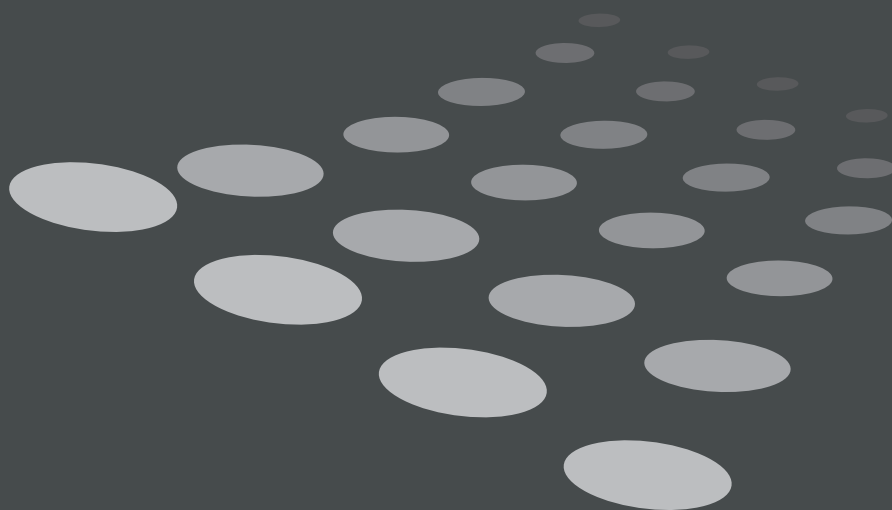




ILGA-Europe

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

2014



ILGA-Europe in brief

- ILGA-Europe is the European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA);
- ILGA-Europe works for equality and human rights for lesbian, gay, bisexual, trans & intersex (LGBTI) people at the European level;
- ILGA-Europe is an international non-governmental umbrella organisation bringing together 407 organisations from 45 countries in Europe;
- ILGA-Europe advocates for human rights and equality for LGBTI people at the European level, before organisations such as the European Union (EU), the Council of Europe (CoE) and the Organisation 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 was established as a separate region of ILGA and an independent legal entity in 1996. ILGA was established in 1978;
- Since 1997 ILGA-Europe enjoys participative status at the Council of Europe; since 2006 ILGA-Europe enjoys consultative status at the Economic and Social Council of the United Nations (ECOSOC) and therefore also advocates for equality and human rights of LGBTI people at the UN level;
- ILGA-Europe has its office in Brussels;
- ILGA-Europe receives funding from public and private donors.



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ILGA-Europe

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2014

This Review covers the period of January to December 2013.

May 2014

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

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Introduction

This 2014 edition of the *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe* is ILGA-Europe's third edition of this annual publication, covering the period of January to December 2013. It provides a snapshot of what happened during the year, at the national, regional and international levels, and it 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 second edition.

However, the third edition introduces two new elements. Firstly, the international institutions and country chapters aim to capture, identify and highlight the main trends relevant to the human rights situation of LGBTI people, rather than being a catalogue of all developments and events taking place in a given country. Secondly, while the *Annual Review* 2014 covers the period of January to December 2013, an exception has been made in referencing developments from early 2014 developments in a few countries because they considerably changed and/or reversed the trends documented for those countries in 2013. Therefore additional remarks are added in those country's introductions in italics.

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 available best 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 about it which ILGA-Europe was unable to verify. 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 third *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

2013 was a year of widening contrasts for lesbian, gay, bisexual, trans and intersex people in Europe. On one hand, some countries continued to move positively along the road of legal recognition by granting marriage equality and making it legally possible and accessible for trans people to live in their preferred gender. The first month of 2014 even saw the repeal of the last law criminalising homosexuality in Europe when the northern part of Cyprus became the last European territory to stop considering homosexuality a crime. On the other hand, new forms of criminalisation of lesbian, gays, bisexual, trans and intersex people (LGBTI) are increasing through the spread of anti-propaganda laws, while many countries are adopting laws and policies to restrict the human rights of LGBTI people. And so while the human rights of LGBTI people have undoubtedly gained great visibility across Europe, progress in terms of real legal, political and social changes vary considerably from one country to another, in large part depending on levels of societal acceptance, of political leadership and political will, as well as the strength of civil society in a given country.

One positive trend is the leadership showed by public officials to take concrete action to promote LGBTI equality. Beyond legislation, a number of countries adopted **national equality plans** to combat discrimination based on sexual orientation or gender identity across different sectors (e.g. Italy, Montenegro). Similar leadership was demonstrated by the European Union (EU) in 2013 with the adoption of the Guidelines on LGBTI human Rights which give clear instructions to EU institutions and Member States on how to support the human rights of LGBTI people through its foreign policy.

Marriage equality progressed significantly this year. Two European behemoths – namely France and the UK (all except Northern Ireland) – have now enshrined equality in their family law, bringing the number of countries with marriage equality in Europe to 10. Other countries are progressing in this direction from Finland which is taking clear steps forward following the thunderously successful citizens' initiative in favour of equal marriage, to Malta where the newly-elected Labour government quickly initiated work

towards civil union for same-sex couples that will secure numerous rights including equal access to adoption. It is significant that political support for legal recognition of couples is growing in several countries, from Ireland where all leading political leaders pledged to support marriage equality in a referendum planned for 2015 to Cyprus where the government has started to work on a future civil partnership bill.

The **growing consensus on legal recognition of same-sex couples** among European countries was further supported in 2013 by a judgment from the European Court of Human Rights which stated that where a country gives legal recognition to unmarried heterosexual couples in a form of civil unions, same-sex couples also must be able to benefit from the same rights. Family law evolved positively in more than just one way: courts in Germany improved equality in the fields of adoption and taxation; Denmark now allows for easier procedures for lesbian parents and sperm donors; a court in Slovenia ruled positively on the inheritance rights of unregistered same-sex couples; and judges in Italy recognised that in their own best interest, children may be placed with same-sex couples.

Yet while many rejoiced at these positive developments, parts of society in a number of countries became very vocal about their opposition to the acquisition of equal rights for LGBTI people. Massive demonstrations against marriage equality in France surprised activists and political observers alike, and their effects continue rippling there but also beyond France's own borders. *Manif pour tous*-like movements have sprung up in Italy, Croatia, and, have started developing in Slovakia. We also witnessed concerted efforts to force the exclusion of same-sex couples from future definitions of marriage in constitutions: the referendum to amend the constitution to specify that marriage is between a man and a woman was successful in Croatia, while initiatives to call for similar constitutional amendments continue to loom over Slovakia and, in the first months of 2014, in Georgia.

In this context, a worrying trend is the increasing mobilisation of religious extremist groups against the

recognition of human rights of LGBTI people. Through misinformation and the use of scare tactics, such groups contribute to fostering prejudice and fear, and to polarising public debates on rights and equality in many countries as well as at European level. On a positive note, human rights case law is progressing towards a better understanding of the articulation of the right to freedom of religion and the right to non-discrimination and equality. A ruling by the European Court of Human Rights in *Eweida and Others v. the United Kingdom* (applications nos. 48420/10, 59842/10, 51671/10 and 36516/10) established that employees' religious views could not justify refusing to provide goods or services to same-sex couples. It also provided a basis to refute attempts to pit two sets of rights and two communities against one another.

But without doubt, the harshest, most fundamental challenge to universal human rights in recent years took place in Russia. There, political and religious authorities as well as several social groups united in restricting the rights of LGBTI people and their supporters (particularly their right to freedom of assembly, expression and association), and framing LGBTI individuals as outcasts, especially through forceful condemnation of so-called 'gay propaganda'. The adoption of a federal '**anti-propaganda**' law contributed to further polarise a country already hostile to its civil society (e.g. affecting most human rights organisations or political opponents to the regime in place), and led to a stark increase of societal violence against LGBTI individuals and the supporters of their rights. These developments were not fuelled purely by homophobia; they do need to be understood as part of the wide and severe crackdown on civil society and opponents to Vladimir Putin's regime and a political narrative constructed in opposition to what is defined as "Western values", i.e. internationally agreed human rights standards. The situation of LGBTI people in Russia prompted an unprecedented wave of international solidarity with the Russian LGBTI movement, as well as strong responses by some governments and international organisations. But in the current geopolitical context of mounting tensions between the EU, the United States and Russia, international pressure seemed at times to feed Putin's rhetoric rather than support positive change in the country.

The new wave of criminalisation of LGBTI people epitomised by the Russian laws is an extremely worrying trend, and one which is spreading fast. In many countries, fundamental freedoms like freedom of expression and freedom of assembly are increasingly threatened by public authorities, in an attempt to limit visibility of LGBTI people and curtail the strengthening of LGBTI movements. In 2013, this was the case in Moldova which adopted an anti-propaganda law – and then withdrew it after a few months – as well as in Armenia, Belarus, Georgia, Latvia and Ukraine where draft anti-propaganda bills were proposed or discussed. Even within the borders of the EU, a Russia-like 'anti-propaganda' law was used for the first time in Lithuania with the first adverts for a Pride march censored on television. And when the Baltic Pride took place in Vilnius in 2013, it was only after the city's mayor used every available legal recourse (and failed) to stop it from taking place centrally.

Amidst all these political and legal developments what continues to be a reality for many LGBTI people across Europe are incidences of **homophobic and transphobic violence**. Some of the violence is fuelled – and indeed validated – by the homophobic and transphobic discourse of political and religious authorities. Two of the most shocking examples of 2013 were the ferocious episode of mob violence in Georgia which was encouraged by Orthodox priests, and the Russian 'Occupy' groups, militia-like movements whose members entrap, humiliate and torture gay men before sharing these filmed acts online. In some countries, violence against LGBTI groups or individual is truly on the rise. Regular and sometimes vicious attacks continued in Kosovo, the Former Yugoslav Republic of Macedonia, Montenegro, and Turkey (particularly against trans individuals). In Serbia, the government kept the Pride march off the streets of Belgrade for the third year in a row because of the high levels of potential violence, arguing that it would be unable to contain it.

But as the 2013 LGBT Survey of the EU's Fundamental Rights Agency showed, violence is unfortunately still a pan-European phenomenon, with an EU average of 26% of LGBT people having been attacked or threatened with violence at home or elsewhere, a figure which rises to 35 % among trans

people. Sadly, in the face of such increased violence, hate crime and hate speech laws have not evolved fast enough, with only 5 countries having enacted new legal provisions to tackle violence, and European standards lack severely.

As revealed by the FRA LGBT Survey, **trans people** continued facing higher rates of discrimination and harassment – especially in the areas of employment and healthcare – as well as of violence, including at the hands of police forces, as was the case in Turkey and Greece in 2013. Trans people also face extensive structural discrimination, especially as it concerns their ability to get their preferred gender recognized. This said, in the last year, more and more countries took up reforms of gender recognition laws to bring them in line with human rights standards. But the pace of progress is very slow. At the European level, gender identity is rapidly becoming a recognised ground of discrimination and increasingly referenced in EU law and policies – from the EU's LGBTI Guidelines for External Action and asylum directives to EU funding programmes – as well as by Council of Europe bodies. At the same time, the concept of gender identity is started to be more contested, mainly by conservative groups, mainly under the guise of fighting so-called "gender ideology".

Another significant development is the growing visibility of the **human rights of intersex people** in Europe. The resolution of the Council of Europe's Parliamentary Assembly on children's right to physical integrity was a first of its kind by any European institution. By calling on governments to ensure that no one is subjected to unnecessary medical or surgical treatment that is cosmetic during infancy or childhood, it signalled a shift from the current medical approach to intersex issues to a human rights approach. The EU's LGBTI Guidelines for External Action also became the first ever EU policy document explicitly referring to intersex people. At national level, Germany became the first European country to allow a blank gender marker on identification documents. Although the intention behind this law was a good step towards challenging the gender binary in our societies, it unfortunately does not address the medicalisation of intersex people nor the stigma and ignorance about intersex conditions.

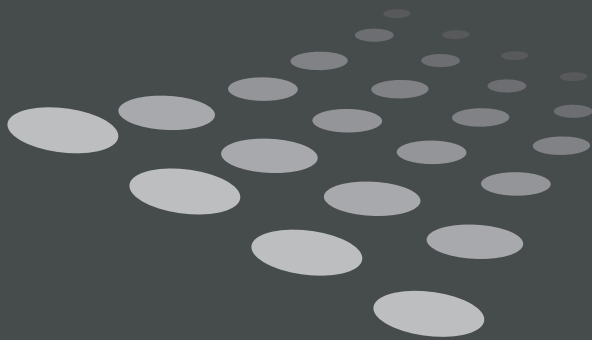
At the levels of European institutions, awareness and knowledge about LGBTI issues becomes more widespread every year, and with it, increasing good will among officials within institutions to take action. The Council of Europe continues to strengthen its monitoring and technical support capacity, as well as to contribute to standard setting on the application of human rights in relation to sexual orientation and gender identity. The European Union, with its more tangible financial and legal power, has advanced in individual areas such as asylum, the rights of crime victims, and foreign affairs. With the FRA LGBT Survey, the largest survey of its kind, the EU significantly contributed to the body of data available about LGBT people's experience of discrimination and violence. Unfortunately, neither institution escapes the heightened politicisation of LGBTI issues. Russia has ignored the Council of Europe's criticism of the human rights backlash in the country so far, whilst the EU Commission demonstrated a lack of strong and committed political leadership by failing to propose an EU LGBT strategy, scared by the possible reaction of some of its more conservative Member States.

As in previous years, 2013 was thus a year when important legal milestones continued to be met. Laws remain the cornerstone of effective protection and recognition, and progress towards legal equality for LGBTI people was made again in relation to recognition of family rights, of legal gender recognition and of protection against discrimination and violence. Yet, the lived experience of LGBTI people remains full of challenges. As proven by the FRA LGBT survey, almost 50% of LGBT people had been discriminated against or harassed within the European Union in the past year, including in areas where laws protecting against discrimination have existed for over a decade. And 2013 was also the year during which we were all reminded that fundamental freedoms and rights are far from being secured for LGBTI people in many European countries. This is why it is essential to remember that true equality and human rights require not just legal change but also political, institutional and social change, and why it is crucial that public authorities and civil society continue to build on the positive developments and the good practices established across the region.

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

Institutional reviews



United
Nations

The United Nations continued to pay significant attention to the topic of human rights and non-discrimination on the basis of sexual orientation and gender identity. Supportive governments and civil society organisations discussed how to further institutionalise the monitoring of human rights of LGBTI people and the promotion of non-discrimination on the basis of sexual orientation and gender identity.

Equality and non-discrimination

In the first half of the year, South Africa and Norway coordinated a series of regional meetings in Brazil, Nepal, and France. The meetings were attended by government representatives, experts and NGOs, and sought to discuss and reach a consensus on a possible second resolution on sexual orientation and gender identity in the Human Rights Council, following the first version in 2011. A closing conference took place in Norway in April. In September, South Africa indicated its commitment to convene an African regional meeting, followed by a high-level seminar in Geneva.

The Office of the High Commissioner of Human Rights launched a global public education campaign entitled *Free and Equal* to promote greater respect for the rights of LGBTI people in the world. Speaking at the launch, Navanethem Pillay said that “changing attitudes is never easy. But it has happened on other issues, and it is happening already in many parts of the world on this one. It begins with – often difficult – conversations. With this campaign, we want to help start and inform millions of conversations among people around the world and across the ideological spectrum.” The campaign features factsheets, articles, videos, infographics, and testimonies to dispel common misconceptions and negative stereotypes. The UN made campaign materials available online.

In September, the first-ever ministerial meeting on sexual orientation and gender identity took place during the opening of the General Assembly. In a joint declaration, ministers of Argentina, Brazil, Croatia, France, Israel, Japan, the Netherlands, New Zealand, Norway and the United States, as well as the High Representative of the European Union for Foreign Affairs and Security Policy, stated they were committed to eliminating violence and discrimination against individuals based on their sexual orientation or gender identity.

In September, the Human Rights Council adopted the resolution *Sport and the Olympic ideal*. Even though Russia refused referring to non-discrimination based on sexual orientation and gender identity, the resolution stated that sport was “a universal language that contributes to educating people on the values of respect, diversity, tolerance and fairness and as a means to combat all forms of discrimination and promote social inclusion for all.” A special event took place on International Human Rights Day in December: Sport Comes Out Against Homophobia featured tennis champion Martina Navratilova, and Russian LGBTI activist Anastasia Smirnova.

LGBTI activists from Switzerland, Russia and Ukraine brought human rights violations in their country to the attention of the Human Rights Council under the Universal Periodic Review. Final reports were adopted for the Czech Republic, Germany, Liechtenstein, Luxembourg, Montenegro, Russia, Switzerland, and Ukraine. These countries received and responded to recommendations pertaining to sexual orientation and gender identity (see **The Czech Republic, Germany, Liechtenstein, Montenegro, Russia, Switzerland, Ukraine**)

The 57th session of the Commission on the Status of Women was politically tense, as ultra-conservative NGOs and States (including the Holy See) prevented the inclusion of any language linked to sexual orientation or gender identity in the meeting's *Agreed Conclusions*.

Family

During the March session of the Human Rights Council, nine States from various regions tabled the draft resolution *Protection of the Family*. The text aimed to bestow human right protection upon ‘the traditional family’, as opposed to individuals. LGBTI and women’s rights activists voiced concerns that such a move could lead to increased human rights violations linked to sexual orientation and gender identity, abortion, adolescent access to sexual and reproductive health services, and comprehensive sexuality

education. When other States sought to amend the text, including with a reference to “various forms of the family”, the authors withdrew their resolution. It is likely to be reintroduced in future.

Council of Europe

The Council of Europe continued setting ambitious standards for the human rights of LGBTI individuals on the European continent. Despite political opposition led by Russia and the Holy See (although an observer), the Secretary-General, the Parliamentary Assembly, the Committee of Ministers, the Court and several other bodies argued for better human rights standards.

Access to goods and services

In January, the European Court of Human Rights ruled that the right to act in accordance with one's religion could be limited in order to protect others from discrimination based on sexual orientation (see **United Kingdom**).

Bias-motivated speech

For the first time, the European Commission against Racism and Intolerance (ECRI) began to report on homophobic and transphobic hate crimes and hate speech in Member States as part of its five-year monitoring cycle. Belgium, Bulgaria, Germany, Slovakia and Switzerland were included in the year's programme.

In October, the Parliamentary Assembly (PACE) adopted a resolution (no. 1955) on the implementation of Moldova's Council of Europe obligations, which, inter alia, called on all political and religious leaders to promote tolerance and refrain from stirring up homophobic attitudes (see **Moldova**).

Bias-motivated violence

PACE delegates signed three written declarations (nos. 13194, 13323 and 13328) to condemn the Turkish judiciary's lenient treatment of violence and crimes against LGBTI individuals (see **Turkey**). Some PACE MPs also expressed concern that new Russian laws restricting the rights of LGBTI people was leading to intensified violence and discrimination.

Bodily integrity

In October, PACE adopted the resolution *Children's right to physical integrity* (no. 1952), which touched upon the rights of intersex persons, and particularly in relation to early childhood medical interventions. It called on Member States to undertake research into the specific situation of intersex people; ensure that no-one was subjected to medical or surgical treatment that would be cosmetic rather than vital for health during infancy or childhood; guarantee the bodily integrity, autonomy, and

self-determination of all persons; and provide adequate counselling and support to families with intersex children.

Criminalisation

In April, PACE adopted a resolution on Morocco (no. 1942), calling on its authorities to repeal laws criminalising same-sex relations at the earliest opportunity.

In November, the European Court of Human Rights condemned Austria for refusing to delete from the criminal record of four gay men their convictions under a former discriminatory age-of-consent law (see **Austria**).

Employment

In January, the European Committee on Social Rights criticised Turkish employment law for failing to protect employees from discrimination on the basis of their sexual orientation (see **Turkey**).

Equality and non-discrimination

Throughout the year, the Council of Europe continued running a programme of assistance to certain Member States to help them implement the Committee of Ministers *Recommendation on combating sexual orientation or gender identity discrimination (CM/Rec(2010)5)*. Albania, Italy, Latvia, Montenegro, Poland and Serbia took part in the project, which ended in December and contributed to increase these countries' governmental action in various fields. The Steering Committee on Human Rights reviewed Member States' implementation of the recommendation, and suggested further actions to the Committee of Ministers, including assistance to Member States and a review of progress in four years' time.

In April, PACE adopted a general resolution on Turkey (no. 1925), which called on the country to adopt measures to combat all forms of discrimination against LGBT persons, including legal and constitutional provisions.

In May, the PACE Committee on Equality and Non-Discrimination held a hearing on the situation of trans persons.

In June, PACE adopted a resolution (no. 1948) on tackling discrimination on grounds of sexual orientation and gender identity. The resolution expressed concern that this discrimination remained a serious problem; deplored the adoption of Russia's federal 'anti-propaganda' law; and made several recommendations to Member States.

In June, the PACE Committee on Equality and Non-Discrimination started working on a report on discrimination against trans people in Europe. Deborah Schembri (Malta, Socialist Group) was appointed as Rapporteur.

In October, Robert Biedroń (Poland, Socialist Group) was elected General Rapporteur for tackling discrimination on the grounds of sexual orientation or gender identity in PACE.

That same month, PACE delegates signed a written declaration (no. 13327) expressing concern at plans by the parliament in Lithuania to consider four legal proposals that would restrict the rights of LGBTI individuals (see **Lithuania**).

Family

In February, the European Court of Human Rights ruled that Austria's refusal to allow a partner in a same-sex relationship to adopt the biological child of the other partner, while permitting such adoptions for unmarried heterosexual couples, was discriminatory (see **Austria**).

In an October video statement, Commissioner for Human Rights Nils Muižnieks urged all European countries to recognise LGBTI couples and families in their national law.

In November, the European Court of Human Rights found Greece guilty of unjustified discrimination for providing civil unions to different-sex couples only (see **Greece**).

Freedom of assembly

In September, the Committee of Ministers adopted a decision regretting the enactment of Russia's 'anti-propaganda' law, expressing concern that it would undermine freedom of assembly (see **Russia**). The Committee asked Russia to adopt specific measures to raise awareness among the general public and relevant authorities of LGBT persons' fundamental rights and freedoms.

Freedom of expression

In January, Secretary-General Thorbjorn Jagland wrote to the Chairman of the Russian Duma expressing his deep concern regarding the draft 'anti-propaganda' law, and called on him not to support the legislation (see **Russia**). In June, he called on the Duma's Upper House not to approve the bill.

In April, PACE delegates signed a Written Declaration (no. 13191) condemning violations of the right to freedom of expression and assembly in Russia (see **Russia**).

In June, the Venice Commission published an opinion on 'anti-propaganda' laws in Moldova, Russia, and Ukraine. It concluded that these measures aimed not so much to advance and promote traditional values and attitudes towards family and sexuality, but rather to curtail non-traditional ones by punishing their expression and promotion. As such, they were incompatible with "the underlying values of the European Convention on Human Rights", in addition to violating its articles 10, 11 and 14.

In October, Chairman of the Russian Duma Sergey Naryshkin was unable to cite any evidence to PACE that 'homosexual propaganda' constituted a danger to minors (see **Russia**).

Legal gender recognition

As part of the ongoing reform of the Croatian Registries Act in April, the Commissioner for Human

Rights called on Croatia to seize the occasion to clarify the legal framework governing the official recognition of trans persons' gender.

In June, PACE adopted the resolution *Putting an end to coerced sterilisations and castrations* (no. 1945) noting that coercive sterilisations and castrations were still directed against trans persons. It called on Member States to "revise their laws and policies as necessary to ensure that no one can be coerced into sterilisation or castration in any way for any reason".

PACE delegates signed a written declaration (no. 13265) the same month, expressing concern at Lithuania's failure to implement the 2007 European Court of Human Rights ruling in *L v. Lithuania* (see **Lithuania**).

In October, the European Court of Human Rights held a hearing in the case of a trans woman who refused divorcing in order to obtain papers reflecting her gender (see **Finland**).

European Union

Significant legislative advance was achieved in asylum law with the adoption of *Directive on common procedures for granting and withdrawing international protection* and complementary ruling by the Court of Justice of the European Union. The EU took significant step by supporting the first ever conference addressing homophobic and transphobic bullying in school. The European Commission has given more visibility to specific health issues faced by LGBTI people. The EU published the results of its first ever survey among LGBT people documenting their real live situation/experiences in the areas of EU competences and revealed a bleak picture of the situation on the ground. The EU continued to actively address LGBTI human rights in its foreign policy and adopted new comprehensive *Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons*. However, the inconsistency between the EU external and internal policy became even more evident this year when European Commission Vice-President Reding rejected a call for a comprehensive EU policy for LGBTI equality submitted to her by 11 equality ministers from various EU Member States. Most notably, the EU's track record on human rights was marred by a 5 years mark of inaction on the comprehensive *Anti-Discrimination Directive* which remained to be blocked by EU Member States.

Asylum

In June, the European Parliament and the Council of the European Union agreed on the recast *Directive on common procedures for granting and withdrawing international protection (2013/32/EU)*, updating EU procedures to examine asylum requests. The directive newly specifies that Member States must assess whether asylum-seekers are “in need of special procedural guarantees”, for instance due to their “gender, sexual orientation, [or] gender identity”. LGBT asylum-seekers must benefit from specific protections during the asylum process, including access to trained interviewing staff, or respect for their privacy. Member States were given until 2015 to update their national law.

In November, the Court of Justice of the European Union issued a preliminary ruling on request of the Dutch State Council, and ruled that people persecuted on the basis of their sexual orientation may qualify for asylum (see **Netherlands**).

Data collection

In May, the Agency for Fundamental Rights published results from the largest-ever study of discrimination, violence and harassment experienced by LGBT people. The survey received 93,079 responses from LGBT people aged 18 or over, and from all 28 Member States. It found that 47% of respondents felt discriminated against or harassed in the previous year; highest percentages were found among lesbian women (55%), young people (57%) and poorer LGBT people (52%). 26% were attacked or threatened with violence because of their sexual orientation or gender identity (35% among trans people). Only 10% felt confident enough to report discrimination to the police, and 22% felt confident enough to report violence or harassment. 32% had been discriminated against in access to goods and services including housing, education, or healthcare. Finally, 20% reported discrimination in the field of employment or occupation, despite EU in this field this since 2000. As many as 29% of trans respondents reported such discrimination. The study's results were unveiled at a high-level event in the

Netherlands, attended by European Commission Vice-President Viviane Reding, Irish Minister of State for Equality Kathleen Lynch, and Polish Secretary of State for Equal Treatment Agnieszka Kozłowska-Rajewicz.

Education

The Irish presidency of the European Union held in February a conference on tackling homophobic and transphobic school bullying. This event gathered policy makers at European and national level, teachers organisations and LGBTI rights organisations. The Presidency's leadership on this topic also demonstrated that although EU competences in the area of education are limited, it has still a strong potential to address the issue of school bullying through various means, including, awareness-raising and sharing of good practices.

Employment

The Court of Justice of the European Union issued two preliminary rulings in relation to employment and sexual orientation. In April, it explained that the owner of a Romanian football club who had made homophobic remarks had to prove that his club didn't discriminate on the basis of sexual orientation (see **Romania**). And in December, it explained that when a Member State allowed same-sex couples to enter registered partnerships but not marriage, employers were obliged to provide partnered employees the same benefits they would to married employees (see **France**).

Enlargement

In October, the European Commission published its annual reports on progress towards accession for Albania, Bosnia and Herzegovina, Iceland, Kosovo, Macedonia (FYRoM), Montenegro, Serbia and Turkey (see respective chapters). All reports surveyed developments relevant to sexual orientation and gender identity.

Equality and non-discrimination

July marked five years since the European Commission proposed a *Directive on implementing the principle of equal treatment between persons irrespective of religion or belief*,

disability, age or sexual orientation (COM(2008)426) outside of employment. The European Parliament approved it in 2009, but the Council of the European Union has continued avoiding formal conclusions, de facto blocking the proposal.

The European Parliament and the Council of the European Union adopted two financial regulations as part of its Multiannual Financial Framework for the period 2014-2020. The *Regulation on the European Social Fund (1304/2013)* and the *Rights, Equality and Citizenship Programme (awaiting publication in the Official Journal at the time of writing)* both aim to combat discrimination on grounds of sexual orientation and sex. (EU jurisprudence considers 'sex' to include trans people who intend to undergo or have undergone gender reassignment surgery.)

Calls for an EU action plan for LGBTI equality grew. In May, 11 equality ministers (from Austria, Belgium, Croatia, Denmark, Finland, France, Italy, Luxembourg, Malta, the Netherlands and Sweden) signed a call for the European Commission to work towards a comprehensive EU policy for LGBTI equality. The call was handed to European Commission Vice-President Viviane Reding during the International Day Against Homophobia event hosted in The Hague by the Dutch government, but she disagreed a comprehensive approach was required. In December, the European Parliament Committee on Civil Liberties, Justice and Home Affairs adopted a *Report on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity*. The report made exhaustive recommendations for the European Commission to adopt such an EU-wide action plan. The report was adopted with a large majority (394 votes in favour, 176 against) in February 2014, including support from parts of the centre-right EPP group.

Foreign policy

In April, the European Parliament gave its legal consent to progress towards visa liberalisation between the European Union and Ukraine, making travel to the EU

easier for some Ukrainian citizens (e.g. journalists, academics and human rights defenders). However, several political groups hesitated consenting to the agreement because of two 'anti-propaganda' bills in parliament (see **Ukraine**). MEPs eventually consented to the agreement, but Rapporteur Claude Moraes MEP (Socialists and Democrats) stated that "when it comes to full visa liberalisation, there must be strictly no deepening of the EU-Ukraine relationship as long as these 'anti-propaganda' laws are on the table in the Ukrainian parliament."

In June, the Council of the European Union adopted new *Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons*. The binding guidelines replace the previously non-binding toolkit, and instruct EU diplomats to work towards eliminating discriminatory laws; promote equality and non-discrimination; combat state and non-state violence against LGBTI people; and support and protect human rights defenders.

In December, the European Parliament and Council of the EU reached an agreement on the *Regulation on a Financing instrument for the promotion of democracy and human rights worldwide (EIDHR)* for the period 2014-2020. The text updates rules for the EU's global fund for human rights and democracy, which will now explicitly fund the actions to support "the rights of LGBTI persons, including measures to decriminalise homosexuality, combat homophobic and transphobic violence and persecution, and promote freedom of assembly, association and expression for LGBTI persons".

Russia's new 'anti-propaganda' law was sternly criticised by EU High Representative Catherine Ashton in a January statement (*Statement by the spokesperson of EU High Representative Catherine Ashton on LGBTI rights in Russia, A 45/13*), and by the European Parliament in its *Resolution of 13 June 2013 on the rule of law in Russia* (see **Russia**). In December, European Commission Vice-President Viviane Reding tweeted that she would "certainly not go to Sochi as long as minorities are

treated the way they are under the current Russian legislation”.

Freedom of expression

In July, the European Ombudsman ruled that the Commission had been right to host ILGA-Europe’s exhibition *Different Families, Same Love* at its headquarters in 2011. A citizen had complained that the Commission had overstepped its competences, since the posters argued in favour of marriage and adoption rights for LGBTI people. The Ombudsman ruled that hosting the exhibition was in line with the EU’s legal obligation to combat discrimination on grounds of sexual orientation.

Freedom of movement

The European Commission failed to bring forward a legal proposal to facilitate the mutual recognition of the effects of civil status documents, which would have helped facilitate the free movement of LGBTI families between Member States. The Commission had pledged it would propose this in 2013.

Legal gender recognition

In June, the European Commission organised a meeting in Geneva with Member States and the World Health Organisation’s representatives to exchange information on the current International Classification of Diagnoses’ revision process and to explore in particular the practical ways forward to ensure the depathologisation of trans identities.

Organization for Security and Cooperation in Europe

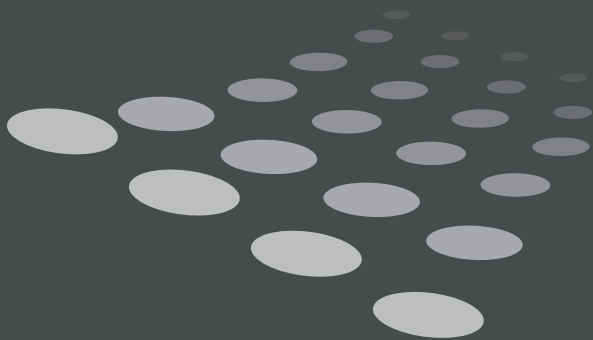
The OSCE has continued its work on bias-motivated speech and violence.

Bias-motivated speech and violence

In May, the Office for Democratic Institutions and Human Rights (ODIHR) held a *High-level Conference on Tolerance and Non-Discrimination* in Albania. NGOs and Member States agreed the OSCE ought to closely monitor incidences of hate crime and violence, including based on victims' sexual orientation and gender identity. NGOs added that the organisation had failed to adopt more explicit commitments to combat homophobia and transphobia.

In November, ODIHR published its annual report *Hate Crimes in the OSCE Region* for the year 2012. It provided data on hate crime against LGBT individuals in 40 countries (10 more than in the previous version). The research showed that reporting mechanisms have marginally improved, but confirmed that a vast majority of OSCE countries still lack proper reporting schemes.

Country reviews





Albania



Even though several public figures engaged in bias-motivated speech, and despite the fact that homophobia and transphobia remain prominent nationwide, Albania moved forward towards accepting LGBTI individuals. The Criminal Code was updated to punish homophobic and transphobic crime and speech; several political actors made specific efforts to increase the protection of LGBTI people's human rights nationwide; the Socialist Party newly in power made great promises to the LGBTI community; and proposals for same-sex partnerships and a progressive gender recognition law were discussed earnestly. The effects of these positive changes must now be measured.

Asylum

- In December, legal experts presented the government with a proposal for amending the *Asylum Law* to include sexual orientation and gender identity in the list of persecution grounds for which asylum may be granted. This proposal was made in the context of the *Action Plan for Non-Discrimination on the Basis of Sexual Orientation and Gender Identity* (further ‘the national *Action Plan*’), adopted in 2012 as part of the Council of Europe’s LGBT Project (see **Equality and non-discrimination** and **Council of Europe**).

