



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

### LGBTI Enlargement Review 2020

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 - OMSA (Albania); Sarajevo Open Centre (Bosnia and Herzegovina); Center for Social Group Development CSGD and Center for Equality and Liberty CEL (Kosovo); Association Spectra, LGBT Forum Progress, LGBTIQ Social Centre, Juventas and Queer Montenegro (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 – Center for LGBTIQA People's Rights, Labris, XY Spectrum, Crisis Response and Policy Centre (Serbia); SPoD, Red Umbrella Sexual Health and Human Rights Association and Kaos GL (Turkey).



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# 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 2020. 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.

In light of the devastating impact of the Covid-19 pandemic this year on the LGBTI community and work of LGBTI activists, we have also included information about its impact, and the necessary assistance that the EU can help provide in supporting LGBTI people. ILGA-Europe and ERA members have reported that the LGBTI community has been heavily impacted by the Covid-19 pandemic and that state support services have failed to reach the most vulnerable in LGBTI communities. As a result, LGBTI NGOs have had to adapt their previous plans and budgets to cover humanitarian aid gaps within the State response to the crisis, providing food, hygiene kits and shelter to LGBTI people who have lost their jobs or been rendered homeless. This has left organisations depleted in terms of human resources and finances, and they have found donors and funders in many cases to have not been flexible with their funding. Even funding specifically earmarked for Covid-19 response has not been possible to use for service provision and support. Given the unsustainable response by governments, it is more essential than ever for the EU to support LGBTI people in the accession countries via funding for supporting LGBTI communities and community-needs advocacy. This funding is essential in order to allow LGBTI NGOs to support the community during the pandemic and ensuing economic crisis, and for them to also have the financial and human resources capacity to continue advocacy work for legislative and policy change within the accession framework. A [survey](#) conducted by ERA with its members in the summer of 2020, found that the Covid-19 related measures taken by governments have had numerous negative consequences for the LGBTI+ community including: interruption of essential health services by state institutions, inability to receive essential community services from NGOs, heightened levels of homelessness, increased incidents of domestic violence, closure of LGBTI+ businesses, a significant loss of jobs and rising mental health problems. LGBTI+ organisations have also faced challenges due to the Covid-19 pandemic measures including: loss of funding, closure of community centres, cancellation of services and other activities as well as a general shift towards emergency humanitarian work for LGBTI+ people in need.

## 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, in particular as regards implementation. 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. In 2020 we have seen Montenegro become the first accession country to adopt same-sex partnership legislation, which has created momentum in other accession countries such as Serbia, which expects to have a vote on this by the Spring of 2021. In 2020 we also saw renewed political commitment to the adoption of legal gender recognition in North Macedonia, where the vote is expected to take place in early 2021. It is important to emphasise that Parliaments and Governments need to make clear and comprehensive agendas for such achievements, and that once such laws are passed they should be implemented thoroughly and without unnecessary delay.

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. This has, of course, been exacerbated by Covid-19 as access to hormones and life-saving surgery was interrupted in all accession countries. In addition, Covid-19 resulted in the interruption of access to HIV medication. Intersex people are largely invisible across the region, with only Albania, 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 North Macedonia, Turkey or Serbia (only sexual orientation). 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. In light of the Covid-19 pandemic and the upcoming deepening economic crisis that the region faces, we have including a new heading entitled "Recommendations on how the EU Delegation can support LGBTI civil society". This section aims to show the priorities and needs of LGBTI civil society, especially in situations in which governments are unable to support them, for example as regards Covid-19 response or support for specific legislation in the current context.

- Summary of key developments
- Main action points for the coming year
- Bias motivated violence, hate speech, hate crimes
- Education
- Employment
- Equality and non-discrimination, including legislation and enforcement
- Freedom of assembly, association and expression
- Health
- Human rights defenders (including Covid-19 impact on LGBTI CSOs)
- Public opinion and attitudes
- Recognised unions for same sex couples
- Rights and equal treatment of trans people
- Rights and equal treatment of intersex people
- A supportive and enabling environment for civil society
- Recommendations on how the EU delegation can support LGBTI civil society

### **Closing remarks**

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.

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.

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 2020, 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

- Budgeting the National LGBTI Action Plan 2021-2025 and designing and implementing an integrated institutional protection mechanism for it;
- Implementation of the current National LGBTI Action Plan, until the new one comes into effect;
- Approval of changes in the family code to recognize same-sex partnership;
- Adoption of the law on gender recognition based on self-determination;
- Ensuring full implementation of current legislation, including through conducting discrimination prevention training to groups of professionals like the police, school teachers, doctors, journalists, prosecutors, and judges;
- The government should implement the European Commission against Racism and Intolerance (ECRI) [recommendations](#) given in June 2020.

### 2.2 Bosnia and Herzegovina

- Adoption of the Action Plan for Equality of LGBTI Persons in Bosnia and Herzegovina;
- Adoption of the Law on Same-Sex Partnerships;
- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people;
- Prosecutors, judges, police officers and civil servants need to be continuously educated, trained and informed about hate crimes and incitement to hatred and violence against LGBTI people.

### 2.3 Kosovo

- Inclusion of same-sex partnerships in the Civil Code;
- Drafting of a law to enable legal gender recognition (LGR) based on self-determination;
- Continue to effectively implement the National Action Plan;
- The Municipality of Prishtina should continue its support and close contact with CSOs regarding the construction of the LGBTI Shelter.

### 2.4 Montenegro

- Continuation of cooperation with the working group for legal gender recognition;
- Ensure that rights of trans, intersex, gender-diverse people and LGBTI women are part of gender equality programs;
- Ensure the continuation of the body for the monitoring of the LGBTI strategy implementation. All national stakeholders should improve their reporting on activities implemented within a specific Action Plan of the Strategy and the final report should also include activities which were not necessarily defined in the Action Plan.

## **2.5 North Macedonia**

- Election of the new Commission for Protection against Discrimination (CPPD) transparently and professionally, and implementation of the LPPD;
- Adoption of the Law on Civil Registry introducing LGR based on self-determination;
- Adoption of the National Action Plan for LGBTI 2021-2025 with incorporated suggestions from NGOs;
- Support of LGBTI services by the government;
- Ensure harmonisation of laws with the LPPD.

## **2.6 Serbia**

- Urgent adoption of the new Anti-discrimination Strategy;
- Urgent adoption of the Same-Sex Partnership Law;
- Urgent adoption of Law on gender recognition in line with international human rights standards and based on self-determination;
- Better implementation of the Anti-discrimination Law to tackle hate crime and hate speech;
- Better and consistent implementation of existing provisions tackling discrimination against LGBTI people.

## **2.7 Turkey**

- Repeal the ban on LGBTI marches in Izmir, Mersin, Antalya and other cities;
- Condemnation and prosecution of hate speech, hate crimes and discrimination of LGBTI persons specifically including the trans community, sex workers and LGBTI refugees;
- Acquit the LGBTI+ human rights defenders who face charges for participating in peaceful pride marches at the METU campus and in İstanbul;
- Continue EU and international support and monitoring of the trial and future such trials, as this helps keep the pressure on Turkish authorities to deliver justice;
- Conduct studies to strengthen the right to association and freedom of expression, and to strengthen disadvantaged groups.

### 3. Country submissions

#### 3.1 ALBANIA

Submitted by: Aleanca, Pro LGBT, Streha LGBT, Open Mind Spectrum Albania (OMSA), Pink Embassy

##### Summary of key developments, including political context and trends

- Even though the Anti-discrimination law was approved in 2010 and the National LGBTI Action Plan approved in 2016, the LGBTI community continues to face discrimination when it comes to access to healthcare, education, justice, employment, and housing. The National Action Plan lacks a budget, making implementation challenging.
- The new National Action Plan is being drafted until the end of the year and is expected to be approved by the government in January next year, to last from 2021-2025.
- In May, the order of psychologists [banned](#) conversion therapy. The decisions of this order are legally valid and all therapists in the country must register as members. Albania became the third European country to ban this practice.
- In October the Parliament [amended](#) the anti-discrimination law to include sex characteristics and HIV status as protected grounds.
- Activities like the training of families in collaboration with women's rights NGOs throughout the country were continually organized in 2019 – 2020, from the I AM YOUR CHILD Group, thanks to the support of the Embassy of the Kingdom of the Netherlands.
- Sensitized informational trainings with youth political forums were held from October-December 2020, based on the first research on the political participation of LGBTI people in Albania, which OMSA conducted with the support of the LGBTQ Victory Institute and the Council of Europe, entitled [LGBTI Albanians Respond: Politics & Representation](#).
- There is still a lack of political will to progress on the two legal initiatives that were presented to the government in 2013: changes in the family code to recognize same-sex partnership and legal gender recognition.
- Aleanca's [study](#) found that in 2020, due to the Covid-19 pandemic measures, one in four LGBTI respondents struggled to pay rent, with many having to move back to their families and suffering from increased psychological, verbal, or physical violence.

##### Main action points for the coming year:

- Budgeting the National LGBTI Action Plan 2021-2025 and designing and implementing an integrated institutional protection mechanism for it;
- Implementation of the current National LGBTI Action Plan, until the new one comes into effect;
- Approval of changes in the family code to recognize same-sex partnership;
- Adoption of the law on gender recognition based on self-determination;
- Ensuring full implementation of current legislation, including through conducting discrimination prevention training to groups of professionals like the police, school teachers, doctors, journalists, prosecutors, and judges;
- The government should implement the European Commission against Racism and Intolerance (ECRI) [recommendations](#) given in June 2020;
- The government should engage more and make its position public on various issues related to LGBTI rights, better monitor hate speech and hold political officials accountable.

## **Bias motivated speech, bias motivated violence**

Pro-LGBT's study [found](#) that LGBTI people were the third most targeted group in hateful online posts. Most of these were comments, even when the original post was unrelated to LGBTI people.

This year, as in previous years, OMSA has reported an increasing number of LGBTI people (especially youth but not only) asking for help to leave Albania and seek asylum in EU countries, the U.S. and Canada due to fear of violence and discrimination based on SOGI.

The number of cases of discrimination and violence significantly increased since the onset of the COVID-19 pandemic, due to lockdowns, curfews and lack of access to support services and community resources. Aleanca's survey, which gathered 276 responses from LGBTI people, found one in two have experienced psychological violence and bullying and one in five have been sexually harassed. The survey documented 33 cases of physical violence and 16 cases of rape. 25 people have been blackmailed because of their sexual orientation or gender identity and 16 fired from their jobs. A mere 7% reported the incidents to the authorities. The most frequent places where discrimination and violence occurred are reported to have been on social networks, on the streets, in the neighbourhood and at home. The vast majority of those who experienced violence did not report it to the respective institutions due to lack of trust, negative previous experiences or long procedures.

Most LGBTI people have difficulties in 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 the one of the LGBTI NGOs. The Council of Europe is working in collaboration with LGBTI NGOs and stakeholders to improve this situation, by providing information to LGBTI people by putting up banners and posters in the police stations in all the country, and providing booklets for the police.

In [June](#), Kujtim Gjuzi, MP and head of the Conservative Party, a small opposition party, criticised Prime Minister Edi Rama on TV saying "Rama likes to eat men's headscarves. I do not know, he was a supporter of the LGBTI group."

### *Main action points for the coming year:*

- Ensure full implementation of the new National Action Plan 2021-2025;
- Ensure full implementation of existing legislation, including by providing trainings on hate motivated discrimination, speech or violence against LGBTI people to law enforcement bodies, in collaboration with civil society organizations;
- Establish LGBTI contact points in police stations;
- Legislation regulating hate speech, including on the grounds of SOGI, needs to be improved.

## **Education**

According to a study on the needs assessment of the LGBTI community in Albania, conducted by Streha with 200 individuals, 72% of respondents stated they have suffered from bullying in school due to their sexual orientation or gender identity. There is a lack of information on human rights and LGBTI topics in school curricula, a lack of policies against bullying and no training of teachers and school psychologists from the Ministry of Education. During the past year there has still been an increase in the number of young LGBT people leaving schools.

