

ANNUAL REVIEW

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

2024

FIND THIS REPORT ONLINE:
WWW.ILGA-EUROPE.ORG



Rue du Trône/Troonstraat
60 Brussels B-1050
Belgium
Tel.: +32 2 609 54 10
Fax: + 32 2 609 54 19

info@ilga-europe.org
www.ilga-europe.org

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INTRODUCTION

Welcome to the 13th edition of ILGA-Europe's Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia. The publication includes events that occurred between January and December 2023. It provides a snapshot of what happened during the year, at national, regional and international levels, and it documents progress and trends regarding the human rights situation of LGBTI people.

While the entire Annual Review is available online, information on each country and institution can be accessed separately via ILGA-Europe's website and our Rainbow Europe web module. In the Rainbow Europe module, you will also find information on each theme separately.

We must warn that some parts may be potentially triggering for some readers. We must also stress that this document is not an exercise in apportioning blame. ILGA-Europe's goal is not to point fingers at specific countries. Instead, this publication intends to serve as a tool for the exchange of best practices and policies, and as an open invitation for enhanced cooperation between governments and LGBTI civil society.

ILGA-Europe want this publication to meet our readers' expectations and needs, and welcome any suggestions for improvement. We hope that you will find this edition of the Annual Review informative and useful.

ILGA-EUROPE'S ANNUAL REVIEW TEAM
FEBRUARY 2024

A NOTE ON DATA COLLECTION AND PRESENTATION

This is our 13th Annual Review and we always strive to develop our rigorous data collection system. However, a number of limitations remain.

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

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

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

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

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HIGHLIGHTS AND TRENDS

ACCESS TO ADEQUATE FOOD & GOODS AND SERVICES

Reporting from the movement on socio-economic equity is increasing. There is a growing level of information showing that **mainstream services are not safe, inclusive or educated on the particular needs of LGBTI people**, who are disproportionately affected in times of crisis and are often socio-economically disadvantaged in specific ways. There are reports of trans and non-binary people struggling in Belarus, Bulgaria, Denmark, and Greece. There is a continuing **lack of awareness and lack of political will** to address socio-economic inequalities for LGBTI people. In Turkey, for instance, LGBTI people struggled to access humanitarian aid after the earthquake in February, and difficulties continued throughout the year. **CSOs and activists often step in to fill the absence** of public services to support LGBTI people with basic needs, reported for instance in Albania, Belarus and Denmark, but as we know from our work a reality in many more countries in our region, including Armenia, Moldova, Poland, Romania and Ukraine.

ASYLUM

More and more people are seeking safety, but **overall policies are doubling down, making the situation for asylum seekers increasingly untenable**. New legislation in Iceland, for instance, strips asylum seekers from essential services. In the Netherlands, over half of LGBTI asylum seekers reported feeling unsafe in the asylum system and three-quarters went back into the closet. In several countries, including Finland and Slovakia, trans asylum seekers experienced serious challenges in access to gender-affirming healthcare. In Belgium, the ‘reception crisis’ continues, in which single men are not being given shelter, which adversely affects GBT men. There is worrying regression in the UK with the adoption of the Illegal Migration Act which sets out measures to send asylum seekers to Rwanda, an unsafe country for LGBTI people. In the wake of a wave of harsh new anti-LGBTI laws in Russia, LGBTI people and activists are fleeing, but they face difficulties getting visas. Sweden rejected 96% of asylum cases, with LGBTI people rarely receiving any specific examination and applicants deported back to home countries that criminalise LGBTI people, including with the death penalty. There is **progress in Czechia**, where the new asylum law includes sexual orientation, gender identity (SOGI) grounds, and mixed developments in Germany with dedicated funding for queer asylum seekers legal advice, but the introduction of a bill to speed up deportation. **CSOs continued to support LGBTI migrants**, particularly from Ukraine and Russia, in Armenia, Bulgaria, and Moldova, amongst others

BIAS-MOTIVATED SPEECH

There has been **a clear accumulation of anti-LGBTI speech from officials across the region**, often instrumentalising children by falsely invoking concerns for their safety. There was bias-motivated speech from politicians reported in Austria, Belarus, Bulgaria, Croatia, Cyprus, Czechia, Germany, Greece, Hungary, Italy, Kosovo, Latvia, Moldova, Montenegro, Norway, Romania, Serbia, Slovakia, Spain, Sweden, Turkey and the UK. **Transphobic speech continues to be on the rise** in Croatia, Ireland, Norway, Slovakia, Spain, Sweden and the UK, and intensified around parliamentary discussions in Denmark, Finland, Netherlands, and Portugal, around LGBTI events in Iceland and Luxembourg; and in the lead up to elections in Moldova, Slovakia and Georgia. Hate speech concerning trans minors’ access to healthcare was commonplace. At the same time there was a rise in **court judgements recognising bias-motivation**, including in Albania, Bulgaria, France, Latvia, Lithuania, Malta, Poland, Spain, Switzerland, Ukraine, and the UK.

LGBTIphobic and transphobic pieces in the media are further on the rise (Andorra, Azerbaijan, Belarus Bulgaria, France, Sweden Turkey, and the UK), while online hate was reported in Andorra, Albania, Armenia, Austria, Cyprus, Northern Cyprus, Estonia, Ireland, Malta and Turkey. In Portugal there was an 185% increase in anti-LGBTI hatred online between 2019 and 2022, and an 130% increase in Spain over the same period.

BIAS-MOTIVATED VIOLENCE

Of the 54 countries reporting in this review only six of them reported no hate crime in 2023. In the other 48 countries, **much of the reported verbal and physical violence targeted trans people. This is in clear correlation to an exceptional rise in anti-trans hate speech this year, particularly from official sources.**

Pride events are increasingly being targeted, with reported attacks before, during or after Pride parades and events in 16 countries, namely Austria (an attempted bomb attack), Bulgaria, France, Georgia, Greece, Ireland, Italy, Malta, Netherlands, Norway, Poland, Serbia, Slovenia, Sweden, Turkey, and Russia. Rainbow flags and LGBTI symbols were vandalised, burnt or destroyed in Georgia, Belgium, Croatia, Northern Cyprus, Finland, France, Germany, Iceland, Hungary, Lithuania, Poland, Serbia, Slovenia, Spain, Switzerland, and the UK.

Increases in bias-motivated violence were recorded in Croatia, Denmark, France, Germany, Iceland, Ireland, Netherlands, Norway, Serbia, Switzerland (highest record to date) and the UK. Police failed to protect victims in Armenia, BiH, Slovenia, and Turkey, and perpetrated attacks in Azerbaijan, Belarus, and Russia. Hate-motivated murders took place in Armenia, Azerbaijan, Greece, Italy, Russia, Serbia, Spain, and Turkey.

Again, there has been **progress in court cases prosecuting anti-LGBTI hate crime**, including in Belgium, Bulgaria, Estonia, France, Hungary, Ireland, Kosovo, North Macedonia, Spain, Switzerland, and for the first time, Ukraine. There were slight decreases in violence reported in Belgium and Spain, while hate crime legislation progressed in Bulgaria, Ireland and Scotland.

BODILY INTEGRITY

Last year we reported intersex bodily integrity as a rising trend, but this year we have seen that where there is **stagnation on IGM bans**, it is longstanding, with governments not following up on commitments they've made, particularly in Austria, Belgium, Finland and Ireland.

There is **strong forward movement in banning so-called 'conversion practices'**, with Belgium, Cyprus, Iceland, Portugal and Spain all adopting legislation. Parliamentary debates and plans for bans are taking place in Finland, Ireland, Netherlands and Switzerland, while Norway has approved legislation. Malta made improved amendments to its law and three people were prosecuted under the ban. Austria and the UK both stagnated with their plans to ban the practices.

CENTRAL ASIA

Reporting from countries in Central Asia is a stark reminder of the **pervasive lack of protection for LGBTI people in the region**. The criminalisation of LGBTI people remains in place in some countries, basic anti-discrimination legislation is lacking in most countries, LGBTI people are entrapped and blackmailed, often by the police, and there is a lack of safe spaces for LGBTI people to gather, with raids on bars and social spaces ongoing, and police brutality rife.

In Kyrgyzstan, several pieces of Russian-style legislation targeting LGBTI people and activists were instituted.

