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Equality for lesbian, gay, bisexual,
trans and intersex people
in Europe

LGBTI Enlargement Review 2019

ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (Regional); Aleanca, Streha LGBT, Pro LGBT, Pink Embassy, Open Mind Spectrum (Albania); Sarajevo Open Centre, Cure Foundation (Bosnia and Herzegovina); Center for Social Group Development CSGD and Center for Equality and Liberty CEL (Kosovo); Association Spectra, LGBT Forum Progress, Hiperion and LGBTIQ Social Center (Montenegro); Helsinki Committee for Human Rights – LGBTI Support Centre, Coalition for sexual and health rights of marginalized communities MARGINS, Subversive Front, LGBT United Tetovo (North Macedonia); Da se zna, Geten – LGBT, Labris, XY Spectrum, Crisis Response and Policy Centre (Serbia); SPoD and Kaos GL (Turkey).



Aleanca Kundër
Diskriminimit LGBT



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Table of Contents

1.	Introduction	2
2.	Main priorities in the coming year	5
3.	Country Submissions	7
3.1	Albania	7
3.2	Bosnia and Herzegovina	11
3.3	Kosovo	15
3.4	Montenegro	18
3.5	North Macedonia	23
3.6	Serbia	28
3.7	Turkey	32

1. Introduction

Rationale

In order to ensure an accurate representation of the developments relating to the human rights of LGBTI people ILGA-Europe and ERA, together with our member organisations in EU accession countries, have compiled this submission to the Progress Reports of the European Commission.

This report reflects developments in the recognition and respect for the human rights of LGBTI people in each accession country during the period from January through December 2019. It is intended to assist the European Commission in assessing the progress made en route to EU accession in each country to date. In addition to outlining key developments and challenges on the road to LGBTI equality, the report also highlights gaps in legislation and policy for the promotion and protection of the human rights of LGBTI people, and the priorities which authorities in each country should tackle in the coming year, as identified by LGBTI activists in the respective countries.

We hope that this input will be useful in the process of assessing the progress of each country to date, and in identifying key priorities in the coming year.

We also hope that this report will be used as guidance by the EU officials, MEPs and EU representatives in the accession countries throughout the year, when referring to rights of LGBTI persons in the accession countries and the much needed further improvement of their position in society and within legal and policy frameworks.

The EU accession process has been, and continues to be, a driving force for change in the recognition of the human rights of LGBTI people throughout the region. Year on year the human rights of LGBTI people continue to feature notably in the reports, assessing progress to date and setting out recommendations for the authorities to implement in the future. In order to ensure this implementation, we deem it necessary to extend this reporting process so that it includes **mechanisms for the follow-up of the recommendations to national governments**, and for **reporting back to civil society on how data published in the reports are used in this regard throughout the year**. In this way we can ensure that the reports reach their full potential when it comes to securing social and legal change for the rights of LGBTI people in the region.

Local Context

In the majority of the accession countries, the legal frameworks and existing policies for the promotion and protection of the human rights of LGBTI people are sound. However, these frameworks have remained largely stagnant for a number of years, with little further progress. While basic protections for the human rights of LGBTI people are in place in all countries apart from Turkey, further development is needed across the region. In particular, provision of legal gender recognition procedures and legislation, and recognition of same-sex partnership need to be addressed.

There is currently a real opportunity to create momentum for achievement of both of these changes, and the EU's voice of encouragement could be crucial in achieving this. However, three accession countries will have parliamentary elections in 2020 (Montenegro, North Macedonia and Serbia), while Kosovo faces political crisis and still has no Government elected. With that said, it is important to emphasise that newly elected Parliaments and Governments need to make clear and comprehensive agendas for such achievements.

Access to healthcare for trans people also remains an issue, both for trans specific healthcare as well as for non-discriminatory access to general health care. Intersex people are largely invisible across the region, with only Montenegro and Bosnia & Herzegovina having added sex characteristics as a protected ground against discrimination. Turkey does not have non-discrimination provisions on

grounds of sexual orientation and gender identity, hate speech laws do not name grounds of sexual orientation and gender identity in Kosovo, North Macedonia or Turkey. None of the EU accession countries have policies designed to tackle hate speech in place, yet hate speech is a prevalent issue in all of them.

Moreover, the lived reality for LGBTI people remains starkly different to the protections which exist on paper. Implementation of existing legislation remains a prominent issue. While hate crime legislation naming specifically grounds of sexual orientation and gender identity exists in a majority of the accession countries, identifying the hate element in bias motivated crimes against LGBTI people remains problematic. Hate speech continues to be an issue both in the media and on social media, often coming from political players, with little to no convictions despite regular reporting by civil society, showing that hate speech legislation, which also exists in a number of EU accession countries, is also not being applied effectively. Public attitudes, while improving in a number of countries, continue to be predominantly negative. Concrete recommendations from the EU side to tackle these issues and promote thorough and sustainable implementation can serve as a driving force for sustainable change to the lived realities of LGBTI people in the region.

Headings for country submissions

Each country submission is arranged under the following headings. In cases where organisations have no updates to share, the respective heading has been left out:

- Summary of key developments
- Main action points for the coming year
- Bias motivated violence, hate speech, hate crimes
- Freedom of assembly, association and expression
- Equality and non-discrimination, including legislation and enforcement
- Legal recognition for same sex couples
- Rights and equal treatment of trans persons
- Rights and equal treatment of intersex
- Public awareness and attitudes
- A supportive and enabling environment for civil society

A note on the blockage of accession talks with North Macedonia and Albania

The accession process of the European Union is of utmost importance for LGBTI rights, and human rights more broadly, in the Western Balkans. With the commencement of the process, the transition from authoritarian states to states based on democracy, rule of law, and respect for human and minority rights became inevitable and irreversible. Moreover, it became the major instrument for reconciliation of the region that went through a turbulent decade of wars, ethnic conflicts and economic and societal crisis.

Within this period, the position of LGBTI persons have drastically changed, as EU integration served as an anchor for reforms in the region when it comes to human rights for all, including the unconditional acknowledgment that LGBTI people are part of Western Balkan societies.

Reforms around LGBTI rights are unprecedented across the region. In particular, in addition to its name change, North Macedonia adopted many missing laws to protect rights of LGBTI persons in the past 2 years, confirming the essence of European fundamental values by explicitly including sexual orientation and gender identity in its anti-discrimination, education, media and hate crime legislation. Albania adopted a number of laws protecting LGBTI people from discrimination in employment and education, and hate crime laws inclusive of sexual orientation and gender identity. ERA gathered over 200 human rights defenders in the Albanian capital of Tirana for its regional LGBTI

conference this November, when the very first lesbian* march was also held in the city's streets, without incident. North Macedonia held the first Pride Parade in June 2019, and the Ministry of Labour and Social Policy organized its first National Conference on Advancement of LGBTI Rights also in June 2019.

In an increasing number of European countries we are witnessing the continuous rise of populism, political and religious extremism, and the emergence of powerful anti-gender and anti-LGBTI movements. These forces are attempting to restrict and threaten the rights and freedoms of LGBTI people. With LGBTI communities still living in the fragile and yet to be fully reformed Western Balkans, facing a large number of human rights challenges, it is our belief that the EU is making an "historic error" by refusing to let North Macedonia and Albania start accession talks.

The decision to keep the doors closed to North Macedonia and Albania puts into question the credibility of the accession process throughout the region, a process which has been fundamental in improving the legal rights and social acceptance of LGBTI people. With no clear support from the EU and by stopping the EU integration process, every LGBTI person and group in the Western Balkans is once again at risk of increased marginalisation and of being left behind, while the LGBTI movement will have even less space for development.

We therefore call on the EU, and EU Member States, to recognise the wide-spread consequences of this situation, and to do everything in their power to ensure that the start of accession talks is unblocked. If the EU truly believes in empowering LGBTI and other vulnerable or minority communities and protecting their rights across Europe and the world, it must include the unblocking of accession talks as its top priority for the region.

Closing remarks

Despite this very real concern for the region, the EU remains a key player for achieving real, sustainable change for LGBTI rights. The country submissions included in this report outline what changes are needed to ensure full and genuine protection of the human rights of LGBTI people, and we hope that many will be reflected in the Enlargement Reports to ensure continued and on-going progress for the promotion and protection of the human rights of LGBTI people in the EU accession countries.

For any further questions or concerns about the information in this report, please don't hesitate to get in touch.

Sincerely,

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2. Main priorities in the coming year

For each of the accession countries, local LGBTI organisations have identified key priorities for reform in the area of human rights of LGBTI persons. If these priorities are reflected in the country reports 2019, the organisations and the European Commission can deliver a unified message to the governments of accession countries and monitor the progress made on these issues in the coming year.

2.1. Albania

- The National LGBT Action Plan expires at the end of 2020. The Ministry of Health needs to start work on drafting a new Action Plan as soon as possible, as it takes around two years to draft and adopt an action plan. The new plan needs to be accompanied by a suitable budget;
- Approval of changes in the family code to recognise same-sex partnership;
- Adoption of the law on gender recognition based on self-determination;
- Ensure full implementation of current legislation, including through provision discrimination prevention training to groups of professionals like police, school teachers, doctors, journalists, prosecutors, judges;
- Develop adequate mechanisms for implementation of UPR SOGIESC based recommendations
- The government should not only focus on same-sex partnership but also family violence, education, health services, social services, access to justice, employment, sex workers' rights etc.

2.2. Bosnia and Herzegovina

- Adopt at all levels the Plan for Equality of LGBTI People in Bosnia and Herzegovina (BiH);
- Continue the work on the drafting of same-sex partnership legislation and work towards its adoption without delay;
- Amend criminal codes in FBiH and Brčko District to ban hate speech on grounds of sexual orientation, gender identity (SOGI);
- Amend the existing legal gender recognition procedures to allow trans people to change sex markers in their documents on the basis of self-determination;
- Increase training and cooperation of judiciary and police when dealing with hate crime, hate speech and discrimination;
- Secure mechanisms for adequate implementation of latest SOGIESC based recommendations made by HRC (UPR), UN CRC and UN CEDAW.

2.3. Kosovo

- Amend the draft of the Civil Code to include same-sex partnerships;
- Ensure adequate implementation of the Criminal Code;
- Work closely with the Ministry of Internal Affairs and the Agency for Civil Registry to amend the Civil Status Law and draft the administrative instructions for enabling the change of gender marker in official documents;
- Initiate communication with national, regional and international actors on legal changes regarding intersex persons.

2.4. Montenegro

- Form a working group for the Law on gender identity based on self-determination;
- Adoption of registered partnership law;
- Increase capacities of institutions in ensuring protection against discrimination, with special emphasis on the judicial system;

- Decentralisation through adoption and creation of local action plans.

