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A Complex Picture of Progress

A civil society comprehensive review of the implementation of the Council of Europe Committee of Ministers Recommendation (2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity

**BY ILGA-EUROPE
IN COLLABORATION WITH IGLYO
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WITH CONTRIBUTIONS FROM
TGEU, OII-EUROPE, AND EL*C

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The contributing organisations were:

Albania	Alliance Against Discrimination of LGBTI (Aleanca LGBTI)
Bosnia & Herzegovina	Sarajevo Open Center
Bulgaria	Youth LGBT organization Deystvie (Deystvie), Single Step
Croatia	Za Pravo; Proces – udruga za promicanje queer kulture i LGBTIQ+ prava
Cyprus	Accept LGBTI+ CYPRUS, Queer Cyprus Association, Queer Collective CY
Czechia	Transparent, Jsme fér, In-lustitia
Finland	SETA – LGBTI rights in Finland
France	Human Development Research Initiative
Georgia	Equality Movement, Tbilisi Pride, Georgian Young Lawyers Association, Georgian Democratic Initiative
Greece	Colour Youth – Athens LGBTQ Youth Community
Hungary	Háttér Society, Transvanilla Transgender Association
Ireland	LGBT Ireland
Italy	Rete Lenford – Avvocatura per i Diritti LGBTI+
Lithuania	National LGBTI Rights Organization LGL (Lithuanian Gay League, LGL)
Montenegro	Association Spectra, LGBT Forum Progress, Montenegrin LGBTIQ+ Association Queer Montenegro
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Portugal	Associação ILGA Portugal, Rede ex aequo
Republic of Moldova	GENDERDOC-M Information Centre
Romania	Asociația Pride
Serbia	Labris, Kolektiv Talas TIRV/Collective wave TIGV
Slovak Republic	Saplinq, o.z.
Slovenia	Association Cultural, Informational and Counseling Center Legebitra
Spain	Federación Estatal de Lesbianas, Gais, Trans, Bisexuales, Intersexuales y más (FELGTBI+)
Türkiye	SPoD, ÜniKuir
Ukraine	Gender Stream
United Kingdom	Mermaids

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Introduction

This report presents an analysis of the implementation of Council of Europe Committee of Ministers Recommendation (2010)5 (CM/Rec(2010)5)¹ by LGBTI civil society, covering the period from 2019 to 2023. It includes recent and relevant updates (e.g., 2024) as footnotes in exceptional cases. The report, just like the Council of Europe Member State review of the CM/Rec(2010)5 for which this report is a complement, focuses only on national situations, so actions by international organisations (such as EU directives) are not included as they fall outside the review's scope.

Fourteen years ago, in 2010, the Committee of Ministers of the Council of Europe adopted the ground-breaking Recommendation CM/Rec(2010)5 to Member States, setting a high-level reference to ensure that the human rights of LGBTI persons are fully upheld and protected in the Council of Europe region. The Recommendation holds historical significance for the lesbian, gay, bisexual, trans, and intersex² (LGBTI) people across the region, especially to the civil society organisations working to improve the lives of LGBTI people. Not only was it unanimously approved by the 47 Member States at the time, but it also stands to this day as the first and only instrument providing direction to European governments on the protection of the rights based on sexual orientation and gender identity (SOGI). The 46 recommendations which comprise the Appendix to the Recommendation were based on the most advanced international and European human rights obligations at the time and sought to establish clear measures Member States should take to ensure equal access to health, education, family, housing, employment, asylum, legal gender recognition and protection from violence, regardless of SOGI. While not legally binding, the Recommendation serves as a reference for governments to advance the rights of LGBTI people and is used by civil society as an advocacy instrument. Since then, the Recommendation has undergone two reviews, in 2013 and 2019. Civil society has always contributed with coordinated inputs to assess the progress of

¹ Available from: <https://www.coe.int/en/web/sogi/rec-2010-5>

² The CM/Rec(2010) covers the rights of LGBT people. However, in the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025) (available from: <https://edoc.coe.int/en/roma-and-travellers/8508-council-of-europe-strategic-action-plan-for-roma-and-traveller-inclusion-2020-2025.html>), Member States indicated that the Recommendation “can be understood as also applying to intersex persons” (p. 21, footnote 18). Further, in the questionnaire prepared for this Review, the Council of Europe included optional questions for Member States on the implementation of the Recommendation in regard to intersex persons and the ground of sex characteristics.

its implementation and identify the most critical gaps. This year, the SOGIESC Expert Group of the Steering Committee on Anti-discrimination, Diversity, and Inclusion (ADI-SOGIESC and CDADI, respectively) were responsible for the coordination of the review. Member States completed a questionnaire assessing each of the recommendations within the Recommendation, and civil society organisations from 27 Member States submitted parallel versions of the same questionnaire.

To complement the civil society questionnaires, which focus on individual Member States, ILGA-Europe and IGLYO engaged in a collaborative effort, with contributions from the Eurocentralasian Lesbian* Community (EL*C), Organisation Intersex International Europe (OII Europe), and Trans Europe and Central Asia (TGEU). This process resulted in 2 regional reports assessing the state of the implementation of the CM/Rec(2010)5 – this one, led by ILGA-Europe, and a focused report on youth and children, led by IGLYO to be released later in 2024.

This report provides an analysis of the trends, progress and gaps in implementation of the CM/Rec(2010)5 based on the perspective of civil society organisations working toward its implementation at the national level. This report presents analysis following the structure of the CM/Rec(2010)5, with chapters following the sections within the Recommendation's Appendix.

The report shows that despite the historical achievements of LGBTI movements in Europe in recent years, the increasing attacks on rule of law and democracy by populist, nationalist, far-right, and authoritarian groups have directly impacted the advancement and improvement of the rights of LGBTI people across the region. In many Member States, respect for the fundamental human rights of LGBTI people and the engagement of authorities with civil society organisations are highly dependent on changes in the political environment and transitions of power. This is the case, for example, in **Hungary, Italy, North Macedonia, and Türkiye**. There are also highly decentralised Member States where different political entities in power hinder coordinated progress, as seen in **Bosnia & Herzegovina**. Even Member States with established laws and policies, such as **Belgium, Spain, and France**, have been intensely targeted by anti-gender, anti-LGBTI, and anti-trans movements and campaigns that use various strategies to scapegoat LGBTI people and foster division in society. The report demonstrates that opponents of the rights of LGBTI people use similar methods in the form of

laws, policies and discourses, including banning legal gender recognition, banning trans people from sporting competitions, creating “anti-LGBTI propaganda” laws, criminalising LGBTI activists as “foreign agents”, and infringing upon the rights of LGBTI children and young people, especially regarding trans and intersex issues. This worrying landscape suggests that attacks on the rights of LGBTI people are closely linked with attacks on democracy and must be addressed concomitantly.

Civil society participating in this comprehensive review project reported on the level of implementation of the Recommendation overall, revealing that CM/Rec(2010)5 has been only partially implemented in many Member States. Only 1 Member State, **Spain**, was assessed as having substantially implemented the CM/Rec(2010)5, 14 as partially implemented,³ and 6 as minimally implemented⁴.

The report is divided into 12 main thematic chapters that largely mirror the structure of CM/Rec(2010)5: right to life, security and protection from violence; freedom of association and freedom of expression and peaceful assembly; right to private and family life; employment; education; health; housing; sports; right to seek asylum; national human rights structures; and discrimination on multiple grounds.

Methodology, Scope and Limitations

This report aims to provide a complementary view to data submitted by Member States on the progress in implementing CM/Rec(2010)5, highlighting the evolution and setbacks of the rights of LGBTI people over the past five years (2019–2023) within the Council of Europe. The research is based on the input from organisations and consortia from 27 Council of Europe Member States: 21 Member States supported by ILGA–Europe (19 as grantees, two as a volunteer) and six supported by IGLYO. LGBTI civil society organisations in the following Member States participated: Albania, Bosnia & Herzegovina, Bulgaria, Cyprus, Czechia, Finland, Georgia, Hungary, Ireland, Italy, Lithuania, North Macedonia, Poland, Portugal, Republic of Republic of Moldova, Serbia, the Slovak Republic,

³ Albania, Croatia, Finland, France, Greece, Hungary, Ireland, Italy, Montenegro, North Macedonia, Portugal, the Republic of Moldova, Slovenia, and the United Kingdom

⁴ Bosnia and Herzegovina, Bulgaria, Czechia, Romania, Serbia, and Ukraine

Slovenia, Spain, Türkiye and Ukraine (supported by ILGA-Europe); Croatia, France, Greece, Montenegro, Romania and the United Kingdom (supported by IGLYO).

Organisations and consortia completed the same standard questionnaire disseminated to Member States, which contains 57 questions, including both multiple choice and open-ended sub-questions, on the implementation of the CM/Rec(2010)5. The organisations used three main sources of data: consultations with responsible authorities, desk research, and information collected directly by organisations between 2019 and 2023. While authorities facilitated access to information in many Member States, a number of organisations faced difficulties obtaining answers from official sources.

Data throughout this report based on these civil society questionnaires are referred to as part of the “comprehensive review project”; this phrasing means that information is based on responses to specific questions in the questionnaire, and thus is only available for the 27 Member States represented in the comprehensive review project. Additional information on the remaining 19 Member States was pulled from the ILGA-Europe Rainbow Map,⁵ ILGA-Europe Annual Reviews for the relevant years,⁶ the IGLYO Inclusive Education Report, Map, & Index 2022⁷. When sources other than these mentioned here are cited, these sources are referenced in footnotes.

To define the focal points of the report, ILGA-Europe held a workshop in Brussels in March 2024, where grantees helped to collectively identify core issues. Data analysis took a mixed approach, considering the responses to the multiple-choice questions as an instrument for creating “clusters” that facilitated the identification of trends, differences and exceptional cases. Quantitative analysis of the multiple-choice questionnaire questions was supplemented with other civil society sources, where possible, particularly for the Member States without participating organisations in the comprehensive review project. The analysis of the open-ended questions was largely qualitative. The approach adopted is comprehensive, intersectional and non-exhaustive.

⁵ Available from: <https://rainbowmap.ilga-europe.org/>

⁶ Available from: <https://www.ilga-europe.org/report/annual-review-2019/>, <https://www.ilga-europe.org/report/annual-review-2020/>, <https://www.ilga-europe.org/report/annual-review-2021/>, <https://www.ilga-europe.org/report/annual-review-2022/>, <https://www.ilga-europe.org/report/annual-review-2023/>

⁷ Available from: <https://www.iglyo.org/resources/ie-2022>

Based on review methodology guidelines developed by ADI-SOGIESC, Member States should consult with civil society in the process of completing the official government response to the questionnaire. The exercise of completing the questionnaires for civil society thus serves a dual purpose of providing data for the Council of Europe directly as well as preparing organisations for national advocacy work, including detailed and well-researched participation in the aforementioned consultations.

Implementation of the Recommendation

The CM/Rec(2010)5 recommends that Member States examine existing legislation and maintain data collection mechanisms to monitor efficacy. Among the 27 Member States with civil society participating in this comprehensive review process, 11 indicated that steps had been taken to review existing legislation for potential discriminatory impacts based on sexual orientation (SO),⁸ 11 based on gender identity (GI),⁹ 5 based on gender expression (GE),¹⁰ and 3 based on sex characteristics (SC)¹¹. Importantly, there are proposed or adopted measures to redress the discrimination uncovered in this review in **Bosnia & Herzegovina, Bulgaria, Ireland, Montenegro, North Macedonia, Portugal, Serbia, the Slovak Republic, Slovenia, Spain, and Ukraine**.

Furthermore, among the Member States represented in this comprehensive review project, disaggregated data collection regarding discrimination is not consistent. Disaggregation based on SO takes place fully or partially in 16 Member States,¹²

⁸ Bulgaria, France, Greece, Ireland, Italy, North Macedonia, Portugal, the Republic of Moldova, Serbia, the Slovak Republic, and Slovenia; partially in Albania, Bosnia & Herzegovina, Finland, Lithuania, Montenegro, Romania, Ukraine, and the United Kingdom

⁹ Croatia, France, Greece, Ireland, Italy, North Macedonia, Portugal, the Republic of Moldova, Serbia, The Slovak Republic, and Slovenia; partially in Albania, Bosnia and Herzegovina, Bulgaria, Finland, Lithuania, Montenegro, Romania, Ukraine, and the United Kingdom

¹⁰ France, Greece, Ireland, Italy, and Slovenia; partially in Albania, Finland, the Republic of Moldova, and the United Kingdom

¹¹ Greece, Serbia, and Slovenia; partially in Albania, Finland, Montenegro, and the Republic of Moldova

¹² Fully in Bosnia & Herzegovina, France, Lithuania, North Macedonia, and Serbia (5); partially in Croatia, Czechia, Greece, Ireland, Italy, Montenegro, the Republic of Moldova, Romania, the Slovak Republic, Spain, and Ukraine (11)

based on GI in 14,¹³ GE in 9,¹⁴ and SC in only 7¹⁵. Regrettably, in none of these Member States does the system fully allow for an intersectional analysis; 9 report that this is partially possible¹⁶.

National census data also does not, largely, incorporate information about SOGIESC: **Italy**, the **Republic of Moldova**, **Spain**, and the **United Kingdom** fully collect SO data, and only **Spain** and the **United Kingdom** collect GI. None of the Member States represented by civil society in this comprehensive review project fully collect information on GE nor SC in the national census.

While in most Member States¹⁷, non-discrimination provisions exist based on SO, the grounds of GIGESC receive much less protection. GI is a legally protected ground (at least partially) in 34 Member States, but not in **Armenia**, **Azerbaijan**, **Cyprus**, **Ireland**, **Italy**, **Latvia**, **Liechtenstein**, **Lithuania**, **Monaco**, **Romania**, **San Marino**, and **Turkey**; GE is at least partially protected in 17 Member States¹⁸; and SC in 13¹⁹. In **Albania**, there have been attempts from political actors to change or remove criminal laws to uphold the principle of non-discrimination based on SOGIESC.

There are fully or partially effective legal remedies, based on data collected from civil society in this comprehensive review project, for discrimination based on SO

¹³ Fully in France, North Macedonia, and Serbia (3); partially in Croatia, Czechia, Greece, Ireland, Italy, Montenegro, the Republic of Moldova, Romania, the Slovak Republic, Spain, and Ukraine (11)

¹⁴ Fully in France; partially in Croatia, Czechia, Greece, Ireland, Italy, the Republic of Moldova, and Spain (7)

¹⁵ Fully in Serbia; partially in Czechia, Greece, the Republic of Moldova, and Spain (4)

¹⁶ Albania, Czechia, Finland, Ireland, Italy, Montenegro, the Republic of Moldova, Serbia, and Spain (9)

¹⁷ All but Armenia, Azerbaijan, Monaco, Turkey have at least some non-discrimination protection based on sexual orientation

¹⁸ Andorra, Belgium, Bosnia & Herzegovina, Croatia, Denmark, Finland, Georgia, Greece, Iceland, Malta, Montenegro, the Netherlands, Norway, Portugal, Slovenia, Spain, and Sweden.

¹⁹ Albania, Belgium, Bosnia & Herzegovina, Denmark, Finland, Greece, Iceland, Malta, Montenegro, the Netherlands, Portugal, Serbia, and Spain.

in 19 Member States,²⁰ based on GI in 18,²¹ based on GE in only 12,²² and based on SC in just 10²³.

