

ILGA-Europe in brief

- ILGA-Europe is the European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association.
- ILGA-Europe works for equality and human rights for lesbian, gay, bisexual, trans & intersex (LGBTI) people at European level.
- ILGA-Europe is an international non-governmental umbrella organisation bringing together 359 organisations from 44 out of 49 European countries.
- ILGA-Europe was established as a separate region of ILGA and an independent legal entity in 1996. ILGA was established in 1978.
- ILGA-Europe advocates for human rights and equality for LGBTI people at European level organisations such as the European Union (EU), the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE).
- ILGA-Europe strengthens the European LGBTI movement by providing trainings and support to its member organisations and other LGBTI groups on advocacy, fundraising, organisational development and communications.
- ILGA-Europe has its office in Brussels and employs 11 people.
- Since 1997 ILGA-Europe enjoys participative status at the Council of Europe.
- Since 2001 ILGA-Europe receives its largest funding from the European Commission.
- Since 2006 ILGA-Europe enjoys consultative status at the Economic and Social Council of the United Nations (ECOSOC) and advocates for equality and human rights of LGBTI people also at the UN level.





rue Belliard straat 12
Brussels B-1040
Belgium
Tel.: +32 2 609 54 10
Fax: + 32 2 609 54 19
info@ilga-europe.org
www.ilga-europe.org

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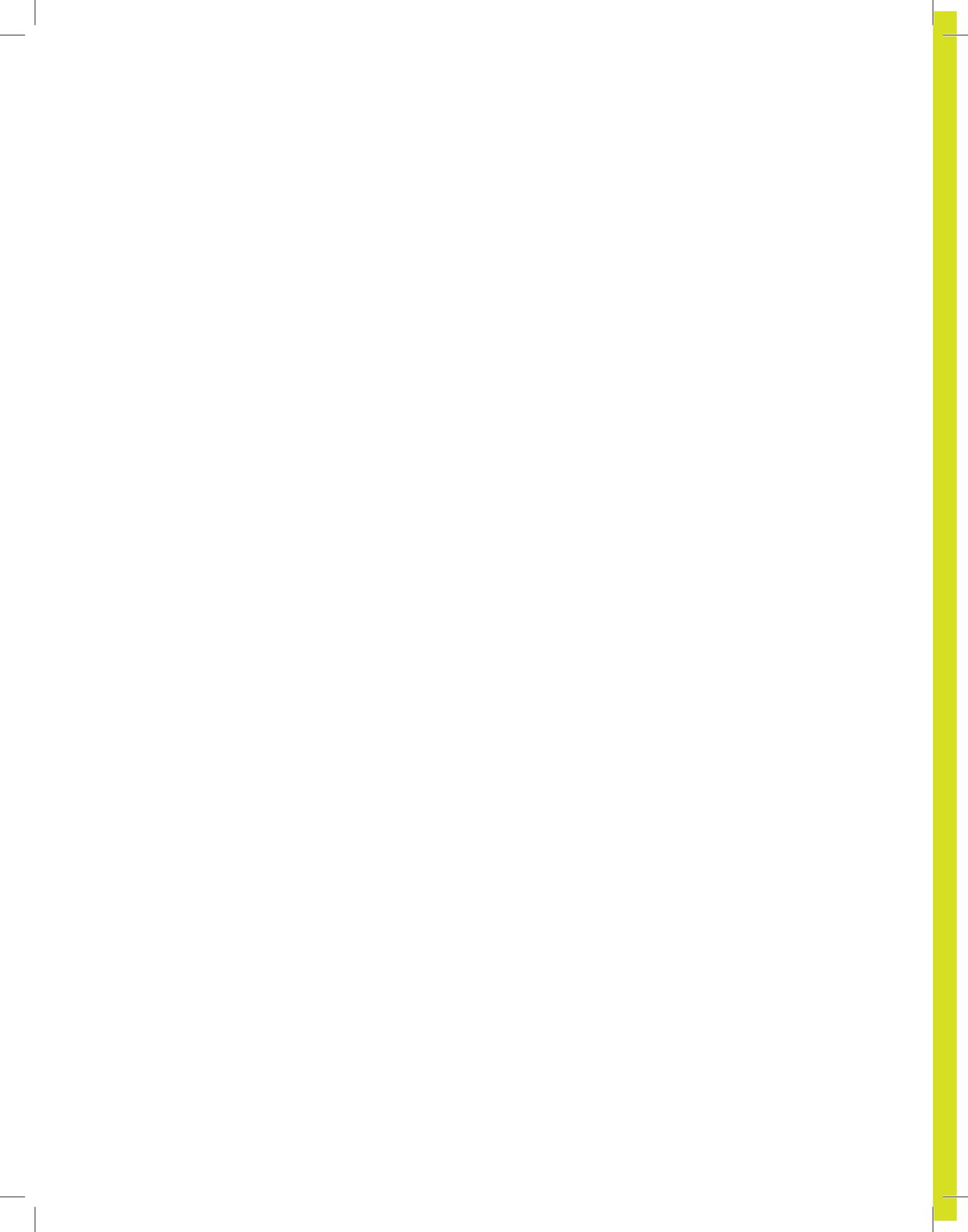


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Annual Review





ILGA-Europe
Annual Review of the Human Rights Situation of
Lesbian, Gay, Bisexual, Trans and Intersex People
in Europe
2011

Writing and editorial team:

Dr Cailin C.E. Mackenzie, Evelyne Paradis, Silvan Agius, Juris Lavrikovs

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- the European Union Fundamental Rights Agency, for their reports on Homophobia, transphobia and discrimination on the grounds of sexual orientation and gender identity and country background report.

Introduction

This 2011 edition of the *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe* is ILGA-Europe's very first edition of what will become an annual publication. It provides a snapshot of what happened during the year, at both the international and national levels, with the purpose of documenting progress and trends regarding the human rights situation of LGBTI people.

In recent years, both the European Union Agency for Fundamental Rights and the Council of Europe Commissioner for Human Rights published thorough reports on the human rights situation of LGBT people. The Annual Review is not meant to replicate or replace them. Rather, it is intended to complement their findings by providing an additional LGBTI civil society annual contribution.

While the 2011 edition of the Annual Review covers various cases of violence, hatred and discrimination against LGBTI people (at times perpetrated at the hands of the State), the scope of the document is not that of naming and shaming, or pointing fingers at specific countries. This publication should instead serve as a tool for the exchange of best practices and policies, and as an open invitation for enhanced cooperation between governments and LGBTI civil society.

The main trends identified for 2011 include contradictory developments. On the one hand, great progress was achieved at the international and European levels in terms of recognition of the grounds of sexual orientation and gender identity particularly in the fields of asylum and protection from violence; various countries continued moving towards the extension of legal recognition and equal rights to rainbow families; and there are a number of legal proposals towards the introduction of humane laws regarding the change of

legal name and gender of trans people. On the other hand, in some countries there is either no progress whatsoever, or worse, there are moves towards the adoption of legislation criminalising the 'propaganda of homosexuality'.

ILGA-Europe hopes that this publication meets the readers' expectations and needs, and welcomes any suggestions for improvement at annualreview@ilga-europe.org

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

ILGA-Europe's Annual Review Team

A note on data collection and presentation

The collection and presentation of data on the developments at national level in 49 countries represents a significant challenge. Beyond difficulties related to the diversity of languages in which some of the original reports were written, there are a number of conceptual differences across Europe as, for example, the use of terminology around LGBTI issues is not harmonised. Nonetheless, all information within the Annual Review has been checked and verified against original sources and available best knowledge. Where possible, information was also checked against Council of Europe and Fundamental Rights Agency reports, other institutional national reports, and reliable news sources.

For comparative reasons, the language within the Annual Review has been kept in line with ILGA-Europe's standards, and refers to sexual orientation, gender identity and gender expression, and related terminology; while moving away from country specific legal terms that may have a different meaning elsewhere. At the same time, we respected and accommodated for the diversity of terms used by LGBTI communities to self-identify in different countries and contexts. This is why the Annual Review does not exclusively refer to LGBTI but also to 'LGBT', 'LGBTQ' and other formulations. Likewise, while trans is used as the umbrella term for all trans people, other specific terms used by trans communities such as transvestite, transgender and others were kept where appropriate.

Different reasons can be attributed to missing data on some events or issues in this Annual Review. Firstly, it depends on whether the event itself was adequately reported, or whether there were confusing or contradictory reports which ILGA-Europe was unable to verify about it. Secondly, the primary goal of the Annual Review is the reflection of the human rights situations of LGBTI people and their social position in society. This

means that we limited the reflection of community events and the documentation of the work of LGBTI organisations, unless such events and work represented an important milestone towards the acknowledgement of the rights of the LGBTI community in that country. Thirdly, efforts were put into the collection of information on intersex issues where available but unfortunately national practices related to intersex people remain largely unknown.

Finally, this is only our first Annual Review. While a rigorous data collection system was put in place for efficient reporting and collection of information, a number of limitations also applied. We will incorporate the lessons learnt during this first go at this project with the goal of continuing the improvement of the quality of reporting on LGBTI issues in Europe.

How to use this Annual Review?

The 2011 Annual Review is divided into two main sections. The first section *International reviews* provides an overview of international developments and contains 4 chapters covering the United Nations, the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe. The second section *Country reviews* contains 49 chapters covering all European countries in alphabetical order.

The content of all of the chapters is presented under standardised thematic categories to facilitate searches and comparative analysis between chapters. The Index at the end of the Annual Review provides an overview on which chapters contain which thematic categories. Most chapters contain information organised under multiple thematic categories. When this is the case, the categories follow an alphabetic order. The presentation of the different developments is marked by introductory bullet points and follows a chronological order, without distinguishing between positive and negative developments.

Finally, each country chapter opens with a legal summary that serves as a snapshot of the legal human rights situation in the country. For standardisation purposes a number of considerations were implemented. Refer to the Country legal overview explanation for a detailed explanation of these considerations.

Country legal overview explanation

Country legal overviews open each and every country chapter. These overviews cover the areas of asylum, bias motivated speech/violence, equality and non-discrimination, family, freedom of assembly, freedom of association, and legal gender recognition. In the case of Greece, the legal overview exceptionally covers the age of consent for same-sex and different-sex sexual activity, since a discriminatory higher age of consent for male same-sex sexual activities still applies in the country.

Due to the fact that legal traditions in Europe vary significantly as a number of countries have a complex system of federal and sub-national law, the reduction of legal information to a standard yes/no table presented some challenges for the various issues explored. Thus, it was decided that when sub-national laws or practices are identified, they should be included in the table, with a reference to the states/regions/cities where such laws apply. Moreover, when our legal mapping system proved to be too rigid for a correct representation of the reality at national level, we included footnotes for greater clarity.

Another consideration is that the legal summary provides information about the legal texts but not necessarily about their application. In some countries the legal standards may appear to be very good and all-encompassing on paper, but then the practice leaves much to be desired; whereas in some other countries interesting practices have been developed in spite of the lack of legal clarity. We could not accommodate for this diversity in the legal overview as it would have undermined comparability of legal standards. We therefore reflect only what is stated in the law or accompanying strategies/institutions, and are fairly strict on the need of express references to sexual orientation and gender identity in law. At times sexual orientation or gender identity may have been implicitly included under “other similar grounds” clauses, but we do not believe that such inclusions are adequate. Ultimately,

equality cannot be guaranteed if the laws that assert it are themselves unclear.

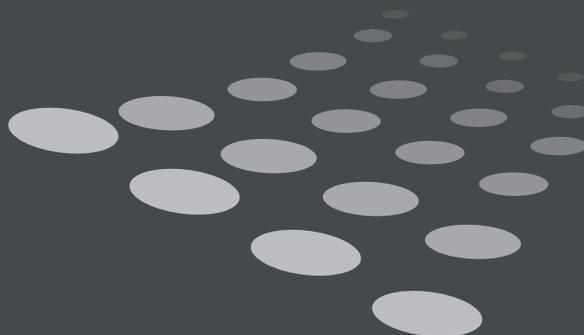
The only exception to this logic relates to legal gender recognition, which in several countries is regulated through administrative procedures or court decision but not through law. Excluding such procedures (inadequate as they may be) would have been a misrepresentation. A note needs to be made here; while legal gender recognition appears as possible in many countries, the reality is less clear cut. Trans and intersex people who do not identify as either male or female (and hence do not fit the legal gender binary accounting for male or female only) are often unable to match their legal gender or sex with their real identity. Their only choice is a move from one recognised gender box to another (i.e. M→F or F→M only). Moreover, a number of requirements often apply ranging from a diagnosis of a ‘Gender Identity Disorder’, to hormonal therapy, to a ‘real life test’ that can last a number of year, to surgical interventions, to obligatory divorce and an obligatory infertility (sterilisation). Clearly, such requirements are not in line with human rights standards and render the legal gender recognition as an issue apart of all other categories.

Finally, the rights to freedom of assembly and association are assessed over a period of five years, which in our view is an adequate period for the monitoring of the consistency of respect of such rights. At times the reader will see that they were both not obstructed and obstructed. This is not a typesetting mistake. Instead, it means that during the past five years public events like Pride Parades were held without obstruction on some occasions but not on others; and/or likewise LGBTI organisations were able to exercise their rights in some instances without obstruction but not in others.

Abbreviations

| | |
|-------------------------|---|
| DSM | Diagnostic and Statistical Manual of Mental Disorders |
| EU | European Union |
| HIV | human immunodeficiency virus |
| ICD | International Classification of Diseases |
| IDAHO | International Day against Homophobia and Transphobia (17 May) |
| LGBTI(Q) | lesbian, gay, bisexual, trans, intersex, (queer) |
| MEP | Member of the European Parliament |
| NGO | non-governmental organisation |
| OSCE | Organization for Security and Cooperation in Europe |
| Rainbow families | Families of LGBTI people |
| UN | United Nations |
| UPR | Universal Periodic Review |

Institutional
reviews



United
Nations

Bias motivated violence

- In January, during his address to a Special Sitting of the Human Rights Council, UN Secretary General, Ban Ki Moon, stated that, "The Universal Declaration guarantees all human beings their basic rights without exception, and when individuals are attacked, abused or imprisoned because of their sexual orientation or gender identity, the international community has an obligation to respond."
- In March, at its 16th session, the Human Rights Council saw a statement focussing on *Ending Violence Based on Sexual Orientation and Gender Identity* delivered on behalf of 85 Member States. It expressed concern at "continued evidence in every region of acts of violence and related human rights violations based on sexual orientation and gender identity brought to the Council's attention by Special Procedures since that time, including killings, rape, torture and criminal sanctions." It called on "States to take steps to end acts of violence, criminal sanctions and related human rights violations committed against individuals because of their sexual orientation or gender identity, encourage Special Procedures, treaty bodies and other stakeholders to continue to integrate these issues within their relevant mandates, and urge the Council to address these important human rights issues."

Criminalisation

During this year, the Office of the United Nations High Commissioner for Human Rights (OHCHR) gave greater attention to the human rights concerns of LGBT people. Amongst others, it called for the decriminalisation of homosexuality in the Pacific island states, while High Commissioner Navi Pillay issued a video release about the beginning of the debate on the rights of LGBT people at the UN, referring to the case of *Toonen v. Australia* (1994), which had led to the decriminalisation of sexual relations between consenting adult men in Tasmania. Moreover, the homepage of OHCHR offered a few cover stories on LGBT issues. These included write-ups on violent attacks against LGBT people in various countries around the

world, as well as about the decriminalisation of same-sex sexual relations between adults.

Education

- In December, in Brazil, the United Nations Educational, Scientific and Cultural Organization (UNESCO) convened the United Nations' first-ever international consultation to address bullying against lesbian, gay, bisexual, transgender and intersex (LGBTI) students in educational institutions.
- In December, the UN Secretary General delivered a video message at a side-event on homophobic bullying, stating that: "homophobic bullying of young people constitutes a grave violation of human rights," and that, "governments should take the necessary measures to protect their citizens from violence and discrimination on the grounds of sexual orientation and gender identity."

Equality and non-discrimination

- Treaty body mechanisms and the Universal Periodic Review were used by several NGOs in European countries to bring issues related to sexual orientation and gender identity to the attention of the United Nations. This led for example to: (i) Belgium accepting a recommendation to protect gender identity and expression under anti-discriminatory laws and policies; (ii) Greece considered that gender identity falls in the scope of sexual orientation, and took with interest a submission of a NGO intervention explaining this is not the case; while at the same time (iii) Latvia used the UPR process to state that no violence against LGBT people had been reported and that the freedom of assembly was safeguarded for all citizens. (*Further information about the various UPRs involving European countries are dealt with in the relevant country sections*).
- On the International Day against Homophobia and Transphobia (IDAHO), the OHCHR, the United Nations Development Programme (UNDP), the Joint United

Nations Programme on HIV/AIDS (UNAIDS), and the World Health Organisation (WHO) launched a joint brochure *The United Nations Speaks Out: Tackling Discrimination on Grounds of Sexual Orientation and Gender Identity*, highlighting statements made in relation to the human rights of LGBT people by UN officials.

- In June, the UN Human Rights Council adopted a historic resolution introduced by South Africa expressing its concern regarding violations of human rights and discrimination based on sexual orientation and gender identity. It (i) requested the High Commissioner for Human Rights to prepare a study on violence and discrimination on the basis of sexual orientation and gender identity; (ii) called for a panel discussion to be held at the Human Rights Council to discuss the findings of the study in a constructive and transparent manner, and (iii) called for the consideration of appropriate follow-up. The resolution passed with 23 votes in favour, 19 voting against and 3 abstentions.

- In December, following the instructions of this resolution, the UN High Commissioner for Human Rights produced a report entitled *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*. The study became the first ever UN report that deals specifically with the situation and experience of LGBT people. It documented discriminatory laws and practices, as well as acts of violence based on sexual orientation and gender identity. Referring to existing reports of UN Treaty bodies and UN Special Rapporteurs, the study explained how international human rights law can be used to end violence and human rights violations based on sexual orientation and gender identity.

Participation in public/political life

The UN Economic and Social Council (ECOSOC) overturned recommendations made by the NGO committee herewith granting special consultative status to the International Lesbian, Gay, Bisexual, Trans and

Intersex Association (ILGA) and the International Gay and Lesbian Human Rights Commission (IGLHRC).

Sexual and reproductive rights

During its review session of Germany, the Committee on Economic, Social and Cultural Rights (CESCR) urged the country to: “step up measures, legislative or otherwise, on the identity and the health of transsexual and inter-sex persons with a view to ensuring that they are no longer discriminated against and that their personal integrity and sexual and reproductive health rights are respected. The Committee calls on the State party to fully consult transsexual and inter-sexed persons for this purpose.” The Committee Against Torture (CAT) repeated similar recommendations during its review of Germany later in the year.

Council of
Europe

Bias motivated speech

- A report on Georgia by the Monitoring Committee of the Parliamentary Assembly expressed concern at the situation of the LGBT community, while the related resolution called on the country to “step up their efforts to fight any forms of intolerance and hate speech on the basis of [...] sexual orientation.”
- Delegates of the Parliamentary Assembly tabled a Written Declaration drawing attention to homophobic speech by Moldovan Members of Parliament.

Bias motivated violence

- In April, the Committee of Ministers adopted the *Council of Europe Convention on preventing and combating violence against women and domestic violence*, the non-discrimination article of which includes an explicit inclusion of both sexual orientation and gender identity. This is the first-ever international agreement to refer to the ground of gender identity, and only the second outside the EU to refer to the ground of sexual orientation. In practice, the inclusion of the grounds should help ensure that the wide range of Convention measures to combat violence against women, will apply also to women who suffer violence on the ground of their sexual orientation or gender identity.
- During the year, Commissioner for Human Rights, Thomas Hammarberg, made a number of interventions relating to the rights of LGBTI people, including statements calling on Turkey to stop homophobic and transphobic violence, and drawing attention to the need to address bullying in the school environment.

Criminalisation

The continuing criminalisation of same-sex sexual relations among adult men in Northern Cyprus was raised by the Parliamentary Assembly with the Committee of Ministers through a written question.

Data collection

In June, the Commissioner for Human Rights, Thomas Hammarberg, launched a report *Discrimination on grounds of sexual orientation and gender identity in Europe*. This represented an important milestone, as it is the first-ever thematic study of such discrimination across the 47 Member States. It provides a valuable resource for human rights defenders, with detailed evidence of discrimination and authoritative recommendations for addressing it. The main report was supported by two separate reports for each Member State, covering both legal and social concerns.

Equality and non-discrimination

- A major development in 2010 had been the Committee of Ministers' adoption of a *Recommendation on combating discrimination on the grounds of sexual orientation or gender identity*, the world's first soft-law instrument of its kind. In 2011, a project led by the Council of Europe and funded through voluntary contributions was launched with the aim of provide training and support to a number of Member States in the implementation of the Recommendation.
- A Rapporteur for the Monitoring Committee of the Parliamentary Assembly, Andi Gross, attended a roundtable in Moscow to promote implementation of the Committee of Ministers Recommendation.
- Work on the rights of LGBTI people in the Parliamentary Assembly was strengthened through the inclusion of sexual orientation and gender identity in the terms of reference of the newly established Committee on Equality and Non-Discrimination, the first time that a body of the Assembly has been officially tasked with working on these issues.
- In November, on taking over the Chairmanship of the Committee of Ministers, the United Kingdom announced

that promotion of the rights of LGBT people would be one of its priorities.

- These positive developments took place despite the fact that a number of Member States, led by the Russian Federation and the Holy See (which has Observer Status at the Council of Europe), remain strongly opposed to work at the Council of Europe on the rights of LGBTI people. This opposition served to frustrate or weaken a number of initiatives. For example, a 2010 Recommendation by the Parliamentary Assembly to the Committee of Ministers that a relevant Council of Europe body be instructed to work on the rights of LGBT people, and that the necessary resources be provided, was rejected by the Committee of Ministers. Thus, it remains the case that no permanent body of the Council of Europe has specific responsibility for such work, although in October, the staff working on the project implementing the Committee of Ministers Recommendation were established as a separate (albeit temporary) LGBT Unit.

Family

- An international conference on mutual recognition of the civil statuses of same-sex couples organised by l'Autre Cercle in cooperation with ILGA-Europe was held at the Council of Europe under the patronage of Secretary-General, Thorbjørn Jagland.
- Although no significant sexual orientation or gender identity judgments were made by the European Court of Human Rights in 2011, there were hearings in two second parent adoption cases.

Freedom of assembly

- The Secretary-General, Thorbjørn Jagland, made a number of interventions in relation to violations of the rights of LGBTI people, including a statement regarding the banning of Belgrade Pride.

- Delegates of the Parliamentary Assembly tabled a Written Declaration on the banning of Moscow and Belgrade Prides Parades.

Freedom of expression

In November, on the initiative of the United Kingdom, representatives of 12 EU (and Council of Europe) Member States in St. Petersburg issued joint letters to the Chairman of the Committee on Legislation of the St. Petersburg Assembly, and to the St. Petersburg Human Rights Ombudsman, expressing concern over the proposed “propaganda for homosexuality” legislation. Similarly, the Secretary-General, Thorbjørn Jagland, made a radio interview in which he expressed concern at the St. Petersburg legislation prohibiting the “promotion of homosexuality”.

Sexual and reproductive rights

- Delegates of the Parliamentary Assembly tabled a Written Declaration on a parliamentary proposal to ban gender reassignment surgery in Lithuania.
- In September, a Parliamentary Assembly hearing on coercive sterilisations provided an opportunity to raise concerns at the requirement in many Member States for trans persons to be sterilised as a condition for their legal gender recognition. This will be the subject of a report and resolution in 2013.

European
Union

Asylum

- In March, the European Commissioner for Home Affairs, Cecilia Malmström, answered a written question by a Member of the European Parliament on the phallometric testing of gay asylum seekers by Czech authorities. The Commissioner made it clear that such a practice raises serious doubts as to its conformity with the relevant EU directives and with the *Charter of Fundamental Rights of the European Union*, in particular concerning the prohibition of torture and inhuman and degrading treatments and respect for private and family life. In December, the Commission requested clarifications from the Czech authorities about this practice.

- In 2011, important debates took place with regards to EU asylum legislation, which defines common standards that all EU Member States have to apply at national level. EU legislation in this area includes various directives and regulations, which have been undergoing a recasting process from 2008 onwards. In December, after months of negotiations, the European Parliament and the Council adopted *Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, referred to as the Qualification Directive for short. While persecution on the ground of sexual orientation was already recognised, this Directive explicitly refers to gender identity, as a recognised reason for persecution. This is the first time that EU legislation explicitly refers to the ground of gender identity (as opposed to the process of 'gender reassignment') thus ensuring full coverage of all trans people.

- Negotiations are still ongoing with regard to the adoption of recast versions of two other asylum directives. In April, the European Parliament adopted its position with regard to *Directive 2005/85/EC on minimum standards on procedures in member states for granting and withdrawing refugee status*. This position, backed by an

amended proposal of the European Commission published in June, would establish rules to make sure that asylum seekers in needs of special procedural guarantees because of their sexual orientation or gender identity (among other personal characteristics) would benefit from an adequate identification process. The Parliament and the Commission also support the adoption of new provisions to ensure that the national asylum authorities develop adequate knowledge and competence to fully understand cases of persecution relating to sexual orientation and gender identity. In the case of *Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers*, issues at stake include prevention of violence in asylum accommodation centres as well as the identification of asylum seekers with special reception needs.

- During the year, the new European Asylum Support Office (EASO) was established in Malta. This Agency has a mission that includes the elaboration of European level country of origin information (COI). It will also develop the European Asylum Curriculum (EAC), a set of standard modules devised to train consistently all asylum officers within the EU.

- In December, the EASO organised the first meeting of its Consultative Forum, a platform for the exchange of information and pooling of knowledge between the agency and relevant stakeholders, including civil society. ILGA-Europe participated to this meeting. In the future, the Consultative Forum will make suggestions on the EASO's work programme, and will have an input in the form of meetings and recommendations relevant to the work of the EASO.

Bias motivated violence

The European Commission published a new legislative proposal aiming at consolidating and improving existing EU legislation through the adoption of a *Directive establishing minimum standards on the rights, support and protection of victims*. Despite the fact that no definition of

hate crime or bias crime exists in EU law, the Commission proposes that all victims are offered an individual assessment of their vulnerability “due to their personal characteristics or the circumstances or the type or nature of the crime.” For the purpose of this individual assessment, the proposal mentions bias crimes, as well as sexual orientation and gender identity as potential personal characteristics.

Data collection

- The European Union Agency for Fundamental Rights’ (FRA) mandate includes the realisation of studies and the elaboration of opinions on human rights in the European Union. In 2011, FRA published a comprehensive report on discrimination based on sexual orientation and gender identity in Europe which built on previous legal and sociological research conducted in 2008 and 2009. It presents main findings of the research and highlights challenges and good practices in various areas of concern, including protection against violence, freedom of expression and assembly, discrimination, mutual recognition and asylum.
- A decision was taken in 2010 by the Vice President of the European Commissioner, Viviane Reding, tasking FRA to conduct a large scale quantitative study on discrimination, harassment and violence of LGBT people within the 27 Member States of the EU and Croatia. In 2011, FRA developed the terms of reference for the survey and commissioned an online survey in all EU languages and other minority language addressed towards LGBT people residing in the EU and Croatia. This survey will be conducted during 2012, and is expected to be the biggest European quantitative research on the situation of LGBT people to date. The results are subsequently expected to be made public during 2013.

Enlargement

- In March, the European Parliament adopted two resolutions, one on Turkey’s and the other on

Montenegro’s progress towards accession to the European Union. The resolutions condemn persistent violations of LGBTI rights in both countries. In April, the European Parliament adopted its annual progress report on the accession of the FYR of Macedonia to the European Union and asked the country to outlaw discrimination on the ground of sexual orientation. In 2010, the Macedonian government had removed sexual orientation from the list of protected grounds in its new anti-discrimination law. In December, the European Parliament adopted a resolution on the accession of Croatia to the EU calling, among others, for the adoption of an action plan against homophobia.

- In April, the Members of the European Parliament’s Intergroup on LGBT rights organised a public hearing to discuss the evolution of LGBT rights within Member States that had acceded to the EU in 2004. Members of the European Parliament from Slovakia, Lithuania, Hungary and Romania, and a representative of the Council of Europe’s Commissioner for Human Rights discussed the current situation and expressed varying levels of optimism and concern, while agreeing that more action is needed to ensure equality in practice.
- In October, the European Commission issued its annual *Enlargement Strategy and Progress Reports* on EU accession and pre-accession countries. The *2011 Enlargement Package* included Progress Reports on Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia, Montenegro, Kosovo, Turkey and Iceland. In addition, the Commission published its Opinion on Serbia’s application for membership of the EU which contained a more detailed Analytical Report on the progress made by Serbia towards European integration. The Commission referred to (in varying degrees of detail) the discrimination, intimidation and violence faced by LGBTI people in all Western Balkans countries and in Turkey and called on the states to adopt and/or implement comprehensive anti-discrimination laws and policies in compliance with the EU *acquis*. However, in the Analytical Report on Serbia, the Commission failed to recognise the ban of the

Belgrade Pride 2011 as a failure of the Serbian government to guarantee freedom of assembly for LGBTI people of Serbia.

Equality and non-discrimination

- In March, the European Parliament adopted the *2010 Report on Equality between Women and Men in the EU*, in which it highlighted the need to pay particular attention to the situation of lesbian, bisexual and transgender women.
- In April, the European Commission published its *2010 Report on the Application of the EU Charter of Fundamental Rights*. This report was the Commission's first annual report addressing the application of the Charter, which became a binding instrument following the entry into force of the Lisbon Treaty. Article 21 of the Charter prohibits discrimination on an open list of grounds, including sexual orientation. The Commission's report dedicates one section to non-discrimination, in which issues such as the prevalence of homophobia, the implementation of equal treatment policies, as well as European Court of Human Rights case-law on the enjoyment of "family life" by same-sex couples are directly referred to.
- In April, the European Commission closed its consultation on mutual recognition of civil status documents, which requested input on the most appropriate manner to address the current lack of recognition (or problems in the process towards recognition) of civil status documents issued by one Member State in another. ILGA-Europe submitted a paper calling for the European Commission to ensure legal certainty for (i) same-sex couples' marital status or registered partnership; (ii) children of same-sex parents' right to their parental ties; and (iii) trans people's right to privacy and legal gender recognition.
- IDAHO was celebrated by many representatives of the EU institutions. Herman van Rompuy, President of the

European Council published a statement highlighting the collective responsibility of standing against discrimination and Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, condemned the harassment and violence faced by LGBT human rights defenders. Viviane Reding, Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship reaffirmed her commitment to combating homophobia and discrimination on the basis of sexual orientation. Additionally, under the patronage of Viviane Reding, the European Commission hosted ILGA-Europe's *Different families, same love* exhibition in the Berlaymont, its main building in Brussels. Andris Piebalgs, European Commissioner for Development, and Louis Michel, Member of the European Parliament, referred to IDAHO in their speeches in front of the Joint Parliamentary Assembly of EU and African, Caribbean and Pacific countries. Cecilia Malmström, European Commissioner for Home Affairs, published a blogpost referring to LGBT asylum-seekers. Furthermore, IDAHO was officially marked by the President of the European Parliament, Jerzy Buzek, and the Co-Presidents of the European Parliament's Intergroup on LGBT Rights, Ulrike Lunacek and Michael Cashman, who inaugurated a photo exhibition on European Pride Parades within the premises of the European Parliament in Strasbourg. The Council of the European Union, chaired by Hungary, was the only institution not to mark this day.

- In July, the European Parliament adopted a resolution expressing concern on the revised Hungarian Constitution which failed to outlaw discrimination on the basis of sexual orientation.
- In December, a roundtable on *Horizon 2014: what LGBT rights in the EU* was held in the European Parliament. Representatives of the European Commission, of the Fundamental Rights Agency and of ILGA-Europe discussed on the stepping stones on the road for equality in the two coming years.

- The negotiation process on the *Equal Treatment Directive* continues. This proposed legislation prohibits discrimination on the grounds of religion or belief, disability, age and sexual orientation in all spheres of life outside of employment (which is already covered by existing legislation). While the Directive was proposed by the European Commission in 2008, progress in negotiations has so far been slow as a few Member States do not support its adoption. In 2011, the European Parliament has reaffirmed its support to the Directive's adoption in different reports as well as written questions addressed to the European Commission and to the Council.