### *Main action points for the coming year:*

- Ensure that action is taken to combat the bullying of LGBTI youth in schools;
- Raise capacities of teachers and school psychologists on LGBTI issues;

- Include information about LGBTI topics in school curricula.

## **Employment**

Aleanca's COVID-19 [study](#) found that 47% of LGBTI respondents are currently unemployed, with half losing their jobs during the state of emergency, leading to rising food and shelter insecurity. The striking rate of unemployment might be explained by the marginalisation of LGBTI people in the labour market, even before the pandemic hit. Trans people have been hardest hit by the pandemic. Sex workers have lost their source of income and have been unable to cover their basic needs.

*Main action points for the coming year:*

- Raise capacities of civil servants working in employment offices to better assist LGBTI community members in finding a job;
- Support LGBTI people in creating social businesses so they can be empowered economically.

## **Equality and non-discrimination, including legislation and enforcement**

In June, the European Commission against Racism and Intolerance (ECRI) [recommended](#) in its latest country report that Albania provide all the adequate funds needed for the implementation of the National Action Plan on LGBTI Persons (2016-2020).

On 29 June, PINK Embassy [expressed](#) its concern to the Special Parliamentary Commission for Electoral Reform and the Assembly of Albania, that the Electoral Code currently does not guarantee the non-discrimination of LGBTI persons if they decide on their candidacy for a public post. Specifically, Article 3 misses SOGIGESC in its grounds for non-discrimination of candidacy.

Albania's anti-discrimination law, adopted in 2010, is still insufficiently implemented and LGBTI people do not report cases to the authorities due to lack of trust. However, in October the Parliament [amended](#) the anti-discrimination law to include sex characteristics and HIV status as protected grounds, thereby expanding protection for LGBTI people.

*Main action points for the coming year:*

- Strengthen the position of the Commissioner for Protection from Discrimination and ensure that LGBTI persons are reporting cases of discrimination based on SOGI;
- Full implementation of the Social Housing and Anti-Discrimination laws (approved in 2018).

## **Freedom of assembly, association and expression**

Due to the COVID-19 pandemic, the 9th Tirana [Pride](#) was held [online](#) this year.

Protection and cooperation with police has been positive. Events have been attended by high-ranking government officials, CSOs, friends, families and supporters. On 4 February the [launch event](#) of the "LGBTI Civic Engagement Program: Politics and Representation for the Advancement of the Rights of the LGBTI Community in Albania", organised by OMSA, was held in cooperation with the Ministry of Health, the European Union and the Council of Europe. From August-October OMSA held [meetings](#) and sensitisation trainings with youth political forums in Tirana, Durrës, Shkodër and Korçë.

## **Health**

Trans people have continued to report a lack of access to basic trans-specific healthcare services. In June, ECRI [called](#) on Albania to regulate the provision of trans-specific healthcare. Due to lockdown

measures between March-May, access to gender affirmative treatments were disrupted. In addition, LGBTI people living with HIV were not able to travel to Tirana for their medication and therefore many had to discontinue their treatment. Even before the Covid-19 crisis, Albania had [poor HIV related services](#), with serious issues with interrupted services, inefficient treatment plans and procurement mechanism, and a lack of transparency and communication by the [Ministry of Health and Social Protection \(MoHSP\)](#) and the [Country Coordinating Mechanism \(CCM\)](#). When stocks run out, HIV patients are forced to change their treatment schemes frequently, the consequences of which can be devastating for their health. LGBTI people are already reluctant to seek healthcare due to discrimination, stigma and refusal of services, which exacerbates the health crisis.

*Main action points for the coming year:*

- The Ministry of Health and Social Protection should conduct awareness raising campaigns to reduce stigma towards HIV among the LGBTI community and general population;
- The government needs to immediately implement the Transition Grant 2020-2022 to ensure provision of uninterrupted HIV services;
- A protocol should be established for doctors on how to support transgender people during transitioning;
- HIV and trans-related medical care need to be classified as essential in times of health crisis.

### **Human rights defenders**

Covid-19 has impacted LGBTI CSOs financially, especially with regards to donors, which has led to difficulties in carrying out essential work. Organizations face an uncertain future with funding cuts, lockdowns, the closure of LGBTI community spaces, and having to shift activities online while calls for direct, practical support are rising. Specific vulnerabilities of LGBTI people have been amplified, as they experience higher levels of violence, exclusion, discrimination and deprivation. The community is highly at risk and requires help with basic needs such as food, masks, hand sanitizers and first aid kits.

In June, LGBTI activist Xheni Karaj was physically attacked by a doctor and other men on a beach while on holiday with her partner. The doctor said he should have left “people like you” to die when he had the chance in hospital. Xheni reported the crime to the police and the Commissioner against Discrimination. The Prosecutor’s Office responded that there was no ground of hate crime and the case was closed.

*Main action points for the coming year:*

- Ensure proper implementation of hate-crime legislation;
- The Albanian government should acknowledge the role of civil society in providing essential services to vulnerable communities and should thus develop support programs for CSOs working with such communities.

### **Public opinion and attitudes**

The Albanian government has never organized any public awareness campaign on LGBTI issues and politicians do not support LGBTI people publicly for fear of losing votes. In [February](#), a study by the University of Tirana showed that Albania’s political parties are not hostile to LGBTI equality, but lack information on issues faced by the community, and are also hesitant to make their supportive stance public. The study focused on the Socialist Party, the Democratic Party, the Socialist Movement for Integration, and other smaller parties.

*Main action points for the coming year:*

- The Anti-Discrimination Commissioner and Albanian Ombudsman should continue using public institutions to condemn politicians in Albania who use hate speech against LGBTI people. Their stance should be as public as possible to demonstrate that discrimination is not acceptable;
- Public institutions should provide services for LGBTI victims of discrimination, similar to the ones addressing human trafficking victims, as this is a good example of a legal framework, institutional involvement and victims' integration in society. Most importantly, this will enable a more realistic political and public discourse on LGBTI rights and the difficulties of coming out as LGBTI in Albania;
- The government needs to organise national public awareness campaigns to improve perceptions of the LGBTI community.

### **Recognised unions for same sex couples**

In June, ECRI [called](#) on Albania to provide legal recognition for same-sex couples, without discrimination. The Albanian government still has not approved the request from LGBTI organisations in 2013 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, despite the Ministry of Health and Social Protection presenting the necessary draft law and amendments to the Ministry of Justice in 2013.

*Main action points for the coming year:*

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

### **Rights and equal treatment of trans people**

Trans people are discriminated against in accessing the rental market, in the prison system (which assigns them to wards based on the gender assigned at birth), and also at school, where trans youth experience a lot of bullying. As a result, many trans youth leave school very young, and many end up working as sex workers. Sex work is criminalized in Albania. Thus, sex workers are in danger not only of abuse and harassment, but also arrest and imprisonment. The transgender community has reported police brutality and discrimination in the street when they go out. The cases have been reported by Aleanca LGBTI to the Commissioner against discrimination.

Trans people do not enjoy the right to change their name or gender marker. There are no specific services or clinics for trans people. Hormone therapy and sex affirmation procedures are not available. Discrimination or refusal of public health services is commonplace.

A draft law on gender recognition was presented to the government in 2013 but nothing has been done on the part of the government to approve this draft law. In June, ECRI [urged](#) Albania to put in place a legal gender recognition procedure that is quick, accessible and transparent, and a simple administrative process.

*Main action points for the coming year:*

- Adopt legal gender recognition legislation on the basis of self-determination.

### **Rights and equal treatment of intersex people**

In June, ECRI [encouraged](#) Albania to look more closely into the needs of intersex people in Albania, and continue monitoring to ensure that the harmful practice of so-called "sex normalising" surgery on newly-born intersex babies is not taking place. Civil society has been [urging](#) the Parliament to ban

medically unnecessary and non-consensual surgeries on intersex infants, and Albania received a UPR recommendation on the issue in 2019.

In July, the Albanian Ministry of Health [released](#) a “Medical Protocol for the Assessment of Children with Atypical Genital Development” (“Protokoll Mjekësor për Vlerësimin e Fëmijëve me Zhvillim Gjenital Atipik”) as binding guidelines and a practical guide for health professionals. The protocol affirms the right of intersex children to truth about their body, the importance of affirming their dignity, and tackling stigma and discrimination. However, as OII Europe [highlighted](#) with concern, Albania missed the chance to ban harmful practices against intersex children and fully align the protocol with human rights standards. The protocol allows for non-vital interventions to be carried out, including interventions that can be safely deferred or are purely cosmetic. It recognises that intersex children might develop a gender identity different to the one assigned to them at birth, but still advises that surgeries are carried out during infancy.

Legal provisions assert that the 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 new-borns 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.

*Main action points for the coming year:*

- Introduce legal provisions for the protection of intersex people;
- Ensure that the harmful practice of so-called “sex normalising” surgery on newly-born intersex babies is not being practised;
- Allow for a third gender marker in the Civil Registry, which would be in line with the new medical protocol as well as the recently amended anti-discrimination law.

### **A supportive and enabling environment for civil society**

The position of LGBTI CSOs, and of CSOs in general, is still problematic. Their financial sustainability remains a challenge due to fiscal and legal frameworks. In February 2020, OMSA started a new advocacy program called the “LGBTI Civic Engagement Program: Politics and Representation for the Advancement of the Rights of the LGBTI Community in Albania”, in cooperation with the Ministry of Health and Social Protection and with the support of the National Democratic Institute and the LGBTQ Victory Institute, in the cities of Durres, Shkoder and Korçe. This is in collaboration with Youth Political Forums of the main parties and the youth organisations in the cities mentioned.

*Main action points for the coming year:*

- The state must ensure meaningful consultations with CSOs as part of inclusive policy dialogues;
- The government needs to increase funding for the LGBTI shelter.

### **Recommendations on how the EU delegation can support LGBTI civil society**

- Support projects that are oriented toward service provision, as due to Covid-19 more than a quarter of LGBTI people are facing problems in accessing health, housing and food;
- Give more space to LGBTI issues in the annual progress report;
- Encourage the Albanian government to approve changes in the family code and gender recognition law.

## 3.2 BOSNIA AND HERZEGOVINA

Submitted by: Sarajevo Open Center

### Summary of key developments, including political context and trends

- The process of drafting the Action Plan for Equality of LGBTI People continued in 2020;
- Due to Covid-19, the Interministerial Group for same-sex partnerships halted their activities;
- Due to Covid-19 the second Sarajevo Pride was cancelled, but a [Pride Motorcade](#) was organized through the city centre on 23 August;
- Hate-speech towards LGBTI people was ex officio recognized by one governmental institution, the Central Election Commission, despite the court stopping short of sanctions due to formal arguments;
- Fragmented legal provisions on freedom of assembly and problematic interpretation by public institutions still remains a problem;
- Trans people's needs are still unrecognized by the medical and insurance system.

### Main action points for the coming year:

- Adoption of the Action Plan for Equality of LGBTI Persons in Bosnia and Herzegovina;
- Adoption of the Law on Same-Sex Partnerships;
- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people;
- Prosecutors, judges, police officers and civil servants need to be continuously educated, trained and informed about hate crimes and incitement to hatred and violence against LGBTI people.

### Bias motivated speech, bias motivated violence

In [February](#), after the female basketball finals Republika Srpska Cup, the Secretary-General of the Mladi Krajišnik team, sent homophobic congratulations to the winning team on social media: "Congratulations to the opponent, the legion of foreigners and old women, promoters of the LGBT movement, on the victory and the fourth trophy won by the winners of the RS Cup, we wish them good luck in the next 15 years as much as they need to reach Mladi Krajisnik and our 19 won trophies of the RS Cup winners," read the message. The Ministry of Family, Youth and Sports of the Republic of Srpska [condemned](#) this statement.

In May, hateful slogans were [painted](#) on buildings in the city centre of Prijedor promoting symbols of the far-right organisations "Krv i čast" (Blood and Honor) and "Borba 18" (Fight 18). At the beginning of the year, the name of the organisation "Borba 18" was written on the facade of the Prijedor high school.