I. Right to life, security and protection from violence

Council of Europe Member States vary in their approach to addressing anti-LGBTI hate crimes. In some cases, variations can be observed within the same State, particularly in those where the power structure is decentralised, such as in **Bosnia & Herzegovina**, with the legislation of some regions (like Federation of BiH and Brcko District BiH) providing broader protection than others (like Republika Srpska). Differences in national laws and policies highlight the need for a common understanding of the issue. In its second thematic implementation review report on CM/Rec(2010)5 focused on Hate Crimes and other Hate-motivated Incidents based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics,²⁴ the Council of Europe acknowledges that not only can the type of hate crime legislation vary across the region between a substantive model, sentence enhancement, and a hybrid model (the second being the most common), but also the protected characteristics are not harmonised. As of June 2024, 33 Member States included SO²⁵ as a protected characteristic in the hate crime definition, while 24 included GI (including one only in some regions)²⁶, 6 included GE²⁷, and only 8 included SC (including two

²⁰ Fully in Bulgaria, Czechia, Finland, France, Greece, Hungary, Ireland, Lithuania, Montenegro, the Republic of Moldova, Serbia, Slovenia, and Spain; partially in Albania, Bosnia & Herzegovina, Croatia, North Macedonia, Poland, and the United Kingdom

²¹ Fully in Czechia, Finland, France, Greece, Hungary, Montenegro, the Republic of Moldova, Serbia, Slovenia, and Spain; partially in Albania, Bosnia & Herzegovina, Croatia, Ireland, Lithuania, North Macedonia, Poland, and the United Kingdom

²² Fully in Finland, France, Montenegro, Slovenia; partially in Albania, Croatia, Greece, Hungary, Ireland, Poland, the Republic of Moldova, and the United Kingdom

²³ Fully in Greece, Montenegro, Serbia, and Slovenia; partially in Albania, Bosnia & Herzegovina, France, Hungary, Poland, and the Republic of Moldova

²⁴ Available from: <https://rm.coe.int/gt-adi-sogi-2023-3-en-european-report-sogiesc-based-hate-crime-final-t/1680ac3c18>

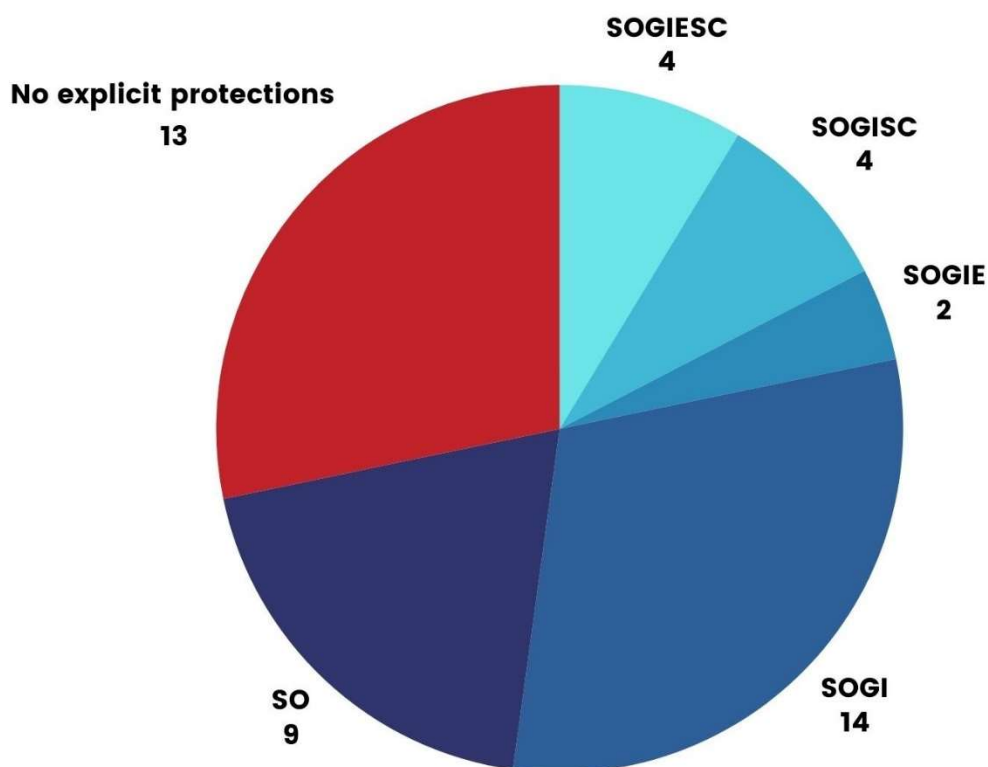
²⁵ Albania, Andorra, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, North Macedonia, Norway, Portugal, Romania, San Marino, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom.

²⁶ Albania, Belgium, Bosnia & Herzegovina, Croatia, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Luxembourg, Malta, Republic of Moldova, Montenegro, North Macedonia, Norway, Portugal, Serbia, Spain, Sweden, and parts of the United Kingdom.

²⁷ As of June 2023, Belgium, Denmark, Greece, Malta, Norway, and Sweden.

only in some regions)²⁸. The absence of some specific SOGIESC grounds in the law is particularly problematic, as it creates a hierarchy between the protected grounds and leaves particularly trans, intersex and non-binary people more vulnerable to violence.

As of June 2024, 33 Member States included sexual orientation as a protected characteristic in the hate crime definition



Hate speech from authoritarian leaders and governments continues to impact LGBTI people negatively across the region, fostering a politically hostile environment that fuels violence based on SOGIESC. In many Member States, conservative actors, often with the support of the media, portray LGBTI people as a threat to traditional values, the Christian faith and the safety of children. There is a clear and growing correlation between the spread of these speeches and the rise in cases of violence. Each year, civil society organisations report many bias-motivated crimes to the Office for Democratic Institutions and Human Rights (ODIHR), and ILGA-Europe also compiles these data in its Annual Review. In these reports, it is noteworthy that many physical attacks occur around Pride events. In addition, the EU LGBTIQ III Survey, recently published by the EU's

²⁸ Belgium, Denmark, Germany, Greece, Iceland, Malta, and parts of Spain and the United Kingdom.

Fundamental Rights Agency (FRA)²⁹, points out that the number of LGBTI people who experienced hate-motivated violence, including physical and sexual attacks, increased from 11% in 2019 to 14% in 2023. Trans (29% trans women and 23% trans men) and intersex persons (34%) are often the primary targets of violence and harassment, a significant increase for intersex respondents compared to the last survey in 2019 (23%). This trend is also present in Member States not covered by the FRA LGBTIQ III Survey, such as the United Kingdom, where hate crimes against trans people increased by 11% between 2021/2 and 2022/3³⁰, in the wake of discussions about trans people by politicians and media.

In addition to those numbers, the findings indicate that, despite some relevant legislative progress in recent years, Member States across the region are failing to protect LGBTI people from rising violence committed with a biased motive. Laws and policies to combat hate crimes and bias-motivated speech, where they exist, are far from comprehensive and often are not fully implemented. In many places, implementation is badly coordinated, poorly funded, fragmented, and/or concentrated in urban regions. A worrying trend in the region is the politicisation of hate speech by politicians, followed by an increase in violence and bias-motivated incidents.

On the one hand, Member States like **Czechia, Italy, Poland,** and **Türkiye** are particularly trailing in adopting comprehensive laws or policies against hate crimes and hate speech based on SOGIESC. On the other hand, in places like **Croatia, Montenegro, Lithuania,** and **Bosnia & Herzegovina,** the main problem has been implementation: the legal framework is good on paper, but LGBTI persons are often subjected to secondary victimisation during police interviews. In addition, prosecutors have usually been hesitant to recognise hate crimes or take bias motives into account. In **Bulgaria** and the **Slovak Republic,** there is still room for improvement. In a long-awaited measure, Bulgaria amended the Penal Code in 2023 to punish hate crimes motivated by the victim's sexual orientation. But just like in the **Slovak Republic,** no aggravating circumstances for gender identity and/or sex characteristics were adopted, leaving trans and intersex individuals more vulnerable to violence. In part of the **United Kingdom (England),** there is still no specific "hate crime" offence. In **Armenia** and **Azerbaijan,** violence

²⁹ See European Union Fundamental Rights Agency (FRA). *LGBTIQ equality at a crossroads - Progress and challenges*. Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtiq-equality_en.pdf

³⁰ United Kingdom Home Office Statistics. Available here: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>

has risen, and, despite European Commission against Racism and Intolerance (ECRI) recommendations, governments have not taken any measures to investigate anti-LGBTI crimes effectively.

There is also evidence of some progress. In **Ukraine**, a government bill is currently in Parliament to amend the law related to the prohibition of incitement to violence and hate offences against individuals or groups based on specific characteristics, including sexual orientation and gender identity. In **Ireland**, a government bill is also in Parliament, however, with a general election pending, LGBTI civil society organisations fear that these initiatives, which have been stalled for a long time, may fail. Meanwhile, significant progress has been made in the **Republic of Moldova** with the passing of Law No. LP111/2022 on April 21, 2022. This law amended certain normative acts concerning hate crimes and hate speech targeting individuals based on SOGI. In 2024, part of the **United Kingdom** (Scotland) also introduced a new hate crime law, creating the offence of “stirring up hatred” based on protected characteristics and consolidating existing laws on prejudice-related crimes. In **North Macedonia**, amendments to the Criminal Code adopted in late 2018 entered into force in 2019, including SOGI as aggravating circumstances.

Implementation gaps and barriers to full protections

In Member States where hate motivation based on the victim's SOGIESC status is considered neither an aggravated reasoning nor a specific offence, the feeling of insecurity and impunity persists. This is the case in **Türkiye**, where investigations and trial processes on the subject are treated as regular. One of the most notable cases is the murder of Ahmet Yıldız, who was killed by his family due to his sexual orientation. The trial has been ongoing for 15 years without significant progress. Another relevant case is the murder of trans woman Hande Kader, a sex worker who was raped and then burned to death in 2016. Her case is still pending before the Istanbul Public Prosecutor's Office, and none of the perpetrators has been identified or questioned. The latest public update about the case was the detention of a suspect in 2018. However, due to a confidentiality order in the investigation, LGBTI civil society organisations have been unable to access the process and have had requests to review the case rejected by the prosecutors.

In several Member States, LGBTI persons are often not comfortable reporting incidents to law enforcement due to their generally hostile behaviour. In this sense, the lack of a proper procedure to investigate hate-motivated incidents involving law enforcement or others acting in an official capacity is a critical problem. Civil society from 16 out of the 27 Member States involved in the comprehensive review project pointed out the inexistence of such procedures. While Member States such as **Bulgaria, Georgia, Poland, Portugal, Romania**, the **Republic of Moldova, Slovenia, Türkiye**, and **Ukraine** reported not having independent structures for this purpose, others like **Croatia, Finland**, and **Italy** reported having ineffective or government-dependent structures.

In most Member States, state institutions have not created any campaigns to raise awareness and encourage victims or witnesses of hate crimes to report them. Likewise, Member States have systematically failed to identify LGBTI groups with heightened vulnerability and to adopt specific measures to protect them. According to the FRA LGBTIQ III Survey, the risk of violence has an intersectional aspect. It tends to be higher when an LGBTI person is younger and self-identifies as belonging to a minority group in terms of disability, religion, ethnicity, migrant background, or skin colour. Economic conditions are also a key factor, with LGBTI people who face financial difficulties at higher risk of being targeted for hate-motivated harassment. As a consequence, 63% of physical or sexual attack victims experienced depression or anxiety, and 52% were afraid to leave home or go out. However, the data may not accurately reflect the lived experiences of LGBTI individuals in the region due to the fear of institutional discrimination. When victimised, less than 10% of the respondents reported the latest incident to any organisation.³¹

LBT women, LGBTI persons of colour, LGBTI persons of ethnic minority backgrounds, including Roma persons, LGBTI persons from religious minorities, LGBTI sex workers, LGBTI persons with disabilities, LGBTI persons with a migration background, LGBTI asylum seekers, refugees and migrants in an irregular situation, and older LGBTI persons face additional unique barriers in reporting. Only six Member States have adopted measures to protect specific LGBTI groups entirely or partially, with only **Spain** reporting taking measures concerning all groups listed in the questionnaire. **Albania, France**, and **Montenegro** partially address the needs of all of these groups. The **United Kingdom** partially addresses the needs of LBT women, LGBTI persons with disabilities, and LGBTI children and

³¹ Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtiq-equality_en.pdf

youth, and **Serbia** partially addresses the needs of LBT women. Of the 27 Member States involved in this comprehensive review project, civil society from 20 stated that none of these groups are explicitly mentioned in laws, policies, or LGBTI Action Plans launched nationally: **Bosnia & Herzegovina, Bulgaria, Croatia, Czechia, Finland, Greece, Georgia, Hungary, Ireland, Italy, Lithuania, North Macedonia, Poland, Portugal, the Republic of Moldova, Romania, the Slovak Republic, Slovenia, Türkiye, and Ukraine**. These data reveal the dearth of intersectional policies to protect the rights of LGBTI people.

Capacity building and support for victims

Anonymous, online, and third-party reporting systems about hate crime incidents are becoming more common and diverse (e.g., in **Hungary**, where reports can be filed online, by phone, or by post³²) but still need to be improved, widely disseminated, and effectively monitored by authorities. In **Lithuania**, civil society indicates that those who choose to report hate incidents through the official police online reporting platform, e-Policija, often do not receive any follow-up from law enforcement. In other Member States, online channels and applications appear to have frequent technical problems, as reported in **North Macedonia**.

In many Member States, key professionals such as law enforcement, prosecutors, judiciary, detention officials, immigration officials, and legal aid lawyers are not trained in the knowledge and skills to identify hate-motivated incidents against LGBTI persons and to provide adequate support to witnesses and victims.³³ It is common for Member States to rely exclusively on training offered by international institutions (such as the OSCE, ODIHR, or UNHCR) and national LGBTI civil society organisations to train police officers, prosecutors and judges. This is the case in **Bulgaria**, where there is no national policy to train those professionals to identify hate crimes against LGBTI persons. In many cases, when Member States provide training, it is sporadic, not mandatory, does not always encompass an intersectional approach, and only reaches a limited number of professionals. Civil society organisations also indicate that some governments

³² Anonymous, online, and/or third party reporting is possible in Croatia, France, Greece, Hungary, Ireland, and Slovenia (6) and partially implemented in Albania, Bosnia and Herzegovina, Finland, Lithuania, Montenegro, North Macedonia, Portugal, the Slovak Republic, Spain, and the United Kingdom (10)

³³ Civil society reports that all of the named groups receive at least partial training in Albania, Bosnia & Herzegovina, Croatia, Finland, France, Greece, Italy, Montenegro, Portugal, the Republic of Moldova, Serbia, Spain, and Ukraine (13); no training is provided for any of the groups in Bulgaria and Türkiye

approach these obligations as “ticking a box” in the Action Plan: there is almost no effort to monitor how many or which employees have undergone training, to monitor the quality of the training, to ensure it becomes a regular or mandatory practice, or to make publicly available statistics on the subject.

Law enforcement and prosecution services often lack specific structures for dealing with hate crime incidents and supporting victims and witnesses. Specialised units explicitly tasked to handle these incidents are unusual, with only two out of the 27 Member States participating in this comprehensive review project (**Greece** and **Montenegro**) indicating they have this type of structure. Liaison officers tasked with maintaining contact with LGBTI communities to establish a trusting relationship are also rare. In Member States where these positions exist,³⁴ the main issues include insufficient staff (e.g. **Montenegro**), officers concentrated solely in the capital (e.g. **Romania**), lack of clarity and consistency regarding their roles and responsibilities, non-existent or insufficient training, and the absence of proactive outreach efforts by contact officers to connect with the LGBTI community (e.g. **Croatia**). Successful programmes have been reported in **Serbia** and **France**, where these positions have well-defined tasks, receive adequate training, and have effectively contributed to improving relations between the police and LGBTI communities, thus increasing the trust and effectiveness of the law.

Safety and dignity of LGBTI persons in prison or deprived of their liberty

In several Member States, the lack of protective mechanisms for LGBTI individuals in prison or otherwise deprived of liberty leads to widespread violence, including routine hostility, assaults, sexual harassment, blackmail, and isolation. Trans detainees, especially trans women, often suffer from high levels of violence, discrimination, and humiliation. Civil society organisations have pointed out several issues related to the treatment of LGBTI individuals in prisons.³⁵ These include insufficient training for prison officers,³⁶ a lack of measures to report

³⁴ Bosnia & Herzegovina, France, Greece, Montenegro, Serbia, and Slovenia (6)

³⁵ No Member States with civil society participating in this comprehensive review project fully implements measures to ensure the safety and dignity of LGBTI persons deprived of their liberty; 8 report partial measures: Croatia, Finland, France, Greece, Italy, Lithuania, Montenegro, and Portugal

³⁶ Training is partially available on some or all grounds in Albania, Bosnia and Herzegovina, Croatia, Finland, Italy, Lithuania, Montenegro, Poland, Portugal, and Serbia (11); training is fully available on some or all grounds France (SOGIESC), Greece (SOGISC only), Slovenia (SOGIESC), Spain (SOGI only), and the United Kingdom (SO only)

attacks and rights violations,³⁷ limited access to LGBTI specific healthcare (including trans-specific healthcare),³⁸ and a scarcity of measures for addressing the specific needs of trans detainees, such as policies on placement in gendered facilities³⁹ and access to appropriate accessories to express their gender⁴⁰. It is also particularly concerning that many ministries consulted by civil society for this comprehensive review project did not offer any clarification.

