



# COUNCIL OF EUROPE

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

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

## BIAS-MOTIVATED SPEECH

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

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

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

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

## BIAS-MOTIVATED VIOLENCE

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

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

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

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

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



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

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

## BODILY INTEGRITY

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

## EQUALITY AND NON-DISCRIMINATION

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

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

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

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

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

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

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

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



## FAMILY

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

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

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

## FREEDOM OF ASSEMBLY

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

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

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

## FREEDOM OF EXPRESSION

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

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



## FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

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

## HUMAN RIGHTS DEFENDERS

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

## LEGAL GENDER RECOGNITION

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

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

## PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

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

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