A prohibition was instituted regarding the display of paraphernalia associated with the rainbow symbol. In August, the president signed in a new law On Measures to Prevent Harm to Children's Health, Their Recovery, Intellectual, Mental, Spiritual, and Moral Development. The law is similar to those in Russia and Hungary and bans the spreading of information that denies family values, or promotes "non-traditional sexual relationships". The law also calls for a complete ban on discussing LGBT rights and experiences in schools. In October, a bill that introduces the concept of "foreign non-governmental organisation" passed. It aims at restricting the freedom of speech of civil society, as it threatens the closure of NGOs in the Kyrgyz Republic, including LGBT+ organisations, as well as the persecution of human rights defenders and activists, who may be subject to five to ten years in prison.

EDUCATION

Scare tactics around sex education are further on the rise, with the far right and other actors **instrumentalising children in anti-LGBTI arguments and sowing division** amongst young people and parents. There were draft amendments seeking to limit sex education in Lithuania, Poland and Slovakia, while education became a touchstone for anti-LGBTI mobilisation in countries including Belarus, Hungary, Lithuania, Sweden, Turkey and the UK..

With that, **there has been progress in inclusion** of sexual orientation and gender identity, (SOGI) in education in Cyprus, Denmark, Germany, Greece, Ireland, Malta, Portugal, Romania and the UK.

EQUALITY AND NON-DISCRIMINATION

There has been steady **progress in institutional commitment to LGBTI equality and more comprehensive approaches to addressing gaps in legislation** through LGBTI action plans and policies in Denmark, France, Germany, Iceland, Malta, Montenegro, Netherlands, Norway, Slovenia, Spain, Ukraine, and Scotland and Wales in the UK.

The situation for LGBTI people in Russia is steadily deteriorating since the full-scale invasion of Ukraine in 2022, and subsequent legislation targeting LGBTI people, with a large increase in homophobia and transphobia in the public space. The same is happening in Turkey, with planned legislation to ban marriage equality and LGBTI associations. In Netherlands anti-discrimination cases doubled, while in Serbia the situation of LGBT people has worsened since attacks on EuroPride in 2022.

FAMILY

After a number of years when **partnership recognition** had either stagnated or was on a downward trend, **the issue continued to rise this year**. Estonia became the first Baltic country to introduce marriage equality, while in Switzerland 749 same-sex marriages took place and over 2,200 couples converted their partnership to marriage since the introduction of marriage equality in 2022. There were positive developments for rainbow families in Germany, Ireland, Liechtenstein, Lithuania, Luxembourg and Spain. A draft bill on registered partnerships was published in Ukraine.

While same-sex partners are achieving more rights, **the children of LGBTI families are less recognised**. In Bulgaria, the Supreme Court denied a birth certificate and citizenship to a child of two mothers, one of whom is Bulgarian, despite the CJEU ruling saying it must do so. There were major setbacks in Italy with a measure to only recognise biological parents on birth certificates, resulting in a large number of birth certificates being revoked. The Italian government also tabled a bill to extend the ban on surrogacy to those who access the practice abroad. Russia banned trans people from adopting or fostering children.

Where governments fail to ensure the protection of rainbow families, courts increasingly come into play. There were favourable rulings in Austria and Denmark, while the European Court of Human Rights ruled favourably on strategic cases against Romania, Poland, Russia and Ukraine.

FOREIGN POLICY

Moves by European Union member states to limit the rights of LGBTI people are being finally addressed by the EU Commission and other member states. 16 countries, Belgium, Luxembourg, Netherlands, Portugal, Austria, Ireland, Denmark, Malta, Spain, Sweden, Finland, Slovenia, France, Germany and Greece, signed on to act together with the European Parliament as third parties in the infringement process last year by the Commission against Hungary's Child Protection Law, widely criticised as being anti-LGBT.

The Commission added an amendment in 2022 to its Partnership Agreement with Poland to ensure that municipalities that have anti-LGBT resolutions in place do not receive financial support. This action was successful with many municipalities dropping their resolutions.

FREEDOM OF ASSEMBLY

In spite of reported attacks in 16 countries, Pride continues to be core to the LGBTI movement, identity and self-expression, with more and more Pride events being organised across Europe. There were first-ever Prides in towns in Denmark, Croatia, France, Finland, Greece, Hungary, Ireland, Liechtenstein, Poland, Portugal, Romania, and Slovakia.

Turkish activists, community members and allies continued to show great resilience by holding and attending Pride events across the country, despite systematic bans, violent attacks, mass detentions, police obstruction, and targeting by political parties.

FREEDOM OF ASSOCIATION AND EXPRESSION

Russian style anti-LGBTI laws are being copied by other countries seeking to put controls on civil society, which is heavily affecting freedom of association. In Belarus and Georgia possible ‘propaganda laws’ remained on the agenda, while Bosnia and Herzegovina adopted a Russian style foreign agents law. The Lithuanian Parliament rejected a repeal of its ‘propaganda law’, Romania tabled a bill to ban LGBT themed audiovisual materials, and Moldova adopted an ‘LGBT propaganda’ ban. In Russia the Supreme Court ruled that the LGBT international movement is “extremist” and LGBT activism is “criminal”, while the 2022 propaganda law continued to have a detrimental effect, with LGBT people fired, expelled from schools, arrested and deported, websites blocked, and bloggers persecuted.

In Hungary, bookstores who stocked LGBTI titles were fined under the propaganda law. Literature was used by the far-right to attempt the repression of LGBTI expression and information in Ireland and Portugal. Turkey announced new measures to curb media content to “protect culture and children”.

HEALTH

Access to trans healthcare is a growing problem, particularly for trans minors, amid rising difficulties for trans people reported elsewhere in this review. Barriers are reported in 17 European countries: Albania, Belarus, Bosnia and Herzegovina, Cyprus, Northern Cyprus, Denmark, Greece, Iceland, Ireland, Norway, Russia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine and the UK.

Several suicides of trans people were reported this year.

Switzerland published recommendations for gender-affirming care based on ICD-11 and introduced a new HIV programme that includes trans people for the first time.

The trend of lifting restrictions on blood bans from men who have sex with men (MSM) continued, with lifts of restrictions and steps forward in Finland, Germany, Norway and Switzerland.

HOUSING

Rising costs of living and an overall housing crisis are often impacting LGBTI people disproportionately, due to discrimination and subsequently their often weaker socio-economic situation. Housing insecurity for LGBTI people, and particularly for trans people, is reported in Albania, Azerbaijan, Bosnia and Herzegovina, and Georgia. Young LGBTI people are disproportionately impacted by the housing crisis in Ireland, while in Italy there were 400 cases of LGBT young people kicked out of home, with only 10% finding emergency shelter.

LEGAL GENDER RECOGNITION

Despite negative public opinion and a stark rise in anti-trans speech from official sources, **governments are following up on commitments, several introducing good self-determination standards in legal gender recognition (LGR)**. Andorra introduced a new gender marker and name change; Armenia simplified its name change process; Belgium made change of name or gender markers possible any number of times; Finland adopted LGR based on self-determination; Germany's cabinet presented LGR based on self-determination to parliament; a new bill tabled in Iceland would allow to change family name based on self-determination; and Spain adopted its LGBTI law with a self-determination model for LGR.

A reported six trans people committed suicide in the aftermath of Russia's LGR ban. Slovakia's de facto LGR ban passed on its first reading. It didn't pass the second reading, but an identical bill was newly submitted. The UK sought to block implementation of Scottish LGR based on the self-determination model.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Sport is becoming more visibly an area of engagement with actors both for and against trans and intersex inclusion. In Ireland, Ladies Football approved its first trans applicant and implemented new inclusive guidelines. In Spain, the new Sports law bans discrimination against LGBTI people in sports, but the Basketball Federation refused to have a trans player in its second league. In the UK, several sports associations introduced 'open' categories that in reality discriminate against trans athletes, and in a survey 63% of trans young people reported worsened mental health due to exclusion from sport.

PUBLIC OPINION

While Pride events are increasingly being targeted and LGBTI symbols vandalised, conversely **there is a slow but steady increase in acceptance across countries where LGBTI discrimination has been previously widespread**. A study in Bulgaria shows that public acceptance continues to increase; in Czechia support for marriage equality has grown by over 40% since 2019; in Hungary, support for LGBTQI rights has increased, with support for marriage equality has gone up 150% over the past ten years. In Poland there is increased public support for Pride marches and support for equal marriage has grown from 21 to 32% in the last decade. In Slovakia, 40% support registered partnerships, and in Slovenia, 45% support rainbow families.