2.5. North Macedonia

- Establishment of the Commission for protection from discrimination and implementation of the LPPD, including election of independent and professional members;
- Adoption of a law on legal gender recognition based on self-determination. The working group must expand to include experts on discrimination, and community-based LGBTI NGOs;
- The Ministry of Labour and Social Policy must adopt and start the implementation of the National Action Plan for Advancing the Human Rights of LGBTI people;
- Effective and efficient protection from hate crime and hate speech, in line with newly adopted legislation;
- Training of high-level politicians, public figures and community leaders on how to use politically correct language, including how not to harass or offend LGBTI persons while making public statements, and how to promote diversity, equality and inclusion of all in society.

2.6. Serbia

- Urgent adoption of the Same-Sex Partnership Law;
- Urgent adoption of the Gender Identity Law;
- Creation of database of hate crimes and related incidents against LGBTI persons;
- Better and consistent implementation of existing provisions tackling discrimination against LGBTI persons.

2.7. Turkey

- Repeal the ban on LGBTI marches in Istanbul, Izmir, Mersin, Antalya and other cities;
- Condemnation and prosecution of hate speech, hate crimes and discrimination of LGBTI persons including LGBTI refugees;
- Drop charges against the LGBTI+ human rights defenders who participated in a peaceful pride marches, like for example at the METU campus and in Izmir;
- Continue EU and international support and monitoring of trials against human rights defenders, as this helps keep pressure on Turkish authorities to deliver justice.

3. Country submissions

3.1. ALBANIA

Submitted by: Aleanca LGBT, Streha LGBT, Pro LGBT, Open Mind Spectrum, Pink Embassy

Summary of key developments, including political context and trends

- The political situation in Albania during 2019 has been tense due to deputies of opposition parties leaving their mandates and organising several mass protests against the current government. In June local elections were held but they were boycotted by opposition parties. Politicians feel pressure to pass more inclusive legislation in order to join the EU. However, they do not come out to criticise discrimination against LGBTI people, and the situation has become even more critical after the EU refused to open accession talks with Albania in October. As a result human rights and LGBTI rights activism has focused on legal options such as strategic litigation.
- Within the 3rd Cycle of the Universal Periodic Review report Albania [noted](#) (turned down) five [recommendations](#) focused on LGBT, which included changes in [family code](#), gender recognition and education, which are also the most problematic areas when it comes to discrimination faced by LGBTI community.
- Albanian society, as a whole, is predominated by a patriarchal culture and is characterised by a deeply closed conservative mentality concerning LGBT people. This reality becomes even harsher in Northern Albania and other regions, where the patriarchal mentality is stronger.
- LGBTI people face stigma and discrimination at individual, family and community levels, which impedes their access to health, education and social services and negatively affects their education and employment opportunities. Data from NDI Poll on LGBTI 2015 shows that 61% of Albanians say that LGBTI people should not exhibit their sexual orientation outside of their homes. 52% think that in a normal family a child cannot be homosexual, 48% think homosexuality is a sickness, and 28% want homosexuality to be punished.
- Most activities foreseen in the 2016-2020 National LGBTI Action Plan have not been implemented due to lack of budget and lack of coordination between responsible Ministries.
- The earthquake of 26 November devastated the Albanian people. Thousands of people are left homeless and the Albanian government was and is totally unprepared to manage the situation. With damage costs set to exceed \$100 million, the next fiscal years in Albania will be very difficult for the government to focus on activities planned on the National Action Plan, nor focusing on drafting a new one.
- On 20 December the conference “Freedom Without Hate: Reconciling Freedom Of Expression With Other Human Rights” was organised in Tirana by the Ombudsperson Office of Albania in partnership with the [Council of Europe and EU](#), to which LGBTI civil society was invited. Representatives from the Council of Europe, the UN, the Albanian government, judiciary, media and civil society attended, including the President of Albania.
- Despite the fall of communism 29 years ago, Albania hasn’t redressed any of the gay victims that were put in prison up to 15 years because of their sexual orientation. Although the country has redressed the victims of communist oppression for exercising the freedom of speech, because of historic discrimination and prejudices towards sexual orientation, it has refused to redress this issue either at the level of the Parliament or Government.

Main action points for the coming year:

- The National LGBT Action Plan expires at the end of 2020. The Ministry of Health needs to start work on drafting a new Action Plan as soon as possible, as it takes around two years to draft and adopt an action plan. The new plan needs to be accompanied by a suitable budget;
- Approval of changes in the family code to recognize same-sex partnership;
- Adoption of the law on gender recognition based on self-determination;
- Ensure full implementation of current legislation, including through provision discrimination prevention training to groups of professionals like, police, school teachers, doctors, journalists, prosecutors, judges;
- Develop adequate mechanisms for implementation of UPR SOGIESC based recommendations;
- The government should not only focus on same-sex partnership but also family violence, education, health and social services, access to justice, employment, sex workers' rights etc.

Bias motivated violence, hate speech, hate crimes

- Most LGBTI people have difficulty accessing the justice system. The only way to ensure action and protection from the police is to go to the station accompanied by a member of one of the LGBTI NGOs in Albania.
- In 2019 Aleanca's LGBTI community center has reported 49 cases of violence due to sexual orientation and gender identity.
- These individuals have experienced systematic discrimination, they have reported: 695 offenses, 495 humiliations; four cases of sexual harassment; 70 cases of blackmail; 91 cases of physical violence.
- Only 12 of these cases have been reported to institutions such as the police and the Commissioner for Protection from Discrimination.
- Since the beginning of the year, while covering cultural events like Miss Trans Albania, some news portals still used discriminatory language, considered by them sometimes as jokes or humour, towards the LGBTI community and especially the trans community. They referred to trans women and girls as "men who dress up/choose to live as women". On their social media accounts, they do not moderate hate speech and discriminatory language.
- The situation was the same during the launching of the Pride Campaign. However, there were also a few positive articles inviting people to Pride, written by journalists who took part in Aleanca's January training. Many mainstream media channels did not cover Pride at all.
- In the last months, LGBTI organisations have noticed an increased number of hate speech cases by politicians and opinion-makers on prime-time political shows. In October, there were two cases where an MP insulted members of the LGBTI community and publicly threatened them, while the moderator tried to fuel the discussion even more.
- Both cases were reported to the Council of Complaints at the Albanian Media Authority, and their conclusion was that in both screenings, the Code of Transmission was neglected and hate speech and discriminatory language was involved. They issued a warning to the TV channel (RTV ORA) but did not fine them or take any measures.
- In 2019, 17 members of the LGBT community sought asylum abroad due to severe discrimination. In the last year OMSA has reported an increasing number of LGBT people (especially youth but not only) asking for help to leave Albania and seek asylum in EU countries, US and Canada due to fear of violence and discrimination based on SOGI.

Main action points for the coming year:

- Legislation regulating hate speech, including on grounds of SOGI, needs to be improved;
- Ensure full implementation of existing legislation, including by providing training on hate motivated discrimination, speech or violence against LGBTI people to law enforcement bodies in collaboration with civil society organisations;
- Urgently address the lack of safety in schools for LGBTI pupils and students.

Freedom of assembly, association and expression

In 2019 Aleanca organized the [8th Tirana Pride](#), and the [first Tirana Dyke March](#) as part of the [2019 ERA Annual Conference](#). Both marches were supported and protected by the State Police, and Pride events were attended by high-ranking government officials, CSOs, friends, families and supporters. Leading up to the Pride event, a [video campaign](#) was organized in solidarity with the LGBT community, featuring public figures.

Equality and non-discrimination, including legislation and enforcement

- Aleanca has sent recommendations to the Commissioner for Protection from Discrimination as the 2010 Anti-Discrimination Law is being revised and needs improvement. The burden of proof is an issue as the victim has to show evidence of discrimination.
- Cases are not reported to authorities due to lack of trust. More public awareness among the general population, professionals and communities on existence of the Anti-Discrimination Law is needed.
- Even though hate crime has been recognized in the penal code since 2012, police and prosecutors still do not register cases of hate crime as such.
- Even though the law nr. 69/2012 on pre-university education guarantees access to education regardless of sexual orientation, there are no policies against bullying and discrimination in schools based on sexual orientation and gender identity. As a result an increasing number of LGBTI youth have dropped out of school.
- Sexual orientation and gender identity are not included in the Law 121/2016 on social services, making it difficult for LGBTI people to access its benefits.
- Although the 2018 Law on social housing recognizes LGBT people among vulnerable groups that can profit from social housing programs, many homeless LGBTI people are not supported by municipalities.

Main action points for the coming year:

- Take action to combat bullying of LGBTI youth in schools;
- Strengthen the position of Commissioner for Protection from Discrimination and ensure that LGBTI persons are reporting cases of discrimination based on SOGI;
- Implementation of the Social Housing and Anti-Discrimination laws must be a priority.

Recognized unions for same sex couples

LGBTI organizations have asked the Albanian government to amend articles 163 and 164 of the Family Code to allow for gender neutral cohabitation and to recognize the rights of same-sex couples in relation to property, inheritance and health/social insurance. The Ministry of Health and Social Protection presented the necessary draft law and amendments to the Ministry of Justice in 2013. There has been no political will to advance changes in the family code regarding recognition of same sex couples, despite the National LGBTI Action Plan foreseeing improvement of legislation specifically on recognition of same sex couples and gender identity. The Albanian government stated after UPR recommendations that: the Government of the Republic of Albania is currently not planning (for the next four years) proposals to include these amendments in the Family Code.

Main action points for the coming year:

- Adopt necessary changes to the Family Code to recognize same-sex couples.

Rights and equal treatment of trans and intersex persons

A law on gender recognition was drafted in 2012 by two Albanian legal experts supported by the Council of Europe, however there has been no political will to approve this draft law. Albania also

noted (rejected) the UPR recommendation on this. The transgender community in Albania is the most vulnerable group, as they have difficulties in accessing health care and housing and do not have any possibility to undertake hormone therapy or transition. It is also impossible for them to change their gender marker in legal documents. They frequently face discrimination in the prison system (assigned to wards based on the gender assigned at birth) and when reporting hate crime to the police. Young trans people often end up doing sex work, which is criminalized in Albania, leaving them in danger not only of abuse and harassment, but also arrest and imprisonment.

On 12 November 2019, Anxhela, a trans woman living in Tirana, was brutally [attacked](#) by five men in their twenties, who beat her until she lost consciousness. No one came to her help and once she could gain some strength she managed to walk to the Aleanca community center in downtown Tirana, where the staff called the police and an ambulance. Anxhela was taken to the ER where, with the help of other activists, she received treatment. She also gave a statement to the police. Anxhela is frequently attacked with countless visits to the police and hospital. This underscores the importance of having long-term and secure housing in order to be safe and live a life of dignity.

