was returned to the trial court for re-trial.
- In June, the website of GSA was hacked and the text "Serbia, ask yourself where are you going?", accompanied by two photos, was subsequently displayed on the website. The first photo portrayed a 'traditional family': a man, a woman and a baby, with the text "This is what we offer". On the other photo, there were two men painted with rainbow colours with the text "This is what you offer".
- In June, the Constitutional Court banned the right-wing movement *Obraz* due to its incitement to hatred and support for violence. The court ruled that the organisation be removed from the Register of Associations.
- In July, the First Basic Court in Belgrade ruled in favour of GSA in a case against Nebojša Bakarec, a politician from Democratic Party of Serbia (DSS). In 2011, Bakarec had stated in an online article of Vidovdan Magazine that homosexuality is not normal and it should be treated by

psychiatrists and psychologists. The court ruled that he had violated the *Anti-Discrimination Law* and ordered him to cover GSA's litigation expenses. The judge emphasised that freedom of speech does not produce a right to hate speech.

Bias motivated violence

- In February, Lawyers' Committee for Human Rights (YUCOM) and Gay Straight Alliance (GSA) presented state institutions with an initiative to introduce a definition of hate crime (inclusive of the grounds of sexual orientation and gender identity amongst others) in the *Criminal Code*, and addenda to certain articles of the *Code* under which the motive of hatred would be regarded as an aggravating circumstance, increasing the punishment for such acts. The law on amendments and addenda of the *Criminal Code* was adopted by legislators in December and it treats the homophobic and/or transphobic motive of the crime as an aggravating feature.
- In September, a 25-year-old gay man was seriously beaten in the centre of Belgrade. The police later found the victim in a semi-conscious state and he was taken to the Emergency Centre. He was diagnosed with several severe bodily injuries, concussion, a sprained neck, cracks to the teeth of the lower jaw, several bruises, hematoma and facial abrasions. The attackers managed to flee before being caught.
- ILGA-Europe collected information on two other homophobic and one lesbophobic physical assaults perpetrated in 2012. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Enlargement

- In March, Serbia was granted candidate country status in the EU accession process. In its October report on Serbia, the European Commission took note of the fact that "Several physical attacks and threats on members of the LGBT population and those promoting LGBT rights continued to occur and the 2011 and 2012 pride parades were banned because of security threats" and emphasised "the need [for Serbian authorities] to develop a proactive

approach towards the better inclusion of the LGBT population and a greater understanding across society” noting that the new government has not yet taken the initiative in this regard.

Equality and non-discrimination

- In May, the Office for Human and Minority Rights, Public Administration and Local Self-Government announced that they had started to draft a *National Strategy against discrimination*. An open invitation was sent to civil society organisations, including LGBT organisations, to take part in the process. Six LGBT organisations have responded to the call and are included in the process of the drafting of the strategy.

Family

- Labris, in coalition with NGOs fighting discrimination, presented a draft proposal of a law on same-sex partnership in roundtable discussions in Belgrade, Novi Sad and Nis. The aim of this initiative was discussion with wider civil society and other stakeholders and to lay the ground for public debate and campaigning in 2013 on family rights of LGBT people.

Freedom of assembly

- In June, to mark *International Pride Day* a group of LGBT organisations organised a ‘small parade’ in the city centre of Belgrade which passed without incident. Earlier that day a rainbow flag was displayed in the window of the offices of the Commissioner for the Equality, Gender Equality Institute from Vojvodina, the Institute of Culture (Youth Centre) as well as the national Ombudsman who expressed support for the event.
- In June, an event called *Demonstration of Cardboard LGBT Dolls* was twice denied permission in the city of Kragujevac. The local authorities gave security reasons as the basis for the refusal. The same event was successfully undertaken in main squares in Novi Sad, Niš and Belgrade drawing the interest of passers-by who were given information by the activists about the situation of LGBT people in Serbia. The actions were undertaken to mark *International Pride Day* and passed without incident.

- Belgrade Pride, with a theme *Love, faith, hope*, was planned to be a festival week with different events concluding with a Pride March on 6 October. While the Pride festival could take place, the Pride Parade itself was banned by the Serbian authorities. On 3 October, the Interior Ministry announced the ban on the Pride March and all other public gatherings on the same date. The ban was condemned by the UN High Commissioner for Human Rights Navi Pillay, the Secretary General of the Council of Europe Thorbjørn Jagland, EU Enlargement Commissioner Štefan Füle and many other high level officials, including the Serbian Commissioner for the Equality, Gender Equality Institute, and the Gender Equality Institute. National and international human rights organisations also reacted to the ban calling on the Serbian government to respect its international human rights obligations and ensure freedom of assembly for LGBTI people.

Freedom of expression

- Prior to the ban on the Belgrade Pride March, Serbian Orthodox Patriarch Irinej had called for the ban on both the march and a photo exhibition by Swedish artist Elisabeth Ohlson Wallin, which shows Jesus Christ dressed in women’s clothing, claiming it was ‘deeply insulting’.
- Right-wing movement *Dveri* (which has registered as a political party) has filed charges against the organisers of the above mentioned photo exhibition for ‘inciting national, racial and religious hatred and intolerance’. The movement believes that the exhibition targets traditional religions and religious communities.

Legal gender recognition

- In February, the Commissioner for Protection of Equality issued a statement and recommendation to the Law Faculty of Belgrade which refused to change the graduation certificate of a former student who had changed sex. The Commissioner ordered reconsideration and fulfilment of the request made by the trans person. At the same time, the Commissioner for Protection of Equality and the Office of the Ombudsman of the Republic of Serbia formed a joint working group to work on issues relating to trans persons. Two of Gayten-LGBT

members were invited to join this working group. The group has produced an extensive analysis of the existing legislation and a set of recommendations for the improvement of the legal and social position of trans persons in Serbia. However, no final document was published yet.

- In March, the Constitutional Court ruled in favour of a trans person in a case against a municipality that had refused to change his name and gender marker in the civic register. The applicant had undergone gender reassignment surgery, after which he had asked the authorities to change his legal gender. The court ruled that, by refusing, the authorities denied the applicant's right to dignity and personal development.
- In May, Gayten-LGBT together with Coalition Against Discrimination proposed a *Model Law on Legal Recognition of Gender Identity* and expressed their disapproval of the proposed government draft. As a result, the government withdrew the draft.
- In October, following the *Rights of Trans persons – From Non-Existence to Creation of Legal Framework* roundtable, organised by Gayten-LGBT with the support of the Republic Ombudsman Office and Coalition against Discrimination, with relevant state institutions and other international and national stakeholders, the Serbian Ministry of Justice and State Administration published a draft law to regulate gender identity change which stipulated that court permission was a prerequisite for a trans person to be able to start their transition process. Gayten-LGBT found the draft law proposed by the Ministry to be discriminatory and unconstitutional as it stipulates that trans people should seek court permission before undergoing gender reassignment and change of personal documents.

Participation in public/political life

- In March, prior to the parliamentary, provincial and local elections, GSA and Queeria Centre launched campaigns *It Matters* and *Pink ballots* to highlight LGBTI issues in political debates and to encourage participation in the elections.

Member organisations of ILGA-Europe

Gay Straight Alliance
www.gsa.org.rs

Gayten LGBT, Center for Promotion of LGBTIQ Human Rights
www.transserbia.org

Labris
www.labris.org.rs

Novi Sad Lesbian Organization

Queeria - Center for Promoting Culture of Non-Violence and Equality
www.queeriacentar.org

Slovakia



Hostility towards LGBTI people remains relatively high in Slovakia, as demonstrated by the number of police officers that needed to be deployed to protect the marchers during Rainbow Pride Bratislava. Meanwhile a proposed bill for the introduction of registered partnerships for same-sex couples was defeated by a wide margin. Support for LGBTI issues remains declarative by government institutions with bodies like the Government Council for Human Rights proposing to set up a Committee for LGBTI issues while not yet translating into concrete policy commitments.

Access to goods and services

- In February, a printing company in Prešov refused to provide a print run for a customer because the document contained the word 'gay'. The company stated that it was against their beliefs and values to provide such material. Iniciatíva Inakost' notified the Inspectorate of Slovak Trade Inspection (SOI) about the case, which ruled that the company discriminated against the customer on the basis of sexual orientation and breached the principle of equal treatment. Later, the company apologised and provided the printing service for free.

Bias motivated speech

- In May, MP Š. Kuffa from OĽaNO, a conservative parliamentary movement Ordinary People and Independent Personalities, referred to homosexuality as a mental illness. He responded to Rainbow Pride Bratislava and a proposal from MP M. Poliačik from liberal Freedom and Solidarity (SaS), to introduce civil partnership with the statement: "The World Health Organization ranked homosexuality as mental illness once [...]. It is a serious mistake to let ill people run on the streets without help." This was accompanied by other declarations about homosexuality being "morally bad and perverted" by other MPs from the same party. LGBT organisations protested against these statements and demanded an apology. However, the subsequent meetings with the MPs did not change anything. The conflict led to a public discussion between the two mentioned parties and representatives from LGBT organisations on Slovak national television, where the persistence of the religion-based homophobic discourse was very visible.

Bias motivated violence

- In June, during Bratislava Pride, a very small group protesting against the event held up banners with slogans such as "We do not want homosexual extremists in Bratislava" and other similar displays. The symbolic same-sex wedding was also briefly interrupted by a smoke shell thrown into the assembly. Nobody was hurt and the event went on without further disturbance. The

police investigated the incident and after a few months caught the perpetrator.

Equality and non-discrimination

- The government abolished the position of Vice President for Human Rights and National Minorities. The remits of the position were redistributed under various ministries.
- In July, the Government Council for Human Rights, Minorities, and Gender Equality decided to establish a Committee for LGBTI issues. The decision was unanimous and was taken on the initiative of nine different non-governmental organisations. The creation of the Committee and its activity was allocated to the Foreign Ministry. The Ministry has been unable to constitute the Committee up to now. The prolonging of the creation of the Committee seems to be a tactical move to paralyse the Committee's activity.

Family

- In August, Freedom and Solidarity (SaS) announced it would introduce a bill on registered partnership for same-sex couples in the following months. In November, lawmakers in Slovakia rejected plans by the country's opposition party to legalise civil partnerships for same-sex couples. Only 14 of 129 MPs present voted to send the bill for a second reading, 94 were against and 20 abstained. Previous unsuccessful attempts to introduce civil partnership legislation were made in 1997 and in 2000.

Freedom of assembly

- All LGBTI-themed events that took place were considered legal and took place with the assistance of the police. The largest one was the third year of the Rainbow Pride Bratislava. The assembly finally marched through the city centre without any disturbances and protected by the police. The only negative incident was a smoke shell that was thrown close to the stage after the march. The event was monitored by some international organisations.

Police and law enforcement

- In June, the most visible and largest-scale LGBT event was Rainbow Pride Bratislava, which was organised in

cooperation with national and city police. Around 800 police officers participated in the security measures. The scale of the force was the result of previous experience with violent attacks on the assembly. The measures included fencing the square, security checks at every entrance, using a system of security cameras, three helicopters and other measures.