The situation is particularly critical in **Italy, Ukraine, Hungary, Albania, Türkiye, and Lithuania**. For example, in **Italy**, trans detainees can be placed in the section corresponding to their gender identity only if they have already undergone transition-related surgery. In **Ukraine**, the situation is even more concerning. Trans detainees are reported to be required to conform their gender expression to the sex markers on their documents instead of their gender identity. They are also denied access to essential items that match their gender identity, such as hygiene products. Procedures to relocate or ensure the safety of these detainees are seldom and inadequately carried out, putting their physical and emotional well-being at risk. Those working in detention facilities, such as guards and administrators, generally lack the necessary skills and knowledge to deal with SOGIESC issues and are often the primary source of discriminatory treatment. Also, in Ukraine, reports indicate that gay detainees have been coerced into cooperating with detention centre authorities by threatening to disclose personal information, including photos from their devices, that could reveal their sexual orientation.

In **Hungary**, professionals working with LGBTI persons in detention reported that LGBTI detainees may be placed in special units designed for detainees with specific needs, such as those physical or mental disabilities, at risk of suicide, prone to violence from other detainees, or suffering from depression. In **Albania**, despite solid laws to protect the rights of people in prison and many rules and policies to safeguard LGBTI individuals from hate crimes, hate speech, and violence, members of the community still face discrimination and violence in

³⁷ Fully available in Bosnia and Herzegovina, Greece, Italy, Lithuania, Montenegro, Serbia, Slovenia, and Spain (8); partially available in Albania, Bulgaria, Finland, France, Hungary, Ireland, Montenegro, and the United Kingdom (8)

³⁸ Fully available in Greece, Slovenia, and Spain (3); partially available in Finland, France, Italy, Montenegro, Portugal, the Republic of Moldova, and the United Kingdom (7)

³⁹ Fully available in Greece, Ireland, and Spain (3); partially available in Finland, France, and Portugal (3)

⁴⁰ Fully available in Bulgaria, Greece, Ireland, Slovenia, and Spain (5); partially available in Finland, France, Hungary, Italy, Montenegro, and Portugal (6)

detention centres. Trans people are particularly vulnerable due to the criminalisation of sex work and the impossibility of changing gender markers. They are most likely to be arrested and serve unjust sentences in facilities with detainees of their sex assigned at birth, and thus constantly exposed to violence.

In **Türkiye**, LGBTI detainees are kept separate from others during social activities, and some are held in solitary confinement. Authorities justify the practice by arguing they need to ensure the safety of LGBTI detainees. However, the European Court of Human Rights (ECtHR) found Türkiye guilty of violating the rights of an LGBTI prisoner (X/Türkiye, B. No: 24626/09). The decision has not been adequately implemented, and the enforcement process before the ECtHR is ongoing. Since LGBTI detainees may not be open with their families or may face rejection when coming out, visits from friends and partners are essential for maintaining emotional bonds and mental health. Frequently, LGBTI detainees also face challenges in maintaining relationships with partners due to the lack of marriage equality. This was reported specifically in **Lithuania** and **Türkiye**. Furthermore, friends who regularly visit, especially trans persons, may undergo more thorough searches, leading to a decrease in visit frequency over time.

Data collection

Hate crime statistics collection and reporting vary across Member States without a unified approach.⁴¹ In addition to government data, other recurring sources are national equality bodies, victimization surveys, and LGBTI and human rights organisations. Even within the same country, different institutions may collect data using various systems and methods, as in the case of **Serbia**. In the **United Kingdom**, Scotland, England, and Wales have released official data in recent years, with the latter conducting a more comprehensive study that provides analyses of the nature of crimes⁴². Data collection in **Croatia**, **Greece**, **Montenegro**, and **Romania** relies heavily on civil society, ombudspersons and international institutions. Those actors sometimes cooperate within human rights

⁴¹ An effective data collection system on hate crimes and hate-motivated violence exists in Greece, Hungary, Italy, and Serbia (4); a partially effective data collection system exists in Albania, Croatia, Czechia, Finland, France, Ireland, Lithuania, Montenegro, North Macedonia, the Slovak Republic, and the United Kingdom (11)

⁴² The study conducted by the Scottish Government is available here:

<https://www.gov.scot/publications/updated-study-characteristics-police-recorded-hate-crime-scotland/>

The Crime Survey for England and Wales (CSEW) is available here:

<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>

networks (such as the Racist Violence Recording Network in Greece, an initiative of the UN Refugee Agency in Greece (UNHCR) and the Greek National Commission for Human Rights) to try to fill the gap left by the states. While in some Member States, hate crime statistics cover multiple biases, including those related to SOGIESC, others only report on some or none of these biases. In **North Macedonia**, disaggregated data has been available for some years, but not in a comprehensive form. In addition, the data system does not allow follow-up on the complaints,⁴³ and the numbers often differ from those presented by civil society, particularly in the case of gender identity-based incidents. The absence of disaggregated data is reported to be a significant problem in **Italy, Montenegro, Greece, and Hungary**.⁴⁴

Member States like **Portugal**, the **Slovak Republic**, and **Georgia** do not collect official data on hate crimes against LGBTI people despite efforts by civil society organisations to raise awareness among authorities about the need to adopt this practice. In **Bosnia & Herzegovina**, a system to register complaints and collect data on hate crimes based on SOGIESC is being developed, but there is no clear implementation deadline. This lack of consistency makes it difficult to get an overview of the problem, establish a correlation between SOGIESC grounds and the age of the victims (only in **Greece** does the data seem to highlight whether the victims are minors), track cases across law enforcement, prosecution, and court systems, and obtain crucial information about victims' needs. In **Czechia**, a positive highlight was the 2022 launch of a study called "Being LGBTQ+ in the Czech Republic". This study maps, among other things, the reporting of bias-motivated attacks against LGBTI people and shows that even in the case of more serious incidents (physical or sexual violence or threat of violence), only 13% are reported.⁴⁵ Civil society welcomes this initiative and encourages authorities to make it a recurring practice. This aligns with data from

⁴³ Follow-up on complaints from the reporting system is fully implemented in Ireland and Lithuania (2) and partially implemented in Croatia, France, Greece, Italy, Montenegro, Ukraine, and the United Kingdom (7); 8 other Member States partially provide this data to the public: Albania, Finland, Greece, Italy, Montenegro, North Macedonia, Serbia, and the United Kingdom

⁴⁴ Publicly available disaggregated data is only fully available in France (SO only), Georgia (SOGI only), Ireland (SO only), and Lithuania (SO only)

⁴⁵ Available from: https://lgbt-zdravi.cz/WEB/wp-content/uploads/2023/02/BytLGBTQvCesku2022_report.pdf (in Czech)

the 2023 FRA LGBTIQ III Survey, which found that only 18% of hate-motivated physical or sexual attacks were reported.⁴⁶

It is also concerning that only some Member States⁴⁷ have implemented the systematic collection and dissemination of data on levels of social acceptance towards LGBTI people. A good practice was observed in **Serbia**, where the Commissioner for the Protection of Equality carried out seven research studies (2009, 2010, 2012, 2013, 2016, 2019, and 2023) on citizens' attitudes towards discrimination, including attitudes towards specific at-risk groups, such as LGBTI people⁴⁸. In **France**, surveys have been conducted mainly by private research and public opinion institutes. In the **Republic of Moldova**, the survey is conducted by the Equality Council, but not on a consistent schedule. In the **United Kingdom**, the Government Equality Office released, in 2018, the results of the first National LGBT Survey, which discusses social acceptance by addressing the perception of safety on the part of LGBT people.⁴⁹ In **Italy**, official data only encompass acceptance in the workplace. In **Bosnia & Herzegovina**, a study has never been conducted despite being provided for in the National Action Plan. Only studies carried out by civil society organisations and international partners were identified in **Montenegro, Romania, and Ukraine**. Even if sometimes funded by the state, those studies are often smaller scale than and lack the institutional backing of studies conducted by authorities, and the need for longitudinal comparative data means that project funding for a single survey is insufficient.

Only **Finland, France, and Spain** conduct regular studies or surveys on hate crimes and hate-motivated violence, with consistent focus on sexual orientation, but only partial or no inclusion of GIGESC among them. Civil society participating in this comprehensive review project indicate that no studies of this kind are conducted in **Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Georgia, Ireland,**

⁴⁶ Available from: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtqi-survey-iii>; Question: "Reporting the most recent incident of hate-motivated physical or sexual attack to the police, or any organisation or institution"

⁴⁷ Bosnia and Herzegovina, France, Romania, and Spain collect data on social acceptance for LGBT people (4); the United Kingdom does so only for LGB people; no Member States represented in this comprehensive review project data does so for intersex people

⁴⁸ The latest study is available here: <https://ravnopravnost.gov.rs/rs/izvestaj-o-percepciji-gradjana-i-gradjanki-o-diskriminaciji-u-srbiji/> Previous studies are available here: <https://ravnopravnost.gov.rs/rs/izvestaj-o-istrazivanju-javnog-mnjenja-odnos-gradana-i-gradanki-prema-diskriminaciji/>

⁴⁹ Available at: <https://www.gov.uk/government/collections/national-lgbt-survey-2017>

North Macedonia, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, Türkiye, or Ukraine.

Bias-motivated speech

According to the last ILGA-Europe Annual Review, there is a concerning increase in anti-LGBTI speech from officials across the region, frequently exploiting children and teenagers by falsely raising concerns about their safety, health and development.⁵⁰ However, 12 Council of Europe Member States continue to not have legislative measures in place to tackle hate speech based on SOGI,⁵¹ and 15 have only legislation based on SO, not GI⁵². Social media platforms and television, particularly political debates and reality shows, are identified as familiar sources of hate speech. Online hate speech remains a significant issue, especially for young LGBTI social media users. A 2023 study by BeLonGTo found that a staggering 87% of young LGBTI people in **Ireland** have experienced hate and harassment online.



Journalists, religious leaders, celebrities, and politicians have made anti-LGBTI statements in 21 Member States from those with civil society input in this comprehensive review project: **Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Germany, Greece, Hungary, Italy, Latvia, the Republic of Moldova,**

⁵⁰ Available from: <https://www.ilga-europe.org/report/annual-review-2024/>

⁵¹ Andorra, Armenia, Azerbaijan, Czechia, Georgia, Italy, Latvia, North Macedonia, Poland, Romania, Turkey, and Ukraine; only part of Bosnia & Herzegovina has these protections

⁵² Austria, Bulgaria, Estonia, Germany, Ireland, Liechtenstein, Lithuania, Monaco, Netherlands, San Marino, Serbia, The Slovak Republic, Slovenia, Switzerland, and the United Kingdom (1 part of the UK has legislation also protecting on the ground of gender identity)

Montenegro, Norway, Romania, Serbia, the Slovak Republic, Spain, Sweden, Türkiye, and the United Kingdom. It is thus alarming that civil society reports that only in **Montenegro** and **Serbia** have appropriate measures been taken to combat hate speech against LGBT persons. Furthermore, only in **France** are specific measures fully taken to raise awareness of public authorities of their responsibility to refrain from statements which may be understood as legitimising hatred against LGBTI persons; civil society participating in this comprehensive review indicated that partial measures are in place in 9 more Member States.⁵³ Legislative measures prohibiting hate speech in the media and online exist in **Bulgaria** (SO only), **Croatia** (SOGI only), **Finland** (SOGIGE only), **France** (SOGI only), **Greece** (SOGI only), **Montenegro** (SOGIESC), **Portugal** (SOGI only), **Serbia** (SOGI only), and **Ukraine** (SOGI only).

Journalists, religious leaders, celebrities, and politicians have made anti-LGBTI statements in 21 Member States*

 Austria	 Greece	 Romania
 Belgium	 Hungary	 Serbia
 Bulgaria	 Italy	 Slovak Republic
 Croatia	 Latvia	 Spain
 Cyprus	 Republic of Moldova	 Sweden
 Czechia	 Montenegro	 Türkiye
 Germany	 Norway	 United Kingdom

*From Member States with civil society participating in this comprehensive review project

The politicisation and instrumentalisation of hate speech against LGBTI people is evident in the case of **Poland**. In February 2024, journalist Wojciech Szlag of Polish state broadcaster TVP Info apologised for his channel's “shameful” role in spreading anti-LGBTI sentiment in recent years. In a TV show, Szlag admitted that LGBTI people had been targeted by the channel during the previous government, led by the Law and Justice (PiS) party.⁵⁴

⁵³ Albania, Croatia, Finland, Greece, Ireland, Montenegro, Portugal, Serbia, and Slovenia

⁵⁴ Available at: <https://www.bbc.com/news/world-europe-68278630>

Transphobic speech is on the rise in **Croatia, Ireland, Norway, the Slovak Republic, Spain, and Sweden**. The situation in the **United Kingdom** is even more critical, with influential politicians frequently making transphobic comments that have been internationally condemned. Hate speech regarding trans-minors' access to trans-specific health care has also become distressingly common, often associated with disinformation about those procedures. In 2023 alone, drag performers became a target of hate in **Austria, Belgium, Czechia, Denmark, Finland, France, Ireland, Luxembourg, Sweden, Switzerland**, and the **United Kingdom**, and false narratives circulated in Member States such as **Finland, the Netherlands, Norway, Sweden, and the United Kingdom**.

Conversely, there has been a notable increase in court judgements recognising bias-motivation in several Member States, including **Albania, Bulgaria, France, Hungary, Latvia, Lithuania, Malta, North Macedonia, Poland, Spain, Switzerland, Ukraine**, and the **United Kingdom**. In **North Macedonia**, based on discrimination laws, the first criminal verdict for hate speech against an LGBTI person from the criminal court was issued in 2024 in Negotino. The perpetrator was sanctioned with one year of prison as a conditional sentence. In **Hungary**, where civil law only protects if speech is directed directly at an identifiable individual(s), the National Media and Infocommunications Authority and its Media Council have done positive work based on the current Hungarian media regulation. In 2023, the Media Council fined HírTV for featuring Demokrata's pro-government editor-in-chief András Bencsik's homophobic statement. The Council also fined Karc FM radio for presenting homophobic content.

II. Freedom of association & III. Freedom of expression and peaceful assembly

Freedom of association

In most Member States, LGBTI associations have operated without direct state interference.⁵⁵ However, in recent years, civil society space in the region has shrunk, with governments increasingly restricting the activities of CSOs and human rights defenders. This trend is especially notable in **Armenia, Azerbaijan, Bosnia & Herzegovina, Georgia, Hungary, North Macedonia, Republic of**

⁵⁵ All but Azerbaijan, Bosnia & Herzegovina (Republika Srpska entity), Georgia, Hungary, Poland, the Slovak Republic and Türkiye

Moldova, Poland, the Slovak Republic, Türkiye and Ukraine. The situation in **Italy, Serbia, Albania, Romania, Greece, Czechia, and Portugal** is also concerning. In some Member States from which civil society participated in this comprehensive review project, LGBTI organisations have been the primary targets of restrictive measures. Governments have imposed laws and policies on civil society groups working on SOGIESC issues, making it challenging to receive foreign funding (**Azerbaijan and Georgia**), participate in consultations,⁵⁶ access LGBTI persons deprived of liberty,⁵⁷ and register new organisations⁵⁸. Measures to ensure that LGBTI organisations are consulted on human rights issues that may impact LGBTI persons are only fully in place in 8 Member States⁵⁹ and partially in 12⁶⁰.

Attacks on freedom of association continue to occur in subtle ways in some national contexts. Discrimination, negligence, and bureaucracy are the standard ways of hindering the formal registration of associations. This trend is currently noticeable in **Azerbaijan, Czechia, Romania, and the Slovak Republic**, where associations or other legal entities aimed at supporting the LGBTI community face discriminatory conditions during official registration processes. Some civil society groups are subjected to arbitrary limitations or exceptions on a case-by-case basis and often informally labelled by officials as “foreign agents”, “political NGOs”, and “gender ideology”.