Legal provisions assert that parents bear primary responsibility for the registration of their children, and in case this procedure fails, it falls to the state institutions to carry out this procedure. Parents who register their newborns within 60 days of birth (births inside the territory of Albania) or within 90 days (births from Albanian citizens outside Albania) receive a monetary reward. The only options for registration are male or female, not allowing for intersex status.

There are no provisions specifically addressing human rights of intersex people. Sex characteristics are not listed as possible grounds of discrimination. The only current legal cases concerning intersex children are about changing the sex marker in documentation. There are no written protocols for diagnosing intersex status and no medical teams working with intersex babies and children.

Main action points for the coming year:

- Establish legal protection for intersex people;
- Adopt legal gender recognition legislation on the basis of self-determination.

Public awareness and attitudes

Public awareness and acceptance of LGBTI people remains low, particularly in rural areas. Public awareness campaigns are organized by NGOs while the government has still never organized a campaign to raise awareness of the LGBTI community, despite this being included in the National Action LGBTI Plan. As a result general perception and attitudes toward the LGBTI community continue to be discriminatory and stigmatizing. For example, according to a National Democratic Institute (NDI) study conducted in 2015, more than 40% still think that homosexuality is a disease. Most LGBT people lead double lives and are not free.

Main action points for the coming year:

- The government should make their position public on various issues related to LGBTI rights;
- Anti-discrimination Commissioner and Albanian Ombudsperson should continue using public institutions to condemn politicians in Albania who use hate speech against LGBTI people.

A supportive and enabling environment for civil society

There are no laws in Albania that prohibit the activity of LGBTI organizations. However, there is lack of financial support from the government for LGBTI organisations.

Main action points for the coming year:

- The state must hold meaningful consultations with CSOs as part of inclusive policy dialogues.

3.2 BOSNIA AND HERZEGOVINA

Submitted by: SARAJEVO OPEN CENTRE (SOC) and Cure Foundation

Summary of key developments, including political context and trends:

- Persecution of hate crimes and hate speech still remains insufficient. Physical assaults have not led to indictments so far. Institutional mechanisms are needed to ensure police and judiciary respond adequately to hate-crime and hate-speech directed at LGBTI people.
- After last year's initial positive reaction by the government of the Federation of Bosnia & Herzegovina (FBiH), no follow-up was made regarding the Action Plan for Equality of LGBTI People or their plans to draft a same-sex partnership law.
- Same-sex couples are continuously discriminated against, as the legal system fails to recognise their social and economic rights, including the right to family life.
- The Law on prohibition of discrimination is still not effectively implemented – there have been almost no court cases on grounds of sexual orientation, gender identity or sex characteristics.
- Sarajevo held its first ever Pride March on September 8th, drawing almost 3000 participants from all parts of country and region.
- Despite the fact that the Pride March was a huge step forward for the LGBTI community and society, problems regarding freedom of assembly of LGBTI people still persist.
- After the Pride March was announced on April 1st, several incidents and assaults were documented towards LGBTI people in public. Examples of hate speech were also documented among public figures, such as the [example](#) of Samra Čosović Hajdarević, MP in the Assembly of Canton Sarajevo.
- No progress has been made when it comes to the position and social inclusion of trans* and intersex people, especially regarding medical institutions and public health insurance.
- In September and November 2019 the UN [published](#) new SOGIESC based recommendations to BiH, in the areas of children's and women's rights.
- Education within civil society is needed to make the fight for human rights a common struggle and thus join forces and move strategically towards decision-makers.

Main action points for the coming year:

- Adopt at all levels the Plan for Equality of LGBTI People in Bosnia and Herzegovina (BiH);
- Continue the work on the drafting of same-sex partnership legislation and work towards its adoption without delay;
- Amend criminal codes in FBiH and Brčko District to ban hate speech on grounds of sexual orientation, gender identity (SOGI);
- Amend the existing legal gender recognition procedures to allow trans people to change sex markers in their documents on the basis of self-determination;
- Increase training and cooperation of judiciary and police when dealing with hate crime, hate speech and discrimination;
- Secure mechanisms for adequate implementation of latest SOGIESC based recommendations made by HRC (UPR), UN CRC and UN CEDAW.

Bias motivated violence, hate speech, hate crimes

A few days before the Merlinka Festival in Tuzla, that took place between 15-16 March, homophobic graffiti was [painted](#) on the wall of the venue saying "Faggots, get treatment!".

Kristina Ljevak, a journalist and visible ally to LGBT people, was [targeted](#) by a smear campaign after being appointed as the director of the Sarajevo Canton Television in June.

Following the news that the country's first Pride parade would be held in September, hate speech became more common, mainly on social media. For instance, MP Samra Čosović Hajdareić publicly called for the isolation and expulsion of LGBT people from society, particularly children. Numerous complaints by concerned citizens and the Pride Organizational Committee were sent to the Ethics Council of the Canton Sarajevo Assembly, along with an inquiry sent by the Ombudsperson. None of these have been answered by the Council.

Between June 2018 and June 2019, the SOC recorded a total of 31 cases of incidents and crimes motivated by prejudice and a total of 83 cases of hate speech and calls for violence and hatred.

The criminal codes of FBiH and Brčko District still have not been amended to include SOGISC as prohibited grounds for hate speech and incitement to violence.

A lesbian couple was verbally [assaulted](#) and threatened with a knife on 2 February and three days later were physically attacked by the same man and his friends. The violence was presumed to be linked to heightened homophobia ahead of the country's first Pride march. The police identified the perpetrator and he was charged with misdemeanor and fined with 1000KM for physical assault and threatening with a weapon in public. The fact that the perpetrator was charged with only misdemeanor despite harassing and threatening different LGBTI persons in just a few days shows that the prosecution does not yet recognize hate crimes when they occur.

In Banja Luka, a lesbian couple was physically and verbally [assaulted](#) in July. The victims immediately contacted the police, who treated them with a lot of hostility. Due to the hostility of the police, the couple lost faith in pursuing the case. In the end, they decided not to press charges and leave the country.

With the support of the Federal Ministry of Internal Affairs [last year](#), the Police Academy of FBiH, in cooperation with SOC, trained 213 students this year. The training [aimed](#) to prepare police trainees for handling hate crimes and spanned over a month. It is yet to be known if students will receive the same training in the future. The permanent curriculum of the Academy is unlikely to be changed.

Main action points for the coming year:

- Amend criminal codes of the Federation of BiH and Brčko District, and expand provisions on incitement to hatred and violence in order to include SOGI as protected grounds;
- Constantly train and inform judges, prosecutors, police officers and civil servants about hate crimes and incitement to hatred and violence against LGBTI persons;
- Improve education and cooperation between the police and the judiciary on prosecution of hate crimes against LGBTI persons;
- Systematically collect data on hate crimes perpetrated out of gender-based hatred, and on SOGISC grounds;
- Educate academic staff to sensitize them to work with LGBTI people, and to recognize, condemn and avoid hate speech against LGBTI people.

Freedom of assembly, association and expression

In April, activists [announced](#) that they will hold Bosnia and Herzegovina's first Pride march in September. The march was successfully held in Sarajevo on 8 September, with almost 3000 participants. Over 1000 police officers secured the event and no incidents were reported. Even though the March was a huge success and a leap forward for the LGBTI community, problems concerning freedom of assembly still persist. For instance, organizers were faced with large and unreasonable financial burdens for organizing security, paying security agencies and financing metal and concrete barriers throughout the Pride march route.

The Organizing Committee included 16 volunteer activists from all over the country (Prijeedor, Banja Luka, Sarajevo, Bijeljina, and Tuzla). The march was met with mixed reactions by the political sphere.

Main action points for the coming year:

- Adopting new laws or amending existing laws so that the right to freedom of assembly can be exercised fully in all parts of the country, and complies with European and international standards.

Equality and non-discrimination, including legislation and enforcement

Contrary to its earlier plans, the Ministry of Labour, Social Policy, Displaced Persons and Refugees of Sarajevo Canton decided not to publish a thematic report on the human rights of LGBTI people and women. Instead, they [pledged](#) to extensively cover these topics in their upcoming Gender Action Plan.

Despite the FBiH government's earlier statements, [no concrete steps](#) were taken to adopt an LGBTI Equality Action Plan this year.

On 6 April, attendees of a soccer game [hung up](#) a banner saying "Forbid it, please!" alongside the flag of the Kingdom of Brunei. Shortly before, Brunei had announced that it will criminalize same-sex relations and punish them with death sentence. LGBT NGOs sent an appeal to the Football Association requesting an official statement condemning the action, but have not received a response.

Main action points for the coming year:

- The Law on prohibition of discrimination still needs to be effectively applied and enforcement mechanisms need to be improved.
- Adopt the Plan for Equality of LGBTI people in all territories of Bosnia and Herzegovina (either for every entity or at a state level).

Recognised unions for same sex couples

After what seemed to be strong political will on the issue in 2018, no progress was made this year to provide legal recognition for same-sex couples. Couples continued to register their partnerships abroad and ask for recognition at home without success.

Main action points for the coming year:

- Adopt new legislation that would ensure the same socio-economic rights that are guaranteed to heterosexual couples in marriage or extra-marital unions and remove the systematic discrimination of same sex couples by the state in this area.

Rights and equal treatment of trans and intersex persons

Trans* and intersex people remain completely marginalized and their needs unrecognized in medical institutions and by public health insurance.

There are no legal provisions that would enable state funded health care for the needs of trans* people. Procedure for sex marker change in official documents is possible but complicated and requires full medical transition.

Intersex people are still marginalized and there are cases of mistreatment by medical workers in the form of invasive "sex normalization" procedures without informed consent by parents or intersex persons themselves.

Main action points for the coming year:

- Adopt and implement laws in all three administrative units (Republika Srpska, Federation of BiH, Brčko District), which would define the duty of medical institutions to establish teams and train professionals who could follow the process and guide medical procedures for sex reassignment in BiH, as well as the obligation of the health insurance institute to cover the costs of these procedures in health insurance;

- Through its entity and cantonal ministries of health, as well as clinical centers, BiH needs to strengthen the protection of bodily integrity of intersex people and prohibit unnecessary "sex normalization" medical procedures conducted on intersex children.

Public awareness and attitudes

The Pride march was a huge success mainly in the area of public awareness and attitude. It mobilized all parts of society and was a huge leap for the LGBTI community in Bosnia and Herzegovina when it comes to visibility, mobilization of activism, strengthening of the LGBTI community, and drawing support from all parts of the state.

A supportive and enabling environment for civil society

At the moment, it is very important that human rights organizations first understand that they must support the rights of LGBTI populations. Education within civil society is needed to make the fight for human rights a common struggle and thus join forces and move strategically towards decision-makers.