Family

- In March, the European Commission launched two proposed regulations on the property and succession rights of bi-national couples, with one regulation for married couples and another for registered couples. While the differences between the two proposed regulations are limited, and the text has been phrased in a neutral manner, concerns were raised as to why two separate regulations were proposed for the same issue on the same day, and whether this could lead to indirect discrimination against registered partners (and hence a disproportionate percentage of same-sex couples) who cannot marry in the country where they live.
- In May, the European Parliament's Intergroup on LGBT rights organised a public seminar on *Free movement of same-sex families in Europe*. The seminar highlighted the current problems related to the inadequate transposition of Directive 2004/38/EC *Freedom of Movement Directive*, the discriminations experienced by same-sex couples and their children, and the need for greater mutual recognition of marital and registered partnership civil statuses across the European Union.

Foreign policy

- The *Toolkit to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People* was adopted by the Council Working Party on Human Rights in June 2010. In November 2011, the European External Action Service (EEAS) organised a seminar for EU Delegation members in third countries and invited ILGA-Europe to speak on *Promoting the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People* with the aim to raise the awareness and encourage the use of the Toolkit by EU Delegations.
- In February, the European Parliament strongly condemned the murder of David Kato Kisule, a long time human rights defender for LGBT people in Uganda, through the adoption of a resolution. Posthumous tributes to David Kato were made and the resolution was supported by six political groups. In May, MEPs wrote an open letter to Ugandan parliamentarians asking them not to adopt the anti-homosexuality bill. By the end of the year, this bill had stalled in its progress towards adoption.
- In June, a hearing was organised by the European Parliament's Subcommittee on Human Rights on the human rights situation of LGBTI people in the world. Speakers included LGBTI human rights defenders from the Philippines, Argentina and Rwanda, Members of the European Parliament and high-level EU officials.
- In September, through the adoption of a resolution co-signed by 6 political groups, the European Parliament welcomed the first-ever resolution on *Human Rights, Sexual Orientation and Gender Identity* at the United Nations Human Rights Council. The parliamentary resolution called on the European External Action Service and Member States to step up their work for the human rights of LGBT people worldwide.

Freedom of assembly

In June, the European Parliament adopted a resolution on the EU-Russia Summit regretting that the Pride Parade was banned for the sixth consecutive year in Moscow. During the Pride season, some Members of the European Parliament showed their support to freedom of assembly by attending a number of contentious Pride Parades.

Freedom of expression

In January, the European Parliament adopted a Resolution calling on Lithuanian Members of Parliament to reject an amendment to the Lithuanian *Code of Administrative Offences* which would punish the “public promotion of homosexual relations.” The Lithuanian Parliament eventually rejected this amendment in July, and the development was welcomed by the European Parliament’s Intergroup on LGBT Rights.

Health

- In August, in an answer to a parliamentary question on the change in United Kingdom policy towards gay people donating blood, the European Commission affirmed that EU law does not warrant widespread bans on blood donations from gay and bisexual men. John Dalli, Commissioner for Health Consumers Policy, explained that EU law warranted the deferral of those “at high risk of acquiring severe infectious diseases” due to their “sexual behaviour”, while underlining that “‘sexual behaviour’ is not identical with ‘sexual orientation’”. The Commission also noted that when implementing EU law, Member States must not discriminate on the basis of sexual orientation.
- In September, the European Parliament also adopted a resolution calling on WHO to stop considering trans people as mentally ill. More concretely, the WHO was asked to withdraw gender identity disorders from the list of mental and behavioural disorders and to ensure a non-pathologising reclassification in the International

Classification of Diseases 11th Revision (ICD-11), which is expected to be published by 2015.

Social security and social protection

The Court of Justice of the European Union (CJEU) delivered an important judgement in the case of *Jürgen Römer v Freie und Hansestadt Hamburg* (Case C 147/08), a case of non-discrimination in the field of employment social security, brought under the provisions of Directive 2000/78/EC. The CJEU affirmed the decision that it had taken in the case of *Maruko* (2008) whereby in all EU Member States where marriage is reserved for different-sex partners and a separate registered partnership law for same-sex couples exist, employment-related payments (such as benefits under pension plans) must be equal for same-sex registered partners and married partners. Difference of treatment between registered partners and married partners constitutes direct discrimination on the ground of sexual orientation. The Court also explained what it understands by “equivalence” thus removing room for a reinterpretation of the judgement at the national level. (*Further information about the implementation of this judgement is found in the German chapter*).

Organization
for Security
and
Cooperation
in Europe

Bias motivated violence

- The Office for Democratic Institutions and Human Rights (ODIHR) organises various events open to both participating States and civil society organisations. In the area of activities relating to human rights, one of the most important is the annual *Human Dimension Implementation Meeting* (HDIM) held in Warsaw in the autumn. It provides a forum for all stakeholders to discuss the implementation of human dimension commitments adopted by the OSCE. This year, LGBTI organisations participating at the HDIM focused on the specific situation of LGBTI people in Russia and in the Balkans. As a result, a strong delegation of activists from these countries were represented and delivered statements. They also delivered factual and precise interventions in a side event on *Combating hate crime two years after Ministerial Council Decision 9/09 – are commitments seriously implemented?* in the presence of officials from various participating States.

- In the frame of its Tolerance and Non-Discrimination mandate, the OSCE tasks ODIHR with the publication of an annual report on *Hate Crimes in the OSCE Region: Incidents and Responses*. This report draws on two types of resources: official data provided by the participating States, and civil society data provided by NGOs. The report on 2010, published in November 2011, provides information and data on crimes and incidents motivated by bias against LGBT people in 30 countries. This number growing annually in recent years, as the number of NGOs reporting to the ODIHR increased. The figures also show a gap between hate crimes recorded by civil society organisations and the lack of official data in many countries.

- In December, the Ministerial Council of the OSCE participating States met in Vilnius during the 2011 Lithuanian Chairmanship-in-Office. This annual meeting allows the Foreign Ministers of the participating States to review the OSCE's activities and to provide overall direction to the Organisation. In the negotiations ahead of the Ministerial Council, it appeared that a possible new

decision was going to be discussed to address and counter manifestations of intolerance and discrimination, in particular in public discourse. The *Ministerial Council No. 9/09 of December 2009 on combating hate crime had already acknowledged that hate crime should be defined as all criminal offences committed with a bias motive, and that there is a need for more consistent, comprehensive and comparable data in that area. However, the OSCE still falls short of an explicit recognition of the situation of LGBTI people in this area, as well as, more generally in its mandate on Tolerance and Non-discrimination. During the negotiations, various governments, including the European Union, proposed amendments for the possible new decisions to include references to sexual orientation and gender identity. However, it was not possible to reach a consensus with all the participating States, as the negotiation was not conclusive and the foreseen decisions were eventually not adopted.*

Pan European member organisations of ILGA-Europe

Association of Nordic and Pol-Balt LGBTQ Student Organisations

www.anso.dk

European Forum of Lesbian, Gay, Bisexual and Transgender Christian Groups

www.euroforumlgbtchristians.eu

European Gay Police Association

www.eurogaycops.com

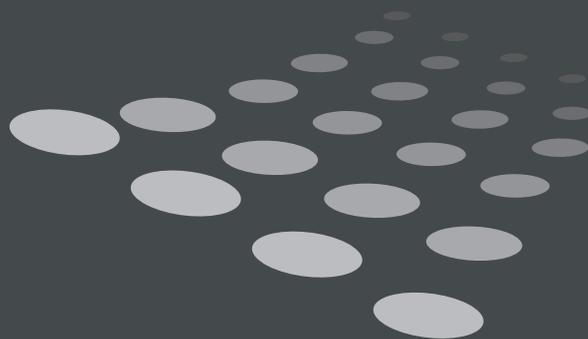
IGLYO

www.iglyo.com

Transgender Europe

www.tgeu.org

Country
reviews



Albania

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | | |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

There were various cases of homophobic and transphobic violence reported throughout the year. Members of the trans community in particular found themselves to be target of young people, the police, and customers (when they are sex workers) on a regular basis.

- In August, police officers seriously assaulted a trans woman in Tirana whilst investigating the theft of a necklace in a park. The woman was part of a group of trans people who intervened when police officers wanted to detain a young man as part of their theft investigation. The victim was beaten by police officers whilst in custody, she was then given hospital treatment before being returned to the police station. Despite being unable to read or write, she was asked to sign various documents. At no time was she offered access to legal representation.
- In October, a gay couple from Tirana were attacked by the brother of one of the victims, who also threatened to kill them. They reported the case to the police but when they explained the context, police officers ridiculed and insulted them because of their sexual orientation, and detained them for 10 hours, rather than taking a statement and treating them as victims. With the help of Pink Embassy/LGBT Pro Albania they filed a complaint with the Commissioner for Protection against Discrimination. Pink Embassy/LGBT Pro Albania referred the case to the Family Violence Section of Tirana Police and asked them to investigate the police officers involved.

Equality and non-discrimination

- One of the priorities for Albania in 2011 (as part of the EU integration process) was the improvement of the situation of the LGBT community. In February, the Ministry of Labour, Social Affairs and Equal Opportunities and the Council of Europe organised a meeting in the framework of a joint project to *Fight discrimination on the basis of sexual orientation and gender identity*. The aim of the meeting was to start the discussion on the development of an Action Plan to prevent discrimination against LGBT people in the country. This will be a two year project with the Ministry of Labour coordinating the work for

developing and implementing the Action Plan. LGBT organisations are to be part of the process.

- In October, the Commissioner for Protection against Discrimination upheld a complaint by Pink Embassy/LGBT Pro Albania and Aleanca (Alliance Against LGBT Discrimination) against a Member of Parliament and Vice Chairman of the Commission of Labour, Social Issues and Health, who, during a hearing of the Commission on the World AIDS Day, had said that homosexuality was a disease and should be treated with hormones. The Commissioner for Protection against Discrimination sent a letter to the Member of Parliament concerned recommending that he avoid discriminatory remarks, “which cause an atmosphere of tension and unfriendliness” towards the LGBT community in Albania. The letter also recommended that all possible guarantees be put in place to ensure that the thoughts, opinions and remarks of the LGBT community be heard, evaluated and taken into consideration, when they are directly involved on specific topics, in order to help the community to fully enjoy its rights and freedoms.
- The Commission for Protection against Discrimination, however, did not consider an official request from PINK Embassy/LGBT Pro Albania to organise a hearing for LGBT people living with HIV/AIDS, but conducted a hearing without informing any of the organisations who had requested it.
- In July, the Ministry of Labour, Social Affairs and Equal Opportunities organised a conference on the rights of LGBT people. The aim of the conference was the creation of the Action Plan regarding the needs of the LGBT community. The panel included the Minister of Labour and was the first public event where a Minister agreed to discuss LGBT issues. Some of the most important media channels covered the event, which was well attended by civil society.

Freedom of expression

There was significant media coverage of the IDAHO as marked by LGBT human rights defenders with a series of activities including a stand in central Tirana where people could express their views against discrimination, and

where free t-shirts with anti-homophobia messages were available. There were also film screenings, a public lecture at Tirana University, a poster campaign entitled *Homophobia has had its day*, and a *Rock against Homophobia* concert. The event was covered by every national TV outlet, with many stories highlighting the inequality faced by LGBT people in the country.

Police and law enforcement

Throughout the year, there were reported cases of police violence against LGBT people either on the streets or at police stations, as well as refusals by the police to record crimes committed against LGBT people when they tried to report them. Various cases were reported to the Commissioner for Protection against Discrimination.

However, on a positive note:

- In December, Aleanca established cooperation with the State Police at a series of events; Aleanca's Executive Director and the Chief Commissar of the State Police participated in a conference *Combating Homophobia by police forces* organised by ILGA-Europe.
- Later in December, a discussion panel addressed the situation of hate crimes against the LGBT community and how the police and justice system should improve the handling of such cases; this took place in Tirana at an event organised by the US Department of State to consider assistance towards victims and witnesses in the Criminal Justice System. Aleanca's Executive Director and a Chief Inspector from the State Police were on the panel, and those present included judges, prosecutors, representatives of the State Police and civil society. The meeting demonstrated a will to improve things in future.
- At the end of December, Aleanca organised a training of six police officers at the organisation's Community Centre, together with the Advisor to the Albanian State Police at the International Criminal Investigative Training and Assistance Programme (ICITAP). Following the training, one participant, who teaches at the Police Academy, showed a willingness to have Aleanca present in his classes to discuss LGBT issues. In 2012, Aleanca are expected to continue working closely with the ICITAP. The organisation has been invited to be part of a working

group established by the State Police Academy and ICITAP to revise the curricula of the Police Academy. The organisation is also in discussion with the ICITAP about the possibility of signing a *Memorandum of Cooperation* with the State Police.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in Albania.

Andorra

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|----------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership ● | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Equality and non-discrimination

In 2010, Andorra was reviewed during the United Nation's Universal Periodic Review process and its report was adopted in 2011. However, no recommendations in relation to LGBTI issues were made.

Health

Andorra decided to affiliate with the blood donor system in Catalonia (Spain), which accepts donations from gay and bisexual men. Andorra's blood donor system was previously affiliated with the system in Toulouse (France), which banned blood donations from gay and bisexual men.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in Andorra.

Armenia

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated speech

- The Armenian Apostolic Church made references to homosexuality throughout the year, including by organising a discussion which equated homosexuality to drug or alcohol addiction, and suggesting it was a sinful choice of the individual.
- A group called Mek Azg (One Nation) hung posters around the city of Yerevan that read “Say no to homosexuality, and to erotic websites.” Following this incident, Public Information and Need of Knowledge (PINK Armenia) sent an official letter to the Ministry of Justice informing them that Mek Azg was using hate speech and discriminating against LGBT people and other groups, in violation of the Constitution, National Security Strategy and Article 143 of the Criminal Code. The Ministry responded that Mek Azg were exercising free speech and cited the Constitution and a number of international declarations and documents that Armenia had ratified.
- Following reports of discriminatory statements against gays and lesbians made by Radio Van Director on the station’s website, an online travel agency for the Caucasus, withdrew its sponsorship from the station, informing the station’s management of its decision in an open letter published online.

Equality and non-discrimination

PINK Armenia and We for Civil Equality (WFCE), signed a *Memorandum of Understanding* with the Armenian Human Rights Ombudsman, in which it was agreed that the organisations would collaborate to further the rights of LGBT people in Armenia. This was the first time such an official document has contained language acceptable to the LGBT community.

Health

The Armenian government lifted travel restrictions on people living with HIV, a decision which was welcomed by UNAIDS among others. HIV prevention among men who have sex with men is included in the *National Programme on the Response to the Spread of HIV in the Republic of Armenia*.

Police and law enforcement

A variety of violations of the human rights of gay and transvestite people at the hands of the police were reported by NGOs. There were various reported cases of illegal detention of gay men and transvestites by the police, often accompanied by verbal and physical abuse, followed by release upon payment of a bribe. These violations tended to take place in a park known for ‘cruising’. There were reports of police patrolling near the park and approaching men who they would see meeting up with gay men or transvestites, they would then threaten to tell the man’s family and neighbourhood that he was found in the park with a gay man or transvestite unless he paid the police to keep quiet. Despite the police presence at the park various gay men and transvestites complained that when they were attacked the police refused to come to their assistance.

- A transvestite was approached by a policeman in civilian clothes driving a police car who hurled abuse at her and asked why she was in the park before getting out of the car and beating her then driving away. The victim went to the police station to report the incident but the police refused to record her complaint; despite being offered legal services by an NGO she did not proceed with the case as she was afraid of further police action against her.
- In December, around ten transvestites were taken by police to the sexually transmitted diseases clinic and forcibly tested for diseases; some were then released and others were taken to the police station and kept overnight. They were told by the police that orders had been received to force gay men and transvestites to leave the park and the round up was the first part of that action. An NGO complaint was made to the Human Rights Defender’s Office and Prosecutor General’s Office. Both institutions forwarded the case to the police and the complaints were still pending at the end of 2011. The case was reported by the media as an example of how the new city mayor of Yerevan, Taron Margaryan, had decided to “clean” the park and return it to “normal” citizens. There was no official confirmation of this policy but, in an answer to a question from journalists, the Head of

Armenia's Police Force said he supported the actions of the officers.

Public opinion

Research into the public perception of the LGBT community, conducted by PINK Armenia and Socioscope, highlighted a majority view that was intolerant, homophobic and transphobic, and demonstrated high levels of ignorance. The most informed and most tolerant were those aged between 18 and 30 and residing in Yerevan, and women who had reached higher education. The research is being used to work with the government, the Ombudsman's Office, as well as local and international NGOs, with a view to gaining legislative protection for the rights of LGBT people and to raise awareness in order to foster a more tolerant atmosphere.

Member organisations of ILGA-Europe

Guarantee Centre of Civil Society
www.guarantee-ngo.blogspot.com

Pink Armenia
www.pinkarmenia.org

We For Civil Equality
www.wfce.am

Austria

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ◐* | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ◐** | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | | ● | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | ● |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | ● |

*no Federal legislation. 8 of the 9 regions (Länder) only

**Vienna only

Bias motivated speech

In October, the Austrian Parliament passed a law amending the existing ban on incitement to hatred in the Criminal Code (Article 283) to include incidents based on sexual orientation and certain other grounds which were previously not included.

Equality and non-discrimination

In 2011, Austria accepted a recommendation during the UN Universal Periodic Review process to include sexual orientation and gender identity perspective with regard to measures against incitement to hatred. It also agreed to harmonise all anti-discrimination laws to ensure equal protection on all grounds of discrimination, including sexual orientation and gender identity. During the UPR process, Austria also accepted a recommendation to treat same-sex relationships equally with opposite sex relationships, including the entitlement to equal consideration for adoption and access to medically assisted reproduction. However, Austria rejected a recommendation to amend the legal status of same-sex partnerships to enable the right to adopt and have children.

Family

- At the beginning of the year, the Administrative Supreme Court of Austria took a decision against the outing of trans individuals through their marriage certificates. The Minister of Interior had changed the marriage certificates in 2010 to remove reference to gender but insisted that the names of the spouses be listed in a particular order, with the 'former man' first and the 'former woman' second, thereby ensuring that without mentioning gender the trans identity of a spouse was still revealed. Since couples of the same sex are not able to marry in Austria, a marriage of two people of the same sex must involve at least one trans partner. The Administrative Supreme Court decision, if followed by the government, should ensure that the marriage certificates no longer lead to the forced exposure of the gender identity of married same-sex partners. In November, notwithstanding that there had been no change in

position by the Minister of Interior, the City of Vienna issued a marriage certificate which did not follow the order prescribed by the Ministry thereby removing the possibility of identifying the trans spouse through the marriage certificate.

- In November, the Constitutional Court corrected the interpretation of the Ministry of Interior which had ordered that a double-barrelled surname of a partner created after entering into a same-sex registered partnership must be written without a hyphen between the two surnames. Using a hyphenated double barrelled name for one of the partners is provided for in the legislation relating to marriage but not registered partnerships. As a result, the partner of a registered couple who chose to use a double surname was not allowed to hyphenate the surnames when entering a registered partnership. The Court found this to be discriminatory and held that same-sex couples are entitled to protection of their family life and that any disadvantageous treatment in comparison to married couples must be based on substantively serious grounds, a desire to differentiate is not such a ground.
- In December, the European Court of Human Rights held the first hearing in the case of *X and others v Austria* (Application no. 19010/07). The case concerns the refusal by an Austrian court to grant one of the women in a same-sex couple the right to adopt the son of her partner without severing the mother's legal ties with the child.

Sexual and reproductive rights

The Austrian law granting same-sex couples the right to enter into registered partnership explicitly bans lesbians from receiving fertility treatment. However, in May the Supreme Court asked the Constitutional Court to overturn the ban. A number of lesbian couples had also petitioned the Court to allow them to access this medical service, and a number of cases challenging the constitutionality of the ban were pending at the end of 2011.

Social security and social protection

In March, the Constitutional Court refused to hear the case of a highly ranked policeman who was made redundant for being gay in 1976. The man had not been able to acquire a similar position since his dismissal, and his pension is significantly reduced.

Member organisations of ILGA-Europe

Austrian Gay Professionals
www.agpro.at

Green Party LGBT Group
www.gruene-andersrum.at

Homosexual Initiative (HOSI) Salzburg
www.hosi.or.at

Homosexual Initiative (HOSI) Vienna
www.hosiwien.at

Homosexuelle und Glaube Wien
www.hug-wien.at

QWIEN - Center for Gay & Lesbian Culture and History
www.qwien.at

Rechtskomitee LAMBDA
www.rklambda.at

Rosa Lila Tipp
www.villa.at

SoHo - Sozialdemokratischen Homosexuellenorganisation
www.soho.or.at

VEPO Austria
www.vepo.at.tf

Azerbaijan

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

Throughout 2011, several cases of homophobic and transphobic violence were reported.

- In March, a gay man arranged a meeting through a dating site, only to have two men come to his apartment, assault, beat and rob him. In May, another man reported a similar incident. In both occasions, criminal cases were filed in Baku.
- In May, a transsexual sex worker was attacked at her home and stabbed 11 times. The attacker was sentenced to eight years in prison. During the trial the victim's name and gender identity were regularly made public, and ANS TV (a privately owned independent television channel) alone revealed the victim's identity five times. This happened despite legal provisions prohibiting such invasions of privacy. As a result of the publication of the victim's trans identity, the person was subsequently evicted by the landlord.
- In August, a gay man was attacked when leaving a bar, severely beaten and assaulted, and then robbed. He was left bleeding on the street. A criminal case was filed in the Sabail police station.
- In October, a gay man was invited to the house of someone he met on the Internet. Upon arrival he found three people instead of the one he expected. He was assaulted, raped and robbed. A criminal case was lodged in Binagadi District Court.
- In November, a gay man was attacked in his apartment and stabbed in the carotid artery, putting him in intensive care. The case was widely covered in the media which repeatedly showed his identity card and made reference to his sexual orientation. At the end of the year the trial was still ongoing.

Freedom of expression

Eurovision 2011 was won by Azerbaijan and therefore Eurovision 2012 will be held in Baku. This drew attention from many outside Azerbaijan concerned about the situation for the LGBT community within the country.

- In August, Gender and Development launched a project linked to the Eurovision Song Contest, as the organisation considered that an imprecise picture of the

situation of the LGBT community had been given in the European media. In September, Gender and Development held a press conference in the Azerbaijan Media Center at which they highlighted the inaccurate coverage of the situation for LGBT people in Azerbaijan and announced a competition to find the best article about the situation of LGBT people in the country. This led to a number of interviews and videos of public figures and human rights defenders giving their opinions on the LGBT community in the country. The Chairperson of Gender and Development was interviewed by the German office of EuroNews and the Norwegian state broadcaster during a visit connected to the Eurovision, a variety of articles were published in European media, and a meeting was held with Ulrike Lunacek MEP and Co-President of the European Parliament's Intergroup on LGBT Rights.

Health

Together with the Ministry of Health and the AIDS Centre, Gender and Development carried out epidemiological and behavioural research with men who have sex with men using respondent driven sampling among 300 people in three cities. Results are expected in 2012.

Police and law enforcement

- Gender and Development reported that there are regular reports of police raiding places where gay men and transsexual sex workers gather and arresting them on the basis of maintenance of public order, then detaining them for 15 days or asking for bribes for immediate release.
- In August, a gay man agreed to meet up in a café with a young man whom he had met over the Internet. After a while the police came to the table and asked the men to go to the Police Station where they found drugs on the young man and accused the gay man of selling them to him, something he vehemently denied. The young man claimed that he had bought drugs from the gay man he had met in the café. The police then blackmailed the gay man stating that they would tell his

parents he was gay and a drug dealer if he did not pay them.

Member organisations of ILGA-Europe

Gender and Development

Belarus

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | | | |
|---|----------------|---|-------------|---|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | ● | obstruction | ● |
| LGBTI organisations officially registered/function without obstruction by the State | | | | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | ● |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | ● |

Bias motivated speech

- In February, President Lukashenko confirmed that he had made homophobic statements during a meeting with the Ministries of Foreign Affairs of Poland and Germany in the autumn of 2010. The comments seemed to have been aimed at Guido Westerwelle, Germany's openly gay Foreign Minister. Lukashenko confirmed to reporters that he had made the comments, and reiterated the fact that he condemns "faggotism," and that whilst "it" may be accepted in Poland and Germany, it is neither normal nor needed in Belarus. He said that he told Mr Westerwelle to lead a normal life. In October, Lukashenko apologised for offending Mr Westerwelle but once again condemned "homosexual relations."
- In February, a lecturer at the Belarusian Medical Academy stated, in the presence of journalists, that homosexuals are ill and homosexuality should be treated medically. Though the Academy had remained silent in the face of similar homophobic comments in the past, a couple of weeks after the incident the head of the Academy stated that the other members of the Academy do not share her views. This position was taken after LGBT human rights defenders published the lecturer's comments and encouraged the Academy's EU partners to cut ties with it.
- In October, the walls of the building which houses Minsk Gay Pride were covered with homophobic graffiti. The same graffiti appeared on the walls of the club where Pride events took place.

Bias motivated violence

At least seven physical assaults on LGBT people were reported in Brest, Gomel, Minsk and Pinsk, one of which involved serious bodily injury and one involved police brutality.

Employment

The Co-Chair of IDAHO Belarus was fired from her job in a bar upon her return to Minsk following her participation in Slavic Pride in St. Petersburg. Her employer knew that she would be going to Pride and had not expressed any problem with it. However, when he

fired her he suggested that following a conversation with the KGB (secret services) he did not want to risk the closure of his business so he was dismissing her instead.

Freedom of assembly

- Human rights defenders held a rally on Valentine's Day in Minsk, the country's first officially sanctioned public action of LGBT human rights defenders in 12 years. Around a dozen people took part in the event, which was held in a park near the Ministry of Justice. No negative incidents were reported, and the event was covered by several reporters who outnumbered the participants.
- Minsk City Executive Committee rejected applications from LGBT human rights defenders to hold a Day of Silence in April, allegedly because it would take place within 200m of underground stations and pedestrian crossings which contravenes the Law of Mass Actions.
- Despite the Organising Committee submitting over a hundred applications suggesting different potential locations for a public Equality Day Event, the Minsk City Executive Committee denied each application. However, human rights defenders staged an unsanctioned Equality Day Event in May, welcoming all Belarusian minorities and coinciding with IDAHO. The event was attended by over 100 people, including foreign diplomats, and was streamed over the Internet by GayRussia website.
- Despite being refused permission for a Pride Parade in Minsk, a group of around 20 people staged a brief march in October in a suburb of Minsk, carrying rainbow flags and shouting for a "Belarus without homophobia".

Freedom of association

In December, the Ministry of Justice denied official registration of GayBelarus. The reason given was that the date of birth and the spelling of the name of two of the 61 people who founded the organisation were incorrect.

Freedom of expression

- Due to frequent raids by the police, some Belarusian human rights defenders became concerned that the country is not a safe place for the keeping of their personal collections of mementos, books, magazines, and

photographs that document the Belarusian LGBT movement. As a result, they moved their archives abroad.

- The organisation GayBelarus was prominently featured in *East Bloc Love*, a new documentary film which explores the movement for the rights of LGBT people in various countries of the former USSR where freedom of expression is frequently hampered by the State. The film shows preparations for the 2011 Pride with the help of human rights defenders from neighbouring countries. The film was screened at LGBT film festivals in 2011.
- In May, a human rights defender of IDAHO Belarus applied to the Belarusian Ministry of Justice for permission to use the rainbow flag as an international symbol of the LGBT community at public events. He received a 3-page reply which did not comment on the use of the rainbow flag but asserted that no unregistered symbols could be used at public events. Most of the letter covered the unrelated issue of the registration of symbols by political parties, NGOs and associations. No reference was made to the applicant's point that the rainbow flag is already an international symbol.
- In July, a human rights defender of IDAHO Belarus held a one-woman protest in front of Minsk City Executive Committee. She was protesting against violations of human rights, abuse of power and the disrespectful actions of the police. She was quickly arrested and detained for 10 days.

Police and law enforcement

- At least three LGBT human rights defenders were subject to 'preventative arrests' by Minsk Police in June. One man was reportedly severely beaten by the police whilst in custody.
- The KGB pressured a teenage member of the GayBelarus LGBT human rights project, questioning him about the organisation and its members, and questioned other human rights defenders about different activities. Other GayBelarus human rights defenders or organisers were harassed by University authorities and the Ministry of Justice.

Member organisations of ILGA-Europe

Gay.by - Gay Alliance Belarus
www.gayby.net

GayBelarus
www.gaybelarus.by

Belgium

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|---|--|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ◐** |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ◐* |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | ◐* | ◐* |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | ● | ● | ● |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | ● | ● | ● |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | |

*Flanders only

**only in some regions

Bias motivated violence

- There were regular media reports of physical and verbal violence against LGB people; however, it remained unclear whether there was a rise in incidents or whether victims had become more willing to report this type of violence. Examples include: (i) a lesbian couple who were attacked whilst walking through the streets of Brussels holding hands (one of the women needing medical attention as a result of her injuries); (ii) a gay man beaten by a group of people when passing by a takeaway in Brussels. After being attacked by customers outside, he ran inside the takeaway asking for help and was attacked again by the people inside. The owner called the police; (iii) in November, an attack took place in one of Brussels main LGBTI meeting cafés. Three drunk men entered the café, began shouting homophobic abuse at the people inside, and before long a violent altercation ensued; (iv) a man was beaten by a group of young men near the Stock Exchange in Brussels, just next to Grand Place (main square), because he was gay and supposedly behaving in an effeminate manner.
- In reaction to these incidents, a kiss-in was organised on the Grand Place to send a strong but peaceful signal against homophobia and transphobia.

Equality and non-discrimination

- In 2011, Belgium was reviewed during the UN Universal Periodic Review process and accepted recommendations to eliminate prejudice and discrimination based on sexual orientation and gender identity by taking all appropriate action, including training and education programmes. It also accepted a recommendation to protect gender identity and expression under anti-discriminatory laws and policies.
- Several propositions for a resolution were placed before the Belgian Federal Parliament to officially recognise the Yogyakarta Principles on discrimination on the grounds of sexual orientation and gender identity. The proposal is pending before the Belgian Parliament.
- In May, representatives of the national Centre for Equal Opportunities and Opposition to Racism participated in Belgian Pride covered in Post-its as part of

an awareness raising campaign entitled *Sick of being labelled?* which reminded and encouraged LGB people to report any discrimination and violence they suffered. They also ran a video campaign and encouraged people to use their reporting website. The Centre ran the campaign to try and overcome what it perceived as under reporting of discrimination and violence by the LGB community, whether it be to the Centre or to the police.

- In December, the coalition agreement of the Belgian Federal Government was concluded and included a number of specific actions related to LGBT people. These include: (i) to take measures to reduce violence against LGBT people; (ii) to address the inequalities related to LGBT parenthood; (iii) to review the current law on transsexuality; and (iv) to play a leading role at the international level with regard to equality for LGBT people.

Family

- At the beginning of the year, a toddler of a gay couple from Belgium (born of a surrogate mother in Ukraine), was reunited with his fathers in Belgium more than two years after his birth. The child had spent some time with a foster family and then time in an orphanage due to the refusal of the Belgian authorities to issue him a passport. Following a decision by a Belgian Court, media coverage and a campaign to pressure the government not to appeal the Court's decision, a passport was finally issued. In Belgium, there are three hurdles regarding children of gay men who have recourse to a surrogate mother: (i) the Belgian consulate or embassy of the country where the child is born may refuse to issue a Belgian passport and as a result the child cannot be taken to Belgium; (ii) the child is allowed to be taken to Belgium but the local authorities may refuse to recognise the birth certificate and thus the child cannot be registered on the Belgian register of civil status; and (iii) there is no clear policy or law on surrogacy and thus decisions are taken on *ad hoc basis*.
- The Ethics Committee of the University Hospital of Gent agreed in principle to allow non-commercial surrogacy for same-sex couples.

Police and law enforcement

In April, the Brussels Regional Government launched a campaign developed in cooperation with the Brussels Police and various LGBT NGOs to raise awareness and encourage LGBT people to report aggression and violence suffered because of sexual orientation or gender identity. They developed a website which provides help and advice to victims of violence, whether it be verbal, physical, sexual, or psychological violence. It explains the steps a victim or witness should take after an attack, provides contact details of different services and explains what the person needs to do and what each service can provide.