Bias-motivated speech

- The Criminal Code was amended to punish bias-motivated speech (see **Bias-motivated violence**)
- In March, former Deputy Defence Minister Eqrem Spahia was quoted in the press declaring that his party was “for a family [...] where members are as God intended them to be: men as men and women as women”, adding that same-sex relationships were “immoral” and “perverse”.
- The same month, renowned publicist and writer Artan Lame called LGBTI people “born deviants, perverts” during a conversation on paedophilia and the State’s duty to protect children. The Commissioner for Protection from Discrimination summoned him to apologise, which he appears to have done in a newspaper.
- In a similar incident, the press published a text sent by former Minister of Justice Eduard Halimi to MP Fatos Hoxha (Democratic Party, PD, centre-right/conservative) during a parliamentary hearing on the review of hate crime and hate speech definitions (see **Bias-motivated violence**). The text message told the MP not to “mess with the Ombudsman as he is the supporter of faggots”.
- As part of their electoral programme, the Legality Movement Party (LMP, right-wing/monarchist) said that “Albanian law must not be allowed to approve homosexuality or abortion”, and the Republican Party (PR, right-wing/conservative) proposed “prohibiting homosexuality [sic]”.

Bias-motivated violence

- In May, the parliament amended the Criminal Code to introduce sexual orientation and gender identity in the

list of aggravating motives for bias-motivated crime and speech. The Ombudsman had originally proposed the change. Another amendment was adopted, punishing homophobic and transphobic hate speech, as well as the dissemination of homophobic materials via electronic means, with a fine or up to two years’ imprisonment. The amendments were hailed by the Ombudsman as “a revolution in the Albanian legislation against homophobia”.

Education

- In the context of the national *Action Plan*, NGO Aleanca LGBT organised a series of training sessions for students and teachers in several towns to discuss homophobia and bullying. The NGO developed a brochure on bullying in partnership with Irish LGBTI NGO BeLonG To and the Ministry of Education and Sport.

Employment

- The government introduced an amendment to include sexual orientation, gender identity and HIV status as grounds protected from discrimination in the Labour Code.

Enlargement

- Albania is considered a potential candidate to join the European Union since 2003. In its annual report on progress towards accession to the EU, the European Commission noted in October that progress was well underway, even though the national *Action Plan* still had to be implemented properly.

Equality and non-discrimination

- The Socialist Party, which won the general elections in June, wrote in its programme that it would make “legal amendments [to] provide special attention to disadvantaged groups of women, including [...] women with a different sexual orientation”. It also pledged to strengthen the role of the Ombudsman, and said: “It is the government’s mission to provide every Albanian citizen with [quality] public services, regardless of their [...] sexual orientation”.

- The Council of Ministers adopted a new Ethical Code in September, stating that Ministers may not “favour or discriminate” based on “gender identity [or] sexual orientation”.
- Albania also remained active in the Council of Europe’s LGBT Project, an opt-in programme to help governments develop cross-sectoral LGBT policies and combat discrimination on the basis of sexual orientation or gender identity (see **Council of Europe**).

Family

- In December, a governmental workshop took place where a draft proposal for a same-sex partnership bill was presented. Deputy Minister for Social Welfare and Youth Bardhylka Kospiri was present, as was Head of the Labour, Social Affairs and Health Committee Albana Vokshi. This was in keeping with the Socialist Party’s electoral programme which included support for “all forms of family life”, including “all other forms of partnership”. The amendment will be discussed in 2014.

Freedom of assembly

- On the occasion of the International Day Against Homophobia and Transphobia in May, the second Gay Ride Against Homophobia took place in Tirana without tensions or incidents. (A gas bomb had been thrown during the previous edition.) Organisers reported that both the Ombudsman and the Commissioner for the Protection from Discrimination attended.
- Despite a Pride event having been announced for the beginning of the year, it did not take place.

Health

- In May, Socialist MP Klodiana Spahiu presented the parliament’s Commission on Health and Social Issues with a report on LGBT people in the health system, authored by NGOs Aleanca LGBT and Pro LGBT. Ms Spahiu urged her colleagues to investigate the situation.
- In December, Aleanca LGBT and the Ombudsman examined how several healthcare institutions in Tirana interacted with LGBT individuals, and conducted a survey among the LGBT community and healthcare professionals.

Human rights defenders

- On the International Day Against Homophobia, LGBT NGOs hosted an art exhibition at the National History Museum; a series of university lectures; movie screenings; and a second edition of the Diversity Fair. Events took place in central Tirana, and organisers reported that the Ministry of Labour, Social Affairs and Equal Opportunities, the Ombudsman and the Commissioner for Protection from Discrimination attended.

Legal gender recognition

- The December governmental workshop (see **Family**) also saw a draft proposal for a progressive bill for gender recognition, drafted in consultation with the Ministry of Social Welfare, the Ombudsman, the Commissioner for the Protection from Discrimination and NGOs.

Participation in public, cultural and political life

- Activists from Aleanca LGBT and Pro LGBT held a series of meetings with presidential candidates before, during and after the general election in June. In March, they met the mayors of Elbasan and Korce to discuss local LGBTI issues. In April, they met outgoing Prime Minister Sali Berisha who praised their work and expressed his full support. In May, they met Socialist leader and presidential contender Edi Rama to discuss issues related to sexual orientation and gender identity; Mr Rama said State institutions must play a proactive role in fighting discrimination, and promised to draft a plan for the social integration of the LGBT community by the end of the second year of his mandate (2015). Finally, in September they met Youth and Social Welfare Minister Erion Veliaj and described a “positive, frank and open discussion”.

Public opinion

- The European Social Survey published survey results in March, according to which 53% of respondents in Albania believed that “gays and lesbians should not be free to live life as they wish”.



Andorra



Courts ruled that marriages contracted by same-sex couples in neighbouring Spain were not contrary to Andorran public order, and agreed to recognise some of their effects. A majority of Andorrans was found to support marriage equality, and the parliament's second-largest group pledged they would introduce a bill for marriage equality by the end of the year.

Family

- A petition collected 2,500 signatures in favour of marriage equality by the end of the summer. In August, the Social Democratic Party (PS) announced that it would soon introduce a bill for marriage equality in the General Council (the parliament).

Social security and social protection

- In January, the press reported that the Superior Court of Justice ruled in favour of a man who had sought to receive his late husband's survivor benefits. The pair had married one another in Spain, yet Andorran law does not recognise marriage equality. The Andorran Social Security Agency (CASS) refused paying, and told the widow he should have entered a registered partnership in Andorra rather than a marriage in Spain. The man took the decision to court, and both the first-instance court and the Superior Court of Justice agreed that forcing the men to dissolve their marriage would be unjust. The higher court referred to article 6 of the Constitution, which guarantees equality between people regardless of any "personal or social factor".



Armenia



Armenia slid backwards as intolerant views were voiced extensively – and indeed prevailed – during a national debate around gender equality. A climate of growing fear followed events in 2012, including the firebombing of a gay-friendly pub in Yerevan and police failure to convincingly act or protect minorities. Several NGOs working for LGBTI or women's rights were subjected to intimidation. In this context, not many activities were reported, a sign even NGOs have grown wary of violence and discrimination. Politically, Armenia appears to be cosying up to Russia and its 'traditional values' rhetoric, possibly in a bid to join its new Customs Union.

Bias-motivated speech

- Discriminatory speech increased before the Yerevan municipal elections in May. Candidates pledged to rid the Komaygi park of trans sex workers. Armen Ertisyan, the Rule of Law party candidate (OEK, centrist/right-wing) and then Minister of Emergency Situations, said he would set up CCTV cameras and broadcast live images online. Another candidate and then Yerevan councillor, Mesrop Araklevan, said: "I stand for the criminalisation of homosexuality".
- In October, Human Rights Ombudsman Karen Andreasyan said that the "perversion of Komaygi [a cruising park] should be abolished. It is possible. It is European. [...] Such perversion should be abolished, as it is not only immoral, but also illegal." He confirmed his statement later that month during a conversation with journalists.
- In November, leader of the ruling Republican Party of Armenia (HHK, right-wing) parliamentary group Galust Sahakyan diverted attention from groups arguing in favour of fairer transportation prices, and said he would rather support youth groups who oppose sexual minorities.

Equality and non-discrimination

- A three-month-long debate mobilised Armenian society over the *Equal Rights and Equal Opportunities for Men and Women bill* between May and July. The bill, which continued current and previous governmental efforts to promote gender equality, included references to the phrase 'gender equality' which religious and conservative leaders portrayed as anti-Armenian, "untraditional", and generally perverted or sinful. Debate quickly grew in mainstream and online media, as 'gender' became synonymous for transgender, homosexuality and perversion, focalising societal anger and garnering a reputation of all things 'un-Armenian'. Proponents of the rights of women and LGBTI persons were portrayed as "national traitors", "destroyers of families" and a "threat to Armenian values". Parliament eventually adopted the law after amending "gender equality" to read "equality between men and women".

- Amnesty International published the report *Armenia: No space for difference* in August, highlighting particularly frequent cases of discrimination and violence against LGBTI people, alongside severe limitations to criticism of the regime.

Freedom of assembly

- In December, LGBTI activists joined several hundred demonstrators marching in central Yerevan against the ruling regime and its cosying up to Russia. The activists waved a rainbow flag, and several nationalist marchers attacked and harassed them. NGO PINK reported that after the march, the police detained the activists for several hours without explanation. LGBTI activists were preparing a formal complaint by the end of the year.

Freedom of expression

- In a reaction to the on-going debate on gender equality, in August the Police Department published a proposal to amend the Code on Administrative Infringements to their website. The proposals sought to add two new articles to outlaw the "propaganda of non-traditional sexual relations", but without defining 'propaganda', 'traditional' or 'non-traditional'. The proposal foresaw a scale of fines for individuals, public officials and organisations, including higher fines if mass media were involved. The Police Chief withdrew the proposal within days, explaining that it had shortcomings and wasn't a priority for the police. However, activists fear the proposal may re-emerge.



Austria



Austria became the 13th European country to allow second-parent adoption for same-sex couples following a landmark European Court of Human Rights ruling,. The Constitutional Court also struck down restrictions on the way registered partnerships may be celebrated, and social acceptance of LGBTI persons has generally been on the rise.

Age of consent

- In November, the European Court of Human Rights condemned Austria in the case *E.B. and Others v. Austria* (applications nos. 31913/07, 38357/07, 48098/07, 48777/07 and 48779/07) because it had failed to delete convictions from four applicants' criminal records. They had been convicted of having had sexual relations with male minors below the age of consent, which used to be higher for gay male relations (18) than for heterosexual and lesbian relations (14). Austria's Constitutional Court had found the provision unconstitutional in 2002.

Data collection

- 2,543 respondents from Austria took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 48% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 21% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 33% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- In May, Gabriele Heinisch-Hosek was one of 11 EU Member States' equality ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

Family

- In February, the European Court of Human Rights condemned Austria for discrimination because unmarried same-sex couples did not have access to second-parent adoption, while unmarried different-sex couples in the same situation did. In the case *X and Others v. Austria* (application no. 19010/07), Austria was condemned under article 14 (prohibition of discrimination) and article 8 (right to respect for private and family life). The court also

specified that states weren't obliged to allow second-parent adoption by unmarried couples, but that if they did, they had to allow it for all unmarried couples. In July, the parliament amended the law to allow second-parent adoptions for same-sex unmarried couples.

- The Constitutional Court struck down a provision banning registered partnerships from being conducted anywhere else than inside the office of the competent district authorities. In a decision delivered in June, the court saw no reason to outlaw celebrating registered partnerships under conditions similar to marriage, e.g. in a location of the couple's choice. However, this ban was kept in a new version of the law, which the parliament examined and adopted before the Constitutional Court had ruled on the issue. The ban is therefore written in law, but declared void by the Constitutional Court.

Human rights defenders

- Lesbian and gay NGO HOSI Wien was granted consultative status at the United Nations Economic and Social Council. (Only six other European LGBTI organisations benefit from this status.)



Azerbaijan



Azerbaijan remained intensely conservative; the mere discussion of sexual orientation or gender identity remains problematic – at least in public. One NGO published an initial qualitative exploration of the LGBTI community's experiences of discrimination and harassment, and relatively positive remarks by a prominent politician on television should also be noted as a minor foray towards more visibility for LGBTI issues nationally. Yet no laws exist to protect LGBTI individuals from discrimination or bias-motivated violence.

Data collection

- The NGO *Gender & Development* published research on the experience of discrimination in the LGBT community. The qualitative study surveyed LGBT individuals between September and October 2012. Because of the understandable difficulty to reach the LGBT community, the study's sample (100 respondents from the cities of Baku, Sumgait and Ganja) wasn't representative enough. Nevertheless, responses suggest limited incidences of violence and discrimination, notably due to the fact that most respondents were not open about their sexual orientation or gender identity: 39% were out to close friends only; 34% to all or some family members only; 8% to colleagues; and 2% to no-one. Only 17% were openly LGBT with 'many' (sic) people. 27% of all respondents reported physical harassment, and 37% reported mockery in educational contexts.

Participation in public, cultural and political life

- In an online interview with TV channel *Kanal 13*, Chairman of the Azerbaijan Democratic Party (ADP) Sardar Jalaloglu made comments about sexual orientation. Among them, he explained homosexuality was a natural part of society, and that some Azeri ministers were gay, but not open about it. He also discussed prostitution and social norms, explaining that he didn't ask people joining his party about their sexual preferences.



Belarus



Together with political activists and journalists, LGBT activists continued facing pervasive threats, police intimidation and violence in Europe's last authoritarian regime. The repression has notably increased since an NGO attempted to register officially with the Ministry of Justice to satisfy legal requirements. The beginning of the year saw multiple police raids in gay-friendly nightclubs to intimidate the community, and revellers were taken to police stations several times. By the end of the year, regime authorities intimidated owners of private venues scheduled to host LGBT events behind closed doors, who cancelled bookings. A new anti-terrorism law also entered into force, outlawing the "weakening of patriotism and traditional moral values" among young people.

Bias-motivated speech

- In a July interview with the *Russian Reporter*, political opponent and head of the Young Front movement Zmitser Dashkevich said that he would rather be “dictator Lukashenko” than gay, in reference to a similar remark by Alexander Lukashenko the previous year.

Criminalisation

- In June, media reports claimed that during its autumn session, the parliament would examine amendments to the Criminal Code punishing homosexual acts with up to ten years’ imprisonment. A spokesman of the House of Representatives denied the information.

Freedom of assembly

- At least eight different police raids of gay nightclubs were recorded throughout the year (seven in Minsk, one in Viciebsk). Club 6A in Minsk was raided by plain-clothed police officers in January, when they blocked exits and noted the personal details of over 100 partygoers. The same month, the police raided another club in the northern city of Viciebsk during a party organised by NGO GayBelarus. According to activists, they were ordered to line up against the wall, and state their name, address and place of employment to a police camera. Witnesses told journalists the officers were particularly threatening. Club 6A in Minsk was raided again in February, and 40 revellers were taken to a police station for identity checks. Activists reported that nine officers in civilian clothes declared the raid was related to Siarhiey Androsienka, leader of GayBelarus, who was “engaged in things that are not supposed to be happening in Belarus”. GayBelarus reported that Club 6A, “a space of active Belarusian LGBT life” for “almost ten years”, closed down in March.
- In December, organisers of the LGBT Human Rights Forum – Minsk Gay Pride 2013 reported an unusual amount of obstacles preventing them from organising a week-long event. The municipality rejected the organisers’ request to hold a march and a rally on two different days, citing “technical” and “timing” problems on the one hand, and inconsistencies with the *Law on mass events* on the other hand. (The law was criticised by the

Council of Europe’s Venice Commission and the OSCE’s Office for Democratic Institutions and Human Rights.) Additionally, organisers had planned events in several private venues, a restaurant, and several clubs. Despite effective bookings, the venues’ owners pretexted last-minute water pipe bursts, electricity outages, or hurricanes to cancel the reservations. When verifying these claims, activists found that no such events had taken place, and the venues were open to the public, functioning normally. Activists reported that the owner of gay-friendly club Casta Diva barred them from entering, because their “presence may bring some problems to the club from the side of authorities and the police”.

Freedom of association

- Between December 2012 and February 2013, GayBelarus attempted to register as an official NGO under the name ‘Nationwide Youth NGO Human Rights Center Lambda’. (All non-governmental organisations must register in Belarus.) Although they provided a neutral name, the description of their activities explicitly mentioned defending the rights of homosexual, bisexual and trans people. Officials turned down their request in February, explaining that the ministry believed Lambda’s activities wouldn’t “seek to provide a comprehensive social formation and development of young people”. They further argued the association’s name didn’t reflect its real aims.
- Following the attempt to register this new NGO, the police department dealing with drug control and trafficking ‘invited’ most of its 70 founding members to ‘informal conversations’. These turned out to be interrogations designed to intimidate the activists, who were asked about alleged rape episodes; how they became homosexual; where LGBT meetings took place; and questions about GayBelarus/Lambda’s founder, Siarhiey Androsienka. Police visited the home or workplace of those who were slow to respond to their ‘invitation’, and sent ‘preventive letters’ to their colleagues.
- LGBT activist Vadzim Kruk, Coordinator of NGO Vstrecha, was summoned for interrogation in January and July. He was interrogated for two hours both times. He

explained that interrogators “were interested in the names, addresses, travel details, contacts with foreign colleagues, and details of activists’ sexual life. They asked about salaries and money flow. They threatened [him] with ‘serious problems’ if [he] refused to cooperate.”

Freedom of expression

- In a decree adopted in July, the government laid down its understanding of terrorism. The new definition includes the “weakening of patriotism and traditional moral values among the youth due to [...] the destructive impact of information on the process of socialization of youth”, which could be interpreted as providing information about sexual orientation and gender identity to young people.
- The Liberal Democratic Party (LDP, right-wing/populist) issued a statement in July, against what it described as “destroying the family and public morality” “under the guise of protecting the rights of sexual minorities”. The LDP suggested toughening penalties for sexual acts against minors, including (in their understanding) the “promotion of homosexuality”.

Police and law enforcement

- In January, GayBelarus leader Siarhiej Androsienka attempted to re-enter Belarus from Poland when the police let him pass but confiscated his passport, explaining it had been cancelled in Minsk. This left the activist unable to leave the country.
- In February the police arrested Ihar Tsikhanyuk, one of the activists involved in GayBelarus, at the hospital where he was being treated for unrelated illness. Amnesty International reported that police officers punched and insulted him, taunted him for being gay, and threatened him with more violence. After officers returned him to the hospital, “he asked for his injuries to be documented but hospital staff refused”, Amnesty reported.



Belgium



Political resolve to combat homophobia and transphobia remained strong at all levels. NGOs called attention to inequalities in access to healthcare, and trans people have yet to benefit from a proper review of the gender reassignment law. Positively, LGBT people in Belgium were found to report some of the lowest rates of discrimination and harassment in the first EU-wide LGBT survey.

Asylum

- In February, the parliament amended two laws on foreigners' residence and asylum (via *Bill 2555/005*) to explicitly state that the persecution of a group based on their sexual orientation or gender identity may constitute grounds for asylum. This had already been the case in practice, but the text formally transposed the *EU Directive on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection (2011/95/EU)* into national law.

Bias-motivated violence

- Following several LGBT-phobic attacks in 2012, Prime Minister Elio Di Rupo had announced the government would introduce a new law on bias-motivated crimes. The bill on aggravated sanctions was approved in January; it foresees that crimes motivated by hatred, contempt or hostility towards someone because of their gender, sexual orientation, gender identity or expression will be punished by mandatory aggravated sanctions. In August, the government issued a circular to call police forces' attention to homophobic and transphobic crimes, including online incidents (stalking, harassment, insults and discriminatory statements).

Data collection

- 2,901 respondents from Belgium took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 35% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 15% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 26% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- The Flemish Ministry of Education detached a teacher to work on gender and sexual orientation issues in

primary and secondary schools. Together LGBTI NGO Çavaria's education project manager and education NGOs, the employee discusses schools' policies and pedagogical approaches with managers and teachers, offering them adapted educational tools.

- In September, Çavaria published a new booklet on pedagogy, gender and sexual orientation in primary schools. It was presented at a school in a Brussels district, where it was handed to Flemish Minister for Education Pascal Smet. The educational guide was put into practice on the spot with a sample lesson to a second grade class. The booklet was sent to all primary schools in Flanders.

Equality and non-discrimination

- On the International Day Against Homophobia, the federal government presented a national action plan against homophobic and transphobic discrimination. A year earlier, Prime Minister Elio Di Rupo had pledged to present such a policy following a sudden rise in public attention towards violent homophobic attacks, notably in Brussels. Authored by Vice-Prime Minister in charge of equality Joëlle Milquet, the plan seeks to eliminate structural discrimination (in the fields of family, housing, asylum and migration, research policy, police training, gender identity generally, and foreign affairs), and combat stereotypes (with youth and at school, at work, in health-related contexts, and in society generally).
- The federal government put forward amendments for the federal anti-discrimination law to include gender identity and gender expression, which had yet to be examined by the end of the year.
- In May, Flemish Minister of Equal Opportunities Pascal Smet was one of 11 equality ministers in EU Member States to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

Family

- 1st June marked ten years since marriage equality was passed into law. Over 10,000 marriages between people of the same sex were celebrated since 2003. On that occasion, Flemish Cardinal Godfried Danneels referred to

marriage equality as a positive development, yet preferred to avoid using the word 'marriage'.

Freedom of expression

- Mayor of Antwerp Bart De Wever declared that civil servants in his administrations shouldn't be allowed to wear T-shirts featuring the rainbow flag at work. He argued it was a matter of neutrality for the public service, and rejected accusations of homophobia. NGOs and the opposition (mostly the Socialist party) responded that neutrality and diversity should not conflict, and insisted on employees' freedom to be themselves at work. It is unclear whether this policy was effectively in place by the end of the year.

Health

- In October, Minister of Health Laurette Onkelinx presented a transversal action plan to combat HIV/AIDS, which included a focus on men who have sex with men.
- LGBT organisations in Wallonia also noted continued inequalities in the field of healthcare, notably concerning access to HIV/AIDS treatment; discriminatory practices by hospitals towards lesbian couples seeking medically-assisted procreation services; and the reimbursement of health costs as part of gender reassignment procedures.

Legal gender recognition

- NGO Çavaria expressed disappointment that even though a legal review of the law on gender recognition had been initiated in 2012, no formal proposals had been issued by the end of the year.

Police and law enforcement

- The Standing Police Monitoring Committee and the Prosecutor's office launched an investigation into accusations of homophobic violence perpetrated by Brussels police officers. The two alleged victims claimed that in August, officers verbally and physically abused them as they left a music festival in the early weekend hours. The officers contested the facts.

Public opinion

- A survey in French-speaking Wallonia showed that 57% of respondents were in favour of marriage equality, and 70% in favour of adoption for same-sex couples. However, a third of respondents also believed homosexuality was a choice.



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. Regular physical attacks of LGBTI people and hateful comments in print, online and audiovisual media fuel an atmosphere of intolerance. Positively, police forces have demonstrated an increased willingness to take into account LGBT-specific issues, especially in the Sarajevo district.

Bias-motivated speech

- LGBTI NGO Sarajevo Open Centre documented 19 cases of homophobic hate speech throughout the year. 11 were comments published on web portals and on news portals' Facebook pages; 5 were articles published on extremist or religious portals; and 3 were comments reproduced in media outlets. All cases were reported to the institutions in charge, including the police. However, to date none have reacted or sanctioned the authors of these hateful comments.
- The *Law on amendments to the Criminal Code* did not include a provision on bias-motivated speech (see **Bias-motivated violence**). However, the Women's Parliamentary Caucus planned to register a motion including bias-motivated speech provisions in early 2014.

Bias-motivated violence

- In July, the House of Representatives in the federal parliament (the lower chamber) adopted the *Law on amendments to the Criminal Code of the Federation of Bosnia and Herzegovina*. Resulting directly from proposals by a coalition of NGOs including the Sarajevo Open Centre, the law defines hate crime as any criminal motivated by hatred, hostility or prejudice towards the victim based on real or assumed personal characteristics, including sexual orientation and gender identity. However, the House of Peoples (upper chamber) rejected the bill. The Women's Parliamentary Caucus planned to reintroduce it in early 2014 (see **Bias-motivated speech**).
- The Sarajevo Open Centre documented 18 cases of bias-motivated crimes during the year. In March, between 10 and 15 young men attacked a group of LGBTI activists close to the presidency building in Sarajevo, shouting "Kill the faggots!" and "Half foreigners, half faggots!". In August, a man went to meet another he met via a dating website; the second man led him to a closed area where four armed men threatened and stole the first man's possessions. In September, five men aged 18-25 assaulted and threatened to kill a man because he was gay; after being reported to the police, the group attacked him again causing a serious hip injury which required urgent surgery. The group had already spent three years taunting

their victim, including by insulting him and throwing stones at his house. Activists reported almost all of the cases in Sarajevo to the canton police. In two cases, the police successfully liaised with the victims and investigated the cases.

Data collection

- In September, the Sarajevo Open Centre published the report *Numbers of life: Analysis of the results of the research on the needs of the LGBT community in Bosnia-Herzegovina*, a study of LGBT people's lives nationwide. The study carried out relied on interviews with field researchers and online questionnaires from 545 respondents aged 15–54 between March and May. Respondents reported coming out selectively: 90% were out to friends, 46% to colleagues, and more were out to close female relatives (45% to sisters, 41% to mothers) than to close male relatives (38% to brothers, 23% to fathers). 36% said they had suffered discrimination, a logical number considering that few are openly LGBT. Only 23% of respondents said they trusted the police, and reported discrimination only 6% of the time. Out of 27 cases of discrimination reported, only 4 were prosecuted while authorities ignored the rest. Finally, "almost 70% of examinees" said the lack of support from their family and friends was their most important problem.

Education

- Activists in Tuzla reported that in November, staff in a local high school put up posters urging to vote for a constitutional amendment defining marriage as a union between a man and a woman in Croatia's December referendum (see **Croatia**). Staff including the school's psychologist visited classrooms to press students with Croatian citizenship to vote against marriage equality. The case was reported to the Ombudsman's office, which launched an investigation. The school didn't react to the complaint.

Enlargement

- Bosnia and Herzegovina is considered a potential candidate to join the European Union since 2003. In its

annual report on progress towards accession to the EU, the European Commission noted in October that “discrimination against LGBTI persons [remained] widespread”. The Commission added that the “effective investigation of cases of hate speech and violence against LGBTI persons [had] to be ensured.”

about LGBT people and their lives, and the crimes they usually fall victim to. The event created an informal network of officers willing to reduce the incidence of LGBT-phobic crime, and keen to provide a reliable service to complainants.

Equality and non-discrimination

- The Ombudsman’s office has expressed willingness to cooperate with non-governmental organisations while implementing the anti-discrimination law, including with regards to sexual orientation and gender identity. However, the office has so far failed to implement awareness-raising actions due to a lack of resources. It also refused providing non-pecuniary patronage to a regional conference on LGBT people’s human rights co-organised by the Sarajevo Open Centre and the Open Society Fund – Bosnia and Herzegovina.

Freedom of assembly

- Together with other NGOs, the Sarajevo Open Centre organised a march for diversity in Sarajevo on the occasion of International Human Rights Day in December. The gathering took place peacefully and under adequate police protection.

Legal gender recognition

- In September, the Sarajevo Open Centre complained to the Ombudsman’s office that authorities in the Brčko district refused to provide new identification documents following legal gender recognition, but instead marked a gender change as a mistake written in at birth. The Ombudsman’s office confirmed they received the complaint, and said they would monitor the case.

Police and law enforcement

- The Sarajevo Open Centre reported positive cooperation with both the police and the regional Ministry of Internal Affairs in the Sarajevo district, notably to organise a September training session for 20 police officers in charge of receiving crime complaints. The two-day session provided the officers with knowledge



Bulgaria



Bulgaria remained one of the EU Member States with the highest incidence of discrimination and violence against LGBTI persons. Whilst society hasn't changed its attitude in relation to sexual orientation and gender identity, cooperation has slightly increased between Pride organisers on the one hand, and police forces and the Sofia municipality on the other hand. The Supreme Administrative Court also ruled that the Commission for Protection Against Discrimination had failed to take action against a well-known actor for homophobic comments on prime-time television.

Bias-motivated speech

- Activists reported a high prevalence of bias-motivated speech in audiovisual and online media. In particular, LGBT youth NGO Deystvie's Facebook page saw several hateful comments published. When asked to remove them, Facebook responded that these "didn't breach the standards of the community".
- In December, the Supreme Administrative Court condemned actor and director Andrey Slabakov, who had said in a 2011 prime-time TV interview that "gays are more dangerous than tobacco smoking because they spread AIDS on a mass scale". Activists had complained to the Commission for Protection against Discrimination (CPD), which dismissed the complaint. Following the activists' appeal, the district's administrative court ruled in their favour, but the CPD appealed of this ruling. The Supreme Administrative Court confirmed the lower court's ruling, and stated that Mr Slabakov's comments constituted unlawful harassment. The CPD was ordered to take administrative or penal measures against Mr Slabakov.

Bias-motivated violence

- In the second-largest city of Plovdiv, football fans attacked an LGBT film screening in June. The hooligans came into the screening room and asked if this was "the faggots' screening". They threatened further violence, said they would "not allow sick freaks to brainwash people", broke projection equipment and left. Even though the police had said they would protect the event, no officers were present and organisers' calls were answered after 20 minutes. The festival continued the following night, this time under police protection and without incident.
- In its report *Because of who I am: Homophobia, transphobia and hate crimes in Europe* published in September, Amnesty International specifically underlined Bulgaria had so far failed to include sexual orientation or gender identity as aggravating motives in its criminal law.
- In December, Minister of Justice Zinaida Zlatanova published a long-awaited proposal for a new Criminal Code, including a *Law on Hate Crimes*. However, activists reported that the proposal ignored recommendations of

"human rights experts" who had taken part in a cross-sectorial working group whose work was abruptly ended by the ministry. Notably, the law does not list any grounds on which bias-motivated crime can be recognised as such, and punished accordingly. The Bulgarian Helsinki Committee was preparing an analysis of the draft by the end of 2013.

Data collection

- 1,033 respondents from Bulgaria took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 53% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 26% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 40% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- The *Protection against Discrimination Act* was amended to state that discrimination on the basis of gender could include cases of discrimination against trans people who went through a gender reassignment procedure (but not against trans persons who didn't).

Freedom of assembly

- A group of LGBTI activists joined anti-corruption protests in June, where they handed out rainbow flags with the 'peace' symbol on one side, and the Bulgarian flag on the reverse. Some demonstrators turned against them, led by Elena Vatazhka, spokeswoman of the Association of Bulgarian Football Supporters and initiator of a 10,000-signature petition to ban Sofia Pride earlier in the year. The police only suggested that LGBTI activists leave, but did not intervene further. Activists chose to stay, and other anti-corruption demonstrators brought the attacks to a stop.

- As intense anti-corruption protests broke out in June (when Sofia Pride was initially scheduled), organisers postponed the event to September in agreement with the municipality. However, a homophobic march opposing the pride went ahead as scheduled. The Orthodox Church also repeated its annual call to cancel the pride, and a petition against the event received 10,000 signatures. The Pride event went ahead in September, and organisers reported that 600 marchers demonstrated under efficient police protection (compared to 2,000 the previous year). This was the second year police authorities didn't ask organisers to pay for their own protection.



Croatia



Croatia joined the European Union in July, completing a ten-year accession process which led to positive evolutions, notably in the field of non-discrimination, political support and police protection. However, a conservative group garnered enough public support to force a referendum to amend the constitution, and specify that marriage is the union of one man and one woman. A highly divisive and polarised debate took place at all levels of society, and lasted months. As expected, voters voted 2-to-1 in favour of a new restrictive definition of marriage; but general support from the public, media outlets and high-level political figures rose to an all-time high.

Data collection

- 1,197 respondents from Croatia took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 60% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 26% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 41% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- In May, Foreign Affairs Minister Vesna Pusić was one of 11 national ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

Family

- A conservative group of Catholic inspiration, In the Name of the Family, ran a successful campaign for a referendum over the constitutional definition of marriage. Organisers sought to limit any future possibility of legislating for marriage equality, and collected over 710,000 signatures by October, well over the legal threshold to force a referendum. Ample debate took place over the constitutionality of a referendum affecting a minority's rights; but in November, parliamentarians voted to hold the referendum nonetheless (104 votes in favour, 13 against, 5 abstentions). The Constitutional Court refused to rule on the validity of the initiative, judging the MPs' vote enough to allow the referendum to take place. Centre-right opposition parties supported the ballot initiative, as did the Catholic Church and 80 anti-choice and conservative NGOs around the world. President Ivo Josipović and Prime Minister Zoran Milanović both announced they would vote against the restrictive redefinition; numerous human rights organisations, as well as left-wing politicians and most national media

outlets opposed the referendum. On 1 December, 38% of eligible voters took part in the referendum, with 66% voting in favour of the restrictive definition, and 34% against. The outcome didn't bar the government from updating existing civil unions, or putting forward proposals for registered partnerships with rights similar to marriage. The Prime Minister and other political leaders also announced future referendums would not be allowed if they affected human rights.

- Two weeks after the referendum, Prime Minister Zoran Milanović announced a government proposal for 'life partnerships', granting same-sex couples inheritance, tax and next-of-kin rights, but excluding parenting rights.

Foreign policy

- In September, Croatia took part in ministerial-level efforts to continue promoting the enjoyment of human rights by LGBTI people globally, providing formal political support to the United Nations' new 'Free and Equal' campaign (see **United Nations**).

Freedom of assembly

- LGBTI activists complained that police in the coastal city of Split interrupted a party they organised in January. They claimed the sound was no louder than adjacent bars, yet police officers stopped the event, checked attendees' identities, and closed the venue earlier than its licence allowed. A complaint was lodged with the Ministry of Interior.
- In May, NGOs reported 400 people marched in central Zagreb to support marriage equality. The demonstration was a reaction to the referendum against marriage equality initiated earlier in the year (see **Family**). A dozen police officers protected the march, which took place peacefully.
- In June, Pride events took place in the capital Zagreb (organisers reported a record 12,000 participants) and in Split, the country's second largest city (500 participants). In reaction to the referendum against marriage equality, the Zagreb Pride adopted "This country is for all of us" as its motto. Deputy Prime Minister and Foreign Affairs

Minister Vesna Pusić joined the event in Zagreb, as did the Prime Minister's wife, Sanja Musić-Milanović. In Split, officials included newly-elected Mayor Ivo Baldasar, Ms Pusić, and Minister of Public Administration Arsen Bauk. There were no violent incidents.

Human rights defenders

- In May, three LGBTI NGOs took part in the launch of the Regional Network Against Homophobia's first annual memorandum. The network gathers organisations and initiatives from 18 Middle Eastern, North African, Balkan and Caucasus countries. The memorandum studies issues common to the region, such as homophobic and transphobic violence. Specific country recommendations for Croatia dealt with homophobia in sports.
- In October, the 27th ILGA-Europe Annual Conference took place in Zagreb. Croatian authorities supported the organisation of the event. President Ivo Josipović sent a video message to the conference, and Deputy Prime Minister and Foreign Affairs Minister Vesna Pusić gave a keynote speech.