EUROPEAN UNION

ASYLUM

In December, co-legislators, i.e. the European Parliament and the Council of the EC, [reached](#) an agreement on five files under the Pact on Asylum and Migration. This agreement will significantly hinder the progress of European asylum law for many years and result in harming the situation of those seeking asylum in the EU member states, including LGBTI people. For example, the asylum procedure regulation (APR), which establishes a common procedure that member states need to follow when people seek international protection, introduces a mandatory border procedure with the aim of quickly assessing at the EU's external borders whether applications for asylum are unfounded or inadmissible. The procedure is mandatory for member states if the applicant has a nationality with a recognition rate below 20%, among other criteria.

BIAS-MOTIVATED SPEECH

In June, the draft report on the proposal extending the list of EU crimes to hate speech and hate crime, inviting the Council to adopt a decision identifying hate speech and hate crime as another area of crime, meeting the criteria set out in Article 83(1) TFEU, was [published](#) by the Parliament. The final report will be [adopted](#) in January 2024. It calls on the Commission and the Member States to act against misuses of the internet and social media. It stresses in this respect that the business model of social media platforms, based on micro-targeted advertising, contributes to spreading and amplifying hate speech.

BIAS-MOTIVATED VIOLENCE

In January, the EP LGBTI Intergroup organised an event to discuss how to ensure that the proposed EU directive on violence against women and domestic violence is inclusive of the needs of LGBTI people. The responsible rapporteurs for the legislative file in the EP attended the event, as well as speakers from European LGBTI networks. In June, the European Parliament [adopted](#) a Report on the proposal for a directive of the European Parliament and of the Council on combating violence against women (VAW) and domestic violence (DV). This report includes criminalising intersex genital mutilation across the EU, among other advancement of rights of LGBTI victims of VAW and DV. By the end of 2023 negotiations between the EP and the European Council on the directive were ongoing and it is yet unclear if the provision on banning IGM will be in the final text.

On 12 July, the Commission [published](#) the revision of the Victims' Rights Directive. The proposed revision strengthens targeted and specialist support for victims of hate crimes, among others. On 11 September the proposal was referred to the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and Committee on Women's Rights and Gender Equality (FEMM) for joint review. In the [draft report](#) and amendments, the Parliament proposed to further strengthen specialist support and data collection based on SOGIESC. Final agreement on the file is expected to be negotiated in 2024.

BODILY INTEGRITY

At the IDAHOT+ Forum In May 2023, at the IDAHOT+ forum in Iceland, the first findings of the EC intersex study were presented at a panel on 'Equal rights for intersex people'. The study was foreseen to be published in the summer of 2023, but was not made public by the end of the year.

DATA COLLECTION

In January, the European Commission opened a consultation on the Guidance note on the collection and use of data for LGBTIQ equality. The final [guidance](#) for member states was published in March.

The Swedish EU Presidency organised a high-level event 'Equality Data as a Tool for Combating Discrimination' on 12 May in Stockholm.



In July, the EU Fundamental Rights Agency launched its third LGBTIQ Survey, with the aim to present the findings before the European elections in June 2024.

EMPLOYMENT

On January 12, the CJEU delivered a judgement in Case C-356/21 J.K. v. TP S.A., clarifying that the prohibition of discrimination on the grounds of sexual orientation in Directive 2000/78 on Equal Treatment applies to self-employed persons when contracting with third parties, and during the performance of their activities.

EQUALITY AND NON-DISCRIMINATION

By the deadline in April for intervening in the European Commission's infringement against Hungary's Child Protection Law for its anti-LGBT amendments, which breach a number of EU laws, a total of 15 EU Member States as well as the European Parliament had committed to supporting the case in front of the CJEU.

In April, the EC for the second time awarded European Capitals of Inclusion and Diversity Awards, and this year's special award was for fostering LGBTIQ equality. Gdańsk, Poland won the award for fostering LGBTI equality, followed by Catalonia, Spain and Reggio Emilia, Italy.

In December 2023 a [provisional agreement](#) was reached between the European Parliament and the Council of the EU on two draft directives on minimum standards for equality bodies. The grounds of gender identity, gender expression and sex characteristics were included in the definition of the victim. Due to intense opposition from a number of EU Member States, it remains to be seen whether these mentions are maintained in the final agreement.

FAMILY

In December 2023, the European Parliament [adopted its position](#) on the European Commission's draft regulation on cross-border recognition of parenthood, confirming the main aspects of the EC's draft. The EP, however, only has a consultative role in this file: Negotiations in the Council of the EU are ongoing.

FOREIGN POLICY

In November 2023, the European Commission published its [Enlargement Progress Report](#), which for the first time included an assessment of Georgia, Moldova and Ukraine.

In December 2023, the EU decided to open accession negotiations with Ukraine, Moldova, and Bosnia and Herzegovina upon conditions of compliance with criteria. It also agreed to grant Georgia candidacy status. LGBTI civil society in the respective countries regard this as a positive development and see opportunities for further protecting the rights of LGBTI people through the continuation of the enlargement process.

FREEDOM OF ASSEMBLY

In September, the EU Equality Commissioner, as well as a number of MEPs, attended Europride in Malta, speaking at the Human Rights Conference and marching together with activists.

FREEDOM OF ASSOCIATION

In December 2023, as part of its Defense of Democracy Package, the European Commission published its proposal for a directive establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries, otherwise known as the "foreign interference law". Civil society organisations working at the EU level have raised concerns that the directive could have a number of negative consequences, whilst failing to effectively tackle covert influence.



HEALTH

In June, the European Parliament committees Environment, Public Health and Food Safety (ENVI) and Civil Liberties, Justice and Home Affairs (LIBE) organised a joint hearing on depathologisation of trans identities, in which MEPs noted the importance of depathologisation for the fulfilment of the human rights of trans and non-binary people and discussed the need for action among member States.

Also in June, the EP Committee Civil Liberties, Justice and Home Affairs (LIBE) organised a hearing on conversion practices.

In September, the Spanish EU Presidency held a High Level Meeting on Stigma and HIV (online).

HOUSING

The European Platform on Combatting Homelessness held its 5th Mutual Learning Session focused on data collection on October 23 and 24. The platform brings together Member State governments, EC and stakeholders working on homelessness and housing insecurity. The October meeting this year focused on mapping homelessness across the EU and provided an opportunity for the presentation of the 'Intersections' report on homelessness among the LGBTI community, analysing the 2019 FRA LGBTI survey data.

HUMAN RIGHTS DEFENDERS

In November 2023, the European Parliament and Council of the EU reached an agreement on the EC's proposed anti-SLAPP Directive. The text recognises LGBTI rights as one of the areas of human rights defenders that are targeted by SLAPPs. The agreement is due to be signed in the first quarter of 2024.

In July 2023, the European Commission published its [2023 Rule of Law report](#), which included more LGBTI related content than previous editions, and for the first time acknowledged the links between disinformation, anti-LGBTI rhetoric of politicians, and hate crimes, when reporting about the anti-LGBT terrorist attack that happened in Slovakia.

The UN Special Rapporteur on the situation of human rights defenders [issued](#) a position paper on EU visas as a protection tool for human rights defenders. The position paper includes recommendations on actions that can be taken by the EU and its members in the short and medium term to remedy the current disconnect between the EU's external human rights policy and its visa framework.

INSTITUTIONAL SUPPORT

In April, the Swedish EU Presidency, together with the European Commission, organised a high-level conference on LGBTIQ equality. The one-day conference provided panels and workshops to assess the implementation of the EU LGBTIQ Equality Strategy together with member states, civil society and other stakeholders, and ended with a strong call to all EU institutions to step up implementation. The European Commission presented its two-year implementation report on the strategy at the conference.

On the occasion of IDAHOBIT in May, the European External Action Service (EEAS) organised an event focusing on the challenges that LGBTIQ+ persons face in the world, including the criminalisation of consensual same-sex relations. At the event, both the EEAS Secretary General and the EEAS Gender Ambassador spoke, and staff and delegations from across the world joined a debate with a MEP Malin Bjork (GUE/NGL) and the Council of Europe SOGI Unit, as well as a LGBTI activists, ILGA World and ILGA-Europe.

In June, the Swedish Presidency of the EU adopted Presidency [Conclusions](#) to combat hate, violence and discrimination against LGBTI people, condemning the persistence of violence, harassment and discrimination against LGBTI persons



across the EU. Last minute negotiations on Council conclusions failed because of vetos from Hungary and Poland. Supported by 25 EU delegations, the Conclusions are a clear support for the European Commission's strategy on LGBTIQ rights and a call to step up that work in the future.