Member organisations of ILGA-Europe

Arc-en-Ciel Wallonie
www.arcenciel-wallonie.be

Belgian Pride
www.thepride.be

Brussels Gay Sports
www.bgs.org

Casa Rosa
www.casarosa.be

çavaria
www.cavaria.be

EGALITE - Equality for Gays and Lesbians in the European Institutions
www.egalite-online.eu

Egg – English speaking Gay Group in Brussels
www.eggbrussels.be

Fédération Arc-en-ciel
www.arc-en-ciel-bxl.be

Goudou
www.goudou.be

HAGAR
Het Roze Huis - çavaria Antwerpen
www.hetrozehuis.be

Het Vlaams-Brabantse Holebihuis
www.holebihuis.be

Mikpunt
www.mikpunt175.be

Polaris
www.polaris-wvl.be

Rainbow House Brussels
www.rainbowhouse.be

RoSa Documentation Centre and Archives on Equal Opportunities, Feminism and Women's Studies
www.rosadoc.be

Tels Quels
www.telsquels.be

Wel Jong Niet Hetero
www.weljongniethetero.be

WISH - Werkgroep Internationale Solidariteit met Holebis
www.starttowish.be

Bosnia and Herzegovina

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | | |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | ● | ● |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated speech

- In March, Sarajevo Open Centre reported that local TV journalist Alen Albinović aired a programme on trans performer Edin Aladžuz Kalimero which was full of transphobic statements and verbal attacks labelling the artist a “sick person.” The programme also featured a psychologist saying that “religious books forbid cross-dressing.”
- In November, the Press Council upheld complaints against SAFF magazine (bi-weekly Muslim-oriented Internet magazine) which had published an article called *The Magistrate of Gayness Promoted in Sarajevo: 44 Debauchery Experts* about students who had graduated with Masters Degrees from the Gender Studies programme of the University of Sarajevo. Amongst other things the author wrote “[...] Thus, in Sarajevo, 44 gayness experts acquired the vocation of Master, so we can only imagine how many more graduated gays, which will become the army for the rearrangement of our natural order and tradition, will these 44 produce.” The Press Council found a drastic breach of ethical professional standards under the Press Code, specifically on grounds of decency, respect for human rights, discrimination, incitement, gender equality and respect of individuality.

Equality and non-discrimination

The EU Progress Report on Bosnia and Herzegovina (SEC (2011) 1206 final) stated that: “Discrimination against lesbian, gay, bisexual and transgender (LGBT) people remains widespread. LGBT human rights defenders have been subjected to threats and harassment. Hate speech and intolerance towards LGBT persons by media and politicians remain issues of concern.” The enforcement of human rights legislation was highlighted as more of an issue than any lack of legal or institutional framework.

Human rights defenders

An informal network of LGBT human rights defenders in Bosnia and Herzegovina started operating, organising activities, creating a decision making structure and ensuring information sharing between the network’s members. Contacts were established with Serbia, Croatia and Montenegro to start cooperation between LGBT

human rights defenders and organisations in those countries.

Member organisations of ILGA-Europe

Organisation Q
www.queer.ba

Bulgaria

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
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| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
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Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | * |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | ● |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | ● |

*change possible only on identity card and passport, but not on birth certificate

Bias motivated speech

- The Prime Minister made a number of homophobic comments throughout the year, stating in a public speech that “in our party we are normal people. [...] So we hope to be and not embarrass ourselves in old age,” and commenting on television about charges that he ruled with a firm hand, adding that it is “better with a firm hand, than with a limp wrist.”
- Sexual orientation and gender identity are not included in hate speech provisions or other parts of the Criminal Code. In June, the National Ombudsman recommended the criminalisation of offences committed with homophobic motives and sent his recommendation to the National Assembly and the Prime Minister. There had been no response by the end of 2011.

Bias motivated violence

- In March, two 22 year-old men were brutally beaten by a group of eight hooded men. According to the victims, the reason for the attack was the pink hair of one of the men, which presumably led the attackers to conclude that he was gay.
- In June, after the Sofia Pride march, five volunteers of the Pride organisation were assaulted by a group of five young men. Although the case was investigated by the police, no arrests had been made by the end of the year.

Equality and non-discrimination

In 2011, Bulgaria accepted recommendations during the UN Universal Periodic Review process to develop measures to overcome continuing discriminatory patterns against LGBT persons through education and training. Bulgaria took note of a recommendation to study the possibility of introducing a criminal aggravating factor in its hate crime legislation.

Freedom of assembly

The fourth annual Sofia Pride Parade was held. The event enjoyed wide support including the endorsement of eight foreign ambassadors. While the Town Hall did not officially endorse the Parade, it refused permission to a nationalist anti-LGBT group who wanted to demonstrate

against the Parade on the same day. The Parade took place without any serious incident, with only one group protesting by handing out leaflets. Georgi Kadiev, a politician of the Bulgarian Socialists Party, attended.

Freedom of expression

- In March, MAD TV Bulgaria (a television channel which airs music videos), discontinued its discriminatory policy of censoring male same-sex intimacy in music videos following complaints from youth human rights defender group LGBT Deystvie and concerned viewers.
- Bulgaria’s Supreme Administrative Court rejected an appeal from the Municipal Council in the city of Pazardzhik against the repeal of an ordinance which was targeted at LGB individuals, and which banned displays of homosexuality in public. According to the Court, the Pazardzhik City Council was engaged in direct discrimination, based on sexual orientation, against the residents and visitors of the city who are not heterosexual. The case had become a rallying point for a variety of anti-LGBT organisations and individuals.

Health

In November, LGBT Plovdiv filed a complaint against the National Center of Haematology (NTSTH) following the printing and distribution of informational brochures on blood donations. The case was filed with the Commission for Protection against Discrimination on the grounds of direct discrimination based on sexual orientation, as, according to the brochure, people who “are homosexual or have sex with homosexuals” are not allowed to donate blood. The case is pending.

Member organisations of ILGA-Europe

Bilitis Resource Center Foundation
www.bilitis.org

Sofia Pride
www.sofiaprider.info

Croatia

Asylum

| | | |
|---|-------------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation ● | gender identity |
|---|-------------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|-------------------------|----------------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity ● |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|---------------------|------------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction ● |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | * |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

*change possible only on some documents

Bias motivated speech

- In March, a Catholic priest Franjo Jurčević was given a three-month suspended sentence for having published on his blog what was considered to be homophobic hate speech in relation to violence at the 2010 Belgrade Gay Pride. Over a hundred people were injured as a result of bias motivated violence against Belgrade Pride. Later in the year, a different court found the same priest guilty of discrimination for making homophobic remarks on his blog; he was ordered to publish the verdict in two daily newspapers, remove all homophobic posts from his blog and not to write such things in the future.
- In July, Vlatko Marković, the President of the Croatian Football Federation, lost his appeal to the Union of European Football Associations (UEFA), and was fined €10,000 for homophobic hate speech. He had said that he would not allow gay players on the Croatian team and expressed the view that “only healthy people play football.”

Bias motivated violence

- The new Criminal Code defines hate crime as an aggravating circumstance, but also as a qualified form of certain criminal offenses, such as physical injury, severe physical injury and rape. The definition of hate crimes, which already contained the ground of sexual orientation, has for the first time included gender identity.
- In December, a court in Split issued the first guilty verdict rising out of the violence against Split Pride Parade. A 34 year-old man was given a one year suspended sentence for violent behaviour and violation of the right to assemble. During Pride he had yelled “Kill the fags, motherf**kers, all of you should be killed”. The Court did not believe his claim that his conduct was that of a football fan [hooligan] yelling at opponents as he would at a game, rather than violently protesting against homosexuals. However, the Court did take his regret and good behaviour during the trial into account as a mitigating factor.

Twenty-three people were charged with hate crimes arising out of Split Pride Parade. At the end of the year fourteen people had been indicted and five were still under investigation.

Employment

There was one reported case of sexual orientation harassment against a professor at the Faculty of Organisation and Informatics of Zagreb University in Varaždin. One judge examining this case was exempted upon a request of the claimant and interveners for previously demonstrated homophobic attitudes. This case is still being heard. In reprisal, the Faculty sanctioned the victim of discrimination according to its own internal ethical procedure for taking this case forward, but not the perpetrators.

Equality and non-discrimination

- In 2010, Croatia was reviewed during the United Nation’s Universal Periodic Review process, its report was adopted in 2011. However, no recommendations in relation to LGBT issues were made.
- In October, in its Progress Report on Croatia (SEC(2011) 1200 final), the European Commission commented on the need for more to be done to address homophobic sentiment, to ensure a more effective system of human rights protection in practice given that LGBT people continued to face threats and attacks, as evidenced during Split Pride Parade.
- In December, the European Parliament adopted a Resolution on the accession of Croatia to the European Union calling on the future Member State to adopt an Action Plan on the rights of LGBT people. The Parliament’s call paid particular attention to the violence at the Split Pride Parade.

Freedom of assembly

- The State authorities failed to ensure peaceful freedom of assembly of LGBT people resulting in severe violent attacks at the first Pride Parade held in Split in June. Despite open calls for violence prior to the Split Pride and calls from human rights NGOs for investigation, State authorities did not act upon the calls and did not take any action or provide an answer. The 300 participants in the Parade were faced with numerous groups of protesters, who threw a combination of explosive devices, Molotov cocktails, faeces, stones, and other objects at the

marchers as they attempted to navigate the Parade route. Nearly all participants were injured, Police Officers did not make serious efforts to protect the Pride participants and no timely evacuation was organised once it became clear that one was necessary for the safety of participants. The President and Prime Minister of Croatia condemned the violence and over a hundred anti-LGBT protesters were arrested. Pride organisers and a former Minister of Interior said that the police ignored signs leading up to the event that violence was imminent, and did not properly prepare to protect the participants. Human rights defenders called for the resignation of the Minister of Interior Tomislav Karamarko, but he refused to resign, claiming that he had done everything within his power to prevent the violence.

- In June, Zagreb held its tenth annual Pride Parade, a week after violence marred the Pride parade in Split. With over 1,000 participants, it was the largest Pride ever held in Zagreb, and, for the first time in 4 years, proceeded without violence or any major homophobic/transphobic incident.

Sexual and reproductive rights

In October, the Minister of Health Darko Milinović stood by his statement that medically assisted reproduction is not for same-sex couples. According to his interpretation, such fertility treatment is for couples who cannot have children due to disease or dysfunction of their reproductive organs and not because of their sexual orientation which is not a disease.

Member organisations of ILGA-Europe

ISKORAK - Sexual and gender minorities rights centre
www.iskorak.hr

Lesbian Group Kontra
www.kontra.hr

Lezbijska organizacija Rijeka - LORI
www.ori.hr

Women's Room - Ženska Soba
www.zenskasoba.hr

Zagreb Pride
www.zagreb-pride.net

Cyprus

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Asylum

In June, Iranian Railroad for Queer Refugees (IRQR) reported that a lesbian who fled Iran had been denied asylum in Cyprus. The woman's application was reportedly declined because she had previously been married and the Asylum Service did not believe that she was truly a lesbian. The woman said that she was not given an opportunity to explain that the marriage was arranged and forced, and that she hid her sexual orientation for fear of being killed by her family.

Human rights defenders

- In September, accept - LGBT Cyprus became an officially registered organisation under the Ministry of Interior of the Republic of Cyprus making it the first registered organisation to tackle rights of LGBT people.

Participation in public/political life

- accept - LGBT Cyprus participated actively in public and political life throughout the year, organising or sponsoring educational and political events. In the framework of IDAHO, it organised a series of events under the title *Voices Against Homophobia*. There were a variety of workshops and academic debates organised around topics such as *Transsexuality, Queer Theory and Studies*, and *Power of Language*. The events were implemented with the support of the Mayor of Nicosia, the European Parliament Office in Cyprus and the Equality Ombudsman. Throughout the year, the organisation used its YouTube channel to show a variety of videos relating to LGBT issues.

- In April and May, accept - LGBT Cyprus carried out an advocacy campaign prior the parliamentary elections. The campaign included the sending of a letter with a questionnaire to all parliamentary candidates to gather their positions on the rights of LGBT people, and promote the answers to the LGBT community and the wider public. Beyond the letter, accept - LGBT Cyprus had meetings with those of the candidates that responded positively to accept - LGBT Cyprus' invitation for a meeting. In the post-election period, the advocacy efforts continued with meeting with Members of Parliament, Mayors and the

Equality Ombudsman, with the main focus of the meetings being the legal recognition of same-sex partnerships.

- In September, the Representation of the European Commission in Cyprus, in co-operation with accept - LGBT Cyprus, organised a public discussion *LGBT Equality: Why in the future and not as of today? The Legal Regulation of Same-Sex Relationships*.

Cyprus, Northern¹

Criminalisation

- In July, two men were arrested and charged with "unnatural intercourse." According to Article 171 of Chapter 154 of the Criminal Code applicable in Northern Cyprus "whoever has sexual intercourse against the order of nature with any person, or, allows sexual intercourse against the order of nature with a male, commits a serious crime and is punishable with up to five years in prison." The men were reported to have been arrested following complaints by their neighbours, and accusations that one of them "bringing men home." The judge said they should be held in custody for a day. The Initiative against Homophobia (HOKI) which runs the campaign to remove the discriminating provisions from the Criminal Code in accordance with international human rights standards, publicised the case. Others followed suit including LGBTQI organisations from Greece, Malta, Turkey, Albania and Cyprus, who supported HOKI and reiterated calls for a change in the law.

- In October, five men, one of whom was Michalis Sarris, former Cypriot Minister of Finance, were arrested over a few days and detained on charges of "unnatural intercourse." During remand hearings all the detainees apart from Michalis Sarris reported being beaten by the police. HOKI raised the alarm when the men were arrested; protests came from Members of the European Parliament, and international human rights organisations.

¹ An unrecognised jurisdiction separated from the Republic of Cyprus through a UN buffer zone.

The story was covered by Cypriot and international media, raising the issue of the continued existence and use of the law. The men were released on bail.

- In November, Turkish Cypriot Leader Derviş Eroğlu said that he would agree to a repeal of Article 171 and that work was underway on the matter.

Family

HOKI hosted ILGA-Europe's family exhibition *Different families, same love* in an art café in north Nicosia. The opening took place in the presence of HOKI and accept - LGBT Cyprus members, and a range of media including state television. The exhibition received positive press coverage and provided an opportunity to present different and positive facets of the LGBT community to the general public.

Member organisations of ILGA-Europe

accept - LGBT Cyprus

www.acceptCY.org

Gay Liberation Movement of Cyprus

Queer Cyprus Association²

www.queercy.org

² In 2011, Queer Cyprus Association carried its activities as HOKI (its previous name).

Czech Republic

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | ● | ● |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| Existence of legal/administrative procedures for change of name and legal gender | ● |
|---|---|
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Asylum

In May, the European Commission wrote to the Czech authorities condemning phallometric testing which it said was used as part of the asylum procedures and which the Commission considered to amount to “[...] degrading treatment [which] is humiliating, and creates feelings of fear, anguish and inferiority.” EU Home Affairs Commissioner Cecilia Malmström criticised the practice as unacceptable, calling it a “strong interference with the person’s private life and human dignity.” In an opinion piece in *European Voice* (European-level newspaper), Milena Vicenová, representative of the Czech Republic to the EU rejected the Commissioner’s statement and the contents of the letter saying that the practices had only been used in 2008 and 2009, that the test was administered to fewer than ten asylum seekers, and only after they provided written consent. She claimed that the test was offered as a last resort where other elements of the file suggested that there was no valid claim on the grounds of sexual orientation and that where the test had confirmed the asylum seeker’s sexual orientation asylum had been granted.

Diversity

NGOs in Prague hosted two *Minority Schools*, one for Czech youth and one for youth from around the region. The participants discussed issues such as sexuality, disability, belonging to different religions, and ethnic diversity. In the regional event the school ran for eight days, one of which focused on LGBT issues, providing participants with the opportunity to meet members of the LGBT community and raise questions. This was the first time such an opportunity had been afforded to many of the participants.

Family

- In June, a Czech man in a registered partnership was approved as a foster parent, the first time an openly gay applicant had been approved. According to Czech law, registered partners cannot have joint foster care but one partner may participate in the upbringing of the other’s child. In this case only one person in the couple was given

foster parent status, but the couple will be looking after the child who is to be placed with them together.

- 2011 marked the 5th anniversary of the entry into force of the law on registered partnerships. 1181 same-sex couples have entered into a registered partnership over the past five years.
- In November, the Lower House of Parliament passed a new Civil Code aiming to codify private law into a single piece of legislation. LGBT human rights defenders opposed the bill because registered partnership (despite being a private-law institution) was not incorporated into that part of the Code governing family law but was instead left as a separate law. The bill thus (i) excluded same-sex partners from joint property regulations; (ii) provides no reference to the entitlement for joint adoption; and (iii) continued to require compulsory divorce and sterilisation for legal gender recognition of trans people. The bill has already been approved by the Parliament and signed by the President. It will come into effect in 2014.

Freedom of assembly

The first Pride event in Prague was held in August. Around 80 events such as concerts, films, seminars, workshops, exhibitions and parties were held in 30 locations. There were many opportunities for discussion of the social and legal issues faced by the LGBT community, including seminars on recruitment discrimination and hate crimes; events were attended by representatives from a variety of organisations including the US Embassy, the Council of Europe’s Office of the Commissioner for Human Rights, the Ministry of Justice and the Stockholm Police Department’s Hate Crimes Unit. The festival ended in a Pride Parade attended by thousands of participants and onlookers.

Organisers welcomed the amount of support received from the local authorities as well as the police presence which ensured the participants’ safety and limited the number of opponents who protested against the festival and Parade. The event received the patronage of both Prague Mayor Bohuslav Svoboda and Mayor of Prague 1 Oldřich Lomecký. In the run up to the festival the Czech

President Václav Klaus refused to distance himself from criticisms by his aide of the support for Pride from the Mayor. The President said that he objected to “homosexuality,” though not “homosexuality” and that he considered Prague Pride to be “homosexuality.” This prompted a joint statement from the Ambassadors of 13 countries supporting the festival.

Member organisations of ILGA-Europe

Charlie o. s.
www.charlie.li

Human rights defenders

Following the disbandment of the previous national LGBT umbrella organisation some 5 years ago, the Platform for Equality, Recognition and Diversity (PROUD) was established in 2011. The aims of PROUD include the portrayal and representation of LGBT people in the media, marriage equality, equal adoption entitlements, safe workplaces and schools, and support for LGBT senior citizens.

Public opinion

- In May, a poll conducted by the Public Opinion Research Centre of the Institute of Sociology of the Academy of Sciences (CVVM Institute) showed that 72% of Czechs believe that same-sex couples should have access to registered partnerships, and nearly half of Czechs supported marriage equality for same-sex couples. Whilst around 33% supported equal adoption entitlements for same-sex couples, about 60% opposed the introduction of legislation that would make such adoptions legal. The younger, higher educated and more affluent sections of society correlated with higher levels of support for rights of lesbians and gays, while affiliation with the Roman Catholic Church, the Communist Party and the Christian Democrat Party correlated with lower levels of support. The CVVM Institute reported that the poll did not show any large change in public opinion towards LGB people, but that there were small shifts in support for different issues.
- A study by the National Opinion Research Center at the University of Chicago reported that the Czechs' acceptance of homosexuality, specifically of sexual conduct between two people of the same-sex, had declined since 1994 when a first study was undertaken and 2008 when the third one took place.

Denmark

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|----------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | ● | ● | ● |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | |

Asylum

Denmark opted out of implementation of the EU Asylum Qualification Directive (2011/95/EU), which among other provisions covers sexual orientation and gender identity.

Bias motivated speech

- In January, TV2 Eastjutland (a Danish regional TV station) broadcasted an interview with the editor of an LGBT magazine in which the interviewer expressed doubts about the line between a story of a trans woman and “a freak show of deviants with perverted desires.” LGBT Denmark issued a complaint, which was followed by several individual complaints, and the issue reached the mainstream media. It was later described by a commentator as the first time that Danish trans people had united in a demand for dignity and respect.
- In May, the organisers of a conference against sex work invited two notable transphobes to speak. Trans human rights defenders attended to circulate information leaflets and make a peaceful show of presence. During the summer trans issues received a lot of media interest, averaging ten pieces a month.

Equality and non-discrimination

- In 2011, Denmark was reviewed during the United Nation’s Universal Periodic Review process. However, no recommendations in relation to LGBT issues were made.
- In February, the Minister of Gender Equality launched a campaign to encourage men to opt to work in areas typically identified as “women’s work.” The title of the campaign was *Change your job, not your sex* playing into gender stereotypes and reinforcing the stigmatisation of trans persons.
- Following the September parliamentary elections, the new government included the first ever section on LGBT issues in their political programme promising (i) marriage equality for same-sex couples; (ii) improvements in legal recognition of co-mothers; (iii) collection of statistical data on hate crimes; and (iv) investigation of the conditions for gender reassignment surgery and possibly legal gender recognition without surgical requirements.

- In December, the Danish Institute for Human Rights (DIHR) organised two international seminars *Scandinavian Trans*Studies* and *Trans Politics and Human Rights*.

Health

- LGBT Denmark launched a campaign for trans related healthcare that does not require prior psychiatric assessment [pathologisation]. As part of the campaign, a consensus statement for the reclassification of trans healthcare was proposed in view of the World Health Organisation’s *International Classification of Diseases 11th Revision* (ICD-11) working group call for input. The organisation also provided feedback for the development of *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5). In December, 11,000 signatures were collected in a petition demanding the ability to define and be recognised in one’s own gender as a human right rather than a psychiatric disorder.
- In October, a medical newspaper learnt that the Department of Sexology had complained to the authorities after a private surgeon had carried out a breast reduction on a 15 year-old trans man, who had previously been rejected by the sexologists because of his age. The story spread to national TV and newspapers. The teenager and his mother had given very positive interviews about his transition during the summer and continued to receive positive media representation. Several polls showed that a third of the population supported his surgery.

Human rights defenders

Axel Axlil, the surviving partner of the first ever couple to enter into a registered same-sex partnership in the world, died in October at the age of 96. He and his partner Eigil Eskildsen met in the 1940s and were founding members of the homosexual rights movement of Denmark. His work pioneered legal and social changes and contributed towards the setting up of the LGBT movement. He was still working for LGBT rights into his 80s.

Legal gender recognition

- Discussions continued with the Minister of Internal Affairs on the personal identification number in the Civil

Registration System. The number identifies the legal gender of the person, with even numbers indicating women and odd numbers indicating men. The number is used throughout public administration and much of the private sector, notably the financial sector.

- A large Danish educational institution which had previously refused to issue new certificates of qualifications under the new name of a trans person changed its position after intervention.

Participation in public/political life

- In March, 15 year-old Sarah Jørgensen won the Danish talent show X-Factor. She openly spoke about her being a lesbian and the wide coverage of her in the media resulted in a huge boost in awareness about LGB people among young people in Denmark.
- In March, the first ever hearing on trans issues took place in Parliament and a number of actions and developments in relation to trans issues were achieved. It involved 120 participants and 29 organisations, and received wide media coverage.

Police and law enforcement

Throughout the year, an education campaign on hate crime for the police districts was carried out by the Danish Security and Intelligence Service in collaboration with DIHR.

Public opinion

A poll conducted by Rambøll/Analyse Denmark (a statistical analysis company) showed that over 75% of Danes approved of the registration of marriages for same-sex couples by the Church of Denmark. However, the approval rate of marriages for same-sex couples among the clergy lags behind that of the rest of the population.

Member organisations of ILGA-Europe

BLUS
www.blus.dk

Lambda - Bøsser og Lesbiske på Fyn
www.lambda.dk

LGBT Denmark; The Danish National Association for Gays, Lesbians, Bisexuals and Transgendered People
www.lgbt.dk

Estonia

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|----------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|------------------|---------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction ● |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | ● |

Equality and non-discrimination

In 2011, Estonia was reviewed during the UN Universal Periodic Review process. Estonia supported recommendations made to take all necessary measures to combat discrimination against LGBT people and to develop public awareness and education programmes to advance tolerance on grounds of sexual orientation and gender identity, as well as to undertake awareness raising programmes on gender identity and sexual orientation for civil servants, including security forces and bodies. Estonia, however, did not accepted recommendations to give legal recognition to same-sex couples. During the process Estonia could not answer to a recommendation made to develop policy instruments based on the Yogyakarta Principles.

Family

The year saw moves towards some form of recognition of same-sex partnerships. Chancellor of Justice Indrek Teder said that the legal framework in Estonia did not protect cohabiting couples, as Estonia does not provide marriage-like rights for same-sex couples. He went on to call for the Ministry to introduce legislation that would create civil partnerships for same-sex couples so that they could have access to the same legal protections and rights as married couples. There followed the publication of a manifesto for the protection of the rights of sexual minorities by a group of renowned public figures ranging from Ministers to film directors. The government coalition parties were not in agreement on how to proceed, some favouring the status quo and others wanting to introduce more protection for same-sex couples and their children. Meanwhile the Estonian Council of Churches expressed their opposition to any change.

Freedom of assembly

In June, Tallinn hosted Baltic Pride bringing together the LGBTI communities from the Baltic countries. The celebration lasted a week, and included film screenings, a large conference, a rally and an outdoor concert.

Participation in public/political life

In September, Estonian Gay Youth opened the first Information and Activity Centre for people interested in LGBTI issues.

Member organisations of ILGA-Europe

AIDS-i Tugikeskus (AIDS Information & Support Centre)
www.tugikeskus.ee

Eesti Nahkmeeste Klubi
www.lmc-estonia.visonhb.se

Estonian AIDS Prevention Centre
www.aids.ee

Gei ja lesbi infokeskus
www.gay.ee

NGO Estonian Gay Youth

Finland

Asylum

| | | |
|---|--------------------|-----------------|
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| | ● | |

Bias motivated speech/violence

| | | |
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| | | ● | |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| | | ● | ● |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

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| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | * |

*compulsory sterilisation is required by law, but the current official interpretation is that proof of hormone therapy suffices. No surgeries are required either

Bias motivated speech

- In March, a number of Christian groups launched a campaign entitled *Älä alistu (Don't Submit)* featuring a girl who said that her faith had led her away from bisexuality, and that just as murderers can be reformed so can homosexuals. The campaign, which aimed to warn young people against homosexuality and to advocate that they change to heterosexuality, was criticised not only for its position on homosexuality per se but also by mental health professionals as being dangerous to young people. The campaign ran for a week, and as it drew to a close, thousands of people had resigned from the official Finnish Evangelical Lutheran Church. Although the Archbishop of the Church emphasised that the campaign was not organised by the Church, the large number of resignations seemed to be linked to the campaign, and resignation statistics returned to normal shortly after the campaign ended. The leader of the Christian Democrats denied that the party was involved with the campaign, stating that it was a spiritual and not a political issue. The organisations behind the campaign are partially funded by Finland's church tax, causing many to petition the Church Board of the Finnish Evangelical Lutheran Church to stop funding them.
- The Criminal Code was amended to make bias on the grounds of sexual orientation an aggravating factor for common crimes and incitement to hatred, defamation or insulting sexual minorities were criminalised. However, gender identity was not expressly included in the changes.

Bias motivated violence

In May, three men who had attacked participants of Helsinki Pride 2010 with pepper spray and tear gas were each given a four month suspended sentence and ordered to pay compensation. Although the defence denied that the attacks were a hate crime, the men were found guilty of having specifically targeted sexual minorities. They were not alone in the attack but were the only ones who were apprehended.

Education

Studies commissioned by the Ministry of Interior revealed that 36% of respondents who identified as LGBT

had been the target of bullying in schools because they belonged to sexual or gender minorities, and only 12% of teachers believed that fellow students would be accepting of a student who was open about her/his sexual orientation at school. The study found that LGBT respondents had experienced a much higher incidence rate of bullying than the average survey respondent.

Employment

A trans woman whose employer had revoked her promotion when she came out as trans, was found by the local court to have been discriminated against on the grounds of gender identity in contravention of the *Gender Equality Act*. This case was supported by the Ombudsman for Equality and the employer did not appeal the ruling.

Equality and non-discrimination

- Following the April parliamentary elections, and the subsequent negotiations to form a government, a new government programme was published in June which included the intention to reform the anti-discrimination legislation and the mandate of the Ombudsman for Minorities to cover every ground on an equal basis. This will require the inclusion of gender identity and gender expression in the *Gender Equality Act* which was still pending at the end of 2011. The reform of the anti-discrimination law was also pending.
- In spring, the Ministry of Foreign Affairs began coordinating an inter-governmental working group on LGBTI issues in which NGOs were represented. In May, the Ministry hosted a meeting in Helsinki of LGBTI friendly focal points from different European governments.
- In autumn, various ministries started developing their programmes, based on the government programme, and these included a number of LGBTI relevant policy issues. In particular, Finland's first *Human Rights Policy Programme* was drafted, and the policy programme on children and youth included several explicit references to LGBTI youth and rainbow families.
- The Ombudsman for Equality worked actively on trans issues, entering into dialogue with trans organisations, highlighting injustices faced by members

of the trans community, and organising a seminar on the human rights situation of trans and intersex people in Finland.

Family

- The government policy programme did not include marriage equality, so a bill in this regard needed to be drafted by individual Members of Parliament. In September, a cross-party working group began collecting signatures from Members of Parliament to draft legislative changes to Finnish marriage legislation to allow for gender neutral marriages, and equality in adoption rights. The first ones to sign the initiative were Minister for European Affairs and Foreign Trade Alexander Stubb (National Coalition Party) and the Chairs of four government parties, Jutta Urpilainen (Social Democratic Party), Paavo Arhinmäki (Left Alliance), Ville Niinistö (Green Party) and Stefan Wallin (Swedish People's Party).
- In November, the True Finns Party started pushing for changes in a bill on adoption that would prevent same-sex couples from applying for foreign adoption. They want the new law to state clearly that "two adoptive parents" would comprise a man and a woman.
- A working group prepared a reform of the adoption law. LGBTI NGOs pushed for the opening of the possibility of adoption to unmarried couples, including same-sex couples, on an equal footing with married couples. At the end of the year the reform was still pending.
- A reform of the fatherhood law was initiated. Several stakeholders raised the need to broaden the scope of the law to cover all forms of parenthood, including situations where a trans person becomes a biological parent after changing their gender marker.

Health

- The Institute for Health and Welfare removed classifications based on transvestism from the Finnish version of the International *Classification of Diseases 10th Revision* (ICD-10) classification of diseases and health problems. However, transsexualism was retained as a mental disorder.

- In September, the National Ethical Committee within social and health care issued a positive statement on access of trans youth under the age of 18 to gender identity related healthcare.

Participation in public/political life

Campaigning for the Presidential elections of 2012 took place in 2011. One of the candidates was Pekka Haavisto (Green Party), an openly gay politician in a registered partnership. His candidacy was of historical significance, and provoked a considerable amount of media debate about the suitability of a gay President and tolerance. A large amount of hate speech was published online in relation to his participation in the election.

Sexual and reproductive rights

- Within the framework of the *Human Rights Policy Programme*, there was a push from a coalition of NGOs and the Ombudsman for Equality to remove the sterilisation requirement and other measures which lead to the violation of human rights of trans people.
- In November, the Ombudsman for Equality spoke out specifically against the sterilisation requirement for trans individuals.

Member organisations of ILGA-Europe

Helsingin seudun Seta ry
www.heseta.fi

Rainbow Families Finland
www.sateenkaariperheet.fi

Pirkanmaan SETA ry
www.treseta.fi

Seta - LGBTI Rights in Finland
www.seta.fi

Trasek ry
www.trasek.net

Turun seudun Seta ry
www.tusetta.fi

France

Asylum

| | | |
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| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
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Bias motivated speech/violence

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Equality and non-discrimination

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| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
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Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership ● | cohabitation ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|------------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Education

A group of 80 Members of Parliament and 113 Senators sent an open letter to the Minister of Education opposing the inclusion of certain material relating to sexual identity in textbooks of biology for high school students.

Equality and non-discrimination

In May, France dissolved the High Authority against Discrimination and for Equality (HALDE), the national equality body, and merged it into a new more general organisation, the Human Rights Defender (the new equality body). LGBTI human rights defenders expressed concern because HALDE had been a strong voice for human rights for LGBT people and others, and the move may significantly diminish the equality body's impact due to a reduction in funding as well as the widening of the equality body's remit.

Family

- In January, the Constitutional Court found that the ban on marriage for same-sex couples does not conflict with the guarantee of fundamental rights in the French Constitution. The Court also held that allowing marriage for same-sex couples would not be unconstitutional thereby leaving the matter to lawmakers to decide. In upholding the ban, the Court ruled that a lesbian couple with four children had no right to marry. Civil partnerships, known as PACS, have existed in France since 1999 and whilst couples in civil partnerships enjoy tax and other financial benefits, they do not enjoy the same rights as married couples in relation to parental rights, inheritance, and custody of a child in the event of parental death.
- In June, the French Parliament rejected a bill introducing marriage equality for same-sex couples, proposed by the Socialist Party. The Union for a Popular Movement Party (UMP), which holds the majority in the Lower House of Parliament, succeeded in blocking the bill.
- The upholding of the marriage ban for same-sex couples once again focussed attention on the struggles of same-sex parents. In France, only one member of a couple has automatic parental rights, and human rights

defenders claim that this lack of legal ties puts children at risk. Joint adoption is only allowed for married couples or single people, meaning that one parent in a same-sex partnership is not recognised by the State. This parent can then not make emergency health decisions or pass an inheritance to their children, and if the recognised parent dies, the children become legal orphans.