Legal gender recognition

- In June, the State Registries Law was amended to include a provision according to which one can have the birth certificate amended with the preferred gender based on "change of sex or life in a different gender identity". It also mandated the Ministry of Health to develop a regulation that will prescribe what medical documentation must be submitted and what conditions must be met. The regulation was not finalised by December 2013.

Participation in public, cultural and political life

- Damir Hršak, Croatian Labourists (Hrvatski laburisti, left-wing) candidate for the European Parliament election, was the first politician to ever come out as gay. His party received 6% of the votes, enough to elect their list leader but not Mr Hršak.



Cyprus



The Cypriot government has shown willingness to make progress, notably in the field of family (with a draft *Civil Partnership Bill*) and by proposing an amendment to the Penal Code that would criminalise bias-motivated incitement to violence or hatred.

Bias-motivated speech

- In October, the government proposed an amendment to the Penal Code prohibiting incitement to violence and hatred on grounds of sexual orientation and gender identity in addition to other grounds already foreseen. Perpetrators would be liable to a fine of up to EUR 5,000, and up to three years' imprisonment. The amendment had yet to be voted by the end of the year.

Data collection

- 265 respondents from Cyprus took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 56% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 30% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity, the highest percentage among EU Member States (EU average 20%). And 33% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- NGO Accept – LGBT Cyprus organised a press conference in May, on the occasion of the International Day Against Homophobia and Transphobia. All political parties were invited, and all apart from the Democratic Party (DIKO, social-democratic) attended for the first time. All parties in attendance condemned homophobia, and for the first time expressed support to different degrees for the draft *Civil Partnership Bill*.

Family

- The incumbent government drafted a *Civil Partnership Bill* days before the presidential election in February. Following discussions with NGO Accept – LGBT Cyprus prior to the election, all presidential candidates supported by parliamentary groups pledged support for the bill. Following the election and comments made by the

Church of Cyprus against the bill, a spokesman for the new government reaffirmed its support for the proposal, but explained the bill hadn't been sent to the parliament because a proper inter-ministerial consultation hadn't yet taken place. The consultation took place in November and December, and Accept – LGBT Cyprus said it hoped MPs would discuss the proposal by April 2014.

Human rights defenders

- In December, the LGBTI community honoured long-time activist Alecos Modinos, who sued Cyprus at the European Court of Human Rights because it criminalised homosexual acts. Mr Modinos won his landmark case in 1993. He was thanked for over twenty years of work in favour of LGBTI people's human rights at an event attended by Government Spokesman Christos Stylianides. This was the first time a government official officially represented the government at an event organised by Accept – LGBT Cyprus.

Participation in public, cultural and political life

- Demetris Tokaris, scriptwriter of popular TV series *Efta Ourani ke Sinefa Alites*, apologised on social media in November for including a gay couple in the series. The apology followed complaints from viewers, who objected to their discussions of fearing their parents' reactions to a possible coming out. LGBTI activists criticised the writer's apology.

Police and law enforcement

- In September, NGOs Accept – LGBT Cyprus, Queer Cyprus and Rainbow Youth staged a march protesting Russia's new 'anti-propaganda' law outside the Russian Embassy (see **Russia**). They requested police protection for the first time, which was provided forthrightly.

Cyprus, Northern

In the northern part of Cyprus, the local parliament eventually reformed the local Penal Code in January 2014 to abolish articles 171 and 173, which punished consensual acts between two adults of the same sex – or attempts to ‘commit’ them – with prison.

Criminalisation

- By the end of the year, consensual homosexual acts were still considered a crime punishable by up to five years’ imprisonment (or three for ‘attempts to commit [these] crimes’) in the northern part of the island. The relevant Penal Code articles were challenged in two cases: before the local Constitutional Court, and before the European Court of Human Rights (*H.Ç. v. Turkey*, application no. 6428/12). Both the local government and political parties pledged they would repeal the articles, but explained delays were due to lengthy procedures. When meeting Member of the European Parliament Marina Yannakoudakis in October, Turkish Cypriot leader Derviş Eroğlu pledged the local Penal Code would be amended swiftly. A final draft authored by the Office of the Attorney General was circulated, but hadn’t reached the local parliament by the end of the year. Activists were concerned that the final draft mentioned the term ‘sexual preference’ instead of sexual orientation.



Czech Republic



Public acceptance of LGBTI persons remained rather high in the Czech Republic, even though the new President made negative remarks about a scholar's sexual orientation. Respondents in the EU LGBT Survey indicated a particularly low incidence of discrimination or harassment compared to neighbouring countries, and activists hope to cooperate positively with newly elected parliamentarians, repeating previous joint work on a proposal for second-parent adoption.

Bias-motivated violence

- In its report *Because of who I am: Homophobia, transphobia and hate crimes in Europe* published in September, Amnesty International specifically underlined the Czech Republic had so far failed to include sexual orientation or gender identity as aggravating motives in its criminal law.

Data collection

- 2,469 respondents from the Czech Republic took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 36% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 13% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 27% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- In 2013, the Czech Republic was reviewed during the UN Universal Periodic Review process and accepted taking measures to eliminate any discriminatory treatment on the basis of sexual orientation or gender identity.
- Elected President in January, Miloš Zeman implied in May that he had blocked the accession of Martin Putna to university professorship in History because of his sexual orientation or his activities as an activist for the human rights of LGBTI people. (Traditionally, universities nominate their professors, before the President formally grants them the position.) Mr Putna had also been critical of President Zeman. Politicians and academics protested this impingement on academic discretion. A few days later, Zeman said he would not block the nomination anymore, and regretted the episode. The government announced that in the future, the education minister would instead

confirm professorships. Education Minister Petr Fiala eventually presented the title to Putna.

- Early legislative elections took place in October. PROUD surveyed political parties' programmes, and found that "unsurprisingly, hardly any positive notions on this topic were found". The Green Party (SZ) and the Czech Pirate Party (PIRÁTI, libertarian) were exceptions, but none of their candidates were elected. The programme of Action of Dissatisfied Citizens (ANO, liberal/populist), which obtained the second largest number of seats, stated generally that no group should be disadvantaged, and that they would strive to uphold the *Anti-discrimination Law*.

Family

- LGBTI NGO PROUD worked with a Liberal Democrat (LIDEM) MP, Viktor Paggio, to draft an amendment to the *Registered Partnership Act* that would allow those in a registered partnership with someone of the same-sex to adopt their partner's child, provided the child only had one legal parent. 20 MPs from across the political spectrum (ODS, VV, LIDEM, ČSSD, Top 09, and KSČM) registered the proposal in June, but it lapsed due to early parliamentary elections called in August. PROUD stated they intended to work with newly-elected MPs to resubmit the proposal.

Public opinion

- In a global survey published by Pew Research in June, the Czech Republic had the third highest percentage in Europe (80%, after Spain and Germany) and worldwide (on a par with Canada) of people agreeing that "society should accept homosexuality".



Denmark



Several positive legal evolutions were secured in the field of family law, and proposed by NGOs in the field of anti-discrimination law. Even though Danish laws on bias-motivated crime don't consider gender identity a basis for such crimes, the perpetrator of a spiteful attack against a trans woman was successfully convicted. However, parliamentarians refused to declassify 'transsexualism' as a mental disorder.

Asylum

- In January, the Refugee Appeals Board granted asylum to an Afghan gay man, ruling that he could not live openly as a gay man in Afghanistan, nor could he be reasonably expected to hide his sexual orientation. NGO LGBT Denmark reported that this was the first time the board abolished such a 'discretion requirement'.

Bias-motivated violence

- In June, a trans woman was attacked with a hammer in central Copenhagen during daytime. The attacker was convicted for a hate crime, a rare occurrence in Denmark and the first conviction based on the victim's gender identity. (The perpetrator was condemned on the basis of the victim's 'sexual orientation'; Danish law doesn't include gender identity among potential grounds for bias-motivated crime.)
- Minister for Social Affairs, Children and Integration Annette Vilhelmsen announced in September that a national survey on hate crimes would take place. The results were due to be launched in 2014.

Data collection

- 1,710 respondents from Denmark took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 31% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 11% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity, the lowest percentage in the EU (EU average 20%). And 22% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Diversity

- LGBTI NGO Sabaah launched an online forum in August, providing non-ethnic Danes support when coming out or dealing with issues linked to sexual

orientation or gender identity in the context of ethnic minority communities.

Equality and non-discrimination

- In February, 16 major anti-discrimination NGOs working on the grounds of age, disability, ethnicity, gender, religion, sexual orientation and gender identity asked the government to work towards a uniform anti-discrimination law. (Currently, only discrimination on grounds of gender and ethnicity is outlawed outside of employment or occupation.) All 16 organisations proposed including gender identity among protected grounds.
- In May, Manu Sareen was one of 11 EU Member States' equality ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

Family

- In January, NGO LGBT Denmark was appointed to a governmental working group on the sharing of professional leave among parents. The group issued findings, but the government shied away from modifying the status quo and decided against modifying parental leave rules. They remain 52 weeks of leave per new child, including 18 weeks for the mother who gave birth; 2 weeks for the second parent; and 32 weeks to share as they wish.
- In June, the parliament adopted a government proposal to amend the *Children's Act*. Children born to lesbian couples by artificial insemination with anonymous donors will now see their parenthood established automatically at birth, similarly to different-sex couples and regardless of whether the parents are married. A new option was also introduced for a woman, her female partner and a man to make a binding decision, before conceiving a child, as to who among the biological mother's partner or the biological father will be the second parent.
- In August, health authorities simplified sperm donation procedures for men who have sex with men. Previously, they could only donate sperm if the man and

the future mother knew one another well, on the condition that the man pay for expensive tests. New rules equalise conditions for men who have sex with men with conditions for a man donating to his female partner.

Foreign policy

- In August, Prime Minister Helle Thorning-Schmidt and Minister of Foreign Affairs Villy Søvndal both condemned the adoption of a federal 'anti-propaganda' law in Russia (see **Russia**). The same month, 12–13,000 people joined the demonstration To Russia With Love, walking from the parliament to the Russian embassy.

Health

- In May, the parliament rejected a proposal by the opposition Red-Green Alliance (*Enhedslisten*, socialist/green) to delete 'transsexualism' from the official list of mental diseases.
- In July, the National Agency for Patients' Rights and Complaints disqualified themselves from processing a complaint from a patient dissatisfied with their gender evaluation procedure at the National Hospital's Sexology Clinic. The complaint was forwarded to the Medico-Legal Council (Retslægerådet), which also plays a central role in allowing gender reassignment surgeries nationally. Activists criticised the move, as it placed more power in the Retslægerådet's hands.
- In August, psychiatrist Thorkil Sørensen, author of the chapter on 'transsexualism' in the psychiatric handbook used by medical students, said the next edition of the book would stop classifying transsexuals as suffering from a personality disorder.



Estonia



The national discussion on cohabitation rights for all couples – including same-sex couples – continued, fuelled by an initiative of religious inspiration to collect upwards of 38,000 signatures against same-sex couples' rights. They succeeded, and delivered them to the Speaker of Parliament. Another notable episode consisted of two conservative MPs making derogatory remarks; their party later disavowed them. Unfortunately, a draft proposal to amend the Penal Code to include sexual orientation and gender identity as aggravating criminal motives remained stalled for the entire year.

Bias-motivated speech

- The Ministry of Justice continued to work on proposals amending the Penal Code, in order to bring it into conformity with the *EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA)*. The proposals include sexual orientation and gender identity as grounds on which to recognise a bias motivation, but work hasn't progressed since the last roundtable between the ministry and stakeholders took place in January.
- Two Members of Parliament for the Pro Patria and Res Publica Union (IRL, conservative) made derogatory public comments in March. In reference to LGBT people, Priit Sibul stated as part of a news programme "There are all kinds of deviants. There are also people who like it with animals". LGBTI activists sent all IRL MPs numerous complaint e-mails, to which another Member, Erki Nool, responded that the company of "practicing homosexuals" should be avoided, and that they ought to seek treatment. Weekly newspaper *Eesti Ekspress* then published this conversation. Another MP eventually spoke on behalf of IRL, apologising and explaining that these were the two MPs' personal views. She regretted the "public discourse on such intimate issues", but added in reference to the MPs' personal views that it was also important to uphold freedom of expression.
- The head of the Greek Orthodox Church, Archbishop of Constantinople Bartholomew I, said on a visit to Estonia that the Orthodox Church would never accept cohabitation between persons of the same sex. He described same-sex unions as "inventions" that were "reprehensible" and linked to a life full of sins.

Bias-motivated violence

- LGBTI organisation SEKY (previously SEKÜ) reported that an intoxicated man subjected two gay men to offensive language and threatened them with violence in a bar during summer. One of the men filed a police report specifically citing bias-motivated provisions in the Penal Code, but police statistics did not reflect the incident.

Data collection

374 respondents from Estonia took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 44% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 25% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 30% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- The head of the Estonian Human Rights Center's Equal Treatment Programme commented in April that although data showed Estonians found equal treatment important, politicians had failed to deliver effective equality measures in the previous year. She referred to a 2012 study showing 46% of respondents supported same-sex couples' cohabitation rights (and as much as 34% supporting marriage equality), contrasting these findings with the government's continued postponement of the cohabitation law.
- That same month, the Estonian Human Rights Centre also launched the Equal Treatment Network, a network of NGOs to "advance the principle of equal treatment and increase the effectiveness of protection from discrimination in Estonia". The network aims to document cases of discrimination, and provide input to update the *Equal Treatment Act*. The project will specifically examine discrimination experienced by "disabled people, women, youth, sexual minorities and non-Estonians".

Family

- In reaction to governmental discussions of a law on cohabitation, which would grant both different-sex and same-sex couples a limited set of rights, the religiously-inspired Foundation for Defence of Family and Traditions launched a petition against the legalisation of

cohabitation. Organisers collected 38,000 signatures between November 2012 and May, when they delivered them to Speaker of Parliament Ene Ergma.

- LGBTI human rights defenders attempted to have the petition stopped on the ground that it promoted “social hatred”, but the police refused. The campaign elicited a societal debate on the meaning of family, and led to several supportive articles written by allies.
- Following a 2012 complaint from a citizen whose same-sex partner couldn’t apply for a residence permit in Estonia, the Chancellor of Justice (a parliament-appointed official who ensures compliance with constitutional rights and principles) had started a procedure to assess whether the *Aliens Act* complied with the Constitution of Estonia. (The *Aliens Act* allows spouses to apply for a residence permit, but neither same-sex nor different-sex cohabiting partners.) By the end of 2013, the Chancellor declared that the act did not comply with the Constitution, and asked Minister of Internal Affairs Ken-Marti Vaher to amend it as required.

Legal gender recognition

- Following complaints from NGOs, the Ministry of Education and Research announced in June that it would amend the regulation governing the issuance of high school and university diplomas so that people who change their name or gender could obtain updated copies. However, no proposal had come forward by the end of 2013.



Finland



Even though the year started with a parliamentary committee rejecting a marriage equality bill by a narrow margin, a popular citizens' initiative asking for the change to be re-examined by MPs gathered the highest-ever number of signatures on record for this type of initiative. Public support for equal marriage remains high, and both a court ruling in the field of employment on the one hand, and EU-gathered data on discrimination on the other hand tend to show Finland remains accepting of LGBTI people.

Bodily integrity

- In April, a paediatric surgeon, Dr Mika Venhola, published a video online denouncing “corrective surgeries” performed on intersex infants and children. In his video, he explains that he was made to perform such a surgery on one intersex baby as a medical student. Dr Venhola said that he considered this a violation of children’s human rights, the first medical professional to ever say so in public, according to activists.

Data collection

- 3,439 respondents from Finland took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 38% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 15% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 26% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Employment

- In a January ruling, the Helsinki Appeals Court fined the CEO of Alma Media, a media group owning over 30 newspapers, for the wrongful dismissal of an editor due to her sexual orientation. Johanna Korhonen had been hired to edit newspaper *Lapin Kansa* in 2008, but CEO Kai Telanne discovered Korhonen was in a registered partnership with another woman and cancelled the contract before she’d started work. Mr Telanne was ordered to pay EUR 6,800 for moral damages, as well as the complainant’s legal fees. He appealed, and the case remained pending by the end of the year.

Equality and non-discrimination

- In May, Minister of Justice Anna-Maja Henriksson was one of 11 EU Member States’ equality ministers to co-sign a call for the European Commission to work on a

comprehensive EU policy for LGBT equality (see **European Union**).

Family

- In February, the parliament’s Committee on Legal Affairs voted not to consider a bill granting same-sex couples access to marriage and adoption. 76 MPs had registered the bill in 2012, and it was supported by several government ministers. The Committee voted by 9 to 8 votes not to forward it to plenary.

- In March, a group of NGOs and activists launched a citizens’ initiative in favour of marriage equality. Finnish law obliges parliament to examine any such initiative collecting 50,000 signatures from adult Finns. The ‘Tahdon 2013’ (‘I do 2013’) initiative collected 28,000 signatures within half a day of its launch. It was closed and sent to the parliament in December with 166,851 signatures. Parliamentarians will examine the request in 2014.

- Finnish TV audiences selected the song *Marry Me* to represent their country at the annual Eurovision Song Contest. Author and interpret Krista Siegfriids said it was “about love and tolerance”, and added that “gay marriage is not allowed in Finland and that’s wrong. I wanted to make a statement about that.”

Foreign policy

- In August, Minister for Culture and Sports Paavo Arhinmäki waved a rainbow flag from the tribune of a competition during the world athletics championship, in Moscow. He did so during the performance of Swedish athlete Emma Green Tregaro, who wore rainbow-coloured nails in protest of Russia’s ‘anti-propaganda’ laws (see **Russia**). He added that he had raised the issue of homophobic legislation with his Russian counterpart earlier.

Human rights defenders

- In June, LGBTI NGO Seta awarded their annual ‘Rat of Honour’ (an ironic award highlighting disservice to LGBTI people) to Viviane Reding, Vice-President of the European

Commission in charge of fundamental rights. The NGO explained this was prompted by the Commissioner's refusal to heed calls from Member States and the European Parliament to work on a comprehensive EU policy to combat discrimination on grounds of sexual orientation and gender identity (see **European Union**).

Legal gender recognition

- The European Court of Human Rights proceeded with the examination of the case *Hämäläinen v. Finland* (application no. 37359/09). Ms Hämäläinen, a trans woman born male, underwent a gender reassignment surgery in 2009. She could change her first name, but Finnish authorities refused issuing a new ID number reflecting her gender, arguing she had to either divorce her wife first, or convert their marriage into a registered partnership. After exhausting all appeals in Finland, she lodged a case at the European Court of Human Rights in 2009. In 2012 the Chamber found no violation in a decision issued, but Ms Hämäläinen appealed and the Grand Chamber examined her appeal at a hearing in October. The decision of the Grand Chamber was pending by the end of the year.

Public opinion

- A March poll commissioned by newspaper *Aamulehti* and carried out by institute Taloustutkimus showed that 58% of respondents favoured marriage equality, while 51% would also give adoption rights to same-sex couples. A sharp division by age was noted, as three quarters of respondents under 35 supported marriage equality, but over half of those over 65 preferred keeping the law as it is.



France



France caught up on most of its Western European neighbours and established marriage equality and adoption rights for same-sex couples. Promulgated in May, the 'Marriage for all' law gave rise to acrimonious debates along political party lines. Religious and right-wing networks and organisations whipped up opposition to the bill with surprising amplitude and duration. The law was adopted thanks to resolute support from the left-wing government and parliamentary majority, but the debate affected public opinion, notably with regards to adoption rights and assisted procreation for lesbian couples. The government also continued implementing its *Action Programme against Violence and Discrimination based on Sexual Orientation and Gender Identity*.

Bias-motivated speech

- In February, the government constructively engaged with Twitter following tweets inciting to homophobic hatred and violence. Twitter pledged it would obey French law against incitement to hatred, and allow NGOs to report hateful tweets or hashtags in order to hide them.
- NGO Le Refuge (which provides shelter to young LGBTI people kicked out of their home) announced that they had received 460 requests in January alone, compared to 70 in January 2012. NGO SOS Homophobie announced it had received as many calls signalling insults and harassment in January and February as it had the previous six months combined.
- In July, the government introduced the *Bill for equality between women and men (no. 717)*, which foresees that Internet providers and web content broadcasters (including Youtube, Twitter or Facebook) will have to report any incitement to LGBTI-phobic hatred (alongside racism or sexism), and to provide a public response to such contents. The Senate approved the bill in October; its final adoption was foreseen in 2014.

Bias-motivated violence

- In April, a gay couple was badly beaten up in Paris. After posting a photograph showing severe bruising on social media, one of the victims received significant attention in audiovisual media. This led to a gathering of 5,000 people in Paris, according to the press, who denounced the growing climate of intolerance created by marriage equality opponents. His four attackers were found, and a hearing was scheduled for May 2014.

Data collection

- 8,375 respondents from France took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 41% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 20% felt discriminated against at work or when looking for employment because of their sexual orientation or

gender identity (EU average 20%). And 31% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- In June, the Ministry for Education published the report *LGBT-phobic discrimination at school: State of play and recommendations*. It comprehensively surveyed the prevalence and dangers of bullying and discrimination for LGBT children, and made recommendations to tackle it. The ministry indicated it would start implementing recommendations in September.

Employment

- In December, the Court of Justice of the European Union issued a preliminary ruling in *Frédéric Hay v. Crédit agricole mutuel de Charente-Maritime et des Deux-Sèvres (case C-267/12)* based on the EU Directive on equal treatment in employment and occupation (2000/78/EC). The court ruled that where same-sex couples had access to registered partnerships but not marriage, employers had to provide employees in a partnership with someone of the same sex the same benefits as their married colleagues.

Equality and non-discrimination

- In May, the government issued a mid-term implementation report for its *Action Programme against Violence and Discrimination based on Sexual Orientation and Gender Identity* launched last year. It reported work was in progress under all four areas (combating violence, inclusion through education, tackling discrimination, and promoting LGBT rights internationally).
- The same month, Najat Vallaud-Belkacem was one of 11 EU Member States' equality ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).
- In June, the National Consultative Council on Human Rights issued an opinion on the rights of trans people, judging the term 'sexual identity' used by the parliament

in a 2012 law on harassment was inappropriate, recommending it be replaced by 'gender identity'.

- In July, a parliamentary report recommended that the lifetime blood donation ban on men who have sex with men, in place since 1983, be lifted. In 2012, Health Minister Marisol Touraine had backtracked on her earlier pledge to review the ban on blood donation for gay and bisexual men; she didn't change her position following this report.

Family

- In February, the National Assembly concluded its first reading of the 'Marriage for all' bill opening marriage and adoption rights to same-sex couples, initiated in November 2012. The Senate and Constitutional Council swiftly approved the text, which became law on 17 May. The law captured national attention, and several groups (but most visibly *Manif pour tous*) pushed forth vocal and charismatic opponents to the law, who swayed public opinion (see Public opinion). Left-wing political parties (Socialist Party, PS; Europe Ecology – The Greens, EELV; Left Front, FG) supported the text, while centre-right parties (Union for a Popular Movement, UMP; Union of Democrats and Independents, UDI) opposed it, with very few defections. Several national and local demonstrations took place, both in favour and against the proposals, gathering in the hundreds of thousands. Anti-equality demonstrations occasionally ended in violent confrontations with the police in a bid by right-wing and far-right movements to undermine the government. Religious leaders (mostly of Catholic, but also of Protestant, Jewish and Muslim faiths) played a key role in the debate: they issued public letters and made public speeches voicing their opposition to the law, and supported non-denominational groups (such as *Manif pour tous*) against the bill. Cultural and media figures were mostly in favour of the text. Opponents lost all legal recourses, including a request to the Constitutional Council asking for objecting mayors to be exempt from celebrating same-sex weddings.

- In January, the Socialist Party (PS) parliamentary group gave into pressure from equality opponents

and backtracked on earlier pledges to include medically assisted procreation for lesbian couples in the 'Marriage for all' bill. Responding to the same pressure, the government announced it would wait for the Consultative National Ethics Council's opinion on the matter (due in 2014) before putting a proposal forward.

- In January, the government issued instructions for judges to issue citizenship certificates to babies born abroad via surrogacy to French parents, while it insisted surrogacy remained illegal. However, in September the Court of Cassation issued two judgments (*N° 1091, 12-30.138 and N° 1092, 12-18.315*) stating that the babies born to two gay couples via surrogacy could not be recognised as having two fathers. The court said that even though the procedure may be legal abroad, it should be considered void to protect the French public order. The court ruled against transcribing the births in a civil registry, thereby making it impossible for them to see their French nationality recognised. The families' lawyer announced they would bring the case to the European Court of Human Rights.

- And that same month, 'paternity leave' (11 days) became 'parental leave', and became available to non-biological mothers in lesbian couples.

Foreign policy

- In March, Minister for Women's Rights Najat Vallaud-Belkacem co-hosted the *European Conference on Human Rights, Sexual Orientation and Gender Identity* together with the Polish Plenipotentiary for Equal Treatment Agnieszka Kozłowska-Rajewicz. The event, held in Paris, was one of several regional conferences aiming to advance LGBT issues at the United Nations (see **United Nations**).

- In September, France took part in ministerial-level efforts to continue promoting the enjoyment of human rights by LGBTI people globally, providing formal political support to the United Nations' new 'Free and Equal' campaign (see **United Nations**).

Legal gender recognition

- In June, the National Consultative Council on Human Rights issued an opinion on the rights of trans people, recommending that legal procedures for gender reassignment become accessible without preliminary medical approval or surgery, and feasibly before a civil registrar instead of a judge (but following a judiciary validation process).

Police and law enforcement

- In July, the Ministry of Justice sent instructions to prosecutors nationwide to provide adequate support to victims of violence based on sexual orientation or gender identity; work together with NGOs during prosecution and throughout the year; favour educational condemnations (e.g. citizenship course on tolerance) over repressive sentences; and systematically take into account victims' sexual orientation or gender identity as an aggravating factor.

Public opinion

- Throughout the debate, a majority of the public was in favour of marriage equality (53-66%, +1 average point compared to 2012), but showed less support for adoption rights (41-49%, -3 average points compared to 2012). In a global survey published by Pew Research in June, France appeared to be the country in which public opinion of homosexuality fell the most worldwide between 2007 ('Should be accepted': 83%) and 2013 (77%, -6 points).



Georgia



A ferocious episode of mob violence broke out on the International Day Against Homophobia and Transphobia, when thousands of counter-demonstrators led by Orthodox priests lynched a group of LGBTI activists. Numerous national and international voices rose to sternly condemn the episode. Bias-motivated crime remained a regular occurrence, and several reports indicate neither the police nor medical staff can be relied upon for assistance.

Bias-motivated speech

- In May, Head of the Georgian Orthodox Church Patriarch Illia II said the Pride event scheduled a few days later was “an insult” to Georgian tradition. He said homosexuality was an “anomaly” and a “disease”, and called on authorities to ban the rally. Orthodox activists announced they would counter-demonstrate near the location of the main event. (See **Bias-motivated violence**)

- NGOs reported numerous occurrences of homophobic and transphobic comments by politicians. Six MPs from ruling party Georgian Dream-Democratic Georgiamade remarkably negative comments, and candidates in the October presidential election Mikheil Saakashvili, Nino Burjanadze and Avtandil Ioseliani also referred to LGBTI issues negatively.

Bias-motivated violence

- In February, philanthropic and women’s rights organisation Women’s Fund In Georgia was forced to move their office to a new location following neighbours’ repeated threats and homophobic slurs against employees.
- In April, a gay man was violently murdered in his apartment in Kutaisi. His body was found with multiple injuries to his head and face, inflicted with a blunt object. The victim had also been stabbed several times, and died by asphyxiation. The victim’s friends reported that the walls of his apartment had ‘homosexual’ painted on them. The murder was investigated as a robbery, with no mention of any bias motivation.
- A violent mob of several thousands prevented a Pride event from taking place, and nearly lynched its participants. LGBTI activists had planned a Pride event to mark the International Day Against Homophobia and Transphobia; the rally was planned on Rustaveli Avenue in central Tbilisi on 17 May. Prime Minister Bidzina Ivanishvili had asked the police to protect the event. Activists arriving at the avenue were met by an abnormally large crowd of counter-protesters led by Orthodox priests, and yielding bunches of stinging nettles. Activists were removed to Freedom Square and separated from

counter-protesters by a cordon of several hundred police officers, but the crowds marched on and broke the police line, running towards activists while reportedly throwing stones and hurling abuse at those they thought belonged to the rally. The police started evacuating 30 activists by bus, but the crowds broke its windows, reached in for the activists while spitting at them and shouting violent threats. The bus could eventually drive off, but at least 28 were injured at the scene, including a journalist and police officers.

- The violent episode was condemned in the following days and weeks by President Mikheil Saakashvili; Prime Minister Bidzina Ivanishvili; the parliament’s Human Rights and Civil Integration Committee; EU Ambassador Philip Dimitrov; Head of the Georgian Church Patriarch Illia II (who nevertheless stated that “gay propaganda” must be opposed); and the Council of Europe’s Parliamentary Assembly and Commissioner for Human Rights, Nils Muižnieks.
- Several criminal and civil cases were brought before courts, and were still on-going by the end of the year. In August, the Tbilisi City Court acquitted Father Tamaz Bichinashvili who stood accused of interrupting a demonstration by using violence and threats at the May event. The police had arrested him along with another priest, but no sufficient evidence could be produced. The other priest remained on trial with three other perpetrators.

Equality and non-discrimination

- In May, Prime Minister Bidzina Ivanishvili told journalists that sexual minorities had “the same rights as any other social group”, adding that society would “gradually get used to it”.
- The Ministry of Justice also prepared an *Anti-Discrimination Bill* to satisfy the *European Neighbourhood Policy Action Plan* agreed with the EU. NGOs were consulted on the draft, and noted that almost all recommendations were kept in the versions presented to them prior to sending it to parliament, including the grounds of sexual orientation and gender identity. The bill had yet to be registered in parliament by the end of the year.

Freedom of expression

- MP Koba Davitashvili (Georgian Dream Coalition, in power) registered a private member's bill in June, suggesting a ban of the "propaganda of violence, or homosexual, bisexual and polygamous relationships". The parliament's Legal Affairs Committee dismissed it.

Health

- Trans individuals were refused access to services on several occasions. A trans person who had been attacked in Tbilisi went to the Gudushauri Clinic to receive treatment, but medical staff mocked her and delayed treatment; she left the clinic without receiving treatment. A gay trans man attended the Amtel Hospital First Clinic in Tbilisi after being beaten up on the street; the staff mocked his appearance, and he left the clinic without having been diagnosed or treated. Another gay man went to a private dentist, who refused to examine or treat him because he suspected he was gay.

Police and law enforcement

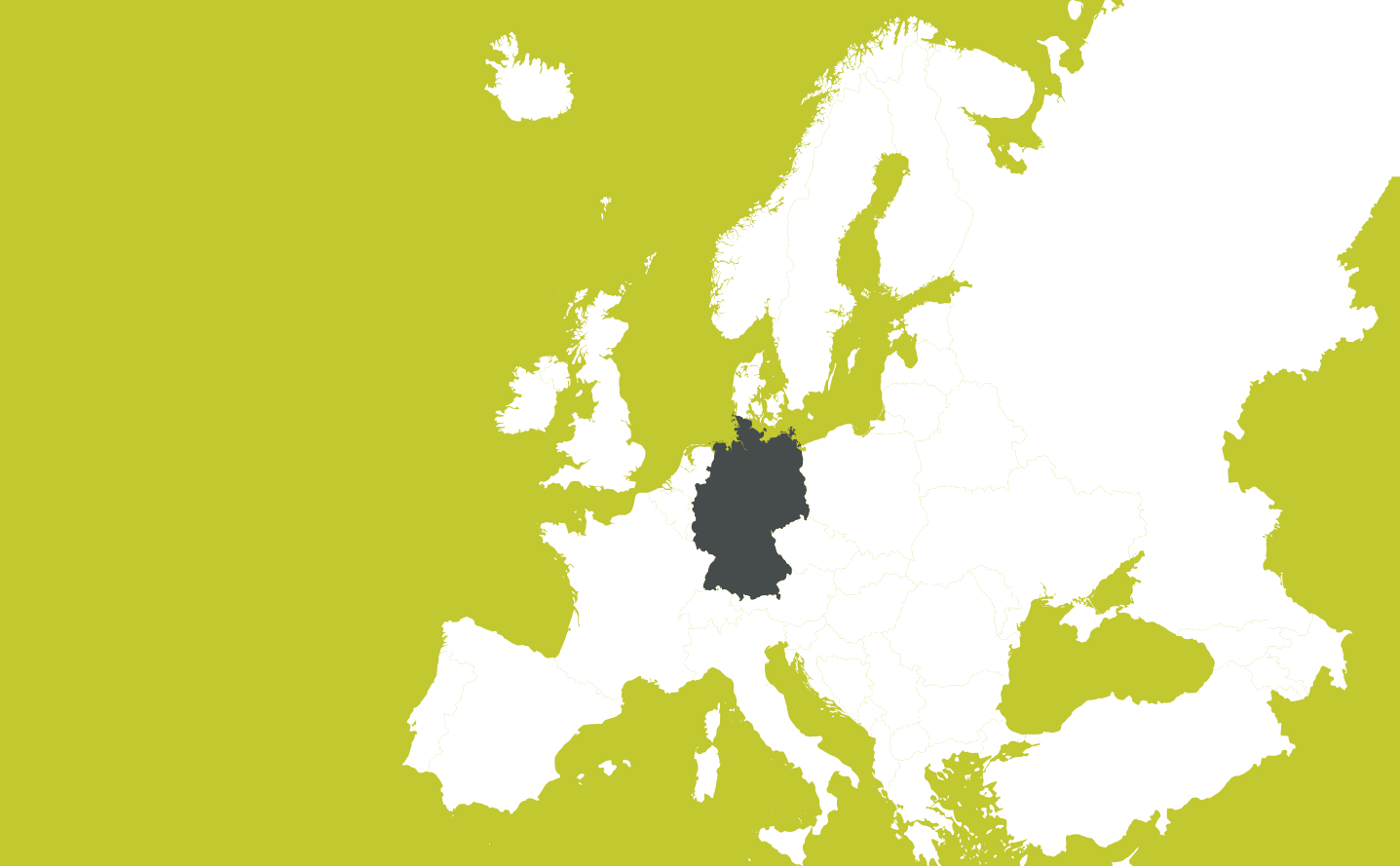
- In a January report, the Prosecutor's Office revealed that dozens of videos had been secretly recorded under the previous leadership of the military police, showing well-known male public figures engaging in sexual relations with other men. The report established that the previous leadership of the military police had set up apartments with hidden cameras before enticing the male leaders to have sex, and then extort money or blackmail them into demonstrating public support to the regime. The responsible leaders were charged and investigated. The Ombudsman regretted the video leaks, and called on the media to exercise more caution when dealing with similar information.
- In May, Deputy Minister of Interior Gela Khvedelidze was arrested for leaking a gay sex tape involving a journalist critical of the regime. He was charged for breach of privacy, and his trial was on-going by the end of the year.
- Following the violent May episode (see **Bias-motivated violence**), three NGOs met department directors at the Ministry of Internal Affairs weeks later to

raise concerns about increasing LGBT-phobic violence in Tbilisi. The home affairs authorities showed willingness to cooperate, and planned establishing a working group to assess the LGBT community's policing needs.