Main action points for the coming year:

- Ensure full exercise of freedom of assembly of LGBTI people and organisations in BiH.

3.3 KOSOVO

Submitted by: Center for Social Group Development CSGD, Center for Equality and Liberty CEL

Summary of key developments, including political context and trends:

- Since January 2019, 10 cases of hate crime against LGBTI people have been reported to the rule of law institutions. Two of these cases were taken to court and resulted in a positive verdict for the victims. The other eight cases are still being processed. A further 13 other cases were reported to LGBTI organizations, but the victims did not agree to report them to the authorities.
- CSGD and CEL have launched a campaign regarding the amendment of the Criminal Code and the inclusion of sexual orientation and gender identity as a ground for protection in eight articles.
- CSGD and CEL together with other human rights organizations have sent their recommendations on the draft Civil Code in regards to same-sex partnerships to the Ministry of Justice. These included two options on how same-sex partnerships could be regulated in the draft of the Civil Code. The first option recommended having a gender neutral provision under the Marriage Chapter, or having new provisions covering civil unions between same-sex partners.
- The Criminal Code has been amended with the recommendations sent by the LGBTI organizations; sexual orientation and gender identity are protected grounds in the following eight articles: General rules on mitigation or aggravation of punishment, Inciting discord and intolerance, Aggravated murder, Assault, Light bodily injury, Grievous bodily injury, Violating equal status of citizens and residents of the Republic of Kosovo, Destruction or damage to property.
- The 2019 electoral campaign marked a positive shift in political discussions around LGBTI topics, as some political parties publicly declared that they support LGBTI rights.
- For the first time, the Prosecution in Kosovo (ex-officio) initiated a case against an official of the Ministry of Justice, on the grounds of hate speech against LGBTI persons.
- On 20 January 2020, Blert Morina was finally able to [request](#) ID documents so that they match his gender identity from the Municipality of Gjakova, after two years of court cases. On November 26 2019, the Basic Court of Prishtina decided to oblige the Directorate of General Administration of Gjakova Municipality to make the changes of the name from Blerta to Blert and from Female (F) to Male (M). This was a landmark moment for trans rights in Kosovo.

Main action points for the coming year:

- Amend the draft of the Civil Code to include same-sex partnerships;
- Ensure adequate implementation of the Criminal Code;
- Work closely with the Ministry of Internal Affairs and the Agency for Civil Registry to amend the Civil Status Law and draft the administrative instructions for enabling the change of gender marker in official documents;
- Initiate communication with national, regional and international actors on legal changes regarding intersex persons.

Bias motivated violence, hate speech, hate crimes

During 2019 for the first time, the Prosecution in Kosovo (ex-officio) initiated a case against an official of the Ministry of Justice, on the grounds of hate speech against LGBTI persons. The official [was held](#) in custody for 48 hours.

Since January 2019, 10 cases of hate crime against LGBTI people have been reported to the rule of law institutions. Two of these cases were taken to court and resulted in a positive verdict for the victims. The other eight cases are still being processed before the equality bodies. A further 13 other cases were reported to LGBTI organizations, but the victims did not agree to report them to the authorities.

The [new Criminal Code](#), which entered into force on 14 April 2019, contains amendments suggested by LGBTI organizations; sexual orientation and gender identity are protected grounds in the following eight articles: General rules on mitigation or aggravation of punishment, Inciting discord and intolerance, Aggravated murder, Assault, Light bodily injury, Grievous bodily injury, Violating equal status of citizens and residents of the Republic of Kosovo, Destruction or damage to property.

Freedom of assembly, association and expression

For the third time LGBTI organizations in Kosovo successfully organized Pride Week in October 2019. As in the previous years, the Pride Week went without any incidents, but this year the difference was that there were no threats in either the social media pages of the organizations or the activists. Pride Week attracted a wide public attention and was covered by all the media in Kosovo. The official Pride Week opening event was held in the Government building by the President of the Republic of Kosovo. Many key actors from international and national institutions participated in the conference that was held during Pride Week. [The Pride March](#) marked the closing of the week and attracted a large number of LGBTI activists from Kosovo and the region, and was also attended by national and international leaders, such as the Mayor of Prishtina, Members of Parliament, and Ambassadors of the United States, the Netherlands, Sweden, and the European Union.

Equality and non-discrimination, including legislation and enforcement

The Advisory and Coordination Group for the LGBTI community in Kosovo has developed a new National Action Plan 2019-2022. However, there has not been any development or implementation of any activity as of November 2019. The Office of Good Governance continues to neglect the implementation of this plan, and leaves its implementation to the LGBTI organizations in Kosovo, while it is the responsibility and duty of the government.

Main action points for the coming year:

- Full implementation of the existing anti-discrimination legal framework and the National Action Plan 2019-2022.

Recognised unions for same sex couples

CSGD and CEL together with other human rights organizations have sent their recommendations on the draft Civil Code in regards to same-sex partnerships. The recommendations that have been sent to the Ministry of Justice included two options on how same-sex partnerships should be regulated in the draft of the Civil Code. The first option recommended having a gender neutral provision under the Marriage Chapter, or having new provisions covering civil unions between same-sex partners.

Main action points for the coming year:

- Amend the draft of the Civil Code to include same-sex partnerships;
- If the amendment does not take place, the LGBTI organizations together with the Ombudsperson Institution will send the Civil Code to the constitutional court.

Rights and equal treatment of trans and intersex persons

- Blert Morina filed an administrative dispute lawsuit against the Civil Registry Agency (CRA) with the Basic Court in Pristina after the CRA and the Civil Registry Office refused to change the gender marker and name on his ID documents so that they match his gender identity.

Parallel to this, Mr. Morina sent the case to the Constitutional Court of Kosovo which [decided](#) to “declare the Referral inadmissible, as premature, on the grounds that the administrative conflict lawsuit filed with the Basic Court is sufficiently secure in theory and in practice, and as a result, in accordance with the principle of subsidiarity, the Court should first enable the regular courts to examine the Applicant's allegations.” On November 26 2019, the Basic Court of Prishtina decided to oblige the Directorate of General Administration of Gjakova Municipality to make the changes of the name from Blerta to Blert and from Female (F) to Male (M), and [finally, on 20 January 2020](#), Blert went to the Municipality of Gjakova to officially request new documents.

- In addition, in August, the Court of Appeal decided a case almost identical to that of Blert Morina. In the case AA.nr.244 / 2019, the Court of Appeal upheld the decision of the Basic Court in Prishtina in the case M.M. v. the Civil Registration Agency, where it was decided to entitle M.M. to change the name and gender marker in accordance with his gender identity. The Court of Appeal found that the Basic Court in Pristina decided correctly when it positively assessed the Referral.
- The legal framework for legal gender recognition is lacking in Kosovo. The Ministry of Internal Affairs has still not taken any actions regarding the amendment of the Law on Civil Registry, which would allow transgender people to change their sex marker in official documents. CSGD has held continuous communication with the Ministry, however, the process is very slow.

Main action points for the coming year:

- Work closely with the Ministry of Internal Affairs and the Agency for Civil Registry to amend the Civil Status Law and draft the administrative instructions for enabling the change of gender marking on the official documents based on self-determination;
- Ensure that future cases like Blert Morina's are dealt with correctly by public institutions, to allow transgender people to exercise their basic rights by being approved the requests of a name and sex marker change;
- Initiate communication with national, regional and international actors on legal changes regarding intersex persons.

Public awareness and attitudes

Due to the success of the third Pride Week, organised in October 2019, visibility and public awareness of LGBTI people is improving. Since some political parties have started publicly declaring support for LGBTI rights, and the Pride Week was attended by national and international political stakeholders, activists are hoping 2020 will be a good opportunity for improving legal standards for LGBTI people.

3.4 MONTENEGRO

Submitted by: LGBT Forum Progress, LGBTIQ Social Center, Hiperion, Association Spectra

Summary of key developments, including political context and trends

- The [National LGBTI Strategy](#) for the period 2019-2023 was adopted in March (has clear indicators and responsibilities);
- A national team for monitoring the implementation of the strategy was formed August, and held its first meeting on 23 December in Podgorica;
- The same sex partnership law was voted on in Parliament on 31 July but [not adopted](#);
- Local action plans for the improvement of quality of life of LGBTI people were adopted in the municipalities of Kolašin and Bijelo Polje, but not in the municipality of Mojkovac.

Main action points for the coming year:

- Form a working group for the Law on gender identity based on self-determination;
- Adoption of registered partnership law;
- Increase capacities of institutions in ensuring protection against discrimination, with special emphasis on the judicial system;
- Decentralisation through adoption and creation of local action plans.

Bias motivated violence, hate speech, hate crimes

A transgender man (19) was violently [attacked](#) in his own home in Kolašin municipality in late August. He was attacked by three perpetrators (30-33), who were caught, within five days of the attack, by the police. The perpetrators were charged with “violent behavior” (although the victim asked that the case should be described as “violent behavior with elements of hate crime”), and detained in jail for 30 days (in accordance with the law). In the meantime, the Basic State Prosecutor’s Office completed their investigation, gathered statements from all parties involved and forwarded the case to the Basic Court in Kolašin. The attack was motivated by the victim’s gender identity, which was known in his neighborhood for some days before the attack. Following the attack, LGBT Forum Progress immediately reacted and provided urgent assistance to the victim, which included legal aid, medical assistance, counselling, as well as accommodation at the LGBTIQ Shelter.

The trial took place on 12 December in the Basic Court in Kolašin. The court ruled that the attack was based on hatred based on gender identity and the perpetrators were sentenced to eight months in prison each. However, the verdict is now being appealed in the Higher Court in Bijelo Polje.

The Executive Director of LGBT Forum Progress was verbally [assaulted and threatened](#) in the “Aroma” supermarket in his neighborhood in April. The case was reported to the police, which responded quickly and efficiently. Following the determination of the Basic States Prosecutor’s Office in Podgorica that the case had no elements of a crime, it was classified as a misdemeanor. No verdict has yet been rendered.

Over 100 charges have been filed for discrimination, hate speech and verbal abuse online, following the monitoring of social media comments, which is a regular part of the work of LGBT Forum Progress.

Charges have been filed against the political party Democratic Front and its representatives, following a series of homophobic and hateful press releases made by this right-wing party. The charges have been dismissed. At the same time as these charges were filed, the debate on the Law on same-sex partnership was happening in the Parliament and the Democratic Front made numerous hateful, homo/bi/transphobic comments and remarks about the LGBTIQ community. Furthermore, the MPs of Democratic Front called LGBT Forum Progress and its president “traitors” and “enemies

of the people”, as well as launching a smear campaign through a right-wing media portal “IN4S”. No MPs have been called to responsibility.