The concept of countering “foreign agents” is also prevalent in **Hungary**. In December 2023, the Hungarian Parliament passed Law No. LXXXVIII of 2023 aimed at safeguarding national sovereignty. This law includes intentionally vague and undefined regulations regarding individuals or entities that could endanger Hungary's sovereignty. It establishes an Office for the Defence of Sovereignty with broad and arbitrary powers to investigate any person or organisation deemed to serve a foreign interest that may risk Hungary's sovereignty. Although the measures are not explicitly directed at LGBTI human rights defenders and organisations, they have had a devastating impact on the situation and capacity to defend LGBTI communities. While organisations working to defend

⁵⁶ Partially restricted in Türkiye

⁵⁷ Restricted in Italy, Serbia, the Slovak Republic, Türkiye, and the United Kingdom (5); partially restricted in France, Georgia, and Hungary (3)

⁵⁸ Partially restricted in Türkiye and the United Kingdom

⁵⁹ Albania, Bulgaria, Finland, France, Ireland, Montenegro, Slovenia, and Ukraine

⁶⁰ Bosnia & Herzegovina, Czechia, Greece, Italy, Lithuania, North Macedonia, Portugal, the Republic of Moldova, Romania, Serbia, Spain, and the United Kingdom

the rights of LGBTI people are theoretically free to operate in Hungary without specific restrictions, the reality is much harsher. Government attacks on NGOs, particularly those involved in human rights protection, create a hostile, uncertain, and threatening working environment. LGBTI CSOs also struggle with the increasing difficulty of finding places to hold their events.

In 2005, as part of Türkiye's efforts to join the European Union, **Türkiye** amended the Law on Associations, making it easier to establish associations. LGBTI activists founded the KaosGL Association in Ankara, and Lambdaistanbul was established in Istanbul in 2006. The Governorate sued to close Lambdaistanbul, but the Court of Cassation ruled in the association's favour. The Court of Cassation also rejected a similar closure case against the Black Pink Triangle Association, founded in Izmir in 2009. In 2022, in the context of widespread anti-gender narratives by the pro-government "Milat" newspaper, legal proceedings were initiated by a public prosecutor to close the Tarlabası Community Center (TCC) for activities deemed contrary to "law and morality", specifically their support for LGBTI children. This case is ongoing and monitored by the UN Special Rapporteur on Human Rights Defenders.

Public funding remains a persistent and structural problem for civil society organisations working to protect the rights of LGBTI people in the region.⁶¹ No specific public funding is available in Member States such as **Georgia** and **Türkiye**. In the **Republic of Moldova**, the state only covers projects on HIV prevention among men who have sex with men (MSM). In **Portugal**, the lack of structural funding has led many organisations to depend on contingent project funding. Although public funding for civil society organisations is available in **Albania, Ireland, Lithuania, Hungary, and Serbia**, it is either minimal or never allocated to LGBTI organisations. In **Czechia**, LGBTI CSOs that receive funds from public sources face disinformation campaigns by far-right and pro-life organisations. In **Türkiye**, funds have been mainly allocated to organisations that promote the "traditional family". In Member States like **Romania** and **Greece**, where there are no restrictions on receiving funding from foreign sources, many LGBTI civil society organisations rely on European funds and private donations. In **Spain**, funding for civil society and its accessibility to LGBTI NGOs depends heavily on the current government's priorities. The situation is more stable in **France**, where the government facilitates access to public funding for NGOs that

⁶¹ Restricted in Georgia, the Republic of Moldova, the Slovak Republic, Türkiye (4); partially restricted in Greece, Hungary, Lithuania, North Macedonia, Portugal, and the United Kingdom (6)

include the rights of LGBTI people in their missions and supports these organisations through various financial grants and support programs.

The findings show a growing receptivity on the part of various stakeholders to working with LGBTI civil society organisations. Good relations and collaborations with national and local governments exist in **France, Croatia, Greece, Lithuania, the Republic of Moldova, Spain, and Ukraine**. It has been possible to influence policy discussions and advocate for positive change in these places. In **Croatia**, this relationship benefits from the support of national human rights structures, particularly the Ombudswoman for Gender Equality, which promotes the rights of LGBTI people and maintains a close relationship with civil society associations.

Protection of LGBTI human rights defenders

There is also a need for more specific provisions in laws or policies recognising and protecting LGBTI human rights defenders from hostility or aggression. Of the 27 Member States participating in this comprehensive review project, only three (**France, Montenegro, and Finland**) reported having laws and policies explicitly protecting LGBTI human rights defenders.⁶² The absence of specific protections is particularly alarming and, coupled with crackdowns on civic space, emphasises the urgent need to protect human rights defenders as a vital step in securing the rights of LGBTI people across the region. Across the region, LGBTI human rights defenders are deemed at risk in **Armenia, Azerbaijan, Bulgaria, Georgia, Poland, and Türkiye**. Reports also indicate that measures in **Poland, Latvia, and the Netherlands** still need improvement due to increasing risks.

LGBTI human rights defenders face obstacles related to the issues they work on. When they live in hostile environments where hatred towards LGBTI people is tolerated or even encouraged by authorities, media and religious leaders, the risk is even higher. In many Member States, human rights defenders face various challenges, including personal attacks, harassment, restrictive laws, defamation, forced migration, surveillance by intelligence services, and even disappearances and murders. LGBTI human rights defenders who face multiple forms of

⁶² In February 2024, the Swedish Government adopted a new five-year strategy for development cooperation based on human rights, freedoms, democracy, and the rule of law. This strategy is integral to implementing the Government's new reform agenda for development assistance and intends to impact the protection of human rights defenders. See more at: <https://www.government.se/press-releases/2024/02/new-development-cooperation-strategy-increases-focus-on-defenders-of-democracy-and-independent-journalists/>

discrimination are particularly vulnerable, such as LGBTI women activists, LGBTI activists of colour, immigrant or asylum-status LGBTI activists, migrant trans women activists, and sex worker LGBTI activists.

Freedom of expression

Although there are no explicit restrictions to freedom of expression related to SOGIESC in many Member States, public institutions remain poorly equipped to handle the topic, particularly in contexts in which religious and political leaders are more hostile to the LGBTI community. In **Bosnia & Herzegovina**, access to information related to LGBTI issues is partially restricted by some private media outlets. Higher education institutions tend to be more open and have accepted working in partnership with LGBTI CSOs, as in **Greece**. However, access to primary and secondary schools tends to be complicated or highly bureaucratic in most Member States, notably **Greece** and **Republic of Moldova**. Access to information for young people is also becoming more restrictive. In **Serbia**, authorities have removed content related to LGBTI topics from biology and history textbooks for eighth-grade primary school students (aged 14–15).

Some Member States across the region are adopting anti-LGBTI laws and amendments, significantly affecting freedom of expression.⁶³ For example, in 2021 **Hungary** adopted Act LXXIX consisting of anti-LGBT amendments to the Child Protection Law, which banned the "portrayal and the promotion of gender identity different from sex at birth, the change of sex and homosexuality" for persons under 18, applying these to the Child Protection Act, the Act on Business Advertising Activity, the Media Act, the Family Protection Act and the Public Education Act. In practice this has resulted in bookstores, media outlets and cultural institutions receiving fines for displaying LGBTI content and created a chilling effect in schools regarding any mention of LGBTI people, with CSOs unable to enter schools to educate on SRHR.

⁶³ On 15 July 2024, a new law, "*Lex atentát (assassination)*", in the Slovak Republic entered into force which gives municipalities the power to ban public gatherings based on unclear and vague criteria such as the risk of conflict or potential disturbance of public order and bans gatherings near parliamentary and government buildings. See the 25 June Urgent Interim Opinion of OSCE Office for Democratic Institutions and Human Rights, available from: https://legislationline.org/sites/default/files/2024-06/2024-06-25%20FINAL%20ODIHR%20Urgent%20Interim%20Opinion%20on%20Freedom%20of%20Peaceful%20Assembly_Slovak%20Republic_ENGLISH.pdf

On 7 August 2024, **Bulgaria** adopted a law prohibiting "the carrying out of propaganda, promotion and incitement in any way, directly or indirectly, of ideas and views related to non-traditional homosexual orientation and/or the determination of gender identity other than biological" in schools and pre-schools. In the reasoning behind the law and the parliamentary debates, it was stated that this would also apply to areas "in the vicinity of" schools. **Georgia** and **Türkiye** are considering amendments to their Constitutions to incorporate anti-LGBT measures, and in 2022 **Romania** was also considering adopting a law similar to the Hungarian law, which is now still stuck in Parliament. The anti-LGBT propaganda law adopted by **Lithuania** in 2010 is still in place. **Republika Srpska** in **Bosnia & Herzegovina** are planning to adopt a ban on LGBTI organisations entering schools. The strategy of targeting LGBTI-inclusive literature was also used by the far right to try to suppress LGBTI expression and access to information on SOGIESC in **Ireland** and **Portugal**. Similarly, **Türkiye** has announced new measures to restrict media content to "protect culture and children".

Laws designating CSOs who receive foreign funding as "foreign agents" or for allowing intrusive inspections based on "national security" are used and intended to be used to shrink civic space in particular for organisations working on democracy and fundamental rights. For example, LGBTI organisations in **Türkiye** are frequently audited under the Bill on Preventing the Spread and Financing of Weapons of Mass Destruction, adopted in December 2020. **Georgia's** recently adopted Foreign Agent Law is already resulting in LGBTI organisations anticipating the need to relocate outside of Georgia, **Hungary's** Sovereignty Law has already been used to target Transparency International and Átlátszó – organisations focussing on investigating corruption.

In addition, there is a continuing increase in bans and attacks by state and non-state actors on Pride events across the region (see the two subsections dedicated to police repression and the specific situation in Türkiye on the following pages). Despite these challenges, LGBTI movements continue to demonstrate strong resilience, resisting attacks on human rights and democracy and expanding Pride events to cities where they have never been before.

BeLonGTo's 2022 School Climate Report⁶⁴ highlights ongoing issues within the broader school environment in **Ireland**, where the Catholic Church operates most schools. The report found that 76% of LGBTI students feel unsafe in school, while 69% of students hear other students making derogatory, homophobic remarks frequently, and this number is 50% for transphobic remarks. 63.9% of surveyed students reported being verbally harassed for their sexual orientation and 61.9% for their gender expression. One in four students had been physically harassed because of their sexual orientation, while one in five had been physically harassed because of their gender expression.

In **Montenegro**, there have also been adverse developments: since 2020, many schools have stopped hosting educational sessions on LGBTI human rights provided by NGOs, coinciding with changes in school management.

Peaceful assembly

Recent years have brought widespread bans on Pride events throughout the region, underscoring the increasing repression, obstruction, and police negligence in the face of various forms of violent opposition to the peaceful demonstration of LGBTI movements. There was State obstruction to public LGBTI events and freedom of assembly in **Armenia, Azerbaijan, part of Bosnia & Herzegovina, Georgia, Poland, San Marino, Romania, Serbia, and Türkiye** between 2020 and 2023. Authorities also failed to provide adequate protection to public events during the same period in **Armenia, Azerbaijan, part of Bosnia & Herzegovina, Bulgaria, Georgia, Greece, Poland, San Marino, Türkiye, and Ukraine**.

Police repression

One of the most brutal effects of the emergence of authoritarian leaders, parties and movements in the region in recent years, especially in the Member States where they came to power, has been the increasing repression by law enforcement authorities and the insufficient protection of gatherings. Attacks on Pride events by police or non-state forces without due protection from law

⁶⁴ Available at: <https://www.activelink.ie/community-exchange/services-requests/108374-belong-to-lgbtq-youth-ireland-school-climate-survey#:~:text=In%202022%2C%20our%20School%20Climate,feel%20accepted%20by%20other%20students.>

enforcement authorities are the most visible face of this phenomenon. In 2023, attacks were reported in 21 Member States.⁶⁵ The intransigence and omission of the police are not by chance and are directly related to the authoritarian policies of dominant political groups, which often use the rights of LGBTI people to divide and mobilise their electorates. This is visible in the case of **Türkiye**, where prosecutors refused to prosecute the police officers who repressed Pride in 2015 after the government banned the agents from being investigated⁶⁶ (see more about the Turkish case on page **Error! Bookmark not defined.**). By suppressing the most emblematic public demonstration of the LGBTI movements and disregarding violent attacks by non-state groups, authoritarian actors aim to limit the presence and visibility of LGBTI people in society, sanctioning various forms of violence and harassment against the community and signalling impunity for those who intend to engage in these acts. Here are some relevant examples of police repression and insufficient protection identified by LGBTI CSOs in recent years:

Repression by law enforcement authorities

In **Poland**, non-binary activist Margot Szutowicz was arrested in August 2020, leading to a protest in which 48 people were arrested. Courts ruled 41 of these arrests as irregular.

In **Azerbaijan**, events on 8th March 2019 and 2021 promoting women's rights and protesting discrimination based on sexual orientation or gender identity were disrupted by the police, resulting in the arrest of participants.

Insufficient protection of gatherings

In **Georgia**, following a violent attack on the Pride festival in 2021, up to 2,000 anti-LGBTI protesters disrupted the 2023 edition of the Pride Parade in Tbilisi, leading to its cancellation. The protesters, including Orthodox Christian clergy, clashed with police, stormed the stage, and burned rainbow flags. President Salome Zurbishvili blamed the cancellation on anti-LGBTI hate speech and criticised the

⁶⁵ Austria, Azerbaijan, Bosnia & Herzegovina, Bulgaria, Croatia, Estonia, France, Georgia, Germany, Greece, Ireland, Italy, Lithuania, Malta, Poland, Romania, Serbia, the Slovak Republic, Slovenia, Sweden, and Türkiye

⁶⁶ "From 2015 to Today Prohibitions on Istanbul LGBTI+ Pride Marches" (2022). Available here:

<https://spod.org.tr/wp-content/uploads/2022/12/From-2015-to-Today-Prohibitions-on-Istanbul-LGBTI-Pride-Marches-1.pdf>

ruling party, Georgian Dream, for not condemning the attacks. The Interior Minister stated that policing the large area was “challenging” but managed to evacuate participants and organisers without harm.

In **Greece**, the first-ever Pride parade in Rhodes was marred by individuals wearing neo-Nazi symbols in 2022. They not only threatened participants but also spat at them and threw eggs while the police failed to intervene.

In **North Macedonia**, following the first-ever Pride parade in Skopje in 2019, seven activists and three police officers were violently attacked by about 20 people who threatened them with rape and death. Thanks to the intervention of other police officers, the assailants were arrested and prosecuted.

Police repression: Türkiye case study

Over the past nine years, Türkiye has experienced an unprecedented crackdown on Pride events across the country. In 2023, the violence was particularly severe. Following the presidential election, which was heavily tinted with anti-LGBTI statements, authorities violently interrupted 11 LGBTI events and Pride marches, leading to the detention of 530 people, including children, activists, lawyers, foreigners, and journalists. Iranian refugee Elyas Torabibaeskendari was held in a detention centre despite his international protection status and at risk of deportation to face a potential death sentence in Iran. Miguel Alvaro, a Portuguese national on holiday in Türkiye, alleges he was assaulted by police officers and detained without explanation for 20 days due to his assumed appearance as a gay person. Protestors also reported incidents of mistreatment and prolonged confinement without proper ventilation.