In June, the EP LGBTI Intergroup organised an event at the European Parliament, bringing together activists from across the EU to discuss LGBTI equality. Key speakers included the EC Vice-President Jourova and Equality Commissioner, Helena Dalli. On the occasion, leaders and MEPS of the Greens/EFA, GUE/NGL, EPP, S&D and Renew group signed a Declaration on Advancing LGBTIQ rights ahead of the 2024 elections.

In July, the Spanish Presidency organised a high-level event, "Advancing LGBTIQ rights in Europe", focusing on discrimination and violence against LGBTI people. The event also gathered Ministers responsible for equality and inclusion, where 16 Member States formally endorsed the Ministerial [Declaration](#) on "Advancing rights of LGBTI people in Europe" initiated by the Spanish EU Presidency.

INTERSECTIONALITY

Whereas harmful passages in the draft legislation on violence against women and domestic violence, attempting to criminalise sex work, were rejected by the majority of the European Parliament, in September the EP, with a very small margin, adopted an own-initiative [report](#) by Maria Noichl (S&D), denying agency for sex workers and calling for the introduction of the model of criminalising clients across the EU. In January, Monika Vana (Greens/EFA) organised a round-table event on the future of sex work and how to ensure sex worker's rights in Europe.

PUBLIC OPINION

In December, the European Commission released its [Eurobarometer](#) on Discrimination in the European Union. The report has found that more than half of the general public say there is widespread discrimination in their country on the basis of gender identity (being transgender, 57%) or sexual orientation (54%). Discrimination against intersex people is in the high numbers too, at 47%. At the same time, a rising number of 69% of EU citizens say that lesbian, gay and bisexual people should have the same rights as heterosexual people, and 64% say that trans people should have the same rights as everyone else. 62% believe that trans people should be able to change their civil documents to match their gender identity. Further, 47% believe that official documents should offer a third option (X or O) for those who do not identify as female or male. 72% of respondents say that same sex marriage should be allowed throughout Europe, up three percentage points since 2019.



COUNCIL OF EUROPE

The Working Group on SOGIESC of the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) met three times throughout the year to [progress](#) on its deliverables, including a thematic review of the Committee of Ministers Recommendation (2010)5 on the rights of LGBT people, a comprehensive review of the same Recommendation, and the development of a Recommendation focused on the rights of intersex people, expected to be adopted in 2025.

In September, the European Commission against Racism and Intolerance (ECRI) released their [General Policy Recommendation No. 17](#), which focuses on protecting the rights of LGBTI people.

In December, the Committee of Ministers [adopted a new budget](#), which changed the status of the Working Group on SOGIESC of the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI), creating a new Expert Committee on SOGIESC (ADI-SOGIESC), also housed in CDADI, with a significantly increased budget for its work starting from 2024, as well as new deliverables, including a Council of Europe Strategy on the rights of LGBTI people.

ASYLUM

On 22 May, the Parliamentary Platform on the rights of LGBTI people in Europe of the Parliamentary Assembly of the Council of Europe (PACE LGBTI Platform) hosted a [conference in the Belgian Parliament on LGBTI asylum seekers and refugees](#).

On 4 December, the [HELP course on LGBTI persons in the Asylum Procedure](#) took place in a hybrid format.

BIAS-MOTIVATED SPEECH

In its monitoring of [Cyprus](#), ECRI noted that the country had not taken up its previous recommendation to include SOGI as grounds for enhanced sanctions for hate speech, and recommended that a comprehensive method for monitoring hate speech incidents be developed. [Georgia](#) received a similar recommendation.

In March, ECRI released its monitoring report of [Hungary](#), noting the recent increase of political speech that is “highly divisive and [with] antagonistic overtones” regarding LGBTI issues, including from high level and senior politicians. In this regard, ECRI recommended that political leaders take prompt action against LGBTI-phobic hate speech and that elected bodies and political parties take up the issue in their codes of conduct. Further ECRI recommended, as a priority, that authorities enhance the capacity of law enforcement to respond to LGBTI-phobic hate speech and hate crimes.

In June, in its monitoring of Azerbaijan, ECRI recommended that public figures be encouraged to take firm positions against anti-LGBTI hate speech, and that elected bodies adopt codes of conduct for their members, and that the government set up an inter-institutional working group to tackle hate speech and implement, as a matter of priority, monitoring mechanisms on the same.

In October, the Steering Committee on Anti-Discrimination, Diversity, and Inclusion (CDADI) published a [study](#) on hate speech that occurred in Europe during crises in recent years, including against LGBTI people.

BIAS-MOTIVATED VIOLENCE

In March, the Commissioner for Human Rights [called on authorities](#) in Bosnia and Herzegovina to accept the rights of LGBTI people and bring the perpetrators of the attack in Banja Luka to justice.

On 26 April, a [side event](#) was held at the Parliamentary Assembly of the Council of Europe, hosted by Béatrice Fresko-Rolfo in collaboration with EL*C and the support of the Icelandic Presidency of the Council of Europe, on violence and discrimination faced by LBQ women, related to a forthcoming report on the issue. In December, a [hearing](#) was held by the Committee on Equality and Non-discrimination in development of this report.



On 31 May, the General Rapporteur on the rights of LGBTI people [released a statement](#) on police harassment of LGBTI people in Azerbaijan.

In June, ECRI recommended to [Azerbaijan](#) that it provide training for law enforcement on how to deal with anti-LGBTI acts of violence. [Georgia](#) received a recommendation to set up a specialised unit in law enforcement for these cases.

In October, the Steering Committee on Anti-Discrimination, Diversity, and Inclusion (CDADI) released a [report](#) on their thematic assessment of the implementation of the Committee of Ministers Recommendation (2010)5, focused on hate crime legislation.

BODILY INTEGRITY

On 26 January, the Icelandic Presidency of the Council of Europe hosted a half-day conference on intersex issues, where the Prime Minister of Iceland, the Commissioner for Human Rights, the Deputy Secretary General of the CoE, the President of PACE, and the PACE General Rapporteur on the rights of LGBTI people spoke alongside intersex civil society. The following day, the [first civil society consultation](#) to develop the forthcoming Committee of Ministers Recommendation on the rights of intersex people was held. The first meeting of the Drafting Group for the Recommendation - which includes Member States, civil society, and representatives from the Council of Europe - met in October.

On 16 February, Dunja Mijatovic, the CoE Commissioner for Human Rights, released a [human rights comment on conversion practices](#) (so-called “conversion therapies”), calling for: 1) collecting data on SOGIE conversion practices; 2) ensuring accountability through enforceable bans with consequences for perpetrators; 3) bans of advertising these practices, 4) support and rehabilitation services for victims; 5) efforts to raise awareness of the negative consequences of these practices for LGBTI people. The Commissioner [presented her human rights comment](#) in a meeting of the PACE Parliamentary Platform for the rights of LGBTI people in Europe on 12 October.

In June, ECRI released its [Annual Review](#), noting progress in a limited number of Member States in banning conversion practices and intersex genital mutilation. The report also notes frequent reports of anti-LGBTI hate speech and attacks, and difficulties in exercising the rights to freedom of expression and assembly.

ECRI released its monitoring reports of [Armenia](#), [Azerbaijan](#), [Georgia](#), [Hungary](#), [Luxembourg](#), [North Macedonia](#), and [Poland](#) recommending that steps be taken to protect intersex infants and children from “medically unnecessary sex ‘normalising’ surgery and other treatments” without their consent. ECRI also recommended that [Iceland](#) ensure data collection regarding interventions on intersex children as they implement their ban.

ECRI noted in its Interim Follow-up Conclusions on Norway that first steps had been taken in terms of protecting the bodily integrity of intersex persons by conducting a review of current practices in the country.

On 26 October, the [Commissioner tweeted](#) and the [LGBTI General Rapporteur released a statement](#) to acknowledge Intersex Awareness Day.

DATA COLLECTION

ECRI noted in its monitoring reports of [Armenia](#) and [Poland](#) the need for the collection of LGBTI-inclusive equality data and engagement with civil society regarding the situation of LGBTI people and their families.

EDUCATION

In its monitoring of [Armenia](#), [Cyprus](#), and [Poland](#), ECRI recommended that the governments ensure that teachers are trained on SOGI issues, that SOGI content be added to sex education textbooks, and that there should be zero tolerance



for anti-LGBTI incidents in schools. [Azerbaijan](#) and [Luxembourg](#) received recommendations to set up a system to monitor and counter anti-LGBTI incidents in schools.