- The police failed to provide assistance to crime victims on several occasions. In April, a gay man sought to file a complaint after he was attacked; when he told the officer he had been attacked because he was gay, the officer replied that he would have to arrest him if that was noted down. The same month, a young man was severely beaten up; although he initially asked LGBTI NGO Identoba for assistance, the police pressured him to drop his case and he subsequently recanted his testimony. And in May, a man with a bloodied face asked a police car for help; when he told the officers he had been attacked because he was gay, the officers drove away.

Public opinion

- A July study by the US National Democratic Institute showed that 52% of respondents approved of the decision to hold the counter-demonstration turned mob lynching in May, and 30% of respondents approved counter-demonstrators' decision to break through police cordons.



Germany



The federal election gave rise to intense debate over sexual orientation in the run-up to voting day in September, notably regarding marriage equality, adoption rights and taxation. While the CDU/CSU was split over tax breaks for same-sex couples, other parties (FDP, SPD, The Greens, Die Linke) positioned themselves in favour of increased rights for LGBTI persons. The winning coalition (CDU/CSU and SPD) did not include marriage equality in its programme of government, but announced it would tackle homophobia and transphobia as part of an existing national action plan. The Constitutional Court issued two landmark decisions in the field of family, and the law on personal statute was amended to allow for an 'undefined' empty gender marker on identification documents, which equality proponents criticised.

Bias-motivated speech

- In February, the city of Zweibrücken published a calendar against drug abuse for teenagers, which stated that “sober is cool, swigging is gay” (“Nüchtern cool, saufen schwul”), equating alcohol abuse with being gay. LGBTI NGO LSVD urged the mayor to recall the calendar, and all copies were destroyed.
- In March, openly gay Berlin Mayor Klaus Wowereit and LSVD lodged a complaint against the track *Stress ohne Grund* by rap artists Shindy and Bushido, because it contained violent homophobic lyrics. In July, the Federal Review Board for Media Harmful to Minors classified the entire album *NWA* ‘harmful to minors’ because it featured “brutal acts”, and incited “violence and discrimination against women and homosexuals”. The board underlined that even though it had considered artistic freedom above all else, the protection of young people required restricting the album’s sales. Under the *Youth Protection Act*, the CD may not be advertised to the general public, sold via mail order, and may only be sold to adults in specific shops.

Bias-motivated violence

- In its report *Because of who I am: Homophobia, transphobia and hate crimes in Europe* published in September, Amnesty International specifically underlined Germany had so far failed to include sexual orientation or gender identity as aggravating motives in its criminal law.

Data collection

- 20,271 respondents from Germany took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 46% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 21% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 32% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- In 2013, Germany was reviewed during the UN Universal Periodic Review process and accepted continuing efforts to combat hate crime based on sexual orientation and gender identity.
- In July, a joint working group of specialists from the German Medical Association’s scientific committee recommended that the independent German Medical Association change its exclusion policies for blood donation. (The existing policy excludes all men who have sex with men because of an interpreted high risk of exposure to HIV.) The group recommended switching to a policy that would exclude any donor who has engaged in risky sexual behaviour, regardless of their sexual orientation. The association ignored the recommendation. In July, the German Football Association issued the *Berliner Declaration*, denouncing homophobia in sport and expressing support for diversity in the football community.
- The coalition of parties forming a government after the September federal election (CDU/CSU, Christian-democratic, and SPD, social-democratic) announced it would amend the *National Action Plan of the Federal Republic of Germany to Fight Racism, xenophobia, anti-Semitism and related intolerance* to include homophobia and transphobia.

Family

- The Federal Constitutional Court ruled in February that successive adoption had to be allowed for registered partners. (Like married couples, registered partners have had access to second-parent adoption since the 2004 reform of the *Law on Registered Partnerships*, that was in force since 2001. However, while married couples could also adopt a spouse’s adopted child – ‘successive adoption’ – , registered partners couldn’t.) The court explained that this breached article 3 of the Constitution, which guarantees equality before the law. It gave the government until June 2014 to amend the law, and ordered that the ruling be applied retroactively to 2001.
- In March, a centre-left majority in the Bundesrat (upper chamber of parliament) adopted a *Bill introducing*

the right to marry for same-sex couples. Five regions with left-wing majorities put forward the proposal seeking to amend the Civil Code to allow marriage between two individuals of the same sex. The bill proceeded to the Bundestag (lower chamber), where the ruling Christian-democratic (CDU/CSU) and liberal (FDP) majority voted against it.

- On 17 May, the Federal Constitutional Court ruled that registered partnerships, which are reserved to same-sex couples, must provide the same taxation regime as marriage (reserved to different-sex couples). The court stated that there were no “objective reasons for unequal treatment [of same-sex couples]”, and that privileging marriage over registered partnerships for taxation purposes went against Germany’s constitutional principle of equality. The change was implemented in July, but several tax and fiscal authorities lagged behind because of data processing and software issues.

Foreign policy

- In January, Foreign Affairs Minister Guido Westerwelle (FDP, liberal) warned the Russian Ambassador that the adoption of a federal ‘anti-propaganda’ law would stand in the way of good relations between the two countries (see **Russia**). He criticised the law again after it was adopted in June, stating that such measures had no place in a democracy. In August, two other FDP ministers (Development Minister Dirk Niebel, and Justice Minister Sabine Leutheusser-Schnarrenberger) strongly criticised the law, saying that Russia was becoming a “flawless dictatorship in ostracizing homosexuals”. In December, President Joachim Gauck announced he would not attend the 2014 Winter Olympic Games in Sochi.
- In February, the president spoke out in favour of LGBTI people’s rights at the UN Human Rights Council in Geneva (see **United Nations**).

Legal gender recognition

- Changes to the *Law on personal statute* came into force in November, allowing the use of an ‘undefined’ empty marker on birth documents for intersex new-borns. This followed the German Ethics Council’s February

warning that intersex adults may disapprove of having been operated on as infants. However, intersex activists said the change did not go far enough. In their view, the ‘X’ gender marker may appear abnormal to un- or ill-informed parents, who could be pushed to opt for surgery faster. The Federal Anti-Discrimination Agency also criticised the new law, and called instead for an end to sex surgeries on new-borns.

Participation in public, cultural and political life

- The June Christopher Street Day (Pride) march featured strong political slogans as marchers focused on political parties’ LGBTI policies ahead of the federal election in September. Organisers barred the main government party CDU/CSU (Christian-democratic) from taking part in the march because of its opposition to LGBTI rights while in power, although its LGBT subgroup, LSU, was welcomed.
- In September, incumbent Chancellor Angela Merkel said in a TV debate that she was “unsure” about allowing same-sex couples to jointly adopt.

Public opinion

- A February YouGov poll suggested that 74% of Germans (two thirds among right-wing voters) favoured marriage equality, while 23% would oppose it.
- In a global Pew Research survey published in June, Germany appeared as the world’s second most accepting country for LGBTI people after Spain, with 87% of German respondents agreeing that “society should accept homosexuality”.



Greece



Condemned by the European Court of Human Rights for barring same-sex couples from entering civil unions since 2008, Greece still failed to amend the relevant law due to important conservative and religious pressure. Gender identity became a recognised possible ground of bias-motivated crime. However, police crackdowns against trans women and poor law enforcement on the ground remain daily realities.

Bias-motivated violence

- In December 2012, the Ministry of Public Order and Citizen Protection published a decree establishing specific police units dealing with hate crimes. The decree specified that the agencies would handle “offenses committed against persons or group of persons exclusively and solely because of their racial or ethnic origin or their religion”. Designed to transpose the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/95/EU)*, the decree excludes other grounds mentioned in the directive, such as sexual orientation and gender identity or expression. After the decree was published, NGO Athens Pride condemned the omission.
- In March, the Penal Code was amended to include gender identity as a ground potentially constitutive of bias-motivated crime. (Sexual orientation was already included.) Individual MPs registered the amendment, and Justice Minister Antonis Roupakiotis lent the ruling majority’s support.
- In June, Justice Minister Antonis Roupakiotis drafted a bill outlawing incitement to hatred on the basis of several grounds (including sexual orientation), foreseeing up to six years’ imprisonment. The law was drafted after Golden Dawn (far-right/neo-Nazi) won 18 seats in parliament, and peddled hateful discourse and incitement to hatred, notably against ethnic minorities and LGBTI people. But main coalition partner New Democracy (ND, centre-right) withdrew its support for the bill, and remaining coalition partners Panhellenic Socialist Movement (PASOK, social-democratic) and Democratic Left (DIMAR, centre-left/socialist) couldn’t build an alternative majority for the bill. It was never formally registered.

Data collection

- 2,760 respondents from Greece took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 48% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)).

21% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 34% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- A meeting scheduled in March between a legal advisor of the Observatory for School Violence and Bullying (a body newly set up by the Ministry of Education) and representatives from LGBTI NGOs was cancelled. Activists explained that upon learning that one of the four representatives she would meet was a trans woman, the legal advisor insisted on meeting only one other activist to the exclusion of the three others. She reportedly said that if the meeting wasn’t restricted to that person, she would cancel it “for personal reasons”. She did, and 20 NGOs issued a statement condemning the cancellation.

Family

- In November, the European Court of Human Rights condemned Greece for only allowing different-sex couples to enter civil unions. In its final ruling in the case *Vallianatos and others v. Greece (applications nos. 29381/09 and 32684/09)*, the court examined whether it was acceptable that the 2008 *Law on reforms concerning the family, children and society (no. 3719/2008)* barred same-sex couples from entering civil unions. The complainants argued it amounted to unjustified discrimination. The court agreed, and noted that out of 19 European States allowing civil unions, Greece and Lithuania were the only ones to reserve it exclusively to different-sex couples. According to the court, the Greek government failed to prove the measure was “necessary, in pursuit of the legitimate aims invoked by the Law introducing civil unions, to bar same-sex couples from entering into such unions.”
- The same month, the Ministry of Justice announced it would introduce an amendment to the *Law on reforms concerning the family, children and society (no. 3719/2008)*,

seeking to open civil unions to same-sex couples. Orthodox Metropolitan Seraphim of Piraeus published an incendiary pamphlet, citing the “terrible sin of homosexuality, sodomy, unnatural sexual intercourse, pederasty and paedophilia”, and threatened to excommunicate Orthodox MPs who would support the amendment. ND had announced it would support the change, but Prime Minister Antonis Samaras, from ND’s ranks, gave in to pressure from conservative MPs and said his party would not support the amendment. ND announced that “in exchange” for not implementing the ECHR ruling, non-discrimination “of sexual minorities” would be added to a bill to combat racism.

Police and law enforcement

- The last of the 25 transg women arrested in Athens in August 2012 and forced to undergo HIV testing was acquitted in April, NGO Greek Transgender Support Association reported. The local court agreed with the defendant’s lawyer that the combination of being trans and finding oneself on the street at a specific time did not mean that the person was undertaking sex work, nor harassing passers-by.
- Nevertheless, the Greek Transgender Support Association reported that “sweeps” of arrests targeting trans women in Thessaloniki continued throughout June. The women were reportedly taken to the local police headquarters for three to four hours under the pretext of verifying their ID, and whether they were sex workers. They were never charged. Their complaints described police officers’ behaviour as threatening and humiliating. In the course of the arrests, the women’s lawyer, Electra Koutra, was also unlawfully detained for a short period. The Greek Transgender Support Association believed local politicians and religious leaders orchestrated the campaign of arrests ahead of Thessaloniki Pride, due to take place in June.



Hungary



LGBTI people suffered from a general climate of increased fear and violence towards all minorities. LGBTI issues have remained a dividing line between the right-wing and religious governmental majority on the one hand, and left-wing opposition parties on the other hand. The government modified the constitution (for the fourth time since the current version came into force in 2012) and introduced several provisions that could be used to restrict the human rights of LGBTI people and their families. Both the Ombudsman and the Equal Treatment Authority actively sought to protect the rights of LGBTI people in the field of family, freedom of assembly, and access to goods and services.

Access to goods and services

- In June, the Equal Treatment Authority (EBH) found against a public bath that had asked two men kissing to leave its premises in 2012. (Another customer had vocally abused the men, and staff asked the couple to leave because their kissing was not condoned by 'public morals'.) The authority stated that minorities had to be protected from majority views when the latter viewed them unfavourably. In November, the Budapest Administrative and Labour Court overturned the decision, acquitting the bath. By the end of the year, the authority was still considering whether to appeal.
- The EBH also helped settle a dispute with the Hungarian Football Federation, whose ticketing policy was deemed discriminatory by LGBTI NGO Háttér. The federation had offered families reduced ticket prices under the terms of a full price ticket for "the man", a free ticket for "the accompanying woman", and tickets at 25% of the full price for children. After a complaint, the federation voluntarily changed its policy to offer two adult citizens and their children reduced tickets. Coalition partner KDNP (Christian democratic/conservative) criticised this "attempt to stretch the natural man-woman family model".

Bias-motivated speech

- The new Criminal Code entered into force in July, forbidding severe forms of hate speech, as well as hate crime, based on sexual orientation and gender identity. Activists said the law was enforced too loosely.

Bias-motivated violence

- The Criminal Code was amended to punish hate crime (see **Bias-motivated speech**).
- In July, several Pride participants were attacked while going to or leaving the march. One incident involved 30 uniformed neo-Nazis beating up three marchers near a central metro station in Budapest. Left-wing and liberal parties, as well as the Ministry of

Human Resources condemned the attack, and four investigations were on-going by the end of the year.

- In October, the prosecution service pressed charges against two men who had attacked Pride participants in 2012. This was the first case of homophobic violence prosecuted under hate crime provisions extended in 2008.

Data collection

- 2,267 respondents from Hungary took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 45% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 19% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 33% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- In a June report, the Commissioner for Fundamental Rights criticised the school curriculum's failure to specifically mention sexual minorities. He also expressed concerns that children attending religious education wouldn't receive proper human rights education.
- In September, the new national school curriculum entered into force and introduced compulsory religious education. (Parents may opt out and choose a non-religious moral education class instead.) One religious education textbook for 10 year-olds refers to homosexuality as a deadly sin. The Ministry of Human Resources refused to comment on the textbook, claiming that the state had no control over the content of religious education.

Equality and non-discrimination

- In May, a lesbian couple turned to the Equal Treatment Authority after the National Blood Transfusion Service barred them from donating blood. The case was settled with the service agreeing to issue a public apology and make it clear in their guidance that “sexual relations between two women in a long-term relationship do not constitute sexually risky behaviour”.

Family

- The parliament adopted a new Civil Code in February, and approved a set of constitutional amendments in March. The constitution already specified that the State “[protects] the institution of the family, which it recognises as the basis for survival of the nation”. This was amended to add that “marriage and parent-child relationships are the basis of the family”, thereby excluding any other form of families. (Marriage is defined as a union between a man and a woman since the constitutional revision that entered into force in 2012.) Any references to registered partnerships were removed from the Civil Code, so that they couldn’t be implicitly considered as family law – a change the Ombudsman decried and asked the Constitutional Court to overturn. The Ministry of Justice replied that registered partners still benefitted from their own separate regulation.
- A political forum took place in July, where opposition parties Hungarian Socialist Party (MSZP, social-democratic), Politics Can Be Different (LMP, green/liberal), Democratic Coalition (DK, social/liberal) and the ‘E14’ electoral alliance voiced support for second-parent adoption for same-sex partners, and artificial insemination rights for lesbian couples. They also criticised the right-wing majority’s bid to restrict the constitutional definition of a family.
- Hátter turned to the Commissioner for Fundamental Rights, asking for a constitutional review of the exclusion of lesbian couples from assisted reproductive technologies. In October, the Commissioner rejected the petition claiming that according to jurisprudence, there is no right to

assisted reproductive technologies. Nevertheless, he added that in his opinion, “there [was] a chance that the European Court of Human Rights would find [this exclusion] discrimination based on sexual orientation”.

Freedom of assembly

- About 8,000 people took part in the July Pride march in central Budapest, which unfolded mostly peacefully. Unlike in 2011 and 2012, the police didn’t attempt to keep the event from taking place, and issued a permit forthrightly. During the event, police forces cordoned off the central route. One Member of the European Parliament and three political parties (MSZP, Együtt-PM, and DK) supported the event. 19 embassies (European, Australian, Israeli and American) expressed support for the event. The KDNP (Christian-democratic/conservative), in a governmental coalition with right-wing party Fidesz, issued a statement criticising a “travelling circus” causing “massive traffic chaos”. Far-right political party Jobbik gathered 300 counter-demonstrators near the Pride.

Legal gender recognition

- In September, the Commissioner for Fundamental Rights turned down Hátter’s request for a constitutional review of funding policies for gender reassignment procedures. The commissioner argued that medical funding is a health policy matter, separate from constitutionality and human rights.

Participation in public, cultural and political life

- The government set up a new consultation mechanism to dialogue with NGOs. The Human Rights Roundtable comprises 12 working groups, including one on LGBT rights. NGOs have said they would monitor the effectiveness of the mechanism.

Police and law enforcement

- In November, Hátter delivered a series of training sessions for police officers in the national hate crime network.

Public opinion

- Half of the respondents to an Ipsos poll published in June supported current registered partnerships, which are open to both same-sex and different-sex couples. 40% said they saw no objection to homosexuals raising children, and 30% supported marriage equality.



Iceland



Iceland continued to demonstrate high social, political and legal standards in relation to sexual orientation and gender identity. Notably, parliamentarians started examining a proposal to add gender identity to the list of grounds protected from bias-motivated speech.

Bias-motivated speech

- In September, the Christian conference 'Festival of Hope' in Reykjavik was criticised for hosting US evangelical minister Franklin Graham as the headline speaker, because of his outspoken homophobic views. The Icelandic National Church was involved in the conference, and criticised for the same reasons. The State church explained it hadn't known about Mr Graham's involvement when it agreed to co-host the event, and apologised.
- In October, Minister of Interior Hanna Birna Kristjánsdóttir put forward a bill to punish bias-motivated speech based on gender identity. The proposal would modify the Penal Code to include the new ground in the list of existing grounds, for which up to two years in prison are foreseen. Dunja Mijatović, Representative on Freedom of the Media for the Organization for Security and Co-operation in Europe (OSCE), criticised the bill and said it could restrict freedom of speech. Activists responded that these penalties existed already for other grounds, and questioned the representative's opposition to this amendment alone. The bill was forwarded to the parliament's Judicial Affairs and Education Committee for discussion.

Enlargement

- Iceland formally applied to join the European Union in 2009, and negotiations have been on-going since 2010. In its annual report on progress towards accession to the EU, the European Commission noted in October that "Iceland continues to have high standards in the area of the judiciary and fundamental rights", including LGBTI rights. However, the government elected in April put EU negotiations on hold until further notice.

Equality and non-discrimination

- In October, four MPs proposed setting up a committee of civil society, experts and political parties to work towards a comprehensive action plan on LGBT equality. By the end of the year, the proposal hadn't been voted upon.

Foreign policy

- In July, the Deputy Mayor submitted a motion to the City Council on behalf of Mayor Jón Gnarr and the city's Human Rights Office to formally cut ties with sister city Moscow on account of Russia's adoption of a federal 'anti-propaganda' law (see **Russia**). In November, city authorities suggested cooperating with Moscow on youth and family matters (including a special emphasis on the human rights of LGBT people) instead of formally cutting ties.

Participation in public, cultural and political life

- In April, openly lesbian Prime Minister Jóhanna Sigurðardóttir stepped down from her post ahead of the general election, and announced she would retire from politics. She had been the world's first openly lesbian (or gay) head of government when taking up the post in 2009. The former Prime Minister announced she would take part in the 2014 World Pride Human Rights Conference.



Ireland



LGBTI issues enjoyed strong support from government, parliament, and the general public in a number of areas. New school anti-bullying policies were announced at ministerial level, overwhelming support was expressed for marriage equality at all levels, and early legislative proposals were put forward to allow for trans people's legal gender recognition.

Bias-motivated violence

- In March, NGO Transgender Equality Network Ireland (TENI) launched the *Stop Transphobia and Discrimination (STAD, or 'stop' in Irish)* campaign. The project received 32 reports of bias-motivated crimes targeting trans individuals. The detailed report will be published in 2014.

Data collection

- LGBTI NGOs commissioned a study on the lives of 153 LGBT parents, their 272 children, and 170 prospective parents. Published in February, the report showed that 16% of parents didn't have any legal status in relation to their child, impacting the lives of 51 children. 51% of parents had children from previous heterosexual unions, and 49% had become parents via other means.
- 1,625 respondents from Ireland took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 47% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 18% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 35% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).
- In December, TENI published a survey supported by the Health Service Executive, *Speaking From The Margins*, which found that 78% of 164 respondents had contemplated suicide at least once, and 44% had attempted to commit suicide at least once.

Education

- In January, the ministers for Education and Skills and for Children and Youth Affairs launched the *Action Plan on Bullying*, which included a focus on homophobic and transphobic bullying. The plan led to the announcement in September of new anti-bullying procedures requiring

all primary and secondary schools to specifically address homophobic and transphobic bullying, and to the funding of LGBTI NGOs' campaigning and policy work on education.

- In February, Ireland hosted a European conference on homophobic and transphobic bullying in schools with the support of the Minister for Education as part of the Irish EU Presidency.

Employment

- In January, the Equality Tribunal fined a credit union EUR 24,000 for discrimination against a gay employee. Colleagues had ostracised the victim, and managers had failed to address the issue.
- In March, a group of Labour Senators and TDs (MPs) published the *Employment Equality (Amendment) (No 2) Bill* in the Senate, to remove an exemption for religious schools or hospitals from part of the anti-discrimination laws. The Equality Authority started a consultation in November, which must conclude before the bill progresses further.

Equality and non-discrimination

- In April, prominent LGBTI activist Kieran Rose was appointed to the Irish Human Rights and Equality Commission (IHREC), a new institution replacing former human rights bodies.
- In May, the European conference *LGBT Youth & Social Inclusion* organised by NGOs took place with the support of the Department of Children and Youth Affairs during the Irish EU Presidency.
- The same month, the Church of Ireland's governing assembly, the General Synod, voted to establish a new committee to examine the Church's relationship to homosexuality. However, the Church's LGBT group Changing Attitude Ireland criticised it for not including any openly LGBT person.

Family

- In April, the Constitutional Convention (a body set up to review Ireland's constitution comprising 33 politicians and 66 randomly-chosen citizens) discussed marriage

equality. It received over 1,000 public contributions, and listened to positive and negative views over two days of discussion. 79% of convention members recommended amending the Constitution to allow for civil marriage for same-sex couples. The government pledged it would hold a referendum in 2015. Tánaiste (Deputy Prime Minister) Eamon Gilmore TD and Taoiseach (Prime Minister) Enda Kenny TD welcomed the vote, and expressed their support for marriage equality.

- Child Protection Rapporteur Geoffrey Shannon recommended that civil partners be granted minimal parenting rights. In his July report, Mr Shannon described the current situation – i.e. that civil partners may not have any legal relationship to their partner's biological children – as “ignoring reality”.
- In November, the Department of Justice published a briefing note on the forthcoming *Family Relationships and Children Bill*, which will recognise the diversity of families, including by granting parental rights to same-sex couples with children. The bill will provide for guardianship, custody, and address medically assisted procreation and surrogacy, and would grant same-sex couples the right to apply to adopt. The government pledged it would complete the passage of the bill through parliament in 2014.
- In December, the list of foreign same-sex unions treated as civil partnerships under Irish law was amended to reflect global developments, recognising 57 types of foreign same-sex unions.

Foreign policy

- In September, Tánaiste (Deputy Prime Minister) Eamon Gilmore TD said the government “strongly disagreed” with Russia's new ‘anti-propaganda’ law (see **Russia**). The Department of Foreign Affairs updated its website, advising LGB travellers to exercise caution when travelling to the country.

Health

- In February, the Health Service Executive and NGOs organised the *Transgender Healthcare Seminar*, a high-level

conference on healthcare pathways and treatment available to trans people.

- In July, the Mental Health Commission (the national regulator of mental health services) published a guide on LGBT-inclusive services for all mental health services together with the Gay and Lesbian Equality Network (GLEN).

Human rights defenders

- In March, TENI published the book *Equality & Identity: Trans and Intersex Experience in Ireland*, examining aspects of trans and intersex life in the fields of law, health, education, bias-motivated crime, family and employment.

Legal gender recognition

- In February, Dr Lydia Foy started new proceedings at the High Court, requiring the government to act on the same court's 2007 ruling on her right to obtain a birth certificate reflecting her gender after a transition. Minister for Social Protection Joan Burton had promised legislative change by 2012.
- Individual members of parliaments registered two bills on legal gender recognition were registered. The *Gender Recognition Bill 2013* introduced in the Dáil (lower house) May would allow for legal gender recognition upon a simple declaration. The *Legal Recognition of Gender Bill* introduced in July in the Seanad (upper house) would allow the same, but minors could only access the procedure with their legal guardians' approval.
- In July, Minister for Social Protection Joan Burton outlined a future government bill on legal gender recognition, which would require trans people to dissolve any existing union, and make the procedure unavailable to minors. In October, parliamentarians invited stakeholders to discuss the proposal so as to inform the bill's drafting in 2014.

Public opinion

- 75% of respondents in a February poll said they would support marriage equality in a referendum, and 54%

agreed that same-sex couples should be allowed to jointly adopt a child. For 69%, growing up in a loving home mattered more than necessarily having a mother and a father.

- Another poll in November – after the future referendum was announced – showed that 76% of respondents would still support marriage equality.



Italy



While the Chamber of Deputies started examining a law to make bias-motivated crimes on grounds of sexual orientation or gender identity specific offenses, NGOs and supportive politicians decried an amendment exempting homophobia or transphobia occurring in the context of political, cultural or religious organisations, an exceptionally wide exception. A national strategy against homophobia and transphobia was introduced by governmental decree, and was considered good but not effective enough by LGBTI activists, while religious leaders attacked it. A few high-level politicians made clear their support for LGBTI issues, especially civil unions and combating violence.

Bias-motivated speech

- A new law to punish bias-motivated speech was debated and adopted by the lower house of parliament (see **Bias-motivated violence**).

Bias-motivated violence

● In March, MP Ivan Scalfarotto (PD, social-democratic) presented a bill (no. 245) making it a criminal offense to instigate or commit either discrimination or acts of violence on the grounds of homophobia or transphobia. The bill was approved in committee, and moved to the plenary where it faced heightened opposition. Opposing MPs put forward an amendment creating an exception for “conduct undertaken within organisations that carry out political, union, culture, health, education, religion or worship activities”, i.e. homophobic speech or actions within any sort of organisation. (The amendment also applied to bias-motivated speech on other grounds, such as ethnicity or religious beliefs.) The amendment was adopted, angering LGBTI NGOs who said this emptied the bill of its power. The bill avoided further stalling attempts, and came to a vote in September, during which 5 Star Movement (M5S, populist) MPs staged a same-sex kiss-in with one another. The amended proposal was approved with 228 votes in favour, and 57 against. It continued on to the senate floor.

- During debates on the anti-homophobia law, MPs known for their homophobic politics joined religious and conservative NGOs to brand themselves as *Manif pour tous Italy*, an emanation of the French anti-marriage equality movement (see **France**). The group led demonstrations against the anti-homophobia law.
- In July, the *Sentinelle in piedi* (‘the watchers’), another movement emulating French anti-LGBTI rights protesters, emerged to criticise the Scalfarotto bill.

Data collection

- 13,255 respondents from Italy took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 54% of respondents felt

discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 20% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 34% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Employment

- In May, the Chamber of Deputies (parliament’s lower chamber) amended internal rules to provide health coverage to MPs’ partners of the same sex. MP Ivan Scalfarotto (PD, social-democratic) had suggested the change, and MP Alessandro Zan (SEL, left-wing) added that this ought to be replicated nationwide by recognising same-sex unions.

Equality and non-discrimination

- In May, Josefa Idem was one of 11 EU Member States’ equality ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).
- Italy also remained active in the Council of Europe’s LGBT Project, an opt-in programme to help governments develop cross-sectoral LGBT policies and combat discrimination on the basis of sexual orientation or gender identity (see **Council of Europe**). In April, this led to the publication by ministerial decree of a *National strategy to prevent and contrast [sic] discrimination on grounds of sexual orientation and gender identity 2013 – 2015*, which activists welcomed as a clear signal of political will, but criticised for lacking clear goals and sustained funding. Religious and conservative groups strongly criticised the strategy, calling on the Minister of Education to abandon it.

Family

- Throughout the year, several employers (Call & Call Holding, Servizi Italia, University of Bologna) granted their employees marital leave to marry their same-sex partners overseas.

- A few high-level figures made statements in favour of civil unions. In January, Prime Minister Mario Monti (Scelta Civita, centrist) stated that he opposed marriage equality, but that “Parliament could find other solutions for other kinds of unions and cohabitations”. In April, Constitutional Court President Franco Gallo called on MPs to recognise same-sex unions, which the court had asked three years prior (ruling 138/2010). In May, PdL MP and Culture Committee Chairman Giancarlo Galan put forward a proposal creating civil unions for same-sex couples, similar to marriage save for parenting rights. Another senior PdL MP, Sandro Bondi, expressed support for increasing the rights of same-sex couples. The same month, Chamber of Deputies Speaker Laura Boldrini said in a speech: “Homosexuals must see their unions recognised by the law of the land in Italy, too.” And in June, Equal Opportunities Minister Josefa Idem promised during a side event at national Pride celebrations in Palermo “a bill on civil unions, [which] increasing numbers of citizens are rightly asking for”.
- Throughout the year, the cities of Bari, Genoa, Reggio Emilia, Monza and 18 other towns opened local civil registers for all unmarried couples, granting them rights under the cities’ competences (e.g. social housing, mortuary services, etc.). Although registering couples may be allowed to celebrate their union at the city hall, their unions will be void nationally.
- Several decisions were reached concerning the custodial care of children. In January, the Supreme Court of Cassation ruled that a child may be put in the exclusive custody of his mother regardless of the sex of her partner (*case no. Cass. 601/2013*). In October, the Court of Genoa ruled that the sexual orientation of a parent and the fact that they may live with a partner of the same sex mustn’t affect decisions made regarding a child’s guardianship. And the same month, a family judge in Bologna placed a three-year-old girl in temporary foster care with a gay couple close to her family.
- In February, the Court of Reggio Emilia ruled that a Brazilian trans woman married to an Italian woman was entitled to a residence permit (*case no. 8354/2012*).

Foreign policy

- Throughout the year, Foreign Affairs Minister Emma Bonino (Italian Radicals) strongly criticised Russia’s ‘anti-propaganda’ laws in bilateral meetings with the Russian Foreign Affairs Minister, and in public statements.
- In April, the City Council of Turin approved a motion condemning a new ‘anti-propaganda’ law in sister city St Petersburg (see **Russia**).

Freedom of expression

- The Opera Gallery in Rome planned hosting an exhibition featuring photos of same-sex couples kissing in churches. In September, the gallery received a letter from the Vatican threatening legal action because the photographs “could harm the religious sentiment of the faithful”. The gallery chose not to display the pictures, but in October the exhibition was vandalised nevertheless.

Legal gender recognition

- Regional courts have unequally interpreted national law related to legal gender recognition. In February, the Bologna Court of Appeals rejected the request of a trans person to have their gender changed in identity documents without undergoing sterilisation (*case no. 35/2012*). However, in May the Rovereto Court ruled (*case no. 1027/2012*) that a trans person did not have to undergo mandatory sterilisation in order for their gender to be recognised, stating that mandatory sterilisation would breach the ‘inviolable rights’ guaranteed under the Italian Constitution.

Participation in public, cultural and political life

- In May, State Secretary for Equal Opportunities Michaela Biancofiore (People of Freedom, centre-right/conservative) left the government a day after its formation. LGBTI NGOs had criticised her nomination to the post because of previous homophobic remarks, to which she responded “For once, I would like to see gay associations, instead of ‘ghettoising’ themselves [...] say something to condemn the recent spate of killings of women [in Italy. ...] All they do is defend their own

interests.” She was invited to resign by newly-elected Prime Minister Enrico Letta.

- In September, the chairman of renowned pasta company Barilla said during an interview that his adverts would never feature a “gay family”. An international barrage of negative comments followed on social media, and company representatives apologised within hours. In following months, Chairman Guido Barilla held at least eight meetings with activists in Italy and the United States, *Reuters* reported. The company set up an advisory board to avoid repeating similar mistakes.



Kosovo*



Continued violent attacks and threats directed at LGBTI activists show rampant homophobia remains a serious concern in Kosovo. While anti-discrimination legislation on the grounds of sexual orientation was already in place, an amendment adding the ground of gender identity was put forward but not adopted by the end of the year. The impact of the law proved very limited in the absence of any policy to ensure its effective implementation, or demonstrated political will.

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

Access to goods and services

- Activists reported numerous occurrences of LGBTI persons being refused service in bars or cafés after vendors realise or assume their identity. However, since there is no legal basis to report cases to authorities, no numbers or specific cases were available.

Bias-motivated violence

- Violent incidents against the LGBTI community have continued escaping investigation and prosecution. After magazine Kosovo 2.0 published a highly controversial issue on sex and sexuality in December 2012, NGOs reported seven cases of violence, as well as an attack on LGBT NGO Libertas (which no longer exists). These events were investigated, but in December EULEX (the European Union-run assistance programme to Kosovo) told LGBTI NGO QESh that it would dismiss the case concerning Libertas for lack of evidence to identify perpetrators. QESh brought the case before the Ombudsperson.

Enlargement

- Kosovo is considered a potential candidate to join the European Union since 2008. In its annual report on progress towards accession to the EU, the European Commission noted in October that the LGBTI community “faces major challenges in Kosovo. It continues to face discrimination, threats and violence.” The Commission added that “violent incidents against the LGBTI community need to be investigated and prosecuted.”

Equality and non-discrimination

- In May, QESh held a roundtable on LGBTI issues with support from the government. Minister for European Integration Vlora Citaku and Ombudsperson Sami Kurteshi took part in the event.
- Throughout the year, the Prime Minister’s Legal Office worked to amend the *Anti-Discrimination Law*, considered lacking in its implementation and clarity as to the role of different institutions. During the process, officials consulted human rights organisations, including LGBTI NGO QESh. Gender identity was added to the list of discrimination grounds. (Sexual orientation was included

in the original version.) QESh provided input to the process.