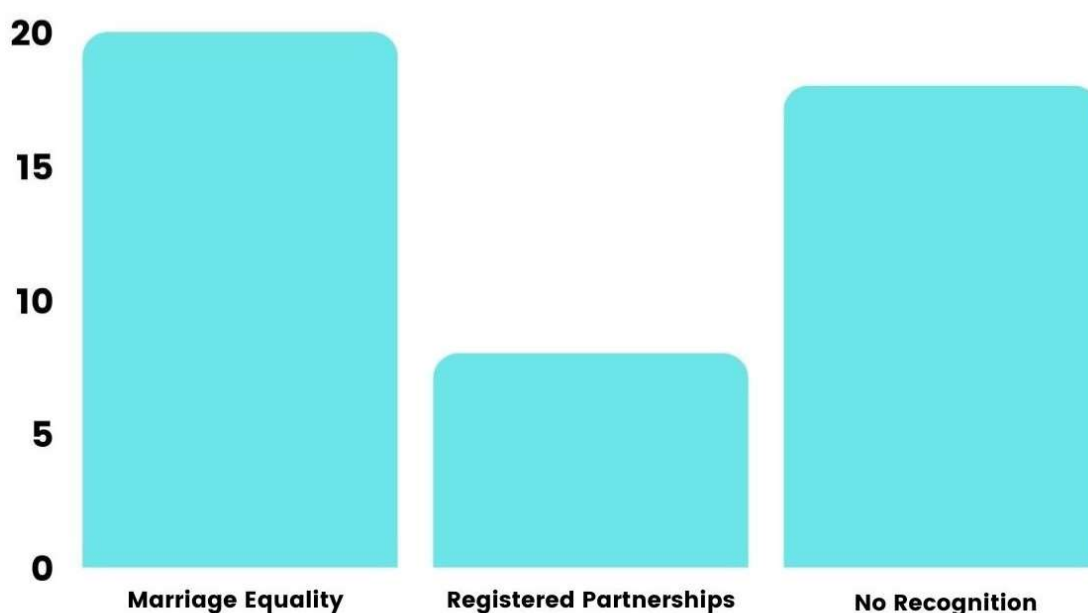
The increased suppression of Pride coincides with Türkiye's democratic deterioration in the last decade. The Justice and Development Party (AKP), led by President Recep Tayyip Erdoğan, came into power in the 2002 elections. Earlier, the party paid little attention to LGBTI activism within the country. The changes began in the June 2015 parliamentary elections, when the AKP faced a notable setback. In response, the government announced a series of undemocratic actions, such as crackdowns on independent media, protests, and academic freedom. The annual Pride March in Istanbul was first banned on 28 June 2015, a few hours before it was scheduled to start. Police implemented security measures around Istiklal Street and used tear gas to disperse crowds. LGBTI organisations filed a criminal complaint against riot police officers, but the Prosecutor's Office chose not to prosecute.¹

In the following years, the situation repeated itself annually in Istanbul and other cities across the country, resulting in the arrest, injury, ill-treatment, and torture of hundreds of people. In the meantime, President Erdoğan and other politicians adopted a rhetoric against LGBTI people as a political tool to portray themselves as protectors of "family values". This statement was a crucial feature of a recent constitutional amendment bill, aimed to redefine family as "the joining of a man with a woman" and empower authorities to shut down LGBTI associations to "safeguard the family structure". Censorship of books and other cultural products has also become common, often for "children's safety". In this landscape, LGBTI civil society organisations have reported a significant increase in violence and hate speech against LGBTIQ+ individuals at a societal level. This is evident with the number of murders of trans people on the rise in Türkiye, as highlighted by the Trans Murder Monitoring project in 2022.¹

IV. Right to respect for private and family life

Across the region, an increasing number of Member States allow same-sex couples to get married or access registered partnership, a trend consistently observed over the past two decades. As of December 2023, 20 Member States of the CoE had marriage equality.⁶⁷ Same-sex couples have access to registered partnerships in 8 additional Member States.⁶⁸ LGBTI civil society organisations across the region continue to fight to ensure that same-sex couples have the same rights and benefits as others. Priorities also include making adoption available to same-sex couples and LGBTI individuals, recognising the parental rights of same-sex parents and trans persons, and allowing access to assisted reproduction for both married and unmarried LGBTI people. This struggle has led to significant progress.

As of December 2023, 20 Member States had marriage equality, while same-sex couples have access to registered partnerships in 8 additional Member States



This comprehensive review project shows significant progress but also reveals persistent limitations for rainbow families, with access to adoption, legal recognition of same-gender parents, and access to medically assisted

⁶⁷ Andorra, Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, the Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland, and United Kingdom. Greece adopted marriage equality February 2024.

⁶⁸ Croatia, Cyprus, Czechia, Hungary, Italy, Liechtenstein, Montenegro, and San Marino.

treatments remaining the weakest points across the region. **Azerbaijan, Lithuania, Poland, Romania, Serbia, the Slovak Republic, Türkiye, and Ukraine** currently offer no protection for rainbow families.

Legal gender recognition is treated at the end of this section, due to the complexity of the issue.

Discriminatory law provisions

In recent decades, the region has experienced the repeal of most of the laws that criminalised same-sex acts between consenting adults, equating the ages of consent with that of heterosexual acts. There are, however, some worrying gaps. In **Türkiye**, while same-sex sexual acts between consenting adults are not criminalised in criminal legislation, military personnel who engage in "unnatural sexual intercourse" with another person are punished by dismissal from the Turkish Armed Forces. In **North Macedonia**, a law criminalises the transmission of diseases through consensual sex, considering the transmission of "incurable diseases" as an aggravating circumstance. This has been used to prosecute sex workers without concrete evidence of victims. Civil society organisations fear it could lead to discrimination against sex workers and people living with HIV based on sexual orientation and gender identity.

Right to privacy

Since the approval of the EU General Data Protection Regulation (GDPR) in 2018, Member States that are also part of the European Union have increased data protection regarding sexual orientation, which is now classified as a "special category" (alongside racial or ethnic origin; political opinions; religious or philosophical beliefs; trade-union membership; personal data related to criminal convictions and offences; and genetic, biometric or health data except in specific cases)⁶⁹. This means SO information is now considered sensitive in EU Member States and may not be collected without proper consent, public interest, or following EU law. It is important to note that GIESC are not included in the GDPR "special categories", leaving trans and intersex people in particular vulnerable to privacy violations. Neglecting the GIESC categories in data protection regulation has been a common trend in national legislation across the region as well. This is

⁶⁹ GDPR "special categories" available here: https://europa.eu/youreurope/business/dealing-with-customers/data-protection/data-protection-gdpr/index_en.htm

evident in the case of **Serbia**, where the National Law on Personal Data Protection only mentions SO. In **Republic of Moldova** and **North Macedonia**, LGBTI civil society organisations have expressed concern about the potential exposure of data from trans and intersex people, sex workers and people living with HIV in public systems.

Recognition of same-sex partnerships and trans parenthood

The legal recognition of same-sex partnerships, via registered partnership or marriage equality, remains an important issue for many LGBTI people across the region. This is due to the fact that access to legal recognition of relationships directly impacts access to other rights, such as inheritance and parental rights. For many LGBTI people, it also means the opportunity to form new family bonds based on love, acceptance, protection, and respect following a history of abandonment or rejection by their original families. Only three Member States offer complete protection (including marriage equality, adoption rights, access to fertility treatments for same-sex couples and single persons, and legal gender recognition of trans parents) for rainbow families: **Belgium, Malta** and **Sweden**; **Finland** and **Iceland** are close but do not offer assisted reproductive technologies to single persons; similarly, **Austria, Denmark, Estonia**, the **Netherlands, Portugal, Spain**, and the **United Kingdom** include the above protections with the exception of failing to ensure legal gender recognition for trans parents. In the past five years, **Switzerland, Andorra**, and **Slovenia** have joined the list of Member States with marriage equality and joint adoption, with Slovenia becoming the only Baltic country to do so. To date, 17 of the regions still have constitutional limitations on same-sex marriage.⁷⁰

In **Romania**, neither same-sex marriages nor registered partnerships are recognised. A bill to legalise civil unions was submitted to the Parliament in 2019, but there is no political will to pass it. In **Bosnia & Herzegovina**, heterosexual unmarried couples living together for three years or less and who have a baby are legally protected under Family Laws in entities, granting them rights equivalent to those of a heterosexual married couple. However, same-sex couples in stable and committed relationships are not protected at all. Civil society organisations have reported a current case pending in the Constitutional Court of BiH involving the inability of a lesbian woman to legally inherit her

⁷⁰ Armenia, Azerbaijan, Bulgaria, Croatia, Georgia, Hungary, Italy, Latvia, Lithuania, Republic of Moldova, Montenegro, Poland, Romania, Serbia, the Slovak Republic, Turkey, and Ukraine.

deceased partner's assets, as her partner did not leave a will. A similar situation happens in the **Slovak Republic** and **Albania**. In **Montenegro**, the law on civil partnerships for same-sex partners was passed in July 2020. Still, the Parliament has yet to approve over 20 laws that need amendments to ensure that same-sex partners can fully access the rights guaranteed by the law. In **Croatia**, registered partnership bestows only limited rights, hindering couples' rights to foster a child.

For rainbow families living in the EU, exercising their right to freedom of movement can be a significant problem due to the lack of recognition of same-sex partnerships in some Member States. In 2018, the Court of Justice of the EU ruled that **Romania** was violating EU law (the right to freedom of movement) for failing to recognise a same-sex marriage performed in Belgium between a Romanian and an American citizen.

Adoption

LGBTI families encounter many daily challenges, including problems in filling out official documents that only offer “father” and “mother” options, discriminatory treatment in the healthcare system, and problems with crossing international borders. In addition, educators are usually unprepared to address these issues among students. Even though children in rainbow families are one of the main focuses of “safety” and “protection” discourses from anti-LGBTI opponents, they are those who often experience the most challenging consequences of the lack of legal connection to their parents. They may encounter difficulties accessing health insurance, benefits, and inheritance, and grow up at risk of separation from their parents if the only legally recognised parent passes away or if their parents separate.

Currently, same-sex couples can legally apply for joint adoption in 23 Member States.⁷¹ **Slovenia** and **Ireland** recently approved joint adoption for same-sex couples. In **Ireland**, cohabitating couples can also adopt. In other Member States, inequality creates a series of uncertainties and legal gaps. For example, in **North Macedonia**, joint adoption is limited to married couples. Theoretically, a single LGBTI person could adopt a child. Still, there is the possibility of being

⁷¹ Andorra, Austria, Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom

discriminated against when applying for adoption. In **Romania**, there have been cases of gay single parents adopting children, but they had to hide their sexual orientation. In **Italy**, same-sex couples cannot adopt, except in cases where one partner adopts the other's child. However, this procedure is expensive, not automatic, and requires a lengthy judicial procedure which does not guarantee a positive outcome.

Another worrying reality concerns legal gender recognition of trans parents, or the ability to align a trans parent's gender with the gender presented on their child's birth certificate, which is only possible in **Belgium, Finland, Iceland, Malta, Slovenia** and **Sweden**.

In **Hungary**, where restrictive legislation on the rights of rainbow families remains, LGBTI civil society organisations have worked mainly to provide legal support to LGBTI parents in the process of divorce who need to establish joint custody with their former opposite-gender partners, the parents of their children. Despite the justice system's enormous discrimination during these processes, the court's decisions have been mostly favourable. Still, in Hungary, ex-partners of LGBTI parents often intimidate them to avoid legal action, claiming bias against LGBTI individuals in court as a potential disadvantage.

Medically assisted reproductive treatment

LGBTI couples have limited access to medically assisted reproduction or surrogacy, even where these options are available to different-sex couples. In 17 Member States,⁷² couples, regardless of the partners' sexual orientation and/or gender identity, can access fertility treatment for medically assisted insemination. In 24 Member States,⁷³ single people similarly can access fertility treatment for medically assisted insemination.

Regarding single women and lesbian couples, the **French** parliament approved assisted reproductive treatment (PMA) in 2021 after two years of protests and

⁷² Austria, Belgium, Denmark, Estonia, Finland, France, Iceland, Ireland, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom

⁷³ Armenia, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Latvia, Luxembourg, Malta, Republic of Moldova, and Netherlands, Norway, Portugal, Spain, Sweden, and the United Kingdom (note that from the previous list of Member States where assistive reproductive technologies are available to same-sex couples, Austria and Switzerland and the only 2 that do not also support these procedures for single people)

long parliamentary debates. Since then, its implementation has been highly criticised by the French lesbian community as confusing, ineffective, and bureaucratic, and the law has been criticised for excluding trans and non-binary people with the capacity to become pregnant, from coverage. Although **Slovenia** has recently recognised equal marriage and adoption, the right to have a family is still incomplete, as there is no access guaranteed by law to medically assisted reproduction, neither for couples nor for single LGBTI people. In 2023, a public prosecutor in the **Italian** city of Padova challenged the legitimacy of 33 birth certificates of children born to same-sex couples through insemination by a donor. The attack mainly targeted lesbian couples and proposed removing the “non-genetic” mothers from the birth certificates.

Of the 27 Member States included in the comprehensive review project, 16 indicated that same-sex partners of the partner of a child born through surrogacy are not recognised.⁷⁴ In 2023, the lower house of the **Italian** parliament approved a draft law that could make surrogacy a “universal” crime. Italy currently prohibits surrogacy, but the new law proposed by Prime Minister Giorgia Meloni’s government and her party, Brothers of Italy, aims to penalise individuals who resort to surrogacy abroad, even in Member States where it is legal. Penalties could include three months to two years in prison and fines ranging from 600,000 to one million euros.

Legal Gender Recognition

Legal gender recognition (LGR) is the process that enables a person to achieve legal recognition of their gender identity and update their recorded gender marker in official documents. Currently, 37 Council of Europe Member States provide legal gender recognition procedures,⁷⁵ out of which 11 Member States base legal gender recognition procedures on self-determination⁷⁶. Legal gender recognition is banned in **Hungary** and **Bulgaria**. In the reporting period, significant progress has been made in **Luxembourg** (2018), **Belgium** (2018),

⁷⁴ Albania, Bosnia and Herzegovina, Bulgaria, Czechia, Finland, Greece, Hungary, Italy, Montenegro, North Macedonia, Poland, the Republic of Moldova, Romania, Serbia, Türkiye, and Ukraine

⁷⁵ Andorra, Austria, Belgium, Bosnia & Herzegovina, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom

⁷⁶ Belgium, Denmark, Finland, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, Spain, and Switzerland

Iceland (2019), **Spain** (2022), **Andorra** (2022)⁷⁷, **Switzerland** (2022), **Finland** (2023), **Germany** (2024), and **Sweden** (2024)⁷⁸. Going beyond the scope of Recommendation CM/Rec(2010)5, non-binary persons are highly affected by LGR frameworks limited to binary options of female and male gender markers. To date, three Member States recognise non-binary identities fully (**Germany**, **Iceland**, and **Malta**⁷⁹), with **Denmark** providing partial recognition.

Member States across the region still enforce abusive medical requirements, compulsory psychiatric diagnosis (32 Member States), compulsory medical interventions such as tests, examinations and hormonal therapies (27 Member States), compulsory surgical intervention (18 Member States), and compulsory sterilisation (19 Member States). Other abusive non-medical requirements include compulsory divorce (24 MS) and age restrictions (25 Member States).

Table 1. Medical and other abusive requirements faced by trans people across the region, in States where legal gender recognition is possible

Restrictive requirements	Member States (MS)
'Gender Identity Disorder' diagnosis/psychological opinion required (32)	Albania, Armenia, Austria, Azerbaijan, Bosnia & Herzegovina, Croatia, Cyprus, Czechia, Estonia, Georgia, Germany, Italy, Latvia, Liechtenstein, Lithuania, North Macedonia, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Romania, San Marino, Serbia, the Slovak Republic, Slovenia, Sweden, Türkiye, Ukraine, and the United Kingdom
Compulsory medical intervention required (27)	Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Croatia, Cyprus, Czechia, Estonia, Georgia, Italy, Latvia, Liechtenstein, Lithuania, North Macedonia, Monaco, Montenegro, Poland, Romania, San Marino, Serbia, the Slovak Republic, Slovenia, Sweden, Türkiye, and Ukraine
Compulsory surgical intervention required (18)	Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Cyprus, Czechia, Georgia, Latvia,

⁷⁷ This is Andorra's first law on LGR, but it does not regulate self-determination.

⁷⁸ In Germany and Sweden, the laws do not regulate self-determination, but the 2024 reform (coming into effect in 2025 only) achieved significant simplification.