EQUALITY AND NON-DISCRIMINATION

In its monitoring of [Cyprus](#), ECRI recommended implementing non-discrimination protections on the grounds of SOGISC in the constitution. ECRI recommended that [Poland](#) initiate legislative amendments to add SOGISC as a prohibited ground in the Criminal Code.

The [HELP course on anti-discrimination](#), including on the grounds of SOGI, was released on 22 March.

FAMILY

In September, ECRI recommended that [Luxembourg](#) ensure automatic parenthood recognition where assistive reproductive technologies are used.

On 13 November, the Commissioner [welcomed](#) the adoption of civil partnership legislation in Latvia.

In March, ECRI released its monitoring report of Hungary, recommending that it adopt advice from the European Court of Human Rights and the Venice Commission in regards to the so-called “anti-propaganda law”.

During the year the European Court delivered a number of judgments reiterating Council of Europe States’ positive obligation under the ECHR Article 8 (Right to Private and Family Life) to ensure legal recognition and protection for same-sex couples by putting in place a “specific legal framework”. Starting with the Grand Chamber judgement in *Fedotova and Others v Russia* in January, the Court applied same reasoning in similar cases brought against Romania (*Buhuceanu and Others v Romania* in May), Ukraine (*Maymulakhin and Markiv v Ukraine* in June), and Bulgaria (*Koilova and Babulkova v Bulgaria* in September). These judgements confirm the obligation on all CoE Member states to ensure same-sex families have adequate means for recognition and protection of their unions.

FREEDOM OF EXPRESSION, ASSEMBLY, AND ASSOCIATION

The Commissioner [called for protections of democratic freedoms](#), including for LGBTI people, around the Turkish elections and [tweeted](#) regarding threats to Tbilisi Pride in Georgia.

In October, the General Rapporteur on the rights of LGBTI people released a report on obstacles to freedom of expression and assembly for LGBTI people in the Council of Europe region. In preparation of this report, the General Rapporteur conducted country visits to Hungary and Poland, [met with Turkish activists](#), and held a [hearing](#) in June.

In September, ECRI recommended to Poland that it ensure freedom of assembly for LGBTI organisations and refrain from actions that target LGBTI civil society, and that it refrain from implementing age restrictions on access to LGBTI-related materials.

HEALTH

In June, ECRI recommended that [Armenia](#) provide training for healthcare providers on LGBTI issues, specifically regarding the depathologisation of homosexuality.

In October, November, and December, the SOGI Unit hosted a series of roundtables on access to health for LGBTI people, including focused on trans-specific healthcare, care for older LGBTI people, sexual and reproductive health, mental health, and a European [roundtable](#) focused on the health of LGBTI people more generally, on 15 November. Additionally, a national review roundtable took place on 12 December in Bosnia and Herzegovina, with a special focus on trans-specific



healthcare. Reports on each of the thematic roundtables are expected in early 2024, and a larger thematic report in late 2024.

HUMAN RIGHTS DEFENDERS

The Commissioner for Human Rights released a Roundtable [report](#) on human rights defenders in March, specifically pointing to the “alarming rise in the anti-gender agenda [and] LGBTI-phobia” around the region, and the increased hate speech that LGBTI HRDs are subject to.

In June, the General Rapporteur on the rights of LGBTI people released a [statement](#) calling on the authorities in Azerbaijan to stop harassing LGBTI human rights defenders.

On 20 November, on Trans Day of Remembrance, the Commissioner [tweeted](#) about the need to protect trans human rights defenders from digital violence.

INSTITUTIONAL SUPPORT

In March, ECRI released its monitoring report of [Hungary](#), in which is called on the government, as a matter of priority, to review laws implemented during the “state of emergency” associated with the pandemic and their impacts on LGBTI people as well as their compliance with international human rights instruments.

On 26 April, the Commissioner for Human Rights and the Council of Europe’s Inclusion and Anti-Discrimination Programmes Division [tweeted](#) about Lesbian Visibility Day. The Icelandic Presidency of the Council of Europe also supported a [reception and a side event](#) in the Parliamentary Assembly of the Council of Europe focused on the rights of LBQ women.

On 11 May, the Government of Iceland hosted the [IDAHOT+ Forum](#) in Reykjavik, Iceland. During the Forum, Beatrice Fresko-Rolfo, the rapporteur for a forthcoming report on LBQ women, [spoke](#) on a panel about gender expression.

On 17 May, in recognition of IDAHOT+, 27 Member States of the Council of Europe signed a [Joint Ministerial Statement](#), recommitting to existing standards and calling for renewed support of the rights of LGBTI people across the region. The General Rapporteur on the rights of LGBTI people released a [statement](#) to mark the day and the Commissioner for Human Rights [issued a call](#) for States to work to end conversion practices.

On 30 June, the SOGI Unit participated in an [event](#) marking the one-year anniversary of EuroPride in Belgrade, Serbia. On the same day, the PACE LGBTI General Rapporteur [released a video](#) reflecting on current developments in the rights of LGBTI people.

The Commissioner for Human Rights delivered a [keynote speech](#) at the ILGA-Europe Conference in October, and representatives from the Office of the Commissioner for Human Rights, the Parliamentary Assembly, and the SOGI Unit attended and met with activists.

As part of the 16 Days of Action to End Violence Against Women, the PACE General rapporteur on the rights of LGBTI people [posted](#) about the need to protect LBQ women from violence and discrimination.

In December, the Commissioner released the [report](#) on her country visit to Italy, where she noted a number of legislative attacks on the LGBTI community in Italy, naming them as human rights violations, and called for the protection of everyone in the country from hate.

In its monitoring of [Azerbaijan](#), [Cyprus](#), [Hungary](#), [North Macedonia](#), and [Slovakia](#), ECRI recommended that the governments implement, as a matter of priority, national action plans on LGBTI issues, with associated budgets. This



recommendation will be monitored under interim follow-up measures. In its Interim Follow-up Conclusions on [Norway](#), ECRI noted that a national action plan had been adopted as recommended in 2021. GREVIO also recommended adoption of a national action plan in [North Macedonia](#).

INTERSECTIONALITY

In its [baseline report on Liechtenstein](#), GREVIO noted that LGBTI women face particular barriers in accessing services in the context of gender-based violence, that there are no studies on their experiences, and that law enforcement does not receive targeted training.

LEGAL GENDER RECOGNITION

During the January session of PACE, 21 members signed a [written declaration](#) calling on the UK to reverse its decision to block the self-determination-based legal gender recognition (LGR) reform passed in late 2022 in Scotland.

In February, the Commissioner for Human Rights congratulated [Spain](#) and [Finland](#) on their adoptions of LGR models based on self-determination.

In March, ECRI released its monitoring report of [Hungary](#), recommending that Hungary take legislative steps to ensure that there is a mechanism to access LGR. In June, ECRI also encouraged [Armenia](#) and [Georgia](#) to clarify the procedure for LGR and [Azerbaijan](#) to amend the procedure to be in line with Council of Europe standards. In September, [Poland](#) received a recommendation to remove abusive requirements from LGR procedures.

On 19 April, the Commissioner wrote to the Parliament of the Slovak Republic calling for a bill which would result in a de facto ban on LGR passing through Parliament to be rejected; 23 PACE members also signed a [written declaration](#) on the same.

In July, the Commissioner [wrote](#) to the government of North Macedonia to adopt a legal gender recognition framework and execute the judgment of the European Court of Human Rights in the case of X v. “the former Yugoslav Republic of Macedonia”. In September, ECRI echoed these sentiments in their [monitoring report](#).



UNITED NATIONS

On 11 April, following a country visit to the United Kingdom, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI) [issued a press statement](#) calling for the country to fulfil its promise to ban conversion practices, noting the serious human rights violations faced by LGBT asylum seekers, noting a significant increase in bias-motivated speech, calling for LGBT people to have equal access to the rights to health, education, and housing, and noting the specific marginalisation faced by LGBT older persons. On 1 November, Graeme Reid [took over the mandate](#) of the IE SOGI.

ACCESS TO GOODS AND SERVICES

The Committee on the Rights of the Child (CRC) recommended [Finland](#), [Sweden](#) and the [UK](#) to strengthen mental health services in schools, and communities, including LGBTI. It also recommended ensuring an adequate number of qualified professionals, tailored to the specific needs of various groups, including LGBTI children and addressing the prevalence of mental health issues among children.

