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ANNUAL REVIEW

OF THE HUMAN RIGHTS SITUATION OF LESBIAN,
GAY, BISEXUAL, TRANS AND INTERSEX PEOPLE
IN EUROPE AND CENTRAL ASIA

2022



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INTRODUCTION

Welcome to the 11th edition of ILGA-Europe's *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia*. The publication includes events that occurred between January and December 2021. It provides a snapshot of what happened during the year, at national, regional and international levels, and it documents progress and trends regarding the human rights situation of LGBTI people.

While the entire Annual Review is available online, information on each country and institution can be accessed separately, via ILGA-Europe's website and our updated *Rainbow Europe* web module. In the Rainbow Europe module, you will also find information on each topic separately. We must remark that some parts may be potentially triggering for some readers.

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

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

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

ILGA-EUROPE'S ANNUAL REVIEW TEAM
FEBRUARY 2022

A NOTE ON DATA COLLECTION AND PRESENTATION

This is our 11th Annual Review and we always strive to develop our rigorous data collection system.

However, a number of limitations remain. The use of terminology around LGBTI issues is often not harmonised across Europe and Central Asia. Nonetheless, all information within the Annual Review has been verified using original documents and the best available local knowledge. Where possible, information was checked against institutional and national reports, and reliable news sources.

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

Of course, the Annual Review cannot cover every development in all 54 countries in intricate detail. When the development was not adequately reported, or the reports were confusing or contradictory, ILGA-Europe verified them with national experts' inputs. They are independent human rights defenders or legal experts in each country. We have also collaborated with regional LGBTI NGO's for their expertise on particular sub-regions or specific work areas such as trans rights, intersex rights or rainbow families.

DO YOU HAVE QUESTIONS? REACH US OUT AT [INFO@ILGA-EUROPE.ORG](mailto:info@ilga-europe.org)

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OVERVIEW AND TRENDS

There are two sides to the story that clearly emerges from this, our 11th Annual Review of the Human Rights Situation for LGBTI people in Europe and Central Asia. On one hand, there was **a severe rise in 2021 of anti-LGBTI rhetoric** from politicians and other leaders, which has **fuelled a wave of violence**, with anti-LGBTI hate crime reported in every country this year, while on the other the response to this has been **an allied determination** in many countries, and at the European level, **to tackle hatred and exclusion** of LGBTI people.

The continuing COVID-19 pandemic throughout the year was undoubtedly an influencing factor, with some leaders exploiting the limitations it transposed onto populations, while at the same time the **socio-economic disparities** of particularly vulnerable groups, including those within LGBTI communities, were **brought further into relief**. The majority of states have failed to address the needs of LGBTI communities during the pandemic and civil society organisations continued to fill the gaps this year, providing food, shelter and access to medical testing, and responding to an enormous demand for mental health support. Activists reported exhaustion while struggling with **funding shortages**.

A core finding for ILGA-Europe from this narrative report is the **anomaly between our Annual Review and** the other component of this module, **the Rainbow Europe Map**, which ranks countries based on legislative change. The **situation for LGBTI asylum seekers**, for instance, is almost **invariably fraught** with specific difficulties and injustice, despite some countries placing high in the rankings for positive legislative change. Denmark, Estonia, France, Germany, Greece, Malta, The Netherlands, Portugal, Spain, Sweden and the UK are among the countries where LGBTI asylum seekers face double discriminations.

The report also shows **the impact of erosions of democracy** and political instability in countries including Azerbaijan, Belarus, Kazakhstan and Turkey, both on LGBTI people in these countries and in neighboring countries, **as many flee persecution**. In Belarus the brutal crackdown on civil society that began amid mass anti-government protests in January 2021, has increased to include targeting of LGBTI organisations, publications and human rights defenders, while high-profile perceived enemies of the state have been filmed making forced confessions of homosexuality. LGBTI people are wanting to leave or are fleeing oppressive situations in, for example, Albania, Hungary, and Poland.

Another stark element in this report is the **emerging instrumentalisation of the rainbow flag** as a symbol of division rather than unity. Created over 40 years ago by a member of the LGBTI community as a dignified representation of its diversity and coherence, over the course of 2021, the rainbow flag was used by both supporters and detractors of LGBTI people. This was brought into sharp relief in June, when during the European Football Championships UEFA refused on political grounds to allow a Munich football stadium to be lit in rainbow colours as a show of support for LGBTI people in Hungary. Throughout the following months there are reports in these pages of **rainbow flags being burned, torn down, and rainbow-painted public amenities desecrated** in countries beyond the places where we have previously reported such activity, including Croatia, Germany, Ireland, Italy, The Netherlands, Norway, Finland and Spain.

Behind this symbolic division, the human rights situation for LGBTI people in Europe and Central Asia is increasingly complex, with certain groups becoming more and more vulnerable. **Anti-gender and anti-trans rhetoric have remained widespread**, strong and steady, very **often targeting youth** in particular. Claims by opposition forces that self-determination for trans people will lead to harming minors has led to tangible changes, with several clinics in Sweden, for instance, removing service provision to trans youth who are on their waiting lists.

We have documented several **suicides and deaths of young people**, including a 14-year-old girl in France who took her own life after years of lesbophobic and Islamophobic bullying. Over half of LGBTI students in Denmark had suicidal thoughts or self-harmed, while 82% of LGBTI students in Northern Ireland have thought of suicide. 80% of LGBT students feel unsafe in school in Ukraine and 40% missed school only this past month because of this.

However, there was **mobilisation amongst young LGBTI people and their peers**, with initiatives and demonstrations in several countries, including in Norway, where eighth graders organised the first Pride in their town, and Ukraine, where hundreds of LGBTI young people held a six-hour rave outside the president's office demanding comprehensive hate crime legislation.

The false narrative pitching trans rights against women's rights also continued apace this year, including in Serbia, Spain and the UK. Amid this context there was **stagnation in legal gender recognition (LGR)** reform in countries including Andorra, Belgium, Croatia, Finland, Germany, Montenegro, North Macedonia, Slovenia, Sweden and Slovakia, and regression in Greece, Poland, Portugal and Russia. Meanwhile there was some progress in Bulgaria, Croatia, Georgia, Kosovo, Lithuania and Turkey. The Spanish government adopted its draft LGR legislation this year, setting out self-determination for those 16 or over. As the legislation was debated across the media, there was a spike in anti-trans rhetoric, including from politicians and members of government and a rise in anti-LGBTI hate crime. In moving forward with the adoption of the law, the Spanish government, however, held firm its role as defender of human rights for trans people.

A growing number of countries are recognising or beginning to address **the rights of intersex people**. Germany banned intersex surgeries and Belgium made an important step towards working on such legislation, while the Netherlands apologised to victims of sterilisation and gave some compensation. Meanwhile Finland failed to make progress on its intersex surgery ban, while a flawed amendment on banning intersex genital mutilation was tabled in France without consultations with intersex activists.