Public opinion

- In July, FOCUS Agency conducted an opinion poll which found that support for the *Civil Partnership Act* had increased: 47% of the respondents were in favour of the bill, 38% against it and 15% undecided.
- According to Eurobarometer 2012, 32% of Slovaks believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 27% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Slovaks scored 3.4 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly below the EU27 average (6.6). Slovaks scored 3 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Duhovy Pride Bratislava - Rainbow Pride Bratislava
www.duhovypride.sk

Hnutie Ganymedes

Iniciatíva Inakosť
www.inakost.sk



Slovenia



The defeat in a referendum of a proposal to amend the *Family Code* to extend rights of same-sex partners constituted a major setback with regard to advancing LGBTI equality in the country. Later in the year, an anti-Pride Parade Facebook group was set up, and anti-gay graffiti were sprayed on the walls of an LGBT bar right after the Pride Parade, indicating that homophobia remains an issue.

Access to goods and services

- In June, a case against Bovec Local Tourist Organisation was filed with the Market Inspectorate of the Republic of Slovenia claiming a violation of the *Principle of Equal Treatment Act*. The organisation had placed a pictogram “no homosexuals wanted” on its accommodation catalogue. The organisation’s director claimed that it was a printing error and that the Bovec tourist organisation wanted to use the pictogram “homosexuals welcome” instead. Upon intervention of the Consumers Association, and media attention, the catalogue was removed from circulation and the pictogram blacked out. The case was also reported to the Ombudsperson and to the Advocate of the Principle of Equality.

Bias motivated speech

- In June, a 24-year-old man was placed on three-month probation for setting up a Facebook group against the Pride March in 2010 and for posting hate speech and inciting violence through the media.

Bias motivated violence

- In June, the day after the Pride March took place peacefully, unknown perpetrators drew extensive anti-gay graffiti on the walls of Café Open, an LGBT bar, and on the surrounding buildings. The incident was reported to the police.

Employment

- In July, on appeal, the Higher Court ruled that an HIV+ gay nurse who had been denied a job offer following a medical examination, had been discriminated against on the ground of his HIV status. The Labour Court, which had originally ruled that there was no discrimination had to reconsider the case.

Family

- In March, the new *Family Code* was rejected in a referendum; 55% of the voters voted against the bill, while 45% voted in favour. The turnout was low at 29.9%. The proposed legislation would have brought about equal rights for same-sex partners with the remaining exception being the right to marry and the partners’ entitlement to jointly adopt. Since 2005 same-sex couples have been able

to enter registered partnership but are not entitled to the same social rights and benefits as different-sex couples. The *Family Code* had already been adopted in Parliament during 2011, but the referendum was initiated by a conservative group called Civil Initiative for Family and Children’s Rights as they collected the 42,000 signatures necessary for requesting a national referendum. The Constitutional Court gave its official approval for the procedure.

- In September, the Administration Unit in Maribor agreed to proceed with the application for a registered partnership of a same-sex couple, composed of a Slovenian and a Ukrainian citizen. According to Paragraph 4 of Article 6 of the *Registration of Same-Sex Partnership Regulation* a person that is not a citizen of the Republic of Slovenia has to enclose with the application for registration inter alia a document issued by the respective foreign authority showing there are no impediments for the applicant to register a same-sex partnership in Slovenia, meaning that the applicant is not legally married or in a legally binding same-sex union. As Ukraine has no law regulating same-sex partnerships the citizen of Ukraine was unable to obtain a document showing he is not in a legally binding same-sex partnership. In view of this, Legebitra sent a question to the Ukrainian Embassy in Ljubljana asking: “Is the registration of same-sex unions regulated by law in Ukraine?” The written response from the Ukrainian Embassy in Ljubljana was then accepted by the Administration Unit in Maribor as a valid supporting document for the application for registration of the same-sex partnership.

Foreign policy

- In April, the Minister of External Affairs Karel Erjavec organised a meeting with human rights non-governmental organisations. He also invited, amongst others, Zavod Kul.si and Zavod Iskreni.net, two organisations which opposed the *Family Code* because it included same-sex couples. These organisations are known for their intensive anti-gay campaigning, including the promotion of so called ‘reparative therapy’. In response to these invitations, several organisations protested and did not attend the meeting.

Health

- In April, the Diocese of Koper planned to organise a lecture for young Catholics held by Luca di Tolve, a controversial Italian 'ex-gay'. The event was planned to take place after class in one of Postojna's secondary schools. Luca di Tolve is known for his intensive international promotion of the controversial 'reparative therapy'. In a public letter to the headmaster of the high school, the Ministry of Education and the Ombudsman, a group of former students of the Postojna high school protested against the holding of such an activity in a public school. In view of press coverage and public protests from some professional organisations the headmaster of the high school refused to allow the event to take place. The Diocese then organised the lecture in the parish in Postojna.

Public opinion

- According to Eurobarometer 2012, 48% of Slovenians believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 42% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Slovenians scored 6.2 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Slovenians scored 5.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

Association informational centre Legebitra
www.drustvo-legebitra.si

Društvo DIH - Association for integration of homosexuality
www.dih.si

Lesbian group ŠKUC-LL
www.ljudmila.org

Roza Klub

ŠKUC-MAGNUS



Spain



The main positive measures were adopted by regional level authorities. The Constitutional Court delivered a positive decision in a case challenging the constitutionality of marriage equality for same-sex partners introduced in 2005, ruling that the law was indeed constitutional. This eased the growing fears of LGBTI people and their supporters that the right to equal marriage could be rolled back along with a number of other rights. On the downside, some programmes were cut, including: (i) the *Education to citizenship and human rights* module in the curriculum; and (ii) an HIV prevention campaign targeting men who have sex with men.

Bias motivated violence

- In May, the NGO COGAM published figures regarding the calls received by its SOS Homofobia hotline. It emerged that in 72% of cases of homophobic and transphobic assaults, the victims did not dare to report it to the police; 43% of the victims said that reporting would be useless and that they did not feel comfortable with the idea of the police registering their personal data.
- ILGA-Europe collected information on seven hate crimes perpetrated during the year. This includes cases of extremely violent homophobic, lesbophobic and transphobic assaults, including in family contexts. This information was collected as part of ILGA-Europe's documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Education

- In September, the NGOs FELGTB and COGAM published a study on homophobic bullying in schools, based on interviews with students under the age of 25. According to the study, 43% of the victims of bullying have considered suicide, and 17% had already attempted it. The study also showed that in 90% of the documented cases, the perpetrators of bullying were other male students.
- In September, the Minister of Education presented a reform of the education system whereby the *Education to citizenship and human rights* module was removed from primary and secondary school curricula. This module had been created following the *Recommendation (2002)12 of the Committee of Ministers of the Council of Europe on education for democratic citizenship*. Teaching content relating to gender, family diversity and the prevention of homophobia and transphobia was thus removed as it had been part of this module. Some regions decided to maintain the content as part of the curricula regional governments have the competence to adopt.

Employment

- In May, CCOO, the largest trade union confederation of Spain, presented guidelines on the elimination of

discrimination on grounds of sexual orientation and gender identity in the workplace. The guidelines include recommendations on bargaining on workers' rights, reaction to real cases of discrimination, as well as practical guidance on the use of appropriate language in working with LGBT people.

Equality and non-discrimination

- In June, the Catalanian Parliament approved a *Declaration against all forms of prejudice, hostility and discrimination against gays, lesbians, bisexuals and trans people*. The Declaration was intended to be both a driver for prevention activities against homophobia and transphobia in Catalonia, and a statement against persecution on grounds of sexual orientation and gender identity in many countries in the world. The Catalanian Parliament also called on the World Health Organization for the depathologisation of trans identities in the next *International Classification of Diseases*.
- In June, Iñaki Oyarzábal, the secretary of the right-wing governing party in charge of rights and freedoms, came out of the closet in the national media. It is the first time that such a high ranking official in this particular party has come out. Mr Oyarzábal is also the deputy leader of his party in the Basque Country.

Family

- In April, Barcelona hosted the second European Conference on LGBT families, organised by the Network of European LGBT Families Associations (NELFA). More than 700 participants, mostly families, took part in workshops, discussed social change strategies and shared life experiences.
- In November, the Constitutional Tribunal published a decision confirming the constitutionality of the marriage equality law approved in 2005. This decision had been awaited for seven years, and had been requested by the People's Party, the current ruling party, which claimed that same-sex marriages violated the Constitution. However, this party had announced it

would not seek to change the law if the Tribunal's decision was positive.

Health

- In April, the Ministry of Health announced that free gender reassignment surgery would not be banned in the public health system. Access to such surgeries free of charge had been put under threat in the context of severe budgetary cuts decided by the government as part of their austerity policy. However, the public health system being in large part the responsibility of the regional autonomous governments, threats on free access to gender reassignment surgeries continued at the regional level, in spite of the fact that not one region modified its policies in 2012.
- In June, the Ministry of Health announced cuts targeting an HIV prevention campaign aimed at men who have sex with men. The campaign included the distribution of 100,000 packages of prevention leaflets, testing kits, condoms and lubricant at gay festivals and Pride events. Following the Ministry's decision, the condoms and lubricants were removed from the packages. The LGBTI organisations initially involved announced their decision to stop cooperation with the Ministry and to withdraw from this campaign.

Legal gender recognition

- In June, the Parliament of the Basque Country adopted a law on non-discrimination against trans people and the recognition of their rights. This new legislation implements the principle of self-determination of one's gender identity with no need for medical or psychological expertise, and covers minors and foreign residents. It also provides protection against discrimination in all social and labour relations, as well as in access to healthcare. The law includes the endorsement of the *Yogyakarta Principles* by the autonomous Basque government.

Public opinion

- According to Eurobarometer 2012, 44% of Spaniards believe sexual orientation discrimination is widespread.

This is slightly below the EU27 average (46%). 53% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). Spaniards scored 7.9 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Spaniards scored 7.1 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

ASECAL
www.asecal.org

Asociacion Catalana para la Integracion de Homosexuales Bisexuales y Transexuales Inmigrantes – ACATHI
www.acathi.org

Asociación Española de Transexuales
www.transexualia.org

Asociación Internacional de Familias por la Diversidad Sexual
www.familiasporladiversidad.org

Asociacion Reacciona!
www.asociacionreacciona.tk3.net

Associació de Famílies Lesbianes i Gais
www.familieslg.org

Barcelona International Lesbian and Gay Film Festival
www.barcelonafilmfestival.org

Casal Lambda
www.lambda.cat

Col·lectiu Lambda de València
www.lambdavalencia.org

Colectivo de Lesbianas, Gays, Transexuales y Bisexuales de Madrid
www.cogam.es

COLEGAS
www.colegaweb.org

Coordinadora de Lesbianes Gais Transsexuals i Bisexuals de Catalunya
www.cogails.org

FELGTB - State Federation of Lesbian, Gays, Transgender and Bisexual people
www.felgtb.org

Fundación Triángulo
www.fundaciontriangulo.org

GEHITU
www.gehitu.net

Grupo Lesbianas, Gays, Transexuales y Bisexuales del PSOE
www.psoe.es/ambito/lgtb

Orgullo Gay Madrid
www.orgullogaymadrid.com

Plataforma Popular Gay

SOM COM SOM, Collectiu per l'Alliberament Sexual del
Valles
www.somcomsomlgtb.es.tl



Sweden



Sweden continued its efforts to improve the legal situation of LGBTI people. The government announced a plan to develop a national LGBT action plan based on the *Recommendation* of the Council of Europe's Committee of Ministers. In addition, progress was achieved in relation to the rights of trans people. Following a large scale national and international campaign, the sterilisation requirement, as well as the requirement to be single or divorce, for trans people to proceed with the legal recognition of their preferred gender were abolished.