CRC recommended [France](#) and [Ireland](#) to provide adequate social, medical and psychological services to intersex children and families. It also recommended educating professionals on diversity and consequences of such interventions.

[Ireland](#) and [Finland](#) also received recommendations from CRC to ensure access to accommodation, health care, education, and a decent standard of living for vulnerable groups including LGBTI children and implementing monitoring and impact assessments. It also recommended tailoring mental health services for girls, asylum-seeking and refugee children, low-income households, children with disabilities, and LGBTQIA+ children, and providing protection and support to children facing gender identity-related bullying, discrimination, or harassment.

During its last UPR, [Switzerland](#) received a recommendation to provide families with intersex children with adequate counselling.

ASYLUM

On 11 April, following a country visit to the United Kingdom, the IE SOGI [issued a press statement](#) noting serious issues facing LGBTI asylum seekers in the country.

BIAS-MOTIVATED SPEECH

On 22 May, the Special Rapporteur on violence against women and girls, its causes and consequences, released a statement, alleging that women with anti-trans beliefs are being silenced or “cancelled” and calling for their right to freedom of expression.

BIAS-MOTIVATED VIOLENCE

The Committee against Torture (CAT) recommended [Kazakhstan](#) to ensure that all allegations of violence against detainees, including violence based on sexual orientation and gender identity, are thoroughly investigated, and to prosecute suspected offenders, with specific attention to violence against female detainees. Additionally, it recommended adopting specific legislative and other measures to criminalise and prevent domestic violence, as well as violence based on SOGI; taking effective measures to prevent violence on the basis of actual or perceived SOGI; ensuring prompt, effective, and impartial investigation and prosecution of all acts of violence; and bringing perpetrators to justice and providing victims with redress.

During their recent Universal Periodic Review (UPR), [Czechia](#) and [Montenegro](#) received recommendations to ensure that victims of hate crimes, particularly those motivated by hate towards LGBTIQ+ persons, receive the same protection as victims of other hate-motivated crimes. [Romania](#) was recommended to investigate and punish human



rights violations and hate crimes committed against persons in vulnerable situations, paying special attention to LGBTI people. [Serbia](#) received recommendations to investigate and prosecute crimes involving gender-based violence and trafficking in persons, and crimes targeting LGBTI individuals.

BODILY INTEGRITY

CAT recommended [Luxembourg](#) to continue efforts to end irreversible medical acts on intersex children, especially surgical operations without full, free, and informed consent, and to strengthen access to effective remedies for victims. It also recommended improving the collection of statistics on this issue.

CRC recommended [Finland](#), [France](#), [Sweden](#) and the [UK](#) to prohibit unnecessary medical or surgical treatments on intersex children and ensure informed consent. It also recommended educating and training medical professionals on the topic, as well as providing reparations and support for those who received unnecessary treatments, and access to justice without hindrance from any statute of limitations.

[France](#), [Luxembourg](#) and [Switzerland](#), during their last UPR received recommendations to prohibit non-emergency, invasive, and irreversible surgery or treatments with harmful effects on infants and children with variations in sex characteristics, and to ensure that these surgeries or treatments are postponed until the children can meaningfully participate in decision-making and give their informed consent.

On 17 July, a group of UN Special procedures mandate holders [welcomed the decision](#) of the European Court of Human Rights in the case of *Semenya v. Switzerland*, involving an international-level intersex athlete who was required to take hormone treatment to decrease her natural testosterone level, in order to be able to take part in international competitions in the female category.

DATA COLLECTION

Under its recent UPR, [Liechtenstein](#) received recommendation to commission a study on discrimination and other issues faced by LGBTI persons, developing meaningful measures to improve their situation.

EDUCATION

CRC recommended [Sweden](#) and the [UK](#) to ensure all children receive age-appropriate sexual and reproductive health education, including education on gender equality, sexual diversity, sexual and reproductive health rights, and violence prevention. CRC also recommended the [UK](#) to ensure children facing discrimination, bullying, or harassment related to sexual orientation or gender identity receive protection and support; implement targeted anti-bullying measures; and increase efforts to eliminate discrimination and bullying, including cyberbullying, in the school context, focusing on race, sexual orientation, gender identity or sex characteristics, disability, migration, or other status.

Under their recent UPR, [Luxembourg](#) and [Switzerland](#) received recommendations to ensure that LGBTI individuals are protected from bullying and discrimination in the educational system and online.

EQUALITY AND NON-DISCRIMINATION

During the 54th session of the UN Human Rights Council, Finland, Chile, South Africa, and Australia led a group of more than 56 States from all regions of the world, [calling](#) to “increase efforts to combat violence, harmful practices and discrimination on the basis of sex characteristics”.

The Committee on Economic, Social and Cultural Rights (CESCR) recommended [Lithuania](#) to take legislative measures to ensure the statutory recognition of gender identity as prohibited grounds for discrimination.

CRC recommended [France](#), [Ireland](#), [Sweden](#) and the [UK](#) to strengthen measures to eliminate discrimination against various groups, including LGBTI children.



During the recent UPR, [Czechia](#), [Romania](#) and [Serbia](#) received recommendations to undertake legal, policy and administrative reforms to guarantee non-discrimination of LGBTI persons. [Switzerland](#) received recommendations to introduce specific legislation prohibiting discrimination based on gender identity or sex characteristics. A similar recommendation was also received by [Montenegro](#). [Romania](#) was also specifically recommended to amend ordinance No. 137/2000 on preventing and sanctioning all forms of discrimination to include gender identity as one of the grounds of discrimination.

FAMILY

CESCR recommended [Lithuania](#) to develop a legal institution, such as registered partnership or civil union, that provides protection equivalent to marriage to those in same-sex relationships.

Under their recent UPR, [Czechia](#) and [Liechtenstein](#) received recommendations to reform the Civil Code to allow equal marriage of same-sex couples and enact legislation ensuring equal rights for same-sex couples, including access to social security protection and joint adoption. [Switzerland](#) received recommendations to continue efforts to achieve full equality for all couples, including the recognition and protection of the rights of children with same-sex parents, and align legislation on equal marriage at both federal and cantonal levels, to eliminate potential discrimination based on sexual orientation and gender identity. [Romania](#) was recommended to consider introducing legislation to officially recognise same-sex relationships. [Serbia](#) received recommendations to recognise same-sex partnerships.

FREEDOM FROM TORTURE, CRUEL, INHUMAN, OR DEGRADING TREATMENT

CRC recommended the [UK](#) to prohibit the promotion, facilitation and delivery of so-called ‘conversion practices’ aimed at changing the sexual orientation and gender identity of children, in line with its commitment made in 2018, with particular attention paid to the vulnerabilities of children who may be subject to such harm.

Under UPR, [Liechtenstein](#) and [Luxembourg](#) received recommendations to ban so-called ‘conversion practices’.

FREEDOM OF ASSEMBLY

Under its recent UPR, [Serbia](#) received recommendations to ensure the right to freedom of peaceful assembly and of expression for LGBTI persons and for civil society organisations and secure the protection of both the public events and gatherings that they organise.

FREEDOM OF EXPRESSION

On 21 June, the IE SOGI presented a [report](#) to the Human Rights Council, finding that protection of the rights of LGBT persons is not incompatible with protection of the right to freedom of religion and belief.

HEALTH

CRC recommended [Finland](#) and [Sweden](#) to strengthen efforts to prevent suicide among children, including, transgender children and set up inter-agency child death review teams. Both countries were also recommended to strengthen mental health services and programs for children, ensuring availability, qualified professionals, and tailored services for specific needs, including LGBTI children.

CRC also recommended the [UK](#) to urgently address the long waiting times faced by transgender and gender-questioning children in accessing specialised health-care services, improve the quality of such services, and ensure that the views of such children are taken into account in all decisions affecting their treatment.

During its last UPR, [Romania](#) was recommended to depathologise gender identity and ensure that essential



trans-specific health-care services are part of national health insurance schemes. [Serbia](#) received recommendations to secure trans and intersex affirming health care, in line with international human rights standards and best practices.

HUMAN RIGHTS DEFENDERS

In December, in response to the [Russian Federation](#) classifying the “international LGBT movement” as “extremist” and prohibiting its activities with Russia, the Special Rapporteur on the situation of human rights in the Russian Federation, the Special Rapporteur on the situation of human rights defenders, the IE SOGI, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and members of the Working Group on discrimination against women and girls, wrote to express concern and call for the repeal of the classification. On 30 November, the UN High Commissioner for Human Rights also [condemned](#) the classification.