⁷⁹ As of July 2024: <https://legislation.mt/eli/act/2024/25/eng>

	Liechtenstein, North Macedonia, Monaco, Montenegro, Romania, San Marino, the Slovak Republic, and Türkiye
Compulsory sterilisation required (19)	Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Cyprus, Czechia, Georgia, Latvia, Liechtenstein, North Macedonia, Monaco, Montenegro, Romania, San Marino, Serbia, the Slovak Republic, and Türkiye
Compulsory divorce required (24)	Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Croatia, Cyprus, Czechia, Georgia, Italy, Latvia, Liechtenstein, Lithuania, North Macedonia, the Republic of Moldova, Monaco, Montenegro, Poland, Romania, San Marino, Serbia, the Slovak Republic, and Türkiye
Age restrictions (25)	Albania, Armenia, Azerbaijan, Belgium, Croatia, Cyprus, Finland, Georgia, Greece, Italy, Latvia, Liechtenstein, Lithuania, North Macedonia, the Republic of Moldova, Monaco, Netherlands, Portugal, Romania, San Marino, Serbia, the Slovak Republic, Türkiye, and Ukraine

Additionally, LGR is not always accessible to everyone. According to civil society participating in this comprehensive review project, the most affected specific trans groups are minors, persons with migrant backgrounds, racialised people, older trans persons, trans parents, intersex persons, persons with disabilities, sex workers, and trans persons living in conflict zones. Only in some Member States is access to LGR unimpeded by medical status (7 Member States), disability status (12 Member States), financial status (10 MS), police record (11 Member States), citizenship status (4 Member States), residency status (4 Member States), refugee or other protected status (3 Member States), marital status (10 Member States), detention status (7 Member States), and physical appearance (11 Member States).

Table 2. Accessibility of LGR (based on Member States represented in the comprehensive review project only)

Specific criteria	Member States (MS) where LGR is <u>accessible</u> irrespective of these specific criteria
Medical status (8)	Finland, France, Greece, Ireland, Italy, Poland, Portugal, Serbia, and Spain
Disability status (12)	Bosnia & Herzegovina, Croatia, Finland, France, Greece, Ireland, Italy, the Republic of Moldova, Portugal, Serbia, Slovenia, and Spain
Financial situation (10)	Czechia, Croatia, Finland, France, Greece, Ireland, Italy, Portugal, Serbia, and Spain
Police record (12)	Czechia, Finland, France, Greece, Ireland, Italy, Lithuania, Poland, the Republic of Moldova, Portugal, Serbia, and Slovenia
Citizenship status (4)	Czechia, Ireland, Italy, and Slovenia
Residency status (4)	Czechia, Italy, Portugal, and Serbia
Refugee or other protected status (3)	Ireland, Italy, and Slovenia
Marital status (10)	Croatia, Finland, France, Greece, Ireland, Italy, Portugal, Serbia, Slovenia, and Spain
Detention status (8)	Finland, Greece, Ireland, Italy, the Republic of Moldova, Poland, Portugal, and Serbia
Physical appearance (11)	Croatia, Czechia, Finland, France, Ireland, Lithuania, Portugal, Serbia, the Slovak Republic, Slovenia, and Spain

Public attitudes towards LGR have improved during the reporting period. The 2019 Eurobarometer survey reveals that 59% of respondents in EU Member States support access to LGR. Country-specific support, however, diverges widely, ranging from 83% in **Spain** and **Malta** to as low as 12% in **Bulgaria**.⁸⁰

Legal gender recognition in all areas of life

In the absence of legal frameworks, trans people in **Republic of Moldova** still need to win a case against Public Services in court to change their documents.

⁸⁰ Special Eurobarometer – Discrimination in the European Union, (2019), European Commission. Available here: https://ec.europa.eu/info/sites/default/files/ebs_493_data_fact_lgbti_eu_en-1.pdf

Montenegro has no standardised legal provisions for updating documents to reflect gender identity. Practices can vary dramatically across institutions, and some may decline such requests. A widespread problem that can seriously affect access to the labour market is the change of names on diplomas following a final court decision or guaranteed access to LGR. In **Romania** and other Member States, the process can take many months, making it difficult for trans people to work in their areas of training.

Most Member States lack measures to ensure the use of names for individuals who have not obtained full LGR. However, civil society organisations have suggested that adherence to these measures can be inferred from the overarching prohibition of discrimination based on gender identity. **Spain** can be highlighted as an example of good practice in this regard. The Trans and LGBTI+ Law (2023) contains specific measures for changing the name in the civil registry of minors, adapting documents to the changed name in the civil registry, and the principle of non-discrimination. Additionally, a specific article ensures the treatment of minor students according to their registered name.

Right to family life

In several Member States, in a clear violation of the right to family life, trans people are required to dissolve their marriages when obtaining LGR. These requirements exist in **Montenegro, Romania, Serbia, Croatia, Czechia, Republic of Moldova, Bosnia & Herzegovina, Latvia, Lithuania, Poland, the Slovak Republic, and Türkiye** primarily due to the absence of same-sex marriage. In **Albania**, for example, where a legal framework for LGR is lacking, a trans person cannot enter into a different-sex marriage with their heterosexual partner. Without provisions recognising trans individuals' gender identity, heterosexual trans individuals and their partners remain disadvantaged in contrast to heterosexual cisgender couples.

Also, LGR procedures requiring a married couple to convert their marriage into a registered partnership may conflict with the right to protect family life, particularly when the change to registered partnership entails a loss of acquired rights for the spouses and dependent family members, such as children.

V. Employment

Despite the increasing interest from Member States and the private sector across the region in addressing and preventing discrimination based on SOGIESC, there are still numerous challenges to overcome to ensure that LGBTI individuals have equal access, opportunities, respect, and full inclusion in the labour market. According to the FRA LGBTIQ III Survey⁸¹, the workplace is still the area of life in which LGBTI people have suffered the most discrimination in the past years (18%). A significant number of respondents rarely (31%) or never (28%) disclose their LGBTI identity at work.

The situation is especially concerning in Member States where there are no specific legal protections (**Türkiye**) or where the protection is minimal (**Bulgaria, Romania, and Ukraine**). Additionally, while legal non-discrimination protections based on sexual orientation (39 Member States)⁸² and gender identity (34 Member States)⁸³ are quite prevalent, only 12 have protections based on sex characteristics⁸⁴. Civil society and private sector measures to raise awareness and promote access to the labour market are often the only measures in place. The highlight is **Luxembourg**, which ranked first in the *LGBT Worldwide Workplace Index* in 2023.

Specific vulnerabilities

Among Member States participating in the comprehensive review project, **Bosnia & Herzegovina, Bulgaria, Czechia, Finland, Greece, Hungary, Italy, Lithuania, North Macedonia, Poland, Portugal**, the **Republic of Moldova, Romania**, the **Slovak Republic**, and **Ukraine** have at least some measures against discrimination based on SOGIESC in the workplace. Protections vary

⁸¹ Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtqi-equality_en.pdf

⁸² Albania, Andorra, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, the Republic of Moldova, Romania, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Ukraine, and the United Kingdom

⁸³ Albania, Andorra, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Luxembourg, Malta, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, the Republic of Moldova, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine, and the United Kingdom

⁸⁴ Albania, Belgium, Bosnia & Herzegovina, Denmark, Finland, Greece, Iceland, Malta, Montenegro, the Netherlands, Serbia, and Spain

widely when it comes to the specific vulnerabilities of various LGBTI subpopulations (e.g. LBT women,⁸⁵ sex workers,⁸⁶ people of colour,⁸⁷ persons of ethnic minority backgrounds, including Roma persons,⁸⁸ persons from religious minorities,⁸⁹ persons with a migration background, including asylum seekers and refugees,⁹⁰ and persons with disabilities⁹¹).

Montenegro's Labour Law Article 7 prohibits discrimination against LGBTI individuals based on SOGIESC and multiple other factors. Some private companies, particularly in the IT sector, have improved workplace diversity and provided private health insurance to employees' partners.

This comprehensive review indicates that LGBTI subpopulation with the least concrete protections in the region are LGBTI sex workers: civil society from **none of the 27 Member States** participating in the comprehensive review project reported any measure to provide adequate protection against discrimination. The second less protected group are LGBTI migrants, who are only specifically protected in **Spain**.

Protecting trans persons in employment contexts

Trans persons often face discrimination in the workplace due to the disclosure of their gender history and former names to employers. In many Member States, universities are not required to update previously obtained diplomas, new documents often indicate changes in sex markers, and previous payslips with former names may be accessible to employers online.⁹² As a positive example,

⁸⁵ France, Ireland, Spain and United Kingdom provide protections for LBT women (4); Croatia, Montenegro, and Slovenia provide partial protections (3)

⁸⁶ France and Montenegro provide partial protections for LGBTI sex workers (2)

⁸⁷ Ireland and Spain provide protections for LGBTI people of colour (2); Croatia, France, Montenegro, Slovenia, and the United Kingdom provide partial protections (5)

⁸⁸ Ireland and Spain provide protections for LGBTI persons of ethnic minority backgrounds, including Roma persons (2); Croatia, France, Montenegro, and Slovenia provide partial protections (4)

⁸⁹ Ireland and Spain provide protections for LGBTI persons from religious minorities (2); Croatia, France, Montenegro, Poland, and Slovenia provide partial protections (5)

⁹⁰ Spain provides protections for LGBTI persons with a migration background, including asylum seekers and refugees (1); Croatia, France, Ireland, Montenegro, and Slovenia provide partial protections (5)

⁹¹ France, Ireland, and Spain provide protections for LGBTI persons with disabilities (3); Croatia, Montenegro, Poland, Slovenia, and the United Kingdom provide partial protections (5)

⁹² From those Member States represented in the comprehensive review project, Croatia, France, Italy, Montenegro, Serbia, and the United Kingdom fully protect the privacy of trans people in employment (6);

we highlight **Spain's Trans and LGBTI+ Law (2023)**, which promotes trans employment and protects and supports their social integration in workspaces.

VI. Education

Education sector responses to violence based on sexual orientation, gender identity, gender expression or sex characteristics vary across Council of Europe Member States. In some Member States, education policies are designed and implemented by regional governments, showing great differences between regions within the same country. Differences in national and regional education policies highlight the need for a common understanding of the issue. In its second thematic implementation review report on CM/Rec(2010)5 focused on Education,⁹³ the Council of Europe acknowledges that education sector responses to violence based on sexual orientation, gender identity, gender expression and sex characteristics remain unsystematic where they exist, and vary greatly in their scope. Many Member States lack measures to address violence in schools or to promote mutual tolerance and respect, as per the recommendations on education. In States with specific laws and policies, these are rarely evaluated. This means these laws and policies are not translated into practice always and/or everywhere. As a result, LGBTI children and young people remain victims of SOGIESC-based violence despite good policies.

As of May 2022,⁹⁴ only 6 Member States⁹⁵ across the region provide most of the necessary measures: compulsory education curricula, mandatory teacher training and data collection on bullying and harassment on grounds of actual or perceived sexual orientation, gender identity and expression or variation in sex characteristics. By contrast, 8 Member States⁹⁶ failed to implement almost any of those measures. There is a clear link between the lack of sound measures to

Bulgaria, Finland, Greece, Hungary, Ireland, Lithuania, North Macedonia, Slovenia, and Spain provide partial protections (9)

⁹³ Council of Europe (2018). Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe. Available here: <https://rm.coe.int/prems-125718-gbr-2575-safe-at-school-a4-web/16809024f5>

⁹⁴ IGLYO (2022). [LGBTQI Inclusive Education Report](#).

⁹⁵ Luxembourg, Malta, Netherlands, Norway, Portugal, Sweden and some areas of Spain.

⁹⁶ Armenia, Azerbaijan, Latvia, Monaco, Poland, San Marino, Türkiye, and Ukraine.

address SOGIESC-based violence in schools, and the alarming number of LGBTI students reporting bullying in schools.⁹⁷

There is also an alarming trend of implementing legislation that actively impedes the inclusion of SOGIESC issues in curricula. In recent years, at least 5 Member States⁹⁸ have implemented or attempted to pass this type of legislation. One of the most worrying consequences of these legislations is the increasing reluctance from educational institutions to host or hold events in partnership with LGBTI civil society organisations, making it challenging to conduct awareness-raising campaigns among school staff.

Anti-discrimination legislation and policies in educational settings

33 Member States have laws and policies to prevent discrimination based on SOGISC in educational institutions to at least some extent (13 on all SOGISC grounds,⁹⁹ an additional 16 on SOGI only,¹⁰⁰ and 4 based only on sexual orientation¹⁰¹); civil society participating in this comprehensive review project from **Bulgaria**, the **Republic of Moldova**, **Poland**, **Türkiye**, and **Ukraine** report no protections on any grounds. The FRA LGBTIQ III Survey, alarmingly, reports that two-thirds of LGBTI students reported being bullied at school, up from 46% in 2019 to 67% in 2023.¹⁰² This sharp increase indicates that significant efforts are still needed to implement the existing measures fully.

Some Member States have made significant progress in incorporating SOGI issues into education in **Cyprus**, **Denmark**, **Germany**, **Greece**, **Ireland**, **Malta**, **Portugal**, and **Romania**. In the **United Kingdom**, while inclusive measures are in place, civil society reports that the hostile social environment combined with increasing bullying in schools, paired with measures that specifically target trans children and youth, is worrying.

⁹⁷ The [FRA LGBTIQ III Survey](#), alarmingly, reports that two-thirds of LGBTI students reported being bullied at school, up from 46% in 2019 to 67% in 2023.

⁹⁸ Azerbaijan, Hungary, Latvia, Lithuania, and Poland.

⁹⁹ Albania, Belgium, Bosnia & Herzegovina, Denmark, Finland, Greece, Iceland, Malta, Montenegro, the Netherlands, Portugal, Serbia, and Spain.

¹⁰⁰ Andorra, Bulgaria, Croatia, Czechia, Estonia, France, Georgia, Germany (some regions), Hungary, Luxembourg, North Macedonia, Norway, the Slovak Republic, Slovenia, Sweden, Switzerland, and the United Kingdom

¹⁰¹ Austria (some regions), Ireland, Lithuania, and Romania

¹⁰² Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtiq-equality_en.pdf

Teacher training on LGBTI awareness

In a learning environment, educators play a vital role in challenging stereotypes, offering positive representation, and establishing a safe and inclusive space for all students, regardless of their sexual orientation, gender identity and expression, or sex characteristics. Teacher training is key to raising awareness among the professionals who most directly impact the education of LGBTI learners and future generations in general. As of May 2022,¹⁰³ mandatory national and regional training programs for teachers were available only in 2 Member States,¹⁰⁴ while 24 provided optional (and insufficient) teacher training, in many cases imparted by civil society.¹⁰⁵ The findings of this comprehensive review project confirm this landscape, with civil society from 3¹⁰⁶ out of 27 Member States indicating training is available and 13¹⁰⁷ indicating partial availability. In many cases, trainings are not mandatory and are not carried out regularly.

Civil society reports show that the region's situation varies widely across Member States. In **Hungary**, teachers are not trained on SOGIESC issues due to the “child protection law”.¹⁰⁸ They are also not allowed to discuss the topic or invite external experts to address it in schools without authorisation from a specific government body, which has never been designated. Breaking this rule could lead to teachers facing misdemeanour charges in court. Conversely, in **France**, educators undergo training to ensure they understand and can effectively implement anti-discrimination laws and support the rights of LGBTI people.

Protection from bullying

The lack of data collection and monitoring mechanisms related to bullying in schools hinders understanding of the problem's scale. As of May 2022, only four

¹⁰³ IGLYO (2022). [LGBTQI Inclusive Education Report](#).

¹⁰⁴ Norway and Sweden, only on SOGIE.

¹⁰⁵ Andorra, Austria, Belgium, Bosnia and Herzegovina, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Luxemburg, Macedonia, Malta, Montenegro, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

¹⁰⁶ Cyprus, France, and Spain

¹⁰⁷ Albania, Croatia, Czechia, Finland, Greece, Ireland, Italy, Montenegro, North Macedonia, Portugal, Serbia, Slovenia, and the United Kingdom

¹⁰⁸ More information available here: <https://en.hatter.hu/publications/report-on-act-LXXIX-of-2021>

Council of Europe Member States provide data on bullying and harassment in schools segregated on the grounds of discrimination.¹⁰⁹

Virtually all LGBTI civil society organisations participating in this comprehensive review reported the prevalence of bias-motivated bullying on SOGIESC grounds in their respective Member States. Cases of bullying are present in both Member States where measures have been well implemented (e.g., **France**) and those without specific measures (e.g., **Romania, Czechia, Bulgaria**). The FRA LGBTIQ III Survey confirms this worrying landscape, showing that bullying against LGBTI people of school age increased significantly between 2019 and 2023.¹¹⁰ Furthermore, gay men (79%), pansexual persons (66%), intersex persons (76%), trans men (76%), non-binary and gender-diverse persons (73%) reported being ridiculed, teased, insulted or threatened because of being LGBTIQ.¹¹¹

In **Cyprus**, a student died due to bullying in 2021. After some pressure from LGBTI civil society organisations, the Minister of Education made a written statement to draw attention to the ineffective implementation of the anti-discriminatory policy in the country. In **Estonia**, the alarming levels of bias-motivated bullying on SOGIESC grounds have resulted in civil society actions aimed at raising awareness among the population, especially young people. In 2021, ECRI's sixth country report on Estonia acknowledged the problem and emphasised the need for focused efforts to combat anti-LGBTI bullying. It called for incorporating SOGIESC issues into implementing the 2017 'Bullying-free Education' concept and other ongoing programs to prevent bullying. These examples suggest that the protection against inclusive education promoted by politicians and groups opposing the rights of LGBTI people has little or no protective effect, as many students, including non-LGBTI students, end up more exposed to violence based on SOGIESC.