France became the third country in Europe to ban so-called 'conversion therapies' after Malta in 2016 and Germany in 2020 banning such 'therapies' for minors (in 2020 Albania adopted non-legislative medical guidelines on banning the practice), showing that this is an issue that is also gaining further prominence across the region. The Danish government continued with its plan to ban the harmful practice, a citizens initiative in Finland on banning conversion therapies will go parliament, while in Ireland civil society set up an Anti-conversion Therapy Coalition. Meanwhile legislative bans in Norway and the UK have stalled.

Employment is also a rising issue, **particularly for trans people** and in regard to anti-trans narratives. In Belgium, two studies found that people are either not invited for an interview, or leave their jobs because they are trans, while discrimination against trans people in the workplace is on the rise in North Macedonia, Poland, Romania and Spain. In the UK false information about Stonewall's trans inclusion policies prompted several government agencies and companies, including the BBC, to withdraw from the organisation's workplace equality scheme. On a more positive note, the new Greek Labour Code includes gender expression, while in Hungary the ombudsman said employers must provide gendered facilities in line with gender identity.

By far the most stark finding in this report is a staggering rise in hate speech and related violence on the streets of, and in homes, in every country across the region. There was hate speech from politicians targeting LGBTI people in Azerbaijan, Bulgaria, Croatia, Czechia, Cyprus (also in the northern part), Estonia, Finland, Hungary, Georgia, Greece, Hungary, Italy, Lithuania, Moldova, Montenegro, North Macedonia, Poland, Slovakia, Slovenia, Spain, Turkey, and the UK. Religious leaders spread hateful misinformation about LGBTI people in Georgia, Italy, Slovakia, Turkey, and Ukraine; while police in Denmark and Finland, and border guards in Romania did the same. Journalists and the media negatively targeted LGBTI people in Albania, Andorra, Belarus, Denmark, France, Germany, Moldova, Netherlands, North Macedonia, Norway, Portugal, Spain, Switzerland and the UK.

Violence against LGBTI people in this context was rife. Germany, for instance, had a 39% increase in anti-LGBTI hate crime, while a new app in France, where users can report anti-LGBTI hate crimes, collected reports of 3,896 incidents in its first year. In this, the second year of the COVID-19 pandemic, domestic violence against LGBTI family members continued to take place widely. There were murders in Azerbaijan, Belgium, Cyprus, France, Georgia, Russia, Spain and

Turkey. LGBTI events and/or offices were attacked in Bulgaria, Croatia, Czechia, Finland, Georgia and Serbia. Other hate crimes included assaults, corrective rapes, and anti-LGBTI police brutality. In many countries where police brutality took place, the police were not held accountable.

A particular low point of the year came on June 15, with Hungary's introduction of legislation which introduced a ban on the "portrayal and the promotion of gender identity different from sex at birth, the change of sex and homosexuality" for persons under 18. Widely compared to the Russian anti-propaganda law, it was condemned by 18 EU Member States, although Romania, Poland and Slovakia have all mooted plans to copy the law, or Hungary's 2020 LGR ban.

It is however quite clear from this report that **state-sponsored anti-LGBTI rhetoric** and legislation **is not matched by public opinion**. Support for LGBTI people has never been stronger in Hungary and polls show the public sees the new legislation as a political tool. Hardly any Serbians know trans people, but 60% think they should be protected from discrimination. 68% of Romanians think all families, including rainbow families, should be protected, while 40% of Bulgarians would support a party that is pro-LGBTI.

Meanwhile, **national human rights institutions (NHRIs) and courts** in many countries have done a strong job **protecting the rights of LGBTI people**. Many LGR denials were overturned in Hungary, while *Bell v. Tavistock*, the case before the Court of Appeal on the question of whether puberty blockers could be prescribed to under-18s with gender dysphoria was quashed in the UK. Several countries issued fines and prison sentences over hate speech and hate crime incidents. The courts in Turkey ruled against the conviction of students for taking part in the METU Pride march, in a case that had lasted for over two years. NHRIs found discrimination in Hungary, North Macedonia, Serbia, and many other countries.

The European Court of Human Rights delivered **several positive judgments** this year, on hate crimes, freedom of assembly, LGR and family rights. The Court of Justice of the EU ruled in the case of baby Sara, the daughter of Bulgarian and British lesbian parents, that if one EU member state recognises a parental relationship between a child and its parents, then all member states should, in order to give the child its right to freedom of movement. The court said baby Sara should be issued a Bulgarian passport, and her **family should have free movement in all member states** of the European Union.

In March, the European Parliament adopted a resolution declaring the **EU an LGBTIQ freedom zone**. The resolution condemned the fact that in Poland regions had adopted 'LGBT free zone' resolutions, as well as other persisting LGBTI rights violations in some EU member states. Six months later, the European Parliament adopted its **resolution on LGBTIQ rights in the EU**, welcoming the EU LGBTIQ Strategy, strongly supporting the EC's objective to propose legislation in several areas of protecting LGBTI rights, and condemning where member states have not been respecting EU law and CJEU judgements as regards LGBTI rights.

By far the strongest commitment to LGBTI human rights from European Union level came when the Commission in July opened **landmark infringement procedures** against both Hungary and Poland. The procedures against Hungary concern the censorship of a children's book portraying LGBTI characters, and the anti-LGBTI legislation that entered into force in June. The procedures against Poland concern a refusal to clarify whether LGBTI people are discriminated against in the labour market in the country's so-called 'LGBT Free Zones'.

In this and other respects, this report narrates an unparalleled year in Europe, with regional and national institutions and courts taking their obligations to the human rights of LGBTI people with utmost gravity amid the now crystal clear escalation of the instrumentalisation of hatred against LGBTI people for political gain and expanded power.

In all five countries that comprise **Central Asia**, however, it has been a year of **further regression**.

A campaign for the repeal of Article 120 of the Uzbekistan Criminal Code, which criminalises consensual same-sex conduct between men, gained traction across Europe, bringing wide visibility to the persecution of LGBTI people in

the country. However the Uzbeki Prosecutor General failed to decriminalise consensual same-sex conduct, instead moving the provision from Article 120 to Article 154, which is now listed under a new chapter called “Crimes against family, children and morality”.

Hate speech by politicians and the media remains a serious issue and **brutal hate crimes** were documented in all five countries, including in Uzbekistan, where in March a group of people perceived to be LGBTI were attacked and beaten by a large gang of men. The pro-LGBTI rights blogger Miraziz Bazarov was also severely beaten and hospitalised. The police blamed Bazarov for the attack. He was arrested upon his release from hospital and is currently facing prosecution. After the March attack, the authorities launched a targeted search for LGBT activists and interrogated many human rights defenders.