INSTITUTIONAL SUPPORT

On 17 May, for IDAHOT+, the UN High Commissioner for Human Rights issued a [statement](#) pledging support to LGBTIQ+ activists and calling for solidarity. Additionally, 38 Special Rapporteurs and Independent Experts, members of five Working Groups, and members of one Expert Mechanism, issued a [Joint Statement](#) calling on States to tackle racism and anti-LGBT stigma collectively, noting that a holistic approach is vital for ending systemic marginalisation.

INTERSECTIONALITY

The Committee on the Elimination of Racial Discrimination (CERD) to [Russia](#) and [Portugal](#) to develop and adopt legislation explicitly prohibiting racial profiling and racially motivated violence, especially against specific vulnerable groups, including LGBTI people.

CRC recommended [Finland](#) to adopt measures, including awareness campaigns, to promote equality In the media, promote messages that contribute to changing conduct and behaviour, aiming to transform social norms that lead to discrimination, particularly based on ethnicity, immigration status, discrimination, religion, sexual orientation, and gender identity.

The Committee on the Rights of Persons with Disabilities (CRPD) recommended [Georgia](#) to institute legislative and policy measures at the national and municipal levels to address the situation of persons with disabilities in rural areas; to Include time-bound targets and indicators of progress; and to implement measures to combat discrimination against lesbian, gay, bisexual, transgender, queer, and intersex persons with disabilities.

During its UPR, [Montenegro](#) received recommendation to address multiple and intersecting forms of discrimination against transgender persons.

On 14 June, a group of Special Procedures mandate holders released a [statement](#) calling for more robust data collection on the experiences of older persons, including with disaggregation on the grounds of SOGIESC.

On 25 July, the IE SOGI [presented a report](#) to the General Assembly, discussing the impact of colonialism and decolonial efforts on the rights and protections of LGBT people, and issued a [press release](#) on the same topic on 27 October, calling for colonial anti-LGBT laws to be repealed.

On 27 October, in commemoration of the International Day on Older Persons, a [Joint Statement](#) was released by the United Nations Independent Expert on the Enjoyment of all Human Rights by Older Persons, the United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the United Nations IE SOGI.

On 26 October, the United Nations IE SOGI, and the United Nations Special Rapporteur on the Rights of Persons with



Disabilities issued a [joint statement](#) giving guidance in relation to LGBT persons living with disabilities.

LEGAL GENDER RECOGNITION

CAT recommended [Kazakhstan](#) to revoke the mandatory reassignment surgery requirement (Family and Marriage Code, Article 257(13)) and the psychiatric diagnosis requirement; establish non-discrimination and voluntary legal gender recognition (LGR) procedures; and ensure impartial counselling services and psychosocial support.

CRC recommended [Ireland](#) to amend the Gender Recognition Act of 2015 to allow LGR for children aged 16 and 17 through a simplified procedure, and conduct research on gender recognition for under-16s in consultation with transgender children.

CRC also recommended the [UK](#) to recognise the right to identity of LGBTI children and implement measures for adolescents' freedom of expression, respecting their physical and psychological integrity, gender identity, and emerging autonomy. Regarding gender recognition for children, it recommended consulting closely with transgender children, ensuring alignment with children's rights, including the right to be heard and to identity, with free and informed consent and appropriate safeguards.

Under their recent UPR, [Czechia](#), [Liechtenstein](#), [Montenegro](#), [Romania](#) and [Serbia](#) received recommendations to reform the legal framework in the light of international standards for gender recognition based on a process of self-determination. Czechia was recommended abolishing the requirement for sterilisation in the process of LGR.

In August, the Special Rapporteur on the situation of human rights in the Russian Federation, the IE SOGI, and members of the Working Group on discrimination against women and girls wrote to the [Russian Federation](#), encouraging reversal of the bill banning LGR and trans-specific healthcare.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

On 31 October, the Special Rapporteur in the field of cultural rights, IE SOGI, members of the Working Group on discrimination against women and girls, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and members of the Working Group on the issue of human rights and transnational corporations and other business enterprises issued a [statement](#) calling for LGBT and intersex inclusion in sport.

On 5 December, the UN High Commissioner for Human Rights [spoke](#) at the Sporting Chance Forum, calling out the exclusion that trans and intersex athletes face.

POLICE AND LAW ENFORCEMENT

During its UPR, [Romania](#) received recommendations to provide systematic training for law enforcement to identify, investigate and prosecute hate crimes, and enhance cooperation between police and people in marginalised situations, especially Roma and LGBTI communities; and create and employ a common methodology for law enforcement officials in order to effectively investigate and prosecute hate crimes, especially against LGBTI persons and Roma people. [Serbia](#) received recommendations to enhance training programmes for law-enforcement and judicial authorities to protect the rights of LGBTI persons in exercise of their fundamental freedoms, including the right to peaceful protest

PUBLIC OPINION

CESCR recommended [Lithuania](#) to redouble its efforts to take specific, deliberate and targeted measures, including additional awareness-raising campaigns, to combat stigmatisation and discrimination affecting LGBTI persons.



CRC recommended [Sweden](#) to ensure that measures include awareness-raising and media campaigns to change social norms and behaviours that contribute to discrimination, in particular on the basis of ethnicity, migration status, disability, religion, sexual orientation and gender identity.

During its UPR, [Romania](#) was recommended to demonstrate ongoing political commitment to create an environment where minority groups, especially Roma and LGBT persons, can be confident and open in their identity.

SEXUAL AND REPRODUCTIVE RIGHTS

CRC recommended [Finland](#) to adopt a comprehensive and effective gender-sensitive sexual and reproductive health policy for adolescents and raise awareness amongst the health community about the health of LGBTI children and adolescents, particularly trans adolescents.

The committee also recommended [Sweden](#) to ensure that all children receive age-appropriate sexual and reproductive health education that includes education on gender equality, sexual diversity, sexual and reproductive health rights and violence prevention.

During its UPR, [France](#) received recommendation to allow medically assisted reproduction for transgender men by including them in the law on bioethics.

On 25 September, in recognition of World Contraception Day and International Safe Abortion Day, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, IE SOGI, and members of the Working Group on discrimination against women and girls issued a [statement](#) calling for SRHR to be protected in times of crisis, noting the particular marginalisation of young LGBTIQ+ persons, among others.

SOCIAL SECURITY AND SOCIAL PROTECTION

CESCR recommended [Lithuania](#) to provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, which hinders the enjoyment by victims of their economic, social and cultural rights.

OSCE

BIAS-MOTIVATED VIOLENCE

This year, civil society organisations and other non governmental groups reported 1,016 anti-LGBT hate crimes in 35 states in 2022. These include 602 violent attacks against people, same as in previous year, and 332 threats and 82 attacks against property. According to the report, LGBTI people continue to experience stigmatisation and lack of legal protection. Trans people are particularly at risk of physical violence. Physical assaults also tend to take place around Pride parades.



SWITZERLAND

ACCESS TO GOODS AND SERVICES

A lesbian couple was denied service and asked to leave a bar in Baden. The couple filed a complaint.

Unlike Bern and Lucerne, Zurich decided not to introduce gender-neutral bathrooms in restaurants.

BIAS-MOTIVATED SPEECH

Several hate speech cases were recorded this year (see [here](#), [here](#),). In some cases, civil society turned to the Ombudsperson.

In March, several organisations, trans minors and adults, and their loved ones published a joint statement to condemn the RTS Temps Présent's report on "detransitioning", which featured harmful, incorrect, and biased information about trans people.

The Valais Media Library received several anti-LGBT letters in response to a drag story hour event they hosted. Another drag story event in Zürich received threats upfront but was supported by 300 persons, including politicians, and went smoothly.

The Federal Democratic Union (EDU) ran a provocative anti-Pride campaign in the summer with posters saying "Father, Mother, Child. For life. #PRIDE".

In October, the Vaud cantonal court sentenced far-right extremist Alain Soral to 60 days in prison without parole for discrimination and incitement to homophobic hatred. Soral said that he would appeal the sentence.

The Federal Chancellery published new language guidelines for the Federal administration. Non-binary inclusive language is prohibited; in French and Italian a male-only language is promoted as being inclusive of all gender identities.

BIAS-MOTIVATED VIOLENCE

Anti-LGBT attacks continued to be an issue (see [here](#), [here](#), [here](#)), and several rainbow flags were set on fire (see [here](#) and [here](#)). The centre for queer young people in Chur was attacked and vandalised several times this year, sparking fear in the community.