Access to goods and services

- In August, the Diskrimineringsbyrå i Uppsala, an anti-discrimination legal service, took up a case on behalf of a trans woman against the insurance company Skandia. Skandia refused to change the woman's already legally changed name, because she still had a male "person number". The case was still pending at the end of 2012.

Asylum

- During 2012, the Swedish asylum authorities rejected a number of LGBT applications, including from gay men from Uganda, Saudi Arabia, Iran and Afghanistan, despite their reports of persecution. However many have had their case re-opened and managed to get to stay in Sweden following their appearance in Swedish media or other interventions. RFSL reports being involved in around 70 cases of LGBT asylum seekers in 2012. The total number of those seeking asylum on these grounds is unknown, as no statistics are kept by the Swedish asylum authorities. However, it is estimated that it is around 200 cases. RFSL has indicated that things are becoming harder for LGBT asylum seekers, and it is estimated that fewer LGBT asylum seekers are allowed to remain.
- In February, the Immigration Court rejected a trans woman's asylum application and ruled that she be deported back to Russia, her country of origin. The decision was made despite several violent assaults on the applicant by Russian authorities. In March, the Supreme Court ruled that there were no grounds for further appeal in the case. The applicant went into hiding in Sweden after the decision to avoid deportation at the end of 2012.
- In August, a report on the Swedish asylum system was released by RFSL. The report was authored by a lawyer who stressed the problematic language in the existing legislation which, according to the report, is contributing to a so-called "lottery situation" on how applications of LGBT asylum seekers are handled. The report stressed that according to the law, on the one hand, people should not be expected to hide their sexual orientation; on the other, if they have not previously been "open", this is going to be taken into consideration when it comes to considering the degree of risk of persecution.

- In December, a "letter of assignment" from the government was sent to the Migration Board stressing the need to focus on the situation of LGBT asylum seekers.

Bias motivated speech

- In February, the European Court of Human Rights (ECtHR) ruled in favour of Sweden in the case of *Vejdeland and Others vs. Sweden* (Application No 1813/07), which concerned the conviction of individuals who distributed leaflets with bias motivated speech against homosexual people at a Swedish school. The ECtHR issued a verdict dealing with hate speech towards homosexual people for the very first time, and emphasised that the activities of those spreading homophobic propaganda are not protected by the freedom of expression guaranteed in the European Convention of Human Rights, at least not in schools, and not when the propaganda is spread to people who have not expressed any wish to receive it. These leaflets had been placed in students' lockers.
- In March, a concert by Jamaican rap artist Sizzla was cancelled in Stockholm due to homophobic lyrics in some of his material. The cancellation came as a result of massive protests from the LGBT community.
- In December, the Swedish football club Sörskogens IF fired all the players on its top team following complaints that players hurled homophobic remarks at members of the opposing team, Stockholm Snipers. Stockholm Snipers is a football club with mainly LGBT players.

Bias motivated violence

- In June, a report based on figures from 2011 by Sweden's National Council on Crime Prevention (Brottsförebyggande rådet – Brå) indicated that the incidence of hate crimes was on the rise in Sweden. According to the report, 5,490 police reports of "homophobic, biphobic or heterophobic" hate crimes were filed, an increase of 7% when compared to the previous year. Around 1% of all reported hate crimes were classified as "transphobic". However, despite the rise in 2011, during the period 2008-2011, reports of homophobic hate crimes decreased by 20%. Among the reported hate crimes, threats and harassment were the most common

incidents, followed by violent crimes and defamation. Compared to other hate crime motives there is a larger proportion of violent crimes with a homophobic motive (22 % compared to 12–18%). Furthermore, most hate crimes were reported to have been committed in public spaces. It should be noted, that until 2007 the Swedish police force had an “assignment” to focus on hate crimes. Since then they have not had this focus, and according to RFSL this is the main reason why the statistics appear as they do, and do not reflect the real situation. The number of reported transphobic hate crimes almost doubled between 2009 and 2011. This can mainly be explained by an increased awareness in the trans community of the possibility to report crimes. The overall number of reported crimes remains low, amounting to 52 in 2011.

Education

- In July, a female teenager filed a report to the Equality Ombudsman stating that she suffered homophobic bullying at school. In the report she stated that teachers ignored her mistreatment and told her to “tone down” her sexuality because it “confused and scared other students”. The teenager stopped attending high school due to several assaults. At the end of the year the case was still being processed by the Ombudsman.
- In 2011, eight complaints of discrimination on the grounds of sexual orientation and one on gender identity/expression in the field of education were registered at the Ombudsman’s office. The numbers for 2012 have not yet been released.

Employment

- In June, The Nordic LGBT & Friends Business Leadership Forum took place in Stockholm, arranged by IBM and with participation from company representatives from, among others, SAS and Hewlett Packard.
- In August, *the Nordic LGBT Workplace Forum* took place in Stockholm. The forum focused on the combination of the human rights based approach and diversity strategies. Representatives of a number of major Nordic companies, such as IKEA and SwedBank and international companies with Scandinavian subsidiaries such as Hewlett Packard, KPMG and Microsoft took part in the forum.

Equality and non-discrimination

- In June, the Equality Ombudsman wrote to the government urging them to look into how the anti-discrimination bureaus and others are able to support people that have been discriminated against in courts. The reaction from the Ombudsman was based on the fact that most people who have experienced discrimination will have no opportunity to go to court for a variety of reasons. There had been no action from the Government to address this issue by the end of 2012.
- In November 2011, the government had initiated a meeting with all LGBT organisations in Sweden to discuss the *Recommendation from the Committee of Ministers (2010/5)*. The government also announced the creation of a LGBT action plan for Sweden based on the recommendations to be produced during 2012. However, at the end of 2012 no such action plan had emerged, most likely due to political opposition within the government.
- The Ombudsman reported a total of 40 complaints of discrimination on the ground of sexual orientation. The most common areas of complaint on this ground regard harassment, access to goods and services, and access to healthcare respectively. The number of complaints that were registered by trans people in 2012 is not yet known.

Family

- During 2012, the LGBT civil society and several representatives from the Liberal Party, Folkpartiet, The Left Party, The Green party Miljöpartiet, and the Social Democrats called for a change from the so-called principle of *pater est*, which is still not solved when it comes to lesbian couples with children. Despite being married the mother who does not give birth is not automatically granted parental rights. This has been a demand from the movement for many years, even before gender neutral marriage became reality in 2009. With the change of the gender recognition act the issue is even more pressing since trans women with male reproductive organs will be forced to adopt their own children if the principle is not changed and made gender neutral.

Foreign policy

- In September, the then Swedish Minister for Gender Equality, Nyamko Sabuni, participated in the opening of exhibition *Article 1* at Queer Fest in St Petersburg, Russia.
- In November, a coalition of Swedish civil society organisations sent an open letter to the Swedish government after it publicly supported the nomination of the Maltese EU Commissioner of Health, Tonio Borg. The organisations were worried about the support amounting to validation of the acts of Tonio Borg as Foreign Minister in Malta prior to his nomination, which according to the organisations were "...obviously disloyal against the fundamental values of the EU regarding human rights, and more concretely on women's and LGBT people's health and rights." The letter ended with a call to Fredrik Reinfeldt, Prime Minister of Sweden, and Birgitta Ohlsson, Minister of EU Affairs not to vote in favour of Tonio Borg in the Council of European Union. However the Swedish government disregarded the call and voted in favour of the Commissioner's designation.
- In November, the Third Committee of the United Nations General Assembly passed a resolution introduced by the Government of Sweden condemning extrajudicial, summary or arbitrary executions. The resolution, for the first time, included reference to gender identity in addition to sexual orientation, which has been referenced for the past 12 years.

Freedom of assembly

- In October, an exhibition by Swedish artist Elisabeth Ohlson Wallin containing controversial photographs depicting Jesus surrounded by gay men prompted calls to ban an LGBT Pride Festival in Serbia where Swedish Minister for EU Affairs Birgitta Ohlsson was scheduled to speak. Later in October, Serbia's Prime Minister said that the art show was a "provocation" that contributed to the ban on Belgrade Pride.
- During 2012, an increasing number of small cities in Sweden hosted their own Pride festivals. New ones in 2012 included Luleå, Örebro and Visby (island of Gotland).

Health

- In July, RFSL and RFSL Ungdom launched the campaign "From gay plague to silence. Bet on the right thing, stop HIV!" The campaign focused on education and convincing the political parties to prioritise HIV prevention for the most vulnerable groups, which in Sweden are men who have sex with men, and migrants.
- In September, the Swedish government announced that more money should be allocated to the most vulnerable groups in HIV prevention. The actual results remain to be seen.
- In September, the government allocated 23 million SEK (circa €2.7 million) for a period of 3 years to focus on healthcare for trans people and the general situation of the same group.

Human rights defenders

- In December, ILGA World held their bi-annual World Conference in Stockholm in cooperation with RFSL. Over 400 participants from over 100 countries took part in the conference. Around 250 of these were there on scholarships that were possible due to funding from SIDA and Swedish Institute, among others. The speakers at the opening ceremony included Fredrik Reinfeldt, Prime minister of Sweden, Amado Boudou, Vice President of Argentina, and Salil Shetty, General Secretary of Amnesty International. Furthermore, the conference was addressed by Ban Ki-Moon, General Secretary of the United Nations through a letter that was read out during the conference.

Legal gender recognition

- In January, a coalition of LGBT organisations organised a demonstration in Stockholm against forced sterilisation of trans people in Sweden. Later that month RFSL and AllOut launched an online petition calling for the abolition of the sterilisation requirement in Swedish gender recognition legislation. Several human rights organisations including Amnesty International, Human Rights Watch, Transgender Europe and ILGA-Europe also provided their input towards the debate calling for the abolition of the requirement. This was the most intense period of protests against the forced sterilisations that

have been going on for around ten years in Sweden and happened because, in January, it was said that the government had “agreed” to keep the forced sterilisation, despite earlier statements from various governing parties that the criterion would be removed. In February, the Christian Democratic Party, part of the governing coalition and the single party in Sweden at that time (apart from The Sweden Democrats, a nationalist party) to want to keep the requirement, announced that they had changed their position on the matter and started to support the repeal of the sterilisation requirement. However, the Minister in charge, Christian Democrat Göran Hägglund said that there was no certainty on when the sterilisation requirement would be removed. In June, a decision was made in the parliament to remove the forced sterilisation by 1 July 2013 – but the actual proposal for a law was not laid before Parliament.