Adna Pandžić, mayoral candidate of Novo Sarajevo (Democratic Front (DF) and the Citizens Alliance (GS) [called](#) Pride a shameful march and made hateful comments about the LGBTI community in August. In September, the Central Election Commission (CIK) established that her post amounted to hate speech, violating the Election Law. Pandžić and her nominating parties were both fined, €1500 and €750, respectively. The decision was later annulled by the state Court of Bosnia and Herzegovina, as the post appeared before the official start of the election campaign.

Domestic and family violence still remains one of the main issues for the LGBTI community. 5 out of 14 cases of biased-motivated violence and harassment that were reported to SOC were cases of domestic violence.

*Main action points for the coming year:*

- Amend the criminal codes in the Federation of B&H and Brčko District, and expand the provisions on incitement to hatred and violence so that they include sexual orientation, gender identity and sex characteristics as protected grounds;
- Improve the cooperation between the police and the judiciary in prosecuting hate crimes against LGBTI people;
- Systematically collect data on hate crimes on the grounds of sexual orientation, gender identity and sex characteristics;
- Adopt protocols on joint action between the police and prosecutor's offices regarding hate crime cases;
- Introduce LGBTI inclusive modules in curricula and programmes in law schools and police academies, as well as the permanent and specialist programmes for police officers' training and civil service exams.

## **Education**

Homophobia and transphobia are still very present in schools, especially when it comes to bullying. Education institutions still remain generally closed to any human rights initiatives regarding LGBTI from civil society.

*Main action points for the coming year:*

- Training of university academic staff to make them more sensitive in working with LGBTI people, including being able to recognise, denounce and avoid the use of hate speech towards LGBTI people;
- Develop a programme to combat peer violence in primary and secondary schools which will encompass homophobic and transphobic violence, as well as programmes to promote tolerance and create an inclusive education system.

## **Equality and non-discrimination, including legislation and enforcement**

An informal working group, consisting of state and civil society representatives, and set up with the support of the Council of Europe, prepared the draft LGBTI Action Plan this year, the first of its kind in the country. The Plan covers protection from discrimination and violence, the right to private and family life of same-sex partners, asylum, and other key areas. It is expected to be adopted in 2021. Civil society has welcomed the Plan and looks forward to its adoption.

*Main action points for the coming year:*

- Implement the Law on Prohibition of Discrimination;
- Implement the multi-annual public policies on equality of LGBTI people at all levels of administration;
- Introduce LGBTI specific modules in education of future judges and prosecutors;
- Develop internal mechanisms and documents for all legal entities for solving cases of discrimination against LGBTI people.

## **Freedom of assembly, association and expression**

The second Sarajevo Pride was [planned](#) for 23 August, but had to be cancelled due to the COVID-19 pandemic. During the preparation, organizers faced the same difficulties as last year, such as

unreasonably large financial and logistical burdens for securing the event with concrete fences, private security, etc.

In the end, on August 23 a [virtual event](#) was held alongside the so-called *Pride on Four Wheels*, where activists made a motorcade through the city centre, waving rainbow flags, honking car horns and sending out messages from their cars. During the event, police security was ensured by the Ministry of Interior throughout the route.

*Main action points for the coming year:*

- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people;
- Improve the existing legislation in order to clearly define the difference between protection of citizens' right to freedom of assembly, and commercial public gatherings and events.

## **Health**

Sarajevo Open Center has documented increased violence against LGBTI people during the Covid-19 pandemic (in particular parental violence against LGBTIQ children). There has also been notable difficulty for trans people to access health resources needed for transitioning. Negative health outcomes have been exacerbated by loss of employment and income due to Covid-19.

*Main action points for the coming year:*

- Increase social, psychological and economic support for LGBTI people.

## **Human rights defenders**

The Covid-19 pandemic has made the position of human rights defenders more difficult in terms of funding, conducting activities and their work.

## **Recognised unions for same sex couples**

In March, Sarajevo Open Centre was [asked](#) by the Federal Government to participate in the first Intersectoral Working Group on same-sex rights and partnership. Due to the pandemic, the activities have since been put on hold.

*Main action points for the coming year:*

- Legally recognize same-sex partnerships and the rights of same-sex couples in both entities and Brčko District.

## **Rights and equal treatment of trans and intersex people**

Trans-specific healthcare services in Bosnia and Herzegovina are still insufficient. Doctors, clinics and hospitals need to be educated, expand their knowledge and continue to exchange experiences on this issue in order to respond to the needs of trans people.

The procedure for changing one's gender marker in official documents is still very complicated and in practice mandates medical interventions on the body such as hormonal therapies and surgeries.

On [6 February](#), the Sarajevo Open Centre held the 8th annual Merlinka international queer film festival, named after Vjeran Miladinović Merlinka, a trans person who was brutally murdered in Belgrade in 2003.

In February Sarajevo Canton (SC) adopted an [LGBTI inclusive Gender Action Plan](#). The Action Plan recognizes LGBTI people as a particularly marginalized group and introduces special cooperation procedures between the police and the prosecutor's office in the processing of hate crimes, alongside measures that include trans inclusive standards and protection in the areas of sexual and reproductive health and integrity.

*Main action points for the coming year:*

- Recognize the medical needs of trans people within medical institutions and public health insurance providers;
- Systematically and comprehensively stipulate the procedure for change of gender marker in personal documents based on the right to self-determination;
- All administrative-political units should make sure that healthcare professionals are providing gender sensitive healthcare services and sexual and reproductive health improvement services to intersex people;
- Through its entity and cantonal ministries of health, as well as clinical centres, BiH needs to strengthen the protection of bodily integrity of intersex people, prohibit unnecessary "sex normalization" medical procedures conducted on intersex children and make transparent information on procedures and medical treatments available.

**Recommendations on how the EU delegation can support LGBTI civil society**

- Support in building a state-wide network for psychological support for LGBTI people;
- Clear and vocal support for advocacy actions towards the government related to legislation changes and amendments of laws;
- Support in the organization of the annual Pride march;
- Supporting advocacy work towards state institutions for eliminating discrimination against LGBTI people.

### 3.3 KOSOVO

Submitted by: CEL and CSGD

#### Summary of key developments, including political context and trends

- The Municipality of Prishtina offered a safe space for LGBTI people;
- The Municipality of Prishtina allocated €300.000 to build a shelter for LGBTI people;
- Activists and the government marked the International Day Against Homophobia Biphobia and Transphobia (IDAHOBIT). The government lit up its building in rainbow colours;
- The draft of the Civil Code of Kosovo was published and sent to the parliament, LGBTI organisations [consider](#) that it violates the right to same-sex partnerships;
- Activists held the fourth Pride Parade “Pride Parade with Cars” in Prishtina on 12 October 2020, with the participation of the U.S. Embassy, Norwegian Embassy and EU Delegation;
- On 30 July a meeting [was held](#) with the Office for Good Governance, the Council of Europe and the EU regarding legal gender recognition and civil registration procedures;
- Improvement regarding the implementation of the National Action Plan 2019-2022 in the fields of Education, Health and Awareness Raising.

#### Main action points for the coming year:

- Inclusion of same-sex partnerships in the Civil Code;
- Drafting of a law to enable legal gender recognition (LGR) based on self-determination;
- Continue to effectively implement the National Action Plan;
- The Municipality of Prishtina should continue its support and close contact with CSOs regarding the construction of the LGBTI Shelter.

#### Bias motivated speech, bias motivated violence

During the first hearing of the Civil Code, PDK deputy Mergim Lushtaku [said](#) he would vote against the Draft Civil Code. Among other things, he [stated that](#) he was “in favour of the family and its preservation,” that the Civil Code gives “legal space for same-sex marriages,” and that according to him, most researchers agree that children raised by both biological parents in a stable marriage are better than children in other family arrangements.

Some members of the political party Vetevendosje have also [expressed](#) their homophobic views in public. Leonora Shabani-Bajraktari, member of the Municipal Assembly of Prishtina, described an awareness raising campaign video that was created by Youth Initiative for Human Rights, which promotes LGBTI rights with a focus on same-sex marriage, as “exaggerated and unnecessary”. Additionally, Eman Rrahmani, an MP of Vetevendosje, stated that “There is nothing better than being a parent, calling you mother, father, daughter, son, grandfather, grandmother....! My political commitment is about the future of our children, my political commitment is for a family where there is a mother, father, son, daughter, grandmother, grandfather”.

#### Main action points for the coming year:

- The government should condemn hate speech against LGBTI people, including by politicians, and stand up for the rights of all people to private and family life.

## **Equality and non-discrimination, including legislation and enforcement**

During 2020 the government started to implement the Action Plan in the fields of Education, Health and Awareness Raising. Due to Covid-19 no major actions have been taken, but the Advisory and Coordination Group has been more willing to cooperate.

*Main action points for the coming year:*

- The Advisory and Coordination Group should continue to work closely with activists to continue the implementation of the National Action Plan.

## **Freedom of assembly, association and expression**

On 17 May, CSGD and CEL organized the International Day Against Homophobia, Biphobia and Transphobia – IDAHOBIT. It was marked with a [small street action](#), where rainbow ribbons were tied on trees with positive messages, to draw attention to the situation of LGBTI individuals during the pandemic. The government building was lit with rainbow colours as it has been done in previous years.

CSGD, CEL, and other human rights organisations jointly organised [Pride](#) this year. Due to the pandemic, the Pride Parade was quite unconventional and took the form of a car parade. Held on 12 October, the event focused on the ongoing discourse on the draft Civil Code, calling for legal recognition for rainbow families, under the slogan "I Do". The number of participating cars was set at 30 maximum, to comply with pandemic restrictions. The only other event that could be held this year was the [FemTalk discussion](#), focusing on "Parade in Pandemic Conditions".

*Main action points for the coming year:*

- Continue to mark the International Day Against Homophobia, Biphobia and Transphobia;
- Continue to support Pride Week.

## **Health**

Due to Covid-19 the borders with neighbouring countries were closed for most of 2020. Kosovo does not offer any services for trans people, therefore closing the borders has directly affected their access to necessary health services. During the pandemic, many LGBTI people sought psychological support (online and in person). Group therapies were organized in order to combat the lockdown stress and anxiety, but also to give tips on how to maintain healthy relationships with the outside world.

*Main action points for the coming year:*

- Start offering health services addressing the specific needs of trans people;
- Initiate the pilot phase of PrEP for the MSM community in Kosovo.

## **Human rights defenders**

Covid-19 has impacted the organisations in many ways. For two months Kosovo was in quarantine and almost all the activities had to be postponed or cancelled. Even after the quarantine, the activities that were foreseen to be organized had to be modified to respect the recommendations that were set out by the government.

## **Recognised unions for same sex couples**

The draft Civil Code was [published](#) in July, causing disappointment among civil society. The Civil Code fails to make progress on legal recognition to diverse families. It defines marriage as a union between

a man and a woman, and also fails to establish the institution of civil partnership. Instead, it sets out that other forms of partnership may be recognised through different legislation, which suggests the rights of civil partnerships will be different from married couples.

Local civil society organisations have been [advocating](#) for a human rights compliant law for years. They heavily [criticised](#) the draft in a joint statement for being discriminatory on the basis of sexual orientation. The Constitution of Kosovo uses the gender-neutral term “spouse” in regard to marriage and forming a family, and includes a non-discrimination provision inclusive of sexual orientation. The Civil Code, in its current form, fails to meet this standard. The draft Civil Code is currently stalled in Parliament.

LGBTI organisations have continued to advocate for the inclusion of same-sex partnerships in this code. CSGD and CEL have participated in two meetings organized by the group of women MPs and the Legislative Commission of the Parliament of Kosovo, and were very vocal about changing the definition of marriage to the gender-neutral term ‘spouse’ which would be in line with the definition in the Constitution.

*Main action points for the coming year:*

- Include provisions for same-sex marriage in the Civil Code.