¹⁰⁹ Finland, France, the Netherlands, and Sweden.

¹¹⁰ In 2019, 45% of respondents aged 15-17 reported experiencing discrimination at school (Available from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf); in 2023, 63% of respondents in the same age group reported experiencing bullying in school (Available from: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtiq-survey-iii>; Question: "During your time at school have you ever been ridiculed, teased, insulted or threatened because of you being LGBTIQ?").

¹¹¹ Available from: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtiq-survey-iii>; Question: "During your time at school have you ever been ridiculed, teased, insulted or threatened because of you being LGBTIQ?"

Respect for the gender identity of students

Given that issues around the rights of children and trans and non-binary people are at the heart of the ongoing instrumentalisation of anti-gender and anti-LGBTI actors, it is not surprising that trans children and young people become primary targets of exclusion, disrespect, hostility and violence. Among the civil society participating in this comprehensive review project, only **France** reported measures to respect the self-determined names and gender markers of students in the form of addresses, educational documents, and dress codes. Five Member States (**Iceland, Luxembourg, Malta, Norway, and Switzerland**) have LGR based on self-determination without age restrictions. **Belgium, Denmark, and Portugal** have also implemented procedures based on self-determination for minors over 16 years of age.

In Member States that lack laws protecting the self-determination of trans and non-binary students, there are some examples of good practices that can still be improved. In **Serbia**, the Institute of Student Health, responsible for managing dormitories and the Belgrade Student Centre, introduced a personal health questionnaire for new students at the end of 2018. This questionnaire, available only to health specialists, includes an option for new students to voluntarily identify themselves as “transgender” (in addition to “male” and “female”) to receive special consideration in dormitory assignments.

Curricula and action plans

According to IGLYO's LGBTQI Inclusive Education Report (2022), LGBTI issues are embedded throughout the full curricula compulsory for all students in only 12 Member States¹¹², showing an almost complete standstill in inclusive curricula measures across the Council of Europe since the first CM/Rec(2010)5 review focused on Education.¹¹³ However, it is crucial to recognise the lack of positive information on variations of sex characteristics and intersex issues from the

¹¹² Belgium, Croatia, Denmark, Finland, Iceland, Luxembourg, Malta, Netherlands, Norway, Portugal, Sweden, and the United Kingdom.

¹¹³ Council of Europe (2018). Safe at school: Education sector responses to violence based on sexual orientation, gender identity/expression or sex characteristics in Europe. Available here: <https://rm.coe.int/prems-125718-gbr-2575-safe-at-school-a4-web/16809024f5>

curricula in most Member States (except for three¹¹⁴), leaving children and young people with lack of information or misinformation on intersex issues.

From civil society inputs to this comprehensive review project, only **France** and **Portugal** reported government measures to encourage the inclusion of information or education on the rights of LGBTI people and issues in their curricula. In the **United Kingdom**¹¹⁵, in line with the Equality Act 2010, schools should teach Relationships, Sexual and Health Education (RSHE) as part of their curricula. Under this guidance, educators should ensure that LGBTI content is fully integrated into their programmes of study rather than delivered as a standalone unit or lesson. In **Belgium**, the EVRAS program (Education in Relational, Emotional and Sexual Life), intended for secondary education and primarily focused on emotions and relationships, was the target of disinformation campaigns and protests in 2023.

In this comprehensive review project, action plans to ensure equality at school were reported only in **Montenegro, Finland, France** and **Spain**.

Inclusion and openness to the LGBTI community

According to IGLYO's LGBTQI Inclusive Education Report (2022), 4 Member States¹¹⁶ prohibit extracurricular activities addressing LGBTQI issues or create a particularly hostile environment for LGBTQI students. In contrast, 12 Member States¹¹⁷ provide comprehensive resources to implement these activities.

In most Member States, LGBTI organisations' access to schools is systematically denied or hindered. Of the civil society inputs to this comprehensive review project from 27 Member States, only **France** reported measures that make it possible to hold events and provide access for LGBTI organisations to school institutions. As an example of good practice, France also has national initiatives like anti-homophobia and anti-transphobia campaigns in schools. These campaigns are part of broader educational weeks against racism, antisemitism,

¹¹⁴ Belgium, Malta, and Portugal.

¹¹⁵ In May 2024, the Government of the United Kingdom introduced a new draft RSHE guidance for consultation, which includes a requirement that schools do not teach the concept of gender identity. The draft remains under consultation.

¹¹⁶ Azerbaijan, Hungary, Poland, and Türkiye.

¹¹⁷ Austria, Belgium, Bosnia & Herzegovina, Denmark, France, Iceland, Luxembourg, Malta, the Netherlands, Norway, Portugal, and Sweden.

and sexual education, showing significant commitment from the authorities to creating a safe and inclusive learning environment.

VII. Health

A simple visit to the hospital for routine check-ups can expose LGBTI people to a range of human rights violations, such as violence, torture, criminalisation, non-consensual medical interventions and treatments, and discrimination based on various grounds and vulnerabilities. They can also experience denial of care, lack of training from doctors and nurses about their specific needs, and pathologising practices towards LGBTI people. Such situations can lead to late diagnosis, complications from untreated illnesses, and avoidance of seeking healthcare and mental health issues such as depression. According to the FRA LGBTIQ III Survey, 14% of respondents experienced discrimination in healthcare in the year prior to the survey, with notable variances across different groups.¹¹⁸

This comprehensive review indicates that the situation is particularly dire in **Bosnia & Herzegovina, Bulgaria, Czechia, Greece, Hungary, Lithuania, North Macedonia, Portugal, the Republic of Moldova, Romania, the Slovak Republic, and Türkiye**; at the regional level, only 5 Member States¹¹⁹ have discrimination protections in the area of health based on SOGISC, 21 on SOGI¹²⁰, 1 on SOSC¹²¹, and 3 on SO only¹²². However, the implementation of these laws remains insufficient. Reports from civil society organisations highlight the urgent need for more training for health professionals and administrators to combat discrimination in public healthcare. In places like **Serbia**, LGBTI people are the most visible face of discrimination in public healthcare, with healthcare institutions often refusing to participate in awareness campaigns proposed by NGOs.

¹¹⁸ Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtqi-equality_en.pdf

¹¹⁹ Bulgaria, Czechia, Finland, Germany, and Sweden; civil society in this comprehensive review project reports that these protections are not well-implemented in Bulgaria and Czechia

¹²⁰ Andorra, Belgium, Bosnia & Herzegovina, Croatia, Denmark, France, Georgia, Greece, Hungary, Iceland, Luxembourg, Montenegro, North Macedonia, Norway, Republic of Moldova, Serbia, the Slovak Republic, Slovenia, Spain, Switzerland, United Kingdom; civil society in this comprehensive review project reports that these protections are not well-implemented in Bosnia & Herzegovina, Greece, Hungary, the Republic of Moldova and the Slovak Republic

¹²¹ Ireland

¹²² Austria (some regions), Lithuania, and Romania; ; civil society in this comprehensive review project reports that these protections are not well-implemented in Lithuania and Romania

An explicit example of discrimination faced by LGBTI patients in hospitals is the right to freely designate their “next of kin” without experiencing discrimination based on SOGIESC. Among the Member States where civil society engaged with this comprehensive review project, there are no established measures to ensure this practice in **Bosnia & Herzegovina, Bulgaria, Türkiye, Georgia, Albania, and Portugal.**

In addition, in Member States like **Romania**, the health needs of LGBTI individuals are still primarily considered within the context of HIV/AIDS prevention, with men who have sex with men (MSM) and trans persons identified as high-risk groups for infection. This focus, however, has not prevented HIV infection rates from remaining high across the region¹²³.

Protections in access to healthcare among vulnerable groups

There is a significant lack of data and research on whether increased vulnerability (e.g., gender, ethnic origin, disability) creates additional barriers to accessing healthcare. In Member States where data are available, it is generally gathered by civil society organisations. In **North Macedonia**, civil society maintains a database which has documented 9 cases of discrimination in healthcare against people living with HIV in the last year and a half. Most of these cases involved MSM.

Very few Member States take measures to ensure access to the highest attainable standard of healthcare for LGBTI persons with heightened vulnerability. Among the Member States with civil society participation in this comprehensive review project, only **Cyprus, France, and Spain** have measures that fully consider LGBTI persons of colour¹²⁴, persons of ethnic minority backgrounds, including Roma persons¹²⁵, persons from religious minorities¹²⁶, sex workers¹²⁷, and children and youth¹²⁸; **Cyprus** and the **United Kingdom** report

¹²³ Available here: <https://www.ecdc.europa.eu/en/publications-data/hivaids-surveillance-europe-2023-2022-data#:~:text=This%20corresponds%20to%20a%20crude,11.9%20per%20100%20000%20population>

¹²⁴ The United Kingdom partially implements policies to protect LGBTI persons of colour

¹²⁵ Ireland partially implements policies to protect LGBTI persons of ethnic minority backgrounds, including Roma persons

¹²⁶ The United Kingdom partially implements policies to protect LGBTI persons from religious minorities

¹²⁷ Italy, Romania, and Serbia partially implement policies to protect LGBTI sex workers

¹²⁸ Ireland, Italy, Portugal, and the United Kingdom partially implements policies to protect LGBTI children and youth

protections for older LGBTI persons¹²⁹; **Cyprus** and **France** for LGBTI persons with disabilities¹³⁰; and **Cyprus** and **Spain** for LGBTI persons with a migration background, including asylum seekers and refugees¹³¹.

Depathologisation

Legal and administrative classifications of homosexuality and bisexuality as a mental illness are absent in all 27 Member States participating in the research. In 2019, the WHO depsychopathologised trans identities in the new International Classification of Diseases 11 (ICD-11). Under the ICD-11, gender incongruence between adolescence and adulthood was moved from the chapter on mental and behavioural disorders to the chapter on sexual health. However, trans identities are still pathologized in several Member States. Among the Member States with civil society participating in this comprehensive review project, this is the case in **Bulgaria, Croatia, Czechia, Georgia, Greece, Hungary, Ireland, Lithuania, North Macedonia, Montenegro, Serbia**, the **Slovak Republic**, and **Türkiye**. Depathologisation of trans identities is fully implemented only in **Iceland** and **Malta**. Pathologisation of variations of sex characteristics remains across the region and at the WHO level.

Trans-specific healthcare

When it comes to ensuring trans people's access to trans-specific healthcare (TSHC) services, both in public and private systems, Member States are still failing to follow the current international standards to eliminate discrimination and abusive requirements. According to "The State of Trans-Specific Healthcare in the EU" (2022)¹³², national laws and policies regarding TSHC in Europe are rare, mostly dated and urgently need review and revision. (e.g. **Czechia, Italy, Lithuania, the Netherlands, Slovenia** and **Sweden**). **Spain's** Ley 4/2023 is a prime example of best practices in national legislation, laying down comprehensive principles for care provision and setting out general principles for how TSHC should be structured. It emphasises nine key principles: non-pathologisation, autonomy, informed consent, non-discrimination, comprehensive care, quality,

¹²⁹ France, Ireland, and Spain partially implement policies to protect older LGBTI persons

¹³⁰ Spain and the United Kingdom partially implement policies to protect LGBTI persons with disabilities

¹³¹ France partially implements policies to protect LGBTI persons with a migration background

¹³² Noah Adams and Deekshitha Ganesan (2023) The State of Trans-Specific Healthcare in the EU: Looking Beyond the Trans Health Map 2022. TGEU. See here: <https://www.tgeu.org/files/uploads/2023/11/TGEU-Trans-Health-Map-Report.pdf>

specialisation, proximity and non-segregation, privacy and confidentiality, and avoiding all unnecessary examinations that do not serve a therapeutic or diagnostic purpose.

Among the Member States with civil society contributing to this comprehensive review project, measures guaranteeing these procedures are only available in **Italy, Spain, and France**. In **Montenegro**, while there are no official limitations in theory, in practice, trans people often need to travel abroad to access necessary surgical interventions (which are still required to access legal gender recognition). It is also important to note that in the Member States where these procedures are guaranteed, trans people still face many practical problems. In some Autonomous Communities in **Spain**, trans people have reported hurdles regarding costs, such as for post-surgery materials, travel costs, or accommodation after surgery. Due to a shortage of trained medical professionals in **France**, the waiting time can be substantial, taking up to several years. The National Health System covers hormone therapy and surgical procedures in **Italy**, but their availability may vary from region to region. In addition, hormone therapy needs to be prescribed by a multidisciplinary team allegedly specialised in gender dysphoria/incongruence. In practice, the prescription is made by an endocrinologist once a psychologist and psychiatrist have diagnosed gender dysphoria.

Conversion practices

Conversion practices, often presented as “treatments”, aim to change a person’s sexual orientation and/or gender identity; types of interventions can include psychotherapy, medication, electroshock therapy, aversive treatments, and religious practices such as prayers and exorcism. **Belgium, Cyprus, France, Germany, Greece, Iceland, Malta, Norway, Portugal, Spain**, and some cantons in **Switzerland** ban conversion practices. In **Greece**, civil society organisations note that the ban is only partial, as Article 62 of Law 4931/2022 prohibits only “professionals” from performing such practices, leaving the way clear for “non-professionals.” The FRA LGBTIQ III Survey report reveals that 24% of respondents experienced conversion practices.¹³³ Nearly half of trans women (47%) and trans men (48%) reported being victims of such practices. Three out of four respondents (76%) did not consent, while 13% did so due to pressure and threats. According to reports from civil society for this comprehensive review project,

¹³³ Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtiq-equality_en.pdf

these practices are widespread across the region. In some Member States with no legal ban (e.g. **Albania** and **Italy**), medical professional associations have prohibited their professionals from performing these conversion practices.

Harmful practices in healthcare settings against intersex persons

Intersex persons are frequently subject to non-vital surgical, hormonal and other medical interventions and practices that aim at altering their sex characteristics without their personal, prior, free and fully informed consent. For intersex persons, healthcare settings and accessing healthcare services pose specific problems due to previous negative experiences they may have had, such as undergoing non-consensual, non-vital medical interventions on their sex characteristics. Non-consented, non-vital interventions are banned in only 6 Member States – **Germany, Greece, Iceland, Malta, Portugal, and Spain** – with only the ban in Greece having universal coverage for all variations of sex characteristics.

VIII. Housing

For any citizen, housing is a prerequisite for accessing health, employment, education, and social services. Across Member States, the lack of sufficient housing is an escalating issue that disproportionately impacts LGBTI people. Family rejection, increased poverty, lack of institutional and community support, unemployment, informal jobs, and discrimination by landlords contribute to increased vulnerability.¹³⁴ According to the FRA LGBTIQ III Survey, 1% of LGBTI respondents (6% of intersex respondents) had to sleep rough in a public space at least once, compared to 0.2% of the general population.¹³⁵ This comprehensive review shows that insufficient measures have been taken to ensure that LGBTI individuals have equal access to adequate housing (including buying, renting, inheriting, and retaining ownership) without facing discrimination based on SOGIESC. Trans, intersex, and non-binary individuals, minors, migrants, racialised people, and older LGBTI adults are particularly affected. The lack of data and specific policies to address this issue often results in homelessness for LGBTI people.