- In June, the Swedish government decided to remove the criteria that a person who wants to change legal gender has to be unmarried and a Swedish citizen by 1 January 2013. The unmarried criterion had already ceased to be effective since 2010, due to a court decision.

- In June, the official name register of Sweden (Patent- och registreringsverket, PRV) changed their policy regarding name changes to make it possible for people over 12 years old to change their name no matter the legal gender of the person. The change also covers the so-called daughter-surnames (for example *Persdotter* or *Ingridsdotter*), which can now also be taken by people who are legally male. This change came about after a joint written protest by a coalition of LGBT organisations. The name practice in Sweden allows anyone to take the name of one of their parents, with the addition of – son or – daughter as a last or middle name.

- In autumn, a coalition of LGBT organisations decided to get together and try to obtain compensation from the state for people who have already been sterilised under gender recognition legislation.

- In December, the Administrative Court of Appeals in Stockholm ruled that the requirement in the *Law on Legal Gender Recognition* that a person wishing to change

gender marker must undergo sterilisation violated the Swedish Constitution (Regeringsformen 2 kap 6 §) as well as Articles 8 and 14 of the European Convention on Human Rights.

Participation in public/political life

- In June, Swedish skiing legend and Olympic champion Anja Pärson confirmed that she has a girlfriend and that the couple were expecting a baby. Pärson thereby ended years of rumours about her sexuality and became the latest Swedish sports star to go public about her sexuality.

Police and law enforcement

- In July, the Örebro District Court dropped attempted rape charges against a man because it claimed that the crime against the trans victim could not have been carried out. The man had followed the victim, who was dressed in female clothing, and attacked her with the intention of raping her. This was interrupted by a witness. However, the court ruled he would never have been able to carry out the planned criminal activity as he was attempting to rape “a woman” (understood as a cis-woman or a person with a vagina). Thus, the attempt of rape was considered ‘invalid’ and the man went on to be convicted for assault (a lesser crime). However in October, the court of appeals in Göta, Göta Hovrätt, convicted him of attempted rape.

- In October, the Malmö police launched a dedicated hate crimes hotline after criticism over how victims had been treated when reporting a suspected crime in their district. This made them the third police district to have some special focus on hate crime following Stockholm and Gothenburg.

Public opinion

- According to Eurobarometer 2012, 47% of Swedes believe sexual orientation discrimination is widespread. This is slightly above the EU27 average (46%). 57% believe gender identity discrimination is widespread. This is slightly above the EU27 average (45%). Swedes scored 8.8 on a scale from 1 (‘totally uncomfortable’) to 10 (‘totally comfortable’) when asked how comfortable they would

feel with an LGBT individual in the highest elected political position in their country. This is significantly above the EU27 average (6.6). Swedes scored 7.4 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly above the EU27 average (5.7).

Sexual and reproductive rights

- In March, the parliament decided to remove the ban on offering assisted inseminations and IVF treatments to single women. This has not yet come into effect. At the same time it was decided to investigate the possibility of legally recognised surrogacy in Sweden.
- In August, a lesbian couple reported the Östgöta County Council to the Equality Ombudsman after they were charged 3000 SEK (circa €360) for two medically assisted inseminations. Different-sex couples get the public service almost free of charge. The County Council responded that free treatments are offered only to people with medical reasons to infertility. The case is still pending at the Equality Ombudsman in the end of 2012.
- In October, the Regional Council of Norrland decided to make the prices for medically assisted inseminations equal for same-sex couples and different-sex couples.

Member organisations of ILGA-Europe

Arab Initiative
www.arabinitiative.org

C-Gay The National Network of HBT persons within the Centre Party

HBT-Liberaler
www.folkpartiet.se/hbtliberaler

Hbt-socialdemokrater Sverige
www.hbts.se

OII (Organization Intersex International) Scandinavia

Posithiva Gruppen
www.posithivagruppen.se

RFSL Forbundet (National)
www.rfsl.se

RFSL Fyrbodal
www.rfsl.se/fyrbodal

RFSL Gävleborg
www.rfsl.se/gavleborg

RFSL Göteborg
www.rfsl.se/goteborg

RFSL Kronoberg
www.rfslkronoberg.se

RFSL Linköping
www.rfsl.se/linkoping

RFSL Malmö
www.rfsl.se/malmo

RFSL Nord
www.rfsl.se/nord

RFSL Norrköping
www.rfsl.se/norrkoping

RFSL Örebro
www.rfsl.se/orebro

RFSL Östersund
www.rfsl.se/ostersund

RFSL Skaraborg
www.rfsl.se/skaraborg

RFSL Stockholm
www.rfsl.se/stockholm

RFSL Sundsvall
www.rfsl.se/sundsvall

RFSL Umeå
www.rfsl.se/umea

RFSL Ungdom The Swedish Youth Federation for LGBT rights
www.rfslungdom.se

Riksförbundet EKHO
www.ekho.se

ROHS – National Swedish LGBT Solidarity Organization
www.tupilak.org

ROHS Riksorganisationen Homosexuella Socialister

Swedish Federation of LGBTQ students
www.hbtqstudenterna.se

Transföreningen FPES



Switzerland



A number of positive developments in Switzerland took place during the year, both at Federal and at canton level, although most of the times in small gradual steps. At the Federal level, the government was mandated to amend the relevant legislation towards the introduction of second parent adoption for same-sex couples in registered partnerships, while the Federal Civil Registry Office called for changes to the courts' practice on legal gender recognition that would comply with human rights standards. Similarly, the Cities of Zurich and Geneva introduced measures to promote equality for LGBTI people.

Employment

- In February, the City Council of Zurich amended its regulation on the rights of employees of the administration. The new provisions include the “promotion of tolerance and acceptance towards employees who are at risk of suffering disadvantages based on [...] their sexual orientation and gender identity” (Art. 3 Abs. 1 lit. k). This was the first time that a Swiss regulation recognised the concept of gender identity by mentioning it explicitly.
- In June, Transgender Network Switzerland published a study about the experiences of trans people on the Swiss labour market. The figures illustrated that the unemployment rate of trans people is six times higher than the national average rate. Moreover, 46% of respondents said that their career had been negatively impacted following their coming out.

Equality and non-discrimination

- In September, the City of Geneva was the first Swiss municipal administration to hire an officer responsible for LGBTIQ issues in charge of tackling discrimination. This decision was taken as a response to the recommendations received by Switzerland in the UN UPR process.
- In October, a referendum in the Canton of Geneva resulted in sexual orientation being included among the prohibited discrimination grounds mentioned in the Constitution (Article 15). However, gender identity and gender expression had been explicitly excluded during the constitutional proposal’s preparation phase at the Constitutional Assembly, and as a result they were not included in the Constitution’s anti-discrimination provisions.
- In December, the National Council adopted a demand for a report on protection against discrimination under Swiss federal legislation. The demand explicitly mentioned discrimination suffered by LGBTI people.

Family

- In February, the Federal Council, the executive branch of the government, announced its willingness to support

new legislation lifting the ban on second parent adoption within same-sex couples in registered partnerships. However, the Federal Council, which issued this position as a reply to a resolution adopted by a Parliamentary Committee of the Council of States, said it was not considering the possibility of allowing joint adoption by same-sex couples.

- In March, the Council of States approved a motion opening the right to adoption by same-sex couples, including joint adoption by the couples. In December, the National Council, the other Parliamentary Assembly of the country, also approved the motion, but limited it to the right to adoption by the second parent within same-sex couples. These votes by both assemblies gave a mandate to the government to take the necessary steps towards amendments within the *Civil Code* and the *Federal Act on Registered Partnership*.

Health

- In September, in a medical study on HIV-infected patients, the Swiss HIV Cohort Study (SHCS) revealed that the prevalence of Hepatitis C Virus (HCV) infection has increased 18-fold among HIV-infected men having sex with men (MSM) in Switzerland since 1998. The researchers also published recommendations on prevention actions targeting the MSM community.
- In November, the National Advisory Commission on Biomedical Ethics published an advisory opinion on intersex people, addressing the question of operations on babies. In the opinion, the Commission recognised the harm resulting from previous practices based on moral and cultural prejudice, and considered that future medical decisions should be taken by multi-disciplinary medical teams together with the parents and, as soon as possible, the children themselves. More specifically, the Commission considered that no decision should be made on a child’s sex assignment before the child is able to make a decision their own decision, insofar as the decision and the treatments could have irreversible consequences and can be postponed.

- Two new paid counselling posts within two of the centres of health for MSM ("Checkpoint") were opened in Zurich (since March) and Lausanne (since July). The two part-time employees grant a service to the trans community. Beside responses to requests by a significant number of trans people and their relatives, several institutions asked for information and training sessions.

Legal gender recognition

- In February, the Federal Civil Registry Office published a legal opinion on the requirements for the legal recognition of trans people's gender. The Office considered that the existing requirement of gender reassignment or sterilisation surgeries is a violation of the human rights protected by the European Convention on Human Rights and the Swiss Constitution and should therefore be abolished, and quoted the Council of Europe's recommendations in evidence. The Office also considered that the dissolution of pre-existing marriages or civil partnerships must not be a pre-condition.
- In July, the regional tribunal of Bern-Mittelland recognised the gender change of a trans applicant without requiring evidence of infertility. This is the first time that such a decision has been taken without infertility or hormonal treatment requirements. Some other tribunals immediately followed this example. In Switzerland, legal gender change recognition is a competence of the courts while requests for change of legal name are decided by the administration of the Cantons.
- The same month, the University of Lucerne published new guidelines regarding the use of names and gender markers of trans people awaiting court or administration decisions in all the documents delivered by the institution, including diplomas. The guidelines include no specific requirement from the applicant, apart from filling in and signing a form.
- In October, in his opening speech for Switzerland's second cycle of the UN UPR, the Federal Councillor,

Didier Burkhalter, mentioned legal gender recognition and the progress made by courts during 2012.

Member organisations of ILGA-Europe

Association 360
www.360.ch

Dialogai
www.dialogai.org

Federation genevoise des associations LGBT
www.federationlgbt-geneve.ch

Homosexual Working Groups Zurich
www.haz.ch

Homosexuelle Arbeitsgruppen Basel – HABS
www.habs.ch

Homosexuelle Arbeitsgruppen Bern
www.gaybern.ch

Juragai
www.juragai.ch

Lesbenorganisation Schweiz – LOS
www.los.ch

Lestime
www.lestime.ch

Pink Apple Lesbian & Gay Film Festival
www.pinkapple.ch

PINK CROSS Swiss Gay Organization
www.pinkcross.ch

The Swiss Rainbow Families Association
www.regenbogenfamilien.ch

Verein Network
www.network.ch

Vogay
www.vogay.ch

WyberNet
www.wybernet.ch



Turkey



Hate speech, violence and murders targeting LGBTI people, including 'honour killing' by the families, continued to cause grave concern. The *Criminal Code* and *Law on Misdemeanour* continue to be used to discriminate against LGBTI people, particularly trans people. Turkey's practice classifying gay men as 'psychosexually disordered' and 'unfit' for the military which exposed them to further discrimination was condemned by the Parliamentary Assembly of the Council of Europe as degrading treatment.