### **Rights and equal treatment of trans and intersex people**

Due to the Covid-19 pandemic, trans people were not able to access necessary services due to the closing of the borders with neighbouring countries.

Following a long legal battle that started in 2018, Blert Morina, a trans man, successfully changed his gender marker and name in January 2020. In December 2019, the Basic Court of Prishtina annulled previous judgments denying him this right and gave the authorities 15 days to proceed with the change. The Court however denied financial compensation for the stress and anxiety that Morina suffered in the past two years. Morina is the second trans person in Kosovo who managed to change their gender marker and name, and it is the first time the court decided to recognise the right to gender identity without offering evidence for surgical intervention or any medical change. It is hoped that following this positive judgment, other trans people will face fewer obstacles accessing legal gender recognition.

In July, CSGD in cooperation with the Office for Good Governance and in partnership with CEL, the Council of Europe and the EU Delegation in Kosovo held a consultative meeting on legal gender recognition-civil registration procedures. The purpose of the meeting was to discuss on finding the best opportunities related to legal gender recognition and in particular regarding civil registration procedures in Kosovo. This meeting set the following concrete recommendations: that a specific LGR law should be put in place, which must be preceded by an in-depth analysis of the existing legal framework; the quality of the law is more important than the timeline; the working group should represent a wide range of expertise and experiences; and the process should be complemented by awareness raising.

*Main action points for the coming year:*

- Establishing a working group to work on an LGR law, which should represent a wide range of expertise and experiences;

- Drafting of a specific LGR law after an in-depth analysis of the existing legal framework;
- The government should run awareness-raising campaigns about legal gender recognition.

### **A supportive and enabling environment for civil society**

During 2020 the Municipality of Prishtina has shown great support towards LGBTI people in Kosovo. In May the municipality provided LGBTI organisations with a joint space that will be used as a 'drop in' centre for LGBTI people. The 'drop in' centre will be used as a safe space for LGBTI people to socialize, organize different activities, but also as a venue for LGBTI organisations to provide psychological support and other health services that the community has not always had access to. The space will be designed and renovated by the municipality with the instructions of the LGBTI organizations.

In October 2020, the Municipality of Prishtina announced that they will donate €300.000 to build a shelter for LGBTI people, which will accommodate victims of domestic violence and people who have been kicked out of their homes.

### **Recommendations on how the EU delegation can support LGBTI civil society**

- Encourage the government to include same-sex marriage in the Civil Code of Kosovo;
- Provide sustainable financial support for civil society organizations that work on LGBTI rights;
- Encourage the government to draft legislation to enable legal gender recognition (LGR) based on self-determination.

## 3.4 MONTENEGRO

**Submitted by: Juventas, Spectra, LGBT Forum Progress, LGBTIQ Social Centre, Queer Montenegro**

### **Summary of key developments, including political context and trends**

- The Government changed for the first time in 30 years, with the three coalitions taking power (one left-liberal, one centrist, and one right-wing) after elections on 30 August;
- Funding by the Government for key social programmes (Shelter and SOGI Center) was discontinued, seriously jeopardising their future work and existence;
- There was an increase in online hate-speech (social media) targeting the LGBTI community, followed by a large number of charges filed to the police directorate (some 300);
- Adoption of the same-sex partnership law on 1 July, a historic moment for the region;
- Cooperation with local municipalities has been strengthened with the signing of a Memorandum of Understanding with Podgorica and Kolašin as well as cooperation with Mojkovac, Bijelo Polje, Kotor, Danilovgrad, Pljevlja, Šavnik, Cetinje, Bar, Budva and Ulcinj in the development of local action plans;
- A focal points network of local municipalities for the promotion of the human rights of LGBTI people has been founded with the support of NGO Juventas, Queer Montenegro, Spectra and the Ministry of Human and Minority Rights;
- The impact of the Covid-19 crisis on the LGBTI community in Montenegro includes the intensification of economic and social challenges and difficulties that this community faces on a daily basis. The UN in Montenegro states in its [report](#) that 50% of LGBTI respondents have completely lost their income, or their income has been reduced by more than 50%. More than half (56%) expressed concern about their economic situation, while 25% identified food as the most important need during the crisis, and shelter 17%;
- The National LGBTI Strategy (2019-2023) is not being implemented properly nor in a timely manner. Covid-19 and the elections obstructed the work of the National Coordination Team for implementation of the Strategy, therefore many of the responsibilities from the Strategy have once again been transferred to the civil society organisations, while the state institutions are not properly conducting their work in most cases. The situation is further complicated by the dissolution of the Ministry of Human and Minority Rights which was merged into the Ministry of Justice and Human Rights, after the formation of the new Government on 4 December. It is not clear whether the body for monitoring of the LGBTI strategy implementation will continue its work.

### **Main action points for the coming year:**

- Continuation of cooperation with the working group for legal gender recognition;
- Ensure that rights of trans, intersex, gender-diverse people and LGBTI women are part of gender equality programs;
- Ensure the continuation of the body for the monitoring of the LGBTI strategy implementation. All national stakeholders should improve their reporting on activities implemented within a specific Action Plan of the Strategy and the final report should also include activities which were not necessarily defined in the Action Plan.

### **Bias motivated speech, bias motivated violence**

In January 2020, the Higher Court in Bijelo Polje overturned the Kolašin Basic Court's previous ruling, which established a 2019 attack against a trans man as transphobic hate crime. During the retrial, the

victim had to [endure](#) intrusive and inappropriate questions about his gender identity, which were all approved by the court.

The Misdemeanour Court in Podgorica fined a perpetrator €100 for threatening LGBTI activists last year. Amfilohije Radović, Metropolitan of the Serbian Orthodox Church said in June that same-sex love was “murder” and “child murder”. Police complaints in hate speech or hate crime cases were impossible to file during lockdown periods, as the police do not accept online complaints.

A notable rise of hate speech incidents was recorded after the adoption of the same-sex partnership law in July. Within a few days, over 200 complaints were reported to the police. A number of LGBTI organisations filed a criminal complaint against prominent lawyer Velibor Marković, for a series of hateful and threatening [comments](#), in July. The complaints were sent to the police, the Bar Association, the Lawyers Association, and the Ombudsman.

*Main action points for the coming year:*

- Improving capacities of the judiciary system to adequately recognize, treat and sanction hate crime and hate speech, especially from public officials and religious authorities;
- Improving capacities of LGBTI organizations in monitoring hate crime and hate speech;
- Conducting campaigns about hate crime and hate speech based on SOGISC, especially online;
- Improve the functioning of the Team of Trust to promptly and adequately react to all forms of hate crime and hate speech, to meet regularly, and improve communication between its members;
- A system of free and sustainable legal aid, accompanied by strengthening of LGBTI persons to report violence and discrimination should be established.

## **Education**

Trans organisation Spectra and the Mirko Vešović high school in Podgorica signed a memorandum of understanding in March 2020, the first of its kind. The parties agreed on the school hosting workshops for students, teachers and school staff, to make the school a safer place for gender diverse students.

*Main action points for the coming year:*

- Continuation of education of high school students, teachers and school psychologists;
- Educational and informational campaigns should be launched to address the general public as well as various professionals: medical workers, police officers, prosecutors, judges, journalists, teachers, social workers, youth workers, representatives of political parties, decision makers, and representatives of institutions that are involved in exercising and protecting LGBTI rights;
- Continue research on discrimination against LGBTI students in schools and universities;
- Promote and implement research in the fields of human rights protection, sexuality, gender identity, gender expression and sex characteristics.

## **Employment**

The impact of Covid-19 on the LGBTI community in Montenegro includes the intensification of economic and social challenges and difficulties that the community faces daily. The UN in Montenegro states in its [report](#) that 50% of LGBTI respondents have completely lost their income, or their income has been reduced by more than 50%. More than half (56%) expressed concern about their economic situation, while 25% identified food as the most important need during the crisis, and shelter 17%.

*Main action points for the coming year:*

- Ensure sustainability of key social support programmes for the LGBTI community (LGBTI Drop in Center, Shelter and SOGI Center) as well as sustainability of LGBTIQ organizations using different methodologies including social contracting, licencing, social entrepreneurship, etc.

### **Equality and non-discrimination, including legislation and enforcement**

NGOs Juventas and Queer Montenegro have been closely involved in enhancing capacities of local authorities in creating local action plans on fighting homophobia and transphobia, in close cooperation with the Ministry of Human and Minority Rights. As a pilot, efforts have been invested primarily in 5 municipalities (Podgorica, Kolašin, Mojkovac, Bijelo Polje and Kotor) and this process resulted in 4 out of 5 municipalities (Podgorica, Kolašin, Bijelo Polje and Kotor) adopting their local action plans on improving the quality of life of LGBTI people. Activists have also started creating local action plans with the municipalities of Bar, Cetinje and Pljevlja. In March 2020 Queer Montenegro, NGO Juventas and Spectra, in cooperation with the Ministry of Human and Minority Rights, facilitated the creation of local government representatives' focal points network for promotion of human rights of LGBTI people. They also began improving the capacities of liaison persons for work with the LGBTI community in designated municipalities.

The municipality of Kotor is the first municipality in Montenegro and third in the region (next to Ljubljana and Zagreb) that has become a member of the international network [Rainbow Cities Network](#).

*Main action points for the coming year:*

- Support to further development of local action plans, as well as monitoring of existing ones;
- Local authorities' capacities from the south to the north of the country should be additionally strengthened in order to create adequate and effective measures combating homophobia and transphobia on a local level;
- Monitoring of the implementation of the National LGBTI Strategy;
- Adoption and monitoring of the implementation of the Gender Equality Strategy.

### **Freedom of assembly, association and expression**

Stana, Montenegro's first LGBTQ organisation was [established](#) in March. A public discussion on LGBTI rights and a related photo exhibition were held in Nikšić this year. There has been no conclusion in the case of the triple ban of Nikšić Pride, legal proceedings are ongoing since 2015.

From 14-20 December the [8th Montenegro Pride](#) took place. Events were held online throughout the week, with a Pride car parade on Sunday 20 December. Pride was also [marked](#) by institutional buildings of Montenegro (Presidential buildings, Ministry of Interior and Podgorica Millenium Bridge), the EU Delegation and the U.S Embassy, who lit their buildings up in rainbow colours or flew the rainbow flag.

*Main action points for the coming year:*

- Conditions for safe and peaceful organization of public events (pride marches, cultural events, etc) should be ensured in all municipalities in Montenegro.

### **Health**

The Ombudsman [found](#) in October that the Ministry of Health violated the rights of trans women, when failing to ensure them access to hormone therapy. Oestrogen is on the list of medications

covered by health insurance, but was unavailable in the country. The Ministry has since been working in cooperation with Spectra, to remedy the situation. Shortage of testosterone was also an issue during the lockdown, but was quickly addressed by the Podgorica Public Health Centre.

The third trans man since 2012 managed to have his gender affirming care costs covered by the public health insurance, with support from LGBT Forum Progress. Spectra started a project on HIV prevention and harm reduction among the trans and gender diverse community this year. Guidelines for the Commission based on informative consent have been developed by a psychiatrist who is a part of the team.

NGO Juventas, in close cooperation with NGOs working on human rights of LGBTIQ people, an informal group of LBTQ women in Montenegro (later established as “Stana”), and mental health professionals, conducted a study of LBTQ women across Montenegro, entitled “Overcoming the invisibility of LBTQ women in mental health care services in Montenegro” supported by Stonewall UK. The survey reported that this part of the community is ten times more at risk of anxiety and depression than the general population of women in Montenegro. Respondents shared that their mental health issues were mostly due to violence, discrimination, and stigma they had faced due to their SOGI. They also identified that consequent internalized homophobia/transphobia were an important factor. Chronic stress, lack of social support, as well as the perception and internalization of negative social attitudes are key risk factors in the significantly high prevalence of psychological issues among this social group.