The first hate crime verdict concerning an attack on a trans woman was given in February 2019. She was attacked in September 2017, after her visibility at the Pride March. The attacker got a sentence of 4 months of jail, which is lower than a minimum sentence of 6 months jail.

Main action points for the coming year:

- Improve the work of the Basic State Prosecutor’s Office in dealing with the cases of homo/bi/transphobia, particularly their efficiency and sensibility in working on these cases;
- Improve the capacities and knowledge of the Basic Courts in Montenegro;
- Adequate response from the state institutions on the instances of hate speech in the Parliament and within the political parties;
- Adequate sanctions for perpetrators of hate speech, violent crimes and discrimination against LGBTIQ people;
- Increase capacities of the judicial system in recognizing hate crimes and hate speech, as well as sanctioning these cases in accordance with the law.

Freedom of assembly, association and expression

The Supreme Court of Montenegro [annulled](#) the decision of the Administrative Court in the case of the triple ban of Nikšić Pride from 2015 and [returned](#) the case to the Administrative Court for another ruling. The Administrative Court returned the case to the Ministry of Interior for another review. The Ministry has not yet issued a decision.

The [Podgorica Pride](#) March and Pride Concert were organized peacefully in September 2019. In the same month the first trans performance outside the capital was organized in the Municipality of [Kolašin](#). Several other LGBTI public events were organized this year, such as exhibitions and live libraries, including Transgender Day of Remembrance held in [Podgorica](#) on 20 November.

Main action points for the coming year:

- Finalize the judicial proceedings in the case of the ban on Nikšić Pride; improve the overall work of the judiciary.

Equality and non-discrimination, including legislation and enforcement

- The Government of Montenegro adopted the National Strategy for the Improvement of the Quality of Life of LGBTI Persons in Montenegro for 2019-2023 period. This new Strategy includes more indicators and feasible timelines but lacks adequate delegation of responsibilities to all state institutions (e.g. the Ministry of Work and Social Care failed to take responsibilities for any measures or activities).
- Six municipalities were covered by thematic capacity building trainings for police officers and prosecutors – Pljevlja, Bar, Herceg Novi, Cetinje, Nikšić and Bijelo Polje. A series of meetings was also held with the representatives of local municipalities, in order to discuss the needs of the LGBTIQ people they identified on local levels and to plan future steps.
- The first ever national LGBTIQ tourism research publication was [published](#), authored by Bojana Jokić of LGBT Forum Progress, exploring the potential for the introduction and development of LGBTIQ tourism in Montenegro; accompanied by an analysis of neighboring countries within this domain.

- LGBTIQ Shelter has continued operating and helped seven individuals in the period of observation. The Shelter program is financially supported by the Ministry of Human and Minority Rights.
- The Ministry of Human and Minority Rights formed a National Team for the Coordination of the Monitoring of the Implementation of the National LGBTI Strategy 2019-2023.
- The Ministry of Interior re-formed the Team of Trust, with a new four-year mandate and with an upgraded membership structure.
- The Council of Europe initiated the new PREDIM action for Montenegro and formed a Steering Committee for the action, which includes representatives of all relevant LGBTIQ CSOs.

Main action points for the coming year:

- Implement the planned measures from the National LGBTI Strategy for 2019-2020 period;
- Continue the development of capacities and skills of police officers and prosecutors on the local level in more municipalities in Montenegro;
- Further explore the possibilities in the areas of tourism, sport, education and culture for the LGBTIQ community;
- Further develop the capacities of the LGBTIQ Shelter;
- Formalize the statutes of the Team of Trust and relevant procedures.

Recognised unions for same sex couples

A [discussion](#) was held on the topics of same-sex parents and parenting, along with the national promotion of the book “Anja+Gru=Mio: art of parenting”, as a preface to the broader national discussion on the same-sex partnership legislation.

The Law on life partnership of the persons of the same sex (Same sex partnership law) was introduced to Parliament by the Government and voted on on 31 July, after several months of delays to the voting procedure. Following a heated debate in Parliament, accompanied by instances of hate speech by MPs, the law was not adopted. This vote was a [major defeat](#) for democracy in Montenegro. As of the end of 2019, the Government has not re-introduced the law to the Parliament but has made changes to the Draft law which are still unknown to civil society representatives.

Main action points for the coming year:

- Adopt the Law on same sex partnership and subsequent secondary legislation and begin with its implementation;
- Work on creating a more positive climate for a broader national acceptance of same sex partnerships by the general public and abstained MPs.

Rights and equal treatment of trans and intersex persons

In July a Commission for Transgender Health was formed within the Clinical Center of Montenegro, by the Ministry of Health, and is now in process of developing guidelines on informed consent, a baseline for depathologisation. However, the work of the Commission has not been transparent and there are suspicions of abuse of protocol by including only one CSO representative in the work of the Commission, while excluding all others.

A case of violation of right to privacy of a trans woman at the Podgorica Health Centre was concluded with a decision by the Ombudsperson and the signing a Memo of Understanding between the Health

Care Centre and Spectra on the promotion and protection of the human rights of trans, gender diverse and intersex persons. Another memo of understanding was signed between a clinical centre and Spectra on the promotion and protection of the human rights of trans, gender diverse and intersex persons.

The national LGBTI Strategy sets out that Montenegro must put in place a legal framework for legal gender recognition by the end of 2023, and respect international standards when doing so.

Main action points for the coming year:

- Improve the transparency of the work of the Commission, as well as either including all relevant CSOs or excluding CSOs altogether, since the nature of the commission is medical and participation of non-medical representatives would breach confidentiality of patients;
- Form a working group for the Law on gender identity;
- Increase capacities of institutions for protection against discrimination based on gender identity and sex characteristics;
- Increase awareness among medical experts and staff about discrimination based on gender identity and sex characteristics, especially in regards to interventions related to “normalizing sex”;
- Increase awareness within educational systems about gender identity and sex characteristics, as well as the protection of trans and intersex students.

Public awareness and attitudes

- Following the debate on the Law on same-sex partnership, there was a dramatic increase of hate filled comments on social media and public media portals. Also, several political parties used the debate to spread hate speech against the LGBTIQ community and activists, which resulted in an increase of negative attitudes of the public and more verbal violence against LGBTIQ people.
- A 2019 survey conducted by the Center for Civic Education indicates a significant change in attitudes among the general public regarding the human rights of LGBTI people. 47% of citizens believe that the human rights of LGBTI persons are not respected, compared to 30% in 2016. 73% of citizens show a positive attitude towards their child attending scientific lectures on LGBT people, which is significantly higher than in 2016 (45%). The largest reservations still exist for those closest to them, just over a fifth of citizens (27%) would be ready to support their child immediately and fully when they found out about their different sexual orientation. However, when it comes to accepting LGBT public affection, citizen support has declined compared from 70% in 2016 to 50% in 2019. The survey also showed that for the majority (57%), nothing would change with regard to a political figure if they found out they were LGBT oriented, a significant change from 2016 when this percentage was drastically lower - only 33%.
- The first and only Survey on Discrimination against Transgender and Gender Diverse Students in high schools in Montenegro was conducted by Spectra in 2019. The survey indicates that 31% of respondents think trans people are the same as gay people, while 23% say they don't know. 46% of high school students say they don't want or think they don't want to know more about transgender people. Their views on transgender persons also indicate a high degree of ignorance and prejudice. One in two high school students think that transgender people are mentally disturbed, while 38% believe that it is not normal for a person to change their gender. 40% of them think that the existence of men and women will be threatened if

society accepts transgender people. However, despite prejudice, 62% of students would support transgender students, while 60% of them believe that trans persons should have the same rights as all persons.

- Intersex issues remain almost completely invisible. On Intersex Awareness Day, one media article interviewing a member from Spectra, was reporting on intersex issues.

Main action points for the coming year:

- Raise awareness on transgender and intersex issues, same sex partnerships, the importance of LGR and the importance of banning intersex surgeries;
- Conduct more campaigns on LGBTI issues in general.

A supportive and enabling environment for civil society

Civil society representatives and organizations (namely LGBT Forum Progress and Ms. Bojana Jokić) were aggressively targeted by political leaders, MPs and several right-wing media associated with the Democratic Front. Smear campaigns, hate speech and calls for discrimination characterized the narrative.

CSOs working on the promotion and protection of the human rights of LGBTI people have access to state funds and are cooperating with the Police Department through a "[Team of Trust](#)" (they have regular meetings together and the police are working more transparently). One CSO representative is involved in the Commission for funding projects/programs of NGOs, and four representatives are present in the National Team for monitoring the implementation of the LGBTI strategy.

Main action points for the coming year:

- Regular meetings of the National Team for monitoring the implementation of LGBTI Strategy.

3.5 NORTH MACEDONIA

Submitted by: Macedonian Helsinki Committee for Human Rights – LGBTI Support Centre, Coalition Margins, Subversive Front, LGBT United Tetovo

Summary of key developments, including political context and trends

- On 16 May, the Law on Protection and Prevention against Discrimination (LPPD), which includes sexual orientation and gender identity as protected grounds, was [adopted](#) and came into force on 22 May. However, its implementation has not started yet, the Commission for Prevention and Protection from Discrimination is still not established and the country has not had an equality body since August 2019.
- North Macedonia's first Pride march [took place](#) in Skopje on 29 June, bringing together nearly 2000 participants, exceeding expectations.
- The Ministry of Labour and Social Policy has taken an active role in protecting, promoting and respecting the human rights of the LGBTI persons at national and international level, by organizing the [first national conference](#) on advancing the human rights of the LGBTI persons in North Macedonia on 27-28 June 2019.
- In late July 2019, the Parliament [adopted](#) the new Law on Primary Education and [introduced](#) provisions for protection against discrimination and violence on the grounds of sexual orientation and gender identity.
- The protection from hate crimes on the ground of sexual orientation and gender identity from the Criminal Code introduced in December 2018 is still not implemented. In reality the police is not recognizing nor processing hate crimes on those grounds.
- Hate speech based on sexual orientation and gender identity is not recognized nor prosecuted by law enforcement or the police. Furthermore, the responses of prosecutors to hate speech complaints attempt to justify hate speech as freedom of speech and expression.
- In January 2019 Coalition Margins received a [positive judgement](#) from the ECtHR on a legal gender recognition case, where the Court found violation on article 8. The judgement is still not implemented. The personal documents of the applicant are still not changed and a law on legal gender recognition is still not adopted.
- Capacities of public administration and public services providers are very low when it comes to improving LGBTI rights, implementation of equality strategies and providing services for LGBTI people.
- Trans people are still marginalized socially and politically to the detriment of their health.
- The ruling party, the Social Democrats, is generally supportive towards LGBTI issues but not prepared to take decisive action in protection and improvement of LGBTI rights. The other parties which form the ruling coalition, such as DUI, have maintained [homophobic and transphobic positions](#) and have frequently blocked or slowed down positive change.
- The Prime Minister made a homophobic [statement](#) in August concerning an LGBT detainee saying that he will not allow one faggot to overthrow the government. Then, his apology was even more homophobic, saying that the word "faggot" was used as a personal characteristic, not as sexual orientation. The head of the Islamic Religious Community also used derogatory and defamatory speech against gay men in [public statements](#).