Arrests, detention, **police brutality** (including extortion, threats, violence, torture) continued this year in Tajikistan, Uzbekistan, and Turkmenistan, while a number of new laws were introduced and/or are planned that could further restrict LGBTI rights in Kyrgyzstan and Uzbekistan. Tajikistan dropped sexual orientation and gender identity from the most recent drafts of its anti-discrimination law.

Activists in every Central Asian country have remained courageously active despite backlash, threats and attacks.

This overview only focuses on some particular trends and learnings we have pulled from the wealth of information our Annual Review pulls together, with the help of committed country experts across Europe and Central Asia. There would not be space to cover the many other trends and learnings to be gleaned from this report.

Last year, we identified that while many people within the movement are talking about intersectionality, and taking steps to work on intersecting inequalities that affect LGBTI people, very few groups were articulating their work and commitments. This year we are **encouraged to see intersectionality emerging** into the narrative of our review. For instance there has been progress in Roma and disability rights and LGBTI cooperation in Albania; the introduction of a deaf LGBTI resource in Hungary; while in Finland there was the establishment of an association for older LGBTI people. This is a trend we expect to see more reporting in the coming years.



EUROPEAN UNION

ACCESS TO GOODS AND SERVICES

In its [resolution](#) on the gender perspective in the COVID-19 crisis and post-crisis period, adopted on January 21, the European Parliament specifically stressed the impact the pandemic and the lockdown had on LGBTI people and emphasised the need for support services for LGBTQI+ persons, including mental health support, peer support groups and support services for victims of gender-based violence.

ASYLUM

In July, the EASO [announced](#) its intention to develop a separate training module on SOGIESC in the asylum context, to be published in 2022.

In November, the EASO [published](#) an updated COI Research Guide on LGBTIQ people. The updated version includes guidance on gender identity, gender expression and sex characteristics for country of origin researchers.

There has been some progress at technical level both at Parliament and the Council, but no political agreement on key elements of the [EU Pact on Migration and Asylum](#) has been reached. The only exceptions are the [EU Blue Card Directive](#) and the [Regulation on EU Asylum Agency](#), which were adopted in October and December, respectively.

BIAS-MOTIVATED SPEECH

In 2021, the sixth evaluation on the Code of Conduct was [published](#) and LinkedIn joined the Code of Conduct. In this monitoring cycle, sexual orientation along with xenophobia (including anti-migrant hatred) are the most commonly reported grounds of online hate speech (18.2% and 18% respectively) followed by anti-gypsyism (12.5%).

In 2021, the Victims' Rights Platform gathering EU level actors that will consult with the Victims' Rights Coordinator on implementation of the EU Victim's Rights Strategy was officially launched and [organised](#) a plenary meeting and several ad-hoc thematic meetings. ILGA-Europe are member of the Platform.

On 14 December, the European Parliament [adopted](#) its recommendations resolution to the Commission on combating gender-based violence: cyberviolence which explicitly includes 'all forms of gender-based violence', and calls for the EU to work on specific violence targeting LGBTI people and creating the legal base to tackle LGBTI phobic hate speech and hate crimes on EU level.

BIAS-MOTIVATED VIOLENCE

In February, to implement its commitments under the Gender Equality Strategy and the LGBTIQ Equality Strategy, the Commission [launched](#) the 'Roadmap on Inception Impact Assessment on Gender-based and domestic violence' initiative, where it proposed three possible legislative and non-legislative options: no changes to the current legislative framework and application of various strategies; a recommendation on the prevention of harmful practises and scenario one; or a holistic legislative initiative on preventing and combating gender-based violence and domestic violence. The Communication on Violence against Women and Domestic Violence from the Commission is expected to be published in 2022.

In February, the Commission [launched](#) public consultation on the Roadmap to the initiative aiming to expand the list of EU crimes to include hate speech and hate crime. The main objective of the initiative is to have hate speech and hate crime identified as 'other areas of crime'. The Commission has proposed sex and sexual orientation as well as disability and age as grounds of hate crime and speech, in addition to those identified in the Framework Decision 2008/913/JHA. In December, the legal initiative to expand the list of EU crimes to include hate speech and hate crime was adopted by the Commission.



In March, the Working Group on Hate Crime Recording, Data Collection and Encouraging Reporting published ‘Key Guiding Principles (KGPs) on Encouraging Hate Crime Reporting: the Role of Law Enforcement and Relevant Authorities’. These KGPs were developed on the basis of evidence collected by the Fundamental Rights Agency from members of the Working Group. The key guiding principles were finalised following consultation with national authorities and other stakeholders, including CSOs that are members of the EU High Level Group.

On September 16th, the European Parliament adopted its recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU. Throughout the text, gender-based violence against LGBTI people is clearly included and the resolution calls on the EC to extend the list of Eurocrimes under Art.83 to enable including SOGIESC as grounds in any upcoming EU legislation combating hate and violence.

In October, the CJEU published its responses to the European Parliament’s inquiries on the EU’s accession to the Istanbul Convention.

BODILY INTEGRITY

As set out in the EU LGBTIQ Equality Strategy, the EC started work on the first EU intersex study. The study will investigate the lived experience of intersex people and their parents within the EU, including exposure to non-vital medical interventions, discrimination, and social exclusion. The study is expected to be published at the end of 2022.

DATA COLLECTION

On 30 September, the European Commission organised a Roundtable on Equality Data. Speaking at the event, Commissioner for Equality Helena Dalli stressed the need to collect equality data in order to help design anti-discrimination measures in EU Member States and Emanuele Baldacci, Director of Resources at Eurostat stressed the need to go beyond the six EU grounds of discrimination and collect data that could feed into other dimensions of equality and look at the cross-cutting and intersectional elements.

Currently European statistics on population (ESOP) do not collect statistics on respondents’ sexual orientation, gender identity or sex characteristics. At the end of September the EC opened the consultation on how to make ESOP more inclusive, an opportunity to push for the inclusion of SOGIESC in the statistics.

On 6 October, the European Parliament adopted its resolution on the impact of intimate partner violence and custody rights on women and children, highlighting the rise in domestic violence against LGBTI people during COVID-19 lockdowns and calling on the Commission and Member States “to ensure that data are disaggregated by sexual orientation, gender identity, sex characteristics (...) to ensure that the experiences of women in all their diversity are captured.”

EMPLOYMENT

On 10 February, the European Parliament adopted a resolution on reducing inequalities with a special focus on in-work poverty, which specifically refers to LBT women as an at-risk group.

On 10 June, the European Commission hosted a workshop on trans and intersex persons’ access to the workplace and exposure to workplace exclusion, directed at businesses as part of European Diversity Month programming.

EQUALITY AND NON-DISCRIMINATION

In March, the meeting of the Employment, Social Policy, Health and Consumer Affairs Council configuration (EPSCO), included a discussion on the EU LGBTIQ Equality Strategy, with a focus on socio-economic inequality and LGBTI people experiencing homelessness.