*Main action points for the coming year:*

- Ensure sustainability of health services, especially HIV prevention and treatment;
- Activities related to the improvement of sexual and reproductive health of LGBTI persons should be undertaken, with special focus on developing trans-specific prevention programs;
- Further development of trans-specific healthcare which will provide access to adequate healthcare of highest standards to transgender people, respecting their mental and physical integrity, in accordance with national and international standards, and committing to practices which include individual approaches and informative consent models;
- Creation of intersex-specific healthcare which will provide access to adequate healthcare for intersex people, respecting their mental and physical integrity;
- Implement campaigns aiming to sensitize medical professionals in relation to SOGISC, in accordance with internationally recognized and scientifically approved standards.

### **Human rights defenders**

The Covid-19 pandemic has had a serious impact on LGBTI people, manifested for instance in: loss of jobs (therefore inability to maintain economic independence as one of the prerogatives for keeping away from homo/transphobic environments they fled in the first place), increased risk of homelessness, worsening mental health due to social isolation, increased risk of contracting coronavirus due to other infections and conditions such as HIV, and increased risk of domestic violence.

This put increased pressure on the LGBTIQ Shelter (operated by LGBT Forum Progress), and the SOGI Center (operated by LGBTIQ Social Centre), both of which focus on specialised social support services for LGBTIQ people. They reported a dramatic increase in demand for support services and tried to move these online. Some programs are currently at risk of closure due to the discontinuation of state funding and a lack of external grants. Other LGBTI organisations have tried to meet the resulting demands by adapting some of their services, distributing food and hygiene packages, covering housing expenses, and providing more mental health support services. Juventas, Queer Montenegro and

Spectra designated a part of their own budget with the full consent of donors for March, April and June, later on managing to secure some external funding to make these adjustments. State funding however, has not been provided. In addition, not many funders were eager to address the needs of the communities via Covid-19 funding, but instead decided to focus that funding on other types of programs such as online tools and advocacy work. Juventas, Queer Montenegro, Spectra and Stana diverted most of their human resources capacities to addressing the mental health difficulties of the LGBTI community due to Covid-19, increasing counselling, peer support, and self-help sessions online. Spectra also delivered a training for hotline workers in the public health centre on how to better support trans, intersex, and gender diverse people.

NGOs have had a difficult time securing funding for the time of the pandemic. Many donors do not prioritise COVID-related funding. A project of Spectra for instance, was put on hold by a donor during the pandemic, despite Spectra modifying the activities and budget to make the work feasible despite lockdowns. The sudden loss of funding seriously endangered Spectra's existence.

On 31 August, Danijel Kalezić, Executive Director of [Queer Montenegro](#), was verbally harassed in Podgorica with slurs about his sexual orientation and national identity. This was the first experience of this kind he had experienced since 2014, but it is not an isolated incident.

Two LGBTI activists received death threats and were publicly outed following a COVID-related protest.

*Main action points for the coming year:*

- NGOs and informal groups working on the protection and promotion of human rights of LGBTI people should be additionally supported, including financial and psychosocial support, especially in the politically hostile context;
- The government needs to consider the difficulties that certain groups of citizens face during the Covid-19 crisis, and fill in the gaps in the system that leads to the disadvantages that these groups face, which have been made so clear by this crisis.

### **Recognised unions for same sex couples**

On 1 July, Montenegro's Parliament [legalized](#) same-sex partnerships, becoming the first non-EU country in the Western Balkans region to do so, which is expected to have a positive impact in neighbouring countries. The vote in the 81-seat Parliament counted 42 in favour and 5 against. Those living in a civil partnership will now have the same rights as different-sex married couples, with the exception of adoption. The same vote held in 2019 was [unsuccessful](#). The Law came into effect on 15 July and the legislator gave one year before the Law can be fully operational, meaning that all connecting laws and new bylaws need to be brought so the community can actually use it.

*Main action points for the coming year:*

- Ensure adequate and timely implementation of the Law on Life Partnership of Same Sex Persons, by introducing amendments in connecting laws and creation of necessary bylaws.

### **Rights and equal treatment of trans and intersex people**

The impact of Covid-19 on the transgender community in Montenegro amplified challenges and difficulties the community is facing on a daily basis. Many trans people who are working on the black market have lost their jobs, leaving them without any sources of income, therefore facing the risk of homelessness, famine and extreme poverty. Trans sex workers are either not able to work or are risking their health and safety while working, in order to earn an income necessary for survival.

The legal gender recognition law reform did not move forward this year, but civil society continued to lobby for speedy adoption. Cooperation with the working group for LGR has started.

Association Spectra cooperated with the Ombudsperson after they gave a recommendation to the Ministry of Health to resolve the issue of lack of hormonal treatment for transgender women. The process is being monitored now on how and when it will be resolved.

*Main action points for the coming year:*

- Further development of trans-specific healthcare services through further development of informative consent protocols and building capacities of medical workers;
- Raising awareness on intersex issues, self-determination and bodily integrity in healthcare;
- Building capacities of medical workers for providing affirmative care to trans, intersex and gender-variant people;
- A Working Group for the Law on Gender Identity should be created, and the law should be adopted to ensure legal gender recognition based on self-determination, in accordance with ECHR practice and the WHO revision of ICD-11, which depathologizes trans identities. Additional efforts and active participation of all respective Ministries should be ensured in this process.

#### **Recommendations on how the EU delegation can support LGBTI civil society**

- Supporting the implementation of the LGBTI Strategy;
- Supporting further decentralization by supporting LGBTI organizations in cooperation with local municipalities;
- Supporting advocacy for the adoption of the Law on gender identity;
- Strengthening partnerships with LGBTI organizations and supporting them in establishing and nurturing cooperation with Parliament and political parties;
- Further supporting campaigning and advocacy efforts of grassroots organizations;
- Ensuring continuous support to the sustainability of LGBTI organizations and their successful services and activities.

## 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**

- In October 2020 the Law on Prevention and Protection against Discrimination (LPPD) was readopted;
- The newly elected government continues cooperation with LGBTI organisations;
- The Ministry of Labour and Social Policy, together with LGBTI civil society, started the process of drafting the National Action Plan for LGBTI 2021-2025;
- Opening of the first National Helpline for LGBTI people;
- Cooperation with four local municipalities on LGBTI rights;
- The Ministry of Justice, together with NGOs, drafted an amendment to the Law on Civil Registry introducing legal gender recognition (LGR).

### **Main action points for the coming year:**

- Election of the new Commission for Protection against Discrimination (CPPD) transparently and professionally, and implementation of the LPPD;
- Adoption of the Law on Civil Registry introducing LGR based on self-determination;
- Adoption of the National Action Plan for LGBTI 2021-2025 with incorporated suggestions from NGOs;
- Support of LGBTI services by the government;
- Ensure harmonisation of laws with the LPPD.

### **Bias motivated speech, bias-motivated violence**

Bias-motivated speech remains uncondemned by public authorities and officials. The Helsinki Committee [recorded](#) 172 cases of hate speech this year, but fear that the number is even higher. The government has not condemned any of these cases. Coalition Margins received complaints for 1 case of harassment of a trans woman by a family doctor; 1 case of refusal of a gay man's health service due to HIV status; Homophobic hate speech against a group of LGBTI youth; harassment and violation of the privacy of a trans sex worker; transphobic hate speech and violation of the right to privacy of four trans women; transphobic harassment of a trans woman in high school.

On 29 August, MP Dimitar Apasiev from the Levica party used the word “faggot” to discredit an opponent in the Parliament. A criminal proceeding was launched. Hate speech was also part of the pre-election period. For instance, Janko Bachev of the *Never North, only Macedonia* coalition used similar language.

Subversive Front received negative responses by the Public Prosecutors' office to five of the submitted 83 SOGI-based hate speech criminal charges. The prosecutors defend their arguments by using freedom of expression as an overarching human right as stipulated in the First Amendment of the US Constitution, as the hate speech occurred on the social media platforms hosted by US-based domain names and servers. This example shows the lack of understanding by the prosecutors of the jurisdiction and of the effects that SOGI-based hate speech has on LGBTI persons who live in North Macedonia and who are exposed to harmful online content in Macedonian language.

In August, the President of LGBT United Tetovo, Bekim Asani, was physically attacked and later received death threats online. The EU Delegation in Skopje [condemned](#) the attack, called for a prompt investigation and for fast adoption of the Law on Prevention and Protection against Discrimination to

be a priority for the Parliament. The Tetovo police station and Tetovo's Prosecutor's Office identified and initiated charges against the attackers.

The implementation of the Criminal Code in terms of hate crimes towards LGBTI people remains a challenge as the previous attack on the LGBTI Support Centre and activists are still not resolved. The new cases are still not classified as SOGI based hate crimes. In 2020 Coalition Margins received complaints of one case of domestic violence against a trans person, one case of hate violence against a trans sex worker, and one case of homophobic hate violence against a gay man.

*Main action points for the coming year:*

- Improvement of state response to hate speech connected to LGBTI visibility events;
- Increase the collection of data on hate crimes and hate speech based on sexual orientation and gender identity (SOGI);
- Increase capacities of police and law enforcement for more effective prevention and prosecution of hate crimes and hate speech based on SOGI.

## **Education**

Coalition Margins, in collaboration with the Bureau for Development of Education, the Ministry for Education and Science, and educational experts, developed an [instructional guide](#) for dealing with and preventing violence in primary schools. The guide acts as a bylaw of the new Law on primary education. The Ministry of Education and Science accepted it and Minister Arber Ademi officially signed it in July 2020.

HERA received a [decision](#) for the continuation of the process for implementation of the pilot program for sexual education in primary schools from the Bureau for Development of Education and the Ministry for Education and Science.

*Main action points for the coming year:*

- Revision of textbooks which contain homophobia, transphobia and gender stereotypes;
- Piloting comprehensive sexuality education in selected schools.

## **Employment**

The new Law on Labour Relations was drafted in 2020 but is still not adopted. This Law will finally introduce sexual orientation and gender identity as protected grounds from discrimination since the previous Law only recognised sex inclination, which was incomplete.

*Main action points for the coming year:*

- Adoption of the new Law on Labour Relations introducing sexual orientation and gender identity as grounds for discrimination.

## **Equality and non-discrimination, including legislation and enforcement**

As a significant setback, in [May 2020](#) the Constitutional Court of North Macedonia repealed the 2019 Law on Prevention of and Protection against Discrimination (LPPD). The Law had for the first time explicitly prohibited against discrimination based on sexual orientation and gender identity as a result of many years of work, tireless commitment and perseverance of LGBTI activists in North Macedonia. The Law had also received positive opinions from the Venice Commission, the United Nations, the European Union and the OSCE-ODIHR. The Court repealed the Law because of a procedural issue.

Namely, in 2019 the Law was passed without the required majority of MPs present in Parliament according to the Constitution.

Elections were held in July 2020, and a new Parliament was elected. In October the LPPD was returned to Parliament and [adopted](#) with 69 votes. Concerns about the transparency of the election and ensuring professionalisation of the implementing Commission (CPPD) remain because the Law was adopted without the proposed Amendment towards a more transparent and inclusive procedure. [A call for candidates](#) for the Commission was open until 23 December.

*Main action points for the coming year:*

- Election of the new Commission for protection against discrimination in a transparent and professional procedure and implementation of the LPPD;
- Harmonisation of other laws with the new LPPD;
- The Parliament must elect a professional and independent expert in human rights as the new Ombudsperson, and strengthen the capacities and independence of the institution.

### **Freedom of assembly, association and expression**

The [second Skopje Pride](#) was held online this year in September, due to the COVID-19 pandemic. In a meeting with the organisers, President Pendarovski [commended](#) the Pride events and pledged his support for comprehensive anti-discrimination legislation. MPs and government representatives also took part in the online events, catering to the needs of the LGBTI community members. Skopje Pride Weekend was successfully organised for the 8th time with physical and online events, without any incidents.

New community-based and self-initiated events and gatherings are taking place in towns outside the capital of Skopje. Every month, over 40 LGBTI community members frequent the community hub in Strumica (a city in south-east North Macedonia). Social media platforms serve as places where young LGBTI people head to for expressing themselves, and a few LGBTI youth initiatives were set up on Instagram and Facebook in 2020.