The perpetrator in a homophobic assault in 2022 was sentenced to 80 days in prison.

The tribunal of Martigny fined one perpetrator of verbal and physical homophobic violence, citing physical injury, discrimination and hate speech, and another one who spread online hate messages in relation to the first perpetrator's attack. Together, the two had to pay additional 2,500 CHF (2,630 EURO) to the victims for reparation.

The annual joint report by TGNS, LOS, and Pink Cross documented 134 cases of violence and discrimination against LGBTQ people in 2022, the highest number to date. Almost a third of the victims were trans people and among them most were non-binary.

Under the new sexual criminal law, enacted in June, the gender and sex of perpetrators and victims in a case of rape will no longer be relevant.

BODILY INTEGRITY

In December, the Council of States supported a motion asking for ethical medical guidelines on the diagnosis and treatment of children born with variations of sex development. The guidelines shall be developed by the Swiss Academy of Medical Sciences, in consultation with intersex organisations and implement the National Advisory Commission on Biomedical Ethics opinion, published in 2012. In return, a motion to ban irreversible medical interventions on intersex children was withdrawn.

In August, the Legal Affairs Committee of the Council of States positioned itself in favour of a federal ban on so-called 'conversion practices' but postponed the decision on a motion until a report on the subject will be published. The National Council supported the demand for a federal ban in 2022, a motion that the Council of States would have to vote on as well. This vote is pending until after the publication of the report. In the canton of Fribourg, a motion to ban conversion measures was handed in. The parliaments in the Cantons of Jura and Zurich voted on motions to ban so-called 'conversion practices'. The Valais cantonal government started a public consultation on such a ban. The parliaments of the cantons of Geneva and Vaud discussed a ban; the parliament of the canton of Neuchâtel approved a law proposal to ban conversion measures.

EDUCATION

In June, the Federal Court ruled that the firing of a teacher, who refused to address a trans student by the name and gender he determined for himself, was legitimate.



In June, the National Council dismissed attempts to prohibit universities using gender-neutral language.

In the Canton of Ticino, several students changed the cover of their annual calendar, which showed a peace flag, because it could be mistaken for the rainbow flag.

A school in Zurich canton had to cancel their Gender Day event due to serious threats.

The local council in Chur voted against an LGBTIQ-themed day at city schools in March.

In September, the grand council of the Canton Valais supported the demand for a better inclusion of trans and non-binary pupils in public schools.

EMPLOYMENT

A total of 75 businesses now have the LGBTI label, 22 of which received it this year.

The National Council agreed with a motion to ban discrimination in employment based on sexual orientation and gender identity in the Equality Act. Gender identity is already a protected ground. The Council of State will have to vote on the motion as well.

EQUALITY AND NON-DISCRIMINATION

Following several parliamentary requests, the Federal Department of Home Affairs concluded in January that LGBTI rights should be dealt with by the Federal Office for Gender Equality (FOGE) from 2024 onwards. Currently, LGBTI rights are covered by various federal offices, but on an ad hoc basis. The change will ensure more consistent focus. FOGE will hire two new staff members and will work in consultation with cantons, communes, civil society, and other stakeholders. (see more under Bias-motivated Speech)

The Canton of Geneva set into force a new law on equality and the fight against discrimination based on sex, sexual orientation, gender identity and expression, and intersex. The Basel-Stadt parliament revision of the canton's equality act to explicitly include SOGIGESC was delayed this year, after discussions in the parliament and a heated, primarily anti-trans discussion amongst the public. The draft sets out that gender is determined by several factors, including sex characteristics and each person's self-identification. The draft was criticised by some.

The canton of Basel Landschaft decided that its Office for Equal Opportunities will cover LGBTIQ rights in the future, but without additional budget allocation.

Switzerland's National Human Rights Institution was founded in May.

Geneva, Zurich and Bern published updated material about the rights of LGBTI people.

The European Court of Human Rights ruled in Semenya v. Switzerland that intersex athlete Caster Semenya's rights to privacy and effective remedy were violated when the International Association of Athletics Federations banned her from competing when she refused to undergo hormone treatment. The Court also found that there was a violation of the prohibition of discrimination, establishing that sex characteristics are a protected ground in the Convention. The case was referred to the grand chamber, upon request from Switzerland.

Zurich inaugurated a cemetery section for LGBTIQ people; all 'spots' were reserved within a few months.

In December, the National Council supported the prohibition of hate speech and discrimination in the access to goods and services on the basis of sex / gender. The parliamentary initiative also needs the support of the council of states.

FAMILY

The Federal Statistical Office shared in March that a total of 749 same-sex couples got married in 2022, and 2,234 couples converted their registered partnership to marriage. Switzerland introduced marriage equality in 2022.

Geneva introduced additional parental leave in June, without discrimination on grounds of sexual orientation and including where a child was adopted.

FREEDOM OF ASSEMBLY

The police surrounded an unauthorised Women's Day protest in Basel on 8 March and fired rubber bullets at the participants. Amnesty International called for a thorough investigation into the police's actions.

Several Pride events were held throughout the country. This year's Pride in Geneva was held without sponsorship from major brands. Zurich Pride was the largest to date, gathering 55,000 people (2022: 40,000).



St. Gallen held its first Pride march this year – several people were filmed by the Swiss People's Party's youth section and ridiculed online.

The Bern Pride march was attended by 10,000 people, but many expressed concern that the police “intensively” filmed the entire march as a ‘preventive’ measure. The march coincided with Eurogames (see under Participation in Public, Cultural and Political Life).

FREEDOM OF EXPRESSION

Four MPs in Valais tried to ban drag story events; the motion was rejected by a clear majority of the parliament. The Federal Council concluded that libraries are free to organise their own activities and that the story events were fully in line with their mandate.

HEALTH

In May, the National Council unanimously decided to abolish discrimination based on sexual orientation in blood donation. The new rule focuses on individual risky behaviour and entered into force in November.

New Swiss recommendations for gender-affirming health-care focused on physical care and psychiatric care, based on ICD-11 and the WPATH Standards of Care Version 8, have been published.

In December, the Bern Grand Council supported a motion to limit irreversible medical transition to adults (by 76 to 75 votes and one abstention) and to strengthen the support for trans youth. Members of the National Council handed in a demand that guidelines on diagnostics and treatments of youth under 25 with gender dysphoria shall be developed, and another to “protect” at least minors from gender reassignment surgery.

In November, the Federal Council published the next national programme “Stop HIV, hepatitis B and C viruses and sexually transmitted infections” including trans persons as key-population for the first time.

HOUSING

Queer and trans people occupied a house in Basel that has been standing empty for 10 years, in part to draw attention to the housing crisis.

INTERSECTIONALITY

In its annual report, the National Commission on the Prevention of Torture suggests to accommodate incarcerated trans persons according to their gender identity.

LEGAL GENDER RECOGNITION

The Federal Statistical Office shared in March that a total of 1171 people changed their legal gender in 2022. The new procedure, which consists of a simple declaration based on self-determination, became available on 1 January 2022. In practice, access continues to be difficult for many asylum seekers and refugees. In October, a short evaluation of the new procedure was published showing that there is no systemic risk of misuse. Following the Federal Council's refusal in December 2022 to recognise non-binary identities, the National Council's Commission on Legal Affairs held a hearing on the issue. Following the hearing in April, the National Council voted in September to request the Federal Council to submit a report on possible measures to improve the situation of non-binary people.

In June, the Federal Court ruled that Switzerland does not have to recognise non-binary gender markers that some acquired abroad but emphasised that the current situation is problematic.

On the occasion of her first 100 days in office, Federal Counselor Elisabeth Baume-Schneider emphasised her will to, together with the community, improve the situation for non-binary persons.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

(See also under Equality and Non-discrimination)

The Swiss army announced in January it would carry out a thorough investigation to map anti-LGBT and sexist discrimination and violence within its ranks. In February, an army official was fined for homophobic insults against a gay soldier during and after their service together.

In January, the Zurich cantonal council voted against mandatory training on anti-LGBTI aggression for police officers, prosecutors and court employees.

Bern hosted Europe's largest LGBTQI sports event Eurogames in July. Over 2,300 participants registered for 20 sports.



Since September, the city of Zürich, together with TGNS and trans activists, reserves a swimming pool once a week for the trans community.

An opera about trans pioneer Lili Elbe premiered in St. Gallen in October.



SWITZERLAND WEB PAGE
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