Bias motivated speech

- In January, the High Court of Appeals found newspaper Yeni Akit (subsequently renamed: Vakit) guilty of insulting LGBT people in a story titled *Üskül prefers pervers*. The piece was published in 2008 after Zafer Üskül, the Head of the Parliamentary Human Rights Commission at the time, attended an *International Anti-Homophobia Meeting* organised by Kaos GL. The court ordered the newspaper to pay compensation of 4,000 TRL (circa €1,800) and the author Serdar Arseven to pay 2,000 TRL (circa €900). The court emphasized that “the freedom of press does not encompass the freedom to insult the personal freedoms of individuals.” The decision overruled earlier verdicts of two Ankara courts.
- In March, Pembe Hayat filed a complaint against Erol Köse, a popular TV personality, who spread hate speech against LGBT people on several occasions. The case, demanding Köse’s imprisonment for 2 years and 8 months, had been accepted by the Ankara Prosecution Office. However, the court decided to suspend the public trial against Erol Köse.
- In May, a youth group affiliated with the Islamist party Saadet Partisi, displayed a large placard stating “Homosexuality is immoral” in the centre of Kocaeli. The police removed the placard, after a complaint was made to the prosecutor’s office. A similar placard was displayed in the city of Eskisehir the following week. On that occasion it was endorsed by the governor of the city. The same group facilitated a campaign collecting signatures to introduce a constitutional provision criminalising same-sex sexual relations.
- In May, the leader of the Islamist Great Unity Party (BBP) stated that homosexuality is a disaster resulting from Western corrupted family structure and that supporting LGBT rights will lead to AIDS. These statements were printed as part of an interview in a mainstream newspaper.

Bias motivated violence

- Turkey became the first country to ratify the *Council of Europe Convention on preventing and combating violence against women and domestic violence* (the ‘Istanbul

Convention’), which aims to prevent violence, protect victims and “to end with the impunity of perpetrators” including on the grounds of sexual orientation and gender identity.

- LGBT organisations gathered information about bias motivated violence against members of the LGBT community during the year which included the cases listed below:

- ♦ In January, a trans woman in Izmir was stabbed 14 times with a knife and was taken to hospital in a critical condition. An investigation is underway to identify the perpetrator. Later in the month, another attack was recorded against a trans woman, the perpetrators being police officers. A third case, the murder of a 17-years-old gay man, was also registered.
- ♦ In February, a trans woman was killed in Kocaeli by her brother. The police arrested the murderer.
- ♦ In March, two trans women were murdered because of their gender identity. The first case took place in Izmir, where a trans woman was shot in the head and left in a car. The killer was identified with the help of security cameras and was arrested. The other case took place in Antalya, where a trans woman was found stabbed to death in her home. The murderer was caught and imprisoned.
- ♦ In March, a man was killed in Adana by a friend who cut his throat because of feeling bad “as [the victim had] touched his backside” and allegedly made sexual proposals.
- ♦ In March, a gay man went to a police station to report that he was being followed by someone who might attack him because of his sexual orientation. According to his testimony he was beaten up at the police station after having an argument with the police officer who refused to take his report seriously. Shortly after leaving the police station, he was also attacked by the person following him. He reported the case to a human rights organisation which supported him in getting a medical report of his injuries and filing a complaint with the prosecutor’s office.

- ♦ In April, a transgender woman was attacked by a group of seven men in Istanbul. She was walking her dog in front of her house when the assault happened. The neighbours saw the situation, but did not intervene. The victim reported the incident to the police, but no-one was charged. The victim believed that the attack was related to her earlier attempt to press charges against undercover police officers who had attacked her the previous year.
- ♦ In April, two transgender sex workers were attacked in Ankara. The women were threatened with knives, raped and robbed. Two men were arrested for the assaults and imprisoned.
- ♦ In April, other cases were documented by LGBTI NGOs, including the rape of a soldier in the army, and an attack against an LGBT activist in Istanbul.
- ♦ In April, a transgender sex worker was shot in an incident with the police. The police officer had stopped the woman and wanted to fine her. She resisted, after which the police grabbed her arm. As she tried to run away from the situation, the woman was shot in her back by the police officer. She was taken to hospital.
- ♦ In May, a transgender sex worker was beaten up by two men in Istanbul. The men stole her money and took her clothes, leaving her naked on the street.
- ♦ In May, a gay university student was killed in Aydin. He was found at his apartment with stab wounds to his stomach. As the victim's family rejected his sexual orientation, a public prosecution was not possible.
- ♦ In May, a man in Gaziantep who had murdered his former partner for being a lesbian, was sentenced to 25 years in prison.
- ♦ In June, a group affiliated with the BBP attacked a trans parade in Istanbul throwing stones and bottles. The police intervened and prevented any serious injuries. The same month, a transphobic demonstration took place in Antalya, with explicit threats of physical violence targeting the local trans community.
- ♦ In July, a trans woman was murdered in Antalya. She was found in her home with her throat slit and

deep cuts to her face. The case is being investigated by the police.

- ♦ In August, a gay teenager in the south eastern province of Diyarbakır was killed allegedly by his father and uncle because of his sexual orientation. According to the news reports, the 17-year-old victim sought refuge at a friend's house after being beaten up by his family members. He was forced out of his friend's house by his uncle and had a fight with his father on the same evening he was found dead with 14 gunshot wounds. The victim's father and uncle were arrested. The case is pending.
- ♦ In October, a lynch attempt was reported against trans people in Avcılar, Istanbul. 50 attackers took part to the mob, which also incited the police to raid three houses of trans people who were said to perform sex work.
- ♦ In October, a 25-year-old trans woman had her throat cut by two attackers in Antalya.
- ♦ In November, two transphobic attacks took place in Ankara. In one case, the attack happened in front of a police station.
- ♦ In December, a 19-year-old trans woman was murdered. The criminal attorney investigating the case told media that the suspect in her murder had been arrested.
- ♦ In December, gay fashion designer Barbaros Şansal was attacked and beaten up in Istanbul. Mr Şansal had defended LGBT rights a few weeks previously in an interview he gave to Turkey's Sözcü newspaper. The incident was clearly related to the interview since during the attack, the assailants told Barbaros: "You will pay for what you have written and what you have practised".
- In July, as a result of the high number of bias motivated incidents, a petition was launched to make President Abdullah Gül act on 'honour killings' of LGBT people. The petition calls on the President to "express his disapproval for the murders, to ensure that the offenders are punished, to establish laws condemning hate crime, homophobia and honour killings, provide extra protection for victims of hate crime, and establish laws to prevent violence against gay and transgender citizens".

- In October, the European Court of Human Rights (ECtHR) delivered its judgment in the case of *X v. Turkey* (Application No. 24626/09) finding violations of Article 3 (prohibition of torture and inhuman or degrading treatment) of the Convention and Article 14 (prohibition of discrimination) taken together with Article 3. The case concerned a gay prisoner who, after complaining about acts of intimidation and bullying by his fellow inmates, was placed in solitary confinement in a small rat infested cell for over 8 months and denied even the possibility of exercise outside his cell. This case is significant because: (i) a significant problem in some countries is that the authorities ignore homophobic or transphobic motivation in the case of hate crimes or other forms of discrimination, or even fail even to investigate such incidents, where they involve LGBTI people; (ii) maltreatment of LGBTI prisoners is a serious problem in a number of Council of Europe member states; and (iii) the case is very important for the situation in Turkey.

Employment

- In April, a Written Declaration by the Council of Europe Parliamentary Assembly (PACE) delegates called on Turkey to cease the degrading treatment of gay men in relation to service in the Armed Forces, and to put in place measures to enable them to serve without danger of violence and discrimination.
- In May, the European Council criticised the current degrading treatment and exclusion of LGBTI people in the Armed Forces. While military service is mandatory for Turkish men in general, gay men are exempted from it on the basis of being 'unfit' because of their sexual orientation. In order to prove they are gay, the men were previously asked to provide material proof such as intimate photos. Recently, a new procedure was introduced, in which the medical authorities interview the applicant's family. The men, who are not usually openly gay, suffer under the procedure since it creates a fear of their family learning about their sexual orientation, which might lead to conflicts. If the exemption from military service is granted, it is classified as a 'psycho sexual disorder'.
- In November, the draft of a new *Military Code* labelled homosexuality an 'unnatural imminence' which is a basis for discharge from military service. Other reasons for discharge include murder, fraud, bribery, and serving a prison sentence of more than a year.
- In December, to mark *International Human Rights Day*, Kaos GL organised a *Symposium Against Discriminations* focusing on social rights of LGBT people. The participants and speakers at the event were human rights defenders, trade unionists and social work experts from Turkey and abroad. The organisation issued a media statement, noting that in addition to the disrespect for its international and regional human rights obligations the country "reproduces and institutionalises discrimination against LGBT people".

Enlargement

- In April, the European Parliament discussed the EU accession reports of candidate countries. Turkey was urged to include homophobia and transphobia in its laws tackling hate crime. The Parliament also condemned the frequent prosecutions of LGBT people and drew attention to the procedure of the Turkish Armed Forces which classifies homosexuality as a 'psychosexual disorder'.
- In October, the European Commission published its *2012 Progress Report on Turkey* as a candidate country for EU membership, and criticised the government of Turkey for removing references to the ground of sexual orientation from the draft anti-discrimination law, reiterating that "The current legal framework is not in line with the EU acquis". The report also highlights that LGBT people continue to suffer from discrimination, intimidation and violent crimes. The Commission also spells out that some laws, namely the *Criminal Code* and the Law on Misdemeanour are often used to discriminate against LGBT people, particularly transgender persons. Moreover, courts continue to apply the principle of 'unjust provocation' in favour of perpetrators of transphobic crimes. The Commission also highlights the court cases brought by police against transgender human rights defenders in response to their allegations of police brutality and arbitrary arrests. The report on Turkey also

notes that negative stereotyping by political figures and media against LGBT people continues.

Equality and non-discrimination

- During the year, Turkey was drafting its first civilian *Constitution*. LGBT organisations voiced their common demand for a constitutional article that would prohibit all kinds of discrimination on the basis of sexual orientation and gender identity. The proposal to include sexual orientation and gender identity as protected grounds in the constitution has been jointly introduced by the main opposition Republican People's Party (CHP) and the Peace and Democracy Party (BDP). However, Turkey's ruling Justice and Development Party (AKP) rejected the proposal. "We don't find it right to have an expression concerning gays" an AKP deputy said. The European Parliament LGBT Intergroup in the European Parliament expressed its concern over the country's hate crime record, common hate speech, discrimination in employment, media censorship, homophobic bullying and the treatment of LGBT asylum seekers and encouraged Turkish parliamentarians to cover the rights of LGBT people in the Constitution. No progress was achieved by the end of the year, as the Reconciliation Commission suspended the writing of Article 3 (equality before the law) due to disagreement on the inclusion of sexual orientation, gender identity and ethnic identity.