On 11 March, the European Parliament adopted a [resolution](#) declaring the EU an LGBTIQ freedom zone. The resolution condemned the fact that in Poland regions had adopted LGBT free zone resolutions, as well as other persisting LGBTI rights violations in some EU member states.

On 14 September, the European Parliament [adopted](#) its resolution on LGBTIQ rights in the EU, welcoming the EU LGBTIQ Strategy, strongly supporting the EC's objective to propose legislation in several areas of protecting LGBTI rights and condemning where Member States have not been respecting EU law and CJEU judgements as regards LGBTI rights.

On 27 September, DG Justice organised a meeting with selected stakeholders to evaluate the first year of implementation of the EU LGBTIQ Strategy.

Following the adoption of the Commons Provisions Regulation ([CPR](#)) for the cohesion policy funds for the spending cycle 2021–2027 in June, the EU began to become more rigorous in its oversight of the use of its funds, to ensure the distribution abides by EU law and the rules of their implementation. The CPR includes rules that aim at ensuring respect for fundamental rights in the implementation of the funds, including LGBTI rights. These rules kick-in at different stages of the spending cycle and relate to different mechanics underpinning the use of the funds.

FAMILY

On 14 December, the Court of Justice of the EU (CJEU) [ruled](#) in the case of V.M.A. v Stoliczna obshtina, that a child and its same-sex parents must be recognised as a family, the child should be issued a Bulgarian passport, and the family should have free movement in all Member States of the European Union. The same-sex couple had been refused a birth certificate in Bulgaria for their newborn daughter and claimed the Bulgarian authorities are violating the rights of a European citizen on the grounds of sexual orientation, namely to free movement, and to private and family life. The Advocate General, in its opinion in April, already found largely a breach of the fundamental principles of the EU.

Following the European Commission President's [statement](#) that a parent in one country is a parent in every country, the EC is preparing legislation regarding parenthood recognition across the EU (expected to be published in the second half of 2022). In order to prepare the legislation, the EC in 2021 set up an expert group to support the development of the proposal, as well as launched a public consultation. A stakeholder consultation took place on December 14th.

On 22 March, the European Parliament's Petition Committee organised a hearing on petitions regarding the free movement of Rainbow Families, at which also the EP study on obstacles to the free movement of rainbow families in the EU was presented.

The EU Child Rights Strategy was launched in March. The Strategy is inclusive of LGBTI rights, linking the strategy to the EU LGBTIQ Equality Strategy. In its [resolution](#) on children's rights in view of the EU Strategy on the rights of the child, the European Parliament called for an intersectional approach in implementation of the strategy and to ensure full consistency with the objectives and proposals in the EU LGBTIQ Equality strategy (amongst others).

FOREIGN POLICY

In its [resolution](#) on human rights and democracy in the world and the European Union's policy on the matter – annual report 2019 (adopted 20 January), the European Parliament uses strong language to condemn a list of ongoing violations of LGBTI rights across the world and call on EU and member states to use all tools available to combat these human rights violations. The EP also explicitly calls on EU and member states to include the needs of LGBTI people when promoting gender equality and SRHR globally.



The EU has accepted Uzbekistan as a beneficiary country of the special incentive arrangement for sustainable development and good governance (GSP+) under the unilateral Generalised Scheme of Preferences (GSP). The EU started applying preferential tariffs for products imported from Uzbekistan under this arrangement from 10 April onwards .

On 19 May, the EU External Action Service organised a meeting for its staff to discuss the situation of LGBTI rights in Europe and globally to mark IDAHOBIT day. ILGA-Europe was invited to present the main findings of the 2021 Rainbow Map. The meeting was online and was attended by EEAS staff and delegation staff from many countries.

HEALTH

On 10 May, the European Commission and DG-SANTÉ hosted a High-Level European Conference on the mental health impact of COVID-19, including a strong focus on LGBTI people.

On 20 May, the European Parliament adopted a [resolution](#) on accelerating progress and tackling inequalities towards ending AIDS as a public health threat by 2030, calling on EEA, EC and member states to make full use of all programmes to combat HIV and to specifically support services responsive to the needs of key populations and other priority populations facing unique challenges in accessing HIV services, including by providing youth-friendly sexual and reproductive health services for young people.

The European Commission [held a public consultation](#) on the revision of its Directive on blood, tissue and cell donation, and specifically sought input from LGBTI civil society in the discussions.

HOUSING

On January 21, the European Parliament adopted a [resolution](#) on access to decent and affordable housing for all. The resolution highlights the fact that LGBTI people are overrepresented amongst people experiencing homelessness or being affected by the housing crisis, and invites the Commission to create tools for enhanced data collection, to foster research across the EU, and facilitate good practice exchanges on tackling the problem of LGBTIQ homelessness between Member States.

On 21 June, the European Platform on Combating Homelessness was launched by the European Commission and the Portuguese EU Presidency. In the launch session, a number of speakers referred to the high number of LGBTI people experiencing homelessness and the need for the Platform to specifically look at the needs and situation of LGBTI homeless people.

HUMAN RIGHTS DEFENDERS

The European Commission set up an Expert Group on Strategic Lawsuits Against Public Participation (SLAPPs), which is helping the EC to prepare legislation providing protection from such lawsuits. Four meetings were held in 2021. A legislative proposal is expected for March 2022.

On November 11, The European Parliament adopted its resolution on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society, specifically naming the targeted attacks against LGBTI human rights defenders and calling on the EC to include these attacks in all their work going forward.

In December, the EC launched a new funding call under the [Citizens, Equality, Rights and Values Programme](#) (CERV), with the objective to protect, promote and raise awareness of EU fundamental rights and values by supporting local, regional and/or national civil society organisations (CSOs) and increasing their capacity, including through providing them with financial support (regranting), with an overall budget of 50 million euro for a three-year period.



INSTITUTIONAL SUPPORT

In the framework of the implementation of the EU LGBTIQ Equality Strategy (2020–2025), the European Commission's (EC) set up a LGBTI subgroup of the EU High-level group on Non-discrimination and started working on guidelines for the groups work, focusing on an exchange of good practices on protection from discrimination on grounds of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in Member States. First conversations have also started on how to engage European LGBTI organisations in the work of the subgroup.

On 12 May, the Portuguese EU Presidency organised a conference to mark IDAHOBIT Day.

INTERSECTIONALITY

On January 21, the European Parliament voted to include sex workers in the EU Strategy for Gender Equality, urging the European Commission to establish a concrete framework for the rights and protection of sex workers. In its resolution of 21 January on the EU Strategy for Gender Equality, the European Parliament calls on the EC to develop guidelines to ensure an intersectional approach for the implementation of the strategy, and explicitly calls on the EC to close the gap on protection on the ground of gender identity in the light of the rise in hate against trans people.

