

# 2026 Rule of Law Report - targeted stakeholder consultation

Submission by ILGA-Europe and organisations Prisme (Belgium), Deystvie (Bulgaria), Háttér Társaság (Hungary), CEL Kosova (Kosovo), KPH (Poland), ACCEPT Romania (Romania), Iniciatíva Inakosť (Slovakia), and Legebitra (Slovenia)

ILGA-Europe are an independent, international LGBTI rights non-governmental umbrella organisation bringing together over 700 organisations from 54 countries in Europe and Central Asia. We are part of the wider international ILGA organisation, but ILGA-Europe were established as a separate region of ILGA and an independent legal entity in 1996. ILGA itself was created in 1978. <https://www.ilga-europe.org/who-we-are/what-ilga-europe>

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## Horizontal developments

This report brings together eight country submissions to the European Commission's 2026 Rule of Law report, compiled by ILGA-Europe, with the expert input of its member organisations in the Member States, namely - 1. Bulgaria (Deystvie), 2. Belgium (Prisme), 3. Hungary (Háttér Társaság), 4. Kosovo (CEL Kosova), 5. Poland (KPH), 6. Romania (ACCEPT Romania), 7. Slovakia (Iniciatíva Inakosť), and 8. Slovenia (Legebitra). Recommendations are included in the chapters where organisations chose to issue them.

The developments encompassed in this submission point to systematic breaches of rule of law principles resulting in attacks on the fundamental rights of LGBTI persons in some countries. This contribution is limited to rule of law violations that affect the rights of LGBTI persons. As such, it does not include all fundamental rights violations against LGBTI persons, nor all restrictions experienced by LGBTI civil society in the respective countries.

LGBTI persons experienced barriers in **access to justice** in three of the eight countries reported on (Hungary, Kosovo and Poland), including lengthy delays in LGBTI related cases, and increased court fees. Concerns regarding the **independence of the Constitutional Court** were raised as regards Hungary, Poland and Romania, with Hungary and Romania pertaining to LGBTI specific concerns. The **non-implementation of national and supranational court judgements (CJEU and ECtHR)** remains a serious concern (reported on notably in the chapters on Bulgaria, Hungary, Poland and Romania), as they consistently pertain to legal recognition of same-sex families, and to legal gender recognition – the procedure in which trans and intersex people can change their legal gender in identity documents. The delays and refusals to comply with these judgements in some cases point to a discriminatory selection of implementation of judgements, as is most evident in the 2018 CJEU judgement in the Coman case, now pending implementation for eight years in Romania.

As regards the legislative process, in five of the eight countries (Hungary, Kosovo, Poland, Romania and Slovenia) **inadequate or no room for public consultation** was reported. Concerns regarding the effective operation of Ombudspersons related to LGBTI topics remain again this year in Bulgaria and Hungary.

In a breach of anti-discrimination and equality law standards at European and sometimes also national level, **anti-LGBTI legislation continued to be tabled, and in some cases adopted**, in 2025. After Bulgaria's adoption in 2024 of legislation banning "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", Bulgaria is now considering a bill aimed at banning "content that does not conform to the understanding of gender... as a biological category" and banning provision of gender-affirming healthcare with prison sentences for healthcare providers. In Hungary, anti-LGBTI legislation continued to be adopted, with a ban on LGBTI-related public assemblies adopted in March, and constitutional amendments adopted to include this ban, and also define sex as strictly biological and immutable, erasing trans and intersex persons' legal existence, running **contrary to ECtHR and CJEU jurisprudence**. This ban was implemented throughout the year, with a ban on Budapest Pride and Pécs Pride issued, and their organisers criminally charged. In the meantime, in Oradea in Romania, Pride was de facto banned again for the third consecutive year.

In September, Slovakia adopted a slew of amendments to its Constitution, one of which is now subject to an EU infringement procedure. Among these Constitutional changes are amendments directly targeting the LGBTI community; banning legal gender recognition, adoption by same-sex couples and

single women, and defining sex as strictly biological and immutable, erasing trans and intersex persons' legal existence, following in Hungary's footsteps. These amendments greatly restrict rights and equality for LGBTI persons in Slovakia, and are reminiscent of the anti-LGBTI package adopted in Georgia in 2024, in addition to Hungary's restrictions. These amendments contravene numerous European human rights standards including the ECHR and the jurisprudence of the ECtHR and CJEU.