Main action points for the coming year:

- Establishment of the Commission for protection from discrimination and implementation of the LPPD, including election of independent and professional members;
- Adoption of a law on legal gender recognition based on self-determination. The working group must expand to include experts on discrimination, and community-based LGBTI NGOs;
- The Ministry of Labour and Social Policy must adopt and start the implementation of the National Action Plan for Advancing the Human Rights of LGBTI people;

- Effective and efficient protection from hate crime and hate speech, in line with newly adopted legislation;
- Training of high-level politicians, public figures and community leaders on using politically correct language, including how not to harass or offend LGBTI persons while making public statements, and how to promote diversity, equality and inclusion of all in society.

Bias motivated violence, hate speech, hate crimes

While the Criminal Code was improved with the amendment towards introducing sexual orientation and gender identity as grounds for hate crimes, collecting data on hate crimes and hate speech based on sexual orientation and gender identity remains an area in which further improvements need to be introduced. Previous attacks on the LGBTI Support Centre remain unsolved and hatred towards LGBTI people is encouraged on the internet and social media, with the failure by the Ministry for Internal Affairs to hold hate spreaders accountable.

While legislation has improved, there have not been any new developments in this area. The registered number of hate speech cases by NGOs for this period amounts to 297 cases, of which 154 are connected to the Pride, while the actual number is even higher. Documented hate crimes amounted to 66, including physical violence (40), verbal and psychological violence (16), and domestic violence (3).

On 29 June, Bekim Asani, President of LGBT United Tetovo, and a group of LGBTI rights defenders were [attacked](#) by about 20 unknown assailants. They were beaten and threatened with murder and sexual assault. Three police officers who were nearby were also attacked by the assailants after they tried to intervene. Thanks to the intervention of more police officers, the activists sustained minor injuries and the assailants were eventually arrested, a criminal investigation was opened. The case is under investigation from the prosecution and court proceedings are expected to take place.

After Bekim Asani and his parents received death threats last year after Queer Iftar, the perpetrators were identified from the Tetovo police a few days later. They were all on parole for one year (a sentence which ended this year), since Mr. Asani decided to forgive all perpetrators as they made a public apology. This is the first case in North Macedonia that there is a judgment where ten people were sentenced for threatening the life of a member of a marginalized community. At the moment the Court is in procedure for damage refunds towards Mr. Asani. The Court will hold a hearing on 21 January 2020.

Main action points for the coming year:

- Increase collection of data on hate crimes and hate speech based on sexual orientation and gender identity;
- Increase capacity building of police and law enforcement for more effective prevention and prosecution of hate crimes and hate speech based on SOGI;
- Prosecutors and judges must urgently issue final convictions for the several attacks against the LGBTI Support Center in the previous years and by that demonstrate adequate implementation of the amended Criminal Code (in December 2018) that now recognizes hate crime based on SOGI.

Freedom of assembly, association and expression

The [first Skopje Pride parade](#) was held in June 2019 gathering nearly 2000 people, and garnering significant media attention since its announcement on May 20th 2019. The police accomplished their duty of securing the right of freedom of assembly for the attendees of the Pride parade and the event went well, however they failed to respond to hate speech.

There was a counter-protest promoting traditional values, which attempted to provoke and scare people attending the Pride parade and to demonstrate people's disapproval of the Pride.

[Outbursts](#) of hatred and distorted facts about LGBTI people were pinned on the parade by associations for the protection of family values and priests.

Altogether it went without any major incidents, as well as the first ever [March for visibility of transgender people](#) held in March, setting a positive precedent for the region.

Main action points for the coming year:

- Improvement of state response to hate speech related to LGBTI visibility events. Processing of reported cases of hate speech and accountability of perpetrators;
- It is crucial that the central and the local government continue providing the support of organising the next Skopje Pride 2020, as it has positively affected the public opinion on LGBTI, and has positively contributed among LGBTI community members regarding their self-acceptance, self-confidence, and feeling of belonging to a community;
- Local municipalities should undertake more actions on promoting equality and non-discrimination in their annual plans and programmes, including budgets, along with gender-responsive budgeting policies introduction and implementation.

Equality and non-discrimination, including legislation and enforcement

The new Law on Prevention of and Protection against Discrimination (LPPD) was delayed in Parliament for 11 months due to the homophobic and transphobic behavior of the President of the Parliamentary Commission for Labor and Social policy, MPs from the conservative opposition, and lack of support from the political parties which formed the ruling coalition with SDSM.

The Vice Prime-Minister from the political party DUI, publicly stated that there are some “disputable categories” like the LGBT. This statement led to public reactions from the Network against Homophobia and Transphobia and other organizations and activists. The Network for Protection from Discrimination organized two protests in front of the Parliament for adoption of the law. The LPPD was finally adopted in May 2019.

The LPPD explicitly includes sexual orientation and gender identity as grounds of discrimination and provides protection in healthcare, housing, employment, education, culture, and so on. It also introduces a new and improved institutional framework of the State Commission for Protection against and Prevention of Discrimination (SCPPD). The old Commission was dismissed in August, but Parliament has yet to select a new one. A public call for members was announced in June, and further information on the procedure is not available. Due to parliamentary elections in spring 2020, civil society is concerned that the Commission will not be established beforehand, leaving the country without an equality body for over a year. This negatively affects the implementation of the LPPD, and leaves LGBTI people without a legal mechanism to protect them against discrimination.

The Ministry of Labour and Social Policy (MLSP) has, in collaboration with Subversive Front and other NGOs, started training state officials and civil servants in addressing discrimination and hate speech, focusing on how discriminatory behaviour is created, i.e. detection of the unconscious bias. 325 state officials from 40 state institutions and 42 local municipalities have participated so far. LGBT United is working with five municipalities on the first stage of a project which aims to empower local municipalities on LGBTI issues and non-discrimination.

Subversive Front documented 3 cases of intersectional discrimination against gay men who also live with HIV. Two cases of discrimination occurred while accessing healthcare services, one case while accessing employment. The victim in the latter case received a dismissal letter from his previous employer where it is openly stated that his HIV status is a threat to the workplace environment and his colleagues. The victims in the cases decided not to report them to the officials, fearing the risk of disclosing their status to unwanted audiences, and due to lack of psychological inability to endure the process of reporting and legal proceedings that would follow.

Main action points for the coming year:

- The Parliament should elect professional and independent candidates as members of the Commission, as soon as possible;
- The Parliament should elect a professional and independent expert in human rights as the new Ombudsperson and strengthen the capacities and independency of the institution;
- Harmonize remaining legislation with the LPPD;
- Provide a suitable budget for the work of the Commission and for other actions on prevention and protection from discrimination;
- The Ministry of Labour and Social Policy should continue the sensitization trainings on discrimination and hate speech with Subversive Front in order to address the systemic discrimination against LGBTI persons, in particular in the sectors of healthcare, employment, judiciary, law enforcement, education, and media.

Rights and equal treatment of trans and intersex persons

The working group on the Law on birth registry is still ongoing, but since there will be elections in 2020 the law will not be adopted before the elections. Civil society organisations are participating in the working group and are advocating for a quick and transparent procedure for legal gender recognition based on self-determination.

Concerning gender affirming procedures, the Ministry of Health formed a working group of doctors aiming to provide medical services for trans people covered by the public health insurance fund, however there have been no significant developments so far.

The Minister of Health announced in a conference that surgeries for trans people will be covered by the public health insurance fund. His statement caused a wave of transphobia with a snowball effect on media and social media, including transphobic statements from politicians from the Conservatives and Social Democrats. At the end of the day the Minister announced that he will withdraw this decision. By doing this, he harmed the dignity of trans people and succumbed to public pressure.

Trans people, especially trans women sex workers remain one of the most discriminated groups in society and are very often victims of hate crimes and harassment, even in public institutions.

Main action points for the coming year:

- Adoption of a law for legal gender recognition based on self-determination;
- Provision of medical services for gender confirmation covered by the public health insurance fund;
- Awareness-raising on the rights of trans people among healthcare services providers, police officers, equality bodies, and even NGOs advocating for human rights and women's rights and informing the general population about their issues and needs;
- Building the capacities of the police for protection from transphobic crimes and hate speech.

Public awareness and attitudes

Negative attitudes towards LGBTI people rose proportionally with increased visibility of LGBTI people through events and campaigns, such as Pride. Another trigger for the public was the announcement by the Minister of Health concerning gender affirming surgeries, which sparked dehumanization of trans people by the general public and led to the withdrawal of the decision. According to the findings of the [Institute for Human Rights' public opinion poll on LGBTI](#), in October 2019 80.2% of the respondents considered homosexuality a disease, an increase from 72.9% in April of the same year.

Main action points for the coming year:

- Improved state response to negative attitudes and hatred towards LGBTI people with the promotion of equality and condemnation of hate speech.

A supportive and enabling environment for civil society

LGBTI organizations are active in various working groups and cooperation bodies on different issues, but results and developments are slow. NGOs proceed to have good cooperation with the Inter-parliamentary group and some institutions, but a majority of the NGOs (members of the National Network against Homophobia and Transphobia) are still facing difficulties in establishing cooperation with the Ministry of Culture and the Ministry of Education.

LGBT United Tetovo this year received financial support from the Government of the Republic of North Macedonia as part of the government's support for civil society organisations. The Ministry of Education is cooperating with LGBT United Tetovo in working directly with high school teachers and students in order to minimize homophobia, bullying and hate speech against LGBTI people.

The Ministry of Labour and Social Policy (MLSP) has consistently showed its genuine commitment to protection and promotion of LGBTI equality. In February 2019, it signed a memorandum for cooperation with Subversive Front in the implementation of a 3-year project on capacity strengthening for state officials on addressing and tackling discrimination and hate speech.

The MLSP was a strong supporter of the Organising Committee of the Skopje Pride Parade, and the Interparty Parliamentary Group on Advancing the Human Rights of the LGBTI Persons in North Macedonia (IPPG LGBTI) received the "Ally of the Year" award this year given by all the members of the National Network of Fight against Homophobia and Transphobia. The upcoming parliamentary elections in April 2020, and the risk of the current government being changed, brings potential risk to stripping the support the MLSP has provided to the wider campaign for LGBTI rights and equality.