Freedom of assembly

Pride was celebrated in Paris shortly after the Parliament rejected the bill on marriage for same-sex couples, and months after the Constitutional Court ruled that the ban on marriage for same-sex couples did not violate the Constitution. As a result the Pride Parade motto was *For equality, I march in 2011 and I vote in 2012*, with many marchers wanting to make marriage rights a main issue in the 2012 Presidential Elections. Pride Parades were also celebrated in a number of other towns and cities across France using similar slogans.

Human rights defenders

In April, Rudolf Brazda, the last known gay Holocaust survivor, was awarded the *Ordre Nationale de la Légion d'Honneur*. Brazda spent three years at Buchenwald concentration camp, wearing the pink triangle that was used to label homosexual prisoners. He had continued to speak publicly about his trials, raising awareness about the mass deportation and persecution of gay men during the Nazi Holocaust. He died in August.

Legal gender recognition

In December, opposition Members of Parliament proposed a bill to simplify the process for gender recognition of trans people on official documents, removing any connection between medical procedures and legal gender recognition.

Public opinion

According to a poll conducted by *Dimanche Ouest-France* (regional newspaper), nearly 60% of French people supported the introduction of adoption entitlements for same-sex couples.

Member organisations of ILGA-Europe

An Nou Allé

www.annoualle.france.qrd.org

Arc-en-ciel Toulouse

www.aectoulouse.com

ARDHIS

www.ardhis.org

Association CONTACT

www.asso-contact.org

Association de Lutte Internationales pour L'Identité des Femmes Transgenres Travestis transsexuelles et Sida

Association des Familles Homoparentales

www.adfh.net

Association des Parents et futurs parents Gays et lesbiens

www.apgl.fr

Association PsyGay

www.psygay.com

Association The Warning

www.thewarning.info

CARITIG

Centre LGBT Paris et Île-de-France

www.centrelgbtparis.org

Chéries-Chéris - Festival du Films Gay, Lesbiens, Trans et ++++ de Paris

www.cheries-cheris.com

Comité pour la reconnaissance sociale des homosexuel/les CRSH

www.membres.multimania.fr/crsh

Coordination Lesbienne en France

www.coordinationlesbienne.org

CQFD Fierté Lesbienne

David & Jonathan

www.davidetjonathan.com

Europe Écologie - Les Verts

www.eelv.fr

Fédération Française des Centres LGBT

www.inter-centres-lgbt.france.qrd.org

GayLib

www.gaylib.org

Homosexualité et Socialisme

www.hes-france.org

Homosexuels Musulmans 2 France

www.homosexuels-musulmans.org

Inter-LGBT

www.inter-lgbt.org

L'Autre Cercle

www.autrecercle.org

L'Egide

www.legide.org

RHIF et Les Juristes Gais

www.juristesgaisfr.org

SOS Homophobie

www.sos-homophobie.org

Trans Aide

www.trans-aide.com

Universités d'Été Euroméditerranéennes des Homosexualités

www.ueeh.net

Georgia

Asylum

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Bias motivated speech/violence

| | | |
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| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
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Equality and non-discrimination

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| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
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Family

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Legal gender recognition

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Equality and non-discrimination

- In 2011, Georgia was reviewed during the UN's Universal Periodic Review process. However, no recommendations in relation to LGBT issues were made.
- The Parliamentary Assembly of the Council of Europe in its Resolution 1801 (2011) on the honouring of obligations and commitments by Georgia stated that the authorities should "step up their efforts to fight any forms of intolerance and hate speech based on ethnicity, faith, gender or sexual orientation."

Police and law enforcement

LGBT human rights defenders submitted a claim to the European Court of Human Rights alleging abuse of police power, inhuman and degrading treatment and discrimination, during a 2009 search of the offices of the Georgian LGBT NGO, Inclusive Foundation. The case, *Aghdgomelashvili and Japaridze v Georgia* (Application no. 7224/11), alleges that the officers used homophobic insults, handled the staff roughly, and strip-searched some of them, all as part of a search which served no legitimate purpose. The case argues that there were breaches of Articles 3, 8 and 14 of the European Convention on Human Rights and Fundamental Freedoms.

Member organisations of ILGA-Europe

Identoba

www.identoba.com

Inclusive Foundation

www.inclusive-foundation.org

LGBT Georgia

www.lgbt.ge

Women's Initiatives Supporting Group

www.women.ge

Germany

Asylum

| | | |
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Bias motivated speech/violence

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Equality and non-discrimination

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| | ◐* | ◐* |
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| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | ◐** | ◐** |
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Family

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*in Berlin, Brandenburg, Bremen and Saarland
**in Berlin and North Rhine-Westphalia

Equality and non-discrimination

- The German Ethics Council worked on developing an opinion on the situation and challenges facing intersex people. In May, it conducted a survey of intersex people and in June, it ran a public consultation entitled *On the situation of people with intersexuality in Germany*. It worked with intersex people, organisations, medical practitioners and lawyers amongst others. The opinion is expected in 2012.
- The Saarland Constitution was amended to extend the non-discrimination principle to include sexual identity, a German legal concept that includes both sexual orientation and gender identity.

Family

The Higher Regional Court of Hamburg held that the current Adoption Law that applies to same-sex partners violates the Constitution. Under the Adoption Law, a registered partner is only allowed to adopt the biological child/ren of her/his partner, but not the adopted child/ren of her/his partner. The Regional Court of Hamburg said it could find no basis for this distinction, and that there is no evidence that children suffer if raised by same-sex couples. The Federal Constitutional Court of Germany may hear the issue.

Foreign policy

Germany had long supported the African country of Malawi with development aid money. In response to the 2010 Malawian law that makes same-sex relationships a crime and reduces the freedom of the press, the German Development Ministry announced that it would half the amount of budget aid provided in 2010, and the whole amount of budget aid for 2011 was frozen.

Legal gender reassignment

The German Federal Constitutional Court ruled (1 BvR 3295/07) that requiring trans individuals to undergo surgery and prove sterility before changing their legal gender violates the German Constitution. Specifically, the Court said that the requirements were not compatible with the right to sexual self-determination. A trans woman

challenged the surgery requirement after she was denied a same-sex partnership with her lesbian partner because she had legally changed her name to reflect her female gender, but had not undergone surgery. Thus, she was not yet a woman in the eyes of the law. The surgeries previously required included genital surgery and left patients permanently sterile.

Participation in public/political life

- Susanne Baer was appointed to the Federal Constitutional Court and took up her position in February. She is the first out lesbian to hold the position.
- In June, the women's football World Cup opened in Germany a few days after the annual Christopher Street Day (Pride Parade) during which thousands marched through Berlin in the Parade which this year targeted homophobia in sport. Organisers commented on how rare coming out is in sport, and how FIFA (football's international governing body) has remained silent on homophobia. In August, Germany's football captain Philipp Lahm said in his autobiography that he would not advise any gay professional footballer to come out. He cited the case of Justin Fashanu (British footballer) who he said committed suicide as a result of the homophobia following his coming out.
- 2011 saw openly gay Berlin Mayor Klaus Wowereit celebrate a decade in office. Wowereit has published an autobiography about his experience and still enjoys relatively high levels of popularity.

Social security and social protection

- On 10 May, in the case of *Jürgen Römer v Freie und Hansestadt Hamburg (C-147/08)*, the Court of Justice of the European Union (CJEU) ruled that a surviving partner of a same-sex civil partnership should receive the same pension benefits as married partners in similar circumstances. The man had brought the claim against the city of Hamburg after it declined to put him in the same pension category as married surviving partners. The CJEU found that this could be construed as discrimination based on sexual orientation. The man had worked for the

city of Hamburg for many years and claimed he was owed around €300 more per month than he was receiving.

- Following this decision, Germany passed federal legislation that ensures that registered partners who work as civil servants for the Federal Administration (including federal judges, the armed forces, and cooperation aid employees) will have equal rights to those of married civil servants (retroactively applied as of 1 January 2009). The rights which were not previously available include family and mobility allowance, dependant and survivor's rights. The State of North Rhine Westphalia also extended rights to its civil servants in registered partnerships (retroactively applied as of 3 December 2003). The Saarland Parliament also approved legislation which provides for the extension of rights to registered partners of civil servants, previously reserved for spouses (retroactively applied as of 1 July 2009).

Member organisations of ILGA-Europe

AG Lesben und Schwule in der Berliner SPD (Schwusos)
www.schwusos-berlin.de

Aktionsbündnis gegen Homophobie e.V.
www.aktionsbuendnis.org

AStA Universität zu Köln
www.asta.uni-koeln.de

BAG Die Linke.queer
www.die-linke.de/partei/zusammenschlusse/bagdielinkequeer

BiNe German Bisexual Network
www.bine.net

Bundesarbeitskreis Lesben, Schwule, Bisexuelle und Transgender in ver.di
www.regenbogen.verdi.de

Bündnis 90/Die Grünen Landesverband Berlin
www.gruene-berlin.de

Fliederlich e.V.
www.fliederlich.de

Initiative Queer Nations e.V.
www.queer-nations.de

International Support Group for Information Transfer and Networking

Kommunale Arbeitsgemeinschaft Tolerantes Brandenburg e.V.
www.katte.eu

Lesben und Schwule in der Union
www.lsu-online.de

Lesbenring e.V.
www.lesbenring.de

Lesbian and Gay Federation in Germany LSVD
www.lsvd.de

Mann-O-Meter
www.mann-o-meter.de

Referat für Lesben Schwule Bi & Transsexuelle der ASTA TU
RollenWechsel
www.rollenwechsel.net

Schwulenreferat der Carl von Ossietzky Universität
www.schwulenreferat.uni-oldenburg.de

Sonntags-Club.
www.sonntags-club.de

Spinnboden Lesbenarchiv & Bibliothek
www.spinnboden.de

TransInterQueer e.V.
www.transinterqueer.org

Völklinger Kreis e.V.
www.vk-online.de

Greece

Age of consent

| | |
|---|---|
| Equal age of consent for same-sex and different-sex sexual acts | * |
|---|---|

Asylum

| | | |
|---|----------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation ● | gender identity |
|---|----------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|----------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|------------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

*the Criminal Code stipulates that sexual acts are legal from the age of 15 for heterosexuals (Article 339) and 17 for gay men (Article 347)

Equality and non-discrimination

In 2011, Greece was reviewed during the UN Universal Periodic Review process and accepted a recommendation to include sexual orientation and gender identity as grounds for protection in anti-discrimination legislation and policies. It explained that the legislative framework will be included in the field of application in implementing the EU Framework Decision 008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. Greece considered that discrimination based on gender identity falls within the scope of discrimination on ground of sexual orientation. In addition, Greece accepted a recommendation to consider recognising same-sex couples, stating that any relevant decision will be taken after a public consultation on whether or not the Cohabitation Pact should be expanded to include sexual orientation.

Family

- Two same-sex couples were married by the Mayor of Tilos in 2008, on the grounds that Greek Marriage Law does not specifically mention the gender of the marrying partners. In 2011, the Appeals Court of Dodecanese upheld a Lower Court decision voiding both of the marriages, ruling that denying marriage to same-sex couples does not violate the principle of equal treatment. The case is now pending before the Supreme Court.
- In addition to the option of marriage, different-sex couples in Greece can enter registered partnerships. As these partnerships are also not available to same-sex couples, four couples filed cases in the European Court of Human Rights alleging that the law violates their human rights, *Vallianatos & Mylonas v. Greece* (Application No. 29381/09) and *C.S. & Others v. Greece* (Application No. 32684/09). Both applications are pending.

Freedom of assembly

The seventh Pride event was held in Athens, lasting for nearly a week and culminating in a large Parade. The Athens Pride Festival included parties, art and photography exhibitions, and around 10,000 people

participated in the march, nearly doubling the number of attendees from the previous year. The slogan during the Parade, *Kiss Me Everywhere*, was a response to the Green National Council for Radio and Television's practice of penalising stations that show same-sex couples kissing.

Human rights defenders

- A new LGBTQI Platform was set up and brought together some 20 NGOs and groups that allows for organised collaborative work in a strategic manner. The Platform began to look for funding to set up an LGBT social centre.
- The Gay and Lesbian Community of Greece (OLKE) received State funding to participate in the Grundtvig Life Long Learning Programme on training people in fundamental rights.

Participation in public/political life

- In May, ILGA-Europe hosted a conference in Greece for Mediterranean LGBTI human rights defenders, on the subject of hate speech, hate crimes, and visibility in society. The event, which was organised locally by OLKE, was the first event bringing together local LGBT NGOs and groups had participated in a conference together outside of Athens Pride, providing an opportunity for cooperation and discussion.
- In November, the Greek Transgender Support Association hosted a two day event dedicated to International Transgender Day of Remembrance (TDoR) which was attended by academics, lawyers, politicians and human rights defenders. The event combined remembrance with work on the issues facing trans people on a daily basis. An exhibition by Gabrielle le Roux entitled *Proudly African & Transgendered* was installed as part of the gathering. At the end of the two days, participants undertook a candlelit march to the Greek Parliament.

Member organisations of ILGA-Europe

Co-operation Against Homophobia

OLKE (Gay and Lesbian Community of Greece)

www.olke.org

Hungary

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | | ● | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | ● |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | ● |

Access to goods and services

In autumn, the Equal Treatment Authority (ETA) heard its first case involving cross-dressers. The case concerned a group that wanted to do a photo shoot at a hotel, but was refused permission to do so. They took the case to the ETA. It was settled, the hotel apologised, and the group was offered the opportunity to do the photo shoot at a later date.

Bias motivated speech

- The Organised Crime Unit of the Budapest Police started, but later discontinued, the investigation of possible charges of incitement to hatred and violence against a member of the LGBT community, to be brought against protesters who planned to disrupt the Pride march. The authorities argued that calling for the extermination of gays via signs containing drawings and symbols does not incite to active hatred, is not a clear violation of societal norms, and is thus not punishable under existing law.
- István Tarlós, mayor of Budapest, stated that he could not support the EuroGames 2012 as the event is alien to his way of thinking and he distanced himself from the “gay lifestyle.” The Youth Group of the Christian Democrats (who are in government), and Jobbik Party (who are in opposition), both issued press releases calling for State-owned venues to cancel contracts with the organisers.

Bias motivated violence

- Hungary strengthened its hate crime legislation with an amendment that makes intimidating behaviour, and not only violence, directed at certain groups a hate crime. Though the amendment is written in general language and prohibits the intimidation of “ethnic, racial, religious groups or other groups of the society”, human rights defenders for rights of LGBT people are hopeful that the law could also be used to prosecute hate crimes against LGBT individuals. Existing hate crime legislation was interpreted to implicitly cover bias motivated violence against LGBT people.

- Háttér Support Society for LGBT People created an online system for reporting discrimination, harassment, or violence based on one’s sexual orientation or gender identity. Háttér reported that although discrimination against LGBT people is very common, it is also significantly under-reported. The organisation hoped that the online tool, where individuals fill out a simple form and have the opportunity to request legal advice, will increase the documentation of these incidents.

Employment

- In March, the Metropolitan Court of Budapest upheld a judgement by the ETA against an employer who sexually harassed a TV reporter based on his perceived sexual orientation. A fine of approximately €3500 was imposed for harassment, in the form of homophobic abuse and the removal of the reporter’s TV presence for his supposedly being “too effeminate.”
- The Hungarian Office of Health Authorisation and Administrative Procedures found that forcing a trans woman to reveal her trans identity through her pharmacy license was a violation of human dignity. The case arose because the Office of the Chief Medical Officer of State refused to issue a new license with just the woman’s new name, insisting that her birth name be included on the license thereby forcing her to reveal her trans identity every time she produced it. The Office of Health Authorisation and Administrative Procedures ordered the Office of the Chief Medical Officer of State to issue a license without reference to the woman’s birth name and gender.

Equality and non-discrimination

- In 2011, Hungary was reviewed during the UN Universal Periodic Review process. It accepted recommendations to take awareness raising measures, including training for the police and the judiciary; to strengthen hate crime legislation including providing victim assistance; and to explicitly prohibit discrimination on grounds of sexual orientation and gender identity. The representative of Hungary during the UPR process stated that whilst marriage was an institution between a man

and a woman, the rights of same-sex couples in a registered partnership were protected to the same extent as those of heterosexual couples.

- Hungary's new Constitution was signed by the President, and enters into force on 1 January 2012. It has made certain groups vulnerable and does not protect all fundamental human rights; it was criticised by a variety of actors both inside and outside of Hungary. Under the new Constitution, there is no explicit prohibition of discrimination based on sexual orientation. The ruling party was criticised for using its large majority to push through controversial provisions without cross-party support.

Family

The new Constitution introduces a narrow definition of marriage as a union between a woman and a man. Following this Constitutional change, the Hungarian Parliament passed legislation on family protection that only considers households based on marriage or filiation as family. Hungarian LGBT NGOs and opposition parties strongly criticised the discriminatory approach of the bill that not only excludes same-sex registered partners, but also those heterosexual couples who do not wish to get married. The legislation was amended by the Parliament to prescribe that the same notion of family should be used across the Hungarian legal system, and also to limit inheritance rights to blood relatives and spouses (excluding registered partners).

Freedom of assembly

- The Metropolitan Court of Budapest overturned the decision of the Budapest Police to deny an alteration to the Budapest Pride Parade route that would take marchers in front of the Parliament building. The police had originally issued a permit for the Parade in September 2010, but human rights defenders requested the route change in early 2011 because of their desire to make the Parade more political and visible in 2011. Before the ruling of the Metropolitan Court, Members of the European Parliament had expressed concern that Hungary may not be respecting LGBT peoples' fundamental right to organise in public.

- Representatives from approximately 20 foreign embassies in Budapest issued a joint statement expressing support for the 2011 Budapest Pride Festival and the LGBT community. The statement reflected on the violence that had plagued Pride celebrations in the past, and asserted that governments are responsible for protecting their citizens from such violence. Approximately 1500 people attended the march, which was protested against by homophobic nationalists. Police protected the marchers from violence, though they were subject to hate speech during the parade. Several participants were harassed and assaulted when leaving the march. Two Austrian participants were arrested following a report of their alleged assault against a group of Hungarians neo-Nazis.

Freedom of association

In March, following a two year long struggle, the Hungarian LGBT Alliance (an umbrella organisation bringing together LGBT NGOs working in Hungary) was registered by the Court.

Member organisations of ILGA-Europe

Habeas Corpus Working Group

Háttér Support Society for LGBT People in Hungary
www.hatter.hu

Hungarian LGBT Alliance
www.lmbtszovetseg.hu

Iceland

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | ● |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | ● | | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| | ● | ● | ● |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Equality and non-discrimination

- Iceland was reviewed during the UN Universal Periodic Review process in 2011 and the final report of the review will be adopted in 2012. During the review, it stated that the Parliament had adopted unanimously in 2010 legislation providing for a gender-neutral definition of marriage. No further recommendations on LGBT issues were made.
- In March, a Constitutional Council was approved by Parliament to prepare a proposal for a revised Constitution. From April to July, the Constitutional Council worked on the draft proposal of a new Constitution, receiving a formal request in July from 15 NGOs and institutions to include both sexual orientation and gender identity in the equality article of the human rights chapter of the draft. The group of NGOs and institutions included organisations representing the full range of the LGBT community, as well as HIV-Iceland and the Human Rights Centre. The Constitutional Council agreed to include sexual orientation as a ground of discrimination in the equality article, but not gender identity. It did this in spite of its acknowledgment of the poor situation of trans people in Iceland. The Council stated that the words “[...] and position in other respects” in the article also included trans people. It added that this interpretation was supported by various human rights conventions which Iceland had signed, ratified or implemented in national legislation. The Constitutional Council handed its proposal for a new Constitution to the President of the Parliament at the end of July, with Article 6 on Equal Rights reading as follows ‘We are all equal under the law and shall enjoy our human rights without discrimination, such as due to gender, age, genetic character, place of residence, economic status, disability, sexual orientation, race, colour, opinions, political affiliation, religion, language, origin, ancestry and position in other respects. Men and women shall enjoy equal rights in every respect’.

Freedom of assembly

The Pride festivities are organised every year around the second week of August in Reykjavík, and include a Pride Parade and an outdoor concert. In 2011, the Mayor

Jón Gnarr, appeared as Ms. Reykjavík. The Parade was attended by more than 100,000 people.

Legal gender recognition

In March, the Minister of Welfare appointed a special five-member commission on trans issues, to which Trans Ísland and The Human Rights Centre each appointed a representative. The commission drew conclusions for a reform of the legal status of trans people, in accordance with earlier recommendations from the Parliament’s Ombudsman. Indeed, the commission’s role was to consider the Ombudsman’s recommendations and draft proposals for reforms. It was given a year to conclude its work and present the Minister with proposals for improved legislation and administrative procedures. Currently, administrative procedures regarding trans issues posed a range of problems for the individuals involved. Diagnosis and treatment are provided by the same people that decide on whether a person meets the criteria for gender reassignment surgery. Procedures relating to registration of gender and name also pose serious problems for trans people and they do not enjoy full protection against discrimination and bias motivated speech. The main aim of the commission’s work is to make the necessary reforms to the legislation in order to clarify the legal status of trans people. The commission will consider whether the reforms should be in the form of a new piece of comprehensive legislation or amendments to different pieces of existing legislation such as (i) the *Law on the Directorate of Health*; (ii) the *Name Law*; and (iii) the *Law on the Rights of Children* which would all need to be amended in order to secure the legal recognition of trans people.

Member organisations of ILGA-Europe

Samtökin 78
www.samtokin78.is

Ireland

Asylum

| | | |
|---|-------------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation ● | gender identity |
|---|-------------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|-------------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity |
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Equality and non-discrimination

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| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
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| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership ● | cohabitation ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|---------------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | * |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

*the legal gender can only be change on some documents. Even then, trans people cannot fully exercise their rights in their new legal gender (e.g. cannot marry someone of the other gender)

Asylum

Ireland opted out of implementation of the EU Asylum Qualification Directive (2011/95/EU), which among other provisions covers sexual orientation and gender identity.

Education

- The Programme for Government included a commitment to address homophobic bullying in schools. The Department of Education and the Gay and Lesbian Network (GLEN) jointly produced guidelines on creating safe and supportive schools for young LGB people, which were endorsed by all education partners (trade unions, principals, religious bodies, etc.) and were distributed by the Department to all secondary schools. At the launch of the guidelines for school principals, the Minister for Education called for “the elimination of homophobic bullying,” and established a working group to draw a strategy to this aim.
- The Department of Education, in collaboration with GLEN and BeLonG To Youth Services, are producing LGBT curriculum content for social and person education of secondary school students.
- An in-service course for primary teachers addressing homophobic bullying in primary schools, created by Educate Together and BeLonG To Youth Services and approved by the Department of Education and Skills, was launched. This was the first ever in-service course on the topic.
- BeLonG To's *Stand Up Campaign* ran in youth groups and some schools and produced an anti-homophobic bullying video which went viral on YouTube.

Employment

- In March, the Equality Tribunal ruled on the employment discrimination case of a trans woman who was dismissed following her revelation of her true gender identity to her employer and the subsequent process that she undertook towards living in accordance with it fulltime (including presenting herself as a woman at work). While the employer had originally agreed to the transition, he eventually told her that she had to revert back to her former male identity and wear male clothes

when seeing clients. Moreover the Operations Manager continued to refer to her by her former male name, and she was told that she could not use the female toilets (even though male staff occasionally used them as well). Following further similar incidents, she was told that her productivity had reduced dramatically. The Equality Tribunal ruled that she was a victim of a constructive dismissal and awarded her more than €35,000 in compensation for the discrimination that she suffered. In this case the Tribunal could not rely on the ground of gender identity and/or gender expression as they are not expressly covered by Irish law, and instead relied the grounds of gender and disability (taken to include Gender Identity Disorder) as was argued by the complainant.

- GLEN, the Irish Business and Employers Confederation (IBEC) and the Irish Congress of Trade Unions (ICTU) jointly produced a guide *LGB Diversity in the Workplace* which was launched by the Minister for Employment.
- The ICTU produced a number of publications in partnership with GLEN and the Transgender Equality Network Ireland (TENI), including workplace guidelines to inform unions and LGBT workers about their rights at work as well as an *Introductory Guide* to promote equality and help foster understanding of gender identity and trans experiences in the workplace.
- Section 37 of the Employment Equality Act contains an exception allowing any institution with a religious ethos (e.g. hospitals, social services, schools, etc.) to give preference to employees based on their religion and permits them to take “reasonably necessary” actions to prevent an employee or a prospective employee from undermining the religious ethos of the institution. This has led to concerns that this leaves the door open to all these institutions to directly discriminate against LGBT individuals. The Minister of Education, addressing the annual conference of the Teachers’ Union of Ireland, said that he would develop a Code of Practice to address the issue as he believed the best approach to deal with the legislation was to seek to change attitudes. Delegates at the conference expressed their support for a change in the legislation.

Equality and non-discrimination

Ireland was reviewed during the UN Universal Periodic Review process in 2011 and the final report of the review will be adopted in 2012. Ireland received recommendations to deepen the reform of the law on marriage of same-sex partners and to change the concept of traditional family as enshrined in the Constitution.

Family

- In the General Election all political parties committed to further progress for same-sex couples and rainbow families, with some parties advocating marriage for same-sex couples.
- The *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* took effect on 1 January giving civil partners similar rights, protections and obligations to those of married couples, including in pensions, shared home protection, immigration, next of kin, inheritance, residential tenancies, maintenance and domestic violence. The Equality Legislation was also updated to extend protections to civil partners in the provision of goods and services and in employment. The Cohabitation Scheme in the Act affords some legal protection to both same and different-sex cohabitants.
- As of 1 January, for the purposes of immigration, the Irish Naturalisation and Immigration Service (INIS) treats same-sex couples in a civil partnership the same as married couples and de facto same-sex couples the same as unmarried different-sex couples.
- *The Finance (No. 3) Act 2011* updated the tax codes to treat civil partners equally to different-sex married couples and treats children of parents in a civil partnership as children in a different-sex marriage for tax purposes. While the vast majority of rights have been granted through this Act, there are minor anomalies in the tax codes which the government has guaranteed will be dealt with in future finance bills.
- Civil partnership legislation came in force in April and over 550 civil partnerships took place across every county in Ireland by the end of the year. These were met with widespread public acceptance, support and celebration, including very positive coverage in national and regional

media. People from 29 countries entered civil partnerships in Ireland.

- Whilst the LGBT community welcomed the law, the legislation has also been criticised for a number of gaps, including failing to properly address the needs of dependent children, a point made by the Ombudsman for Children. The Programme for Government (2011-2016) made commitments to address any omissions in civil partnership in particular those in relation to children. The Law Reform Commission published recommendations which include extending guardianship, custody and access to civil partners, which were under consideration by the government at the end of 2011.
- Under the *Civil Partnership Act* a list of relationships from 27 different foreign jurisdictions are recognised as equivalent to civil partnerships in Ireland; this list also includes marriages from other jurisdictions. In December, the Government updated this list to include new marriage equality legislation of same-sex couples and civil partnerships abroad, including marriage equality of same-sex couples in New York.
- All political parties and successive Attorneys General have stated that a Constitutional Referendum would be required in order to open up marriage to same-sex couples. However, a case remains pending before the Supreme Court to address the constitutional position relating to the marriage of same-sex couples. The case involves a lesbian couple who were married in Canada in 2003 but were refused recognition of their marriage in Ireland.
- Though civil partnerships for same-sex couples exist in Ireland, they were not explicitly included in the 2011 Census (as the Civil Partnership Bill had not yet been passed by Parliament when the Census forms were being designed), and there were no questions which included or acknowledged trans or intersex individuals. The question of 'sex' was limited to male or female.

Health

The Irish Association of Social Workers (IASW), in collaboration with GLEN, published a new guide of best practices for social workers working with LGB people. The

Visible Lives study of the needs and experiences of older LGBT people, commissioned by GLEN, was launched by the Minister for Equality. The Health Service Executive established a high-level LGBT Health Advisory Committee to develop an LGBT strategy for the national health service. This Advisory Committee also established a working group to identify care pathways for trans people.

Legal gender recognition

- A trans woman from an EU country (other than Ireland) was granted permission to enter into a civil partnership with her female partner in Ireland. As the *Civil Partnership Act* requires that civil partners be legally of the same sex, the registration ceremony amounts to legal recognition in Ireland of the woman's acquired gender, which is fully recognised in her own country. An Irish citizen in the same position could not enter a civil partnership as Irish law does not provide for legal gender recognition of trans people.
- The Government published a report by the Gender Recognition Advisory Group (GRAG) and whilst the publication was welcomed, it was criticised for not meeting the standards of the Council of Europe Commissioner for Human Rights' recommendations regarding legal gender recognition.
- There was still no draft legislation on gender recognition, four years after the High Court decided in favour of a trans woman who fought to have her gender legally recognised by amending her birth certificate.

Participation in public/political life

- Every political party included a commitment to rights of LGBT people in its election manifesto, and the new Programme for Government contained further commitments to the LGBT community. Katherine Zappone, a known lesbian and gay rights human rights defender was appointed to the Senate, and two openly gay men were elected to the Irish Parliament.
- Openly gay Senator David Norris, who previously successfully challenged the criminalisation of consenting sexual acts between adult men in the European Court of Human Rights (Application no. 10581/83), stood as an

Independent in the Presidential Election. He received 6.2% of the first preference votes, placing him 5th out of seven first round candidates.

Public opinion

A 2011 poll by Irish Independent/Millward Brown Lansdowne (Ireland's largest selling daily newspaper and a leading market research company) reported that more than 60% of voters believe marriage for same-sex couples should be allowed in Ireland, while only 27% of voters oppose such legal recognition.

Member organisations of ILGA-Europe

BeLonG To

www.belongto.org

Cork Gay Community Development

www.gayprojectcork.com

GLEN - Gay + Lesbian Equality Network

www.glen.ie

Labour LGBT Ireland

www.labour.ie

National Lesbian & Gay Federation

www.nlgf.ie

Italy

Asylum

| | | |
|---|-------------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation ● | gender identity |
|---|-------------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | ◐* | ◐* |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation ◐** |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|---------------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

*in Turin only

**only in some municipalities

Bias motivated violence

- In April, the openly lesbian Member of Parliament, Paola Concia, and her partner were subject to homophobic abuse whilst shopping in central Rome. A man shouted “F**king lesbians, they should have sent you to the ovens!” at the couple, and only two people came to their defence.
- The same Member of Parliament tried to get an anti-homophobia bill passed in Parliament but had so far been unsuccessful. In July, the Parliament refused to adopt a draft bill on homophobic and transphobic crimes, basing its rejection on a claim that the legislation was incompatible with the Italian Constitution.

Diversity

February saw the inclusion of the lesbian community in the work of feminist movement *If not now, when?* An event aimed at demanding respect for women and an end to the machismo was jointly organised with ArciLesbica.

Education

The first Italian children’s books publishing house to print books about LGBT families, *Lo Stampatello*, estimates that there are up to 100,000 children of LGBT parents in Italy, mostly children from previous heterosexual relationships. The books it publishes include stories relevant to them and their parent-child relationships. The publishing house also considers it important for children of heterosexual parents to understand their friends’ family situations, and that gay is not an insult despite prevalent negative attitudes in Italy.

Family

- Prime Minister Silvio Berlusconi reiterated his strong opposition to marriage equality and the entitlement for adoption by same-sex couples promising neither would be possible as long as his People of Freedom Party (PdL) was in power.
- Despite the decision of the Constitutional Court, which in 2010 ruled that the Parliament is the institution which should decide on how to recognise same-sex couples and their families, no progress has been registered in Parliament.

- The 2011 census included a question on same-sex unions for the first time.

Freedom of assembly

Rome was the host for EuroPride which was attended by hundreds of thousands of marchers. EuroPride is held in a different European city each year, and the 2011 Rome event featured a special appearance and political speech by pop artist Lady Gaga. The Roman Catholic Church and the country’s political administration, both of which regularly adopt positions opposing LGBT equality, were the focus of marchers’ protest.

Freedom of expression

- In spring, IKEA (a Swedish furniture company) launched an advertising campaign featuring two men holding hands and the slogan *We are open to all families*. The advertisement was attacked by the Secretary of State for Family Policy who claimed that it was “[...] in direct opposition to [the] constitution which says that family is founded on a marriage.” LGBT human rights defenders criticised the Minister and other government officials for encouraging homophobia.
- In Milan, the book *Piccolo Uovo* portraying two same-sex families was targeted by a right wing party which threatened to publicly burn it. A councillor of the right wing PdL asked to prevent it from being distributed to public libraries and school.