On 10 March, the European Parliament adopted its resolution on the implementation of Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation in light of the UNCRPD. The resolution mainstreams LGBTI rights throughout, highlights specifically higher rates of LGBTI PwD being discriminated against in employment, being bullied, abused and forcefully outed, and calls for disaggregated data collection, including SOGIESC.

On 19 March, the European Commission organised the first EU Anti-Racism Summit, and the meeting of the Subgroup on National Implementation of EU Anti-Racism Action Plans.

In January, the European Commission published the Green Paper on Ageing, in which LGBTIQ older people are recognised as having a specific vulnerability.

POLICE AND LAW ENFORCEMENT

On 23 June, to improve the understanding of and the response by law enforcement officers dealing with victims of hate crimes, in particular of those motivated by SOGIESC, CEPOL organised a webinar on hate crime against members of the LGBTQ community.

SEXUAL AND REPRODUCTIVE RIGHTS

On 24 June, the European Parliament adopted its resolution on the situation of sexual and reproductive health and rights (SRHR) in the EU. The resolution calls for inclusive SRHR and sex education including SOGIESC, to make trans-specific healthcare accessible and reimbursed across the EU, reaffirms its call to ban non-medically necessary surgeries and treatment on intersex infants and children, calls for banning sterilisation requirements for LGR across the EU and instead full respect trans peoples' right to self-determination, and uses trans inclusive language in all paragraphs regarding SRHR and pregnancy.



UNITED NATIONS

UN INDEPENDENT EXPERT ON SEXUAL ORIENTATION AND GENDER IDENTITY

In its resolution 41/18 during its 47th session, the Human Rights Council decided to extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI) for a period of three years and requested the Independent Expert to continue to report annually on the implementation of the mandate to the Council.

In 2021, the IE SOGI issued Reports on Gender Theory: The Law of Inclusion & Practices of Exclusion. The first part concluded that gender identity and expression are protected under international human rights law and the second remarked that anti-gender narratives put all women's rights at risk, including lesbian, bisexual and trans women, and contribute to the perpetuation of violence and discrimination based on SOGI. The IE SOGI called on states for urgent action to push back against anti-gender narratives.

ASYLUM

From 07-29 June 2021, the United Nations High Commissioner for Refugees (UNHCR) and the Mandate of the IE SOGI co-convened the 2021 Global Roundtable on Protection and Solutions for Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ+) People in Forced Displacement. Summary Conclusions of the 2021 Global Roundtable on Protection and Solutions for Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ+) People in Forced Displacement can be accessed here.

In February 2021, in case A.B. v. Finland, the Committee on the Rights of the Child concluded that the State party failed to adequately take the best interests of the child as a primary consideration when assessing the author's asylum request based on his mothers' sexual orientation and to protect him against a real risk of irreparable harm in returning him to Russia. The Committee found that Finland violated articles 3, 19, and 22 of the Convention. This is the first case reviewed by UN human rights treaty bodies concerning LGBTI families in the asylum context.

The Committee on the Elimination of Racial Discrimination (CERD) recommended that the Netherlands engage in a dialogue with civil society organisations working with and on the issue of LGBTI asylum seekers to avoid stereotyping and explore possible improvements to assessments of LGBTI claims of asylum seekers.

BIAS-MOTIVATED SPEECH AND VIOLENCE

In March 2021, Fourteenth United Nations Congress on Crime Prevention and Criminal Justice adopted the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development. The Declaration includes in its paragraph 91 the first ever UN commitments specifically addressing hate crime, and provides UNODC with a mandate to develop programmes on hate crime.

In 2021, Georgia, Greece, Hungary, Estonia, Latvia and Tajikistan reported to the Universal Periodic Review (UPR) and received recommendations to legislate and improve protection for LGBTI people from violence, including hate crime and hate speech. Tajikistan received for the first time recommendation from Italy to take concrete measures to combat all forms of discrimination and violence, including domestic violence, based on gender, sexual orientation and gender identity.

The Committee on the Rights of the Child (CRC) noted in its Concluding Observations on Switzerland that the government should develop national programmes to prevent bullying against LGBTI children, and the Committee on the Rights of Persons with Disabilities (CRPD) concluded that Estonia should adopt a comprehensive strategy to prevent and combat all forms of violence and exploitation against persons with disabilities, including LGBTI persons with disabilities.

On 6 July, UNAIDS released a statement calling on Hungary to immediately remove amendments discriminatory to LGBTI people from the so-called "anti-propaganda" law.



At World Pride on 17 August, United Nations High Commissioner for Human Rights Michelle Bachelet spoke at the Copenhagen Human Rights Forum, stating that “No region is immune. Right here in the European Union, for example, more than half of LGBT people have reported threats and harassment.”

BODILY INTEGRITY

During its review under the UPR, Austria received a recommendation to strengthen the legislative framework to expressly prohibit any practice that modifies a person’s sexual characteristics without well-founded medical reasons or without the full consent of that person. Ireland received a recommendation to enact legislation to prohibit so-called “conversion therapies”. Similarly, several treaty bodies – including the CRC, CRPD, and the Human Rights Committee (HRCtee) – published Concluding Observations urging the Czech Republic, Finland, France, Luxembourg, and Switzerland ensure that intersex children are not subjected to non-vital treatments without their personal, fully informed consent. Luxembourg also received a Concluding Recommendation from CRC to ensure that children have their best interest taken as a primary consideration, including for intersex children.

On 20 January, the UN Special Procedures sent Communications to Poland, Pope Francis, and Archbishop Stanislaw Gadecki regarding the 2020 Polish Episcopal Conference (Konferencja Episkopatu Polski), which resulted in the adoption of a “position on the questions of LGBT+” including a position in favor of so-called “conversion therapies” and a call for the formation of clinics to offer these practices; the Polish government replied on 18 March.

EDUCATION

During its UPR review, Georgia received several recommendations to implement educational and awareness-raising campaigns to combat discrimination on the grounds of sexual orientation and gender identity. Hungary received a recommendation to guarantee the right of children to comprehensive sexuality education, including on the full diversity of sexual orientations, gender identities, and sex characteristics. Additionally, Poland received a Concluding Observation from CRC and Finland from CESCR on developing inclusive education materials and prohibiting discrimination and bullying in schools.

EQUALITY AND NON-DISCRIMINATION

During their review by the UPR in 2021, Austria, Belarus, Belgium, Denmark, Estonia, Georgia, Greece, Hungary, Ireland, Latvia and Tajikistan received recommendations to adopt or improve existing comprehensive anti-discrimination legislations addressing direct and indirect discrimination based on sexual orientation and gender identity. Hungary received multiple recommendations to repeal the legislation banning the “promotion of homosexuality” among minors and enact legislation to protect LGBTI persons from discriminatory practices. Similarly Estonia, Finland (1, 2), France, Latvia, and Switzerland received treaty body Concluding Observations from CRC, CRPD, the HRCtee, and the Committee on Economic, Social, and Cultural Rights (CESCR), encouraging stronger anti-discrimination protections.