Main action points for the coming year:

- The MLSP must continue improving the rights and status of LGBTI people through continuing capacity strengthening efforts on addressing discrimination and hate speech, tailored for the specific sectors, such as police, healthcare, education, media, social work, and so on.

HIV

The budget for the HIV program provided from the Ministry is not enough for effective development of new services and introduction of PEP and PrEP, and the funding model means the Ministry always supplies funds late to NGOs. This results in a deterioration of HIV services.

Main action points for the coming year:

- Increase the budget for HIV prevention
- Changing the founding model for insuring sustainability of the services

Education

Homophobic and transphobic content in the text books is still not removed. A new Law on elementary education was adopted that includes SOGI and prohibited discriminatory grounds. Provisions for prevention and protection from violence are included and schools are obliged to report violence. The forms of violence and the procedure will be defined in a by-law. Measures for prevention and protection from homophobic and transphobic bullying are still not implemented.

Main action points for the coming year:

- Revision of text books which contain homophobia, transphobia and gender stereotypes;
- Introduction of comprehensive sexuality education;
- Adoption of a new law on secondary education with protection from violence and discrimination on the ground of SOGI.

3.6 SERBIA

Submitted by: Da se zna!, Geten – LGBT, Labris, XY Spectrum, Crisis Response and Policy Centre (CRPC)

Summary of key developments, including political context and trends:

- Despite some progress within the legal framework, everyday life for LGBTIQ people remains difficult, due to the lack of implementation of the existing laws.
- In February 2019, Prime Minister Ana Brnabić and her partner Milica Đurđić conceived a child through IVF, which raised a debate in public domain on same-sex parenthood.
- In May 2019 the first Pride parade in Novi Sad took place, which is the first Pride parade outside of Belgrade and an important step towards overall decentralization of the LGBTI movement, as only very few LGBTI civil society organisations exist outside of Belgrade.
- The [new legislation](#): “Rulebook on the manner of issuing and the form of the certificate of the competent health institution on the change of sex” came into force in January 2019. Contrary to previous practices, surgeries and sterilization will no longer be required. However, diagnosis and hormonal therapy (which leads to sterilization and in some cases can be irreversible) continue to be mandatory, and there is uneven practice in local municipalities in charge of issuing new, changed documentation for trans people.

Main action points for the coming year:

- Urgent adoption of the Same-Sex Partnership Law;
- Urgent adoption of the Gender Identity Law;
- Creation of database of hate crimes and related incidents against LGBTI persons;
- Better and consistent implementation of existing provisions tackling discrimination against LGBTI persons.

Bias motivated violence, hate speech, hate crimes

Bias motivated unlawful conducts against LGBTI persons [remain](#) widespread, whilst competent authorities still remain unresponsive. At the regional Conference on Hate Crime, held in Belgrade in October 2019, hosted by the OSCE Office in Serbia, the Deputy State Prosecutor claimed there are currently 16 indictments with the hate crime article, in which two have resulted in convictions. However, civil society is only aware of only one verdict [from November 2018](#). In addition, an official database of hate crimes still does not exist.

Main action points for the coming year:

- More efficient and effective education of judges and prosecutors;
- Proper implementation of hate crime provisions within criminal legislation and the usage of Article 54a of Criminal Law in the indictments.

Freedom of assembly, association and expression

In May 2019, the first Pride parade was organized in [Novi Sad](#), becoming the first Pride parade outside of the Serbian capital.

Two Pride parades, Serbia Pride in June and in Belgrade Pride in September 2019, took place without any incidents, the latter [attended](#) by the Prime Minister and several highly ranked officials.

In September 2019, a Pride caravan was organized, passing through 9 cities in Serbia. The caravan failed to pass through the cities of Valjevo and Novi Pazar, as dozens of hooligans gathered at designated places to prevent the march from happening. This is particularly worrisome as the routes

were not publicly announced, so information must have leaked from the police. There is no information on actions being taken or internal control processes from the Ministry of Interior.

Equality and non-discrimination, including legislation and enforcement

Even though the previous one expired in 2018, a new Anti-Discrimination Strategy, with an accompanying action plan, has still not been adopted. However, after ERA and its members in Serbia requested to meet the Ombudsperson of Serbia, stressing the need of urgent adoption of the new strategy and implementation of the previous one, a dialogue on the new strategy was initiated by ERA and its members in Serbia, the Ombudsperson, and the Ministry of Labor and Social Affairs. In August 2019 an LGBTI activist was appointed as a Working Group member on this matter, but the Working Group has not met since.

There is a noticeable lack of cooperation with broad public and civil society on the Amendments to the Anti-Discrimination Law. Newly proposed amendments were brought without consultations nor public debate or hearing, and they do not improve the position of LGBTI persons, nor do they include sex characteristics, despite the UPR recommendation provided to Serbia in 2018 to explicitly include this characteristic in the legislation. The Commissioner for Protection of Equality expressed support to civil society organisations in this matter, addressing the issue both to the Government of Serbia and to the Ministry in charge of the Law.

The New Law on Free Legal Aid came into force from October. This Law has many shortcomings and prevents civil society organisations from providing free legal aid to victims. Under the new law, CSOs can no longer be a party in criminal proceedings, and the victim can only seek free legal aid from the Bar Association via the municipality when a there is a criminal case/crime has taken place in the field of discrimination and/or asylum. This means that the victim cannot be sure of acquiring a lawyer that is friendly and sensitized when it comes to LGBTI people. In addition, the law separates legal support from legal aid, and risks victims only receiving legal support, which is less comprehensive than legal aid.

Main action points for the coming year:

- Government and competent authorities should include LGBTI civil society organizations in changes to the legal landscape and timely inform interested parties on changes and public debates.

Recognised unions for same sex couples

Three strategic litigation cases on this matter were initiated by LGBT organisation Labris. After official rejections from the registrars, the cases are now before the Administrative Court. If the cases are rejected by all the courts in charge (including constitutional appeal and other relevant remedies), all three cases will be submitted to the ECtHR.

It is of great concern that the newly adopted Rulebook on Closer Conditions, Criteria and Methods for Selection, Testing and Evaluation of Reproductive Cell Providers and Embryos entails provision on “banning donation of reproductive materials to persons with the anamnesis of homosexual relations in the last five years”.

Main action points for the coming year:

- Urgent adoption of the Same-Sex Partnership Law;
- Urgent amendments to the above-mentioned Rulebook;
- Urgent changes to the Rulebook on reproductive cells.

Rights and equal treatment of trans and intersex persons

The new legislation: “Rulebook on the manner of issuing and the form of the certificate of the competent health institution on the change of sex” came into force in January 2019. Contrary to previous practices, surgeries and sterilization will no longer be required. However, diagnosis and hormonal therapy continue to be mandatory. This is impacted by the fact that the female hormone, Neofolin, has not been available in Serbia for some time now.

People of different gender identities in Serbia are subject to discrimination and violence, including physical violence, threats and cyber bullying. Young trans people are at risk of rejection by their families and forced to leave their homes. Poverty affects almost every trans individual in Serbia. If married, before changing legal documents, trans persons have to get divorced. Parental rights can be at least partially retained, but in line with the gender assigned at birth.

Intersex persons are invisible socially and legally. There is no accurate information or research about their number, experiences or quality of life. There are no laws or bylaws in Serbia that mention intersex people; anti-discrimination provisions do not recognize sex characteristics as grounds for discrimination. An administrative procedure to record name and sex of baby at the local municipality is obligatory within 30 days of birth. This procedure puts a lot of pressure on medical professionals and parents of intersex babies to choose and to make decision regarding the baby’s sex.

This year in Serbia there was a revision of the anti-discrimination law from 2009. The Serbian intersex organization, XY Spectrum, proposed sex characteristics as a protected ground, but this was not yet adopted and it is questionable if there is political will to include this (next year in March or April there will be elections in Serbia).

Main action points for the coming year:

- Adopt Law on gender recognition in line with international human rights standards and based on self-determination;
- The government should work on a mechanism for trans specific health care;
- End discriminatory practices against trans and intersex individuals and adopt measures to end pathologisation of gender identity and sex characteristics;
- Include sex characteristics in the anti-discrimination legal and normative framework.

Public awareness and attitudes

Despite certain progress in societal attitudes, Serbia remains a predominantly homophobic and deeply rooted patriarchal country.

According to the [Report On The Public Opinion Research On Public Attitudes Towards Discrimination In Serbia](#), conducted by the Commissioner for the Protection of Equality in 2019, the LGBT community is one of the groups towards which there is the greatest social distance, besides migrants, Albanians, people living with HIV&AIDS etc.

38% believe homosexuality is a disease that should be treated, while 39% do not. 22% do not want people living with HIV/AIDS or members of the LGBT population as their colleagues, while 45% do not regard LGBT people as acceptable educators of their children.

In February 2019, Prime Minister Ana Brnabić and her partner Milica Đurđić conceived a child through IVF, which raised a [debate](#) in the public domain on same-sex parenthood. Visibility of the first openly lesbian and female Prime Minister in the public domain and media contributes to the overall visibility of the LGBTI community in Serbia and might lead to the mitigation of social distance towards the LGBTI community.

2019 will also be remembered because of the [award winning](#) campaign “I do not renounce!”, targeting parents who decided to step up for their LGBTI children. This campaign was brought by LGBTI civil society organisation Da se zna! and marketing agency McCann.

Main action points for the coming year:

- Further sensitization of the media in reporting on the LGBTI community;
- Establishment of a thorough, long-term public dialogue, and campaigning, between state institutions and LGBTI civil society on pressing issues LGBTI persons face in Serbia.

A supportive and enabling environment for civil society

Space for grassroots and civil society organizations providing services such as psycho-social help, legal support and so on, is shrinking, and more space is given to organizations with larger capacities working as Governmental think tanks.

A supportive environment for LGBTI+ migrants, asylum seekers and refugees

This year, up until the end of October, 32 asylum seekers have been granted recognised status in Serbia. Of these, according to CRPC estimates, 7 were granted protection based on SOGI. The LGBTI+ people CRPC works with flee countries of origin based on the well-founded fear of persecution and death which is also embodied in national legislation of such countries (mostly from Afghanistan, Iran, Pakistan and the territories of Syria and Iraq previously controlled by ISIS and others).

Many of them speak only their native languages and there is a need for interpretation when accessing available services in Serbia, especially services developed for LGBTI+ people. This also means that they can be exposed to possible work exploitation due to language barriers in accessing the labour market. Persons outed or imputed as LGBTI+ in the accommodation centres for asylum seekers and migrants are at risk of persecution from the members of their own community. The authorities have acted accordingly related to identified risks and have offered safer accommodation to such persons, in addition CRPC, supported by UNHCR, helped accommodate several of such persons to a private address. If they are unregistered and not a part of any legal procedure, LGBTI+ people on the move are at risk of multiple discrimination based on their ethnic background as well as belonging to LGBTI+. This also exposes them to a possibility that hate crimes or any other crimes against them stay underreported.