- During the drafting of the *Gender Equality Bill*, a mention of the “protected characteristic of gender reassignment” was added. The bill was due for adoption in 2014.

Participation in public, cultural and political life

- LGBTI NGOs have reported being regularly invited by the government to provide input as part of consultations regarding future laws and the implementation of existing laws.



Latvia



The social climate remained rather hostile to LGBTI people in Latvia, although an EU-wide survey suggests LGBT people's experience of discrimination and harassment are the same as the EU average (i.e. 27-47% depending on the situation). An ultra-conservative group also initiated a petition, calling for a referendum on two proposals to limit freedom of expression and assembly; both proposals are very similar to controversial laws in Russia and Lithuania.

Bias-motivated violence

- In its report *Because of who I am: Homophobia, transphobia and hate crimes in Europe* published in September, Amnesty International specifically underlined Latvia had so far failed to include sexual orientation or gender identity as aggravating motives in its criminal law.

Data collection

- 501 respondents from Latvia took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 48% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 27% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 32% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- Latvia also remained active in the Council of Europe's LGBT Project, an opt-in programme to help governments develop cross-sectoral LGBT policies and combat discrimination on the basis of sexual orientation or gender identity (see **Council of Europe**).

Freedom of expression

- A group named 'Protect Our Children' requested authorisation from the Central Election Commission to start collecting signatures for a citizens' initiative to restrict freedom of expression and assembly. The conservative group seeks support for two amendments to the *Law on the Protection of the Rights of the Child*, avowedly to prevent the EuroPride from taking place in Riga in 2015. The first amendment would mandate sexuality education to be based on article 110 of the Constitution, which states that marriage is between a man and a woman. It would also prohibit the "promotion" and "advertising" of same-sex relations and marriage in

educational settings. The second amendment would make it illegal for children to march in, or stand by, "events aimed at publicising and promoting same-sex marriage and sexual relations", i.e. Pride marches. The Commission authorised the collection of signatures in November. Organisers must collect 30,000 notarised signatures within a year, and if they succeed, collect a further 124,000 (i.e. a total equal to 10% of registered voters in the last national election) for the proposals to be submitted to Parliament. If MPs do not adopt the proposals, they will be submitted to a referendum.



Liechtenstein



The situation remains similar to the previous year: there are no provisions against discrimination in law; family rights remain limited (only civil partnerships are available, and same-sex parenting is not possible under the law); no provisions for legal gender recognition exist; and no hate crime laws covering bias-motivated crime or speech based on sexual orientation or gender identity are in place.

Equality and non-discrimination

- In 2013, Liechtenstein was reviewed during the UN Universal Periodic Review process and accepted a recommendation to raise awareness against homophobia and in favour of non-discrimination among its population.



Lithuania



Numerous violations of LGBTI people's human rights occurred in 2013, mostly consisting of legal restrictions or proposals by State actors. Five parliamentary proposals were put forward to legally protect bias-motivated speech against LGBTI persons; limit freedom of speech and assembly for supporters of equality and non-discrimination; restrict the constitutional definition of 'family life' to married heterosexual couples and parents; prevent same-sex couples from adopting or fostering children (they currently cannot); and outlaw sexual reassignment surgery for trans people. Having raised every available legal obstacle to prevent the Baltic Pride from taking place in central Vilnius, the mayor was forced by a high court to allow the march. Two advertisements for the pride event were also partially censored on public television in application of the controversial *Law on the Protection of Minors* (similar to other 'anti-propaganda' laws), adopted in 2010.

Bias-motivated speech

- Of the three government nominees to fill the Lithuanian seat at the European Court of Human Rights, LGBTI activists criticised Ignas Vėgėlė who had previously said: “If we allow gender reassignment surgeries, homosexuals will start changing their sex in order to adopt children”. Another nominee was selected.
- MP Petras Gražulis joined the Lithuanian delegation to the Parliamentary Assembly of the Council of Europe (PACE) as a deputy member. Liberal Movement MPs criticised the move, saying Mr Gražulis’ numerous homophobic statements should disqualify him from representing the Seimas in PACE.
- In June, nine MPs proposed an amendment (*no. XIIP-687*) to the Criminal Code in order to legally protect criticism of sexual behaviour and incitement to ‘change’ one’s sexual orientation. (The Penal Code currently punishes mockery, stigmatisation, incitement to hatred or discrimination based on gender and sexual orientation.) The proposed Penal Code amendment stipulates that “criticism or discussion of sexual behaviour and sexual practices, convictions, or opinions [*sic*] as well as attempts to convince to change such behaviours, practices, convictions, and opinions” should not be considered bias-motivated speech. In November, the government said it opposed the proposal; by the end of the year, it was still pending.
- In September, Order and Justice MP Petras Gražulis (TT, conservative/populist) initiated and then led homophobic chanting at a basketball game broadcast nationally. He started singing “Whoever’s not jumping is a faggot!”, and led fans along.
- In November, Mr Gražulis visited the office of LGBT NGO Lithuanian Gay League (LGL) unannounced to hand over a pair of jeans with a back zipper located between the buttocks. The MP was accompanied by a cameraman. Bias-motivated violence
- In February, openly gay singer Ruslanas Kirilkinas was pelted with eggs at a concert. The culprit had also helped organise homophobic protests against Baltic Pride in 2010.

- In December, a man asked an LGL volunteer outside a nightclub if he was gay. When the volunteer said he was, the man punched him in the face and continued kicking him on the ground. LGL demanded that the attack be investigated; a pre-trial investigation was underway as of early 2014.

Data collection

- 821 respondents from Lithuania took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 61% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey, the highest incidence across the EU (average 47%; lowest 30% (Netherlands)). 27% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 42% – again the EU’s highest – felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- In June, 11 MPs from three political parties wrote to the European Parliament, the EU Agency for Fundamental Rights and Lithuanian MEPs, expressing concern over three legislative proposals which would restrict LGBTI people’s human rights. Speaker of the Seimas (parliament) Vydas Gedvilas commented that this appeal had been too hasty, since the proposals had only been discussed so far. The President of the European Parliament replied that he found the Lithuanian “state of affairs completely unacceptable”, but didn’t take specific action.

Family

- In February, Justice Minister Juozas Bernatonis confirmed he wouldn’t propose legalising registered partnerships or marriage equality. President Dalia Grybauskaitė also said she thought this discussion would be premature.
- In April, 18 MPs proposed an amendment (*no. XIIP-473*) to the Civil Code that would outlaw LGBT couples

or individuals from adopting or fostering children, and stating that “every child has the natural right to a father and a mother”. The Ministry of Social Security and Labour said the government should reject the proposal, which was still pending by the end of the year.

- In December, the parliament agreed to examine a constitutional amendment presented by 108 MPs to state that ‘family life’ refers either to marriage between a man and a woman, or to motherhood and fatherhood. During an initial orientation vote, the proposal received 65 votes in favour, 8 votes against and 11 abstentions. Future votes were scheduled for 2014.

Freedom of assembly

Baltic Pride

- Vilnius’ second-ever Pride march was subjected to intense political and judicial debate. Political opposition to the Baltic Pride started before organisers announced a date for the event. They filed a formal request in January to hold the march on 27 July in downtown Vilnius (Gediminas Avenue), which the municipality turned down immediately citing safety concerns over crowds; economic concerns for businesses that would have to close on the avenue; and the 2010 precedent of holding the event on Upės Street, an isolated and hardly accessible street but described as “central” by the municipality. Organisers appealed to the Vilnius Regional Administrative Court in February, arguing that other demonstrations were regularly allowed on Gediminas Avenue, and a refusal for the Baltic Pride only would run contrary to the Constitution, the ***Law on Public Meetings***, and European Court of Human Rights jurisprudence. In April, the Administrative Court ruled that the municipality couldn’t issue a permit for Upės Street without consulting the organisers, but had to negotiate any alternative location with them. The municipality appealed the ruling before the Supreme Administrative Court, which in June confirmed the lower court’s ruling and instructed the municipality to either negotiate with organisers, or formally ban the event. The municipality opted for the latter, and organisers appealed that decision to the Regional Administrative Court. The court found against

the municipality, and ordered it to allow the event in the city centre. The municipality appealed to the Supreme Administrative Court again, which ruled four days before the event that the municipality had to allow the event on Gediminas Avenue, confirming all lower judgments. The municipality issued the necessary documents three days ahead of the march, which took place under the protection of 400 police officers for 500-800 marchers and up to 800 opponents, according to media and organisers. Vilnius Mayor Artūras Zuokas later commented that “no more of these festivals” were needed in the future, while Prime Minister Algirdas Butkevičius said the event was lent too much importance, mostly due to opponents’ work.

Support and opposition to Baltic Pride

- Baltic Pride organisers received political support from Foreign Affairs Minister Linas Linkevičius (his adviser read a speech at the Baltic Pride conference opening); five European countries’ ambassadors; Swedish Minister for European Affairs Birgitta Ohlsson (who took part in the event, where counter-demonstrators pelted her with eggs); the Mayor of Copenhagen; four Members of the European Parliament (who took part in the march and/or the conference); and the Liberal Movement.
- As Lithuania’s EU presidency of the Council of the European Union began in July, both the President and Prime Minister declined to comment on the municipality’s attempts to hinder the event, or pretended that “all minorities were treated equally” in Lithuania. Conversely, Foreign Affairs Minister Linas Linkevičius said Baltic Pride would demonstrate society’s maturity.
- MP Petras Gražulis issued a press release on the parliament’s website several days before the event, calling on the public to “actively protest against” it. During the event, he forcefully broke police lines and vocally assaulted marchers. His parliamentary immunity shielded him from prosecution.
- Liberal Movement MP Marija Aušrinė Pavilionienė requested to host a conference on LGBT rights in parliament the day before Baltic Pride. Parliament

authorities turned down her request, citing conflicting events organised for Lithuania's EU presidency. Ms Pavilionienė affirmed no such events were planned that day.

Freedom of expression

- In May, MP Petras Gražulis introduced a bill (*no. XIP-4490(2)*) amending the *Code of Administrative Violations* to punish with fines of up to LTL 6,000 (EUR 1,800) the “public denigration of constitutional moral values” (the Constitution explicitly states that marriage is between a man and a woman), and organising public events “contravening public morality” (avowedly, Pride events). (He had made a similar proposal during the previous legislature, which was sent back for review.) The Committee on Human Rights recommended discarding the amendments, but the plenary overruled this recommendation in November, and forwarded them to the Committee on State Administration. Addressing MPs during a plenary session in May, Foreign Affairs Minister Linas Linkevičius said the two proposals harmed Lithuania's international image (especially with regards to its EU presidency), and expressed the hope that parliamentarians would not discuss them. President Dalia Grybauskaitė did not voice any opinion about the proposals, and stressed they were private members' bills.
- Two weeks before Baltic Pride, the Lithuanian National Radio and Television (LRT) declared two videos advertising the march were unsuitable to minors. The first video invited viewers to take part in the Baltic Pride, and had to be shown after 11pm with a warning of unsuitable content for minors. The second video argued in favour of tolerance and diversity, and had to be shown after 9pm with a recommended viewing age of 14 or older. Organisers complained to the Inspector of Journalists' Ethics, who ruled that the first video did promote a different concept of family than prescribed by law, because it featured a T-shirt with the words 'For family diversity'. The second video was found not to deserve any limitations (after the period it was shown). The inspector stated LRT's

limitations respected the *Law on the Protection of Minors Against the Detrimental Effect of Public Information*.

- A steering group led by a councilman from Kaunas requested that the Central Election Commission authorise collecting signatures for a citizens' initiative to outlaw “any information related with [the] propagation of homosexuality”. The parliament's legal department said the proposed wording was discriminatory, and would breach both the Constitution and international conventions. The commission rejected the initiative, which would have had to collect 300,000 signatures within three months to force a referendum. The steering group announced it might challenge the Commission's decision in court, but hadn't done so by the end of the year.

Legal gender recognition

- In March, the Minister of Justice suggested amending the Civil Code to remove references to undefined legal requirements, which had so far made gender reassignment procedures impossible. The proposal sought to implement the European Court of Human Rights' 2007 ruling in *L. v Lithuania* (*application no. 27527/03*), but activists sternly criticised the proposal, which would have erased gender recognition from the law altogether.
- In parallel, in May parliamentarians started examining a proposal (*no. XIIP-17*) by Homeland Union – Christian-Democrats MPs (TS-LKD, conservative/right-wing) to explicitly outlaw sexual reassignment surgery. During an initial orientation vote, the proposal received 36 votes in favour, 3 votes against and 1 abstention. In October, the government said it opposed the proposal. Its vote was scheduled to 2014.
- In connection with the legal uncertainty surrounding gender reassignment procedures, a woman gave up her Lithuanian nationality and became German to possibly follow a gender reassignment procedure.

Public opinion

- 62% of Lithuanians polled in January said they were against the Baltic Pride, while 15% supported it, 16% did

not give an opinion, and an additional 5% hadn't heard of it. The same poll showed that 72% of respondents did not know any LGBT persons personally.

- A November poll commissioned by the Ombudsman showed overall rising acceptance, as 52% of respondents believed homosexual persons should enjoy equal opportunities on the labour market; 50% said they wouldn't change anything if they lived next to a same-sex couple; and 42% said they would be afraid if their child had a homosexual teacher (down from 58% in 2007).



Luxembourg



A government bill for marriage equality progressed through a parliamentary committee with the prospect of being adopted in 2014, and two openly gay men became Prime Minister and Vice-Prime Minister.

Data collection

- 318 respondents from Luxembourg took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 33% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 18% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 27% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Equality and non-discrimination

- In 2013, Luxembourg was reviewed during the UN Universal Periodic Review process and accepted setting up a programme to provide sexual education, starting at elementary school.
- In May, Marc Spautz was one of 11 EU Member States' equality ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

Family

- In February, the parliament's Legal Committee examined and adopted the Marriage Bill. The bill was initially put forward by the government in 2010, and would have allowed same-sex couples to marry and adopt. However, the committee decided to split the bill, and propose adoption rights separately in the future.
- In February 2014, the parliament's legal committee examined and adopted the Marriage Bill.
- The bill was initially put forward by the government in 2010 and allows today in April 2014 after slight additional amendments in its final version same-sex couples to marry and adopt."

Participation in public, cultural and political life

- Following early elections in October, a coalition of the Democratic Party (DP, liberal), Socialist Workers' Party (LSAP/POSL) and The Greens led Xavier Bettel, Luxembourg City's openly gay mayor, to become Prime Minister. He nominated the leader of the Socialist Workers' Party – Étienne Schneider, who also happens to be openly gay – Vice-Prime Minister.



FYR Macedonia



Macedonia saw repeated violent attacks on activists and the Skopje LGBTI Centre, including insults, beatings, stone throwing and arson. The ruling party has also used sexual orientation and gender identity as a wedge issue to political ends, attempting to discredit the opposition by forcing them to adopt a position on a constitutional amendment restricting marriage to different-sex couples. Written and online press also remained overtly homophobic, encouraging outings and hatred towards LGBTI individuals. The recently established Commission for Protection against Discrimination showed willingness to be educated on sexual orientation and gender identity, but activists criticised its failure to process related cases.

Bias-motivated violence

- Website *Balkan Insight* reported that the pro-government newspaper Vecer asked readers which journalists they thought were gay, and suggested three names from other news outlets themselves.
- The Skopje LGBTI Centre was attacked on three occasions, including arson, and sometimes while groups were present inside. In March, stones were thrown at the centre during a demonstration. Seven perpetrators were sentenced to 3-12 months' imprisonment, and seven others received suspended sentences. During the Pride Week in June, ten policemen were posted at the centre to prevent violence. However, the officers lacked riot gear and were forced to run away when a mob of 40 masked men with stones, glass bottles, steel pipes and pyrotechnic materials ran towards the venue. One Pride participant and one police officer had minor injuries, and the front window was broken. This attack was condemned by ambassadors in Skopje, and by the European Parliament in its annual accession report. No one was subsequently arrested. Another attack took place in July, when attackers climbed on the building's rooftop at night, poured flammable fluid beneath roof tiles, and set the roof on fire. The Helsinki Committee reported that none of these attacks was properly investigated, despite the video evidence made available to the police.
- Seven football supporters attacked LGBTI activists in the southern town of Bitola. The activists were carrying flags, placards, and handing out posters on the rights of LGBTI people in the city centre, when attackers violently grabbed the posters, and hit activists' faces while insulting, spitting on, and pushing them around. When an activist attempted to call for help with his mobile phone, one attacker grabbed it and threw it to the ground, threatening to kill him. The activists reported the attack to the police. Subsequently, NGO LGBT United Group received several threats of physical attacks, some amounting to death threats, on its Facebook page. A photo of the activists was also posted on the official Facebook page of the Macedonian Sport Fans' group with the message: "Never again will faggots step foot in Bitola".

Education

- Four textbooks with discriminatory or derogatory content on LGBTI people were challenged before the Commission for Protection against Discrimination (KZD). The KZD hadn't responded to the complaints as of the end of the year.

Enlargement

- Macedonia formally applied to join the European Union in 2004, although formal negotiations haven't started. In its annual report on progress towards accession to the EU, the European Commission noted in October that the situation had worsened overall, and that "the government [needed] to show greater openness to involving [LGBTI] civil society".

Equality and non-discrimination

- Activists criticised the Commission for Protection against Discrimination's lack of political, institutional and financial independence vis-à-vis the government, which they said hindered its power or willingness to process LGBTI-phobic cases. They regretted that the Commission had only processed 12 cases related to sexual orientation; had failed to respond within the allowed time limit for 6 cases; and only found a violation in one case. Combined with the absence of judicial recourse for discrimination based on sexual orientation, activists said protection was effectively nonexistent.

Family

- Even though LGBTI organisations had made no demands for marriage equality, in August the parliamentary group of the ruling Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity party (VMRO-DPMNE, nationalist/conservative) announced an initiative to amend the constitution to define marriage as the union between a man and a woman, and restrict adoption to heterosexual married couples or single individuals. The government supported this proposal, but main opposition party Social Democratic Union of Macedonia (SDSM, social-democratic/centre-left) objected this would

increase intolerance and institutionalise discrimination. In September, the proposal failed to receive support from a qualified majority.

Freedom of assembly

- A Pride march initially planned for June had to be cancelled due to serious threats to participants' security. NGOs held a Pride Week the same month instead, which was marred with violence (see **Bias-motivated violence**). The LGBTI Centre held a March of Tolerance in November together with 15 other NGOs, which went ahead peacefully.

Freedom of association

- The LGBTI Support Centre reopened its doors in November following renovations made possible by the United Nations and NGO Front Line Defenders, to make the local safer following numerous attacks (see **Bias-motivated violence**). European Parliament Rapporteur for Macedonia Richard Howitt visited the centre to express the parliament's support.
- By the end of the year, legal proceedings against attackers of the November 2012 March of Tolerance were still pending.

Police and law enforcement

- In September, the Organization for Security and Co-operation in Europe provided a training session on sexual orientation and gender identity to the Commission for Protection against Discrimination.



Malta



Malta witnessed highly positive developments for LGBTI persons. The March general election brought political change in relation to sexual orientation and gender identity, both in law and policy. Political parties, including the incumbent ruling Nationalist Party (PN, Christian-democratic), progressively proved more receptive to LGBTI issues – including same-sex unions – , and a new left-wing political majority led to clear progress in the fields of family law and legal gender recognition.

Bias-motivated speech

- A devout Catholic reader wrote open letters reproduced in the *Times of Malta*, arguing that same-sex couples could not experience love and homosexuality “went against God’s loving law”. Auxiliary Bishop Charles Scicluna stepped in, responding publicly that gay people were “called to chaste friendship and chaste friendship [was] chaste love”, adding that the reader had misrepresented Church teachings.

Data collection

- 358 respondents from Malta took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 51% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 22% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 35% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- The Ministry for Education and Employment set up a working group to review the national anti-bullying policy, and appointed a representative from the Malta Gay Rights Movement (MGRM) to ensure the policy would also tackle homophobia and transphobia in schools.
- The Ministry for Education and Employment also allowed the dissemination of information on the Rainbow Support Service and the LGBTI Youth Drop In to secondary school students.

Equality and non-discrimination

- In May, Helena Dalli was one of 11 EU Member States’ equality ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

- In June, Nationalist Party MP Claudette Buttigieg (PN, Christian-democratic) introduced the *Constitution of Malta (Amendment) Bill (no. 18)* to include sexual orientation, alongside creed and sex, as a ground protected from discrimination in the Constitution. The Labour Party (PL) government lent its support, but Minister for Civil Liberties Helena Dalli told Parliament the Constitution should also be amended to include gender identity. The bill was due to be examined in the course of 2014.

Family

- The new government submitted its *Civil Unions Bill (no. 20)* to Parliament in September. Drafted with extensive input from the Consultative Council on LGBT Rights, the bill affords both same-sex and different-sex couples exact same rights and obligations available to married different-sex couples – including adoption – under a different name. The bill will also provide for the recognition of same-sex marriages conducted abroad. Even though the opposition PN said it supported the principle of civil unions, it has voiced stern criticism of the bill, alongside the Catholic Church, for allowing joint adoption by same-sex couples. In December, PN MP Chris Said announced his party would put forward an amendment to prevent minors from entering civil unions, which it claimed the government-proposed bill could allow. By the end of the year, the bill had gone through second reading stage.

Freedom of assembly

- The tenth annual pride march took place in June. It was sponsored by the government for the first time, and high-level politicians from all three parties attended together with several ambassadors.

Human rights defenders

- Joanna Cassar was appointed to the Xirka Ġieħ ir-Repubblika, a presidential society gathering Maltese citizens “who demonstrate exceptional merit in the service of Malta or of humanity”, for her civil rights battle (see **Legal gender recognition**).

Legal gender recognition

- Following a sex change operation in 2005 and a formal recognition of her female gender on identification papers, Joanne Cassar was still prevented from marrying her male partner. Her case (*Joanne Cassar v. Malta*, application no. 36982/11) remained pending before the European Court of Human Rights, where the pre-election PN government argued it still considered her a man despite the legal change, thereby preventing her from marrying. The post-election Labour parliamentary majority amended the Civil Code, enabling post-operative trans persons to marry a person of the opposite gender and ensuring that they shall be considered as belonging to the acquired sex for all civil status purposes. As a result, Ms Cassar withdrew her case before the European Court of Human Rights.

Participation in public, cultural and political life

- Ahead of the general election in March, MGRM issued a questionnaire to political parties to survey electoral promises related to sexual orientation and gender identity. While Democratic Alternative (AD, greens) positively answered all demands in the field of gender identity, education, political leadership, non-discrimination in employment and services, and family law, the Labour Party (PL) committed to promoting equality in all fields apart from marriage equality (but proposed partnership recognition), and allowing lesbian couples to use medically-assisted procreation techniques. The Nationalist Party (PN, Christian-democratic) did not respond.
- Following its accession to power, the Labour Party honoured its earlier pledge to set up a Consultative Council on LGBT Rights, which the government promised to consult when dealing with sexual orientation and gender identity issues. Comprising six NGOs and some individuals, the Council started its work by drafting a *Civil Unions Bill* and a bill to regulate the recognition of trans persons.



Moldova



A new law against discrimination entered into force, LGBTI activists staged two successful rallies in Chişinău, and a court repealed a local 'anti-propaganda' ordinance in the city of Bălţi. However, parliamentarians added 'anti-propaganda' provisions to the Contraventions Code via secret proceedings, surprising activists and international institutions alike. European and governmental pressure led to the amendment's repeal four months later.

Bias-motivated speech

- During a January hearing opposing LGBTI NGO GENDERDOC-M to the Bălți City Council, members of the public talking to a bishop shouted at representatives from GENDERDOC-M to intimidate them, making comments such as “Dirty person! Don’t sit next to her, isolate her!”, “You won’t have a place here!”, and “They [religious counter-demonstrators] should’ve poured some petrol on [a bus carrying LGBTI activists which was violently attacked in 2008], set [it] on fire, and that’s it – we would’ve got rid of them”.
- GENDERDOC-M filed two formal complaints for homophobic bias-motivated speech to the Prosecutor’s Office. GENDERDOC-M claimed that despite clear documentation and evidence of the two cases, the Prosecutor’s Office didn’t find any wrongdoing and ended the investigations.

Bias-motivated violence

- Even though the new *Law on Ensuring Equality* only explicitly outlawed discrimination based on sexual orientation in the field of employment (see **Employment**), GENDERDOC-M sued a man for harassment in the private sphere under this law. On 17 May, the Botanica District Court of Chisinau in Chișinău found the man guilty of harassment and victimisation of his ex-wife, whom he had insulted and threatened after finding out she was lesbian. This ruling suggests that “any other characteristic” in the law includes sexual orientation.

Education

- In March, Orthodox clergy, conservative citizens and parents of schoolchildren organised a press conference calling to burn a sexuality education book. The volume, *A Family Medical Encyclopedia, Vol. II: Sex Life*, included photographs and artwork related to human sexuality, as well as a section presenting scientific evidence of homosexuality as genetically determined. Organisers said it promoted homosexuality and was unsuitable for children. Criticising the protest, Minister of Education Maia Sandu accused the Orthodox clergy of exaggeration, and

assured that the book would not be withdrawn from public libraries.

Employment

- The *Law on Ensuring Equality* (no. 121) adopted in 2012 entered into force in January, explicitly outlawing discrimination on ground of sexual orientation in the field of employment. The law had been a prerequisite to sign an association agreement with the European Union. The EU had initially pressed for an anti-discrimination law extending to all areas of life, but Moldovan authorities insisted on limiting the coverage to employment only. The law does not cover gender identity.

Foreign policy

- In November, Moldova signed the *EU – Moldova Association Agreement*, made possible by reforms in the field of employment and fundamental rights (see **Employment and Freedom of expression**).

Freedom of assembly

- In February, 8 LGBTI activists took part in a peaceful march with a rainbow flag and signs in downtown Chișinău. This was the first time city authorities allowed a march supporting the rights of LGBT people. The municipality authorised the event following a 2012 European Court of Human Rights ruling, which condemned it for banning a similar event in 2005.
- In May, the Pride march took place in Chișinău but in a different location than initially requested by organisers, and after various legal challenges. GENDERDOC-M had notified the municipality of their intention to hold the march in advance. On 15 May (four days before the event), the mayor filed a claim against organisers before the Central District Court of Chișinău, seeking to move the Pride march to a different location. On the same day, two other organisations notified the municipality of their intention to hold protest rallies against GENDERDOC-M on 19 May, the same day as the Pride, and at the same location. The case *Mayor of Chișinău v. GENDERDOC-M* was heard on 18 May, when the mayor argued that he had received numerous complaints against the Pride march,

and would therefore prefer relocating the event to a remote location. The district court ruled in favour of the mayor, stating that “a number of counter-protesters are going to be present at the scene [of the Pride] and generate serious conflicts”. On 19 May, the two groups could hold their anti-Pride rallies in the city centre, as requested. The Pride march had to be held at the Green Theatre, a fenced venue far from the city centre and isolated from any passers-by. No violence took place on the day, and activists reported that 100 people took part in the event. The rally saw the participation of a Member of the European Parliament, four European and US embassies, representatives from the United Nations, OSCE, Council of Europe and European Union, as well as a brief visit by EU Commissioner for Enlargement Štefan Füle. In July, GENDERDOC-M filed a claim against the mayor, accusing him of discrimination based on sexual orientation under the *Law on Ensuring Equality* (see **Employment and Bias-motivated violence**); the first hearing took place in December.

Freedom of expression

- In 2012, the City Council of Bălţi had adopted a motion *On proclamation of the city of Bălţi as the zone of support for Moldovan Orthodox Church and inadmissibility of aggressive propaganda of non-traditional sexual orientations in the city of Bălţi*, a form of local ‘anti-propaganda’ law. GENDERDOC-M sued the City Council, and a hearing took place in January 2013 at the Bălţi Court of Appeals. The court heard GENDERDOC-M, a City Council representative, a representative from the Ombudsman’s office, and an Orthodox Bishop. Incidents broke out during the hearing (see **Bias-motivated speech**). The court ruled in February that the ordinance was unconstitutional and violated human rights, ordering its repeal.
- In May, the parliament added a new article to the Contraventions Code on “Public activities with a negative impact on minors”, foreseeing fines of MDL 2,000-8,000 (EUR 115-455) and the suspension of legal entities’ activities for 3–12 months. Punishable activities included the “distribution of public information with or without

commission of acts aimed at the propagation of prostitution, pedophilia, pornography, or of any other relations than those related to marriage or family in accordance with the Constitution and the Family Code”, (i.e. heterosexual relations). The law was debated as part of secret proceedings in a two-day session in May, the voting results of which weren’t published; the government did not support the amendment. When the law entered into force in July, it surprised LGBTI activists as well as UN and EU institutions. Following the publication of the law, the Ombudsman criticised its vague wording, and created a working group to assess it together with the Ministries of Interior and Justice. The European Union also condemned the law. In October, parliamentarians voted in favour of a government bill to annul it, in a session that Orthodox priests and communist MPs tried to prevent by blocking entrances to the parliament building.

- In April, a similar ‘anti-propaganda’ law was adopted by the People’s Assembly of the Autonomous Territorial Unit of Gagauzia. The local *Law on ensuring principles of equality* took the national law further by legalising discrimination against LGBTI individuals; legally describing same-sex relationships ‘a sin’; and banning same-sex marriage and adoptions (even though there was no claim to them). LGBTI activists’ formal complaints led the State Chancellery to challenge the law before the Comrat Administrative Court. The court partially repealed the law in June, but legal proceedings were on-going by the end of the year to repeal it entirely.

Legal gender recognition

- In November, the Central District Court of Chisinau ordered the Civil Registry Office to issue two trans individuals who had followed gender reassignment procedures new birth certificates.



Monaco



No developments related to sexual orientation or gender identity were recorded in 2013. The situation remains similar to the previous year: there are no provisions against discrimination in law; family rights remain inexistent (no union are available, and same-sex parenting is not possible under the law); no provisions for legal gender recognition exist; and the law prohibits bias-motivated speech based on sexual orientation, but not gender identity.



Montenegro



Numerous cases of bias-motivated speech and violence illustrated widespread and on-going animosity towards LGBTI people in Montenegro, a trend confirmed by opinion polls and numerous complaints filed with the police. Nevertheless authorities have, on the whole, shown genuine willingness to advance and protect the rights of LGBTI people by condemning homophobic and transphobic violence; lending presidential and ministerial support to a Pride march in Podgorica (the first-ever two Pride events took place this year); and adopting a five-year governmental LGBT strategy.

Bias-motivated speech

- The Penal Code was amended in July to punish bias-motivated speech based on the victim's sexual orientation or gender identity. (Also see **Bias-motivated violence**)
- In a July letter to NGOs, the Ministry for Human and Minority Rights expressly condemned homophobic and transphobic hate speech published in the media or voiced at public gatherings.
- In INSERT MONTH, a first-instance court in Bar handed down a suspended three-month sentence to a student who had published violent homophobic threats on Facebook in late 2012.

Bias-motivated violence

- In July, amendments to the Penal Code newly included harsher penalties for hate crime perpetrated due to the victim's sexual orientation. (Also see **Bias-motivated speech**)
- Occurrences of bias-motivated violence were reported throughout the year, notably against LGBTI activists. In August, a group of homophobes yelled threats and derogatory statements outside an activist's home. The same month, two activists were verbally assaulted on a bridge in central Podgorica by two passers-by. In October, homophobic posters were plastered on the façade and in the elevator of an activist's building. The same month, an activist was shouted at and attacked from behind while walking to work, and in central Podgorica another was shouted at by four men, whose attack was thwarted by police present at the scene. In December, another activist was verbally attacked by an employee at a gas station. All cases were reported to the police.
- In September, conservative groups held a protest against the Pride march planned the following month (see **Freedom of assembly**). Participants shouted homophobic insults and threats, and nine minors were charged with misdemeanour.
- In INSERT MONTH, four LGBTI activists were attacked following a meeting they organised in Kolasin. The police reacted quickly, and initiated misdemeanour procedures against two individuals.

- The leader of NGO LGBT Forum Progress received serious kidnapping and torture threats before, during and after the organisation of the July Budva Pride Parade. The activist reported filing 230 threat reports to the police in August and early September, including a fake obituary. These led the activist to flee the country; while investigations were still on-going by the end of the year, Canada granted him asylum.

Enlargement

- Montenegro formally applied to join the European Union in 2008, and negotiations have been on-going since 2012. In its annual report on progress towards accession to the EU, the European Commission noted in October that the adoption of a national LGBT strategy (see **Equality and non-discrimination**) was a positive step, even though LGBTI-phobic violence remained common.

Equality and non-discrimination

- In 2013, Montenegro was reviewed during the UN Universal Periodic Review process and was asked by several States to take additional concrete steps, and effectively implement existing laws to combat discrimination based on sexual orientation and gender identity. The country was also encouraged to "establish effective mechanisms of dialogue with human rights defenders in the field of sexual minorities [*sic*]".
- In June, a senior adviser at the Ministry of Education and Sports published an article in a magazine read by culture, education and science professionals discussing societal homophobia. The article stressed the negative impact of homophobia, and highlighted the importance of building a society free of prejudice towards LGBT people.
- In April, the government adopted a five-year *Strategy for improving the quality of life of LGBT persons* under the auspices of Prime Minister Milo Đukanović. The strategy set out strategic objectives, individual measures and indicators of success to improve the legal and policy framework in several sectors, including education, healthcare, law enforcement and social acceptance. While some LGBTI NGOs welcomed the strategy itself and its

preparatory process, others criticised both the preparatory process and the final document.

- Montenegro also remained active in the Council of Europe's LGBT Project, an opt-in programme to help governments develop cross-sectoral LGBT policies and combat discrimination on the basis of sexual orientation or gender identity (see **Council of Europe**). Among other positive outcomes, this project led to the opening of an LGBT social centre, and the nomination by the Ministry of Health of an LGBT contact person in every health institution nationwide, according to LGBT Forum Progress.

Freedom of assembly

- In May, activists decorated a central bridge in Podgorica with rainbow-coloured balloons, flags, and messages written by LGBTI persons on the occasion of the International Day Against Homophobia. Although no incidents took place in the presence of activists, decorations were destroyed two hours later.
- In July, the Pride Parade took place in Budva for the first time. LGBT Forum Progress indicated that police reports from the event mentioned 2,000 counter-protestors at the scene, including 500 who attempted to stop marchers from taking part by throwing "chairs, ashtrays and glasses". No severe injuries were reported.
- A second march took place in October in the capital Podgorica. President Filip Vujanović lent his explicit support to the Pride for the first time, and Minister of Human and Minority rights Suad Numanović took part and read a supportive speech. Violent groups of almost 1,500 opponents gathered according to LGBTI NGO Queer Montenegro, but thanks to early consultations between organisers and the police, none of the 200 participants were harmed. Around 20 police officers were injured and 60 hooligans were arrested. On the day following the event, a participant was severely beaten up by about 20 hooligans; the investigation was on-going by the end of the year.