At the beginning of 2020, LGBT United Tetovo organised focus groups with employees in the municipalities of Tetovo, Gostivar, Dibra and Struga. A total of 28 employees in these four municipalities participated in focus groups which aimed to analyse their knowledge of LGBTI issues. LGBT United Tetovo has organised community events which aim to empower LGBTI community members at the local level.

*Main action points for the coming year:*

- The central and the local governments must continue providing support to the organising of Skopje Pride, as this has previously positively affected public opinion on LGBTI people, and has positively affected 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.

### **Health**

Trans people still face challenges in accessing health services related to gender reassignment, as well as general health services. Due to Covid-19 and the elections, the activities of the Ministry of Health's Working Group on developing guidelines for health services for trans people were postponed.

However, a working group has been established, consisting of representatives from the Ministry of Health, the Health Insurance Fund, a CSO working on trans issues, an endocrinologist, a psychiatrist, a surgeon, a gynaecologist, and a trans community member.

Meanwhile, the trans community uses established links with health professionals from different medical branches to receive primary and secondary healthcare related to hormone prescription and monitoring of their health status related to hormonal therapy. There is limited access to partial surgeries that are necessary to prevent deterioration of the health of trans people. There is also limited access to some interventions such as mastectomies or implants of silicone denture that trans people need to cover on their own.

Subversive Front has received twice as many requests for mental health support services than prior to the pandemic. None of these services are funded by the state, which has meant that Subversive Front had to raise funds to hire more service providers. In August, the organisation launched the [National LGBTI Helpline](#), providing free counselling services for LGBTI people, their family members, and those working with them in education, healthcare, and other key areas.

*Main action points for the coming year:*

- Recommence the activities of the Ministry of Health's Working Group on developing guidelines for health services for trans people;
- Improve trans people's access to healthcare services, including trans specific healthcare.

### **Human rights defenders**

Due to the Covid-19 crisis, many LGBTI people lose their jobs, and some were rendered homeless due to being unable to pay their rent. Over a period of nine months LGBT United Tetovo distributed six tonnes of food to vulnerable LGBTI people, and financially helped 12 LGBTI people cover financial needs such as living expenses. The initiative for trans rights - TransformA, with administrative and technical support from Coalition Margins, distributed around 200 food packages as well as protective packages against Covid-19 over the course of 8 months.

The LGBTI Support Centre managed to adjust its existing programmes to the Covid-19 situation and to answer the needs of the community. It has not faced any consequences by donors so far. However, funding for the Safe House remains uncertain since support from the Ministry of Labour and Social Policy was stopped due to the early elections and technical government. Coalition Margins managed to adjust to the new situation, but some processes were stopped, and some activities delayed. However, the organisation continued to offer its services to marginalised groups without discontinuation.

Subversive Front did not face any consequences by donors and partners, on the contrary, it received flexibility and adequate understanding in prioritising and adjusting activities according to the LGBTI community members' needs. This also included providing financial support for LGBTI people at social risk in meeting their basic needs for food and maintaining personal hygiene.

*Main action points for the coming year:*

- Ensure that hate crimes against LGBTIQ human rights defenders are legally processed;
- The Ministry of Labour and Social Policy should reinstate funding to the Safe House.

## **Public opinion and attitudes**

The results from [surveys](#) conducted before and after a set of 17 trainings addressing discrimination and hate speech held by Subversive Front for 325 civil servants employed at 40 national level authorities (ministries, agencies, bureaus), and 42 municipalities, show a higher level of recognition and understanding of discrimination and hate speech based on ethnic/national origin, religious affiliation or political beliefs, than on LGBTI, people who live with HIV or people with disabilities. 36% of the training participants think that LGBTI people demand special rights, and 69% think that discrimination is difficult to prove.

In a [public opinion poll](#) conducted by the Institute for Human Rights and published in October 2020, 76,2% of the citizens of North Macedonia have not met any LGBTI person, 66% would not accept to have an LGBTI colleague, 53,9% do not approve of LGBTI people working as teachers, 65,6% are strongly against LGBTI people holding hands in public, 74,1% do not want LGBTI people kissing in public, and 70% think that homosexuality is a disease.

*Main action points for the coming year:*

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

## **Rights and equal treatment of trans and intersex people**

In October 2020, the Civil registry office changed the gender marker of X, based on which the State fulfilled the individual remedy from the 2019 ECtHR judgement of X v. North Macedonia. To implement the judgement, the State also has an obligation to adopt a law that will allow the legal gender recognition of trans people in a fast, transparent and accessible procedure.

In November 2018, the Ministry of Justice established a working group for drafting a law on civil registry, which in a separate chapter should regulate the procedure for legal gender recognition. In the latest version of the draft law, trans people need to sign a statement that they want to change their gender marker with the notary and then go to the registry office to submit a request for the change. It is positive that a simple administrative procedure is planned in the draft. Regrettably however, it sets different criteria for people who want to make more than one change in their gender marker, and only unmarried trans people can apply for legal gender recognition (in practice this requires married people to divorce in order to access legal gender recognition). Even though earlier versions of the draft law included the option for a third gender marker, the last version excluded that part and failed to recognise non-binary people. The final draft of the law is expected to be adopted in 2021.

Meanwhile, more than 10 cases on legal gender recognition are pending in different stages of the procedure before the national institutions due to the refusal of the civil registry to accept its competence to decide in these cases.

*Main action points for the coming year:*

- Adoption of the Law on Civil Registry introducing legal gender recognition based on self-determination;
- Providing medical services for gender reassignment covered by public health insurance;
- Building the capacity of the police for protection from transphobic crimes and hate speech.

### **A supportive and enabling environment for civil society**

The government opened a call for financial support for the civil society sector in dealing with the consequences/challenges caused by Covid-19. TransFormA, with technical and administrative support from Coalition Margins, gained financial means from this call and continued to support the trans community members of the group. In December 2020, Subversive Front received financial support from the Government with contribution to employee salaries and remuneration fees for contract workers.

#### *Main action points for the coming year:*

- The State should continue the practice of providing financial support to LGBTIQ led groups and organisations;
- The State should promote and practice values that are supporting the work of LGBTIQ led organisations and groups;
- The State should conduct consultations with LGBTIQ-led CSOs and groups when designing and planning financial and other types of support programmes and priorities.

### **Recommendations on how the EU delegation can support LGBTI civil society**

- The EU Delegation should conduct consultations with LGBTIQ led CSOs and groups on both national and local level when designing and planning financial and other types of support programmes and priorities.

## 3.6 SERBIA

**Submitted by: Labris – Lesbian Human Rights Organization, Crisis Response and Policy Centre – CRPC, Da se zna!, Geten, XY Spectrum**

### **Summary of key developments, including political context and trends**

- Parliamentary elections were held in Serbia on 21 June 2020. Initially organized for 26 April, they were postponed by a state of emergency due to the COVID-19 pandemic in the country;
- After the elections, new Ministers were appointed and a new Parliament was formed in October;
- The Ministry for Human Rights and Social Dialogue was formed (it did not exist for several years) – Gordana Čomić was appointed as a Minister for Human Rights, who is seen as an ally;
- The new Anti-discrimination strategy, meant to be adopted in 2019, is still not adopted;
- On 26 November, the new Commissioner for Protection of Equality was elected. Civil society published a [joint statement](#) about the lack of transparency of the election process.
- On 16 December 75 CSOs published a [joint statement](#) expressing their dissatisfaction with the government's progress on reforms in the framework of the EU accession process. They also criticised the increase in violence against CSOs, journalists and media, and decreasing respect for democracy and rule of law, which has accelerated under the Covid-19 crisis.

### **Main action points for the coming year:**

- Urgent adoption of the new Anti-discrimination Strategy;
- Urgent adoption of the Same-Sex Partnership Law;
- Urgent adoption of Law on gender recognition in line with international human rights standards and based on self-determination;
- Better implementation of the Anti-discrimination Law to tackle hate crime and hate speech;
- Better and consistent implementation of existing provisions tackling discrimination against LGBTI people.

### **Bias motivated speech, bias motivated violence**

On 28 February, a group of masked extremists [attacked](#) the Pride Info Centre, broke the door and caused damage to the exterior. Pride Info Center was the first safe space opened for LGBTI people in Serbia. On 2 March, a group of extremists [gathered](#) in the town of Leskovac to protest against a Pride march that was falsely rumoured to take place that day. They chanted slogans such as "kill gays" and assaulted two journalists, threatening to "slaughter" them. Both cases are currently pending.

Serbia formed its government in the autumn of 2020 after elections over the summer. Ratko Dmitrović became the Minister of Demographic Development and Family Care. Dmitrović is a long-time journalist who has become especially famous in recent years for his misogynistic and homophobic rhetoric on social media. For example, he called the pride parade "a parade of shame, shamelessness and hidden Satanism", whilst he also said that he "never saw a beautiful feminist". LGBTI CSO Da se zna! published a [press release](#) afterwards.

A new report on unlawful conducts against LGBT+ people in the Republic of Serbia by Da se zna! has been published. In 2019, 63 SOGIE hate-motivated incidents were committed and recorded, which is 50% more than in the previous year. Most of the hate-motivated incidents reported to the police and prosecutor's office are still in the pre-investigation procedure. As many as 87.1% of the survivors have no information whether the received criminal report was even acted upon.

### **Main action points for the coming year:**

- Improve response to hate crime and hate speech;

- Utilise all legal options to prevent groups who commit hate crime and hate speech;
- 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;
- Creation of a database of hate crimes and related incidents against LGBTI people.

## **Education**

Labris conducted a legal analysis of school protocols and rulebooks, and created an [advocacy tool](#) for the improvement of the position of LGBTI students and youth. It has also started analysing discriminatory content in University textbooks.

## **Employment**

In September, for the first time ever, Labris conducted a one-day training for the employees of the National Employment Service (NES). The training included participants from branches from all over Serbia, not only Belgrade. This was the first time working with representatives of NES. 40 of them passed the training. We see this as a great step forward for the improvement of the position of the LGBTI community in the field of work and employment.

Unfortunately, the pandemic brought many hardships to the community, especially regarding employment. Many LGBTI people have been left unemployed since the beginning of the pandemic, and where it was already difficult for LGBTI people to find a job, this has been worsened by the pandemic.

The joint meeting of the Ministry of Labour, Employment, Veteran and Social Affairs with LGBTQI civil society organisations was postponed in February 2020.

## **Equality and non-discrimination, including legislation and enforcement**

Discussion concerning the amendments to the Anti-discrimination Law has been [ongoing since 2019](#), but nothing has happened yet. Although civil society was able to comment on the proposed amendments in 2019, they have not received any response to this date, and proposed changes have not been incorporated. In 2019 the Coalition against Discrimination, consisting of 56 NGOs, reacted and contacted the Commissioner for Protection of Equality who sent official letters to Ana Brnabić, the Prime Minister, and Zoran Đorđević, the Minister of Labor (the Ministry in charge of this matter), however there has been no further development to date. The Coalition against Discrimination have been arguing for postponement of this Bill on Amendments so that the public and representatives of vulnerable groups can be involved in the process of drafting the amendments.

In May, Serbia failed to re-elect the Commissioner for the Protection of Equality, which left the country without the authoritative body to implement the anti-discrimination law, and complaints were effectively blocked. 52 CSOs signed a [joint statement](#) calling for the re-election of the Commissioner as soon as possible. Regional LGBTI organisation ERA published a similar [call](#). After 5 months without a Commissioner, the new Commissioner was elected on 26 November, which is again Brankica Janković, in a process which was extremely un-transparent. The Coalition against Discrimination published a [joint statement](#) about this, and called for future elections to be more transparent and inclusive of civil society.

The new Anti-discrimination strategy, due to be adopted in 2019 after the expiration of the previous one in 2018, has still not been adopted. In addition, it should be noted that the previous strategy was

not properly implemented. There have been no meetings so far of the National Working Group for the new strategy. Labris conducted an [analysis](#) of the process so far.