Main action points for the coming year:

- Enhance the quality and number of Serbian language classes attended by LGBTI+ asylum seekers and refugees;
- Once identified as members of the LGBTI+ community, connect them with LGBTI+ service providers in Serbia;
- Once outed or imputed LGBTI+ and in identified risk in reception centres, work with authorities for fast and safe relocation and accommodation;
- Authorities should continue with good practice to accommodate identified LGBTI+ asylum seekers and refugees in LGBTI+ friendly centres and near Belgrade;
- Work with LGBTI+ people on the move should be focused on legal visibility and mitigation of possible discrimination and exploitation risks.

3.7. TURKEY

Submitted by: SPoD and Kaos GL

Summary of key developments, including political context and trends

- In the March 2019 local elections (the Istanbul election was canceled and renewed in June), CHP¹ won in many big cities including Istanbul, Ankara, Antalya, Adana, and Mersin. These results gave LGBTI+ activists hope while providing a ground setting for LGBTI+ organizations to collaborate with the municipalities to establish Equality Units in the municipalities, and participate in strategic planning for more inclusive and diverse local governance policies.
- In June 2019, Istanbul, Izmir, Mersin, and Antalya Pride Marches were banned by the governorates of those cities.
- On June 11, four members, two of whom were lawyers, of Istanbul LGBTI+ Pride Committee met with the Deputy Governor of Istanbul, Mehmet Ali Özyiğit and discussed the possibility of organizing Istanbul Pride March at Istiklal Street of Beyoğlu district. The Deputy Governor verbally denied the Taksim option saying that Taksim is not only prohibited for LGBTI+ people but also for everybody. Right after the meeting, the committee asked for permission to organize the march in Bakırköy district, one of the legal demonstration venues assigned by the governorship. However, the Governorship did not permit the Pride march to take place there either, saying that the LGBTI+ community is a “hesitant group” for the public.
- Since November 2017, any LGBTI-related indoor and outdoor event in Ankara, the capital city of Turkey is banned by the Governorate – the first ban was introduced during the state of emergency, and the second was right after it. Turkish courts rejected LGBTI organizations’ applications for the halting of the execution of the Governorate decisions. The case – which is about the second ban introduced on October 2018 – is still pending in court.
- Hate speech against LGBTI organizations is more vocal, reckless and organized, many times led by the Minister of Interior or pro-government organisations and media. The minister explicitly calls LGBTI people “a threat to Turkish society”. He refers to LGBTI organizations in his statements about “terrorist” organizations and foreign enemies.
- Turkish courts continue to reject lawsuits for hate speech in mass media by declaring them “freedom of expression” or delivering nolle prosequi decisions.
- The Turkish National Human Rights Institution is a part of the hate campaign. They did not accept the application of two transgender women’s claim, stating that “sexual identity” is not a protected ground within their legislation – which is true in that sense.

Main action points for the coming year:

- Repeal the ban on LGBTI marches in Istanbul, Izmir, Mersin, Antalya and other cities;
- Condemnation and prosecution of hate speech, hate crimes and discrimination of LGBTI persons including LGBTI refugees;
- Drop charges against the LGBTI+ human rights defenders who participated in a peaceful pride marches, including at the METU campus and in Izmir;
- Continue EU and international support and monitoring of the trial and future such trials, as this helps keep pressure on Turkish authorities to deliver justice.

¹ **Republican People's Party** (Turkish: Cumhuriyet Halk Partisi, **CHP**) is a Kemalist social-democratic political party in Turkey. It is the oldest political party in the country, and is currently the main opposition in the Grand National Assembly. In the local elections that took place in 2014, CHP nominated 3 openly LGBTI+ candidates Boysan Yakar, Sedef Çakmak and Çelik Özdemir in Istanbul. Boysan Yakar became the mayor's advisor in Şişli Municipality while Sedef Çakmak entered the local council, which was a historical success for Turkey's LGBTI+ movement. In the local elections in 2019, trans activist Nil Albayrak became a member of the executive committee of Avcılar province.

Bias motivated violence, hate speech, hate crimes

On 29 April 2019 at a conference entitled “International Symposium on the Right to Protect Family”, organized by the Turkish National Human Rights Institution, one of the speakers said “Indecencies like [being] LGBT are attempts to undermine humankind, its nature and family. I believe that the church and the synagogue would stand against these indecencies as well, and we should struggle against it together if necessary”. TiHEK [also shared](#) these statements on its social media accounts.

On 6 June 2019, many fake accounts (they are “troll accounts” and mostly used by the government to target people and/or organizations) started tweeting with the #OnurYürüyüşüYasaklansın (#PrideParadeShallBeBanned) hashtag. After over 4.000 tweets, the hashtag became a trending topic on Twitter in Turkey. That same day, the pro-government newspaper, Yeni Akit, released an article about Istanbul LGBTI+ Pride Week calling LGBTI+ people “perverts,” “faggots,” and “honourless.”

Moreover, on 7 June 2019, Süleyman Soylu, the Interior Minister of Turkey, said that if Ekrem İmamoğlu, CHP’s candidate for Istanbul municipal elections, were to win, terrorists and LGBTI+ people would take over the management of the municipality. Later, on 21 June, the Minister [said](#) that “LGBT people are a threat to Turkey” in a speech.

On 5 July 2019, the President of Turkish Religious Affairs Prof. Dr. Ali Erbaş committed homophobic [hate speech](#) at the 8th International Religious Services Conference held in Konya. In his opening speech, Erbaş said “we see a number of perversions are brought forward by means of certain mottos, such as ‘gender equality’, and a fuss is made over them,” and committed homophobic hate speech by suggesting that “homosexuality is a perversion that is ‘against nature’”. That same day, during the Friday khutbah which is prepared by Presidency of Religious Affairs and read in more than 80.000 mosques, there were hateful and discriminative [statements](#) targeting LGBTI+ people.

On 29 July 2019, a pro-government newspaper, Yeni Akit, [targeted](#) an exhibition that Bursa Free Colors Association organized, by showing a video clip on their website clearly showing exactly where the venue of the association is located. After the incident, the staff of the association had to work remotely to mitigate the risk of physical attack.

On 20 August 2019, the Minister of Internal Affairs, Süleyman Soylu, [said that](#) he does not approve of LGBTI+ people as he sees LGBTI+ people as a threat to family values, religion and traditions of the nation. In early September, Minister Soylu again [targeted](#) LGBTI+ organizations and blamed them for receiving financial support (making a false claim of 22 million dollars) from the U.S.A.

Freedom of assembly, association and expression

Under the state of emergency which took place between July 2016 and July 2018, many amendments related to freedom of assembly and freedom of association were issued by the ruling party. Since NGOs and rights organizations with opponent ideologies do not trust the current government, new revisions made under the state of emergency are seen as instruments to increase pressure on civil society and criminalize human rights advocates, also on a financial basis. This particularly targets LGBTI+ organizations, because they get financial support from Europe, and they are therefore one of the most vulnerable groups under these regulations. The new regulations prevent LGBTI+ people from freely engaging in civic action, discourage LGBTI+ citizens from expressing their demands and result in LGBTI+ organizations losing their dynamism. These regulations directly restrict freedom of association, freedom of expression and freedom of assembly. Some judicial cases are also being used to repress the LGBTI+ community.

On 5 August 2019, 19 LGBTI+ human rights defenders were charged with “participating in unlawful assembly” and “resisting despite warning,” for their participation in the peaceful LGBTI+ Pride March

which [took place](#) inside the campus of the Middle East Technical University (METU) in Ankara on 10 May 2019. The first trial [took place](#) on 21 November, attended and monitored by SPoD, MPs Sezgin Tanrikulu and Sera Kadigil from CHP, representatives from the EU-Turkey Delegation, Danish Embassy, Swedish Embassy, Canadian Embassy; Amnesty International and Kaos GL Association. The second trial was postponed to 12 March 2020, and it is widely thought that the presence of such international monitoring and support was useful in this regard.

On 4 October 2019, the final hearing of the Istanbul Pride trial took place. Four people were acquitted, and two people received suspended sentences of several months for "resisting a public servant" and "risking traffic safety". Lawyers [will be](#) filing an appeal against the rulings. It is the first time that LGBTI+ human rights defenders face criminal charges.

In October 2017, Osman Kavala, an influential civil society leader and founder of Helsinki Citizens' Assembly and Anadolu Kültür Foundation, [was taken](#) into custody. Kavala stayed in prison for over a year without any charge or accusation. After 16 months, an indictment 657 pages long was released. According to this, Osman Kavala and 15 other human rights defenders, civil society leaders and NGO workers are accused of "attempting to overthrow the government" with Gezi Park Protests receiving financial support from the Open Society Foundation. Eight LGBTI+ organizations (Young LGBTI+ Association, Hevi LGBTI+ Organization, Istanbul LGBTI+ Association, Kaos GL, Red Umbrella Sexual Health, and Human Rights Association, Lambda Istanbul Solidarity Association, Pink Life Association and Social Policy, Gender Identity and Sexual Orientation Studies Association), were also mentioned as financially supported by the Open Society Foundation. Official notifications requesting all documents related to their financial relationship with Open Society Foundation were sent to the organizations by the Ministry of Finance in April 2019. These selective governmental audits clearly aim to create an oppressive environment for LGBTI+ organizations and prevent them from carrying out their human rights work.

Three people, below the age of 18, who attended İzmir Pride in June 2019 have been detained and charged with "participating in an unlawful assembly" and "violating the law of No. 2911" (the law on Meetings and Demonstrations). İzmir Pride, İzmir Youth LGBTI+ Association and some LGBTI+ rights lawyers will be monitoring the trial which will take place on 12 March 2020.

Main action points for the coming year:

- Drop charges against the LGBTI+ human rights defenders who participated in a peaceful pride march at the METU campus and in İzmir;
- Continue EU and international support and monitoring of the trial and future such trials, as this helps keep pressure on Turkish authorities to deliver justice.

Equality and non-discrimination, including legislation and enforcement

SOGIESC are still not protected grounds against discrimination in related legislation, including the Turkish Labor Code. There have been no sensitization trainings of law enforcement on LGBTI rights. The Ministry of Justice invited all human rights organizations apart from LGBTI rights organizations to a consultation on a national human rights strategy. Similarly, the Ministry of Health did not consult with LGBTI organizations in its strategic planning process for a National HIV/AIDS strategy.

Rights and equal treatment of trans and intersex persons

The Turkish National Human Rights Institution rejected the application of two transgender women, who were kicked out of a hotel on the grounds of their gender identity. The Institution stated that "sexual identity" is not a protected ground within their legislation, which is [true](#).