Police and law enforcement

- Throughout the year, law enforcement authorities took part in training sessions organised by

non-governmental organisations. This led to police handling cases of threats and violence against LGBTI people more professionally. LGBT Forum Progress also organised 'trust teams' to reinforce trust between LGBT liaison officers and the community, which noticeably improved police-community relationships.

Public opinion

- In a poll by research centre Strategic Marketing, 29% of respondents agreed that "homosexuals are no better than criminals, and should be punished severely".
- Another poll by research centre Damar, commissioned by the Ministry for Human and Minority rights, found that three quarters of respondents considered it too early to hold Pride marches, while 47% believed they should never be allowed.



The Netherlands



The Netherlands continued to close existing legal gaps related to the protection of the human rights of LGBTI people, hence further progressing towards full legal and political recognition of LGBTI equality. Family law was updated to automatically recognise the parental rights of a biological mother's female partner at birth, and the gender recognition law was finally adapted so that trans people may obtain the right identification documents without compulsory surgery or sterilisation. The Netherlands continued to actively portray itself as open and accepting of LGBTI people in law and policy, both nationally and in foreign policy.

Asylum

- In response to a parliamentary question, Foreign Affairs Minister Frans Timmermans said that Russia's new 'anti-propaganda' law had "stigmatising and discriminatory effects", and contributed to "a climate of homophobia". In the same answer to Parliament, the Minister added that persecution on grounds of sexual orientation constituted grounds for asylum, a juxtaposition which some media interpreted to mean gay, lesbian and bisexual Russians could be granted asylum more easily than in the past. He later clarified that the two remarks were separate: "At this stage, people who are homosexuals are not being persecuted in Russia, so there is no ground for asylum in the Netherlands".
- In November, the Court of Justice of the EU ruled in *X, Y, Z v Minister voor Immigratie en Asiel (cases C-199-201/12)* that people fleeing their country with a well-founded fear of persecution because of their sexual orientation may qualify for asylum under EU law (*Directive 2004/83/EC*). This had previously been left for Member States to assess. The court also stressed that Member States could not reasonably expect gay, lesbian and bisexual asylum-seekers to hide their sexual orientation in their country of origin.

Data collection

- 3,175 respondents from the Netherlands took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 30% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey, the lowest score in the EU (EU average 47%; highest 61% (Lithuania)). 13% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 20% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).
- In October, the Ministry of Education, Culture and Science published the results of a large-scale quantitative study of LGB people in the workplace. The

research found that while lesbian and gay employees report levels of satisfaction, happiness, self-worth and absence of conflict with colleagues and managers similar to levels reported by their heterosexual counterparts, bisexual employees were found to be less satisfied at work, and likelier to change jobs often. The survey also found that levels of discrimination and harassment were lower when employers had diversity policies in place.

Diversity

- In January LGBTI NGO COC Netherlands awarded its Bob Angelo Award to Muhsin Hendricks, also known as the 'Pink Imam'. Hendricks is a South-African national, gay and Muslim cleric.

Equality and non-discrimination

- In May, Minister of Education, Culture and Science Jet Bussemaker was one of 11 national ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).
- In June, MPs adopted new legislation stipulating that civil servants must work in accordance with the principles laid down in anti-discrimination law, leaving no room for civil servants to refuse officiating at same-sex weddings based on personal convictions. LGBTI NGO COC Netherlands estimated the new legislation would constrain approximately 100 civil registrars nationwide. By the end of the year, the Senate still had to approve the legislation.

Family

- In February, the Ministry of Justice announced they would commission a report on the possibility of allowing more than two individuals to share parental authority over a child.
- In November, the parliament approved legislation to automatically recognise the parental rights of a biological mother's female partner at birth. The amendment made costly court adoption procedures that were previously required redundant.

Foreign policy

- In April, thousands of demonstrators gathered in Amsterdam during a state visit by Russian President Vladimir Putin. Members of the public condemned the adoption of new 'anti-propaganda' laws in Russia, and urged the Russian president not to ratify the law (see **Russia**). Amsterdam Deputy Mayor Carolien Gehrels spoke against developments in Russia, while former Mayor of Amsterdam Job Cohen symbolically lowered a rainbow flag down to half-mast outside a gay bar. Numerous other rainbow flags flew lower in Amsterdam. A second protest meeting took place in August, when Amsterdam Mayor Eberhard van der Laan spoke wearing a rainbow chain of office.
- In June, Foreign Affairs Minister Frans Timmermans presented his Human Rights Policy Brief to Parliament. He pledged Dutch foreign policy would focus on the human rights of LGBT people, women, and the protection of human rights defenders.
- In September, the Netherlands took part in ministerial-level efforts to continue promoting the enjoyment of human rights by LGBTI people globally, providing formal political support to the United Nations' new 'Free and Equal' campaign (see **United Nations**).
- In October, existing diplomatic tensions increased between the Netherlands and Russia as a Dutch diplomat was beaten up and had graffiti saying 'LGBT' left at his home. Russia apologised, and said the police would launch an investigation.

Legal gender recognition

- Parliamentarians voted in April (MPs) and December (Senators) to amend the law regulating legal gender recognition. The new law erased stringent requirements, including compulsory gender reassignment surgery and sterilisation. Coming into effect in July 2014, the new measures allow individuals over 16 to obtain correct identification documents upon presentation of an expert's certification. Activists welcomed the move, but added that they would work towards procedures with a lower age limit, and with an optional expert statement.

Public opinion

- The government's Social and Cultural Planning Bureau published the report *Acceptance of homosexual, bisexual and transgender people in the Netherlands* on 17 May. It showed that societal acceptance of LGBTI diversity was on the rise, including among Orthodox, non-western and low income groups, even though these groups showed a lower-than-average acceptance.



Norway



Norway remained among the countries most accepting of LGBTI persons, even though parts of the population still expressed discomfort (e.g. male respondents in a national study of attitudes towards sexual orientation, or parts of Muslim communities). A new law was passed to forbid discrimination in almost all areas, and Norway continued to promote and protect the human rights of LGBTI persons in the world through proactive funding, and its work at the United Nations.

Bias-motivated violence

- The Norwegian police recorded a total of 34 incidents of bias-motivated violence with a homophobic motive.
- Following Amal Aden's participation in the June Oslo Pride march, the Somali-Norwegian author reported receiving 146 threats over voicemail and SMS. Ms Aden is of Somali and Norwegian origins, a Muslim believer, and a lesbian woman. In a newspaper column, she explained many of the messages had accused her of being a bad role model for Muslim children.

Employment

- Hilde Raastad, the first female pastor to enter a civil partnership with a person of the same sex in 1997, announced she had sent the Bishop of Oslo a letter to resign her ministry. She quit in protest over the Lutheran Church's policy that bishops and clerical authorities may turn down someone applying for a ministry because they are lesbian, gay or bisexual (even though LGB persons may be ordained since 2007). Hilde Raastad was turned down for several positions she'd applied to, including when she had been the only applicant. The Bishop of Oslo said he would meet with Raastad to discuss her complaint. She eventually resigned.

Equality and non-discrimination

- The Norwegian Parliament adopted a new anti-discrimination law in June, forbidding discrimination based on sexual orientation or gender identity in all walks of life, except in families and parts of work within religious organisations. LGBTI NGO LLH welcomed the new law, which covers gender expression and gender identity. The law will come into effect in January 2014.

Foreign policy

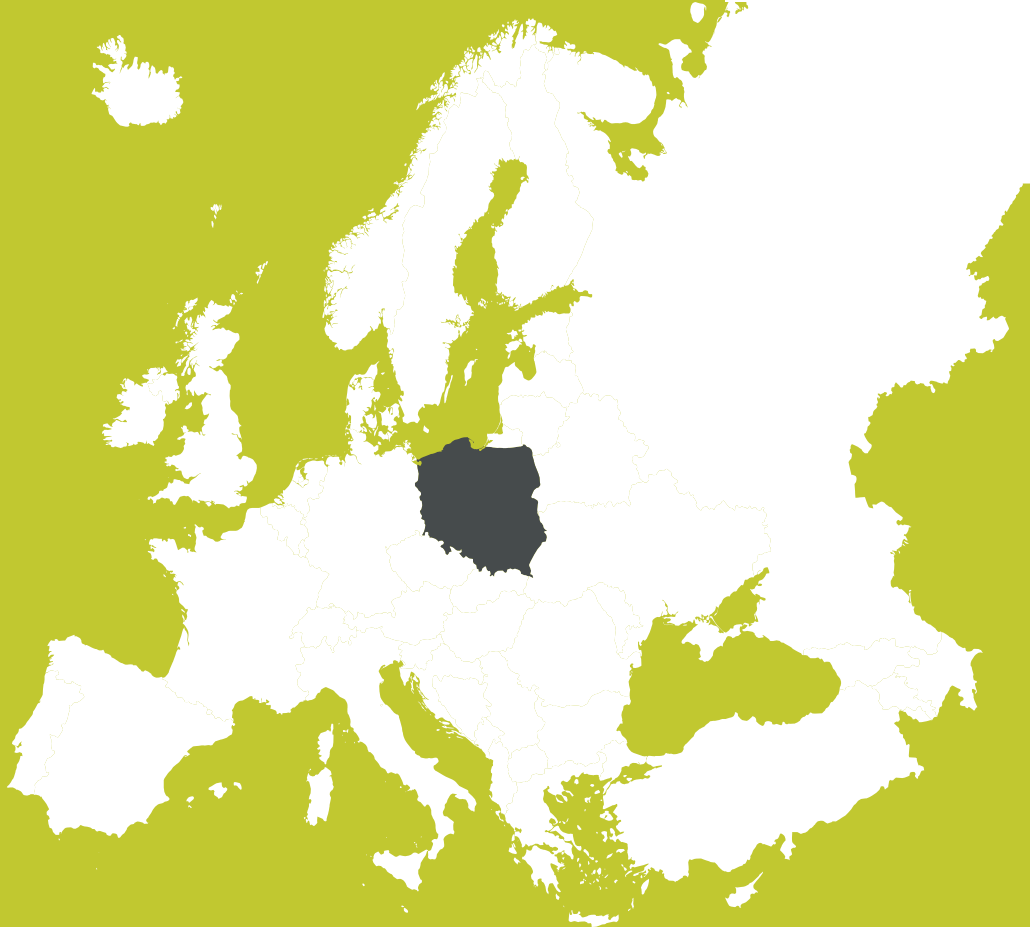
- In September, Norway took part in ministerial-level efforts to continue promoting the enjoyment of human rights by LGBTI people globally, providing formal political support to the United Nations' new 'Free and Equal' campaign (see **United Nations**).

Legal gender recognition

- In September, Minister for Health and Care services Jonas Gahr Støre announced his department would start reviewing health requirements for trans people wishing to have their gender legally recognised. This includes working towards removing sterilisation requirements, and allowing patients who disagree with their initial diagnostic to seek a second medical opinion.

Public opinion

- New research published in November indicates that even though acceptance levels are generally high, 24% of male respondents said they "shivered with disgust" when thinking of homosexual men, and 16% would change seats in public transports if they knew the passenger next to them was gay.



Poland



On the whole, the acceptance of LGBTI persons has continued to rise steadily. A heated parliamentary debate took place over registered partnerships, upended by the defeat of proposals from three different political parties despite national polls suggesting growing support for the measure. Nobel Peace Prize winner and former President Lech Wałęsa also made derogatory comments that were widely commented, but did not receive widespread support.

Bias-motivated speech

- In February, Nobel Peace Prize winner and former President Lech Wałęsa declared, unprompted, that homosexual people should sit at the back of the parliament's chamber, or even behind its walls. His comment was a reaction to the candidacy of Anna Grodzka for the position of Deputy Speaker (see **Participation in public, cultural and political life**). He added that since LGBT people were a minority, they should be given rights proportionally to their number. He refused to retract or amend his comments despite being widely decried—including by his son Jarosław Wałęsa, Member of the European Parliament for the Civic Platform (PO, centre-right). In response, Palikot's Movement (RP, liberal/anti-clerical; changed name to Your Movement in October) MPs Robert Biedroń (openly gay) and Anna Grodzka (openly trans) sat on the chamber's frontbench normally reserved to party leaders the week following Wałęsa's tirade. The director of the National Committee for Defence against Sects and Violence complained about the remarks to the Gdańsk regional prosecutor, who found no grounds under which to prosecute Mr Wałęsa. (The Polish Penal Code outlaws incitement to hatred "based on national, ethnic, racial, religious or lack of religious beliefs".) (Also see **Public opinion**)
- In December, MP Stanisław Pięta (PiS, conservative/Eurosceptic) commented the adoption of harsh anti-gay legislation in Uganda on Twitter, stating: "Sort of wild people [Ugandans], and yet they know better than to insult the laws of nature. They'd better not lock [homosexuals] up in shared cells." LGBTI NGO Campaign Against Homophobia (KPH) complained to the parliament's Committee of Ethics, whose members found nothing wrong with the comment.

Bias-motivated violence

- In June, openly gay MP Robert Biedroń and a friend were attacked as they sat in a café after the Equality Parade in Warsaw. A man choked, punched and spat on them before running away; he was arrested shortly thereafter.

- Attacks continued against the 9m-high rainbow sculpture made of flowers, installed on Savior Square in downtown Warsaw since June 2012. The art piece was meant to symbolise "openness" and "the need for inclusiveness", according to sculptor Julita Wójcik. The rainbow had been partially set on fire several times since mid-2012 (including once accidentally). Days after the municipality finished refurbishments in November, far-right protesters from All-Polish Youth and the National-Radical Camp burnt it to the ground. Warsaw Mayor Hanna Gronkiewicz-Waltz announced the city would rebuild it again.
- LGBT NGOs reported threats and attacks several times throughout the year, including with smoke grenades in October, and a bomb threat in November.

Data collection

- 2,790 respondents from Poland took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 57% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 23% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 35% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- The Ombudsperson initially considered researching the experience of trans young people at school, but the project never came through. However, it began researching LGB people's experience of discrimination in healthcare.

Equality and non-discrimination

- Poland also remained active in the Council of Europe's LGBT Project, an opt-in programme to help governments develop cross-sectoral LGBT policies and combat

discrimination on the basis of sexual orientation or gender identity (see **Council of Europe**). The government drafted a National Programme for Equal Treatment as part of this programme, but KPH reported it only included “a few” LGBT-related aspects.

Family

- In January, the parliament rejected three bills creating civil partnerships for all couples (same-sex and different-sex). The Democratic Left Alliance (SLD, centre-left/Labour) and Palikot’s Movement (RP, liberal/anti-clerical) put forward the first two bills, which were rejected by clear majorities. Ruling party Civic Platform (PO, centre-right) drafted a third bill, which failed narrowly with 228 votes against (including 46 PO MPs), and 210 in favour. Law and Justice (PiS, conservative/Eurosceptic) and United Poland (SP, strongly conservative/Eurosceptic) had called to reject the three proposals. The Prime Minister supported the third drafted by PO, despite sharp divisions within the party. Right before the vote, Justice Minister Jarosław Gowin reminded MPs that the Constitution forbade marriage between persons of the same sex; Prime Minister Donald Tusk stressed that this was the Minister’s personal opinion. In February, President Bronisław Komorowski commented in an interview that “radical solutions [alluding to civil partnerships] could clash with the Constitution”, which defines marriage as between a man and a woman. Despite repeated efforts to unite his party over this issue, the Prime Minister admitted defeat and conceded coming years would unlikely see a political majority to enact civil partnerships.

Freedom of assembly

- The Equality Parade in central Warsaw took place mostly peacefully in June, under the honorary patronage of Government Plenipotentiary for Equal Treatment Agnieszka Kozłowska-Rajewicz, after President Bronisław Komorowski turned down organisers’ invitation to give his patronage. Marchers were in the thousands, including three MPs and one MEP from SLD and RP. 22 Australian, Canadian, European, New Zealander and US embassies issued a statement of support.

Legal gender recognition

- MP Anna Grodzka (Twój Ruch, liberal/anti-clerical) submitted a *Gender Accordance Bill*, which would replace an unclear judicial procedure with a more accessible administrative one. In December, MPs agreed to examine it by 224 votes to 198 (only 17 PO MPs, including the Prime Minister and the Minister of Justice, voted against).

Participation in public, cultural and political life

- Palikot’s Movement nominated its MP Anna Grodzka, the only sitting trans parliamentarian worldwide, to replace one of parliament’s five deputy speakers. She wasn’t elected to the post. In an interview, Anna Grodzka described receiving death threats from neo-Nazi groups, being shouted at and called names on the street regularly.

Public opinion

- A poll carried out in March by research institute ‘Homo Homini’ (no link to sexual orientation) claimed that 59% of respondents disagreed with Lech Wałęsa when he said homosexuals should “sit behind a wall”; 31% agreed; and 10% had no opinion.
- A June Ipsos survey suggested that 60% of Poles supported concrete measures for same-sex couples in fields such as inheritance and social security. 36% also believed that same-sex couples were “just as likely as other parents to successfully raise children”.



Portugal



Parliamentarians approved second-parent adoption for same-sex couples in a first reading, followed by a discussion in committee. The final reading, originally meant to happen in 2013, was postponed to 2014 due to the sudden proposal for a referendum on second-parent adoption and joint adoption. Another positive development was the inclusion of gender identity in the list of grounds recognised as potentially motivating a biased crime. So was the launch of a governmental campaign against homophobic bullying.

Asylum

- Two Ugandan asylum-seekers were granted international protection this year. This was the first time Portugal accepted asylum applications on the grounds of persecution for one's sexual orientation.

Bias-motivated violence

- In January, parliamentarians amended the Penal Code to include gender identity as a recognised ground of bias-motivated crime, alongside sexual orientation. The Socialist Party (PS, Labour/centre-left) put the change forward; it was supported unanimously.

Data collection

- 2,125 respondents from Portugal took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 51% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 19% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 36% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- In July, the Commission for Citizenship and Gender Equality, a government agency, launched a new nationwide campaign against homophobic and transphobic bullying in schools. The national campaign included a TV ad, the dissemination of postcards, and an informative website for teachers, students and parents. This measure was included in the National Plan for Equality 2011-2013.

Equality and non-discrimination

- The National Plan for Equality 2014-2018 was adopted, featuring a stronger chapter on sexual orientation and gender identity. New measures include

anti-discrimination training in several public sectors (security, justice, health, education, social security, defence); biennial national information campaigns; a planned study on bias-motivated crime; and the monitoring of international recommendations made to Portugal on sexual orientation and gender identity matters.

Family

- In March, NGO ILGA Portugal reported the launch of a group lawsuit against the State, the Ministry of Justice and the Institute of Registries and Notaries, demanding that both members of same-sex couples be allowed to be registered parents via second-parent adoption. ILGA Portugal presented the cases of ten families that would benefit from the measure.
- On 17 May, parliamentarians supported at first reading the Socialist Party's (SP, Labour/centre-left) proposal to allow individuals in same-sex couples, whether married or in a *de facto* union, to adopt the children of their spouse or partner. However, the parliament stopped short of allowing joint adoption, proposed by the Left Bloc (Bloco, socialist) and the Ecologist Party "The Greens" (PEV). Their proposal was rejected with 77 votes in favour. In June, Council of Europe Commissioner for Human Rights Nils Muižnieks wrote to the Chairman of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, urging him to proceed with the adoption of this change, which would "[bring] the Portuguese legislation in conformity with the recent Grand Chamber judgment of the European Court of Human Rights in the case of *X and Others v. Austria* (application no. 19010/07)", when "the Court found that it was discriminatory to exclude second-parent adoption in a same-sex couple if such a possibility was allowed to unmarried different-sex couples" (see **Austria**). The second reading was scheduled in October but hadn't taken place by the end of the year.



Romania



LGBTI individuals faced unwillingness from the police when it came to protecting them from violence or discrimination, while Romania turned out to be among the EU Member States where discrimination is most widespread. An agitated debate broke out over the summer about whether to include sexual orientation in the list of grounds protected from discrimination as part of a constitutional amendment. Conservative actors reacted by proposing to restrict the constitutional definition of marriage to a union between a man and a woman, and parliamentarians ended up rejecting both proposals. Positively, the affirmative portrayal of a gay wedding on national television received a high amount of praise.

Bias-motivated speech

- In April Senator Puiu Hașotti, leader of the National Liberal Party (PNL) group in the Senate, told journalists he had “absolutely nothing to reproach gay people”, but “just [thought] they are sick people. Homosexuality is not a natural state, it is not a natural relationship”. Mr Hașotti said that for that reason, he believed the bill on civil partnerships would fail. Following his statement, the National Council for Combating Discrimination launched an investigation, and found that even though the statement was homophobic, it fell within the limits of freedom of expression that politicians enjoy to a higher degree.

Bias-motivated violence

- In the context of the LGBT History Month in February, NGOs organised the screening of a mainstream lesbian-themed movie (*The Kids Are All Right*) in partnership with the US embassy. Organisers reported that a few minutes into the film, about 50 far-right activists broke into the room at the museum hosting the event, and photographed, filmed and shouted abuse at spectators such as “Beasts!”, “Scum!”, “Death to homosexuals!”, or “You aren’t Romanians!” The aggressors sang the national anthem, Orthodox chants, brandished religious icons, and made the Nazi salute. The museum’s director called the police, but officers arriving at the scene took no action to stop the harassment, according to LGBTI NGO Accept, the organisers. The screening was cancelled. The criminal complaints had not yet led to an investigation by the end of the year.

Data collection

- 1,260 respondents from Romania took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 54% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 22% felt discriminated against at work or when looking for employment because of their sexual orientation or

gender identity (EU average 20%). And 39% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Employment

- In April, the Court of Justice of the European Union (CJEU) issued a preliminary ruling on employers’ responsibility in the case of discriminatory statements. Steaua București Football Club owner (and renowned homophobic politician) George Becali had declared that he didn’t want gay men on his team. Accept complained that this was a discriminatory comment on the part of the players’ employer. Examining the case *Asociația Accept v Consiliul Național pentru Combaterea Discriminării*, the Bucharest Court of Appeals turned to the CJEU, asking what it would rule. In its preliminary ruling (case C-81/12), the CJEU stated that even though Mr Becali didn’t formally employ the players, his negative statement could indicate a bias on the part of his club, the players’ formal employer. The CJEU added that under the *EU Directive on equal treatment in employment (2000/78/EC)*, the burden would rest on the club to prove that they do not discriminate on the basis of sexual orientation. The court added that a symbolic sanction, such as a written warning, would not constitute an effective, proportionate and dissuasive sanction mandated under the directive. The case was before the High Court of Cassation and Justice by the end of the year.

Equality and non-discrimination

- In the context of parliamentary discussions about amending the Constitution, Tudor Chiuariu MP (PNL) proposed in June to extend the explicit protection from discrimination to all the grounds listed in the EU Charter of Fundamental Rights, including sexual orientation. Social Democrat (PSD) MPs and the Orthodox Church opposed the inclusion of sexual orientation as a ground explicitly protected, and reacted by proposing to amend the Constitution to define marriage as a union between a man and a woman. Both proposals were passionately debated. Prime Minister Victor Ponta stated that the Civil

Code clearly ruled out same-sex marriage, and that there was no need to include this in the Constitution. President Băsescu judged that such a constitutional amendment would be “a big mistake”. The parliamentary commission ended up omitting sexual orientation from the list of grounds, and leaving the definition of marriage unchanged (i.e. neutral). Anti-Discrimination Council Chairman Csaba Asztalos also said the vote demonstrated “negative stereotypes and prejudice against sexual minorities”.

Family

- A constitutional amendment to define marriage as a union between a man and a woman has been debated (see **Equality and non-discrimination**).

Participation in public, cultural and political life

- In September, the Romanian adaptation of international TV show *Four Weddings and a Challenge* included the symbolic wedding of two men. Even though the ceremony, led by Metropolitan Community Church Reverend Diane Fisher, was symbolic and without any legal effect, channel Pro TV presented it as an ordinary wedding. A number of Christian organisations attempted to ban the episode arguing it amounted to “gay propaganda”, but failed. The gay couple won the game, and the episode benefited from both an important audience and numerous highly positive online reactions. In October, the National Audiovisual Council (CNA) issued a statement to explain that the show was in compliance with audiovisual legislation, and that its role was to ensure that no discriminatory behaviours featured in audiovisual media—including on the ground of sexual orientation.



Russia



Intense concerted efforts to limit the human rights of LGBTI people reached an all-time high. The executive, legislative and judiciary branches of government; religious leaders; TV, radio, print and online media; federal, regional and local politicians; and various civil society actors including parent groups or violent nationalists united in restricting the rights of LGBTI people and their supporters (particularly their right to freedom of assembly, expression and association), and framing LGBTI individuals as outcasts. The adoption of a federal 'anti-propaganda' law contributed to further polarise a country already hostile to its civil society (e.g. most human rights organisations or political opponents to the regime in place), and led to an increase in violence – including inhumane and degrading treatment – against LGBTI individuals and the supporters of their rights. These developments attracted rare levels of international condemnation. This took place in the context of a widespread crackdown on human rights and the rule of law by the State, notably with the harsh implementation of the 'foreign agents' law voted in 2012. Altogether, these developments have led to a climate of impunity, in which human rights violations against LGBTI individuals go unpunished.

Bias-motivated speech

- Politicians at the highest levels opposed LGBTI people's human rights to 'traditional values', 'the family' and loyalty to Russian nation and culture throughout the year. In September, President Vladimir Putin said: "This model [same-sex partnerships] is aggressively trying to be imposed all over the world and I am convinced this is a direct path to degradation and [...] a profound demographic and moral crisis." Foreign Ministry Special Representative for Human Rights, Democracy and the Rule of Law Konstantin Dolgov made similar remarks in September; so did Ombudsman for Children's Rights Pavel Astakhov and Constitutional Court Chairman Valery Zorkin in November; State Duma International Affairs Committee Chairman Alexeyev Pushkov in December (for whom the West is "openly imposing a new type of behaviour to other countries and societies"); and numerous law-makers at federal and state levels. Several media outlets echoed these views; for instance, the Moscow Times Opinion Editor denounced "an insidious Western conspiracy to propagandise homosexuality and corrupt Russia's fundamental moral and spiritual values". However, President Vladimir Putin also issued conciliatory statements ("We must not create xenophobia in the society on any basis towards anyone, including people of non-traditional sexual orientation", in November), clearly at odds with the government's actions, laws and policies.
- In September, St Petersburg local MP Vitaly Milonov (author of the local 'anti-propaganda' law) arrived with several nationalist activists to disturb the Queer Culture Festival's opening ceremony. The local MP shouted homophobic and nationalist slurs at volunteers and attendees, calling them "animals". Two activists submitted an administrative complaint to the General Prosecutor's Office for discrimination and insults. The General Prosecutor's Office replied that the aggressor enjoyed parliamentary immunity.
- In November, a local St Petersburg newspaper interviewed local MP Vitaly Milonov following a homophobic attack targeting the office of an LGBT

organisation. He declared that LGBT people were "sick and perverted", while homosexuality was "as disgusting and detestable as murder". He stated that "if a foreign agent openly insult[ed] [his] family, as a true Russian person [he would] kick them". Activists asked in vain that Mr Milonov be prosecuted for homophobic hate speech.

Bias-motivated violence

Violence at Pride or related events

- In January, activists planning a demonstration in Voronezh against the draft federal 'anti-propaganda' law received death threats, and asked for police protection. The ten activists who went to demonstrate were met by a large crowd of counter-protesters, some masked. They attacked and injured several activists; police at the scene didn't intervene. Authorities launched an investigation, but only one perpetrator was sentenced to two months of community service for 'hooliganism'. Organisers lodged a complaint against the police for failing to protect them, but in October the Voronezh Central District Court rejected their case.
- In June, between 200 and 300 nationalist counter-demonstrators beat up and threw stones and smoke bombs at 50-60 St Petersburg Pride participants. Even though the municipality had authorised the event, large numbers of riot police failed to prevent the violence. The police said a young person in the distance had seen a rainbow flag, explaining that constituted "homosexual propaganda". Most participants were then arrested and charged on flimsy grounds. All activists were later found not guilty by district courts. Seven of them had to be hospitalised by ambulance, including four who were violently beaten up by ten aggressors under journalists' cameras. Despite LGBT NGO Coming Out providing legal defence, no investigation had been launched by the end of the year.
- In June, July and August, LGBTI activists holding one-person pickets in St Petersburg were attacked but no investigations were launched.

- In November, a St Petersburg court handed down a suspended one-year sentence to an Orthodox activist who had sprayed mace at an LGBTI activist during a May rally. He was convicted of 'hooliganism', but the judge didn't consider there was a bias motive.

Homophobic murders

- The murderers of Vladislav Tornovoi, a 23-year-old man beaten to death in the Caucasian city of Volgograd in May, said they killed the victim because he was gay. According to NGO LGBT Assistance, attackers said the victim's 'provoking behaviour' (investigators explained the man had told his murderers he was gay as they drank together) had wounded their 'patriotism'. According to investigators, the two men knocked him to the ground, trampled him breaking multiple ribs, sodomised him with a beer bottle, and killed him by dumping a 20-kilogram stone onto his head eight times. The police arrested the two men, and confirmed the killing was directly caused by the victim's sexual orientation. But despite this rare admission, prosecutors didn't invoke a bias motive.
- In June, another gay man was slain in the eastern peninsula of Kamchatka. Three men stabbed and trampled the victim to death. The men were arrested, and investigators acknowledged the homophobic nature of the crime.

Violence at private events or locations

- In November, attackers launched teargas canisters into Moscow gay club Central Station in the presence of about 500 revellers. Another night in the same month, two armed men came to the club and fired two bullets at the closed door after bouncers refused letting them in. The attack may have been linked to a dispute about the ownership of the premises. No investigation had started by the end of the year.
- The same month, two masked men with stun guns and baseball bats attacked a closed, unpublicised event for LGBTI people in the St

Petersburg office of an HIV/AIDS NGO. Two participants were injured, including one severely. The police responded to organisers' calls but left again, saying that they hadn't seen any evidence of a crime. An investigation was launched on the basis of 'hooliganism', omitting any bias motive.

Employment

- A new online group, Parents of Russia, claimed 1,500 activists searched for LGBTI teachers, or heterosexual teachers supportive of LGBTI people's rights. The group launched a campaign in December, financially rewarding any information leading to such teachers and promising to work towards their dismissal. At least three confirmed cases were linked to the group: Olga B., a schoolteacher in Magnitogorsk, was forced to resign and subjected to an investigation because information she had posted on being lesbian or bisexual herself was reportedly seen by a minor; she reported being unable to find a new job. Alex Y., a Khabarovsk teacher, had previously been active in LGBTI organisations but witnessed increasing hostility after the 'anti-propaganda' law passed. He was attacked while leaving work in August, and was sacked under pressure from the Ministry of Education. He was fired from another teaching position, and also reported being unable to find another job. Ekaterina B., who identifies as heterosexual and supports LGBTI organisations, was denounced to the St Petersburg Education Committee for "promoting homosexuality among minors". After investigating the case, the school administration cleared her of suspicions.
- Two journalists came out and subsequently lost their job. In February, TV anchor Anton Krasovsky came out on live television; he later said his corporate accounts, e-mail account, and personal page on Kontr TV's website had been deleted within 24 hours, and he was asked to leave. Online footage of his coming-out was also deleted. In August, a manager at Rossiya Kultura Channel came out on Facebook; his employer refused to extend his contract days later.

Equality and non-discrimination

- In 2013, Russia was reviewed during the UN Universal Periodic Review process and rejected all recommendations related to the repeal of 'anti-propaganda' laws, and to preventing arbitrary limitations to freedom of expression and peaceful assembly. However, Russia accepted preventing discrimination based on sexual orientation and gender identity, and agreed it would take "measures to ensure the effective exercise of the rights to peaceful association and assembly of the LGBT community".

Family

- The government gradually moved to restrict all adoptions of Russian children in countries allowing same-sex couples to adopt. Konstantin Dolgov, Human Rights Envoy at the Russian Foreign Affairs Ministry, warned in February that adoptions would be restricted if British parliamentarians legalised equal marriage (they did in July). He also demanded that a Russian baby adopted in 2007 by a US lesbian couple be returned. The same month, MP Yekaterina Lakhova suggested that if France adopted marriage equality (it did in May), the bilateral agreement on adoptions should be revised. In March, Foreign Minister Sergey Lavrov announced his services were setting up a database of all Russian children adopted by foreign couples, and President Vladimir Putin instructed his government to prepare amendments to prohibit foreign same-sex couples from adopting Russian children. Sweden reported in October that Russian authorities had halted all adoptions because the country allowed same-sex couples to adopt; the Spanish government also said 128 Spanish families (omitting whether they were same-sex or different-sex couples) with near-completed adoptions saw their files "scrapped by the Russians".
- In September, the State Duma's Family, Women and Children Committee Chair Alexey Zhuravliov registered a bill that would allow local authorities to strip same-sex couples of parenting rights over their children. He withdrew the bill a month later, but pledged he would put a new version forward.

Foreign policy

- Russia continued promoting the concept of 'traditional values' at the UN Human Rights Council (see **United Nations**).

Freedom of assembly

- In April, LGBTI NGO Coming Out sent the Russian Ombudsman and St Petersburg Regional Ombudsman an analysis of about 30 applications to hold LGBT-related public events between 2008 and 2013. Only two of them were ever approved, and the rest were dismissed for a number of improbable or illogical reasons: other events allegedly already planned at similar times and locations; logistical grounds, such as high pedestrian traffic or snow removal at the location; or procedural grounds (referring to a "person responsible for the picket" instead of the "organiser" in the application). St Petersburg authorities have proposed remote and deserted alternative locations (e.g. a suburb two hours away, reachable via three buses); examined activists' requests for long periods, making the organisation of the events impossible; argued the events were "provocative", or amounted to the "propaganda of sodomy, lesbianism, bisexuality and transgenerence to minors". Most refusals were challenged in court in vain, and the St Petersburg City Court ruled twice that LGBT-related pickets couldn't take place in the city centre because they would harm children's moral and spiritual development.
- Despite a hostile climate, the Side by Side LGBT Film Festival took place in Moscow in April and St Petersburg in November. The latter edition was repeatedly disrupted by five anonymous fake bomb threats.
- In May, Council of Europe Secretary-General Thorbjørn Jagland reminded Russian authorities of their obligation to ensure that "LGBT people can express their views and [hold] demonstrations".
- 150 supporters of LGBTI people's rights gathered in St Petersburg in May to commemorate victims of homophobic crimes. Several non-LGBTI NGOs joined in solidarity. The same number of opponents was kept at bay by police fencing, shouting insults and hurling objects

with St Petersburg MP Vitaly Milonov, sponsor of the local 'anti-propaganda' law, among them. Police later evacuated participants in buses and no one was injured.