Freedom of assembly

- In May, to mark the *International Day against Homophobia and Transphobia* (IDAHO), LGBT organisations in Ankara marched *Against Homophobia and Transphobia* calling for constitutional protection from discrimination and violence against the LGBT community in Turkey. The march was attended by around 500 people, including LGBT refugees and asylum seekers currently residing in Turkey, who ended the demonstration with a press statement "Sexual orientation and gender identity reality should be recognised for constitutional equality".
- In June, the third Trans Pride was attacked by counter-demonstrators. The Pride was protected and the violent counter-demonstrators were kept apart

from the Pride. However, the counter-demonstrators were not prosecuted. Istanbul Pride Week took place during late June. In honour of the 20th anniversary of the Pride Week, the organisers chose memory as the overarching subject of the week of activities and events. Pride Week is organised by Istanbul's LGBT community which currently includes three organisations: Lambdaistanbul, SPoD and Istanbul LBTT. The week-long activities included panels, discussions, workshops, exhibitions and performances, related to the theme of the memory of the LGBT movement in Turkey. The panellists included local and international politicians. Pride Week culminated in the Pride March on the last Sunday of the week. More than 10,000 people marched down Istiklal Street including parents and families of LGBT people, who have been organising as a separate group called LISTAG, also had a strong showing at the march.

Freedom of expression

- In June, the High Court ruled that oral and anal sex in films should increase the penalty handed down to the accused for selling CDs with sexual content. S.K. was given an increased penalty for selling films that contained displays of anal and oral sex. The High Court decided that S.K. should be judged under *Penal Code* Article 226 Paragraph 4 which states that a "person selling products containing writing, sound or images of unnatural sexual behaviour can be sentenced to 1 to 4 years and to a punitive fine of up to 5000 TRL" (circa €2150).
- In December, LGBT news portal kaosgl.org was hacked right after Kaos GL's *Symposium against Discriminations*. The attack blocked access to kaosgl.org for a short period of time displaying messages of "hadith" (sayings of the prophet Muhammad) about homosexuality. A similar attack by religious fundamentalists occurred during IDAHO.

Human rights defenders

- Kaos GL won the European NGO network SOLIDAR's Silver Rose Award. SOLIDAR's Silver Rose Awards were launched in 2000 to help raise the profile of individuals

and organisations who contribute greatly to social justice and equality throughout the world.

- Ali Erol, an LGBT activist in Turkey was honoured with this year's David Kato award, which was set up in memory of the gay Ugandan campaigner who was murdered in 2011.

Police and law enforcement

- In January, police officers took 18 men into custody who they arrested in a cinema on the basis that they were having sexual intercourse on the premises. The owners of the cinema were also charged for 'providing space for prostitution'.

Member organisations of ILGA-Europe

Black Pink Triangle Izmir Association - Siyah Pembe Üçgen
Izmir

www.siyahpembe.org

Gay & Lesbian to socialize and Rehabilitation

Kaos GL

www.kaosgl.com

Lambdaistanbul LGBT Solidarity Association

www.lambdaistanbul.org

LISTAG - Families of LGBTs in Istanbul

www.listag.wordpress.com

Pink Life Association LGBTT Solidarity

Social Policies, Gender Identity and Sexual Orientation
Studies Association – SPOD

www.spod.org.tr



Ukraine



This year was characterised by a series of negative developments. Legislative proposals to ban the 'promotion of homosexuality' and thus criminalising any positive depiction of same-sex relationships continued to make progress through the parliamentary process. If adopted, these laws have the potential to dramatically restrict the freedom of speech, mass media and potentially criminalise the work of LGBTI human rights defenders. Moreover, the adopted *Law on Prevention and Combatting Discrimination* does not include the grounds of sexual orientation and gender identity. The first-ever Pride March was cancelled by the organisers because of threats of violence. Numerous violent physical attacks on LGBT activists have been reported; in some instances, the police failed to provide protection.

Bias motivated speech

- In April and May, protests against the planned Pride Parade event were held in Kiev. The protesters held placards which amongst other slogans stated “No to Sodomite Sin!” and “Homosexuality = AIDS.”
- In May, Svoboda All-Ukrainian Union, a nationalist party, referred to LGBTI people as sexual perverts and stated that “The aim of this event [Pride Parade] was to undermine the traditional moral values through a show of aggression towards the majority of the Ukrainian population who do not share the perverts’ way of life and it being imposed on others”.

Bias motivated violence

- In May, approximately 500 nationalists and anti-LGBTI activists arrived at the Kiev Pride Parade’s meeting point in downtown Kiev shouting threats. After two of the organisers announced the Parade cancellation to the public (during an improvised press briefing), they were attacked with pepper spray by a group of young men in masks. The attackers shouted “Out of Ukraine” and similar slogans and then ran away. Several minutes later the attackers reappeared, kicked one of the Pride organisers and jumped on his back while he was lying on the ground, and also beat up the other organiser. Amnesty International accused the Kiev police of connivance in the event despite its presence in large numbers. Catherine Ashton, the High Representative of the European Union for Foreign Affairs and Security Policy, also voiced her concern over the violence during the Kiev Pride. The attackers were not caught and their identities are not known.
- In June, an LGBTI activist, another organiser of the Pride, was attacked on his way home from the subway station. The assailant kept asking the victim if he was gay and kicked him in the head. He ran away when a passer-by approached. The victim was left with a broken jaw and other serious injuries. The case was not investigated by the police.
- In July, a protest in front of the Ministry of Foreign Affairs against the adoption of the *Law 8711* prohibiting the ‘promotion of homosexuality’ in Ukraine was attacked

by a group of young men wearing Svoboda Party t-shirts. The men tore the activists’ posters and shouted insults in the presence of a special police squad that did nothing to stop the violence.

- In December, LGBT and human rights organisations held a peaceful public action on *International Human Rights Day*. During the action the participants were assaulted and provoked by several militant adherents of the Svoboda party who sprayed tear gas on participants and tried to tear away their banners. Later Svoboda openly claimed responsibility for this assault, on its website, even specifying the names of the ‘hero patriots’. Although there was an adequate number of police officers at the event, the police failed to protect participants from homophobic assault and eventually arrested two attackers and six victims of aggression for “disorderly conduct”. After the peaceful demonstration on 8 December the police prevented the participants from leaving the site of the event all together saying that “no demonstrations on the street are allowed”. The participants were forced to leave in small groups and were attacked and beaten on the street by nationalists.
- In total, ILGA-Europe collected information on 13 hate crimes perpetrated throughout the year. These crimes included other cases of extreme physical violence against LGBTI individuals, such as beatings with robberies and other assaults. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Criminalisation

- The *Draft Law 8711* prohibiting the ‘promotion of homosexuality’ that was introduced in parliament the previous year would criminalise any positive depiction, in public, of same-sex relations. In May, the Committee of Freedom of Speech and Information had recommended the adoption of the bill. The initial vote on the bill scheduled for July was postponed and in October the Ukrainian Parliament voted by an overwhelming majority to support the bill. The second reading of the bill was postponed due to the elections at the end of the year.

Various human rights organisations, official representatives of the European Union, the Council of Europe, the UN and the OSCE, the Ukrainian Ombudsperson and the official representative of the Ukrainian Foreign Ministry as well as several politicians and public figures condemned the bill. If passed at the second reading and signed by the President, the Bill will amend existing laws on 'the protection of morals', media and publishing, as well as the *Criminal Code* making any public mentioning of homosexuality a criminal offence. This would effectively limit the freedom of speech of mass media and criminalise LGBT human rights work in Ukraine.

- In reaction to the adoption of *Draft Law 8711* prohibiting 'promotion of homosexuality' at its first reading, the European Commission stated that Ukraine's proposed anti-gay law would jeopardise prospects of visa liberalisation with the European Union. On behalf of the Commission, Štefan Füle, Commissioner for Enlargement and European Neighbourhood Policy, stated that "such legislative initiative stands in contradiction to the requirements of the relevant benchmarks of the [EU-Ukraine Visa Liberalisation] Action Plan".
- Following a technical procedure after the parliamentary elections *Draft Law 8711* was re-registered as *Draft Law 0945* without any change to the content of the bill.

Equality and non-discrimination

- In March, the parliament decided to remove the ban on offering assisted inseminations and IVF treatments to single women. This has not yet come into effect. At the same time it was decided to investigate the possibility of legally recognised surrogacy in Sweden. In September, *The Law on Prevention and Combating Discrimination* in Ukraine was adopted by the Ukrainian Parliament on the basis of the May draft № 10 468 submitted by the Cabinet of Ministers of Ukraine. The law came into effect from 4 October, after being signed by the President of Ukraine. However, the adopted version of the law does not include sexual orientation or gender identity as grounds protected from discrimination, despite calls by civil society organisations for their inclusion in the draft law.

Foreign policy

- In summer, Ukraine co-hosted the *EURO 2012 Football Championship*. The human rights record of the country was discussed prior to and during the event, with some countries threatening to boycott the games if Ukraine did not improve its performance on human rights issues. However, in the end all countries participated in the tournament.

Freedom of assembly

- Kiev Pride Parade, planned to be held in downtown Kiev, was cancelled by the organisers right before it was scheduled to start, due to concerns over the participants' safety.
- In December, the District Administrative Court allowed Kiev City authorities to prohibit action dedicated to the *International Human Rights Day*, which was planned for 8 December at the Independence Square, reasoning that the action was prohibited "to ensure law and order, prevention of crime, protection of health, rights and freedoms of Kyiv residents and guests". The Court considered that peaceful protest organisers should ask permission from the police and city authorities. Despite the Court decision the organisers managed to hold the demonstration dedicated to *International Human Rights Day and against Draft Law 8711* which aims to ban the so-called 'propaganda of homosexuality'. During the event there were clashes between the protesters and their opponents. Six participants of the demonstration and, according to different sources, two or three opponents were detained by the police and released the following day. Afterwards the District Court of Kyiv declared the event illegal and placed administrative responsibility on the head of NGO Insight. The Court found that she had not informed the City authorities about the public action and that it was illegal to organise such a peaceful assembly.

Freedom of expression

- In May, a photo exhibition *A room of my own*, depicting the everyday life of LGBTI families, was attacked by two men at the Visual Culture Research Centre in Kiev.

The men damaged 26 photographs with forks, knocking some of them onto the floor. Gallery security was unable to catch the men and the case was handed over to police for investigation.

- In August, the National Expert Commission for Protecting Public Morality listed a number of TV cartoon shows calling for them to be banned on the basis that they posed a threat to children. Some of the shows in question included *Family Guy*, *Futurama*, *Teletubbies* and *Spongebob Squarepants*, with the reason provided for their proposed ban being that they are 'gay'. The Commission concluded that the programmes were "aimed at the destruction of the family, and the promotion of drugs and other vices" and that they are a "large-scale experiment on Ukrainian children to create criminals and perverts."
- In October, in a letter sent to the Chairman of the Verkhovna Rada, Volodymyr Lytvyn, the Secretary General expressed deep concern over a bill which proposes to ban the so-called "promotion" of homosexuality in Ukraine.
- In October, PACE delegates expressed concern over the vote by the Ukrainian Parliament to support this law. 36 delegates supported a Written Declaration calling for the Ukrainian Parliament to reject the legislation at its second reading.