On 22 March, seven UN Special Procedures mandate holders wrote a Communication to the government of Hungary on the abolition of the Equal Treatment Authority; the government replied on 19 May.

For IDAHOBIT (May 17), a group of UN Special Procedures mandate holders called on religious leaders to show respect and compassion for LGBT persons, and the High Commissioner for Human Rights drew specific attention to the situation of LGBTIQ+ youth and called for defense of the trans community.

On 04 March, three UN Special Procedures mandate holders urged Uzbekistan to decriminalise consensual same-sex sexual conduct between adult men; the government has not replied at time of writing.



FAMILY

During its UPR review, Greece received recommendations to pass and implement laws that recognise same-sex marriage and the possibility to adopt children.

FREEDOM OF ASSEMBLY

On 24 March, six UN Special Procedures mandate holders showed concern to Belarus on the arbitrary arrests, detention and the excessive use of force and ill-treatment against protesters and the repression on journalists and media personnel, including with specific LGBTI issues; the Belarussian government has not responded at the time of writing.

FREEDOM OF EXPRESSION

On 26 February, six UN Special Procedures mandate holders expressed serious concerns to Poland about the charges brought against women human rights defenders in response to their distribution of posters displaying the Virgin Mary with a rainbow halo, symbolising the LGBT flag; the Polish government replied on 23 April.

On 04 June, three UN Special Procedures mandate holders wrote a Communication to Uzbekistan regarding alleged physical attack and criminalisation of blogger and human rights defender, Mr. Miraziz Bazarov; the government replied on 24 August.

On 11 November, the Human Rights Committee (HRCtee) issued findings on Ukraine, and “expressed concern about reports of intimidation, persecution and attacks against journalists and human rights defenders in Ukraine, as well as anti-corruption, LGBTI and gender activists by various actors, including extreme right-wing groups.”

On 22 November, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression issued a statement about Hungary, expressing serious concerns at reports of recurring campaigns of hate-speech, harassment, or stigmatisation of journalists and human rights defenders working on the rights of migrants, refugees and LGBTI, the UN expert called on the Government “to promote and recognise the important contributions that these individuals make in building a more just and inclusive society”.

HEALTH

During its UPR review, Ireland received recommendations to develop a health care protocol for intersex children, based on human rights, that ensures that children and parents are informed about all options and that children participate in decision-making, thus avoiding subjecting intersex children to interventions irreversible and medically unnecessary surgical procedures. Belgium was recommended to ensure equality and non-discrimination based on sexual orientation by lifting restrictions imposed on homosexual men from donating blood, and adopt the least exclusionary approach taking into account current scientific studies. Similarly, Poland received a Concluding Recommendation from CRC to train health professionals to support LGBTI children, and Switzerland to ensure effective implementation on the 2016 action plan on suicide prevention, which includes specific measures for trans adolescents.

HUMAN RIGHTS DEFENDERS

On 18 November, four UN Special Procedures mandate holders shared with Poland their deep concerns over the criminalisation of an LGBTI activist, Bart Staszewski (see the chapter on Poland for more information); the government replied on 13 January 2022.



INTERSECTIONALITY

France received a Concluding Observation from CRPD to prohibit multiple and intersectional discrimination on the ground of SOGI and adopt strategies to eliminate it. Estonia and France received Concluding Recommendations from CRPD to develop data collections systems that allow for disaggregation of people with disabilities, including on the grounds of SOGI. Also, Belgium received a Recommendation from CERD to ensure that data collection on discrimination against people of African descent could be disaggregated on the ground of sexual orientation.

LEGAL GENDER RECOGNITION

During its UPR review, Austria received a recommendation to work towards guaranteeing access to legal gender recognition (LGR) for intersex, transgender and non-binary people to all six current existing options of gender markers, without any barriers, based on self-identification. Hungary received recommendations to reform legislation that denies the right to LGR of trans people. Finland received a Concluding Recommendation from the HRCtee to ensure that LGR is available to trans children.

On 27 September, four UN Special Procedures mandate holders called on Bulgaria to ensure that citizens have the ability to access legal gender recognition; the government has not replied at time of writing.

POLICE AND LAW ENFORCEMENT

On 17 February, six UN Special Procedures mandate holders expressed grave concern over the alleged arbitrary arrest, detention and torture of two men purportedly due to their SOGI; the Russian Federation replied on 22 March.

On 15 July, four UN Special Procedures mandate holders showed their concerns to Kyrgyzstan regarding alleged surveillance and attempts to break into the office of non-governmental organisation (NGO) Kyrgyz Indigo; the government replied on 06 September.

Also on 15 July, five UN Special Procedures mandate holders expressed to Kazakhstan serious concern over the harassment, intimidation and alleged arbitrary detention of human rights defenders Gulzada Serzhan and Zhanar Sekerbayeva; the government replied on 10 September.

This is a selection of mentions, reports and recommendations relevant to Europe and Central Asia. For more information, check out the work of ILGA World with the United Nations: <https://ilga.org/united-nations>



COUNCIL OF EUROPE

The Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) formalised a Working Group on LGBTI issues in its workplan and budget during the plenary session in [December](#). This Working Group builds on the [European Governmental LGBTI Focal Points Network \(EFPN\)](#), which was founded in 2004 as an informal intergovernmental space. The EFPN was integrated into the CoE SOGI Unit in 2020. The integration into CDADI further formalises and institutionalises the group within the Council of Europe organisation.

Fourat Ben Chikha was re-elected as the General Rapporteur for the rights of LGBTI people in January.

BIAS-MOTIVATED SPEECH

In March, the European Commission against Racism and Intolerance (ECRI) released its [2020 report](#), with significant focus on LGBTI issues and anti-LGBTI forces.

On 31 March, the Commissioner for Human Rights published a [country visit report on Bulgaria](#), bringing attention to the exposure of LGBTI people to bias-motivated speech and violence.

The General Rapporteur on the rights of LGBTI people of the Parliamentary Assembly of the Council of Europe (PACE) developed a report on rising hate against LGBTI people, [holding a hearing](#) in the PACE Committee on Equality and Non-discrimination in May. The report is set to be debated and potentially adopted at the PACE plenary in January 2022. As part of this report, the Rapporteur also requested an opinion from the Venice Commission on the compatibility with international human rights standards of Act LXXIX of 2021, adopted by the Hungarian Parliament in June. The Venice Commission published their [opinion](#) on 14 December; see the Hungary chapter for more details.

On 22 July, 28 members of PACE signed a [written declaration](#), calling for condemnation of Hungary's adoption of legislation akin to the Russian law against "LGBT propaganda".