Participation in public/political life

- The annual ILGA-Europe conference took place in Turin in October, and received the support of the Italian Senate, the Chamber of Deputies of the Italian Parliament, the Minister for Equal Opportunities, the Municipality of Turin, the Province of Turin and Esperienza Italia 150°. The conference also received a message of support from Giorgio Napolitano, the President of Italy.
- Nichi Vendola, the openly gay governor of the southern region of Puglia, enjoyed increasing levels of popularity across Italy. He built his base, largely among Italian youth by using social media and online tools such as blogging, Twitter and Facebook. Vendola, who is

Catholic and a former communist, stated that he wants to unify Italy's different interests and groups.

Sexual and reproductive rights

In July, the Court of First Instance of Rome reaffirmed a decision that sterilisation is not a mandatory requirement for gender reassignment, countering the prevailing interpretation of the law in the country. This decision is final and cannot be appealed. It is of particular significance because of the high number of requests for gender reassignment which are filed with this particular Court.

Member organisations of ILGA-Europe

3D - Democratici per pari Diritti e Dignità LGBT
www.associazione3d.it

Arcigay
www.arcigay.it

Arcigay Frida Byron Ravenna
www.fridabyron.org

Arcigay Gioconda Reggio Emilia
www.arcigayreggioemilia.sitiwebs.com

Arcigay La Giraffa
www.lagiraffaarcigay.wordpress.com

Arcigay Matthew Shepard
www.arcigaymodena.org

Arcigay Piacenza
www.piacenzagay.blogspot.com

Arcigay Pisa
www.arcigaypisa.it

Arcigay Roma Gruppo Ora
www.arcigayroma.it

ArciLesbica
www.arcilesbica.it

Associazione InformaGay
www.informagay.it

Associazione Omosessuale Articolo 3 Palermo
www.articolotrepalermo.blogspot.com

Associazione Radicale Certi Diritti
www.certidiritti.it

Cassero Gay Lesbian Center
www.cassero.it

CUBE - Centro Universitario Bolognese di Etnosemiotica
www.cube.unibo.it

Circolo di Cultura Omosessuale Mario Mieli
www.mariomieli.org

Circomassimo - Associazione gay e lesbica
www.circomassimo.org

Comitato provinciale Arcigay di Rimini "Alan Mathison Turing"
www.arcigayrimini.blogspot.com

Comitato provinciale Arcigay CIG - Milano
www.arcigaymilano.org

Coordinamento Torino Pride GLBT
www.torinopride.it

Di'Gay Project
www.digayproject.org

Famiglie Arcobaleno
www.famigliearcobaleno.org

Ireos - Centro Servizi Autogestito Comunità Queer
www.ireos.org

Kosovo³

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
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| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
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Equality and non-discrimination

| | | |
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| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

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|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

³ Included in this Review as a separate jurisdiction following UNSCR 1244/1999

Access to goods and services

In December, two young women were asked to leave the Hard Rock Café in Pristina by the owner because they were showing affection towards each other. The owner was aware of their sexual orientation. The victims called the police to report the case, and the response from the police was that they had many more important cases to deal with. The victims then went to the police station to complain about the duty police officer from the emergency call, and insisted the incident be treated more seriously, as it was a case of discrimination based on their sexual orientation. After they persisted, the police took their statement and said that they would contact them again. No further action had been taken by the end of 2011.

Equality and non-discrimination

● In the Progress Report on Kosovo 2011 (SEC(2011) 1207 final), the European Commission stated that “The government has continued to carry out a few awareness-raising campaigns on the antidiscrimination law. The low level of confidence in the courts is discouraging for the victims of discrimination. More efforts are needed to combat all forms of discrimination, which is a major issue of concern. Enforcing the relevant legislation, in particular the anti-discrimination law, remains imperative. Monitoring the implementation of legislation in this area is still insufficient. The Constitution prohibits discrimination on the basis of sexual orientation. The antidiscrimination law also provides a high degree of protection for the lesbian, gay, bisexual and transgender (LGBT) community. Practical enforcement of the legislation remains a challenge. There is still a lack of awareness on LGBT issues, which are not discussed openly. There is limited knowledge and understanding on the part of law enforcement officers about the rights of this community. Socially-accepted lack of tolerance towards individuals identifying themselves as having a different sexual orientation requires more political commitment. The members of the LGBT community face threats or the risk of violence. Overall, more efforts are needed to raise general awareness about anti-

discrimination measures and to implement the existing legislation.”

● In December, on the occasion of International Human Rights Day, the Office of Good Governance of the Prime Minister’s Office (OPM/OGG) and the Ombudsperson’s Office in Kosovo, mentioned that the LGBT community faces discrimination in Kosovo for the first time.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in Kosovo.

Latvia

Asylum

| | | |
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| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
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Bias motivated speech/violence

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| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
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| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

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|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | ● |
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Legal gender recognition

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| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Education

In May, leaders of Christian denominations, politicians and some NGOs representatives, asked the Latvian Prime Minister and the Minister for Education and Science “to immediately ban” a school textbook on social sciences for 9th Form students which had been previously approved by the Ministry. The school textbook contained an interview with a psychologist who says that nowadays homosexuality is not a disease and is instead regarded as a fully acceptable sexual orientation by the medical profession. She also said that 8-10% of society is homosexual. Those calling for a ban claimed that such a portrayal of homosexuality is contradictory to the Constitution (which defines marriage as a union of a woman and a man). They also claimed that such a portrayal of homosexuality is detrimental to the development of physical and moral potential of young people. They additionally asked that if the book remained unchanged, their alternative view on homosexuality should also be included as well. In spite of the call, the Ministry of Education and Science decided not to amend the textbook as its content corresponded with the UN and UNESCO recommendations on sexual education for young people.

Equality and non-discrimination

In 2011, Latvia was reviewed during the UN Universal Periodic Review process. It accepted recommendations to increase efforts to combat discrimination on grounds of sexual orientation and to provide general information about anti-discrimination and reform the curriculum in schools to put regularly emphasis on information about gender equality, LGBT and ethnic minorities. At the same time, Latvia rejected recommendations to adopt legislation that recognises homophobic and transphobic motivation as an aggravating circumstance in criminal law. Latvia argued in the Human Rights Council that no cases of violence have actually been reported. It also rejected a recommendation to recognise the diversity of family forms.

Family

- Mozaika, drafted a proposal for a same-sex registered partnership law and submitted it to the Parliament in May.

They met with politicians and other stakeholders, including the Ombudsman, exchanged views and arguments with the President of Latvia, published articles in the media, and letters were sent to the Parliament, President and Ombudsman by a variety of organisations to encourage them to support the proposal in line with European legal standards. A number of statements were made by party leaders, none of them declaring support for the bill (although several politicians did support it), but only a few rejecting the concept outright.

- In July, a referendum forced extraordinary Parliamentary elections. However, shortly before the referendum, the Committee on Human Rights and Social Affairs of the Parliament referred the proposed bill to the Ombudsman’s Office for review. The Ombudsman formed a working group consisting of several NGOs, individuals and the Head of the State Police. The NGOs represented included those which actively oppose rights of LGBT people (including a demand for the disbanding of Mozaika, the prohibition of freedom of assembly and association and any appearance of LGBT people in public, as well as any legal protection of LGBT people in any other sphere of life, including family law). The first meeting of the working group was held in public and was attended by a variety of opponents of LGBT people including the person who was convicted for throwing explosives at participants of Friendship Days (Rīga Pride) 2007, a former Head of the Committee on Human Rights and Social Affairs of the Parliament Jānis Šmits (currently Chairman of No Pride) and Cardinal Jānis Pujāts. Booklets were distributed at the meeting containing ungrounded, stereotypical information about gay men, and representatives of Mozaika were personally insulted without intervention by the representatives of the Ombudsman’s Office and/or the Head of the State Police. The second and final meeting was closed to the public. However, that did not change the homophobic rhetoric of some of the members of the working group. At the end of November, the Ombudsman organised a public discussion regarding the necessity of introducing any kind of partnership or cohabitation regulation (both for different-sex and same-sex couples). At the end of 2011, the Ombudsman had not come up with any conclusions on the issue.

Freedom of assembly

In May, Mozaika organised an IDAHO flashmob at the Monument of Freedom in the centre of Riga. It took place peacefully and was widely covered in the media.

Participation in public/political life

During the campaigning period before the extraordinary Parliamentary elections, some parties referred to same-sex partnership rights in their electoral manifesto. For the first time in Latvia, two openly gay and lesbian politicians ran for election. Although they were not elected, their standing for elections meant that there was coverage of LGBT issues in the pre-election debates in the media and on Internet.

Police and law enforcement

In May, a young man was returning home from a night out when he was stopped by police officers passing in a car. They asked him to get in the car; when he asked why, the police told him they suspected he had been using illegal drugs. He stated that he had not been taking drugs and was happy to submit to expert examination to prove it. One of the officers then took his phone and started reading his messages which included a number of personal ones from his partner. The officer then started to make homophobic comments to the young man, called him a “faggot,” laughed at him, threatened him and expressed the desire to punch him in the face. After this humiliating treatment he was allowed to leave. Following a complaint by the young man, the State Police Internal Investigation Department opened an investigation, but subsequently closed it without further action claiming the officers said the young man was drunk and they wanted to make sure he knew how to get home. The victim did not appeal, despite support from Mozaika, but left the country two months later citing the incident as one the main reasons for his decision.

Public opinion

According to figures from a poll conducted by marketing and public opinion research centre SKDS, Latvian society remains largely hostile towards LGBT

people and legal recognition of partnerships for same-sex couples. Over half of those surveyed condemned “homosexual relations,” 28% also condemned “homosexual individuals.”

Member organisations of ILGA-Europe

Alliance of lesbian, gay, bisexual, transpersons and their friends – Mozaika
www.mozaika.lv

Liechtenstein

Asylum

| | | |
|---|--------------------|-----------------|
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Bias motivated speech/violence

| | | |
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Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | | ● | |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

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Legal gender recognition

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| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Family

In June, a majority of voters in Liechtenstein approved a same-sex partnership law in a binding referendum. 69% of voters supported the new law. The law was passed unanimously by the Parliament in March but was subject to approval by referendum after a group opposing it collected enough signatures to require the vote. The law allows same-sex couples in Liechtenstein to enter a registered partnership thereby giving them some of the same rights as married couples in areas such as taxation, inheritance, social security and occupational pensions. The partnership law, however, excludes parenting rights and adoption entitlements.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in Liechtenstein.

Lithuania

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
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| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
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Equality and non-discrimination

| | sexual orientation | gender identity |
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Family

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|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | | |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
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Bias motivated speech

- During municipal elections in February, the political party Young Lithuania unveiled a slogan *For A Lithuania Without Blue, Black, Red, and Gypsies From the Encampment*. Young Lithuania explained the slogan saying, “for a Lithuania [...] without blue [...] the ideology of sexual perversion that is being imposed on us from abroad. Without black money and liberalist and tolerant traditions, and without red [...] communist yeast that is still torturing our society.” A number of Lithuanian human rights organisations, including the Lithuanian Gay League (LGL), complained to the Prosecutor General on the grounds that the party’s homophobic and racist speech violated the country’s law regulating political parties and campaigning; however, no violation was found.
- Ričardas Čekutis, chairperson of Lithuanian National Centre (LNC) and organiser of a nationalist march in central Vilnius, stated that he would not allow the running of a “parade by perverts, as the biggest parade in the country.” He said it would not take place as long as he and his supporters were alive. Baltic Pride is due to take place in Vilnius, for the second time, in 2013. The first LGBT Pride Parade in Lithuania took place in May 2010. Ričardas Čekutis was promoted by the Young Lithuania Party as a candidate for Vilnius City Council and built his reputation under their slogan *For A Lithuania Without Blue, Black, Red, and Gypsies From the Encampment*; he has also stated that he agrees with the view that the Holocaust never happened.
- While online hate speech is criminalised by Lithuanian law, much of it has gone unpunished because of the supposed resources that it would take to investigate and prosecute these cases. In 2011, the Tolerant Youth Association (TJA), which had previously been individually reporting cases to prosecutors, created an autonomous system allowing people to file complaints against online perpetrators of hate speech directly to the Prosecutor’s Office. Reporting and prosecutions are increasing, and examples include a man who was fined nearly €400 by the District Court of Anykščiai for urging that “all gays be slain” in an online response to an article about the first LGBT Pride Parade in Lithuania. According to TJA, 70% of

the online hate speech cases that reach court are related to homophobic hatred and the rest are split equally between anti-Semitic and xenophobic abuse.

Employment

The Equal Opportunities Ombudsman suggested that the army’s Code of Conduct should be amended to include sexual orientation among the list of grounds on which discrimination is prohibited. The suggestion followed a complaint by a woman who wished to join the army reserve but found no prohibition of sexual orientation discrimination in the army’s Code of Conduct. The Equal Opportunities Ombudsman found there was no breach due to the absence of such a reference but suggested the harmonisation of the Code of Conduct with the grounds for discrimination found in the Constitution and equal opportunities laws, hence also sexual orientation.

Equality and non-discrimination

In 2011, Lithuania was reviewed during the UN Universal Periodic Review process and the final report of the review will be adopted in 2012. It received recommendations to refrain from legislative initiatives criminalising homosexual relations between consenting adults; to develop public awareness raising campaigns to combat manifestations of discrimination against LGBT people; to ensure the full respect for freedom of expression and freedom of assembly for all, including LGBT people; to take the legislative measures and enact policies that recognise the diversity of families and provide same-sex couples with the same rights and social security benefits as heterosexual couples; and to take all necessary measures to prevent and prosecute all forms of violence and harassment related to sexual orientation and gender identity. Lithuania also received specific recommendations to review the *Law on the Protection of Minors against the Detrimental Effect of Public Information*.

Family

- In September, Lithuania’s Constitutional Court declared that the *State Family Policy*, which defined

families as strictly based on marriage, was unconstitutional. Article 38 of the Lithuanian Constitution states that family is the substance of society and the State, but there is no direct reference stating that family is created only through marriage.

- In December, the Lithuanian Parliament accepted a draft amendment to the Constitution, by 62 votes to 8, which defined family in a narrowly stating that “the family is created by a free marriage agreement between a man and a woman.” The proposal will be considered by the Committee on Legal Affairs, and is due to come before Parliament again in the spring of 2012. The Parliament refused to allow the Human Rights Committee to analyse the proposal.
- In December, the Committee for Legal Affairs of the Parliament considered that a draft civil partnership law, which would provide for a variety of protections similar to those for married couples, could conflict with the Constitution if it includes same-sex couples, as the law equates partnerships to family, and family relationships can only be created between a man and a woman. The Parliament can either accept the Committee’s view and reject the bill or proceed to consider it. The bill was still in the Parliamentary process at the end of 2011.

Freedom of expression

- In February, Lithuanian lawmakers gave preliminary approval to a law that would ban “homosexual propaganda,” but rewrote sections of the law in the wake of an overwhelmingly negative response from the international community. The European Parliament adopted a resolution condemning the Lithuanian law, saying that it was inconsistent with human rights, and various NGOs also intervened. The language outlawing “public promotion of homosexuality” was removed, but the current version of the law restricts children’s access to information of a sexual nature. The initial law was passed in response to a children’s book called *A King and A King*, which was intended to promote the tolerance towards same-sex relationships among children. The proposal was still making its way through Parliament at the end of 2011.

- In March, journalist Rasa Navickaitė received an EU Journalists Award 2010 for her article *Different, but Happy* dealing with the experiences of rainbow families in Lithuania. The jury considered that the story presented a positive story of rainbow families but also addressed the difficulties they can face.

- In June, the Lithuanian Parliament amended Article 39 of the *Law on Provision of Information* to ensure that advertising and audiovisual commercial communication must not discriminate on a variety of grounds, including sexual orientation. Inclusion of sexual orientation as a ground of discrimination followed a heated debate which included claims by opponents of the amendment that a ban on discrimination would lead to the “promotion of homosexuality and sexual perversion,” and an objection to giving equal standing to sexual orientation and faith.
- An LGBT film festival, Kitoks Kinas, was held in Vilnius and Kaunas in August and September. This was the first festival of its kind in Lithuania. It involved screenings of more than a dozen films and a photo exhibition on diverse families. It was organised by the Equal Rights and Social Development Centre and LGL.

Health

- In March, a group of Parliamentarians, led by the Chairman of the Committee on Health Affairs, proposed a bill outlawing gender reassignment surgery in the country. The European Court of Human Rights already ruled against Lithuania’s legislation on the subject in 2007 in the case of *L v. Lithuania* (Application no. 27527/03), stating that the absence of specific provisions regulating gender reassignment which is provided for in the Civil Code violated trans people’s rights. Supporters of the bill claim that regulations that completely ban the procedure would be compatible with the ECHR decision but LGBT human rights defenders in the country say that on the contrary such a ban directly violates human rights provisions. The proposal was still in the Parliamentary process at the end of 2011.
- As part of LGL’s *Empowering LBT Women* project, postcards with the slogan *Let’s speak* were written and sent to Members of Parliament, *Let’s speak* posters were

displayed, and a brochure on *10 things about LBT women health* was distributed. The campaign aims to promote dialogue and improve visibility of LBT women.

Participation in public/political life

The Lithuanian Parliament Foreign Affairs Committee issued an invitation to local NGOs to participate in a roundtable discussion of Belarusian democratic opposition and human rights networks. When the LGL responded to the invitation, they were told there was no room for an LGBT organisation.

Member organisations of ILGA-Europe

Lithuanian Gay League

www.lgl.lt

Tolerant Youth Association

www.tja.lt

Luxembourg

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | |

Equality and non-discrimination

- In February, Rosa Lëtzebuerg and Transgender Luxembourg organised a seminar for lawyers on *The rights of LGBT persons: state and perspectives* in collaboration with the Centre for Equal Treatment.
- In July, Transgender Luxembourg in collaboration with the University of Luxembourg held a conference on trans issues in the framework of the GayMat (Pride Week). Transgender Luxembourg also gave presentations on trans issues at the University in May and December.

Family

The 2010 bill to reform marriage and adoption legislation which aims, amongst other things, to introduce marriage equality for same-sex couples and regulate adoption by same-sex couples continued its passage through the legislature, with NGOs Rosa Lëtzebuerg and Transgender Luxembourg submitting opinions on the proposed legislation. The bill also aims to guarantee that a married person wishing to change their gender for civil status purposes will not be obliged to divorce. The bill was still before Parliament at the end of the year.

Legal gender recongition

- In March, Member of Parliament Jean Colombera submitted two written questions to the Minister for Health relating to the question of intersex identity. The first question related to the possibility of a third gender registration whereby the children's sex may be registered as 'undetermined' on birth certificates thanks to a special form. The second question suggested it might be appropriate to run a public information campaign allowing intersex individuals to make themselves known so that the number of intersex people in Luxembourg could be established. The Minister for Health replied that there were no plans to conduct such a study.
- In December, Member of Parliament Jean Colombera asked other parliamentary questions to the Minister for Equal Opportunities. He wanted to know what the Minister intended to do in the field of equal opportunities to ensure that the rights of intersex people was respected, and he wondered if it might not be necessary to amend

the Constitution to include a third gender. He also suggested it might be appropriate to develop a law on "identity related to gender" to guarantee equality of opportunity for intersex individuals. He asked what the Minister's position was on the forced 'genital normalisation' on children and adolescents without their consent. The Minister of Justice rather than the Minister for Equal Opportunities answered the question stating that there was no immediate need to take action on the issue of sex but that the government was following all discussions on the matter at the international level.

- In December, *Déi Lénk* (the Left Party) submitted a motion to the Luxembourg City Council requesting that the City Council examine the possibility for people to change their gender in the register of civil status solely on the basis of their affirmation, and hence without having to submit proof of any kind.

Member organisations of ILGA-Europe

Rosa Lëtzebuerg Asbl
www.rosa-letzebuerg.lu

FYR Macedonia

Asylum

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|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

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| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
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Family

| | | | |
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| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
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| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | ● |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated speech

The Archbishop and another bishop of the Orthodox Church made homophobic remarks during the celebration of the Orthodox Christmas in January, suggesting that allowing same-sex couples to marry would lead to the end of mankind, and equating such marriages to marriages between animals. The Coalition of NGOs for the Protection of Rights of Marginalised Communities intended to sue the Church for slander and hate speech. However, no court case had been brought by the end of 2011.

Family

FYR Macedonia's legislation does not recognise same-sex couples in any way. In spite of this, in January, the leaders of the Macedonian Orthodox Church, Islamic, Catholic, Methodist and Jewish communities called for an amendment to the Constitution to narrowly define marriage as a union between a man and a woman and to ban same-sex couples from adopting. While the action never went beyond a call, it did distract attention from other political issues arising at the time, giving rise to suggestions that the LGBT community was deliberately targeted as an easy distraction from other topics.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in FYR Macedonia.

Malta

Asylum

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|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
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Equality and non-discrimination

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Family

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| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated speech

In March, during information seminars on the Employee Support Programme for Public Employees (ESP), Joe Mizzi, a Catholic priest and Director of the Cana Movement, made a presentation in which he referred to homosexuality as a social problem and sexual dysfunction. In his powerpoint presentation, he listed homosexuality as an example of a sexual problem for which counselling could be sought. A complaint was lodged with the ESP by two lesbian participants who had attended Mizzi's seminars. They received an official reply assuring them that remedial action had been taken, including the requirement that Mr Mizzi issue and circulate a public declaration; that the ESP could be accessed without discrimination on the grounds of sexual orientation, and that LGB employees were not discouraged from seeking assistance. As required by the ESP, Mr Mizzi issued a declaration in which he apologised for any offence caused and stated that the reference to homosexuality made in the slide had been removed. According to him, his comments were not "directed to imply that homosexuality is a social and sexual problem in itself, but individuals going through the process of defining their sexual orientation may benefit from counselling sessions to assist them in dealing with personal issues that may be raised as a result." The Cana Movement is one of various partner organisations providing services as part of the ESP.

Bias motivated violence

In December, the Minister for Justice and Home Affairs announced that the grounds of sexual orientation and gender identity would be introduced in hate crime legislation. By the end of 2011 no bill had as yet been tabled.

Education

In December, the Malta Gay Rights Movement (MGRM) launched *Think Before You Speak: Making Life Better for LGBT Youth*, a project which aims to address the difficulties encountered by LGBTQ youth related to the recognition of their sexual orientation and/or gender identity. The

project involves distributing messages and materials to schools, youth groups, parents and via the Internet, with guidance on how to use the resources in classes, meetings or youth groups. It includes videos, posters and postcards on homophobic and transphobic bullying, the prevention of self-harm and suicide among LGBTQ youth and a message to / from parents of LGBTQ youth.

Equality and non-discrimination

In 2010, Minister for Family and Social Solidarity Dolores Christina had announced that the remit of the National Commission for the Promotion of Equality was going to be extended to cover other grounds including sexual orientation. No developments in this regard had been recorded by the end of 2011.

Family

- In May, the Constitutional Court held that a marriage registrar who had refused to allow a trans woman to marry had correctly interpreted the law. The Court affirmed that there had been breaches of Articles 8 and 12 of the European Convention on Human Rights and Fundamental Freedoms because Malta does not allow for the woman's acquired gender to be recognised for all intents and purposes in law. Nonetheless the Court held that the marriage registrar was correct in refusing to allow the marriage as there is no legal provision for someone in this woman's position to enter "a life partnership" (an institution that does not exist in Maltese law). Parliament could change the law to remedy the situation, but the Court did not instruct the Parliament to do so in order to remedy the breach. A case against Malta on this matter has been filed with the European Court of Human Rights (Cassar v. Malta).

- The Government amended Maltese legislation to correctly reflect the requirements of the EU's Freedom of Movement Directive (2004/38/EC) following infringement proceedings by the European Commission in August. Under the amendment, entry should now be facilitated for EU nationals who are in a relationship with a third country national of the same sex, wishing to move to and reside in Malta. Being married or in a registered

partnership should automatically qualify as a “durable relationship duly attested” for the purposes of the Directive. Where no such formalisation of the relationship exists, other proof might be requested by the local authorities. The amendment does not extend to third country nationals who are in a relationship with a Maltese citizen.

- In November, the government said that a cohabitation bill would be forthcoming and it would include provisions for same-sex couples. By the end of 2011 no bill had as yet been tabled.

Freedom of expression

According to communications with the Malta Information Technology Agency (MITA) in May, websites in Malta which are categorised as LGBT form part of the *Adult Content Government Internet Package* and as a result are not freely available to all. Due to this classification amongst others, the ILGA-Europe website is blocked, as are most other LGBT labelled sites, although the MGRM site is now available.

Health

In April, in reply to a Parliamentary question, the Health Minister confirmed that there are no public sector facilities in Malta for gender reassignment surgery and that there are no plans to provide such services. Currently, private clinics or hospitals provide certain procedures including hormone therapy, mastectomy, hysterectomy, breast implants and hair removal but the cost is borne by the patient. Other transition related surgeries need to be undertaken abroad, and are currently not publicly funded.

Legal gender recognition

In January, Members of Parliament received a draft *Gender Identity Act* written by the Malta Gay Rights Movement which had been tabled in Parliament by MP Evarist Bartolo on 10 December 2010. Since then the bill has not advanced and was not put on the Parliament’s agenda for discussion.

Member organisations of ILGA-Europe

Malta Gay Rights Movement
www.maltagayrights.org

Moldova

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | * |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

*changes on documents did happen *ad hoc* without legal clarity

Access to goods and services

- In September, as part of an investigation into access to services LGBT organisation GENDERDOC-M Information Centre undertook a variety of tests where they sent people into bars either as same-sex couples, straight couples or observers. In one case the bar staff served the two gay men without much overt discrimination although they made insulting comments and laughed at them when out of earshot. A group of men who were also in the bar realised the men were a couple and were visibly unhappy about their presence. Two of the men followed the couple out of the bar and wanted to attack them but were stopped by the research team who were recording everything. A police officer was called and the two men were arrested and both victims and witnesses interviewed. The police officer showed no change in attitude once he knew the reason behind the attack. The offenders were charged and fined for hooliganism.
- In another test, in a bar, a client made derogating comments about the gay couple and asked the manager to throw them out. The manager did not do so directly but sent a waiter over with the bill which had not been asked for. When the couple asked why they had been given the bill the waiter apologised, and the couple continued to be served, but waiters hovered near the couple staring at them.

Bias motivated speech

- In February, the government approved a draft *Law on Preventing and Combating Discrimination*, which included a prohibition of discrimination on the grounds of sexual orientation, and forwarded it to parliamentary committees for consideration. However, the government withdrew it in March claiming it needed further consultation and amendment. The discussion on the law had involved a high level of homophobic comments, including from leaders of most of the parliamentary parties. During the debate a number of erratic statements were made. These included suggestions that inclusion of the ground of sexual orientation presented a danger to society, that those insisting on inclusion would be subject to acts of revenge by the 99% of the population who

constituted the civilised part of society, that homosexuality is not present in the animal kingdom, and that such sexual relations are abnormal and against traditional Moldovan common sense. For a variety of reasons from amorality to fears for the family, political leaders said they would not support the law if sexual orientation remained a prohibited ground of discrimination.

- A civil case for incitement to discrimination and hate speech against LGBT people was brought against Vitalie Marian, a religious blogger who had published a 'black list' condemning those named on it for openly advocating for equality for LGBT people; he also circulated information calling homosexuality a disease and comparing it to paedophilia and calling on people to discriminate against "homosexuals." Marian was ordered by the Court not to spread or comment on the statements for which he was being tried, as long as the case was before the Court. He appealed this order to the Court of Appeal but the decision was upheld. He did not comply with the ruling so the complainants made a request to the police for a report for failure to comply with a court order. The police spoke to Marian, and subsequently issued the report for failure to comply and submitted it to the court for final approval. Because the 'black list' has been circulated by another website and new names have been added, a new case was filed and both cases were awaiting trial at the end of 2011.
- At a press conference in September, the former Head of the Security Services made homophobic statements and incited people to discriminate against "homosexuals." A complaint of incitement to hatred was filed and the defendant was ordered to cease all communication of the type made in the claim against him whilst the case was pending; a hearing was scheduled for 2012.
- In November, a group of citizens claiming to be veterans of the Transdnestrrian War held a press conference during which they insulted different groups and minorities. In relation to public demonstrations organised by LGBT people, they claimed to be ready to come out and beat the demonstrators until they bleed. A complaint was made to the Prosecutor General and the

Principal Police Commissariat demanding that criminal charges be laid against them. The Prosecutor's Office admitted that the statements broke the law but denied the existence of a crime. The complaining body intends to appeal to the court to overturn the Prosecutor's decision not to initiate a criminal case.

- In December, Riscani District Court found in favour of a journalist who had complained about threats and abuse towards him based on his perceived sexual orientation as that of a gay man during a moderated online chat session taking place during the live streaming of a press conference by GENDERDOC-M. He had drawn the moderator's attention to the issue of the hostility and hateful discourse towards the LGBT community before he was attacked by the moderator and participants. The journalist sued the website. The website appealed the decision and the case was listed to be heard in 2012.

Bias motivated violence

Those supporting the inclusion of sexual orientation in the legislation on *Preventing and Combating Discrimination* were intimidated and in some cases subjected to violence. In March, the chair of GENDERDOC-M was assaulted by two people who insulted his sexual orientation and told him to go to Europe if he did not like it in Moldova. Also in March, GENDERDOC-M's lawyer, who made public statements in favour of the draft law, found homophobic graffiti on her car. The mirrors on her car were also broken presumably because of her position on the law.

Equality and non-discrimination

- Moldova was reviewed during the UN Universal Periodic Review process in 2011, and final report of the review will be adopted in 2012. It received recommendations to intensify efforts to address discrimination against LGBT people; to investigate and prosecute crimes against LGBT community members; to take action to build broad support for LGBT rights in the context of the new anti-discrimination law; to allow members of LGBT community to enjoy the rights to freedom of expression and assembly; to ensure that public events planned by LGBT, religious and other rights

groups are permitted and receive adequate police protection; and to continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination with special attention to gender equality and discrimination based on sexual orientation and disability. The government was also recommended to commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the UN Human Rights Council.

- In November, Navi Pillay, UN High Commissioner for Human Rights visited Moldova. At the end of her visit she commented on the positive nature of her meetings and the engagement of the government to contemplating human rights reforms but also drew attention to a variety of areas in which members of different groups, including the LGBT community, were discriminated against and where the authorities failed to take action. She stated: "I heard troubling accounts of hate speech against LGBT persons and groups, including by politicians and public officials. I cannot understand why it has been impossible to guarantee the right of peaceful public assembly for LGBT groups, nor why the state television station has been barred from broadcasting a film on the rights of sexual minorities." In her view, the "legal system in practice remains inert in redressing discrimination and violent acts motivated by intolerance". She emphasised the need for a truly comprehensive law banning discrimination on all grounds.

Health

- As part of an investigation into the way medical practitioners treat LGBT people, GENDERDOC-M secretly filmed a variety of consultations with doctors. During a consultation with a gynaecologist, a woman presented herself as only having sexual relations with women and the doctor told her that her preference was not a question of orientation but "mental folly", diagnosed her with a serious illness and instructed her to go through a number of expensive medical tests. The diagnosis was rejected by two other doctors. The Ministry of Health was asked to clarify how this behaviour was possible and why the

different diagnoses were given. The Ministry met with the organisation, provided explanations, offered apologies and suggested future options for collaboration in educating doctors on sexual orientation and gender identity.

- The video footage was also used in a documentary exploring the avoidance of medical services by LGB people. After it was aired, no gynaecologists who were visited by volunteers, and who had previously been identified as ill-treating patients based on their sexual orientation, displayed discriminatory attitudes.

Police and law enforcement

A man, who was robbed in November 2010, and then burgled in May, was on both occasions subjected to irrelevant questions about his sexual orientation and subjected to mockery at the police station. In the second case, the person he had been with on the night of the burglary was asked questions about the victim's sexual orientation. Despite asking about progress on the investigation and submitting a complaint to the Prosecutor General's Office, the victim was given no information. GENDERDOC-M wrote to the Ministry of Internal Affairs, the Principal Police Commissariat and the Prosecutor General's Office in September, and an officer interviewed the victim who again complained about both cases and the conduct of the officers. He was informed that the robbery case had been closed but that the burglary file was still open, although he received no information on the complaint he had made against the police officers.

Member organisations of ILGA-Europe

GENDERDOC-M Information Centre
www.lgbt.md

Monaco

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
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| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
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Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

No known LGBTI specific or other relevant developments took place in 2011.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in Monaco.