Member organisations of ILGA-Europe

All Ukrainian Public Organisation "Gay Forum of Ukraine"
www.gay-forum.org.ua

Gay Alliance Ukraine

Informational and Educational Center "Women Network"
www.feminist.org.ua

Insight Public Organization
www.insight-ukraine.org.ua

Mykolayiv Association for Gays, Lesbians and Bisexuals
'LiGA'

Nash Mir Center

NGO "Democratic Society"

Public organization "Informational-Educational Center
"For Equal Rights"
www.zrp-kherson.org.ua



United Kingdom



While the UK remains a front runner when it comes to the legal situation of LGBTI people in Europe, various researches found worryingly high level of homophobia and transphobia in society, as well as incidence of violence and discrimination in health and education experienced by LGBTI people. The courts delivered a number of important judgments, including ones reaffirming that same-sex couples cannot be refused publicly available services such as rooms at bed & breakfast or adoption services provided by faith-based agencies. Both the UK and the Scottish governments launched legislative proposals to introduce marriage equality.

Access to goods and services

- In October, Reading County Court held that the refusal by a Christian owner of a bed and breakfast to allow a same-sex couple to stay in one of her double rooms amounted to direct discrimination and a breach of equality law. The owner was ordered to pay £3,600 in damages to the couple. The Court confirmed that by refusing access to the couple, the owner had “treated them less favourably than she would treat unmarried heterosexual couples in the same circumstances”.
- In November, the Upper Tribunal ruled that a Roman Catholic adoption agency cannot turn away same-sex couples if it wants to keep its charitable status. Catholic Care, run by the Diocese of Leeds, wanted its adoption service to be exempted from equality laws. The judge ruled that the charity had failed to give convincing reasons why it should be allowed such an exemption.

Asylum

- In October, a Nigerian man who claimed to be gay was deported despite his fear of persecution in his country of origin on the basis of his sexual orientation. The court found that the case lacked credibility and that his return to Nigeria would not result in persecution.

Bias motivated speech

- In January, Derby Crown Court found three men guilty of inciting hatred on the grounds of sexual orientation. The case, which was the first of its kind in the UK, concerned five men who were accused of distributing a series of leaflets in Derby. One of the leaflets, entitled *Death Penalty?* contained references to same-sex sexual relations, and showed an image of a mannequin hanging by the neck from a noose, accompanied by the statement: “The death sentence is the only way this immoral crime can be erased from corrupting society and act as a deterrent for any other ill person who is remotely inclined in this bent way.” Two of the five men were not found guilty.
- In March, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came

into effect in Scotland. It criminalises the expression or stirring up of hatred against LGBTI people, or other homophobic or transphobic behaviour, at football matches.

- In April, two Christian groups planned a ‘gay therapy’ advertisement campaign to be displayed on London buses saying “Not gay! Post-gay, ex-gay and proud. Get over it!” The phrasing was seen as a response to an earlier Stonewall bus campaign, which said: “Some people are gay. Get over it.” The Mayor of London, Boris Johnson, ordered the adverts to be removed a few hours before the campaign was supposed to start. “London is one of the most tolerant cities in the world and intolerant of intolerance. It is clearly offensive to suggest that being gay is an illness that someone recovers from and I am not prepared to have that suggestion driven around London on our buses”, he argued.
- In August, in a debate on equal marriage, Northern Irish Councillor Jackie Crawford compared homosexuality to a disease. “It’s a pity they have that disease and they can’t help it”, he said. Later he told the Belfast Telegraph newspaper that he regrets the comparison he made, but emphasized he still opposes marriage equality.
- In October, in a reaction to a Reading County Court decision awarding £1,800 each to same-sex partners who had been denied a double room at a bed & breakfast, Nick Griffin, a Member of the European Parliament and leader of the British National Party, tweeted “A British Justice team will come up to [their Huntington address] & give you [the same sex partners] a ... bit of drama by way of reminding you that an English couple’s home is their castle. Say No to heterophobia!” Later on, responding to Michael Cashman, Co-President of the European Parliament LGBT Intergroup, he said: “I criticised the two men responsible for the persecution of a sincere Christian couple, from whom, with the help of the UK’s homophobic Equality Laws, they extracted some €4,000 in a wrong-headed court judgement. I did so not on the basis of their sexuality, but on account of their being bullies. Their victims did not in fact discriminate against them because of their homosexuality but because they were unmarried”.

- In November, a Maltese man and his husband faced bias motivated speech from the waiter of a Greek restaurant in Birmingham when they complained about their meal. The waiter allegedly told the couple they were “an embarrassment to the world” and “We don’t like people like you in Greece. We cut off your legs. Your mum is a slut. I will fucking kill you...” The West Midlands police investigated the incident as a possible hate crime.
- In November, a man who had been demoted at work because he commented on his personal Facebook page that churches should not be required to conduct same-sex marriages, won his case for wrongful dismissal (*Smith v Trafford Housing Trust* [2012] EWHC 3221 (Ch)).

Bias motivated violence

- In May, the Scottish national prosecution service released figures for hate crimes reported to them by police between April 2011 and March 2012; 652 sexual orientation hate crimes were reported, a 40% increase on the previous year. The increase may be due to higher levels of reporting. Sixteen transphobic hate crimes were reported, compared to 14 the previous year; 82% of reported cases were prosecuted in the courts.
- In May, a 19-year-old gay man was attacked by a group of five men on his way home from a nightclub in Worcester. The group insulted the man and one of them punched him on the head. The victim survived with minor injuries. The incident was reported to the police.
- In June, in Northern Ireland, eight police officers were disciplined following a complaint to the Police Ombudsman’s Office. It concerned the way in which a string of homophobic crimes were investigated. The police were alleged to have failed to properly investigate attacks at a gay couple’s home in 2007 and 2008. The Police Service of Northern Ireland agreed to pay damages and costs, apologised to the couple and said it is committed to ongoing training for its officers.
- In July, a man was fined for threatening behaviour against a trans woman in Suffolk. The victim was threatened, harassed and as a result had to leave her

home. The court also gave the man a 12-month restraining order.

- In September, a UK-wide study of 889 trans and intersex people found that 73% had experienced transphobic verbal harassment, 38% sexual harassment, one fifth had been physically assaulted and 14% had been subject to a sexual assault. Transgender people also have extremely high levels of anxiety about their personal safety due to being trans, with 54% worried that they may be physically assaulted in the future.
- In October, the prosecution service for England and Wales released figures for hate crimes prosecuted by them between April 2011 and March 2012. There were 1208 prosecutions for homophobic and transphobic hate crimes, a 6% fall on the previous year.
- In November, a trans woman was punched and knocked unconscious while walking into a Leicester pub. The 46-year-old woman, who had lived in the city for less than two months, believed that she was targeted because of her gender expression. A police investigation was launched.

Diversity

- In February, in response to the conviction of three men for inciting hatred on the grounds of sexual orientation, Farooq Murad, Secretary General of the Muslim Council of Britain (MCB) said: “It is completely unacceptable that in a diverse and vibrant society such as ours any minority group should fear for their own safety. Unfortunately the leaflets these young men were handing out promoted such fear and division. In Islam there is no allowance for inciting hatred and violence against any people, even if any of their practices are religiously disapproved. While vigorous dialogue and debate around issues of controversy is certainly constructive, this must always take place in the context of mutual respect and tolerance. We must all of us act within the rule of law and never promote active hatred of any minority.”

Education

- In June, two infant schools were praised in an Ofsted report (the official body for school inspection in England)

for providing a non-discriminatory environment for transgender children and encouraging them to express their identity.

- In July, research conducted by the University of Cambridge found that 55% of LGB pupils in Britain's secondary schools experience homophobic bullying. The research, based on a national survey of 1614 young people, also found that nearly 23% of young LGB people have attempted suicide, and 56% deliberately harm themselves; 99% of them constantly hear homophobic language in school and 25% report that teachers do not challenge the bias motivated speech. Schools Minister Nick Gibb commented on the findings: "Homophobic bullying, of any kind and of any child, is completely unacceptable. No child should have to suffer fear, victimisation or disruption as a result of bullying, either on or off school premises. Tackling poor behaviour and bullying are top priorities for the Coalition Government."
- In July, Oxford University changed the rules governing its strict academic dress code following concerns that they were unfair towards transgender students. Under the new regulations, students taking exams or attending formal occasions will no longer have to wear ceremonial clothing that is specific to their gender. The decision was taken on the initiative of the university's Lesbian, Gay, Bisexual, Trans and Queer Society (LGBTQ Soc).
- In September, LGBT Youth Scotland produced its Education Report as part of its Life in Scotland for LGBT Young People research. It found that transgender young people were more severely affected by homophobic, biphobic and transphobic bullying than lesbian, gay and bisexual pupils with 77% of respondents having experienced such treatment in school. The report also highlighted the fact that transphobic bullying has a greater negative impact on young people than homophobia or biphobia. An overwhelming number of respondents, some 42%, who had experienced transphobic bullying stated that it had resulted in them leaving education.

Equality and non-discrimination

- In February, a television advert which invited viewers to guess the sex of ladies at Cheltenham Festival was suspended. The broadcaster decided to cancel the advert after various complaints. The Advertising Standards Authority investigated 92 complaints in relation to the advert and ruled that it must not be shown again.
- In February, the Football Association (FA) launched an anti-homophobia campaign with messages of equality and non-discrimination on tickets, programme leaflets and stadium screens.
- In March, in the framework of its Chairmanship of the Committee of Ministers of the Council of Europe, the United Kingdom organised a conference on discrimination on the grounds of sexual orientation and gender identity. This conference was attended by the three top figures at the Council of Europe – the Secretary-General, the Human Rights Commissioner, and the President of the European Court of Human Rights, and ministers from Sweden, the Netherlands, Finland, Albania, Montenegro, and the UK. In addition, several other countries were represented at ambassadorial level. The human rights of LGBTI people were one of the five key priorities of the UK for its Chairmanship of the Committee of Ministers of the Council of Europe.
- In April, the Protection of Freedoms Act was amended to enable gay men in England and Wales to erase old convictions for consensual adult same-sex activity from their criminal record by applying to the Home Secretary. It entered into force in October.
- In August, the department store Harrods opened its new toy Kingdom, which aims to end the division between 'boys' toys' and 'girls' toys' removing all signs presupposing a specific audience and trying to be gender neutral in the display of toys.
- In August, Stonewall's report One Minority at a Time revealed that public services fail to meet the needs of black and ethnic minority LGB people. People who identify themselves as members of more than one minority group are often frustrated with the lack of understanding among public service staff.