BIAS-MOTIVATED VIOLENCE

On 20 March, Turkey [announced](#) that it would withdraw from the Istanbul Convention on 1 July.

On 2 April, the SOGI Unit released the [Albanian language version of their police hate crimes manual](#).

PACE adopted a report on ["Strengthening the fight against so-called 'honour' crimes"](#) on 28 September, which included specific mention of LGBTI people.

On 14 January the European Court of Human Rights delivered a judgment in [Sabalic v Croatia](#), where it found a violation of Article 3 (prohibition of inhuman or degrading treatment) in conjunction with Article 14 (prohibition of discrimination) of the European Convention on the account of Croatian authorities' failure to respond effectively to the applicant's allegations of the violent homophobic attack against her. The European Court found that "such a response of the domestic authorities through the minor offences proceedings is not capable of demonstrating the State's Convention commitment to ensuring that homophobic ill-treatment does not remain ignored by the relevant authorities and to providing effective protection against acts of ill-treatment motivated by the applicant's sexual orientation".

In the case of [J.L. v. Italy](#) concerning allegations of gang rape of the applicant who identifies as bisexual, the European Court held in its judgment of 27 May that Italian authorities failed to adequately protect applicant's rights under Article 8, in particular from secondary victimisation throughout the entire legal proceedings. The Court stressed that the wording of the judgment played a very important role, especially the comments regarding her bisexuality, relationships and casual sexual relations prior to the events in question.



On 1 June, in the judgment of [Association ACCEPT and Others v Romania](#), the European Court of Human Rights found that Romanian authorities failed to protect a screening organised by ACCEPT in 2013, and to investigate the homophobic attacks directed against participants in violation of Articles 8 (right to private and family life), 11 (right to freedom of assembly) together with Article 14 (prohibition of discrimination). Importantly the Court pointed out that “in doing so, the authorities showed their own bias towards members of the LGBT community”. The film involved a same-sex family and cinema-goers were verbally abused by protesters, who carried far-right paraphernalia.

On 17 December the European Court delivered a judgement in the case of [Genderdoc-M and M.D. v Moldova](#) concerning homophobic attacks and violence against the peaceful demonstrators and LGBTI activists during the IDAHOBIT March in Georgia in 2013. The Court found that the authorities failed to prevent the event from the counter-demonstrators.

BODILY INTEGRITY

The General Rapporteur on the rights of LGBTI people published a [statement](#) on Intersex Awareness Day, 26 October. The Commissioner for Human Rights also [tweeted](#) to mark the occasion.

EQUALITY AND NON-DISCRIMINATION

At its 87th plenary, the European Commission against Racism and Intolerance (ECRI) [established a working group](#) to prepare its forthcoming General Policy Recommendation (GPR) on LGBTI, which takes over the work of a Task Force addressing these issues in 2021. The Task Force published a Fact Sheet on LGBTI Issues in March. The Task Force also hosted a series of exchanges of views during the year as part of the preparation of the GPR; the CoE [Commissioner for Human Rights made an intervention](#) at one of these meetings in March 2021.

The German Presidency of the Committee of Ministers of the Council of Europe 2020/2021, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the the Observatory for Sociopolitical Developments in Europe co-organised an event, [“Towards the full recognition of LGBTI rights across Europe - Strategic policy measures to implement the 2010 SOGI Recommendation”](#), on 5 May, with speeches by the Secretary General of the Council of Europe, the Vice Chair of the European Commission against Racism and Intolerance (ECRI), the Director of the Anti-Discrimination Directorate, and the Head of Sexual Orientation and Gender Identity (SOGI) Unit.

In recognition of IDAHOBIT, on 17 May, the [Secretary General of the Council of Europe](#), [Commissioner for Human Rights](#), and [General Rapporteur for the rights of LGBTI people](#) released statements.

In August, the [Commissioner for Human Rights](#), the [Deputy Secretary General of the Council of Europe](#), and the [General Rapporteur on the rights of the LGBTI people](#) participated in World Pride in Copenhagen, Denmark.

The report “Alleged violations of the rights of LGBTI people in the Southern Caucasus”, by Christoph LaCroix, was adopted in the Committee of Equality and Non-discrimination in September; it will be debated and potentially adopted at the PACE plenary in January 2022.

On 7 September, the Execution Department of the European Court of Human Rights (ECtHR) issued a [thematic factsheet](#) focusing on the execution of ECtHR judgments concerning the rights of LGBTI persons.

On 18 October, ECRI held their [annual Equality Bodies seminar](#), this time with a focus on LGBTI issues. The [CHR intervened](#) in the seminar.

On 22 October, the SOGI Unit launched a [campaign](#) to celebrate the 40th anniversary of the decision in Dudgeon v. UK, 1981, which led to the decriminalisation of homosexuality around the region.



FAMILY

On 6 July the European Court of Human Rights ruled in the case of [A.M. v Russia](#), finding in favour of a trans woman in Russia who was denied access to her children because of her gender identity and transition. The Court found a violation of Article 8 (right to private and family life) and Article 14 (prohibition of discrimination).

On 13 July the European Court of Human Rights found a violation of Article 8 (right to private and family life) together with Article 14 (non-discrimination) in the case of *Fedotova and Others v Russia*. The Court reiterated states' positive obligation to establish a legal framework to ensure the effective enjoyment of the rights of private and family life under Article 8. The Court acknowledged the social reality of same-sex couples' lives in and the conflict the existing legislation creates due to lack of recognition of their relationships: access to rights for a minority cannot be dependent on the acceptance of those by the majority. The case has been referred to the Grand Chamber and the hearing is set to take place on 27 April 2022.

On 16 September the European Court of Human rights found the refusing a mother custody of her youngest child on the grounds of her sexual orientation as discriminatory and a violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) of the applicant in the case of *X. v Poland*. Taking into account that throughout court proceedings, the applicant's sexual orientation and relationship with another woman had been repeatedly referred to as a ground for refusal, the Court concluded that, in "refusing to grant the applicant full parental rights and custody rights in respect of [the youngest child], the domestic authorities made a distinction based solely or decisively on considerations regarding her sexual orientation, a distinction which is not acceptable under the Convention".

FREEDOM OF ASSEMBLY

On 17 June, the Commissioner for Human Rights published a [letter](#) to Turkish authorities, calling on the authorities to fulfil the commitments enshrined in the national Action Plan on Human Rights, stop the stigmatisation of LGBTI people, and uphold their freedoms of assembly, association and expression.

On 5 March, the Commissioner for Human Rights [tweeted](#) condemning anti-LGBTI violence in Montenegro. Similarly, on 5 July, the Commissioner [tweeted](#) about anti-LGBTI violence in Georgia around Tbilisi Pride. The General Rapporteur on the rights of LGBTI people published a [statement](#) on Tbilisi Pride on 6 July.