Montenegro

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
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Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
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Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | | |
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| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | ● | |
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Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
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| Possibility to change one's gender on official documents to match the gender identity | ● |
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| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

The number of incidents of discrimination and violence towards LGBT people that were reported to the police, prosecutors, Ombudsman and NGOs increased, although several cases seem to remain unreported due to a lack of sensibility to the topic at the institutional levels.

- In May, Juventas held an IDAHO event *Love is the attitude* followed by a concert. The event was attended by around 600 people, including members of the LGBT community, friends and supporters many of whom came with their families and/or children. During the concert, unidentified people tried to disrupt the event by throwing a tear gas petard into the crowd. By the end of 2011, the police investigation was ongoing having yielded no results.
- After the incident at the concert, two people from the LGBT community were attacked by five assailants in the centre of Podgorica. According to the victims, the police officers refused to allow them to report the attack and file criminal charges, telling them it could be done the next day.
- Five cases of domestic violence (psychological and physical) perpetrated by family members against LGBT people were documented by NGOs in 2011. This represents an increase of reported cases on previous years.
- In August, at least two incidents were not reported to the police. One involving a trans woman who was beaten up by three young men in the south of Montenegro. The other case involved two lesbians from Serbia who were beaten up by a group of men in Herceg Novi. In both cases the victims neither reported the incidents to the police, nor sought medical help for fear of victimisation.

Equality and non-discrimination

The European Parliament adopted a Resolution on Montenegro's progress towards joining the European Union (B7-0157/2011) in which it welcomed the new anti-discrimination legislation in the spheres of employment and public services but criticised the ongoing discrimination on the grounds of sexual orientation and gender identity, including on the part of

the authorities. Ulrike Lunacek MEP, Co-President of the European Parliament's Intergroup on LGBT Rights, called on the Minister for Human and Minority Rights to address LGBT people's human rights.

Freedom of assembly

LGBT Forum Progres planned the first Pride Parade in the city of Podgorica, securing statements of support from some government officials. However, after violent attacks during the IDAHO public event in May, the organisers postponed the Parade. The organisation underscored that the Pride Parade was not simply cancelled because of the violence, but also because of the lack of State support. Prime Minister Igor Lukšić publicly supported the Parade, but the Minister for Minority and Human Rights Ferhat Dinosa did not. Although the government said it would take steps to protect the marchers from violence, human rights defenders said that no concrete plans had been made.

Freedom of expression

An LGBT human rights defender was temporarily kept in the premises of Ministry of Human and Minority Rights by the security staff for putting up posters at the Ministry of Human and Minority Rights demanding that Minister Ferhat Dinosa "do his job or resign." The Minister had commented that "if it is true that gays and lesbians exist in Montenegro, then it is not good for Montenegro." The action targeted Minister Dinosa because of his role in provoking the decision to suspend the country's first LGBT Pride Parade due to a lack of unequivocal official support and fears that the authorities had not done enough to ensure the safety of the marchers.

Human rights defenders

In February, human rights defenders established the country's first publicly visible LGBT organisation, LGBT Forum Progres, which aims to represent LGBTIQ people in Montenegro and to stand for respect and protection of their human rights and equality in society. They aim to work towards a democratic society in Montenegro where the LGBTIQ community is accepted, visible and protected.

Participation in public/political life

- In September, the Montenegrin Government hosted an international conference on human rights with a focus on sexual orientation and gender identity called *Toward Europe, Toward Equality*, which was attended by a variety of international and national officials. The stated aim of the conference was: (i) to create a forum of understanding of the importance of Pride Parades for the LGBT community, including how such Parades could be successfully organised in Montenegro; (ii) to provide training on the rights of LGBT people and LGBT sensitivity to judges, prosecutors and law enforcement officials; and (iii) to create public awareness and dialogue about LGBT issues. A number of organisations did not participate in this conference due to the inadequate “relation of the Government towards domestic civil society and the lack of track record in improvement of the situation of LGBT population.” They made a number of recommendations and recommitted themselves to working with the government if certain terms were met.

- In October, a meeting was held between the Vice President of the Government of Montenegro Duško Marković and representatives of NGOs. During the meeting, it was agreed that a working group would be established at government level to prepare a programme and *Action Plan on the fight against homophobia*. The programme was to be created on the basis of a draft *National Action Plan against homophobia* created by *Together for LGBT Rights*, a coalition of LGBT human rights defenders, 20 NGOs, 10 governmental organisations and four media representatives within the project *Montenegro – a bright spot on a gay map*. As well as the working group, two expert groups were also formed to deal with the analysis of the legal framework from the perspective of compliance with international standards and human rights judicial practice, followed by an analysis of the presence of human rights of LGBT people in school text books.

Public opinion

A poll conducted by the Centre for Democracy and Human Rights in cooperation with the Montenegro

Ministry of Minorities, found high levels of disapproval of homosexuality. 57% of Montenegrins reported they would not want a gay person to be their neighbour, and many stated that LGB people face discrimination in employment. The poll also revealed biases against certain ethnic groups, such as Roma and ethnic Albanians, as well as against women.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in Montenegro.

The Netherlands

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | ● | ● |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | ● | ● | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| | ● | ● | ● |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

- The Ministry for Security and Justice published its annual figures about bias motivated incidents for 2010 and the number of registered incidents increased by 54%, from 428 (in 2009) to 659 incidents (in 2010). A number of cases of bias motivated violence against LGBT people were also reported in the media.
- During IDAHO in May, a group of seventeen national churches, including the Roman Catholic Church and the Protestant Church assisted by COC Netherlands and LKP, the umbrella organisation for religious LGBT groups, issued a *Declaration against Homophobic Violence*. Apart from condemning violations of the human rights of lesbians and gay men, the churches stated that they would work at the international ecclesiastical level to oppose homophobia. The Declaration was launched in Utrecht, which is historically the ecclesiastical centre of the country, and was supported by the Minister of Education, Culture and Science, as well as the Mayor of Utrecht.
- A lesbian couple from Haarlem filed reports with the police and their housing association after receiving death threats, homophobic abuse, and being stalked by a man who had consistently insulted them for three years and who was seen speaking to a neighbour. Another lesbian couple who was physically attacked, received pornographic images through their letter box and had death threats made in the street, stopped walking hand in hand for fear of what might be said or done to them and decided to move from Amsterdam to the east of the Netherlands, where, although the region is known for being more conservative, they felt safer than in the city. They did not report the incidents to the police as they did not know who was behind them.
- In response to a request from COC Netherlands, the Minister for Security and Justice increased by 100% the sentence requirement for crimes with homo-/transphobic motivation.

Diversity

In May, a book which recounts the experiences of lesbian and gay members of the Dutch Salvation Army

was published. The publication and recommendations were presented to the Territorial Commander of the Dutch Salvation Army who acknowledged the existence of a problem in the Netherlands and abroad, and expressed his hope that the situation would change and acknowledged that the Dutch Salvation Army could play a role in ensuring genuine dialogue at the international level.

Education

In November, after intense advocacy, and a national petition, initiated by COC Netherlands, the Minister of Education, Culture and Science agreed to require Dutch schools to provide education about sexual and gender diversity in society. In June, a majority of Members of Parliament had asked that such lessons to be made a compulsory part of the curriculum for all primary and secondary schools but the Minister had initially resisted the move.

Equality and non-discrimination

The Minister of Education, Culture and Science presented a comprehensive new policy document *LGBT and Gender Equality Policy Plan of the Netherlands 2011-2015*, addressing issues as diverse as acceptance of LGBT people in schools, healthcare and religious circles. After COC Netherlands successfully pressed for a paragraph on LGBT emancipation in the government agreement of 2010, the annual budget for this area was increased by about 40%, from €3.5 million to €5.5 million in 2011.

Family

- 2011 marked the 10th anniversary of the introduction of marriage equality for same-sex couples in the Netherlands, the first country in the world to do so. COC Netherlands focussed on a variety of inequalities that remain, in particular the fact that registrars can and do refuse to marry same-sex couples. In the first half of the year, 58 local councils employed 102 registrars who refused to marry same-sex couples. In May, Amsterdam City Council said it would assign two registrars who refused to marry same-sex couples to other duties.

However, in June, the Minister of Education, Culture and Science informed Members of Parliament that, under an exception to the legislation which provided for weddings for same-sex couples, civil servants who had religious objections could refuse to conduct such marriages. In August, Groningen City Council announced that it would not renew the contracts of three registrars who would not conduct marriages for same-sex couples. In October, the government postponed a decision on whether or not to allow city councils to employ officials who refused to marry same-sex couples. In November, following public action by COC Netherlands, the Lower House of Parliament passed a resolution requiring the government to end the exception for registrars to be allowed not to marry same-sex couples. The government decided not to immediately apply the resolution and was awaiting a report on the matter from the Council of State. The Hague City Council fired a registrar who stated in a newspaper interview that he would not marry same-sex couples even though the City Council has a policy that does not allow for such refusal. The employee said he will take the City Council to Court.

- In November, the government announced that it would be introducing a temporary residence permit for LGBT immigrants who wanted to move to the Netherlands to be with their partner but who could not currently do so if they were not married. The short-term permit would enable partners to first get married in the Netherlands and then obtain an ordinary residency permit. The new system would also be available to other couples who are not allowed to marry because of religious or other legal restrictions.
- COC Netherlands has long been pressing for equal parenting rights for non-biological mothers in lesbian couples. While a heterosexual non-biological father in the Netherlands can become the parent of the child of his female partner by means of a simple administrative procedure, a lesbian non-biological mother is required to go through a time-consuming full adoption procedure. In 2011, the Secretary of State for Security and Justice issued a legislative proposal to give the non-biological lesbian

mother equal rights. Parliament is expected to vote in favour of the proposal in 2012.

- A guide which lists the names and addresses of churches that are happy to conduct marriages for same-sex couples was published. Churches could receive a sticker which states *This is a Coming Out Church*.

Foreign policy

In August, the Ministry of Foreign Affairs announced that it was setting aside €35 million for an HIV/AIDS Programme so that LGBT individuals, drug users and sex workers, across 16 countries, could get better access to information, condoms, antiretroviral treatment and medical care.

Legal gender recognition

- Since 2008, Transgender Netwerk Nederland (TNN) and COC Netherlands have advocated for changes in the gender recognition law and the abolition of compulsory sterilisation. In 2011, the Secretary of State for Security and Justice presented a draft law that abolishes compulsory sterilisation. Civil society organisations commented on the draft, which is expected to be debated in parliament in 2012.
- In September, Human Rights Watch (HRW) published *Controlling Bodies, Denying Identities: Human Rights Violations against Trans People in the Netherlands*. The report documents the impact of the 1985 law on gender identity recognition on the daily life of trans people. HRW claims that the law violates transgender people's rights to personal autonomy and physical integrity and denies them the ability to define their own gender identity. The launch of this report strengthened the call for the abolishment of the compulsory sterilisation requirement and other unnecessary medical requirements that are found in the current law.

Police and law enforcement

- In March, two gay men filed suit against the Utrecht Council, the local police force and the State because, after being harassed by their neighbours for over a year, they were forced to sell their home for less than the market

value and leave the city. They filed multiple police reports about vandalism to their car and bricks being thrown through their windows, and they moved because the police said there was nothing they could do about the harassment. They asked the court to order the public prosecutor to charge those who harassed them, and they wanted damages from the police, City Council and the State.

In July, the Court of Appeal in Arnhem rejected the couple's request to issue an order that the youths who harassed them be prosecuted, considering that a new investigation was pointless, in part due to how much time had lapsed since the crimes were committed. However, the Court did find that both the police and Council had been negligent in their handling of the complaints. The couple intend to sue the Council, police and the State.

- In October, a hotline was set up by tri-weekly magazine Gay Krant following a number of incidents in which same-sex couples were forced to leave their homes, including the Utrecht case. Within the first few days, the hotline received almost 100 reports from couples saying they were regularly harassed by neighbours, and the attorney general set up a meeting to discuss the issue with the paper's editor-in-chief. Within less than a month, over 200 reports of homophobic abuse had been made to the hotline. The national Ombudsman and the public prosecutors service said they supported the initiative and police forces in the Netherlands were to be issued with guidelines on dealing with homophobic bullying and violence.

- According to data from human rights organisations and police forces, by the end of 2011, there were at least 34 reported cases of people who left their neighbourhoods because of high levels of homophobic harassment.

- In the run up to Amsterdam Pride in August, the police adopted a zero tolerance approach to homophobic violence and the public prosecution Department had set aside 8 November for any cases arising out of offences committed over the Pride weekend. Prosecutors said that in cases where violence resulted in specialist medical

involvement they would request that any sentence be doubled.

Member organisations of ILGA-Europe

African Gay Youth Foundation
www.africangay.eu

AOb - Algemene Onderwijsbond (General Union of Education)
www.AOb.nl

COC Amsterdam
www.cocamsterdam.nl

COC Haaglanden
www.cochaaglanden.nl

COC Netherlands
www.coc.nl

COC Rotterdam
www.cocrotterdam.nl

COC Tilburg
www.coctilburg.nl

De Kringen Utrecht
www.dekringenutrecht.nl

Dutch Bisexual Network
www.lnbi.nl

EduDivers
www.edudivers.nl

Embrace Pink Foundation
www.embracepink.nl

Foundation Transman
[www.facebook.com/groups/122983161071717/?book
mark_t=group](http://www.facebook.com/groups/122983161071717/?bookmark_t=group)

HoMOVISIE
www.movisie.nl

ILGA Support Group Utrecht

Internationaal Homo/Lesbisch Informatiecentrum en
Archief IHLIA-Homodok
www.ihlia.nl

Landelijk Homonetwerk Politie
www.landelijkhomonetwerkpolitie.nl

Meer dan Gewenst
www.meerdangewenst.nl

National Federation of Christian Trade Unions in the
Netherlands
www.cnv.nl

RozeLinks
www.rozelinks.nl

Schorer
www.schorer.nl

Stichting FLL
www.f-l-l.nl

Stichting Homosexualiteit en Krijgsmacht
www.shk.nl

Transgender Netwerk Nederland
www.transgendernetwerk.nl

Workplace Pride
www.workplacepride.org

Norway

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|---|--|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|---|---|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | ● | ● |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|------------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage ● | registered partnership | cohabitation ● |
| Same-sex couples are entitled to | joint adoption ● | second parent adoption (adoption of one another's child) ● | fertility treatment (medically assisted insemination) ● |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|------------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No Gender Identity Disorder diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | |

Asylum

In December, the High Court in Oslo ruled that a gay Iraqi asylum seeker should be returned to Iraq. The man, who is a Kurd, was told to “go home and be discrete”. The Court had no doubts he was gay, they said that if his sexual orientation got known in his home country he was in a great risk of being persecuted. However, the Court referred to the socio-cultural norms in Iraq and said that one had to expect that the asylum seeker adapted to these norms when returned to Iraq. His lawyer pointed out that the decision meant that his client would have to hide his sexual orientation if returned, and the man told Norwegian television that he would be killed if returned. The ruling was appealed to the Supreme Court, which will be heard in 2012.

Bias motivated violence

The statistics on hate crimes against LGBT people has been low and stable over the last 4 to 5 years. Only between 30 and 40 cases were reported annually. Both the Norwegian LGBT organisation (LLH) and the police believe that many incidents remain unreported. As a response, LLH launched a campaign on the reporting of hate crimes.

Equality and non-discrimination

In November, the government founded the LGBT Resource Centre which is announced to be “a driving force in the effort to improve living conditions and quality of life for LGBT persons.”

In 2012, the Centre will conduct a research to collect data on the living conditions for LGBT people. Two separate national studies will also be launched, one study for LGB people, and a qualitative research among trans people. The Centre will also collect data on intersectional discrimination of LGBT people with disabilities.

Health

- LLH and Skeiv Ungdom campaigned for the removal of Section 155 of the Criminal Code. This Section applies to those exposing others to the risk of HIV infection regardless of transmission. The Section applies to a set of

communicable diseases that are hazardous to public health, but it is practically employed only with regards with HIV infection.

- LLH and the Stensveen Resource Centre for trans people responded to an evaluation of the State Hospital on their provisions of care for trans people with the goal of improving existing healthcare services. Currently, up to 80% of trans related health requests are refused by the State Hospital. The government has also faced criticism in this regards.

Human rights defenders

In November, the Rafto Prize was awarded to Sexual Minorities Uganda (SMUG). Frank Mugisha, Executive Director of SMUG, received the award on behalf of the organisation, which was given the prize for its work to make fundamental human rights apply to everyone, and to eliminate discrimination based on sexual orientation or gender identity.

Police and law enforcement

LLH worked closely with the Oslo Police and developed a training programme on LGBT issues and hate crimes.

Sexual and reproductive health

A report about the experience of several lesbian couples who experienced a refusal of a reference letter for assisted medical insemination within the National Healthcare System was presented to the Ministry of Health and Care. Subsequently, the Ministry issued an instruction stating that doctors cannot discriminate against lesbian couples.

Member organisations of ILGA-Europe

LLH - Norwegian LGBT Organisation
www.llh.no

LLH - The Norwegian LGBT Organisation – Bergen and Hordaland
www.llh.no/nor/fylkeslag/llh_bergen_og_hordaland

LLH - The Norwegian LGBT Organisation - Nordland
Region

www.llh.no/nor/fylkeslag/llh_nordland

LLH - The Norwegian LGBT Organisation - Oslo og
Akershus

www.llh.no/nor/fylkeslag/llh_oslo_og_akershus

LLH - The Norwegian LGBT Organisation – Rogaland

www.llh.no/nor/fylkeslag/llh_rogaland

Skeiv Ungdom - Queer Youth

www.skeivungdom.no

Skeiv Verden - Queer World

www.skeivverden.no

The National organization for transsexuals in Norway
(LFTS) - local group in Bergen

Poland

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | ● |

Access to goods and services

Campaign Against Homophobia (KPH) took up the case of a man who was refused insurance cover for his life partner under the Family Accident Insurance. After the intervention of the Insurance Ombudsman, the bank allowed the claim and included the client's partner in the insurance plan. However, there is still no systematic resolution of discrimination against LGBT people within the insurance sector.

Bias motivated speech

- Member of Parliament Robert Węgrzyn was forced to publicly apologise for homophobic remarks he made to a reporter during a Parliamentary debate about civil partnerships. Leaders of his party, the Civic Platform (PO), condemned the remarks and he was expelled from the party.
- Anna Grodzka, President of Trans-Fuzja, filed a civil lawsuit against journalist Tomasz Terlikowski, who made personal transphobic comments about her during her parliamentary election campaign. She said she was suing not only because of the offence caused to her but also that caused to the thousands of trans individuals in Poland. She proceeded with her suit, while acknowledging that neither gender identity nor gender expression are recognised in legal terms. Her case was declared admissible, but Mr Terlikowski, whose views were supported in various media, continued to make offensive remarks.
- At the end of October, a Court allowed the National Rebirth of Poland Party (NOP) to register a homophobic symbol as one of its logos. The move led to calls for the Justice Ministry to intervene, as the symbol is highly offensive and used by many anti-equality groups and individuals, including those who perpetrated violence against Pride Parades across Europe.

Bias motivated violence

- In May, over 400 people marched in Krakow's Pride Parade but they were attacked by a group of around 150 people. The police used tear gas to subdue the attackers and took a number of them into custody.
- A March for Tolerance was organised in Wrocław. Rather than ensuring the safety of the marchers, the City Hall told the organisers that if they wanted to avoid

confrontation, they should change their route so as to avoid counter-demonstrators. The main organiser of the March was physically assaulted.

Family

- In February, the Committee on Petitions of the European Parliament examined petition 632/2008, on the refusal by the Polish authorities to issue civil status certificates for Polish citizens wishing to enter a marriage or registered partnership with their same-sex partners abroad. The petitioner argued that the refusal by the Polish authorities to issue the necessary certificates impedes Polish citizens' freedom of movement (Article 21 Treaty on the Functioning of the European Union), since they cannot exercise the right to respect for private and family life simply because of their sexual orientation. The European Parliament Intergroup on LGBT Rights recommended that the Committee keep the petition open, and instructed the European Commission to investigate whether the refusal policy is in line with EU law.
- In April, the Ministry of Interior announced that it would issue a new version of the certificate needed for individuals who intend to marry or enter into a registered partnership (whether of different- or same-sex) outside of Poland. The existing certificate requires the identity of the future spouse to be entered on the application form thereby enabling registrars who oppose partnerships of same-sex couples to refuse to issue the certificate. Despite this public statement, by the end of 2011 the forms had not yet been amended and people continued to be denied their certificates. At the end of the year there were at least two cases pending before the District Court in Warsaw from couples complaining that they had not been issued a certificate.
- In May, the Senate voted on the *Family Support and Foster Care Act* and adopted, amongst other items, an amendment under which "persons of homosexual orientation" cannot run a children's home or a foster family. The amendment was passed despite the negative opinions of the Human Rights Committee and Senate Legislative Office. However the amendment was rejected by the Parliament, thereby removing it from the legislation.

- Also in May, the Democratic Left Alliance (SLD), together with the Initiative Group for Civil Unions, tabled a bill proposing gender-neutral civil partnerships that would give couples joint property and taxation protection, as well as inheritance rights. However, the bill was stalled in Parliament and there were new parliamentary elections in October. In November, Member of Parliament Robert Biedroń, founding member of KPH and member of Palikot's Movement Party (RP), stated that they would join forces with the SLD to reintroduce a bill on civil partnerships. The Prime Minister had previously promised that he was ready to discuss the issue. Biedron explained that the civil partnerships law may have to be amended before resubmission, in order not to conflict with a law protecting marriage as the legal union between a man and a woman.

Freedom of expression

In April, a campaign to promote civil partnerships, *Love does not exclude*, caused controversy and was hampered when it moved beyond Warsaw. In four cities where campaign posters showing same-sex couples had been or were to be put up on public transport, they were removed. The companies justified their action on various grounds including the risk that the posters would provoke vandalism, stir up tension, humiliate their elderly customers or cause offence.

Legal gender recognition

In November, the Vice-Minister of Justice declared that work would start on a new gender recognition legislation. In announcing this intention, the Vice-Minister explained that an inter-departmental working group would supervise drafting and the new legislation would aim to simplify the current gender recognition procedure. Trans-Fuzja started work to ensure that trans voices would be heard and that the gender recognition procedure would be approached as a human right and not as a medical process (pathologisation).

Participation in public/political life

In October, Anna Grodzka was elected to the Polish Parliament, making her the first openly transsexual

woman to be elected to a national parliament in Europe. Until December, she was the President of Trans-Fuzja and her election was welcomed by organisations that hope that her visibility and position in the legislature will help improve the situation of trans and intersex people. In the same elections, Robert Biedroń became the first openly gay man to be elected to the Polish Parliament. He said that the most pressing LGB issue was the introduction of civil partnerships for same-sex couples. They were both elected as members of Palikot's Movement.

Police and law enforcement

- As part of the preparations for European Football Championship 2012, the police force engaged in a nationwide campaign to promote the football competition tolerance within its ranks. Tolerance towards the LGBT community became part of the training and recruitment provisions.
- In November, Trans-Fuzja started cooperating with the Polish police and attended a meeting called by the National Police Human Rights Protection Officer (HRPO), where Trans-Fuzja was able to give input to regional officers on trans specific issues, including hate crime. The organisation was positive about the interest of the HRPO in including trans issues and the problem of transphobia in training programmes for the police.

Member organisations of ILGA-Europe

A.W.R. Softpress
www.polgej.pl

Campaign Against Homophobia
www.kph.org.pl

Fundacja Równości (Equality Foundation)
www.rownosc.blogspot.com

KdT Fundacja Kultura dla Tolerancji - Culture for tolerance Foundation

Lambda Szczecin Association

Lambda Warszawa Association
www.lambdawarszawa.org

Trans-Fuzja Foundation
www.transfuzja.org

Portugal

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | ● |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| | ● | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | ● | ● |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | ● | | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | ● |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | ● |

Equality and non-discrimination

- *The National Plan for Equality, Gender, Citizenship and Non-discrimination 2011-2013*, which specifies actions to be taken by the government and its agencies, mainstreams LGBT anti-discrimination concerns in such fields as health and social protection, and includes a specific strategic area for sexual orientation and gender identity. It identifies training needs for several sectors (including justice, security, health, education, social security) and the need to have LGBT-themed books in town and school libraries.
- ILGA Portugal started implementing some of the measures contained in the *National Plan for Equality*, through projects funded by the European Union. Two training sessions for professionals from the Justice Sector working in conflict resolution were conducted in 2011.

Family

- In October, ILGA Portugal organised an international conference on family issues called *Families is plural* with the support of the State which recognised them as a family organisation.
- Towards the end of 2011, there was the beginning of a political discussion on access to medically assisted reproduction. The current exclusion of single women and same-sex couples was the object of discussion, and projects were presented to terminate this exclusion. After a round of Parliament hearings, the project by Left Block Party that already proposed to eliminate the restriction on access to single women and same-sex couples was revised to also include presumption of maternity in addition to presumption of paternity. Another project by Members of Parliament from the Socialist Party included the same proposals.

Legal gender recognition

The Portuguese Parliament adopted a law simplifying administrative procedures for legal recognition of gender identity for trans people in Portugal. This confirmation forced the President, who had vetoed the bill, to sign it into law. The law creates streamlined administrative procedures for trans individuals, who can apply for a legal

change of gender and name where the application is supported by a diagnosis from a multidisciplinary team of clinical sexology (that includes a doctor and a psychologist) from a private or public institution, either in Portugal or in any other country. After presenting these documents and meeting the set criteria, the change must happen within 8 days. Following the recommendations in the Issue Paper published by the Commissioner for Human Rights of the Council of Europe, this is the first law in Europe where the requirements do not include any mandatory medical procedures (other than a diagnosis of gender dysphoria) or a divorce requirement. Moreover, there are also provisions to allow for changes in the documentation of the children of transsexual persons.

Police and law enforcement

After a training session that took place in 2010, a working group on violence against LGBT people was set up in 2011. A first meeting was held in the headquarters of GNR (one of the police forces) with participants from EPJ (School of PJ, another police force), Terrorism Unit (PJ), Internal Affairs Directorate, Justice Administration Directorate, DIAP (Department for Investigation and Penal Action), and ILGA Portugal. The main goals that came out of this meeting included: (i) to gather data on hate crime and violence based on sexual orientation and gender identity including the contacting of institutions and national management data collection bodies for security and crime research; (ii) to integrate issues of violence against LGBT people in the initial and continuous training of police forces and in seminars and conferences to enhance the public and internal visibility of the collaboration with the LGBT movement; (iii) to integrate specific contents on LGBT people into Codes of Conduct for police forces to guarantee sexual minority protection and security and to promote the involvement of the police forces in preventing and combating this type of violence; (iv) to promote and facilitate complaints in settings that ensure the victim's privacy and anonymity, promoting resources such as electronic complaints, telephone helpline, community helpline, domestic violence helpline; and (v) to inform and sensitise the

general population and public institutions, stressing the openness to receive complaints.

Member organisations of ILGA-Europe

Beja Diversidades
www.bejaversidades.pt.gd

ILGA Portugal
www.ilga-portugal.pt

Obra Gay Associação
www.opusgay.org

Romania

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

The extent of hate crimes motivated by homophobia and transphobia is unknown due to the fact that these incidents are significantly underreported as the victims rarely start legal actions against perpetrators.

- In November, despite the presence of police and security personnel, the premiere of the first Romanian documentary centred around a gay couple, *Noi Doi (Two of US)*, was broken into by fifteen men from the homophobic organisation *Noua Dreapta (ND)*. The film was being screened during an International Film Festival (DaKINO), in the presence of critics, journalists and the French Ambassador who made a speech before the film. The opening scenes of the film show images from an homophobic march organised by ND. In the cinema, the ND group repeated the homophobic slogans heard in the film, held up homophobic banners and lit up fireworks. They were removed by security before any physical violence had taken place. The audience thought it was part of the screening, and were only told the truth at the end of the film. The ND supporters continued their homophobic protest online, attacking the French Ambassador who had funded the film at the *Human Rights Awards*. Security measures were taken by the producers for subsequent screenings of the film.

Equality and non-discrimination

In September, ACCEPT Association, together with the Euroregional Center for Public Initiatives (ECPI), managed to change a biased definition of homosexuality/ bisexuality in the Dictionary of the Romanian language, which official edition comes under the authority of the Romanian Academy.

Freedom of assembly

In June, 15 foreign embassies issued a joint statement of support for the Bucharest GayFest. The statement of support and solidarity emphasised the entitlement of the LGBT community to respect for their universal human rights. Around 150 people attended the Pride Parade at the end of GayFest. The week of events included a debate

on the freedom of movement of same-sex couples in the EU, film screenings, a concert and a literature event.

Health

From December 2010 to August 2011, the drafting process of the *National Strategy on Sexual and Reproductive Health and Rights 2012-2016* took place with the participation of members of the Network on Sexual and Reproductive Rights. The process was coordinated by the ECPI in partnership with the Society for Education on Contraception and Sexuality (SECS), the United Nations Population Fund (UNFPA), the Ministry of Health and the Parliamentarian Subgroup on Population and Development as well as the Network. ECPI managed to have areas such as the legal framework regarding adolescents' access to sexual and reproductive health services and the non-discriminatory access to sexual and reproductive health services access for vulnerable groups included in the draft of the *National Strategy*. With this stage of the drafting process completed, LGBT organisations prepared to continue their advocacy efforts to ensure that the Strategy is adopted by the Government, that it is budgeted for and implemented as of 2012. A similar advocacy strategy to be developed in order to see the *HIV National Strategy* adopted, resourced and implemented by the authorities.

Human rights defenders

- In June, ACCEPT Association won one of the *ERSTE Foundation Honorary Awards* for its project *DIVERSITY – the reality around us*. This was one of 37 social integration projects that won awards ranging from €16,000 to €40,000. The award ceremony took place in Prague.
- In September, a new LGBT organisation, ACT-Q ROMANIA, was registered. The focus of the organisation's work in support of the LGBT community will be in the field of culture and communication. One of its first actions resulted in the removal of homophobic comments from an online version of an article which presented a distorted image of the LGBT community.

Sexual and reproductive rights

From February to April, ECPI translated and printed a briefing paper on adolescents' sexual and reproductive rights and collected and published personal stories on LGBT discrimination and recent LGB history in the booklet *Homoistorii. Iesirea din invizibilitate (Homo histories)*.

Member organisations of ILGA-Europe

ACT-Q Romania

www.act-q.org

Asociatia ACCEPT

www.accept-romania.ro

Association Equal from Romania

Russia

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated speech

- RIA Novosti, a Russian news and information agency, terminated the employment of its political commentator, Nikolai Troitsky, because of homophobic posts he made on his personal blog. The agency said that its journalists needed to remain civilised and not show extremism and his posts violated the ethical code which Novosti workers needed to abide by. The posts included innuendos about the “bombing of faggots” and “cleaning of the earth” that would result from the “death of these perverted dogs.”
- Permission was granted for a 3,000 strong rally to take place in Moscow May 28 “against sexual perversion and in support of the imprisonment of homosexuals.”

Bias motivated violence

- The application to hold a rally and march on May 28 on “the history and attitudes towards homosexuality in science and literature” was refused by Moscow’s City Hall on the grounds that it might damage children and thereby breaching international obligations on the rights of the child. In the run up to the day a number of people, including officials from the Russian Orthodox Church and other religious and social organisations, had incited violence against participants of the event and online preparation for attack had occurred. On the day various participants were attacked by groups of young people who had freely gathered in the presence of the police, and others were attacked, detained and ill-treated by the police. A number of participants were injured and one was hospitalised.
- In June, in St. Petersburg, after the authorities refused to issue a permit for the Slavic Pride Parade, 14 young people gathered with rainbow flags and placards in the centre of St. Petersburg to raise public awareness about the violations of the human rights of the LGBT community in the country. Shortly after the demonstrators were attacked by a group of individuals believed to belong to the People’s Council which advocates for ‘traditional values’ and actively suppresses the LGBT community. The police eventually intervened, arresting the LGBT demonstrators, who were charged with participation in the rally and disobeying the police. They were held in police custody overnight.

- In September, the police closed a case against a Russian Orthodox activist who beat a female reporter at an LGBT rally in Moscow. The attack was recorded on camera, and the victim said she had suffered an ear injury with a loss of hearing. In spite of this, the police closed the case on the basis of a police commissioned medical examination undertaken three months after the attack, which found no evidence that she had suffered “harm to her health.”
- In December, a gay human rights defender was attacked during a march against the election results in Novosibirsk. He had spread out a rainbow flag, and a few minutes later was assaulted, knocked down and beaten. He was rescued by the Deputy Chief of the District Police, but the attackers were not detained and no police investigation was initiated. The Russian LGBT Network and Gender and Law sent several letters to the General Prosecutor’s Office and Police Departments asking for the investigation. These requests had not been answered by the end of 2011.