*Main action points for the coming year:*

- Postponement of the Bill on Amendments to the Anti-discrimination Law, so that the voices of civil society are heard and their suggestions are included in the amendments;
- Urgent adoption of the new Anti-discrimination strategy, as the previous one expired in 2018.

### **Freedom of assembly, association and expression**

Pride parades were not held this year due to the pandemic, although numerous online Zoom talks and Instagram lives were held.

*Main action points for the coming year:*

- Continuation of support for Pride parades, including if they are online in 2021.

### **Health**

Due to the pandemic, many LGBTI people experienced health problems. Especially when it comes to trans people who were unable to see their doctors or attend their regular medical appointments. Their transitions were literally put on hold, since the pandemic was and still is the top priority. At the beginning of pandemic, Geten wrote a letter to the Commission for transgender states, asking about access to health services for trans people during the state of emergency. The Commission members politely responded that only emergency cases will be considered, and stressed that "all other patients should continue with regular therapy until the end of the emergency". Serbia also experienced a decrease in access to hormones due to lockdowns.

### **Human rights defenders**

Organizations have been experiencing numerous funding problems since March this year, due to Covid-19. Many funders withdrew their funds and many put funding on hold, which has put LGBTI CSOs in a precarious situation. Organisations had to find new ways of functioning, adjusting activities to online spaces, finding new channels of communication with communities, managing to create activities and support. CSOs also had to adapt to the socioeconomic reality facing the LGBTI community, even while they themselves experienced a loss in funding. Labris launched an emergency grant during the lockdown, delivering between 50 to 100 packs with food, hygiene and disinfection products to those LGBTI persons in need.

### **Public opinion and attitudes**

Xenophobia is on the rise in Belgrade, and right-wing formal and informal paramilitary groups have stated they will start patrolling other cities and towns in order to "protect the citizens from migrants". These groups, either by themselves or associated with other individuals and groups, have made homophobic comments and other acts of hate speech, including spreading misinformation.

At the beginning of the year, CRPC conducted several trainings and seminars in order to raise awareness and capacitate state actors and CSOs involved in refugee and migrant protection on LGBTI+ sensitive migration approaches. These events were supported by ERA, UNHCR, IRIS Network and state authorities in charge of non-discrimination and protection of citizens – Commissioner for Equality and Protector of Citizens' offices.

From 15 March to 6 May 2020, Serbia was under the state of emergency. This implied a lockdown, and migrants, asylum seekers and refugees who were accommodated in government reception centres were not allowed to leave their designated centre. People who were accommodated privately fared better as their movement was limited in line with provisions for the general population. Identification of LGBTI+ persons in mixed migration flow was difficult during the time of lockdown, as most of the activities and services were conducted remotely. When the state of emergency was lifted, the activities continued accordingly.

*Main action points for the coming year:*

- Create a campaign that would bridge the gap between migrants and host communities, and condemn xenophobia, homophobia, transphobia other forms of hatred against minorities;
- Authorities and other actors should continue working with NGOs in charge of refugee and migrant protection in the area of LGBTI+ sensitive migration.

### **Recognised unions for same sex couples**

In April 2020, Labris, together with legal experts, produced amendments and created a new Model Law on Civil Unions, regulating the rights of both registered and non-registered same-sex unions. The Model Law was presented to the community, LGBTI and human rights organizations, as well as sent via mail and e-mail to the cabinet of Prime Minister Ana Brnabić, the Ministry of Labor, the Anti-discrimination group within the Ministry of Labor, the Commissioner for Protection of Equality, and many others, however Labris never received a response.

On 30 November, the new Minister of Human Rights and Social Dialogue, Gordana Čomić, [announced](#) that a draft law on same-sex partnerships should come before MPs by the Spring of 2021. However, it remains to be seen whether concrete steps will be taken.

On 15 December the Serbian ombudsperson published a [recommendation](#) to the Ministry of Human and Minority Rights and Social Dialogue to draft laws that would enable the legal regulation of same-sex partnerships. The Ministry has 60 days to inform the Ombudsperson about acting upon the recommendation.

*Main action points for the coming year:*

- Adoption of a Same-Sex Partnership Law, based on the Model Law created by LGBTI activists, with the inclusion of their expertise.

### **Rights and equal treatment of trans and intersex people**

The state still has not provided any information or mechanism regarding trans specific healthcare, and trans women still face difficulties accessing hormones (currently only patches and spray are available). During the lockdown, several trans people reported a loss of their income and verbal violence from their family.

In its previous Action Plan for the implementation of the anti-discrimination strategy (2013-2018), the government committed to regulating legal gender recognition. However, the Law on legal gender recognition has yet to be adopted. Amendments to the law on birth registry, which now enable data on gender change to be entered into the registry, came into force in January 2020. However, currently trans people are still pathologized and must undergo one year of hormonal treatment. On 15 December the Serbian Ombudsperson published a [recommendation](#) to the Ministry of Human and Minority Rights and Social Dialogue to draft laws that would enable the regulation of legal gender recognition to improve the position of trans people in Serbia. The Ministry has 60 days to inform the Ombudsperson about acting upon the recommendation.

On 24 November, the Ombudsperson [confirmed](#) that Serbian citizens who live abroad and have undergone surgical and medical interventions abroad, can present medical certificates at their local consulates or embassies and have their legal gender changed. Surgery and hormonal treatment are mandatory requirements for legal gender recognition in Serbia. The Ombudsperson's statement was a response to a case in which a Serbian trans woman living in Sweden tried to have those procedures recognised in Serbia without success. The local healthcare authorities refused to provide a certificate to her, as they were not the ones overseeing the medical process and the person was not registered with the local healthcare system, being a resident abroad. The Ombudsperson's solution should provide for a quicker process for those living abroad.

Parents of intersex people have contacted XY Spectrum for support during 2020. From the beginning of the pandemic, it is very difficult for them to follow medical treatment for their children. There is still no accurate estimate of the number of intersex people in Serbia. Serbia was [reviewed](#) within Cycle III of the UPR in January 2018 where it received a recommendation from Australia to enact legislation that includes protection from discrimination on the grounds of intersex status. However, no amendments have been made thus far.

*Main action points for the coming year:*

- Adopt the 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 people and adopt measures to end pathologisation of gender identity and sex characteristics;
- Include sex characteristics in the anti-discrimination legal and normative framework, in line with the UPR recommendation from Australia.

**Recommendations on how the EU delegation can support LGBTI civil society**

- The EU Delegation should work with local LGBTIQ organizations and strengthen their relationship with them;
- The EU Delegation should conduct consultations with LGBTIQ-led CSOs and groups when designing and planning financial and other types of support programmes and priorities;
- The EU Delegation should provide financial support to the LGBTIQ organizations for implementing programs that tackle hate crimes, hate speech and discrimination, and programs on providing access to the right to private life, such as access to legal gender recognition and same-sex partnership, among others;
- The EU Delegation should continue including LGBTIQ organizations in the consultation process for the preparation of the Country Progress Reports.

## 3.7 TURKEY

**Submitted by: SPOD, KaosGL, Red Umbrella Sexual Health and Human Rights Association**

### **Summary of key developments, including political context and trends**

In 2020 LGBTI people suffered disproportionately to other years when it comes to hate crime and hate speech, in particular following the outbreak of the Covid-19 pandemic. Religious and political leaders have blamed LGBTI people for the pandemic, encouraging hostility towards them. For the first time, President Erdoğan explicitly lent his support to anti-LGBTI hate-speech, speaking out against LGBTI people. This has created an even more dangerous environment for the community. NGOs have been targeted by increasingly restrictive measures that affect their functioning, and the online space has also been targeted – making it more difficult for NGOs to organise during the pandemic.

Turkey does not have a good record on LGBTI rights and human rights more broadly. The decisions of the Constitutional Court, which are bound by the Supreme Judicial Body and local courts, are not implemented. Despite the Constitution, the ECHR and international agreements, it is clear that hate speech, discriminatory speech, violations of the right to freedom of speech, violations of the right to freedom of assembly and demonstration and violations of the right to association have increased.

### **Main action points for the coming year:**

- Repeal the ban on LGBTI marches in Izmir, Mersin, Antalya and other cities;
- Condemnation and prosecution of hate speech, hate crimes and discrimination of LGBTI persons specifically including the trans community, sex workers and LGBTI refugees;
- Acquit the LGBTI+ human rights defenders who face charges for participating in peaceful pride marches at the METU campus and in İstanbul;
- Continue EU and international support and monitoring of the trial and future such trials, as this helps keep the pressure on Turkish authorities to deliver justice;
- Conduct studies to strengthen the right to association and freedom of expression, and to strengthen disadvantaged groups.

### **Bias motivated speech, bias-motivated violence**

A great number of hate speech incidents and campaigns took place again this year. In some instances, the government or public figures [blamed](#) LGBT people or gay men for the COVID-19 pandemic, and spreading other illnesses. At the beginning of May the head of Turkey's Religious Affairs Directorate, imam Ali Erbaş, held a sermon which was broadcasted in all the mosques in the country, focusing on COVID-19, [saying](#) that homosexuality "brings illness." On 7 May, the European Parliament LGBTI Intergroup [called out](#) Turkey's political and religious leaders on spreading hate against LGBTI people and people living with HIV.

A number of hate campaigns were run on social media and endorsed by leading political figures. In April for instance, the #Netflixadamol (NetflixBeAMan) was trending in Turkey with over 70K Tweets, calling out Netflix for featuring two gay high school students in the show *Aşk 101 (Love 101)*. The chief of RTÜK (The Supreme Council of Radio and Television) [threatened](#) Netflix and said that they would not let this kind of content be on TV in Turkey (see more under **freedom of expression**).

In [January](#), Ajda Ender, a trans woman living in Istanbul, filed a report to the police after months of being trapped in her house due to escalating violence against her, including a threat of having acid

thrown in her face. Several trans women committed [suicide](#) this year, in what is assumed a consequence of transphobia.

[Kaos GL](#) reported that a homophobic social media campaign, in support of Imam Erbaş, was launched on Lesbian Visibility Day. Several leading politicians supported the imam, including [President Erdoğan](#), his Spokesman and Chief Advisor İbrahim Kalın, Zehra Zümrüt Selçuk, the Minister of Family, Labour and Social Services, and Parliamentary Human Rights Investigation Commission Spokesman, AKP's Van Deputy Osman Nuri Gülaç. A hate campaign on Twitter [targeted](#) LGBTI people, in [support](#) for the Imam. Just after this hate campaign, hate attacks against LGBTI people drastically increased. According to [the Pandemic Report](#) of Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD), applications for legal aid regarding SOGI based discrimination and violence have doubled since.

In March, local NGO SPoD [expressed](#) concern about new restrictions by the Council of Judges and Prosecutors (HSK), which would suspend Law No. 6284 during the COVID-19 pandemic. The law protects against domestic violence and violence against women. It is feared that the suspension would result in impunity for crimes against LGBTI people. Discussions were also held this year on the removal of gender identity and sexual orientation references in the Istanbul Convention.

On a positive note, LGBTI activists launched a campaign on Children's Day on 23 April, asking LGBTI people to share a childhood photo of themselves with the hashtag [#LGBTİÇocuklarVardır](#) ([#LGBTİkidsexist](#)). Thousands joined the campaign, but a counter-campaign soon sprouted on Twitter.

In April, two Change.org petitions demanding LGBTI organisations be shut down started spreading. Kaos GL managed to get both removed. In May, an [article](#) from the pro-government newspaper *Yeni Akit* also called for LGBTI organisations to be shut down, and [another one](#) targeted funders of LGBTI organisations, including embassies, Amnesty International, Freedom House, UNHCR, and OSF.

Sports shop Decathlon celebrated Pride month in June. It was later [targeted](#) by a pro-government newspaper called [Takvim](#) and hate speech on social media, calling on customers to boycott them.