On 16 January the European Court delivered yet another judgement concerning bans on holding LGBT public assemblies in different regions and towns in Russia. In the case of [Alekseyev and \[76\] Others v Russia](#), the Court found that the applicants suffered unjustified discrimination on the grounds of sexual orientation, which was incompatible with the standards of the Convention.

FREEDOM OF EXPRESSION

On 30 March, the Commissioner for Human rights released a [Country Memorandum](#) on Hungary, calling for restoration of media freedoms, including references to the particularly negative media portrayals of LGBTI people in the country.

On 2 July, the Venice Commission issued an [opinion on the 2020 constitutional amendments](#) adopted in Hungary, making a series of recommendations on the need for non-discriminatory implementation or, in some cases, the need for further legislation to ensure protection of the human rights of LGBTI people. The Commission took particular note that these amendments were adopted during a state of national emergency, and invited the Hungarian government to address a series of concerns.



FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

In October, the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) held an [exchange of views](#) with the Commissioner for Human Rights on the situation of LGBTI persons in detention, among other topics.

HUMAN RIGHTS DEFENDERS

On 9 December, the Commissioner for Human Rights published a [report](#), following a roundtable conducted in February, addressing the issues facing LGBTI human rights defenders in the region, entitled: “Human rights of LGBTI people in Europe: current threats to equal rights, challenges faced by defenders, and the way forward”.

LEGAL GENDER RECOGNITION

PACE addressed a [written question](#) to the Committee of Ministers on human rights violations of LGBTI people in Hungary on 2 July, regarding the de facto ban on legal gender recognition. On [July 16](#), the Commissioner for Human Rights further urged Hungary’s parliamentarians to reject draft amendments banning discussion about sexual and gender identity and diversity.

The SOGI Unit, as part of the review of the Committee of Ministers Recommendation 2010/5, hosted a series of thematic roundtables in [Cyprus](#), [Spain](#), [North Macedonia](#), and [Lithuania](#), focusing on legal gender recommendation in the States. A thematic report is expected in early 2022.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

On 16 June, the Congress of Local and Regional Authorities of the Council of Europe [adopted 2 resolutions](#) on the role of local and regional authorities in protecting LGBTI persons, one focusing specifically on Poland and the other the entire region.

On 16 August, the Commissioner for Human Rights published a [Human Rights Comment](#) entitled: “Pride vs. indignity: political manipulation of homophobia and transphobia in Europe”, focusing on rising use of LGBTI-phobia for political gain in the region and condemning such practises.

BIAS-MOTIVATED SPEECH

The OSCE Mission to Montenegro launched an awareness-raising campaign against hate speech on 20 December, 2021. The campaign highlights the importance of advocacy efforts to stop hate speech online.

BIAS-MOTIVATED VIOLENCE

Civil society organisations and other non-state groups reported 2,017 anti-LGBT hate crimes in 36 states during 2020. These include 739 violent attacks against people, 352 threats and 117 attacks against property. According to the reported cases, attacks against people and threats have decreased in comparison to 2019, while attacks against property have increased more than 50%.

HUMAN RIGHTS DEFENDERS

In July 2021, OSCE ODIHR published a report on The Situation of Human Rights Defenders in Selected OSCE Participating States that provides an analysis of findings of ODIHR's assessment visits to the Czech Republic, Georgia, Italy, Mongolia and Montenegro. The report ODIHR offers recommendations to 57 OSCE participating States on how to strengthen the protection of defenders



BELARUS

ACCESS TO ADEQUATE FOOD

Due to the COVID-19 pandemic and also to the difficult political and social situation in Belarus, many lost their jobs and struggled to cover food, housing, and medical costs.

ASYLUM

Civil society reported that several LGBT people left the country this year to seek asylum.

BIAS-MOTIVATED SPEECH

In March, Journalists for Tolerance (J4T) published its periodic report monitoring hate speech in 2020 in Belarus. J4T found that 21% of media coverage on LGBTQ+ people amounted to hate speech in the second part of the year, which is twice as much as in the first half of 2020. The report found that hate speech incidents have risen exponentially since the COVID-19 pandemic started and then as protests began in response to the elections. Most content included accusations of LGBTQ+ people's negative influence on society or was a way to discredit political opponents.

Pro-government propagandists regularly called for the persecution of LGBT activists and the closure of LGBT organisations.

EQUALITY AND NON-DISCRIMINATION

On 10 July, ahead of the August elections, the UN Special Rapporteur on the situation of human rights in Belarus again expressed increasing concern over the deteriorating human rights situation in the country, and the unwillingness of the government to implement previous UN recommendations.

FREEDOM OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

Since the historic protests against the government in 2020, the government has continued its brutal crackdown on protesters, journalists, and civil society, through unlawful arrest, detention, violence, and ill-treatment. On 25 March for instance, the authorities carried out mass detentions against peaceful participants of Freedom Day protests. (see more under **Human Rights Defenders**)

The parliament adopted several new bills and amendments this year, which have further restricted freedom of expression, assembly and association in Europe's last dictatorship. The new legal changes make it even easier for the authorities to control the work of journalists and civil society, including by denying them accreditation,

shutting them down, blocking their online presence, or banning them from covering demonstrations. Attending unauthorised demonstrations is now punishable by up to three years in prison; those promoting "extremist activities", which remain undefined, can face up to six years. The Special Rapporteur on the situation of human rights in Belarus called the new measures "unprecedented in scope and gravity".

On 23 July, over 50 civil society organisations learned that they were simply dissolved, in what seems a complete 'cleansing' of civil society. Over 100 searches were carried out just in July.

In December, the spokesperson of A1, the largest phone network in the country, was detained in Minsk. Nikolay Bredelev is accused of sharing sensitive company information. He was filmed in what is thought to be a forced 'confession' about his sexual orientation. The head of Hyundai was also detained and forced to make a similar 'confession'.

HUMAN RIGHTS DEFENDERS

Belarus continued making headlines for months, due to the brutal government crackdown waged against civil society.

In January, the authorities started investigating, searching, and harassing civil society organisations. On 25 January, the police searched the office of MAKEOUT, a popular magazine about gender and sexuality. On 16 February, the authorities searched and detained over 40 human rights defenders and journalists and launched a criminal investigation against over a dozen.

On 9 November, women's rights activist Olya Gorbuna was kidnapped and detained under Article 342 of the Criminal Code, i.e. violating public order – for leading the 2020 women's marches. Gorbuna heads a shelter for victims of domestic violence and has worked with survivors for almost two decades. She is openly a member of the LGBTQ community. Civil society is concerned that Gorbuna is being subjected to torture and ill-treatment in the detention centre on Akrestsina street. Civil society is demanding adequate detention conditions, a fair investigation and a fair trial for Gorbuna, who could face up to three years in prison.



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