Equality and non-discrimination

- In May, the Russian LGBT Network submitted an shadow report on LGBT issues to the UN Committee on Economic, Social and Cultural Rights following which the Committee requested Russia to gather “information concerning the extent of the practice of discrimination against lesbian, gay, bisexual and transgender persons in particular in employment, health care, and education.”

Freedom of assembly

- In February, the Mayor of Moscow stated that “gay parades” were inadmissible and that he doubted any such Parade would be held in the capital, as it was “unnecessary” and he was “not in favour of it”. The refusal for the Pride Parade was one in a line of refusals which the European Court of Human Rights in 2010 found to be in violation of the European Convention on Human Rights and Fundamental Freedoms. In *Alekseyev v. Russia* (Application nos. 4916/07, 25924/08, and 14599/09) the Court held unanimously that there had been a violation of Article 11(freedom of assembly and association); Article 13 (right to an effective

remedy); and Article 14 (prohibition of discrimination). LGBT human rights defenders nonetheless gathered on the day and tried to hold a series of pickets in defence of human rights and against discrimination based on sexual orientation and gender identity.

- In March, the Commissioner for Human Rights in the Russian Federation, Vladimir Lukin, declared illegal the 2010 ban imposed by Tyumen City Hall on a rally of the Tyumen Branch of the Russian LGBT Network and local LGBT organisation Rainbow House. At the time, human rights defenders intended to tie a ribbon on a 'tree of tolerance' in downtown Tyumen, thus expressing their concerns about discrimination based on sexual orientation and gender identity. The police had warned that anyone coming to the tree in violation of the ban would be arrested.
- In April, in St. Petersburg, more than 50 members of the LGBT organisation Coming Out joined the international youth event, the Day of Silence, to protest against the silencing of discrimination, humiliation and violence faced by LGBT people and their allies. The event was staged in phases: (i) Day of Silence posters were put on university bulletin boards; (ii) then information leaflets were faxed to the city administration, the courts, the Prosecutor's Office, Deans' Offices of universities and the city's main mass media; and (iii) finally a flash mob was held with over 50 people, mouths taped shut with red tape, walking along the Nevsky Prospect (the main boulevard in St. Petersburg), and handing out over 1000 leaflets. Public reaction was generally positive and a minor run-in with the police was quickly resolved.
- In May, the first officially sanctioned mass action of the LGBT community took place in St. Petersburg. 150 human rights defenders and supporters of the LGBT community, including parents of gays and lesbians and members of human rights civil society, celebrated IDAHO under the slogans *Different people – same values, We are against violence, Born to be ourselves*. Three hundred balloons were released to symbolise the organisers' wish for a diverse world without violence or discrimination. Attempts by opponents to disrupt the event were thwarted by the police. IDAHO in Russia has also been

celebrated by a rainbow flash mob in different cities. In 2011, the Russian LGBT Network once again supported the initiative and gave people instructions on how to organise and document a local flash mob.

- In October, an official of the Novosibirsk City Hall refused to grant a permit for a street action aimed at disseminating information about "natural types of sexuality." The refusal was explained on a number of grounds including provisions relating to morality, ethics, and the possible reaction of the city's population.

Freedom of association

- In April, the European Court of Human Rights opened the communication stage of the complaint made by Tyumen LGBT organisation Rainbow House against Russia for refusing to register the organisation, and for discrimination on the grounds of sexual orientation. In September, responding to the Court's questions, Russia defended the denial of registration on a number of grounds including those that the organisation's "propaganda of untraditional sexual orientations" might undermine the safety of Russia, its government, its sovereignty and territorial integrity and its population, as well as provoking social and religious hatred and threatening the institutions of marriage and the stability of the family.
- The first Russian LGBT Sport Federation was registered in September, in St. Petersburg, by the General Office of Ministry of Justice of the Russian Federation. It aims to organise sports events and projects for the promotion of a healthy lifestyle and sports among the LGBT community and others who accept the organisation's goals. Registration will allow the organisation to advocate for the rights of LGBT sports people under the Russian legal system.
- Four LGBT organisations were refused registration in Moscow.

Freedom of expression

In Russia, freedom of speech of dissenting voices to official position, and minorities in general is significantly curtailed. In 2011, the situation continued to deteriorate,

and LGBT human rights defenders and community have experienced a surge of repression, including through legislative initiatives banning the so called “propaganda of homosexuality.”

- In September, Arkhangelsk adopted a law banning events which “promoted homosexuality,” supporters claiming this was needed to end what they claim to be “promotion of homosexuality” to children which is supposedly damaging for their health and morals. Supporters also considered that the “promotion of homosexuality” would lead to the development of homosexuality in children and a threat to Russia’s birth rate. It is nearly identical to a law passed in 2006 in Ryazan, and under which two human rights defenders were detained and fined for carrying around placards saying *Homosexuality is normal* and *I’m proud of my homosexuality*. Ask me about it. The Constitutional Court found that the ban did not violate the Constitution because it prohibited “[...] activities toward the purposeful and unregulated dissemination of information that could pose harm to health and moral and spiritual development, like forming distorted ideas about social equivalence between traditional and non-traditional marriage - among those who do not have the benefit of age to evaluate this kind of information independently.” The human rights defenders have taken their case to the European Court of Human Rights but the reasoning of the Constitutional Court has informed the strategy and drafting of subsequent legislation.
- A woman was arrested in Ryazan for “propaganda of homosexuality to minors.” She challenged the arrest and the Human Rights Committee of the UN decided in November that it would hear the case against Russia during the Committee’s July 2012 session in Geneva.
- In November, St. Petersburg legislators voted on the first reading of a bill to ban all “public actions directed at promoting sodomy, lesbianism, bisexuality and transgenderism to minors.” The law would ban “propaganda for sodomy, lesbianism, bisexuality and transgenderism to minors” and would lead to fines of up to 3000 roubles for individuals, 5000 roubles for officials and 50,000 roubles for legal entities. It could have the

effect of outlawing most LGBT activity, including that relating to the promotion of human rights and encouragement of tolerance. By the end of 2011 the bill had successfully passed its first reading but still did not contain a definition of what amounts to “propaganda.” It raised criticism and concern from international and national human rights organisations and was also condemned by Thorbjørn Jagland, Secretary General of the Council of Europe. It will continue its Legislative Assembly passage in 2012.

- In December, the Russian Commission for Human Rights posted a statement to its website stating it knew nothing about the bill and was therefore not able to comment on it, it also did not consider the complaints filed against the law to be correctly constituted complaints as they did not contain specific cases of violations but suggestions that some might be committed in future; finally the Commission claimed that because the wording in the complaints it had received was identical, it amounted to a collective appeal – possibly to paralyse the working of the Commission, and therefore the Commission would only reply directly to the author of the first letter.

Human rights defenders

- In February, Side by Side LGBT Film Festival launched a three-minute video: *Coming Out: Your Step towards Equality!* in which Russian gay and lesbian people talk openly about their coming out and how relatives and friends came to terms with their child’s, sibling’s or colleague’s sexuality. It covers the various phases of coming out and emphasises the positive feelings that result even if it is initially difficult. It was produced as a means of helping gay and lesbian people to come out as well as facilitating acceptance by those around them, thus avoiding what the project coordinator called “[...] a vicious circle living in constant fear of possible disclosure” which makes people vulnerable to intimidation.
- The Week against Homophobia took place towards the end of March, across a range of cities, and included demonstrations, discussions, training sessions and exhibitions with a view to conveying the message of the week which was *Love is stronger than hatred*.

Legal gender recongition

In spring, in Novosibirsk, a post-operative transsexual applied for a change of identity papers, producing the necessary medical certificates on diagnosis and surgeries, but the Civil Registry Office refused to grant the application. Prior to the application, the Novosibirsk Regional Civil Registry Office had stated that they did change transsexuals' documentation if applicants submitted medical certificates relating to surgery. The applicant changed the documentation using court procedures instead.

Member organisations of ILGA-Europe

Coming Out Russia Saint Petersburg LGBT Organisation
www.comingoutspb.ru

Gay Youth Right Defence Organisation
www.gayser.org

Raduzhny Dom

Russian LGBT Network
www.lgbtnet.ru

Russian National LGBT Centre TOGETHER
www.gay.ru/together

The St. Petersburg LGBT Human Rights Centre - "Krilija (Wings)"
www.krilija.sp.ru

San Marino

Asylum

Persecution on the following grounds is explicitly recognised in asylum law

| sexual orientation | gender identity |
|--------------------|-----------------|
| | |

Bias motivated speech/violence

Bias motivated speech/violence on the following grounds is recognised in criminal law

| sexual orientation | gender identity |
|--------------------|-----------------|
| ● | |

Bias motivated speech/violence law explicitly refers to intersex people

Equality and non-discrimination

The Constitution explicitly prohibits discrimination on the following grounds

| sexual orientation | gender identity |
|--------------------|-----------------|
| No Constitution | |

Discrimination in employment is explicitly prohibited by law on the following grounds

Discrimination in access to goods and services is explicitly prohibited by law on the following grounds

Discrimination in other spheres of life is explicitly prohibited by law on the following grounds

Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds

National equality action plan contains measures tackling discrimination on the following grounds

National anti-discrimination law explicitly refers to intersex people

Family

Forms of legal recognition of same-sex partnerships

| marriage | registered partnership | cohabitation |
|----------|------------------------|--------------|
| | | |

Same-sex couples are entitled to

| | | |
|----------------|--|---|
| joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
|----------------|--|---|

Trans people can legally marry a person of the other gender

Freedoms of Assembly and Association (during the last 5 years)

LGBTI public events held with authorisation/without obstruction by the State

| no obstruction | obstruction |
|----------------|-------------|
| | |

LGBTI organisations officially registered/function without obstruction by the State

| | |
|---|--|
| ● | |
|---|--|

Legal gender recognition

Existence of legal/administrative procedures for change of name and legal gender

Possibility to change one's name to match the gender identity

Possibility to change one's gender on official documents to match the gender identity

No *Gender Identity Disorder* diagnosis or medical/psychological opinion needed

No compulsory medical/surgical intervention required

No compulsory divorce (or single status) required

No sterilisation (or proof of infertility) required

No known LGBTI specific or other relevant developments took place in 2011.

Member organisations of ILGA-Europe

As of December 2011, there were no member organisations of ILGA-Europe in San Marino.

Serbia

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | | |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | ● | ● |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Asylum

Labris reported a high number of calls from people enquiring about asylum abroad because of the bleak situation for LGBT people in Serbia. In a specific case, the organisation issued a certificate outlining the seriousness of the problems for LGBTIQ people to help an asylum seeker who had already left the country for fear of persecution.

Bias motivated speech

- The prevalence of hate speech reached media attention and official sanction. In March, after Serbian religious leader Amfilohije Radović made comments opposing the Belgrade Pride Parade. The Equality Protection Commissioner concluded that he had violated the anti-discrimination law by engaging in hate speech, and that he had to apologise to the LGBT community.
- In September, in Novi Sad, a teacher published homophobic statements on her Facebook page, including incitement to violence against LGBT people. At the end of 2011, it was still unclear whether any disciplinary action was going to be taken by the school.
- In November, a court in Belgrade found that Dragan Marković, a Member of Parliament from United Serbia Party (part of the governing coalition), guilty of a serious act of discrimination. He was not fined but was ordered to pay the trial costs and not to repeat his offensive speech made during the preparations for Belgrade Pride, including the description of the Pride as “where they want to show something that is an illness as something normal.” It was the first time this type of verdict was reached against a Member of Parliament.

Bias motivated violence

- In spite of the fact that LGBT organisations reported a number of attacks, the Ministry of Interior confirmed that it does not record statistics on the number of attacks which are based on the real or perceived sexual orientation of the victim.
- In April, the leader of the organisation that led violent protests against Belgrade Pride in 2010 was sentenced to two years in prison for his role in the riots. Fifteen others

were sentenced to shorter custodial periods, ranging from eight to eighteen months. The 2010 violence led to the injury of nearly 150 police officers and 25 others, and caused thousands of Euros in damage to the city of Belgrade.

- In October, a woman wearing a t-shirt with LGBT symbols was attacked in Belgrade city centre, beaten up and stabbed. As a result, she suffered cut ligaments to her fingers, concussion, scratches and bruising. During the attack she was screamed at and constantly asked if she was a lesbian. One of the attackers was arrested but was not held in police custody because he was a minor. The attack was the subject of a protest in front of the government building in Belgrade where LGBT human rights defenders decried the continued violence against the community.
- In December, in Belgrade, a twelve-year old boy who was consistently subjected to homophobic bullying at school (including physical and mental assaults) informed the media about the daily bullying he suffered. His case came to media attention after his mother posted about it on her Facebook page. Although the school principal told journalists he would solve the problem, Labris suggested that the case demonstrated the need for educating staff about same-sex orientation and providing awareness raising training to teachers to address the root cause of this issue.

Family

- A number of individuals were refused a marital status certificate, once it became clear that they needed them to travel abroad to enter a civil partnership or marriage with their same-sex partner in another country.
- In March, a woman was refused the certificate which she wanted in order to marry another woman in Spain.
- In July, a gay man complained to the Ombudsman of the Autonomous Province of Vojvodina against Šid Municipality which refused him a marital status certificate. They have claimed that the issuing of the certificate was not permissible under the relevant provisions of family law. In examining the case, the Ombudsman found that there were no clear normative provisions for these

situations and conducted an investigation into how the matter was dealt with throughout Vojvodina, results of which suggested that each authority acted differently. The Ombudsman is to issue guidelines to ensure that local authorities act in a non-discriminatory way across the region.

- In December, a Serbian national wanting to enter into registered partnerships with an Austrian citizen was refused a marital status certificate. Individuals encountering problems with their certificates were turning for advice to LGBTI organisations.

Freedom of assembly

- The preparations towards Belgrade Pride Parade involved discussions with almost all political parties in Serbia, whose reactions ranged from clear support for human rights and freedom of assembly of LGBT people, to a call that people remain non-violent. Moreover, there were meetings with organisations such as the Council of Europe and the OSCE and there was wide media coverage of the preparations. However, during this time there was also an increase in attacks on people because of their perceived or actual LGB sexual orientation. The Pride Parade organisers were intimidated. There was incitement to violence and homophobic comments were made by opponents of the Pride Parade and the media printed stories outlining the protest rallies that were being planned, including one which threatened to burn tyres in the streets. An atmosphere of intimidation and threat of violence at Pride was created through media, political and clerical rhetoric. In discussions with the Ministry of Interior, the organisers were told that parallel gatherings to Pride were being prepared but that they would not interfere with the Pride; the Ministry stated that all possible measures would be taken to protect the Pride participants and told the organisers to ignore media reports. A day after that assurance, the Council for National Security banned the Pride Parade on the grounds that it might “obstruct public transport, endanger the health, public morale or security of people and property.” A complaint against the ban was lodged with the

Constitutional Court of Serbia and the European Court of Human Rights.

- At the end of the year, the Constitutional Court decided that the 2009 police decision to reroute the Pride Parade away from Belgrade centre had violated the organisers’ right to assemble and they had also been denied the right to a legal remedy.

Freedom of expression

The Gay and Lesbian Info Center (GLIC) published the first edition of *Optimism*, a free publication for the LGBT community available in many Serbian cities. The magazine featured a report on the legal situation of LGBT people in Serbia.

Member organisations of ILGA-Europe

Gayten LGBT, Center for Promotion of LGBTIQ Human Rights

www.transserbia.org

Labris

www.labris.org.rs

Slovakia

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | | | |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

Iniciatíva Inakosť launched a new online tool for the reporting homophobic violence or other homophobic incidents. The site provides information for victims seeking help. The creators of the site plan to monitor and document incidents, and to help those who report crimes to receive help from the authorities.

Diversity

TransFúzia provided a 2-day awareness raising training session for LGB human rights defenders on trans issues. The training resulted in deeper inclusion of trans issues in the strategic planning of various organisations and led to new co-operations and training projects planned for 2012 (such as training for medical students).

Equality and non-discrimination

- The statute creating the new Council for Human Rights, National Minorities and Gender Equality to address equal treatment and protection of minorities was redrafted to exclude an Advisory Committee on LGBT rights. Iniciatíva Inakosť and Queer Leaders Forum condemned the decision, calling it a political move. The LGBT community is the only group listed in Slovakia's anti-discrimination law that lacks representation in the newly-formed Council.
- In June, the government supported and published a translation of the Yogyakarta Principles.
- The situation of lesbian and bisexual women was included for the first time in the Shadow Report for Slovakia on the Convention on the Elimination of Discrimination Against Women (CEDAW). Another first was the inclusion of information about the situation of trans women and trans men in Slovakia.

Family

The government department in charge of human rights and equal treatment organised an international conference *Human rights aspects of lives of same-sex couples*. It included speakers from Norway, the Netherlands and the United Kingdom (countries where marriage or registered partnership for same-sex couples

already exist). It provided a positive perspective on the effect of marriage equality. The goal was to support discussion on the topic, raise awareness of public, media and political authorities, and set attention to the European and local continuities of human rights of LGBT people.

Freedom of assembly

- Slovakia's second Pride Parade was held in June in Bratislava. Over 1500 people attended the festivities, guarded by armed police officers enforcing strict security measures in severe contrast to the country's first Pride Parade in 2010 which was violently disrupted by protesters. In 2011, no one was injured, and only one person was charged following around 45 arrests. The 2011 celebration was attended by Bratislava Major Milan Ftáčnik, Speaker of Parliament Richard Sulík, and Labour Minister Jozef Mihál, amongst other dignitaries. However, a number of public figures, including former Members of Parliament, issued a public statement opposing the Parade. Despite this opposition, the event was well attended and kept safe. Rainbow Pride praised the police for their help in monitoring the event.
- After Rainbow Pride in June, Slovak Public Television organised a discussion on issues relation to LGB people and same-sex couples which lasted about an hour and a half. This was the first time such a public discussion, with time and space for debate, had taken place. Romana Schlesinger, spokeswoman for Rainbow Pride, and Former Minister of Interior Affairs Vladimír Palko were the invited speakers.

Health

In August, a mental health campaign *Psychological support for LGBT people* was launched by Iniciatíva Inakosť with the financial support of the government. It includes personal development training for psychologists, the production of materials including brochures on a number of LGBT issues (such as coming out, homophobia and heterosexism, identity, and same-sex couples) and a handbook about LGBT issues for psychological service providers.

Human rights defenders

A centre providing a wide range of services to the LGBT community, including counselling, legal advice, a safe meeting space and consultation on academic theses opened in Bratislava. Q-centrum arose out of an initiative of the Queer Leaders Forum and received government funding.

Participation in public/political life

Stanislav Fořt came out as Slovakia's first openly gay Member of Parliament. He belongs to the Freedom and Solidarity Party (SaS), and said that reactions had ranged from reserved to positive. The LGBT community welcomed the announcement, commending Fořt for his courage in living openly.

Member organisations of ILGA-Europe

Iniciatíva Inakosť
www.inakost.sk

Slovenia

Asylum

| | | |
|---|-------------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation ● | gender identity |
|---|-------------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|-------------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation ●* | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|---|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership ● | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) ● | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|---------------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|--|
| Existence of legal/administrative procedures for change of name and legal gender | |
| Possibility to change one's name to match the gender identity | |
| Possibility to change one's gender on official documents to match the gender identity | |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

*following the Parliamentary Commission for Constitutional Affairs official interpretation

Asylum

At the end of December, the Ministry of Interior rejected an asylum request from two gay men from Kosovo who claimed that they were persecuted on the grounds of their sexual orientation. Their first application was made in 2006 and was rejected in 2007 with an order for their immediate removal. However, they had successfully appealed on procedural grounds and in 2008, the Supreme Court had ordered that the Ministry of Interior start their procedure afresh, and consider their application in accordance with existing international standards for the protection of asylum seekers. Shortly thereafter, they left Slovenia for the Netherlands to seek medical assistance for their rapidly deteriorating health. In 2009, they were returned to Slovenia and their application for asylum was resubmitted. In December 2011, the Ministry of Interior rejected their claim on the grounds that they lacked credibility whilst also saying there would be no risk to their safety if returned to Kosovo as the rights of LGBT people were sufficiently protected there. This was stated despite evidence to the contrary submitted by ŠKUC-LL which is supporting the couple.

Bias motivated speech

In May, hooligans from the Green Dragons football supporters club displayed a banner in Ljubljana's main stadium that read *For a family, stop Pride parade* and burnt a rainbow flag. According to media reports, they were arrested and charged with incitement to hatred, violence or intolerance. Informational Centre Legebitra issued a press release and notified the Slovene Football Association, which reportedly apologised for the incident through a press release and said it would take disciplinary action against the club.

Bias motivated violence

- In May, an Italian LGBT human rights defender was attacked in a bar near Ljubljana's train station. He had been to a gay bar in Ljubljana where two men had approached him and asked if he was gay; when he said he was they punched him in the face and kicked him. There were witnesses who filmed the attack. The police charged

the two perpetrators with incitement to hatred, violence or intolerance with homophobia as an aggravating motive. The case was pending at the end of 2011.

- In the early hours of the morning of the first day of Pride week, the LGBT bar Café Open had a cement block thrown through its window; an LGBT family event was scheduled to take place there later in the day. The bar has been attacked every year during Pride week since 2008, so it was assumed that this attack was also linked to Pride and the LGBT status of the bar. The incident was reported to the police and was video recorded. The police treated it as vandalism without adding a homophobic motive to the charge. Two of the five people involved in the incident were caught and the owner decided to settle for compensation rather than pressing charges. The original belief that this attack was of a homophobic nature, was corroborated by the political beliefs of the perpetrators and the fact that they belonged to a particular football supporters club.

- In June, in Ljubljana, a British gay police officer who was on holiday in Slovenia with his friends was severely beaten by a group of men who used metal police-style batons. According to the victim's account, the attack occurred after one of the Slovenians became aware that he was gay, became aggressive and started making homophobic comments. The perpetrators had followed him and had an argument with two of his friends before the British group split up. Later, the perpetrators found the victim and two of his friends in a shop where they severely beat them up. The police started an investigation, which was still ongoing at the end of 2011.

- In August, a young male couple who were holding hands in a bar in Koper were approached by a customer who made homophobic comments, and told them to leave and threatened to attack them. He moved in to make them leave immediately; when the couple could not calm him down, they asked the owner to call the police. The police took statements from the victims and the perpetrator and despite the threats decided to charge the man with public nuisance rather than start criminal proceedings against him. According to Slovenian law, homophobic bias does not apply in cases of public nuisance.

Employment

A gay nurse who was offered a job at the University Clinical Centre in Ljubljana, went for the health check-up required by his employer. During the check-up he was subject to various judgemental comments about his HIV+ status from the examining physician. The first health certificate that was issued contained a comment about the need for the nurse to wear double gloves. The nurse made a formal complaint asking for the comment to be removed from his certificate. Subsequently, a new certificate was issued, but the employer insisted on seeing both certificates. The employer then notified the nurse that he no longer had the job. The medical centre, which undertook the examination, is run by the same employer who ultimately rejected the nurse. The nurse believes that his HIV+ status was passed on to the employer explaining why the job offer was revoked. The case is pending before the Labour and Social court in Ljubljana.

Family

- In June, the legislature adopted a new Family Code that grants same-sex couples all the economic and political rights available to different-sex couples, except for the entitlement to joint adoption. However, under the new law a same-sex partner could adopt the child of the other partner. LGBT human rights defenders supported the proposal as it gave same-sex couples full economic and social rights whereas the legislation in place did not grant around 35 economic and social rights which are available to different-sex couples.
- In June, the new *Aliens Act* was adopted and it came into force at the end of October. The Act includes the right to exercise the right of reunification of family (e.g. obtaining residence permits for foreign partner) and it also covers registered same-sex couples.
- In September, a group called the Civil Initiative for the Family and the Rights of the Child, that opposes marriage and family rights for LGBT people, formally requested a public referendum to reject the new Family Code. The Parliament referred the request to the Constitutional Court for a decision on whether or not it could proceed.

- In November, an amendment to the rules on the registration of same-sex partnerships came into force allowing the entry of foreign registered same-sex partnerships into the register in Slovenia.
- At the end of December, the Constitutional Court ruled on procedural grounds that the referendum to reject the Family Code could go ahead.

Member organisations of ILGA-Europe

Association informational centre Legebitra
www.drustvo-legebitra.si

Društvo DIH - Association for integration of homosexuality
www.dih.si

Lesbian Group ŠKUC-LL
www.ljudmila.org/lesbo

Roza Klub

ŠKUC-MAGNUS

Spain

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | ● |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| | ●* | ●* |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ◐**** |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ◐**** |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | |
| National equality action plan contains measures tackling discrimination on the following grounds | ◐** | ◐** |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | ● | ◐*** | ◐*** |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| | ● | ● | ● |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | ● |

*following the Constitutional Court interpretation

**Barcelona only

***some regions only

****Navarra and Basque Country only

Access to goods and services

A gay couple that was invited into a bar at the Seville city fair was subsequently ejected by the owners when they began to dance together. The owners made homophobic statements, but the couple initially refused to leave and the police was called. Following the incident, a prominent consumer group asked the city to withdraw the bar's licence, but Town Hall officials said that the owners were permitted to discriminate as it was his private property.

Family

In January, concern was raised as the leader of the Popular Party (PP) indicated that they may seek to repeal the country's law which allows marriage to all couples, should the party come to power in the 2012 elections. The elections were held in November 2011 and the PP won an absolute majority. The question of the law's constitutionality was already pending before the Constitutional Court, in a case submitted by the PP, and at the end of 2011 the Party's stated position was that it would respect the decision of the court on the matter. Some couples brought their weddings forward to make sure they were married before the elections as they were concerned what would happen if the PP won.

Freedom of expression

Four university students were arrested during a protest action against comments made by Roman Catholic Church representatives opposing human rights of women and LGBTIQ people. The action took place in the University Chapel at Madrid's Complutense University which was chosen as a protest against the presence of a religious institution on the site of a secular university.

Participation in public/political life

The city of Barcelona erected a monument in Ciudadela Park to commemorate LGBT people persecuted throughout history, in particular those who suffered during the Franco dictatorship.

Sexual and reproductive rights

In April, a lesbian reported that she was denied fertility treatment because of her sexual orientation. She was told

by her local hospital that the Regional Ministry had instructed them to deny fertility treatment to all single women and to lesbians. The Health Minister stated that the public healthcare system did not discriminate on grounds of sexual orientation, and denied that she could have been refused treatment on that ground. The woman's account is however not unique and the case has been taken up by the Lesbianas en acción Platform.

Member organisations of ILGA-Europe

Asociación Española de Transexuales
www.transexualia.org

Asociación Internacional de Familias por la Diversidad Sexual
www.familiasporladiversidad.org

Asociación Reacciona!
www.asociacionreacciona.tk3.net

ASECAL
www.asecal.org

Associació de Famílies Lesbianes i Gai
www.familieslg.org

Barcelona International Lesbian and Gay Film Festival
www.barcelonafilmfestival.org

Casal Lambda
www.lambda.cat

Colectivo de Lesbianas, Gays, Transexuales y Bisexuales de Madrid
www.cogam.es

COLEGAS
www.colegaweb.org

Col·lectiu Lambda de València
www.lambdavalencia.org

Coordinadora Gai-Lesbiana
www.cogailles.org

FELGTB - State Federation of Lesbian, Gays, Transgender and Bisexual people
www.felgtb.org

Fundación Triángulo
www.fundaciontriangulo.org

GEHITU
www.gehitu.net

Grupo Lesbianas, Gays, Transexuales y Bisexuales del PSOE
www.psoe.es/ambito/lgtb/news/index.do

Sweden

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
| | ● | |

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| | ● | |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| | ● | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | ● | | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| | ● | ● | ● |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Asylum

The Swedish Federation for Lesbian Gay, Bisexual and Transgender Rights (RFSL) dealt with approximately 70 LGBT asylum cases and continued to note that the asylum procedures were not consistently followed. Various applicants who have well founded legal claims are being denied asylum, cases are regularly appealed and retried, and it is not uncommon for a person to be granted asylum on a third hearing after two denials.

Bias motivated speech

During an undercover report for the Swedish television, chapter leaders of the Salvation Army were recorded expressing a variety of views describing same-sex sexual activity as a sin, and offering to ask God to free the reporter from the condition. Moreover, the reporter found that the Junior Soldier's Promise lesson book included passages saying that children and young people should learn that homosexuality is wrong. The Salvation Army claimed that the material was under review and a new version was produced in 2011 which no longer contained the discriminatory texts. The Minister responsible for deciding which faith communities in Sweden receive grants from the State, Christian Democrat Stefan Attefall, did not consider that the report gave cause for reconsidering State funding for the Salvation Army. Several churches and Muslim congregations in Sweden consider homosexuality a sin and do not allow LGBT people into the congregation; they too continued to receive State funding.

Bias motivated violence

- Swedish authorities collect detailed statistics on hate crime, including homophobic, biphobic and transphobic crime, with hundreds of cases being reported each year. The levels of violence varied across the country; RFSL noted that some of their branches collected much higher violence incidence rates than others.
- For the first time, Stockholm Pride chose not to charge an attendance fee to the public. Unfortunately, this gave room to homophobic and transphobic individuals to enter and mix with the attendees and subsequently there

were several reports of homophobic and transphobic attacks.

Employment

In January, a lesbian pastor who was passed over for a job with a diocese in central Sweden, lodged a case for discrimination. She applied for a temporary position with the diocese in Strängnäs to fill a position which had been vacant for a while and was being covered by a retired pastor in his seventies. During her application process, the vicar made comments to a diocesan employee which suggested he would not employ the pastor because of her sexual orientation. The applicant learnt about this and made a formal complaint. The case was sent to the Ombudsman who in turn referred it to the trade union.

Legal gender recognition

There was an increase in discussion of the issue of forced sterilisation of those who wish to change their legal gender, and this was considered one of the main political issues for RFSL. Interest from mainstream media ensured visibility for the topic which enabled RFSL to work for change at the political level.

Participation in public/political life

- In March, Anton Hysén became the first professional Swedish male footballer to come out. He did so in an interview with the Swedish football monthly *Offside*, in which he called on fellow gay footballers to take a stand for tolerance. His stand was supported by the Swedish Football Association which hoped that more gay footballers would be encouraged to talk openly about their sexuality. RFSL confirmed that homophobia remains a barrier within sport in Sweden and commended Hysén's stand. He received full public support from his father, Glenn Hysén, a former footballer with Liverpool and Fiorentina who was also the opening speaker at Stockholm Pride in 2007. Sadly, after an interview with him, a major Swedish football website was forced to shut off its comments function after numerous homophobic comments were posted.

- Kajsa Bergqvist, one of Sweden's most famous athletes, a former professional high jumper, declared that she has a girlfriend, and also calls herself a lesbian.

Police and law enforcement

In November, the Skåne County Police Force said it would not be taking disciplinary action against an officer who had described "gays" as "a cancer on society." The comment had been made to a recruit in reference to a lesbian colleague who is a hate crimes educator within the Skåne Police. The educator, who had worked on the force for 20 years, overheard the comment, in which the male officer also said that he disapproved of "her lifestyle" and made a number of biblical references. The police force decided not to take disciplinary action saying it could not establish exactly what had been said between the female recruit and the police officer in question. It did nonetheless consider that the severity of the language used demanded that the man's superior officer talk to him.

Member organisations of ILGA-Europe

C-Gay The National Network of HBT persons within the Centre Party

HBT-Liberaler
www.folkpartiet.se/hbtliberaler

Hbt-socialdemokrater Sverige
www.hbts.se

Posithiva Gruppen
www.posithivagruppen.se

RFSL Forbundet (National)
www.rfsl.se

RFSL Gävleborg
www.rfsl.se/gavleborg

RFSL Göteborg
www.rfsl.se/goteborg

RFSL Kronoberg
www.rfslkronoberg.se

RFSL Linköping
www.rfsl.se/linkoping

RFSL Malmö
www.rfsl.se/malmo

RFSL Nord
www.rfsl.se/nord

RFSL Norrköping
www.rfsl.se/norrkoping

RFSL Örebro
www.rfsl.se/orebro
 RFSL Östersund
www.rfsl.se/ostersund

RFSL Skaraborg
www.rfsl.se/skaraborg

RFSL Stockholm
www.rfsl.se/stockholm

RFSL Sundsvall
www.rfsl.se/sundsvall

RFSL Fyrbodal
www.rfsl.se/fyrbodal

RFSL Umeå
www.rfsl.se/umea

RFSL Ungdom The Swedish Youth Federation for LGBT rights
www.rfslungdom.se

Riksförbundet EKHO
www.ekho.se

ROHS Riksorganisationen Homosexuella Socialister
 Swedish Federation of LGBTQ students
www.hbtqstudenterna.se

Switzerland

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| | | ● | ● |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | * |
| No sterilisation (or proof of infertility) required | |

*required by some courts, even though no such requirement is found in law

Asylum

In February, a gay Iranian man was denied asylum in Switzerland because of a previous drug trafficking conviction and the Federal Administrative Tribunal ruled that “systemic discrimination is not detectable” in Iran, a claim highly contested by LGBT human rights defenders. The Court said that homosexuality is tolerated “when it is not done openly and in an offensive manner.” A Swiss law passed in 2010 mandates the deportation of foreign nationals convicted of certain crimes, including drug trafficking. Though the man had previously been granted temporary residency status because his partner is Swiss, his post-conviction application was denied.