- In September, the European Court of Human Rights held a hearing on four cases, *Eweida et al v UK* (Applications nos. 48420/10, 59842/10, 51671/10 and 36516/10), in which practising Christians complained that UK law does not sufficiently protect their rights to freedom of religion and freedom from discrimination at work. Two of these cases involved the question of whether employees working in organisations offering services to the general public should be allowed to refuse to serve LGBT people on the grounds of their religious beliefs.

Family

- In March, the Home Office launched a consultation on equal marriage law, exploring the consequences should the government allow same-sex couples to marry in England and Wales. The consultation period ended in June. The proposed bill would also abolish the requirement of compulsory divorce for persons wishing to change their legal gender marker. However, same-sex couples would only be guaranteed the right to marry in a civil ceremony. Individuals and organisations were asked to contribute their opinions in an online survey. In March, Catholic Archbishops, Vincent Nichols and Peter Smith, read a letter out in Catholic churches in England and Wales opposing government plans to introduce civil marriage equality for same-sex couples in registry offices.
- A vicar in Wales resigned over the stand of the Anglican Church in Wales on the equal marriage law. "First of all I felt that the church's position on same-sex relationships, never mind same-sex marriages, was increasingly judgemental and not really inclusive in the way that I felt that it should be", he said and added he regrets the homophobic views some members of the Anglican Communion hold. In addition, the Archbishop of Wales said: "All life-long committed relationships deserved the welcome, pastoral care and support of the Church." In June, the Archbishop of Canterbury stated that "Christians need to overcome their own feelings of embarrassment, shame and disgust about homosexuality".
- In April, the Roman Catholic church wrote to every state-funded Catholic secondary school in England and

Wales asking them to encourage pupils to sign a petition against equal marriage. Afterwards, the Welsh Education Minister Leighton Andrews intervened calling for "balanced perspective" on the issue in schools.

- In July, following a public consultation from September to December 2011, the Scottish Government announced their intention to legislate for equal marriage, enabling same-sex couples to marry in civil, religious and humanist ceremonies. The legislation will also allow trans people to change legal gender without divorcing.
- In October, in Northern Ireland, a call for same-sex couples to be given the right to marry was defeated in the Stormont Assembly. The vast majority of Unionist members voted against the motion, which was jointly tabled by Sinn Féin and the Green Party. Had it passed, the proposal would not have prompted a change in the law but would have ramped up pressure on the power-sharing administration to examine the issue.
- In December, the UK Government set out its plans to introduce marriage equality in England and Wales by 2014. Religious organisations will be able to "opt in" to holding the ceremonies. The law will also state that no-one can be prosecuted for preaching the belief that marriage can only be between a man and a woman.
- In December, the Scottish Government published the draft Marriage and Civil Partnership (Scotland) Bill, which is expected to introduce equal marriage in Scotland.

Freedom of assembly

- In May, Gibraltar celebrated *International Day against Homophobia and Transphobia* (IDAHO) for the first time.
- In July, the World Pride took place in London. The slogan for this first World Pride held in the UK was Decriminalise homosexuality worldwide – Global equality for LGBT people. Prior to the parade, the organisers and London authorities had disagreements about the time, the route and the finances of the event. Despite the practical problems, the Pride Parade went ahead with one million participants filling the streets of the capital. However, the march was scaled down with some planned elements, such as cars and floats, not being part of the march in the end.

- In the summer, London hosted the Olympic Games 2012. During the Games, a Pride House, a gay venue for Olympic athletes, spectators, tourists, families and friends, was launched and it received official support from the London Organising Committee for the Olympic and Paralympic Games.

Health

- In May, Stonewall published the world's largest survey into the health needs of gay and bisexual men (6,871 respondents) demonstrating the significant health inequalities experienced by gay and bisexual men. For the first time, the health needs of gay and bisexual men outside of sexual health were researched.
- In July, a gay man won the first stage of a case concerning the lifetime ban on gay men donating blood in Northern Ireland. The High Court ruled that the applicant had established an arguable case that the ban was irrational and unlawful. The complete prohibition on gays blood donation, adopted in the 1980s, was lifted in England, Scotland and Wales in November 2011, but remains in place in Northern Ireland.
- In July, after consultation with the trans community in Scotland, in partnership with the Scottish Transgender Alliance, the National Health Service in Scotland launched a nationwide protocol setting standards for the provision of gender reassignment health services.
- In August, a survey on the LGBTI community's alcohol and drug use, conducted by the Manchester-based Lesbian and Gay Foundation (LGF) in partnership with the University of Central Lancashire (UCLAN), found that 35% of LGBTI people had taken at least one illicit substance in the previous month, over 20% of respondents scored as dependent on a substance, and 25% showed at least one indicator of dependency; 34% of gay and bisexual men and 29% of lesbian and bisexual women said they 'binge-drink' at least one or twice a week, which is about twice as common as in the wider population.
- In September, the National Health Service (NHS) in England launched a Diversity Week raising awareness on transgender staff and patients. The diversity was

celebrated in various workshops and events, including a photo exhibition on transgender art.

- In September, the Scottish Transgender Alliance and four partner agencies published research into the mental health of 889 trans and intersex people in the UK – the largest ever such study in Europe (McNeil et al, Trans Mental Health Study, Scottish Transgender Alliance 2012).
- In November, Youth Chances, a social research project into young LGBT people found that one in four young gay people in England have been assaulted because of their sexuality – and more than half have self-harmed. The rates of self-harm were significantly higher among young gay women, two-thirds of whom said they had hurt themselves on purpose, compared to 37% of men. Transgender young adults were the most vulnerable, with almost four out of five saying they had deliberately harmed themselves. The three-year project will eventually survey 15,000 young adults.

Legal gender recognition

- In December, the Scottish Government published the draft Marriage and Civil Partnership (Scotland) Bill and accompanying consultation. The legislation will enable people who are married or in a civil partnership to obtain legal gender recognition without being required to divorce. Whereas married applicants will be able to convert their existing marriage to a 'same-sex marriage' those in a civil partnership will no longer be civil partners and instead will convert to a 'mixed-sex marriage', as mixed-sex civil partnership is not being introduced.

Participation in public/political life

- In December, Michael Cashman, the Labour Member of European Parliament for the West Midlands was made a CBE (Commander of the Order of the British Empire) by the Queen in recognition of his tireless fight for LGBT equality.

Public opinion

- In June, a survey conducted by the Equality Commission in Northern Ireland found that 25% of people would mind having a gay, lesbian or bisexual person living next door. The

report looked at how attitudes towards people from different backgrounds – including race, disability and sexual orientation – have changed over the past six years. It found that the level of negativity was on the rise; 27% of respondents said they would object to a gay neighbour and 42% would be unhappy about them becoming an in-law.

- In March, a poll by Populus found that 65% of the public agreed with the statement: “Gay couples should have an equal right to get married, not just to have civil partnerships”. Only 27% disagreed. This represents a steady increase in public support for marriage equality and a steep decline in public opposition.
- According to Eurobarometer 2012, 43% of UK residents believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 41% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). UK residents scored 7.9 on a scale from 1 (‘totally uncomfortable’) to 10 (‘totally comfortable’) when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). UK residents scored 7.1 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

Member organisations of ILGA-Europe

ALEGRI

Campaign for Homosexual Equality
www.c-h-e.org.uk

Cara-Friend
www.cara-friend.org.uk

Coalition on Sexual Orientation
www.coso.org.uk

Consortium of Lesbian, Gay, Bisexual and Transgendered Voluntary and Community Organisations
www.lgbconsortium.org.uk

Croydon Area Gay Society
www.cags.org.uk

Equality Network
www.equality-network.org

GALHA - the LGBT section of the BHA
www.galha.org

Gay Activists Alliance International

Gay Men's Health
www.gmh.org.uk

HERE
www.hereni.org

Imaan
www.imaan.org.uk

Intersex UK
www.intersexuk.org

Jewish Gay and Lesbian Group
www.jglg.org.uk

Kaleidoscope Diversity Trust
www.kaleidoscopetrust.com

Labour Campaign for Lesbian, Gay, Bisexual and Transgender Rights
www.lgbtlabour.org.uk

Lesbian, gay & Bisexual Anti-Violence and Policing Group
www.galop.org.uk

LGBT History Month
www.lgbthistorymonth.org.uk

LGBT Youth North West
www.lgbtyouthnorthwest.org.uk

LGBT Youth Scotland
www.lgbtyouth.org.uk

London Bisexual Group

London Lesbian and Gay Switchboard
www.llgs.org.uk

Metro Centre Ltd
www.metrocentreonline.org

Mosaic LGBT Youth Centre

National Union of Students UK Lesbian, Gay, Bi and Trans Students Campaign
www.nus.org.uk/campaigns/lgbt

Northern Ireland Gay Rights Association

OutRage!
www.outrage.org.uk

Pink Therapy
www.pinktherapy.co.uk

Press for Change
www.pfc.org.uk

Stonewall
www.stonewall.org.uk

Stonewall Scotland
www.stonewallscotland.org.uk

Swansea Pride
www.swanseapride.com

The Fire Brigades Union LGBT Committee
www.fbulgbt.org.uk

The Lesbian and Gay Christian Movement
www.lgcm.org.uk

The Lesbian and Gay Foundation
www.lgf.org.uk

TransLondon
www.translondon.org.uk

UK Black Pride
www.ukblackpride.org.uk

UK Lesbian & Gay Immigration Group
www.uklgig.org.uk

UNISON – Cymru Wales – LGBT Group
www.unison.org.uk/cymruwales

UNISON – East Midlands – LGBT Group

UNISON – Greater London – LGBT Group
www.unison.org.uk/london/out

UNISON – National LGBT Committee
www.unison.org.uk/out

UNISON – North West – LGBT Group
www.unisonnw.org.uk

UNISON – Northern – LGBT Group
www.unison.org.uk/northern

UNISON – Nottinghamshire Healthcare LGBT Group

UNISON – Scotland – LGBT Group
www.unison-scotland.org.uk/lgbt

UNISON – South East – LGBT Group

UNISON – South West LGBT Group
www.unison.org.uk/out

UNISON – Stockport Local Government Branch – LGBT Group

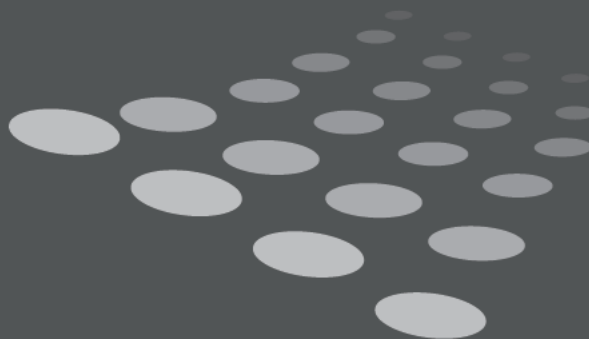
UNISON – West Midlands – LGBT Group
www.westmids.unison.org.uk

UNISON – Wolverhampton branch LGBT Group

UNISON Yorkshire & Humberside Region – LGBT Group
www.unison-yorks.org.uk

Wise Thoughts/Gaywise
www.wisethoughts.org/gaywise

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