- In October, the St Petersburg municipality authorised a demonstration on Coming Out Day, but failed to provide adequate police protection or set up protective fencing. Cossack, Orthodox and nationalist counter-protesters gathered at the site before the event, and violently attacked 20 participants. Police detained 67 people, demonstrators and counter-protesters alike. 15 activists were charged on flimsy grounds ("disorderly conduct"), and by the end of the year only one had been found guilty in court, and sentenced to an administrative fine.

Effects of the 'anti-propaganda' law

- The federal 'anti-propaganda' law was cited in administrative decisions outlawing at least 70 demonstrations which Moscow Pride organisers sought to organise between October and December. Moscow authorities justified some of the bans by the fact that the 'anti-propaganda' law could have been breached, had minors been present. District courts upheld these decisions. Individual protests were also punished under the same law: two activists holding a sign "Gay propaganda doesn't exist. People don't become gay, people are born gay" outside a children's library in Arkhangelsk were found guilty of 'propaganda', and fined RUB 4,000 (EUR 90) each in December.
- The leaders of NGO Russian-German Exchange were summoned to the General Prosecutor's Office in St Petersburg following complaints from parents of teenagers who had taken part in a human rights project.
- The project managers argued their activities were legal, and later received a warning notice to respect the 'anti-propaganda' law.

Breach of the International Covenant on Civil and Political Rights

- The UN Human Rights Committee, tasked with monitoring the application of the International Covenant on Civil and Political Rights (ICCPR) to which

Russia is a party, issued its views on a case brought against Russia in 2009. In its *Communication no. 1873/2009* issued in October, the Committee found that Russia had breached its obligations under article 21 of the ICCPR on the right to peaceful assembly. The applicant, activist Nikolai Alekseev, had requested to organise a picket in favour of LGBTI people's rights in Moscow in 2008. Authorities refused, citing a potential "negative reaction in society", and arguing that it could lead to "group violations of public order which can be dangerous to its participants". The Committee found Russia's arguments insufficient, since it had the obligation "to protect the author in the exercise of his rights under the Covenant, and not to assist in suppressing them." The Committee concluded that the restriction "was not necessary in a democratic society in the interest of public safety", and violated article 21 of the ICCPR. The Committee gave Russia 6 months to conform to its views.

Freedom of association

- Human Rights Watch reported that in March, the federal government launched a campaign under the 'foreign agents' law voted in 2012 to inspect "thousands" of NGOs suspected of acting for foreign political interests. General human rights organisations and youth, environmental and pro-democracy organisations were targeted. Those later convicted included Coming Out and the Side by Side Film Festival, two LGBTI NGOs based in St Petersburg. Coming Out was accused of engaging in political activities (because it had criticised the 'anti-propaganda' law, and said it was in favour of love and acceptance) while receiving foreign funding. At the trial in June, over 30 nationalist and Orthodox activists blocked the association's lawyer and supporters from entering the courtroom. The judge allowed the lawyer and one supporter in, ruled that the organisation had breached the 'foreign agents' law, and fined it RUB 500,000 (EUR 11,060) and its director RUB 300,000 (EUR 6,630). Both the organisation and its director appealed, and the

appeals court later invalidated both cases on procedural grounds. For its part, the Side by Side LGBT Film Festival was accused of taking part in political activities while receiving foreign funding, even though the activities in question took place in 2011 – well before the ‘foreign agents’ law. The organisation was initially fined RUB 500,000 (EUR 11,060), later reduced by the appeals court to RUB 400,000 (EUR 8,850), and finally annulled for procedural vice. The director of Side by Side was also fined RUB 300,000 (EUR 6,630), before seeing her condemnation annulled on the same grounds. In November, the prosecutor opened a new civil case against Coming Out, arguing its failure to register as ‘foreign agent’ harmed “an undetermined group of people”.

Freedom of expression

Regional ‘anti-propaganda’ law in Kaliningrad

- In January, Kaliningrad became the tenth region to adopt a law against the ‘propaganda of homosexuality’. The law foresees fines between RUB 3,000 (EUR 70) for individuals and RUB 1m for organisations (EUR 22,170), and differs from similar laws in that it outlaws the ‘propaganda of homosexuality’ among adults too.

Adoption of a federal ‘anti-propaganda’ law

- In June, the Federal Parliament (the Duma) adopted a nationwide ‘anti-propaganda’ law, which makes it an offense to promote or produce ‘propaganda’ for ‘non-traditional sexual relations’ – a euphemism referring to the relationships of LGBT persons – , and the idea that they are normal or equal to heterosexual relationships. The federal law *On the introduction of amendments to article 5 of the Federal law "On the protection of children from information harmful to their health and development" and diverse legislative acts of the Russian Federation aimed at protecting children from information which propagandises the rejection of traditional family values (#135-FZ)* foresees fines of up to RUB 5,000 (EUR 110) for individuals, RUB 50,000 (EUR 1,100) for public officials, and RUB 1m (EUR 22,180) for

organisations or businesses, which may also be forced to cease operations for up to three months. Foreigners may be fined up to RUB 100,000 (EUR 2,220), detained for up to 15 days, and deported. Russian citizens who ‘promote non-traditional relations’ online or in the media may be fined the same amount. The Duma adopted the proposal with near-unanimous support at first reading in January (388 for, 1 against, 1 abstention), and unanimous support at second and final reading in June (436 for, none against, 1 abstention). President Vladimir Putin signed the bill into law in June. Similar laws already existed in ten Russian regions (Ryazan since 2006; Arkhangelsk since 2011; Kostroma, St Petersburg, Magadan, Krasnodar, Samara, Novosibirsk and Bashkortostan since 2012; and Kaliningrad since January).

International condemnation of the federal ‘anti-propaganda’ law

- **NATIONAL LEADERS** Heads of States, government leaders and ministers (including from Denmark, the European Union, Germany, Ireland, Sweden, the United Kingdom, and the United States) condemned the law, sometimes sternly. Ireland recommended to its gay, lesbian and bisexual nationals to exercise caution when travelling to Russia.
- **UN** In February, UN Special Rapporteurs on freedom of opinion and expression, on human rights defenders, on cultural rights and on the right to health issued a joint statement expressing concerns about the bill in their respective fields.
- **SISTER CITIES** Several of St Petersburg and Moscow’s sister cities threatened to – and some did – suspend their official twinning, including Melbourne in Australia; Milan, Venice and Turin in Italy; Reykjavik in Iceland; and Los Angeles in the United States. St Petersburg Governor Georgy Poltavchenko cancelled a planned visit to Uruguay and Argentina after local groups planned protests in solidarity with LGBTI people in Russia.
- **COUNCIL OF EUROPE** Several bodies of the Council of Europe condemned the federal law. In June,

Secretary-General Thorbjørn Jagland publicly called on the Duma to reject the proposal (he had previously written to the Speaker in private).

- In September, the Committee of Ministers adopted a decision criticising Russia for failing to implement European Court of Human Rights case-law, and asking Russia to explain how it will implement the 2010 ruling in *Alekseyev v. Russia* (applications nos. 4916/07, 25924/08 and 14599/09), which told Russia to allow and protect Pride events. The Committee of Ministers expressed worries that the 'anti-propaganda' law would run contrary to that judgment, and asked Russia to explain how it wouldn't.

- In January, Parliamentary Assembly (PACE) General Rapporteur on the rights of LGBT people Håkon Haugli MP condemned the bill as "an attempt to curtail fundamental freedoms, on the grounds of sexual orientation and gender identity". PACE standing co-rapporteur for Russia Andreas Gross also condemned the bill in February; and during an October hearing, the Assembly asked Duma Speaker Sergey Naryshkin what evidence they had relied on to conclude the 'anti-propaganda' law was necessary. The Speaker gave an evasive answer, explaining that there were gay clubs in Russia and therefore there was no discrimination.

- The Council of Europe's Commission for Democracy through Law (the Venice Commission) published a landmark and highly critical analysis of the law in June (see **Council of Europe**).

- **EUROPEAN UNION** EU High Representative for Foreign Affairs Catherine Ashton said in January that she was concerned the bill would "reinforce discrimination against LGBTI people as well as all those who support them", and called on Russia to respect international human rights law; she repeated the same concerns after the law was adopted in June. In December, Vice-President of the European Commission Viviane Reding tweeted that she would "certainly not go to Sochi [for the 2014 Winter Olympic Games] as long as minorities are treated the way they are under the current Russian legislation". In a June resolution, the European

Parliament said it was "deeply concerned at the negative consequences of the adoption of a federal law on 'homosexual propaganda', which could increase discrimination and violence against LGBTI individuals". The European Parliament debated the issue again in October.

- **OTHERS** Countless global, European and Russian NGOs including Amnesty International, Human Rights Watch and the International Federation for Human Rights also condemned the law on numerous occasions. (Activists organised highly visible protests during Vladimir Putin's visit to the Netherlands in April; see Netherlands.) Several world-renown actors, businesspeople and other celebrities also condemned the law.

Reactions related to the Winter Olympic Games

- NGOs and politicians worldwide expressed concerns about the law in relation with the February 2014 Winter Olympic Games in Sochi. Several petitions reached the International Olympic Committee (IOC), asking it to either review the location of the Games, or ask Russia to review its laws in light of Olympic principles. The IOC said they would "oppose in the strongest terms any move that would jeopardise" the principle "that sport is a human right and should be available to all regardless of [...] sexual orientation", but NGOs criticised the statement as weak and too general. In July, the IOC said it had "received assurances from the highest level of government in Russia that the legislation will not affect those attending or taking part in the Games". A Russian minister responded that if LGBTI athletes went "onto the street and start[ed] propagandising [sic] [their sexual orientation], then of course [they] will be held accountable". In August, the Duma's Culture, Sport and Youth Committee Deputy Chairman Igor Ananskikh stated that the government had decided "not to raise this issue during the Olympics", and to avoid applying the law to visitors and athletes. IOC President Thomas Bach met Russian LGBTI activists in Paris in November,

when they pressed him to look into the law's compatibility with Olympic principles.

Impact of the federal 'anti-propaganda' law on media

- In July, four Dutch activists undertaking a filming project for the Russia-Netherlands Year of Culture were suspected of 'conducting propaganda' in Murmansk, arrested, and interrogated for nine hours. Although original charges were dropped, authorities argued they should have applied for a political visa instead of a cultural one. They were fined for violating visa regulations, sent home, and barred from re-entering Russia for three years. In September, the Federal Service for Supervision of Communications, Information Technology and Mass Media issued a warning to TV channel EvroKino for broadcasting a French musical, *Les Chansons d'Amour*, which it said contained "propaganda of non-traditional sexual relation among minors", even though the film had been broadcast with an '18+' sign. In November, Swedish furniture company IKEA withdrew an article featuring two women in the Russian edition of their customer magazine, fearing it could have been illegal.
- In November, the Federal Media Monitoring Service issued an 'expert concept note' containing guidance on the implementation of the federal 'anti-propaganda' law. The note sets out criteria and examples for identifying instances of "propaganda of non-traditional sexual relations", which covers to a great extent neutral or positive mentions of LGBTI issues.

Impact of the federal 'anti-propaganda' law on foreign artists' concerts

- In September, tour organisers for US pop star Selena Gomez cancelled two Russian tour dates as the singer was denied a visa. Organisers explained that Russian authorities had tightened visa rules for musicians after Madonna and Lady Gaga made comments supporting LGBTI people's rights during concerts in 2012 and 2013.

- In December, a St Petersburg court fined the promoters of a 2012 Lady Gaga concert RUB 20,000 (EUR 440), because the statements she made that night in favour of LGBTI people's rights were 'propaganda'. The promoters have appealed the decision.

- At a concert in Moscow in December, Elton John extensively expressed his disapproval of the law between two songs.

New case before the European Court of Human Rights (ECHR)

- The ECHR formally opened the case Bayev v. Russia (application no. 67667/09, joined by applications 44092/12 and 56717/12) by communicating questions to applicants and the Russian government in November. The case was lodged in 2009 after the main applicant, Nikolay Bayev, was fined RUB 1,500 (EUR 30) under the local Ryazan 'anti-propaganda' law for holding the signs "Homosexuality is normal" and "I am proud of my homosexuality" outside a school. He lost all appeals, and complained to the ECHR that this breached his rights to freedom of expression (article 10) and non-discrimination (article 14) guaranteed under the European Convention on Human Rights.
- Coming Out also submitted a case to the ECHR, complaining that St Petersburg authorities banned a picket because it could lead to "misperceptions about the social equivalence of traditional and non-traditional sexual relationships" among minors. The case is expected to be examined in coming years.

Ryazan region complies with United Nations decision

- The activist group GayRussia.eu/Moscow Pride, headed by Nikolay Alekseyev, reported that Ryazan's regional court cancelled earlier court verdicts finding Irina Fedotova guilty under the local 'anti-propaganda' law. (Ms Fedotova complained to the UN Human Rights Committee, who found in 2012 that the local law breached the International Covenant on Civil and Political Rights.) The court reportedly cancelled previous rulings to comply with the Committee's

opinion, even though the law remained in place. Activists indicated they would sue the region for moral damages.

Arkhangelsk region annuls local 'anti-propaganda' law

- In October, Arkhangelsk authorities annulled the local 'anti-propaganda' law to avoid conflict with the new federal version. Activists stressed it was usual to repeal regional laws when new federal legislation makes them redundant, and no more than a technicality.

St Petersburg local 'anti-propaganda' law declared constitutional

- The Constitutional Court responded to a case brought by activist Nikolay Alekseyev, who had argued the local 'anti-propaganda' law in St Petersburg breached the Constitution's equality guarantee. In December, the court ruled that the law respected the Constitution, since the latter protects childhood and "the family", which the 'anti-propaganda' laws seek to protect.

Human rights defenders

- In September, LGBTI NGO leaders met US President Barack Obama as part of his G20 visit in St Petersburg. Because such meetings are rare, it was interpreted as clear support of the United States for the NGOs.

Police and law enforcement

- Two Federal Duma MPs who led legislative work on the 'anti-propaganda' law, Yelena Mizulina and Yelena Batalina, complained to a prosecutor that LGBTI activist Nikolay Alekseyev had tweeted rude comments against them. In August, the prosecutor ordered an investigation which led to a warranted search of Alekseyev's apartment by the police, when officers ostensibly upturned the flat but took nothing. No further action was taken as part of this investigation.

Public opinion

- In March, polling institute Levada Center published survey results showing 70% of respondents had a

negative opinion of 'homosexuals' ('need psychological treatment': 27%; 'must be forced into treatment': 22%; 'must be isolated from society': 16%; 'should be liquidated': 5%), and 23% believing they should be 'left alone'.

- In a global survey published by Pew Research in June, Russia was the least accepting of European countries surveyed, with 74% disagreeing that "society should accept homosexuality", and only 16% agreeing.
- In November, 68% of respondents to a survey by the Levada Center approved of the federal 'anti-propaganda' law (including 43% 'definitely' approving), and 7% were against it.

Torture and cruel, inhuman or degrading treatment

- The online activities of far-right groups calling themselves 'Occupy Paedophilia' (targeting adults) and 'Occupy Gerontophilia' (targeting teenagers) have increased significantly and gained exposure throughout the year. They published upwards of 400 videos online featuring acts of violence, humiliation and beatings against men identifying as gay, bisexual or possibly trans. (No videos of female victims have emerged.) Operating in at least 22 regions and having exported their activities to Ukraine and Kazakhstan, the violent vigilante groups posed as members of dating websites for gay and bisexual men, setting up meetings with their future victims to entrap them. Videos show victims under duress giving their name and address; making statements of sympathy to the far right or showing far-right signs; being interrogated and insulted; stripped partially naked; beaten up; strangled; having their hair cut or forcefully shaved; having their body or head forcefully painted on (with rainbows, or Stars of David); being urinated on; and/or forced to drink their own urine. Similar events were reported, although not to the same extent, against members of ethnic and migrant minorities. In October, 'Occupy Paedophilia' leader Maxim Martsinkevich was

charged with incitement to racial hatred. He fled Russia to avoid prosecution, but his group's activities appeared to continue. In December, 'Occupy Gerontophilia' leader Philip Razinsky was placed under house arrest and charged with incitement to hatred with violence or threat of violence against ethnic minorities; he pledged he would stop his group's activities.



San Marino



No developments related to sexual orientation or gender identity were recorded in 2013. The situation remains similar to the previous year: there are no provisions against discrimination in law; family rights remain inexistent (no union are available, and same-sex parenting is not possible under the law); no provisions for legal gender recognition exist; and the law prohibits bias-motivated crime and speech based on sexual orientation, but not gender identity.



Serbia



Serbia banned the Pride march in Belgrade for the third year in a row. Physical attacks against LGBTI individuals remained worryingly common, and society continued to demonstrate high levels of intolerance in various venues and media. Although the Commissioner for Protection of Equality reacted quickly and publicly to cases of discrimination and violence, her decisions and recommendations were seldom implemented effectively. However, positive developments included new legislation on bias-motivated crime, the adoption of a *National Strategy for Prevention and Protection from Discrimination*, and training sessions for police officers.

Bias-motivated speech

- Prime Minister and Minister of Interior Ivica Dačić said in an interview days before the Pride march in September: “Homosexuals are equal to other citizens, but don’t tell me this is normal when it is not. [...] I don’t hate them, I just can’t accept that they are normal because it is not natural.”

Bias-motivated violence

- In January, amendments to the Criminal Code adopted the previous year came into force, making homophobic motives an aggravating circumstance for crimes.
- Media outlets reported several occurrences of physical attacks (including stonethrows and beatings) on people perceived to be LGBTI in Belgrade, Novi Sad, and Kuršumljaja.

Education

- In the autumn, a health education regional pilot programme was introduced in ten high schools of the Autonomous Province of Vojvodina, including facts on sexual orientation and gender identity. It faced local rejection and protests. It was unclear whether the programme was still running by the end of the year.

Employment

- The Novi Sad Court of Appeal overturned a 2012 ruling by a lower court, which had found an individual not guilty of homophobic harassment against a gay colleague. The complainant described violent insults, blows which required medical assistance on several occasions, as well as death threats. The Court of Appeal overturned an earlier verdict and ordered the defendant to pay damages for the anxiety suffered, violation of the right to privacy, and diminishing his reputation. This is the first positive verdict on discrimination in the workplace under the 2009 *Anti-Discrimination Law*.

Enlargement

In its annual report on progress towards accession to the EU, the European Commission noted in October that “sufficient political support was still lacking” overall.

Equality and non-discrimination

- The Ministry for Human and Minority Rights, Public Administration and Local Self-Government adopted a *National Strategy for Prevention and Protection from Discrimination* in June. NGOs including five LGBT organisations were involved in the drafting process. By the end of the year, a governmental working group also involving NGOs was drafting an action plan to implement the strategy.
- Together with the European Commission, the Serbian Office for Human and Minority Rights hosted a regional workshop on the human rights of LGBT people, equal treatment, and combating discrimination. The two-day June conference gathered NGOs and institutional representatives from Western Balkans countries, Turkey and Iceland in Belgrade.
- Serbia also remained active in the Council of Europe’s LGBT Project, an opt-in programme to help governments develop cross-sectoral LGBT policies and combat discrimination on the basis of sexual orientation or gender identity (see **Council of Europe**).

Freedom of assembly

- In April, the Constitutional Court ruled that the 2011 Pride ban was unconstitutional.
- In June, civil society organisations including LGBTI NGOs organised a ‘hate-free zone’ with a rainbow banner in central Belgrade. MP Miljenko Dereta (Liberal Democratic Party, LDP) and Deputy Ombudsman Tamara Lukšić Orlandić took part in the daytime event.

- The Belgrade Pride march was denied a permit for the fourth year. In the run-up to the September event, a police union wrote to Prime Minister Ivica Dačić urging him to allow the event and plan sufficient police and judicial resources on the day. They also regretted the Prime Minister had earlier said homosexuality was abnormal (see **Bias-motivated speech**). Right-wing groups warned they would stage violent counter-demonstrations if the Pride went ahead. In the months and weeks before the event, the government neither affirmed nor denied whether it could take place. Less than 24 hours before the event’s

scheduled start, the government's Bureau for the Coordination of Security Services issued a statement explaining that "nobody could guarantee a safe holding of the parade" due to "serious threats to peace and public order". Police services had announced they were ready to deploy an unprecedented 6,500 officers, but Serbian security services, the government and the Prosecutor's Office deemed the risk to citizens and infrastructure unmanageable in the light of the 2010 event that witnessed heavy injuries. The EU Commissioner for Enlargement; the Council of Europe Commissioner for Human Rights; the European Parliament Rapporteur for Serbia; the EU Ambassador to Serbia; the Head of the OSCE Mission to Serbia; the Ombudsman; and the Commissioner for Protection of Equality all supported the Pride, and expressed dissatisfaction at the government's inability to guarantee freedom of assembly. On the eve of the event, LGBTI activists staged a short spontaneous march in downtown Belgrade to protest the ban, carrying rainbow flags under police protection. They announced they would complain to the Constitutional Court, and possibly take the case to the European Court of Human Rights.

- In October, President Tomislav Nikolić told the Parliamentary Assembly of the Council of Europe his government would "do [its] best to prevent such occurrences" next year, a claim received with scepticism by LGBTI activists, as he had provided similar assurances the previous year.

Freedom of association

- In June, a new sociocultural centre for LGBTI people opened in downtown Belgrade. Its president, Predrag Azdejković, received an award from the Ministry of Youth and Sports for his efforts to promote the rights of discrimination victims.
- Shortly after the centre's opening, far-right group SNP Nasi announced it would install CCTV cameras opposite the centre in an attempt to gather proof of "prostitution" on the premises. Centre leaders denounced this attempt to intimidate users.

Participation in public, cultural and political life

- In November, LGBT activist Boris Milićević became Adviser to the Minister of European Integration, focusing on human rights.

Police and law enforcement

- In the autumn, the Office for Human and Minority Rights and the Commissioner for Protection of Equality organised a small number of training sessions on bias-motivated crime for police officers and authorities.



Slovakia



In 2013, despite strong opposition from conservative religious organisations and political parties, the government demonstrated political will to recognise crimes motivated by the victim's sexual orientation, and start work on a national strategy against discrimination based on sexual orientation and gender identity.

However, in the context of the presidential election of early 2014, the socialist government wavered in the face of conservative demands, and agreed with the Christian-Democrats to modify the definition of marriage in the constitution.

Bias-motivated speech

- During a parliamentary session in September, Ordinary People MP Štefan Kuffa (OĽaNO, conservative) complained about public spending for the protection of LGBTI events, which he called “perversions”, and accused a “strong homosexual lobby” of attacking the Slovak parliament. He said of people promoting LGBTI equality “to children” that “it would be better for you if you hung a millstone to your neck and threw yourself in water.”

Bias-motivated violence

- The parliament adopted several amendments to the Criminal Code in May. The wording of the law was changed to specifically include sexual orientation among aggravating motives of bias-motivated crimes. LGBTI organisations welcomed this change as “the most significant accommodating step of the Slovak government so far [in favour of LGBTI people’s rights]”. However, they also criticised the update for omitting gender identity as another recognised motive of bias.
- In July, Ordinary People MPs (OĽaNO, conservative) registered a proposal to undo the May changes to the Criminal Code, replacing references to “national, ethnic or racial hate, hate based on the colour of skin or hate based on sexual orientation” with “hate based on the affiliation to a social group”. LGBTI NGOs feared the change would leave “social group” open to interpretation, and undo previous changes guaranteeing prosecutors would take sexual orientation into account. The proposal received 33 votes in favour, 8 against and 90 abstentions, and failed for lack of a qualifying majority.

Data collection

- 1,000 respondents from Slovakia took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 52% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU

average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 20% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 33% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- In August, public debate arose in relation to a government-funded high school textbook discussing LGBT issues. A government spokesperson said the project was in line with the government’s granting scheme, as it sought to combat homophobia and prejudice. The textbook was published as additional material, which school directors or individual teachers may or may not decide to use. A small number of teachers said they would welcome using such a book with their students.

Equality and non-discrimination

- At the beginning of the year, the Catholic Church together with conservative Ordinary People MPs (OĽaNO) and a Member of the European Parliament published a pamphlet (presented as a ‘study’) against governmental funding for gender equality and LGBTI NGOs. A 10,000-signature petition accompanied the Study: Budget of the Office of the Slovak Government for the Support of the Culture of Death, asking the government to stop financing equality work. Opposition continued throughout the year, with various conservative religious organisations advocating against a proposed National strategy for human rights development, which included the rights of LGBTI people and of women. The Foreign Affairs Ministry, responsible for the strategy in the absence of a deputy prime minister for human rights and national minorities, explained it became victim to a spamming campaign from religious conservatives. A ministry spokesperson said “fanatical opponents of human rights in Slovakia” sent numerous e-mails with “personal invectives, rough offences and hateful

blackmail”, and said the ministry would resort to legal means if the campaign continued. A coalition of 40 equality and human rights NGOs signed a petition in favour of the strategy. In November, Foreign Affairs Minister Miroslav Lajčák said in parliament that he would keep working towards adopting the strategy. Minister of Labour, Social Affairs and Family Ján Richter reiterated his support too, stating he “definitely stood behind these principles”. The strategy’s adoption was postponed to 2014.

- Religious activists continued opposing any progress by labelling equality a “culture of death”, and lambasting an inexistent “gender ideology” which they said would pervert children. In December, a pastoral letter from national bishops called to oppose candidates promoting equality in the 2014 presidential election.

Family

- In September, the Christian Democratic Movement (KDH) proposed amending the Constitution to state that marriage is the union of a man and a woman.

Freedom of assembly

- In September, Rainbow PRIDE Bratislava took place peacefully in the city centre. For the first time, there was no violent opposition.
- The same month, the city of Košice saw its first Pride march. 30 participants were attacked verbally and pelted with eggs, bottles and stones by about 50 radical opponents. No injuries were recorded, and the police protected participants efficiently.

Human rights defenders

- The first-ever NGO focusing on the rights of trans people, TransFúzia, was founded in March.

Participation in public, cultural and political life

- In October, the Queer Film Festival took place in Bratislava under the patronage of Justice Minister Tomáš Borec.

- LGBTI NGOs welcomed press coverage raising the issue of forced sterilisation and using the appropriate term ‘transgender’ (‘transrodový’) for the first time.

Public opinion

- The Christian Democratic Movement (KDH) commissioned a poll in July and August, which showed 67% of respondents would support a proposal to amend the Constitution to define marriage as a union between “a man and a woman”, while 18% wouldn’t.



Slovenia



The Constitutional Court stated in a landmark ruling that widows who had been in unregistered same-sex couples must inherit their deceased partner's estate under the same conditions as unmarried different-sex couples. The government failed to present a draft regulation on the rights of same-sex couples, and discontinued dialogue with civil society despite several calls not to. Occasional obstacles were noted when LGBTI individuals tried to purchase goods or access services in both the public and private sectors.

Access to goods and services

- In November, a girl hugged her female friend prior to entering a bus when the driver closed the doors and started driving off. The girl ran after the bus, which stopped to let her in; as she boarded, the driver said: “Go back to hug your girlfriend, I have no intention to stop for such people.” A passenger added: “Go away, lesbians!” The victim filed a complaint to transport company LPP and the municipality. The case was still pending by the end of the year.
- In December, thermal institute Terme Olimia published a New Year’s Eve offer on their website, clearly stating that only different-sex couples could use the coupon, in breach of the *Equal Treatment Act*. Following strong reactions from LGBTI NGOs and the public, the company changed this to all adult couples, and offered a public apology.

Data collection

- 636 respondents from Slovenia took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 53% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 16% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 29% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Education

- In February, President Borut Pahor addressed a conference organised by LGBTI NGO DIC Legebitra on the topic of discrimination and bullying based on sexual orientation and gender identity in education.

Family

- In an April ruling, the Constitutional Court ruled (no. *U-I-212/10*) that the *Inheritance Act* contravened the

Constitution because it treated same-sex partners differently from different-sex partners with regards to inheritance rights. The court said that unregistered same-sex partners in a long-term relationship were entitled to the same rights as unmarried different-sex couples. The top court’s decision followed a request by the Koper District Court, which in 2011 examined the case of a woman who hadn’t been in a registered partnership, and asked to inherit her deceased partner’s estate. The Constitutional Court gave parliamentarians six months to amend the law.

- At meetings organised by LGBTI organisations in May and June, the Minister of Labor, Family, Social Affairs and Equal Opportunities, the Human Rights Ombudsman and a representative of the Prime Minister told them that the government would publish a blueprint of a new law regulating the rights of same-sex couples and families in the autumn, and continue dialogue with LGBTI NGOs. However, no further meeting or dialogue took place, and the government failed to put forward a new law to regulate the rights of same-sex couples.
- In November, the Administrative Court filed a case at the Constitutional Court (no. *U-I-255/13*) requesting an assessment of the constitutionality of the *Registration of Same-Sex Civil Partnership Act*, which regulates registration proceedings for same-sex couples. The case was filed following a lesbian couple’s complaint that registration procedures differ from those for different-sex couples.

Freedom of assembly

- Several high-level politicians took part in the June Pride celebrations in capital Ljubljana. President Borut Pahor; Minister for Labour, Family, Social Affairs and Equal Opportunities Anja Kopač Mrak; and Mayor of Ljubljana Zoran Janković all took part. The mayor lent his patronage to the event, and Ms Kopač Mrak said the government would make another attempt to grant same-sex couples the right to marry. The mayor added that he hoped this would happen during his mandate.



Spain



Despite advances in favour of the rights of LGBTI people in recent years, the new centre-right government, including some individual ministers and the Mayor of Madrid, has proven keen to respond to conservative voters' concerns. The economic downturn has been a pretext to reduce funding to key NGOs, and a reform of the healthcare system also appeared to lock single and lesbian women out of publicly-funded fertility treatment.

Bias-motivated speech

- In August, website *Religion Digital* interviewed Madrid Rabbi Moshe Bendahan, who was quoted as saying “Homosexuality is a deviation from nature [...] an anti-natural tendency and a sin.” He added that allowing “gay marriages would be a monstrosity”. A spokeswoman for the Jewish community said he had been misquoted, but the website issued a statement reaffirming the quote’s authenticity.

Bias-motivated violence

- Two assaults occurred in the context of ‘Project Pilla-Pilla’, an emulation of the Russian militia-like ‘Occupy Pedophilia’ movement, whose members entrap, humiliate and torture gay men before sharing these filmed acts online (see **Russia**). The perpetrators were arrested in December, and the assaults stopped.

Data collection

- 6,388 respondents from Spain took part in the first EU-wide survey of LGBT people’s experiences of discrimination, organised by the EU Agency for Fundamental Rights. 38% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 17% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 27% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).
- 13,111 men who have sex with men from Spain took part in the EU-funded European Men to Men Internet Survey. The results published this year showed that 40% of gay respondents and 45% of bisexual respondents had suffered violence or intimidation within a year of the survey.

Education

- LGBTI NGO FELGTB reported that in November, the national parliament adopted a new education law,

eliminating all mentions of sexual diversity from the previous version of the law. The NGO also reported that citizenship education classes – where diversity issues were discussed – were scrapped.

- In December, the Andalusian government initiated proceedings against a public high school that allegedly expelled a trans girl because of her gender identity.

Family

- In July, the Inter-territorial Health Council (composed of the central government, which funds healthcare, and every autonomous region’s health authorities, which provide healthcare) reformed the rules surrounding access to fertility treatment in the public healthcare system. The new rules define sterility as “the failure to achieve pregnancy during 12 months of sexual relations with vaginal intercourse and without using contraceptive methods”. While the central Health Ministry insisted that this would not exclude single or lesbian women, the definition appears to mandate vaginal intercourse, excluding them *de facto*. Women falling outside of this definition will have to fund their own treatment (approximately EUR 1,000 for artificial inseminations in the private sector, and EUR 7,500 on average for in vitro sterilisation). An age cap was also set at 40 for women, and 55 for men who wished to access the publicly-funded treatment

Health

- In December, the LGBT Coordination in Catalonia (established 1986) that provided a helpline on LGBT health was forced to close due to cuts in public funding.

Legal gender recognition

- Two trans organisations in the region of Andalucía complained in November that talks with local politicians had been stalled over a promised law to implement federal provisions on legal gender recognition in the region. After activists’ strong protestations, the regional administration pledged the law would come forward in 2014.

Participation in public, cultural and political life

- MP Ángeles Álvarez (Socialist Party, PSOE) came out as a lesbian woman in April.
- The municipality of Barcelona honoured the memory of a trans woman killed in a park by Nazi sympathisers in 1991. City authorities renamed the Ciutadella park path where she was killed 'Sonia the Transsexual', and unveiled a commemorative plaque in October. On this occasion, the regional parliament adopted a motion against homo- and transphobia.

Police and law enforcement

- In November, the administration of Madrid Mayor Ana Botella (Popular Party, PP, conservative/centre-right) fined the organisers of Madrid Pride nearly EUR 160,000 for excessive noise during this year's festivities, which gathered 1.5 million revellers according to organisers. They regretted the municipality's changing attitude, and said the mayor had been increasingly uncooperative. The fine contrasts sharply with those handed down in previous years (EUR 35,000-50,000), which had also always been reduced or waved. Organisers appealed against the fine, arguing it would jeopardise the Pride's existence. The appeal may take over a year to be examined. In the meantime, Pride representatives tried in vain to meet the mayor.

Public opinion

- In a global survey published by Pew Research in June, Spain appeared to be the country most accepting of homosexuality worldwide, with 88% of those surveyed agreeing that 'homosexuality should be accepted' (up from 82% for the same poll in 2007).

Social security and social protection

- In a February ruling (*no. 41/2013*), the Constitutional Court established that the requirement to "have had children together" in order to provide a widowing pension under *Law 40/2007 on social protection* put same-sex couples at a disadvantage, and struck down this requirement.



Sweden



Sweden continued to close existing legal gaps related to the protection of the human rights of LGBTI people, hence further progressing towards full legal and political recognition of LGBTI equality. People who want to change legal gender are since January 2013 no longer forced to undergo mandatory sterilization in Sweden. Over 150 trans individuals already forcibly sterilised now seek legal redress. Asylum policies for LGBTI asylum-seekers were also strongly criticised for their inconsistency.