- A trans man arrived in Switzerland with a visa issued by another Dublin II signatory State (European agreement on procedures for asylum claims). According to this agreement, the other State was in charge for the processing of his asylum claim. However, he requested asylum in Switzerland, but was denied because Switzerland did not consider itself to be procedurally responsible in this particular case as he already had a visa from another Dublin II signatory State. This decision was revoked following an intervention by two human rights NGOs which asked the Federal Office for Migration to make use of the Dublin II sovereignty clause because the trans man was neither safe in the other country nor had access to needed gender reassignment treatment.
- In November, the Federal Office on Migration organised two days of information (one in French, one in German) for their employees on LGBT refugees. Speakers were mainly from Queeramnesty, Transgender Network Switzerland (TGNS) and some psychiatrists. One of the key issues revolved around how the interviews on the request for asylum are to be conducted.

Family

- Over 200 people attended the National Rainbow Family Conference held in Bern in April. The conference planners defined rainbow families as “families in which at least one parent identifies as lesbian, gay, bisexual, or transgender.” Same-sex couples are currently barred from adopting children in Switzerland, and lesbian couples do

not have access to fertility treatment. Participants of the conference, which included politicians, discussed these policies and advocated for change.

- The *Swiss Registered Partnership Act* excludes adoption by same-sex couples (including second parent adoption). In 2009, a woman in a same-sex partnership petitioned to adopt her partner’s daughter, but her petition was rejected both by the District Court and the Superior Court of Zurich. In 2011, the Federal High Court ruled against the couple, mainly because they had not been in a registered partnership for a minimum of five years (five years of marriage being a prerequisite to adopting a partner’s child). However, at the time of judgement it would have been impossible for them to have been in a registered partnership for five years given the fact that the Act only entered into force on 1 January 2007.
- In September, the National Council, the Lower House of Parliament, voted against a petition asking for the entitlement to adopt for registered partners. In November, Christian Democratic President Christophe Darbellay said that he saw no reason to legalise adoption for same-sex couples just because they were already raising children any more than one would legalise cocaine just because people used it. Moves to amend the legislation were set to continue in 2012. Also in November, after Parliamentary elections, the Council of States (the Upper House) voted in favour of adoption by registered partners if it is the best solution for the well-being of the child.

Health

In April, the National Council rejected a proposal to forbid reimbursement for gender reassignment surgery from the basic, compulsory health insurance.

Legal gender recognition

- In February, the High Court of the Canton of Zurich ruled that trans people can change their legal gender without proving that they had undergone gender reassignment surgery. It is the first court in the country to rule that surgery is not a requirement of legal gender recognition. Infertility is still required, but it can be the

result of hormonal treatment and the Court allowed for it to be reversible. The Court held that requiring surgical intervention would be a violation of the fundamental right to personal integrity.

- In October, the Appeals Body in the Canton of Bern (POM) decided in favour of a trans person in a case involving a legal name change. The administration office in charge of name changes had demanded proof that a person had lived for three years using their new name before allowing a legal name change. The POM found that the requirement was disproportionate and of no additional significance as a diagnosis or medical certificate as proof of trans identity was mandatory.

Member organisations of ILGA-Europe

Association 360

www.360.ch

Dialogai

www.dialogai.org

habs

www.habs.ch

Homosexual Working Groups Zurich

www.haz.ch

Homosexuelle Arbeitsgruppen Bern

www.ha-bern.ch

Juragai

www.juragai.ch

Lesbenorganisation Schweiz - LOS

www.los.ch

Lestime

www.lestime.ch

Network

www.network.ch

Pink Apple Lesbian & Gay Film Festival

www.pinkapple.ch

PINK CROSS Swiss Gay Organization

www.pinkcross.ch

The Swiss Rainbow Families Association

www.regenbogenfamilien.ch

Vogay

www.vogay.ch

WyberNet

www.wybernet.ch

Turkey

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | | ● | |

Freedoms of Assembly and Association (during the last 5 years)

| | | | |
|---|----------------|---|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | ● | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Asylum

A coalition of human rights organisations protested against the removal of the ground of sexual orientation from the anti-discrimination articles in the *Draft Proposal on Combating Discrimination and Equality*, and the *Draft Proposal on Foreigners and International Protection*, which introduces provisions on asylum seekers and refugees. Both proposals were pending at the end of 2011.

Bias motivated speech

In a speech at the end of the year, Minister of Interior İdris Naim Şahin included homosexuality as an example of “all sorts of immorality, indecency and inhuman situation.” Various LGBT organisations reacted to the Minister’s speech, highlighting that LGBT individuals face discrimination, violence and murder in Turkey, and that by making such statements, the Minister, and therefore the government, provide support to those who engage in such hatred. The organisations highlighted the particularly precarious situation of trans people in Turkey who have been murdered, as well as ill-treated and tortured by the police. LGBT organisations called for the Minister’s resignation and an apology from him and the government to the LGBT population of Turkey.

Bias motivated violence

- LGBT human rights NGOs filed a criminal complaint following the rape and assault of a transsexual woman in her home by a known assailant who followed a particular pattern of violence. The attacker had previously raped and robbed various other transsexual women and gay men; after the attacks, he threatened them with his return and more assaults if they moved away from the area or did not answer the door to him. The organisations involved in the complaint called for the prosecution of the individual in the known attacks. They also called for a definition of hate crime in the Penal Code to protect LGBT people, and for the inclusion of sexual identity, sexual orientation and gender identity in the anti-discrimination and equality bill.
- In August, in an opinion piece published in Turkey’s *Hurriyet Daily News*, Thomas Hammarberg, the Council of

Europe Commissioner for Human Rights, specifically highlighted violence (including physical attacks and killings) as well as police harassment towards the LGBT community in the country. In his piece, the Commissioner stated that governments “need to pursue legislative reforms and social change to enable LGBT persons to fully enjoy universally recognised human rights,” and pointed out that more determination and political will are needed if change is to be achieved.

- Kaos GL gathered information about bias motivated violence against members of the LGBT community in 2011. It reported the murders of one lesbian, six trans women and two gay men as well as four incidents of wounding with harmful devices and guns. Pink Life also reported at least 30 cases of severe violence against trans women. Some incidents involved multiple victims, and there were two incidents of non-fatal lynchings and two separate cases of rape. In several cases, the suspects were caught and specifically gave homophobic or transphobic reasons for the violence. These are some of the reported cases but LGBT organisations in Turkey are well aware that violence is very under reported.
- In May, the Council of Europe adopted the *Convention on preventing and combating violence against women and domestic violence* during the Turkish Presidency in Istanbul. Turkey signed the Convention and is expected to ratify it in 2012.

Employment

The Court case of football referee Halil İbrahim Dinçdağ, who is suing the Turkish Football Federation for pecuniary and non-pecuniary damages following his dismissal, continued in 2011. Mr Dinçdağ’s suit is based on the claim that he was fired for being gay, and that the Federation passed information about his sexual orientation to the media without his consent.

Equality and non-discrimination

- In March, the European Parliament adopted a resolution on Turkey’s progress towards membership in the European Union. It urged Turkey “to ensure that equality, regardless of sex [...] or sexual orientation, is

guaranteed by the law and effectively enforced.” In the resolution, the Members of the European Parliament denounced ongoing murders of trans people, and condemned the removal of gender and sexual orientation from the draft anti-discrimination law.

- Sexual identity was removed from the draft *Law on Combating Discrimination and Equality Committee*. The amendment was criticised as a move away from the protection of the LGBT community in Turkey. At the end of 2011, the bill was still with the Justice Commission with no known date for it to be tabled before Parliament.

- In September, the Minister of Family and Social Policy, Fatma Şahin, had a meeting with civil society organisations to discuss violence against women, making this the first time the LGBT community had been indirectly represented at a meeting organised by the government. The Minister encouraged Members of Parliament to positively consider a proposal from Pink Life Association to ban discrimination against LGBT people in the new Constitution which the Parliament is scheduled to draft in the coming legislative year. However, she also tempered expectations within the LGBT community by emphasising that she is the “Minister of a conservative democratic party” and that her inclusion of LGBT issues is contingent upon them not “compromising the family structure.”

Freedom of assembly

Pride Week in Istanbul took place under the theme of Taboos and laws, and included workshops, panels, films and social events. The organisers commented on the difficulty involved in organising such an event with limited funds and a lack of support from the authorities and venues; nonetheless, the Turkish Gay Pride Parade which closed the week was attended by several thousand people and helped the organisers in their aim to increase visibility of LGBT people as they continue to work for improved rights and greater social acceptance for the country’s LGBT community.

Freedom of expression

- In 2011, KAOS GL approached the Turkish Telecommunications Directorate (TİB) to address the fact

that LGBT internet sites were being blocked in the country. The TİB subsequently provided the organisation with an official document stating that officially registered LGBT sites cannot be on a list of banned sites. Since then, when the organisation learns about blocked LGBT website, it produces the official TİB document and the site is unblocked. However, there are still problems where web access is subject to general filters; for example, access to the sites using the word ‘gay’ or ‘lesbian’ can only be obtained if someone is notified and then able to produce the TİB letter to the service provider. Unblocking sites for users of internet cafes, university portals and all the other sources of internet access is therefore dependant on individuals reporting each block.

- In the Turkish Grand National Assembly, access to LGBT organisation websites is blocked, and Members of Parliament wishing to access sites need to make a specific request to be allowed to do so. Aylin Nazlıaka, Ankara deputy of the Republican People’s Party (CHP), tabled a formal question asking why this block was in place, suggesting it was unconstitutional, and that it reinforced discrimination against the LGBT community. No reply has yet been tabled. Access to the Kaos GL website is now available in the National Assembly.

Human rights defenders

- Participants from over a dozen countries from the region attended the Regional Network against Homophobia which took place within the scope of the International Meeting Against Homophobia.

- Under the auspices of the 6th International Meeting Against Homophobia, various events took place from March to April in several cities across Turkey. In May, over a three week period many social, cultural and academic events were organised. The event began on 1 May, intentionally linking the fight for the rights of LGBT people with the fight for workers’ rights, and ended on 22 May with the March Against Homophobia and Transphobia in Ankara which for the first time was attended by Iranian LGBT refugees who were granted asylum in Turkey.

- *Zenne*, a film based on the story of Ahmet Yıldız, a young gay man who was murdered in 2008, won a variety

of prizes and was screened at Pink Life Queerfest, Turkey's first international LGBT film festival in Ankara. The film addresses sexual orientation in relation to traditions, family, state and the military, and won five Golden Oranges at Turkey's Golden Orange Film Festival.

Pink Life Association LGBTT Solidarity
www.pembehayat.org

Participation in public/political life

Two trans women stood in the General Election, one for the CHP, and another for the Justice and Development Party (AKP), both mainstream parties. While neither candidate faced problems in getting nominated, they were not elected.

Police and law enforcement

The prosecution of three trans human rights defenders for resisting the police continued. The three Pink Life human rights defenders had refused to be taken to the police station without good reason after they were stopped as part of a traffic check. The police officers involved did not appear at various hearings despite being compelled to do so by a previous court order. Nonetheless the three were convicted for "resisting police officers in the execution of their duty" and for "revilement." One of the women was sentenced to 5 months with immediate effect, the second was sentenced to 6 months suspended for 5 years, and the third woman was sentenced to a year suspended for 5 years. The first accused entered an appeal and at the end of 2011, the High Court had not yet given a ruling. The three human rights defenders had also filed complaints against police officers for ill-treatment at the police station but there was no further action on that complaint which arose out of the same series of events for which the trans individuals were convicted.

Member organisations of ILGA-Europe

Gay & Lesbian to Socialize and Rehabilitation

Kaos GL

www.kaosgl.com

Lambdaistanbul LGBT Solidarity Association

www.lambdaistanbul.org

LİSTAG - Families of LGBTs in Istanbul

www.listag.wordpress.com

Ukraine

Asylum

| | | |
|---|--------------------|-----------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation | gender identity |
|---|--------------------|-----------------|

Bias motivated speech/violence

| | | |
|---|--------------------|-----------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation | gender identity |
| Bias motivated speech/violence law explicitly refers to intersex people | | |

Equality and non-discrimination

| | | |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | sexual orientation | gender identity |
| Discrimination in employment is explicitly prohibited by law on the following grounds | | |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | | |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | | |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | | |
| National equality action plan contains measures tackling discrimination on the following grounds | | |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | | | |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | marriage | registered partnership | cohabitation |
| Same-sex couples are entitled to | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | | |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | no obstruction | obstruction |
| LGBTI organisations officially registered/function without obstruction by the State | ● | ● |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | |
| No compulsory medical/surgical intervention required | |
| No compulsory divorce (or single status) required | |
| No sterilisation (or proof of infertility) required | |

Bias motivated violence

- A group of teenagers in camouflage and masks interrupted a presentation given by a registered LGBT Christian organisation; the group of teenagers released fire rockets, made death threats and shouted homophobic slogans. They left quickly when they spotted television and press representatives. Criminal proceedings were stalled on the grounds that the attackers could not be identified although the Head of the Centre claimed the police had sufficient information to identify the person who brought the attackers to the event.
- During the summer, a man arranged a date online and went to meet the individual on the outskirts of Luhansk. He went with the person to a rural area where they met four other people whereupon he was subjected to homophobic insults and threats before being severely beaten and robbed. His front teeth were knocked out, and he suffered a broken rib and dislocated arm. After reporting the incident in writing, he was visited by a police officer in hospital and was forced to withdraw his complaint. Human rights defenders state that this was not an isolated case in Luhansk.
- In July, a man living in Kremenchug (Poltava Region) had homophobic graffiti inciting to murder painted on his building's entrance and front door. Two weeks later, his neighbours beat him up in his apartment whilst shouting homophobic abuse. He was hospitalised with a head injury. He decided not to pursue the case for fear of having his sexual orientation made public.
- In July, a married man arranged a date with someone from a dating site, and met him at an apartment. At some stage, the date left and came back with two uniformed officers who proceeded to insult the man because of his sexual orientation, and threatened to expose his activities to his wife and work colleagues unless he paid them to keep quiet. He paid them the requested amount.
- In November 2010, at a screening and discussion of *Boys don't Cry* organised by Insight NGO, on the occasion of the Transgender Day of Remembrance, a group of 10 masked men attacked the event, beating three people and releasing tear gas which affected everyone present. The police initially qualified the incident as hooliganism

rather than a hate crime and did not undertake an investigation. Insight successfully challenged the police handling of the case and it remained under investigation throughout 2011.

Employment

During the summer, an employee at a car wash confided in a colleague that he was gay. The colleague informed the rest of the staff and he was harassed and abused but refused to leave his job until they threatened to tell his parents, at which point, he resigned. The employer refused to pay him for his final month, and as he was employed unofficially, he could not take action against the employer.

Equality and non-discrimination

- A *National Plan of Action* adopted within the context of conditionality discussions with the EU did not include discrimination on the grounds of sexual orientation or gender identity. The government maintained that these grounds are included under other grounds and refused to include them specifically in a variety of anti-discrimination provisions.
- A practice that requires law enforcement agencies to register and report on the number of gay men as belonging to the group of those at high risk of contracting HIV is officially said to have been cancelled since 2008. However, questions from LGBT organisations as to the collection and storage of personal data of LGBT people, including private information, fingerprints and photographs were met with vague statements from the Ministry concerned. Reference was made to current collection principles but there is no access to information about previously collected and stored data and organisations expressed concern about the misuse of existing data as well as the lack of transparency which permits future unbridled collection of private data.
- A survey conducted by Nash Mir among LGBT people online found that 61% of respondents confirmed that they had had their rights violated or had been discriminated against on the grounds of their sexual orientation or gender identity at least once in the previous three years.

The survey covered bias motivated violence, harassment in the workplace or educational institution, denial of access to goods and services, blackmail and bullying by law enforcement personnel, harassment and denial of confidentiality in healthcare provision.

Freedom of assembly

In celebration of the 100th anniversary of the International Women's Day, on 8 March, a large feminist rally took place in Kiev with one of the main organisers being an LGBT organisation. Hundreds of human rights defenders gathered for the event in Independence Square. They faced a large counter demonstration from organisations opposed to LGBT people.

Freedom of expression

In June, six Members of Parliament covering all main political parties submitted a draft law supposedly protecting "the right of children to a safe information environment." This draft law included "promotion of homosexuality" or "production/distribution of products which promote homosexuality" to (i) an existing list of prohibited activities relating to public morals; (ii) regulation of media publishing; and (iii) the Criminal Code. If adopted, the law would stipulated an imprisonment of up to five years and would criminalise the so-called "cult of homosexuality". The bill was criticised by the European Parliament and a variety of organisations, but continued to advance through the legislative process. The accompanying explanatory note states that "the spread of homosexuality is a threat to national security, as it leads to the epidemic of HIV/AIDS and destroys the institution of family and can cause a demographic crisis." The draft law was pending at the end of 2011.

Public opinion

A survey initiated by Nash Mir Center found that more than 50% of Ukrainians think there should be some restrictions on the rights of those who "have a homosexual orientation" compared to other citizens of Ukraine. Those whose answers demonstrated more positive support for the principle of full civil equality for

gay and lesbian citizens were respondents who were personally acquainted with a gay man or lesbian and those with higher levels of education.

Sexual and reproductive rights

A draft proposal to change the definition of spouses in provisions relating to surrogacy to be exclusively "one man and one woman" was adopted, impliedly as part of the State's obligation to "protect the child from all forms of violence" under Article 19 of the UN Convention on the Rights of the Child. The change in Article 123 specifies that "(2) If an ovum conceived by the spouses (man and woman) is implanted to another woman, the spouses shall be the parents of the child."

Member organisations of ILGA-Europe

All-Ukrainian Public Organisation "Gay Forum of Ukraine"
www.gay-forum.org.ua

Informational and Educational Centre "Women Network"
www.feminist.org.ua

Insight Public Organization
www.insight-ukraine.org.ua

Mykolayiv Association for Gays, Lesbians and Bisexuals 'LiGA'
www.gay.nikolaev.ua

Nash Mir (Our World) Gay & Lesbian Centre
www.gay.org.ua

Public organization "Informational-Educational Centre "For Equal Rights"
www.zrp-kherson.org.ua

United Kingdom

Asylum

| | | |
|---|-------------------------|----------------------|
| Persecution on the following grounds is explicitly recognised in asylum law | sexual orientation ● | gender identity ● |
|---|-------------------------|----------------------|

Bias motivated speech/violence

| | | |
|---|-------------------------|-----------------------|
| Bias motivated speech/violence on the following grounds is recognised in criminal law | sexual orientation ● | gender identity ●* |
| Bias motivated speech/violence law explicitly refers to intersex people | ●** | |

Equality and non-discrimination

| | sexual orientation | gender identity |
|---|--------------------|-----------------|
| The Constitution explicitly prohibits discrimination on the following grounds | No Constitution | |
| Discrimination in employment is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in access to goods and services is explicitly prohibited by law on the following grounds | ● | ● |
| Discrimination in other spheres of life is explicitly prohibited by law on the following grounds | ● | ● |
| Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds | ● | ● |
| National equality action plan contains measures tackling discrimination on the following grounds | ● | ● |
| National anti-discrimination law explicitly refers to intersex people | | |

Family

| | marriage | registered partnership | cohabitation |
|---|----------------|--|---|
| Forms of legal recognition of same-sex partnerships | | ● | ● |
| | joint adoption | second parent adoption (adoption of one another's child) | fertility treatment (medically assisted insemination) |
| Same-sex couples are entitled to | ●** | ●** | ● |
| Trans people can legally marry a person of the other gender | ● | | |

Freedoms of Assembly and Association (during the last 5 years)

| | no obstruction | obstruction |
|---|----------------|-------------|
| LGBTI public events held with authorisation/without obstruction by the State | ● | |
| LGBTI organisations officially registered/function without obstruction by the State | ● | |

Legal gender recognition

| | |
|---|---|
| Existence of legal/administrative procedures for change of name and legal gender | ● |
| Possibility to change one's name to match the gender identity | ● |
| Possibility to change one's gender on official documents to match the gender identity | ● |
| No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed | ● |
| No compulsory medical/surgical intervention required | ● |
| No compulsory divorce (or single status) required | ● |
| No sterilisation (or proof of infertility) required | ● |

* Scotland only

** not applicable in Northern Ireland

Access to goods and services

- In March, a gay couple won a case against hotel owners who had refused to provide them with a double room accommodation on the basis that this conflicted with their faith. The hotel owners claimed they did not allow any unmarried couples to have double rooms and therefore there was no discrimination on the grounds of sexual orientation. However, the Court disagreed and awarded each complainant £1,800 in damages. The case was supported by the Equality and Human Rights Commission (EHRC). In November, the hotel owners' appeal was heard by the Court of Appeal and a decision is expected in 2012.
- In April, a gay couple was reportedly ejected from a bar in London for kissing. Though bar owners may legally ask patrons to leave their bar, they cannot discriminate when doing so. A kiss-in by LGBT human rights defenders was organised at the bar to protest against this case of discrimination.

Age of consent

In Gibraltar, the age of consent for sex between men was reduced to 16 years of age as a result of a ruling by the Supreme Court stating that the difference in the age of consent between lesbian or heterosexual sex and gay sex was unconstitutional. The Court made it clear that the legislature could choose to raise the age of consent but it would have to do so for all types of sexual activity and that, until it did so, the age must be equalised downwards. The Court also ruled that criminalising consensual anal sex between heterosexuals was a breach of their right to a private life.

Asylum

- The United Kingdom opted out of implementation of the EU Asylum Qualification Directive (2011/95/EU), which among other provisions covers sexual orientation and gender identity.
- A Tanzanian LGBT human rights defender was denied asylum in the UK. The decision-makers based their decision on their belief that the man lacked credibility and sufficiently high levels of knowledge about the gay

community in Tanzania. A judge also noted that Tanzania was safe for LGBT people, in part because an LGBT advocacy organisation exists there. Following a campaign the man was released from detention but has not yet been granted asylum or leave to remain in the UK. His case is expected to be heard in 2012.

- Immigration judges granted asylum to a Jamaican lesbian, on appeal, on the grounds that if returned to Jamaica, she would not be able to live openly as a lesbian for fear of persecution.
- From mid-2011, the UK government started to collect statistics on the claims for asylum made on the basis of sexual orientation.

Bias motivated speech

- A man was fined £100 for posting stickers in an East London neighbourhood that proclaimed the area a "gay-free zone." LGBT human rights defenders criticised the punishment for being insufficient.
- The Conservative Party suspended one of its elected officials after he sent a tweet which suggested that legalising marriage for same-sex couples was akin to allowing marriage with animals.
- In June, the Scottish Government introduced legislation for a criminal offence of offensive behaviour at football matches. This explicitly includes homophobic and transphobic behaviour. The legislation will come into effect in March 2012.

Bias motivated violence

- A man who threatened to shoot Ben Summerskill, Chief Executive of Stonewall, an LGB charity, as well as two civil partners who had won compensation for being denied double bed accommodation at a Bed and Breakfast, pleaded guilty to "making threats to kill" and was sentenced to an eight month prison sentence suspended for 18 months. In his email he also threatened those who supported human rights for the "homosexual community," and referred to his targets as "homosexual vermin."
- In September, the first conviction for a crime aggravated by transgender prejudice was handed down

in Scotland. A serving soldier was convicted of breach of the peace by behaving in a threatening or abusive manner likely to cause fear and alarm. The man had arrived uninvited at the premises where the victim was staying, had demanded that she vacate the bedroom, elbowed her, threatened her and shouted abuse related to her trans identity. He was fined £350, £150 of which was added because of the prejudice involved in the offence.

- The sentence of David Copeland, a nail bomber convicted and sentenced to six life sentences in June 2000, was upheld by the Court of Appeal in June. He was sentenced to serve a minimum of 50 years and had appealed to have the tariff reduced. His third bomb targeted the Admiral Duncan pub in London and was deliberately intended to kill gay men. The bombing had killed three people and injured more than 60 others.

Equality and non-discrimination

- In March, the government published *Working for Lesbian, Gay, Bisexual, and Transgender Equality: Moving Forward* which it described as a “blueprint for the Government’s action to tackle LGB&T inequality.”

- In July, EHRC announced that it would be seeking leave to intervene in four cases before the European Court of Human Rights relating to religious discrimination in the workplace. Two of the cases involved dismissal of people who had refused to provide services to same-sex couples. In one case a registrar refused to conduct civil partnership services and in another a counsellor for Relate, a relationship counselling service, refused to counsel same-sex couples. Both individuals lost their claims for unfair dismissal. The Commission argued that the current application of human rights and equality law does not adequately reflect freedom of religion and belief and suggested that it is possible to accommodate expression of religion and belief alongside the rights of those who are not religious as well as the needs of business. In response to concerns about the Commission’s action it said it would neither condone nor permit the refusal of public services to lesbian or gay people.

- In December, the first national *Transgender Action Plan* was published, containing “firm commitments to improve

the lives of transgender people and support businesses and public bodies so they have the right tools to support transgender people.”

Family

- In March, the High Court decided it was acceptable to deny foster parenting status to a Christian couple because they had stated they would not tell a child that homosexuality was an acceptable lifestyle. The Court considered that placing a child with a family who disapproved of homosexuality could conflict with the agency’s responsibility to safeguard the well-being of the child.

- In March, the Isle of Man introduced civil partnerships for same-sex couples, almost 20 years after the island decriminalised same-sex sexual activity, thereby granting same-sex couples the same rights as married couples in terms of inheritance, pensions, and taxes.

- In July, Jersey passed legislation allowing for civil partnerships for same-sex couples, including in places of worship if religious organisations chose to do so.

- In September, the Scottish Government launched a consultation on “the registration of civil partnerships” and “same sex marriage,” stating at the outset of the consultation that the government considered that religious ceremonies for civil partnerships should no longer be prohibited and that marriage equality for same-sex couples should be introduced. The government was also of the view that no religious body or its celebrants should be required to carry out marriages of same-sex couples or civil partnership ceremonies. The suggestion that marriage equality might be introduced led to severe criticism from religious groups, including the Roman Catholic Church and the Church of Scotland. The Roman Catholic Church joined a number of smaller churches and launched a campaign called *Scotland for Marriage* to oppose any changes in the law.

- In September, the UK government revealed that in the spring of 2012, it would be launching a consultation on marriage for same-sex couples in England and Wales, but explained that it would be restricted to civil marriages and would not extend to church weddings and other religious

marriages. The Prime Minister made it clear that he was personally in favour of marriage equality.

- Both the proposals of the Scottish Government and of the UK Government for England and Wales, to allow marriage for same-sex couples, include a proposal to remove the divorce requirement for the purposes of gender recognition of trans people.
- In December, the law allowing for the celebration of civil partnerships in places of worship in England and Wales came into effect, permitting those religious organisations that want to register civil partnerships of same-sex couples. The Church of England maintained its position that it would not allow the registration of same-sex partnerships. The same is true of the Roman Catholic Church.
- In December, the Northern Ireland Human Rights Commission took the Northern Ireland Executive to Court over its failure to extend adoption entitlements to same-sex and unmarried couples. In the case for judicial review, the Commission claimed that Northern Ireland's adoption process whereby only married couples are eligible for consideration as adoptive parents is discriminatory. If the Commission wins its case, everyone in Northern Ireland, irrespective of sexual orientation or marital status, could be considered for eligibility as adoptive parents.

Health

- The previous ban on gay and bisexual men donating blood was removed in England, Wales and Scotland; under the new restrictions, men who have had sex with another man within the previous 12 months cannot donate blood. The situation remains unchanged in Northern Ireland.
- The British Association for Counselling and Psychotherapy found a psychotherapist who had tried to make a gay patient heterosexual through conversion therapy guilty of professional malpractice. They suspended her license until she completes a series of training programmes.

Legal gender recognition

The UK Identity and Passport Service started considering gender options for passports, mooted the possibility that a passport would allow a person to choose not to indicate their gender identity.

Participation in public/political life

- The governing bodies of football, rugby union, rugby league, cricket and tennis agreed a *Charter for Action* to rid sport of homophobia and transphobia. The initiative received the support of the Prime Minister, the Home Secretary, and a variety of sports people at an event held at No 10 Downing Street (office of the British Prime Minister).
- The Scout Association produced a variety of materials to promote the fact that the organisation welcomes members of the LGBT community including a document called *It's OK to be gay and a Scout!* and one called *Gay adults in Scouting*, which reassures prospective leaders and volunteers that they will not be turned away because of their sexuality. Scouts have permission to attend Pride events in uniform, and the Association has supported LGB organisation Stonewall's anti-bullying campaign.

Police and law enforcement

The *2011 Protection of Freedoms Bill* removed from police records any convictions for consensual gay sex that were prosecuted under the 1956 Sexual Offences Act.

Member organisations of ILGA-Europe

ALEGRI

Campaign for Homosexual Equality
www.c-h-e.org.uk

Coalition on Sexual Orientation
www.coso.org.uk

Consortium of Lesbian, Gay, Bisexual and Transgendered Voluntary and Community Organisations
www.lgbconsortium.org.uk

Croydon Area Gay Society
www.cags.org.uk

Equality Network
www.equality-network.org

Gay Activists Alliance International
Gay and Lesbian Humanist Association
www.galha.org

Gay Men's Health
www.gmh.org.uk

Labour Campaign for Lesbian, Gay, Bisexual and Transgender Rights
www.lgbtlabour.org.uk

LGBT Youth North West
www.lgbtyouthnorthwest.org.uk

Lesbian Advocacy Services Initiative
www.lasionline.org

Lesbian and Gay Christian Movement
www.lgcm.org.uk

LGBT History Month
www.lgbthistorymonth.org.uk

London Bisexual Group

London Lesbian and Gay Switchboard
www.ligs.org.uk

Metro Centre Ltd
www.metrocentreonline.org

National Union of Students UK Lesbian, Gay, Bi and Trans Students Campaign
www.nus.org.uk/campaigns/lgbt

OutRage!
www.outrage.org.uk

Press for Change
www.pfc.org.uk

Stonewall
www.stonewall.org.uk

Stonewall Scotland
www.stonewallscotland.org.uk

The Fire Brigades Union LGBT Committee
www.fbulgbt.org.uk

UK Black Pride
www.ukblackpride.org.uk

UK Lesbian and Gay Immigration Group
www.uklgig.org.uk

UNISON - Cymru Wales - LGBT Group
www.unison.org.uk/cymruwales

UNISON - East Midlands - LGBT Group

UNISON - Greater London - LGBT Group
www.unison.org.uk/london/out.asp

UNISON - National LGBT Committee
www.unison.org.uk/out

UNISON - North West - LGBT Group
www.unisonnw.org.uk

UNISON - Northern - LGBT Group
www.unison.org.uk/northern

UNISON - Nottinghamshire Healthcare LGBT Group

UNISON - Scotland - LGBT Group
www.unison-scotland.org.uk/lgbt

UNISON - South East - LGBT Group

UNISON - Stockport Local Government Branch - LGBT Group

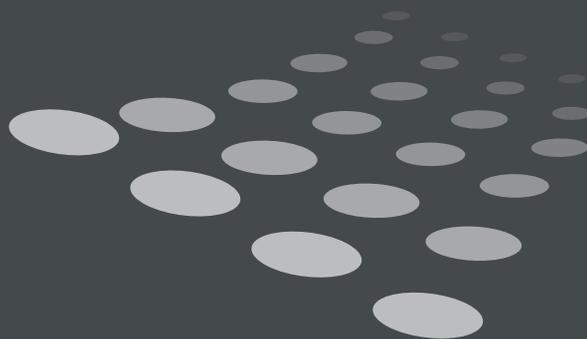
UNISON - West Midlands - LGBT Group
www.westmids.unison.org.uk

UNISON - Wolverhampton branch LGBT Group

UNISON - South West LGBT Group
www.unison.org.uk/out

UNISON - Yorkshire & Humberside Region - LGBT Group
www.unison-yorks.org.uk

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