On 16 June, *Watan TV*, an Istanbul based Muslim channel, [called](#) for LGBTI people to be killed. On 29 June, President Erdoğan targeted the LGBTI community in [a speech](#) that was broadcast on 18 national television channels, saying "I call upon my nation to assume an attitude against all kinds of perversions cursed by God. Out national and sentimental values are under a sneaky assault. Those who support marginals against our faith and culture share the same perversion". In July, hundreds of lawyers in Turkey issued a [joint statement](#) condemning the government's hate campaign against LGBTI people.

In June, the murderer of trans woman Gökçe Saygı was [sentenced](#) to lifetime prison. Saygı was murdered last year. The lawyer voiced hope that the impunity over transphobic murders would end.

Homophobic hate attacks took place in Istanbul, in Beylikdüzü. Several trans women were also attacked this year, one of whom was [attacked](#) several times over the summer. A solidarity [demonstration](#) was held by activists, condemning anti-LGBTI violence in Turkey.

In June, several leading politicians, including Gökçe Gökçen, the Deputy Chair from the Republican People's Party (CHP) [spoke out](#) against the increasing number of hate crime and hate speech incidents against LGBTI people.

*Main action points for the coming year:*

- Politicians and public officials need to be held accountable for using discriminatory speech;

- Authorities should take protective precautions for disadvantaged groups in times of crisis such as pandemics.

## Employment

LGBTI people were the most fragile group among those who were either forced to take unpaid leave or lost their job due the pandemic. LGBTI people working in different sectors such as sex work, tourism, nightlife, and performance life, had difficulty in accessing state protection or support. The government shut down all brothels at the beginning of the pandemic, and sex workers can no longer practice their work. Most of them started working in an unregistered way without accessing hygiene products. On 3 December, [police detained](#) 18 trans women living in İstanbul Beyoğlu Bayram where mostly trans people live. They were taken from their homes to the Taksim Police Station with the allegation of "mediating and providing place for prostitution" and citing "corona measures". Police kept them in tiny rooms for hours at the police station.

Turkey's largest trade union Eğitim-Sen, uniting teachers and school staff, issued a [statement](#) saying that LGBTI rights are part of union rights.

### *Main action points for the coming year:*

- Government sourced support and programs should be accessible for LGBTI+ people who either lost their job or were forced to take unpaid leave, including sex workers, and the government should develop a special program to increase the employment rate among the LGBTI+ community, including outreach to unregistered LGBTI+ people;
- The government should develop a mechanism for determining the needs of LGBTI+ people and allocate resources and funds to cover those needs;
- Social Assistance and Solidarity Foundations (Sosyal Yardımlaşma ve Dayanışma Vakıfları) should prioritize LGBTI people's applications and provide support during the pandemic;
- For LGBTI people who are on unpaid leave, the condition of being uninsured should not be sought in their social assistance applications.

## Freedom of assembly, association and expression

On 19 February, the Council of Europe Commissioner for Human Rights Dunja Mijatović, [published](#) her country report on Turkey, calling for an absolute ban on any restrictions on freedom of assembly and attacks targeting LGBTI human rights defenders and their work.

On 4 March, police [used](#) teargas and other violent measures against participants of the women's rights march and forcibly took LGBTI flags from those marching.

On 4 March, an Ankara court [ruled](#) in favour of Aslı Yasemin, an activist who was detained during the 2017 Istanbul Pride and ordered the authorities to pay damages. The fine is a tenth of what Yasemin requested - her lawyer will appeal the judgment.

The court case against 18 students and teachers who participated in the Middle East Technical University (METU) Pride March in 2019, continued at an Ankara criminal court this year. The second hearing was held on 12 March, closely [monitored](#) by embassies and human rights organisations. A decision was postponed, and the next trial took place on 10 December where the decision was postponed yet again, to 30 April 2021. Activists and their lawyers are arguing that the repeat postponements infringe on their human rights, as it has put them under severe pressure for almost two years. In addition, on 31 July an Ankara administrative court [annulled](#) the 2019 ban on the METU Pride March, which should have led to the acquittal of the defendants on 10 December.

On 23 March, the blanket ban on events related to LGBTI rights issues in Ankara was [overturned](#) by the courts for the second time. The local government [failed](#) to prove why the ban was justified. It appealed the judgment in April.

In April, the court lifted the ban on İzmir Pride events, except for the march - the judgment has been criticised by civil society. On 22 December the defendants of the İzmir Pride trial, in which 13 people, including Özgür Gür, were being charged with organising an illegal assembly, were acquitted.

On 20 July, RTÜK [demanded](#) censorship of Netflix's contents that feature LGBTI characters, which civil society has harshly [criticised](#). Following the hate campaign against the show *Love 101* in which one of the main characters is gay, Netflix removed the character from the original Netflix content for Turkey. The deputy chair of Turkey's ruling Justice and Development Party (AKP), Mahir Ünal confirmed the government's censorship request from Netflix in a [Youtube program](#). Turkish authorities [told](#) Netflix to remove a gay character from the script of the series *If Only* in order to obtain filming rights. Netflix [pulled](#) the show from its Turkish site. Mahir Ünal [tweeted](#) afterwards that he thought that in the future "Netflix will show a higher sensitivity towards Turkish culture and art with deeper cooperation".

On 29 July, the parliament passed a law [tightening](#) control over social media sites in Turkey. Human rights groups expressed serious concern about the law, given that social media sites have already been monitored, and some have been prosecuted for criticising the President. According to the new [communication bill](#), major companies such as Facebook, Twitter, Instagram and Youtube, will be required to have offices in Turkey to deal with complaints against content on their platforms. Representatives of the platforms will have to remove or block content within 24 hours and respond to individual requests to take down posts violating privacy and personal rights within 48 hours. The new legislation also states that user data must be stored in Turkey. If those companies deny registering in Turkey, the Turkish government has the right to restrict bandwidth up to 95% and even block access to those platforms.

The Ministry of Family, Labor and Social Services [ordered](#) the review of the book *Declaration of the Rights of Boys and Girls* by the Board of Protection of Minors. The Board concluded that the book encouraged "homosexuality" and spread ideas about gender identity. The book was pulled from bookstores. On 19 August, RTÜK [fined](#) TLC TV for streaming a program featuring LGBTI parents, claiming it harmed Turkish society.

In December, Istanbul's 7th Administrative Court decided that the ban on Pride marches in Istanbul is illegal. The ban was revoked, and the court stated "the ban was against the constitution, ECHR, and international agreements, the decision of the governor was arbitrary and the march was peaceful protest so the state should let it happen". This is an encouraging development as regards current Pride bans and ongoing prosecutions of Pride participants in other cities.

*Main action points for the coming year:*

- Acquit the LGBTI+ human rights defenders who are facing charges for participating in peaceful pride marches at the METU campus and in İstanbul;
- Continue EU and international support and monitoring of the trial and future such trials, as this helps keep the pressure on Turkish authorities to deliver justice.

## Health

The COVID-19 pandemic has placed unprecedented [hardships](#) on LGBTI people amidst state-run hate campaigns waged against them, some of which scapegoated them for the spread of the virus. LGBTI people have experienced increasing difficulties in employment and healthcare since March, faced with

growing levels of violence at home during the lockdown. LGBTI asylum seekers have been hardest hit by the pandemic and its consequences. On 15 August, a doctor in an Istanbul state hospital refused to treat a man, saying “I don’t cure you, faggot!”. The Turkish Medical Association and the Istanbul Medical Chamber both [established](#) that the doctor’s behaviour was discriminatory.

*Main action points for the coming year:*

- LGBTI people need to have access to health services in regards to Covid-19, to general primary and secondary health and to LGBTI specific health services without discrimination.

### **Human rights defenders**

Court decisions in favour of human rights defenders continue to go unrecognised in 2020. Institutional information, which should have been kept confidential by the Ministry of Interior, was obtained by some media outlets and used against associations. The obligation for NGOs to give information to the Interior Ministry about their membership has led to stigmatisation and violation of freedom of association. LGBTI organisations tried to establish communication with institutions but were unable to due to negative attitudes towards LGBTI organisations. Several civil society organisations’ sites were hacked this year, and some received threats, including KAOS GL and the Hrant Dink Foundation.

On 27 December, the parliament passed the “Law on Preventing Financing of Proliferation of Weapons of Mass Destruction”. Most provisions of the law [focus](#) on further tightening government control on civil society, imposing annual inspections, limiting activities, and making it possible for NGO board members to be removed if they face terrorism charges, which are often used in Turkey against activists, journalists, and academics. NGOs and the [Council of Europe](#) are deeply concerned.

*Main action points for the coming year:*

- Conduct supportive studies to strengthen the right to freedom of expression;
- Strengthen the supremacy of the law.

### **Public opinion and attitudes**

Public opinion and attitudes towards LGBTI people have deteriorated more rapidly and intensely than in previous years. LGBTI people are targeted regularly, and being blamed for Covid-19 has only exacerbated this situation. In previous years, public authorities worked with civil society on these issues, but now civil society has difficulty in accessing authorities. Kadir Has University’s annual survey on public attitudes [found](#) that the acceptance of LGBTI people is at a record high, with almost 50% of the population supporting LGBTI equality, 9% higher than in 2019.

*Main action points for the coming year:*

- Public authorities should improve their dialogue with civil society;
- Authorities should find a sustainable solution for sex workers during the pandemic.

### **Recognised unions for same-sex couples**

On 26 May, the mayor of Istanbul Ekrem Imamoğlu [stated](#) that Turkey has a responsibility to protect the freedoms of “homosexuals”, but that the country is not ready for marriage equality.

## **Rights and equal treatment of trans and intersex people**

In March, Eda Hanci, a trans woman, was [found dead](#) in her home in Mersin. In April, another trans woman was [found dead](#) at her home. Suicide due to depression is under consideration. In June, a young trans woman, Burcu kills herself due to the bullying, intolerance and violence by her family. Burcu was volunteering for the Trans Istanbul Initiative.

In June, the murderer of trans woman Gökçe Saygı was sentenced to lifetime prison. Gökçe Saygı, a trans sex worker, was murdered on 13 May 2019. The lawyer of Antalya BİZ Association, Ahmet Çevik, says the decision is encouraging considering the impunity for trans murders in Turkey.

### *Main action points for the coming year:*

- Hate crimes against trans and intersex people should be condemned and adequately prosecuted;
- Counselling and other support should be provided to trans and intersex people exposed to bullying, intolerance and violence.

## **A supportive and enabling environment for civil society**

As in previous years, NGOs continue to be targeted in 2020. NGOs underwent periodic inspections in 2020 regarding how they carry out their work. The Associations Desk has made the registration and notification of members of NGOs obligatory through a system which has resulted in members withdrawing their membership.

In May, Hrant Dink Foundation, which provides grants and supports LGBTI+ organisations, was targeted. On 14 July, a social media account called LGBTI Union\* (LGBTİ Birliği) shared an image in which the prophet of Islam is described as a paedophile. LGBTI Union said their account had been taken over and that they were not responsible for the image. On 16 July, somebody opened a fake account in the name of Kaos GL and tweeted similar content, associating Islam with paedophilia. On the same day, a group of people involved with radical Islamist groups announced that they would raid the offices of LGBTI+ organisations in Beyoğlu, Taksim of Istanbul, and attack the activists. There are three LGBTI+ organisations in Taksim: SPoD, LISTAG and Hevi LGBTI+. SPoD called for police protection of the offices, which they agreed to do. The attacks have so far not taken place.

### *Main action points for the coming year:*

- Stop targeting and criminalising human rights organisations;
- Creation of mechanisms to ensure the right to freedom of expression and association.

## **Recommendations on how the EU delegation can support LGBTI civil society**

- The EU Delegation should work with local LGBTI+ organizations and strengthen the relationship with them. Increased cooperation as well as direct and organic communication with LGBTI+ organizations is highly recommended;
- The EU Delegation should continue working on improving LGBTI+ rights in Turkey with the government and governmental bodies;
- The EU Delegation should continue trial observations and advocating for the allocation of sufficient resources for the LGBTI+ movement in Turkey.