Access to goods and services

- A settlement was reached in a case against insurance company Skandia. Equality NGO Diskrimineringsbyrån Uppsala sued Skandia in 2009, because it refused to change a client's name in their database. Skandia argued it couldn't assign a female name to a male social security number, even though the client's legal name was indeed female. The settlement meant that no court hearing took place, but Skandia's client was granted financial compensation.

Asylum

- Two Ugandan men married one another in a church in January. Among others, Minister for EU Affairs Birgitta Ohlsson attended the wedding. However, while one of the men had previously been granted asylum, his husband learned that his request for asylum had been denied. LGBTI NGO Riksförbundet för homosexuellas, bisexuellas och transpersoners rättigheter (RFSL) commented that this case went to show that the Swedish Migration Board had yet to train its staff properly when dealing with LGBTI cases. The second man saw his asylum request granted later that month.
- In July, RFSL published a report about migration courts' decisions in LGB(TI)-related asylum claims from Ugandan and Nigerian nationals. The NGO reported the migration authorities' guidelines were "inconsistent" and "unsafe". Over the period 2010-2013, the courts only approved 3 out of 44 applications lodged by LGBTI Nigerians, and 8 out of 58 applications from LGBTI Ugandans. RFSL called for a reform of asylum guidelines and legislation. It also reported increasing numbers of LGBTI asylum-seekers seeking assistance, now numbering 100-120 cases per year.

Bias-motivated violence

- In December, a national conference on bias-motivated crimes took place in Stockholm. The conference was co-organised by the National Board for Youth Affairs, a government agency, and RFSL. The NGO presented new research about LGBT people's lack of confidence in the police for example.

Data collection

- 2,464 respondents from Sweden took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 35% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 17% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 27% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).

Diversity

- In November, the first housing facility for LGBT seniors opened in central Stockholm.

Education

- In May, the Södra Latin high school in central Stockholm chose to open a third set of toilets for trans pupils, or those not wishing to identify as either male or female. The idea emanated from the student council, and was validated by school authorities. Newspaper *Dagens Nyheter* reported this was the first school to do this in the country.
- A student reported the Nytorpsskolan school (in Angered) to the Discrimination Ombudsman for their inaction against homophobic bullying. The case remained open by the end of the year.

Employment

- In May, RFSL organised the first-ever conference dedicated to the discrimination of trans people in the workplace, supported by the government. Minister for LGBT affairs Erik Ullenhag and Thomas Hammarberg both addressed the conference.

Equality and non-discrimination

- In May, Erik Ullenhag was one of 11 EU Member States' equality ministers to co-sign a call for the European

Commission to work on a comprehensive EU policy for LGBT equality (see **European Union**).

Foreign policy

- In July, Foreign Affairs Minister Carl Bildt discussed LGBTI issues in public for the first time when he tweeted stern comments about Russia's new 'anti-propaganda' law. Minister for EU Affairs Birgitta Ohlsson also told online news outlet *The Local* that she found the Russian laws "horrifying, repulsive and disgusting".
- EU Affairs Minister Birgitta Ohlsson took part in the July Baltic Pride, in Vilnius, where she was pelted with eggs while walking in the parade (see **Lithuania**). She also travelled to Belgrade to take part in the Pride event, but it was banned at the last minute (see **Serbia**).
- In October, the Ministry of Foreign Affairs announced that Russia had halted the adoption of Russian children by Swedish couples, since the country allowed same-sex couples to marry and Russian authorities had no sway over which families would adopt Russian children (see **Russia**).

Health

- The government asked the Public Health Agency to study the health situation of the LGBT population, which will continue into 2014.

Legal gender recognition

- A 2012 ruling of the Stockholm Administrative Court of Appeals entered into force in January, ending the mandatory requirement for trans people to undergo sterilisation in order to have their gender legally recognised. NGOs hailed the change, which they said was long overdue, and in June 161 trans people who had been forcibly sterilised before the law changed sought SEK 300,000 each (EUR 33,960) in compensation from the State. The request was handed to the Attorney General; RFSL and co-complaining NGOs expect an answer in 2014.
- In May, the parliament followed the aforementioned 2012 court ruling and removed the sterilisation requirement from the law. Legislation still requires applicants to be over 18, among other requirements.

NGOs said they would continue asking for changes in both law and practice.

Participation in public, cultural and political life

- Crown Princess Victoria took part for the first time in the annual Stockholm-based Gay Gala, in February. The gala is an annual event organised by gay entertainment newspaper QX, to honour LGBTI people and establishments of note, such as actors, authors, bars, clubs, and public figures.

Police and law enforcement

- The Malmö Police Authority started their hate crime support services in cooperation with, among others, RFSL Malmö and the Malmö Jewish community. The police had acquired a reputation for racism and transphobia.



Switzerland



Even though 2013 saw a few evolutions for trans people, administrative and judicial practice remains problematic, and regulatory changes aren't always implemented. NGOs increased their advocacy in favour of rainbow families, and the Federal Department of Justice and Police launched a consultation on amending existing laws to make second-parent adoption available to registered same-sex couples. Unfortunately, a constitutional amendment restricting the definition of marriage was also put forward by the Christian Democratic People's Party (CVP/PDC/PPD), and supported by the Federal Council.

Bias-motivated speech

- In May, Geneva Local Council member Denis Menoud (MCG, populist) described a campaign run by LGBT Youth Switzerland as “paedophile propaganda”. He was expelled from his party later in the year for unrelated offensive comments.
- On the occasion of Human Rights Day in December, the Bishop of Chur published a pastoral letter decrying “gender theory” and the “(homo)-sexualisation of children”. His letter was criticised by women’s rights and LGBT organisations.

Data collection

- The findings of research into the health of lesbian women, carried out in 2012, were released in September. 350 women aged 15-70 took part in the study. Results indicate that 13% of respondents attempted to commit suicide at least once, especially as teenagers. Rates of breast cancer, as well as tobacco and alcohol consumption were above average rates for all women in Switzerland.
- The Federal Office for Statistics announced it would start compiling data on same-sex couples living with children, warning the numbers may not be fully reliable. Activists said the move would raise awareness of the existence of rainbow families.

Education

- Project Curriculum 21, a consortium emanating from the Swiss-German Conference of Cantonal Directors of Public Education, launched a draft common curriculum for schools in the country’s 21 German-speaking and multilingual cantons. A consultation was opened, and LGBT NGOs asked for anti-bullying measures and higher LGBTI visibility in schoolbooks. Several political parties (Alternative Liste, Social-Democrats, and Greens) echoed these demands.
- In March, the University of Zurich explicitly included trans people in its gender equality policy. The text states that students may not be discriminated against based on their gender identity, or for having transitioned. However, official documents issued to trans students only contain the first name’s initial and no gender marker, and differ

from other students’ documents. Activists regretted that trans students still had to present medical certificates.

Equality and non-discrimination

- In 2013, Switzerland was reviewed during the UN Universal Periodic Review process and rejected recommendations to adopt federal anti-discrimination legislation covering sexual orientation and gender identity, and to punish homophobic hate speech.
- In March, the mandate of the City of Zurich’s Office for Equality was extended to include LGBTI issues. The mandate now includes providing administrative bodies support and information; raising public awareness; and support for LGBTI NGOs.
- In June, the Federal Council consulted the Swiss Agency for Therapeutic Products about whether gay and bisexual men should be allowed to donate blood. The agency responded it was against lifting the existing ban.
- In August, the Canton of Geneva’s Great Council (the regional parliament) adopted a motion calling on the State Council (the regional government) to proactively combat homophobia and transphobia. In December, the State Council published a report on the measures it had taken in the field of youth, education, sports and hate crime.

Family

- The amended *Federal Act on Registered Partnership* came into force, allowing registered same-sex couples to choose a joint family name if they so wish. This made it possible for same-sex parents to have both their family name in common with their child.
- November saw the Federal Department of Justice and Police start a national consultation for a draft law on adoption. The bill would modify the Civil Code to grant registered same-sex partners adoption rights (either second-parent adoption alone, or second-parent adoption together with joint adoption), provided that (a) the second biological parent is either unknown, deceased, or agrees to the adoption in the case of a second-parent adoption, and (b) the adoption is in the child’s best interest. The consultation was planned to last between

three to four months, after which the draft law will be submitted to the Federal Parliament. LGBT NGOs welcomed the proposal.

- In October, the Federal Council (the federal government) lent its support to a public initiative launched by the Christian Democratic People's Party (CVP/PDC/PPD) to define marriage as a union between a man and a woman in the Constitution. LGBT NGOs demonstrated against the proposal in November. The Green Liberal Party (GLP/PVL, green/centrist) responded with a proposal to make marriage available to same-sex couples, and registered partnerships to different-sex couples.

Health

- The Federal Office for Public Health (FOPH) dedicated its annual HIV/AIDS conference in April and an issue of its journal to the issues faced by trans people. The FOPH asked the Federal Statistical Office to start including gender identity in their work to provide reliable evidence of current trends.
- The Federal High Court ruled in July (*decision no. 9C_550/2012*) that trans women may see the purchase of a wig reimbursed by their compulsory invalidity insurance. The court insisted that a wig was essential for successful integration not only in employment, but also socially.

Legal gender recognition

- A revised article 30 of the Civil Code regulating name changes came into force in January. The new version should allow for easier procedures, but administrative offices appear to keep using troublesome practices that had so far been in place, such as mandatory hormonal treatment, or proof of use of name for several years.



Turkey



Turkey continued treating LGBTI persons as second-class citizens throughout law, policy and practice. Transphobic murders have continued unabashed; gay men continue to be excluded from the military via discriminatory and humiliating practices; and a pervasive discourse based on 'morality' prevents applying a human rights approach to issues of sexual orientation and gender identity. The AKP-led government's 'democracy reform package' failed to include any measure to redress legal and policy injustices towards LGBTI people. Positively, the CHP's and the BDP/HDP's parliamentary groups started taking up LGBTI issues; and a court was deliberating over considering harmful comments in a newspaper as hate speech.

Access to goods and services

- In December, two trans women sought refuge at the Zeytinburnu Sports Complex Homeless Guesthouse in Istanbul, and stayed one night. The next day, they were told that they were not welcome, and forced to sign a paper stating they would leave the guesthouse willingly.

Bias-motivated speech

- In May, the parliament's Commission on Health, Family, Labour, and Social Affairs' Deputy President Türkan Dağoğlu (AKP, centre-right/conservative) said that being LGBT "is a behaviour that is outside the bounds of normality" in response to a request to look into LGBTI discrimination (see **Equality and non-discrimination**).
- In August, the Istanbul Criminal Court overturned a decision not to prosecute, and allowed LGBTI NGO Kaos GL, to try suing government-affiliated newspaper *Yeni Akit* for calling them "deviants" and "perverts" in 2012. The court found that "a group with different sexual orientation [was] clearly humiliated and insulted" by the article in question, and ruled that *Yeni Akit* may have breached article 216 of the Penal Code which prohibits insulting social groups. This ruling allowed Kaos GL to file a lawsuit against *Yeni Akit* in the Bakırköy Second Court of First Instance. A final ruling had yet to be issued by the end of the year.

Bias-motivated violence

- Impunity for violence and crimes against LGBTI individuals remained high. For instance, in January the Iskenderun Second High Criminal Court sentenced a driver who had killed his client (whom the murderer claimed had offered him to have sex) to 15 years' imprisonment instead of a life sentence, because of 'unjustified provocation' and 'good behaviour'. In November, the body of a gay man was found in Hatay with a bag over his head, hands and feet tied, and choked to death. The three suspects were released and the police acted uncooperatively.
- Reacting to this trend, Parliamentary Assembly of the Council of Europe (PACE) delegates signed two written declarations: one calling on Turkey to stop reducing

penalties for homophobic crimes (April, *doc. 13194*), and one calling on Turkey to counter transphobic and homophobic violence and discrimination (October, *doc. 13323*).

- Violence against trans people remained frequent. Several trans people were murdered in Istanbul (2), Kuşadası (1) and Düzce (1) during the year, and one trans woman committed suicide in Izmir following domestic violence. In August, a mob lynched a group of trans individuals in Ankara, wounding 30. Other reports include stabbing, stoning and group attacks. In December, three defendants in the 2011 murder of a trans woman in Izmir were acquitted for lack of evidence.

Employment

- The new Military Code of Discipline adopted in January continues labelling homosexuality as "unnatural intercourse", which constitutes a basis for discharge from compulsory military service along with murder, fraud, or bribery.
- The European Committee on Social Rights released its conclusions on Turkey's conformity with the European Social Charter in January. It found that Turkey did not abide by the Council of Europe treaty, which foresees protection from discrimination on grounds of sexual orientation in employment.
- The case opposing referee Halil İbrahim Dinçdağ to the Turkish Football Federation (TFF) continued. Mr Dinçdağ was sidelined by the TFF after the federation found he had been exempted from compulsory military service due to his sexual orientation. The TFF kept delaying court hearings. This year, the provincial Human Rights Board of Istanbul unanimously found the TFF guilty of wrongful dismissal and breach of Mr Dinçdağ's privacy for revealing his sexual orientation to the press. However, the Board's decisions aren't legally enforceable.

Enlargement

- Turkey formally applied to join the European Union in 1987, and negotiations have gone on since 2005. In its annual report on progress towards accession to the EU,

the European Commission noted in October that little progress had been achieved in relation to the fundamental rights of LGBTI people.

Equality and non-discrimination

- In February, 59 CHP MPs (Republican People's Party, social-democratic) requested a parliamentary inquiry into providing legal protection on grounds of sexual orientation and gender identity; bias-motivated crimes; discrimination at the workplace; and police violence against LGBTI people. The ruling party AKP (Justice and Development, centre-right/conservative) blocked the inquiry.
- In December, ruling party AKP presented the Democracy Reform Package – including the *Anti-Discrimination Bill* and *Hate Crimes Legislation* – to parliament, removing protection on grounds of sexual orientation and gender identity from earlier drafts. Parliament passed the reform package in March.

Family

- In February, Deputy Prime Minister Bekir Bozdağ and President of the Parliament's Human Rights Commission Ayhan Sefer Üstün instructed Turkish diplomats to retrieve Turkish children fostered in Christian families and families with same-sex parents abroad. Turkish authorities began legal proceedings to return Turkish children placed with same-sex foster parents abroad, citing a violation of human rights and psychological damage done to children. A nine-year-old boy's case, who had been taken from his family aged six months by Turkish social services and placed with a lesbian couple in the Netherlands, received heightened media attention in both countries. Prime Minister Recep Tayyip Erdogan commented that placing a child from a Muslim background with lesbian women could breach his nation's "moral and religious values", and asked Dutch Prime Minister Mark Rutte to return the child. The Dutch PM replied that the adoption was approved in the child's best interest, and without distinction based on either sexual orientation or religion.

Freedom of assembly

- In June, the Trans Pride and the Istanbul Pride took place without police interference and saw over 50,000 take part, according to activists.
- Following the Istanbul Pride in June, 74 conservative and religious NGOs complained to the Turkish Media Council that images of the event published in newspapers were "pornographic and against [their] values". Council President Pinar Türeñç opened a formal procedure but dismissed the claims, saying they "should not be taken seriously".

Freedom of association

- A university LGBT student club was allowed for the first time in November in Galatasaray University.
- In June, the Director of Associations in the province of Van sent a review letter to NGO Youth and Ecology Association, arguing its statutes breached article 56 of the Civil Code which forbids associations "contrary to laws and ethics", because they mentioned that the group "may work in the field of sexual orientation". The Director stated that a lawsuit for closure would be filed at the relevant court of first instance if the articles were not changed. The case had yet to be resolved by the end of the year.

Freedom of expression

- After Finnish contestants in the European song contest Eurovision staged a live kiss between two women (see **Finland**), national television channel TRT chose not to broadcast the final shows of the competition.
- Several incidents of censorship were reported. In October, the telecommunication authority blocked website *transsicko*, an online resource for trans men. In September, gay dating application Grindr was blocked for "protective measures". The publisher of French poet Apollinaire's *The Exploits of a Young Don Juan* was also sued for obscenity; he wasn't condemned, but was warned not to publish "obscenities" in the next three years.

Health

- In December, the Psychiatric Association of Turkey filed a criminal complaint against website homofinal.com

for providing a fake drug, homofin, claiming it “cured homosexuality”.

Participation in public, cultural and political life

- In March, the Peace and Democracy Party (BDP, Kurdish/social-democratic) welcomed to parliament two LGBTI organisations, Kaos GL and Pink Life Association.
- In April, Michelle Demishevich was the first-ever TV reporter to come out as trans.
- Between May and July, LGBTI activists played an active role in anti-government Gezi Park protests in Istanbul and other cities, which saw harsh police repression which led to deaths and serious injuries. Rainbow flags were frequently seen at the protests. Following those events, in June, numerous Gezi Park demonstrators joined the Trans Pride and the Istanbul Pride.
- In September, a mayoral candidate in the coastal town of Giresun came out as gay. Can Çavuşoğlu announced he would run in the March 2014 election, but then withdrew his candidacy. Both CHP (Republican People’s Party, social-democratic) and HDP (People’s Democratic Party, left-wing) put forward LGBTI candidates for municipality councils in the March 2014 local elections.
- LGBTI activists also met CHP leader Kemal Kılıçdaroğlu to discuss sexual orientation and gender identity in politics.

Police and law enforcement

- In March, Istanbul police broke into the apartments of trans women, rounding them up and taking them to a police station arguing they provided a venue for sex work. The women were harassed, forcibly taken to the hospital, and forced to undergo compulsory tests for sexually-transmitted diseases.
- Answering a freedom of information request in July, the Ministry of Justice revealed that the 79 LGBT individuals currently imprisoned nationwide were always separated from other convicts, often placing them in *de facto* solitary confinement.

Public opinion

- In a global survey published by Pew Research in June, Turkey was one of the few countries where acceptance of homosexuality had reduced between 2007 (14%) and 2013 (9%).



Ukraine



In 2013, one 'anti-propaganda' bill remained on parliament's agenda for the second year, and another was added. LGBTI people found an ally in the Ukrainian Parliament's Commissioner for Human Rights, who spoke out in favour of equality on numerous occasions. Ukraine considered outlawing discrimination on several grounds (including sexual orientation) in the field of employment, in the context of free trade and visa liberalisation talks with the European Union. In the end however, Ukraine decided to turn its back on a deal with the EU.

Further progress on LGBTI issues in Ukraine is uncertain in 2014 in the context of the country's economic and political turmoil, as well as tense geopolitical relations between Russia and the European Union.

Bias-motivated violence

- In June, the Ukrainian Parliament's Commissioner for Human Rights (the Ombudsman) suggested amending the Criminal Code to foresee specific penalties for crimes committed because of the victim's sexual orientation. Ms Lutkovska issued this recommendation in her annual report, recalling that "hate crimes and hate speech directed against the [...] LGBT community remain common".

Employment

- In February, the government put forward a bill amending the Labour Code to protect employees from discrimination on the basis of sexual orientation. (The Visa Liberalisation Action Plan initiated in 2010 between the European Union and Ukraine includes several criteria for reaching an agreement. One of these criteria is the "Adoption of comprehensive anti-discrimination legislation, as recommended by UN and Council of Europe monitoring bodies, to ensure effective protection against discrimination". The bill was explicitly put forward to satisfy this criterion.) Members of Parliament opposed the government's proposal, and wavered from February until the end of the year. By November, the European Commission judged in its report on progress towards visa liberalisation for Ukraine that current legislation didn't "meet all the European and international requirements. In particular, it does not provide sufficient legal certainty as regards the prohibition of discrimination on the grounds of gender identity and sexual orientation." The Commission insisted Ukraine had to outlaw discrimination on grounds of sexual orientation in the field of employment.

Equality and non-discrimination

- In 2013, Ukraine was reviewed during the UN Universal Periodic Review process and rejected most recommendations referring to draft 'anti-propaganda' legislation, but accepted adopting comprehensive anti-discrimination legislation, and raising societal awareness about all forms of discrimination, including on the basis of sexual orientation and gender identity.

Foreign policy

- In March, the government responded negatively to recommendations received in 2012 in the context of the United Nations' Universal Periodic Review. The government rejected all recommendations to prohibit discrimination on grounds of sexual orientation and gender identity, as well as those to stop examining draft 'anti-propaganda' laws (see **Freedom of expression**).
- Before the Vilnius Summit in November, where Ukraine was expected to sign a political and free trade association agreement with the European Union, a group called Ukrainian Choice put up billboards in major Ukrainian cities, negatively stating "Association with the EU = Same-sex marriage". Ukraine unexpectedly refused the agreement a week ahead of the summit. The European Union had argued intensely in favour of non-discrimination legislation in the field of employment (see **Employment**) and for parliamentarians to abandon draft 'anti-propaganda' laws (see **Freedom of expression**) in view of that agreement.

Freedom of assembly

- In May, LGBTI NGOs managed to hold the first-ever Pride event in the capital, Kyiv. Organisers originally applied to hold the event on Lva Tolstoho Square, which authorities refused, offering instead a location outside the city centre. The event was planned behind closed doors, as organisers asked prospective participants and interested media to submit their name, phone number, and contact details of LGBTI-friendly references in advance. Days before the event, 61 parliamentarians petitioned the mayor of Kyiv, calling on him to ban the event. Without the necessary powers to ban the event, the municipality went to court arguing the event would clash with celebrations of Kyiv Day. The Kyiv District Administrative Court ruled no event could disturb Kyiv Day, and annulled the authorisation for the Pride event. Activists vowed to organise the event nonetheless, and reported that authorities agreed to an informal deal that would save them from international condemnation, allowing the event in a new location. About 50 people took part in the Equality March while carrying rainbow

flags and placards. The event was protected by 300 anti-riot police officers who acted appropriately, and took place peacefully. 13 counter-demonstrators did manage to infiltrate the march and ripped banners away from marchers, violently shouting homophobic slogans or throwing firecrackers on marchers. The police arrested them promptly. Marchers were later transported to a safe location in ordinary buses they rented.

Freedom of expression

- Verkhovna Rada (the parliament) continued examining two 'anti-propaganda' bills. *Bill No. 1155* (previously tabled as no. 10290, which lapsed in the previous legislature) *On the prohibition of propaganda of homosexual relations aimed at children* would punish the "propaganda of homosexuality", and planned forbidding media outlets from disseminating positive information about it. Offenses would be fined up to UAH 1,827,000 (EUR 2,400), and offenses repeated within a year would carry a prison term of up to six years. *Bill No. 0945* (formerly no. 8711) *On amendments to legislative acts concerning the protection of children's right to a safe information space* proposed outlawing the 'propaganda of homosexuality' in audiovisual, printed or online media, as well as "the import, production, or distribution of creative writings, cinematography, or video materials 'propagating' homosexuality". The second bill foresaw fines, and up to five years in prison. The European Parliament came close to vetoing an association agreement between Ukraine and the European Union due to these proposals. In her June annual report, the Ombudsman also said adopting these bills "could lead to an excessive restriction of rights", and added that "restrictions on freedom of speech should not be discriminatory". She called on the parliament to shelve the proposals. In July, Ukraine's representative at the United Nations' Human Rights Council said that even if the two bills were adopted, the President would veto them. And in November, the European Commission said in a report that it would "follow closely any further developments on [these] pending draft laws", "taking into account the concerns raised by the Venice Commission in its opinion" against these proposals (see **Russia**).



United Kingdom



The UK continued to close existing legal gaps related to the protection of the human rights of LGBTI people, hence further progressing towards full legal and political recognition of LGBTI equality. England and Wales adopted marriage equality with the first same-sex weddings due to start in March 2014, while Scottish parliamentarians overwhelmingly adopted the measure during a first vote in November. Northern Ireland turned its back on marriage equality, and progressed slowly towards adoption rights and the modification of a ban for blood donations from gay and bisexual men. New national and European jurisprudence confirmed that the provision of goods and services to LGBTI people couldn't be subordinated to providers' religious beliefs, and LGBTI asylum-seekers continued to face sharp unfairness in the way their cases are dealt with.

Access to goods and services

- In January, the European Court of Human Rights ruled in *Eweida and Others v. the United Kingdom* (applications nos. 48420/10, 59842/10, 51671/10 and 36516/10) that two of the applicants, Ms Ladele and Mr McFarlane, had been wrong to refuse providing public and private services to people because of their sexual orientation. Ms Ladele was a civil registrar who refused to officiate at civil partnership ceremonies, and Mr McFarlane was a sexual therapy counsellor who refused providing psychosexual therapy to same-sex couples. The court ruled that their employers had been right to discipline them, as they did so in order not to discriminate against service-users. The complainants' appeal was rejected in May.
- In November, the Supreme Court ruled against the owners of a private hotel who had refused to let two men in a civil partnership share a double room (*Bull & Anor v Hall & Anor* [2013] UKSC 73). The owners refused to honour their booking, as letting them stay would have gone against their "religiously-informed judgment of conscience". The Bristol County Court fined the owners GBP 3,600 (EUR 4,370), and the Court of Appeal confirmed the ruling in 2012. The Supreme Court dismissed the owners' appeal.

Asylum

- In April, new academic research highlighted inappropriate questions asked to lesbian asylum-seekers by immigration judges. Researchers at the University of Southampton and Exeter University found that women's claims were questioned if they didn't attend Pride marches in their home country; read Oscar Wilde; or go clubbing.
- In October, a committee of MPs reviewing asylum practices issued a damning report, saying that LGBTI asylum-seekers faced "extraordinary obstacles" to be recognised as refugees. Chairman Keith Vaz MP said he found current criteria set by judges "absurd".

Bias-motivated speech

- In March, a trans schoolteacher who had been outed by the conservative newspaper *Daily Mail* committed

suicide. Lucy Meadows made her transition in 2012; her school supported her and wrote to parents, informing them of the change. The *Daily Mail* spread the story, earning Ms Meadows nationwide attention. She had complained of harassment by the press, and activists blamed the newspaper for her death.

- In May, the High Court ruled that Mayor of London Boris Johnson had been right to ban bus adverts promoting 'ex-gay conversion therapies'. The Mayor banned the ads before they ran in 2012. Their promoter, socially-conservative Core Issues Trust, complained to a tribunal that the ban encroached on their freedom of expression. The High Court ruled that the ad would "cause grave offence".

Data collection

- In January, LGB Stonewall published a YouGov poll of 2,000 LGB individuals, which found that almost half of respondents expected to be treated less fairly than heterosexual individuals when applying to adopt a child. One in five said they would expect discrimination from a police officer, and 31% would expect discrimination in a residential care home.
- 6,759 respondents from the United Kingdom took part in the first EU-wide survey of LGBT people's experiences of discrimination, organised by the EU Agency for Fundamental Rights. 44% of respondents felt discriminated or harassed because of their sexual orientation in the year preceding the survey (EU average 47%; lowest 30% (Netherlands); highest 61% (Lithuania)). 19% felt discriminated against at work or when looking for employment because of their sexual orientation or gender identity (EU average 20%). And 32% felt discriminated against when buying goods or accessing services, healthcare, social services, or housing (EU average 32%).
- In May, a report by the Northern Ireland Equality Commission found that half of all LGB respondents in the region had experienced discrimination, but only 20% had reported it.
- In March, the University of Cambridge Centre for Family Research published a new report, *Gay, Lesbian and*

Heterosexual Adoptive Families: Family relationships, child adjustment and adopters' experiences. The research "found few differences" in terms of well-being, situational adjustment, relationship quality and family life between adopted children in heterosexual, lesbian and gay families.

- In October, Stonewall published the *Gay British Crime Survey 2013*, which found that 17% of LGB respondents had experienced homophobic crime or incidents in the previous three years. 78% of victims didn't report anything to the police, and 67% didn't report it to anyone.

Education

- In July, Secretary of State for Education Michael Gove condemned the use of homophobic language as "medieval", and pledged support to reduce its prevalence in schools.
- In August, the British Humanist Association alerted to 45 schools in England that still had policies in place similar to Section 28 of the *Local Government Act 1988*. ('Section 28' outlawed the 'promotion of homosexuality' in schools between 1988 and 2003, and is cited as the precursor of 'anti-propaganda' laws.) The Department for Education said that these policies were inappropriate. The schools were found to have inadvertently used an outdated template, and a large number changed or pledged to change those policies.
- In November the Church of England revealed that they were working on new guidance to tackle homophobic bullying in schools with support from Stonewall.

Employment

- The Church of Scotland's General Assembly voted in May to allow gay men and lesbian women in committed sexual relationships to become ministers (celibate gay and lesbian ministers were previously allowed).

Equality and non-discrimination

- The Cabinet Office, a central government department, flew the rainbow flag during the June Pride celebrations in London.

- In October, the Northern Ireland High Court condemned regional Health Minister Edwin Poots for upholding a lifetime blood donation ban for men who have sex with men (MSM). (In 2011, England, Wales and Scotland lifted the ban for MSM who didn't have sex within 12 months prior to donating.) In November, the Northern Ireland Assembly formally asked the minister to either update donation policies or resign. The minister defended the ban, but didn't provide new arguments in its favour.
- In November, the Church of England published the *Pilling Report* which recommended that priests should be free to bless same-sex couples; that the Church fight homophobia; and that it repent for its past attitude towards LGBT people.

Family

Marriage equality: England and Wales

- The Westminster Parliament passed the ***Marriage (Same Sex Couples) Act***, enabling same-sex couples to marry before a civil registrar or religious authorities that actively opt to allow these ceremonies (the State-run Church of England and Church in Wales were explicitly forbidden to opt in). Culture, Media and Sport Secretary of State Maria Miller put the bill before parliament in January. The text contained legal provisions dubbed 'quadruple lock' to ensure that religious organisations could never be sued for refusing to provide religious ceremonies to same-sex couples, including before the European Court of Human Rights according to the government. MPs debated the text, and supported it by 400 votes in favour and 175 against during a first vote in February. Numerous NGOs testified before parliamentarians, and although several religious organisations vocally opposed the proposal, Quaker, Unitarian and Liberal Judaism churches lent their support. The head of the Church of England, the Archbishop of Canterbury, opposed marriage equality but warned fellow bishops that modern views had to be acknowledged. In April, the Church of England allowed priests to carry out ceremonies for same-sex couples entering civil partnerships. Two local imams

issued fatwas against Muslim MPs who had supported the bill, after which they received death threats. During its third reading the bill received similar support (366 in favour, 161 against). No political party had issued binding voting instructions; Labour and Liberal Democrat MPs overwhelmingly voted in favour of the bill, while Conservative MPs were evenly split. The Conservative party was split with Prime Minister David Cameron, most ministers and younger MPs supporting the text on the one hand, and isolated members of government and older MPs generally opposing the text. A series of amendments designed to wreck the bill failed. In the House of Lords, isolated members compared same-sex relationships to incest or polygamy. A final reading took place in July, and the Queen assented to it a day later. The first marriages took place in March 2014.

Marriage equality: Scotland

- In June, the Scottish Parliament started examining the *Marriage and Civil Partnership (Scotland) Bill*. While examining the bill, Members of the Scottish Parliament (MSPs) heard evidence from NGOs and religious bodies both for and against the legislation. In November, MSPs approved the principles of the bill with 98 votes in favour and 15 against, despite opposition from the Church of Scotland and the Roman Catholic Church. The bill was expected to pass in 2014.

Marriage equality: Northern Ireland

- In April, the Northern Ireland Assembly voted against marriage equality by 42 votes in favour, and 53 against the proposal. The Presbyterian Church lobbied MPs intensely, pushing them to vote against.

Other family-related developments

- In April, the Gibraltar Supreme Court ruled that two women were the legal parents of their child. One mother had donated an ovum that was fertilised with an anonymous donor's sperm, and her partner carried the baby to term. The court found that Gibraltar's *Adoption Act*, which limits adoption to single individuals and

heterosexual couples, breached the Constitution's provisions on family life and non-discrimination.

- In July, the Northern Ireland Court of Appeal validated an earlier ruling against regional rules banning same-sex civil partners from adopting children. The Belfast High Court had ruled that gay and lesbian couples were fit for parenthood, but Health Minister for Northern Ireland Edwin Poots challenged that decision. The Supreme Court turned down his appeal, and Northern Irish law was brought in line with the rest of the country.
- In December, Gibraltar's Equality Minister Samantha Sacramento announced a *Civil Partnership Bill* would be introduced in early 2014.

Foreign policy

- In August, the government said in a statement that it remained "greatly concerned about the growing restrictions on LGBT freedoms in Russia", adding that the Prime Minister and government ministers had "repeatedly raised [their] concerns" with Russian counterparts (see **Russia**).

Health

- In January, the British Medical Association urged Minister for Health Anna Soubry to provide vaccination against the human papilloma virus (HPV) to men attending sexual health clinics. The association pointed to increasing rates of anal cancer in gay men, something the HPV vaccine currently given to girls only could reduce.
- In October, Labour MP Geraint Davies put forward a bill to regulate counsellors and psychotherapists. The bill included a specific clause outlawing 'conversion therapy' to change a patient's sexual orientation. The proposal led to ministers and professional bodies – including the Association of Christian Counsellors – to condemn these 'therapies'.

Legal gender recognition

- The Brighton and Hove City Council voted in May to introduce a gender-neutral title, 'Mixer' (shortened 'Mx'), in its administrative forms for trans people, also leaving the option to leave the title or gender field blank. The

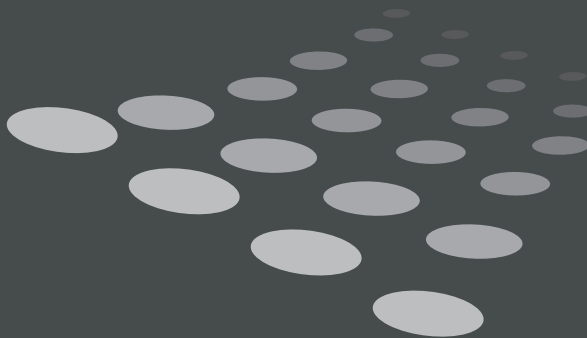
council supported 36 other measures benefitting trans people, including gender-neutral toilets and training for medical staff in the city.

- The *Marriage (Same Sex Couples) Act* amended the *Gender Recognition Act* to remove divorce requirements when transitioning in England and Wales. However, a trans person's spouse must provide their written consent before the transition can take place, leading to a possible 'spousal veto', which NGOs criticised. The *Marriage and Civil Partnership (Scotland) Bill* contains similar provisions, but no spousal veto. The England and Wales legislation does however require the trans person to get written permission from their spouse if they wish their gender to be recognised without divorcing.

Participation in public, cultural and political life

- In November, Member of the European Parliament Nikki Sinclair (UKIP/independent) came out as a trans woman in her autobiography. Ms Sinclair had previously been open about being a lesbian woman.
- In June, Conservative MP Daniel Kawczynski became the first out bisexual MP. He made the announcement while addressing his local conservative association, and was met with a standing ovation.

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