¹³⁴ ILGA-Europe & FEANTSA (2023). Intersections: Diving into the FRA LGBTI II Survey data (Homelessness Briefing). Available here: <https://www.ilga-europe.org/report/intersections-the-lgbti-ii-survey-homelessness-analysis/>

¹³⁵ Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtiq-equality_en.pdf

Access to adequate housing

In Member States like **Italy**, **Montenegro**, and **North Macedonia**, the law generally prohibits discrimination in access to housing based on SOGI. However, in practice, discrimination frequently occurs. In **Hungary**, **Lithuania**, the **Republic of Moldova**, **Romania**, and **Türkiye**, there are no specific laws addressing the discrimination of LGBTI persons in housing. In **Türkiye**, for example, the housing rights of LGBTI persons are not protected in the process of renting and buying a house. They are also violated in student dormitories due to the distorted interpretation of existing legal regulations and hostile social environments. Landlords often refuse to house ageing and older LGBTI persons because they are not married. In the case of trans people, when they find a house to rent, they are often forced to pay high prices and then abandon the properties, with owners illegally cancelling their contracts.

In **Spain**, the second additional provision of the Trans and LGBTI Law (2023) aims to reduce the vulnerability of the trans and LGBTI population by ensuring equal treatment and non-discrimination on the grounds of SOGIESC in access to housing.

Homelessness

From the 27 Member States with civil society participation in this comprehensive review project, 6 reported measures being taken to ensure that homelessness and social services are available without discrimination based on SOGI,¹³⁶ 13 reported partial procedures,¹³⁷ and none reported fully implemented measures based on SC. In Member States like **Portugal**, **Italy** and **Ukraine**, there are reports of negative experiences of LGBTI people being harassed in non-specific and non-inclusive public shelters for people experiencing homelessness. In **Türkiye**, one of the most concerning issues is that trans women who have not gone through legal gender recognition are not admitted to women's shelters. As a result, many LGBTI persons avoid seeking those services due to concerns about facing discrimination, humiliation, and violence.

¹³⁶ Bulgaria (SO only), Czechia, France, Hungary, Italy (also gender expression), and the Slovak Republic

¹³⁷ Albania, Croatia, Finland, Greece, Ireland, Lithuania, Montenegro, North Macedonia, Poland, Serbia, Slovenia, Spain, and the United Kingdom

In **Portugal**, the increase in the price of rent and properties for sale on the market has negatively affected younger LGBTI people who are forced to continue living with their parents, particularly during the COVID-19 pandemic. Despite the lack of structure, civil society organisations have been involved in welcoming homeless LGBTI people. As of 2023, only sexual orientation was considered a protected ground in the National Strategy, leaving trans, intersex and non-binary people more vulnerable to homelessness.

Greece, however, can be pointed out as an example of good practice. In 2023, the Municipality of Athens announced the creation of a Guest House for homeless LGBTI individuals with the support of nine LGBTI organisations. The project is still in progress. However, there are currently no specific guidelines or training on the subject available for employees working in social services. Specific LGBTI shelters have also been recently announced in Sarajevo (**Bosnia & Herzegovina**) and were mentioned as part of new public housing strategies and the National Human Rights Action Plan in **Hungary** and **Georgia**, respectively.

IX. Sports

Among the 27 Member States with civil society participating in this comprehensive review project, half (13) reported being unaware of any measures implemented to ensure that sports activities and facilities are accessible and welcoming to LGBTI people.¹³⁸ In most Member States, general non-discrimination provisions are the only applicable legal framework regarding sports events and activities, many of which do not cover all SOGIESC grounds. **France, Ireland**, and the **United Kingdom** were the only Member States with reports of having policies or protocols penalising the use of discriminatory remarks or actions during sports events.

Measures for the inclusion of LGBTI people in school sports are also scarce. Those Member States which do fully implement the measures (7) focus only on sexual orientation.¹³⁹ State-sponsored awareness campaigns were observed only in **France** and **Ireland** and promoted within the sports community in **Belgium**,

¹³⁸ Albania, Bosnia and Herzegovina (partially on SO, but not on GIESC), Croatia, Georgia, Greece, Lithuania, Montenegro, North Macedonia, the Republic of Moldova, Romania, Slovak Republic, Slovenia, and Türkiye

¹³⁹ Croatia (SO), France (SOGIESC), Ireland (SO), Italy (SOGI), Serbia (SOGIESC), Spain (SOGI), and the United Kingdom (SO)

Denmark, Italy, Spain, and the **United Kingdom.** These campaigns are only sometimes successful.

Another worrying trend is the growing wave of attacks (especially online) against LBQ women athletes, with reports from **Italy, Spain** and **Turkey**¹⁴⁰.

Finally, a worrying trend in the region is the banning of trans individuals from competitions, as well as the introduction of invasive barriers for intersex and trans people (such as blood tests and physical examinations) to qualify for participation. In **Spain**, the Trans and LGBTI Law (2023) states that the regulation of professional sports falls under the jurisdiction of the appropriate sports federations. As a consequence, many federations are restricting trans individuals' participation, such as in chess and basketball. In the **United Kingdom**, the governing body, United Kingdom Athletics, banned trans women from competing in the female category in its competitions and events in 2023.¹⁴¹

X. Right to seek asylum

Many individuals fleeing war, climate change, and other conflicts seek refuge in Council of Europe Member States. Some of these people identify as being LGBTI and often persecution based on their SOGIESC was the primary reason for them to leave their country of origin. LGBTI asylum seekers face increased risks during their journey to the host country, such as harassment, exclusion, sexual violence, and other forms of violence.¹⁴² Upon arrival in Europe, they may also face unequal legislation in terms of the rights of LGBTI people, depending on the chosen country.

This comprehensive review indicates a growing trend among Member States in the region to recognise well-founded fear of persecution as a valid ground for granting asylum or refugee status based on SOGIESC (especially SO). Only three of the 27 Member States participating in this review (**Bosnia & Herzegovina, Bulgaria,** and **Ukraine**) stated that no SOGIESC category is recognised under their national asylum law. In addition, according to the ILGA-Europe Rainbow

¹⁴⁰ Annual report of the Observatory on lesbophobic violence and discrimination against lesbians <https://lesbiangenius.org/wp-content/uploads/2023-Report-on-lesbophobia.pdf>

¹⁴¹ See more here: <https://www.theguardian.com/sport/2023/mar/31/uk-athletics-bans-transgender-athletes-from-female-competition>

¹⁴² Available here: <https://www.ilga-europe.org/policy-paper/protecting-the-rights-of-lgbti-asylum-seekers-and-refugees-in-the-reform-of-the-common-european-asylum-system/>

Map, there are 11 other Member States that do not consider any SOGIESC category in their asylum law: **Andorra, Armenia, Azerbaijan, Denmark, Estonia, Georgia, Lithuania, Monaco, San Marino, Switzerland, and Türkiye.**

Among the Member States represented by civil society engagement in this comprehensive review, only **Finland, France** (only SOGI), **Hungary, Ireland** (only SOGIE), **Italy** (only SOGIE), and **Montenegro** indicated that there were measures in place to ensure that asylum applicants would not need to undergo psychological tests to determine their SOGIESC. Only 6 Member States have measures to ensure that LGBTI asylum seekers will not have to present detailed “evidence” of their intimate lives to prove their sexual orientation or gender identity during an asylum process.¹⁴³ There is fully implemented training for asylum officers on SOGIESC issues only in **Spain** and the **United Kingdom.**

LGBTI asylum seekers are also at significant risk of being sent back to Member States where their lives and freedoms are threatened because of their SOGIESC. With respect to refoulement, in 9 Member States with civil society reporting for this comprehensive review project there are provisions with regards to SOGI,¹⁴⁴ with 5 of these also protecting asylum seekers from refoulement based on GE¹⁴⁵ and 2 on SC. Only 2 Member States (**France** and **Hungary**) remove countries from the safe countries of origin list in cases of criminalisation or proven persecution. In **Bosnia & Herzegovina**, the state refused a few times to provide asylum based on SO even though the asylum seekers were persons from Iran and Morocco, where same-sex acts are criminalised.

Asylum-related detention for LGBTI asylum seekers is also a point of potential risk, and Member States with civil society input for this comprehensive review project, with only **Spain** fully implementing procedures to protect LGBTI people in this context. While LGBTI civil society and other support services have access to detention places to support LGBTI asylum seekers in **Italy, Montenegro, Slovenia, Spain, and Ukraine**, alternatives to detention for LGBTI asylum seekers are only fully available in **France** and **Portugal.**

In particular, the situation of trans asylum seekers is alarming, as they have almost no access to trans-specific healthcare and their names and gender

¹⁴³ Finland, France, Hungary, Montenegro, Spain, and Türkiye

¹⁴⁴ Croatia, France, Hungary, Italy, Montenegro, the Republic of Moldova, Slovak Republic, Spain, and Ukraine

¹⁴⁵ Hungary, Italy, Montenegro, the Republic of Moldova, and Ukraine

identities are rarely respected by migration officers. Among the 27 Member States with civil society engagement in this comprehensive review project, none have full implementation of respect for names and identities of trans asylum seekers; **Czechia, Finland, France, Hungary, Ireland, Montenegro, Portugal, Serbia, Spain**, and the **United Kingdom** reported partial implementation. Trans people are at least partially able to access legal gender recognition and/or access trans-specific healthcare while in asylum proceedings in **Croatia, Czechia, France, Ireland, Italy, Montenegro, Slovenia, Ukraine**, and **Türkiye**.

XI. National Human Rights Structures

The CM/Rec(2010)5 recommends that National Human Rights Institutions (NHRI) take concrete steps to address human rights issues related to SOGI in their programs and activities. Mandates to address discrimination on the grounds of SOGISC vary, though the majority of Member States (30)¹⁴⁶ do indeed have such mandates. Within these, 9 also have mandates on SC¹⁴⁷; 3 have mandates on SOSC¹⁴⁸ only, and 1 just for SC¹⁴⁹. In many Member States, the Ombudsperson's Office, Commissioners for the Protection of Equality, Equal Treatment Authorities and Protectors of Human Rights and Freedoms are key structures in researching, handling and human rights education, promoting LGBTI representation, receiving complaints, initiating judicial proceedings, fines and administrative punishment in cases involving discrimination based on SOGIESC.

There is still much room for improvement in Member States such as **Türkiye**, where national human rights structures are not mandated to work on SOGIESC-based discrimination. The Turkish Human Rights and Equality Institution (TİHEK) consistently denies requests regarding the rights of LGBTI people without considering the merits. For example, a civil society request regarding the Governor of Gaziantep's discriminatory social media posts against the Pride March and LGBTI individuals was deemed inadmissible.

¹⁴⁶ NHRI has SOGI mandate: Albania, Andorra, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Luxembourg, Malta, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, the Republic of Moldova, Serbia, the Slovak Republic, Slovenia, Sweden, and Switzerland

¹⁴⁷ NHRI has a mandate for SOGISC only: Albania, Czechia, Georgia, Greece, Luxembourg, Malta, Montenegro, the Netherlands, and Norway

¹⁴⁸ NHRI has a mandate for SOSC only: Ireland, Latvia, and Lithuania

¹⁴⁹ NHRI has a mandate for SC only: Ukraine

In Member States like **Ukraine, Hungary, and Bulgaria**, national human rights structures with authority to address discrimination cases based on SOGISC (or some combination thereof, see footnotes 146 to 149 on NHRI mandates) often fail to take necessary action, neglecting their responsibility for an extended period or indefinitely. In **Italy**, the effectiveness of the National Office against Racial Discrimination (UNAR) is impacted by its governmental status. In these cases, there is a clear trend of undermining the autonomy of these bodies, making them dependent on the ruling political group.

The authority and actions of national human rights institutions also varies across Member States. Among the Member States with civil society reporting for this comprehensive review project, 20 can (and do) provide recommendations on LGBTI-related legislation and policy¹⁵⁰, 17 can and do raise public awareness about LGBTI issues¹⁵¹, 20 can and do examine individual complaints on the grounds for which they have a mandate¹⁵², and 14 can and do initiate court proceedings based on their mandated grounds¹⁵³.

XII. Discrimination on multiple grounds

The lives of LGBTI people and their experiences of State protection depend, in many cases, on their SOGIESC as well as other personal characteristics, such as their gender, racial and/or ethnic origin, or migration background. For example, LGBTI women face misogyny and gender-based violence in addition to SOGIESC-related marginalisation. Racialised trans people seeking asylum encounter challenges that may not be the same as white trans people with European citizenship and guaranteed access to LGR. LGBTI persons with disabilities often encounter unique difficulties related to mobility, work, and relationships. In other words, LGBTI communities are plural groups whose life experience is impacted by a variety of factors in addition to their SOGIESC.

¹⁵⁰ Albania, Bosnia and Herzegovina, Croatia, Finland, France, Georgia, Greece, Ireland, Italy, Montenegro, North Macedonia, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, Spain, Ukraine, and the United Kingdom

¹⁵¹ Albania, Bosnia and Herzegovina, Croatia, Finland, France, Georgia, Greece, Italy, Montenegro, Poland, Portugal, Republic of Moldova, the Romania, Serbia, Slovak Republic, Slovenia, and Spain

¹⁵² Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Finland, Georgia, Greece, Hungary, Ireland, Montenegro, North Macedonia, Poland, Portugal, the Republic of Moldova, Romania, Serbia, the Slovak Republic, Slovenia, Spain

¹⁵³ Albania, Bulgaria, Croatia, Finland, France, Georgia, Montenegro, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, and Spain

The complexity and plurality of LGBTI people, however, is still far from being fully reflected in laws that protect or support specific groups that suffer multiple discrimination. According to data from the Member States with civil society participating in this comprehensive review project, 15 have measures in place to protect against discrimination on multiple grounds, including SOGI¹⁵⁴ and 4 have partial measures¹⁵⁵.

The FRA LGBTIQ III Survey asked respondents who experienced anti-LGBTI discrimination if they also faced discrimination based on other factors such as their ethnic or migration background, gender/sex, skin colour, age, religion or belief, and disability. The survey found that 36% of those who felt discriminated against for being LGBTI also experienced discrimination based on their sex (male/female), 17% based on their age, 14% on the grounds of disability, 9% due to religion or belief, and 7% because of their ethnic origin or immigrant background.¹⁵⁶ Although discrimination on multiple grounds is a reality in all Member States covered by the FRA LGBTIQ III Survey, this comprehensive review indicates that legislation still fails to proactively identify, protect and support LGBTI groups who suffer from multiple discrimination. Only **Spain** has policies which proactively identify, protect, and/or support almost all of the groups explicitly listed in the questionnaire (except LGBTI sex workers, a group that is not the target of any specific measure).

¹⁵⁴ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Finland, France, Greece, Ireland, Montenegro, North Macedonia, the Republic of Moldova, Serbia, Slovenia, and Spain

¹⁵⁵ Georgia, Portugal, Romania, and the United Kingdom

¹⁵⁶ Available here: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-lgbtiq-equality_en.pdf

Table 4. Member States with measures that proactively identify, protect, and/or support groups affected by multiple discrimination, from the civil society participation in this comprehensive review project

	MS that take specific measures	MS that partially take measures
LGBTI persons of colour	Spain	Croatia, Ireland, Montenegro, and Serbia (4)
LGBTI persons of ethnic minority backgrounds, including Roma persons	Spain	Croatia, Hungary, Ireland, Montenegro, North Macedonia, and Serbia (6)
LGBTI persons from religious minorities	Spain	Croatia, Ireland, Montenegro, and Serbia (4)
LGBTI sex workers		Ireland, Montenegro, and Serbia (3)
LGBTI persons with disabilities	Spain	Croatia, Ireland, Montenegro, Serbia, and the United Kingdom (5)
LGBTI migrants	Spain	Croatia, Ireland, Greece, Montenegro, Serbia (5)
Older LGBTI persons	Spain	Croatia, France, Ireland, Montenegro, Serbia, and the United Kingdom (6)
LGBTI children and youth	France, Ireland, and Spain (3)	Croatia, Greece, Montenegro, North Macedonia, Serbia, and the United Kingdom (6)

XIII. Dissemination of the Recommendation and its Appendix

Civil society in 18 of the 27 Member States represented reported that the CM/Rec(2010)5 had translations available online in local languages.¹⁵⁷

¹⁵⁷ Bosnia and Herzegovina, Croatia, Czechia, Finland, Greece, Hungary, Italy, Montenegro, North Macedonia, Poland, the Republic of Moldova, Romania, the Slovak Republic, Slovenia, Spain, Türkiye, Ukraine, and the United Kingdom