**Negative narratives and smear campaigns** against LGBTI persons and organisations in the media were reported in five of the eight countries (Hungary, Kosovo, Romania, Slovakia and Slovenia). This includes **smear campaigns against the funding of LGBTI CSOs** in Hungary, while in Hungary, Belgium and Romania there were reports of lack of financial support and reduced financial support to LGBTI CSOs, also due to a **more restrictive legal framework for funding of CSOs**. In Romania concerns were raised about negative narratives and smear campaigns against LGBTI persons and organisations being used as an electoral tactic. Elected officials and candidates made public statements portraying LGBTI rights as a threat to public order, national identity or "traditional values".

Linked to the negative media coverage and discriminatory narratives from politicians is the continuing rise of **attacks and intimidation against LGBTI organisations**, as these narratives influence public opinion and embolden those who wish to discriminate. This has been particularly stark in Romania during and after the election periods, where LGBTI organisations were subjected to online threats and incitement to hatred, including the publication of office addresses and calls for violence.

In Hungary negative narratives and smear campaigns against LGBTI persons continue, as part of the government's attempts to normalise the restrictions of LGBTI person's rights. This is aided by **state captured media producing consistent anti-LGBTI propaganda**. This year we also reported **on concerns for media pluralism** in Belgium, Kosovo and Romania, regarding large amounts of privately owned media and increasing concentration of media ownership, which can risk political bias and subsequent tipping into disinformation and smear campaigns against marginalised groups such as LGBTI persons.

These developments form part of a broader dismantling of democratic norms, checks and balances, in which LGBTI persons are used as scapegoats to further divide society, and normalise the removal of human and fundamental rights. LGBTI organisations are used both as a reason to suppress civic space and human rights work, and are also victims of increasingly restrictive civic space. While we see attacks against fundamental rights of LGBTI persons (such as freedom of expression and assembly) as part of a broader dismantling of fundamental freedoms, it is still important for the European Commission to name the specific targeting of LGBTI persons and organisations, as these attacks are underpinned by discrimination against LGBTI persons. The European Commission, as the guardian of the Treaties, should clearly reflect the interlinkages of the grounds of Article 2 TEU and Article 19 TFEU in this regard.

## Belgium

### III. Media Freedom and Pluralism

Any other developments related to media pluralism and freedom – please specify

In 2024 Article 150 of the Belgian Constitution was opened for amendments, which could lead to the prosecution of press offenses (including LGBTI-phobic online hate) in a correctional court rather than the higher criminal court. Since trials at the higher criminal court are more arduous and costly, also involving a jury, press offenses rarely end up at the criminal court. This has meant that in practice, a press offense related to LGBTI-phobia almost never leads to a trial. The correctional court, on the other hand, is a lighter process, not involving a jury, and can be organised much more rapidly. Therefore if Article 150 is amended to include this change, LGBTI-phobic online hate is significantly more likely to be brought to court. In 2025 there were no developments regarding this, as the government has yet to propose any changes.

Over the last years, there has been an increasing concentration of media ownership by a limited number of actors. The most important Belgian media are controlled by only seven private groups. Measures to prevent high media ownership concentration remain limited. Editorial independence is vulnerable to commercial influence. There are self-regulatory safeguards but there is pressure in practice.

In their 2024 report, published in 2025, la Ligue des Droits Humains [reported](#) on several attempts to attack the fundamental freedom of press that have caused concern, leading to Belgium being reprimanded twice by the Council of Europe.

### IV. Other institutional issues related to checks and balances

#### A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

LGBTI civil society organisations (CSOs) are relatively well involved in policy development. They have been consulted by equality bodies and ministerial offices to develop or give advice regarding strategies, policies, and the national action plan. However, there is a lack of consultation regarding the follow-up of the actions.

Following the formation of the Federal Government in February 2025, a general political note was issued in which they committed to work on two legal files regarding LGBTI persons that are cause for concern, however, there has since been no progress on either file for the remainder of 2025:

- There is still a mandatory abstinence period of four months for men who have sex with men (MSM) before being allowed to donate blood. This is a blatant discrimination, since for other groups, the abstinence period is only requested if there has been risky behaviour (individual

risk assessment). For an MSM couple in a long-term monogamous relationship, there is no reason to demand such an abstinence period.

- A law to protect intersex infants from genital mutilation, and the rights of all people presenting variations in sex characteristics in general, has been in the pipeline for several years but has not been properly examined by the parliament yet.

#### D. The enabling framework for civil society

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

Belgian LGBTI CSOs and human rights defenders are generally well supported. However, despite a progressive legal framework, LGBTI persons still face violence, intimidation, and harassment, both in the streets and on social media. Unia has recorded an increase in cases of discrimination, hate crime and hate speech related to sexual orientation, particularly in the last four years, in which the rate of increase has also been rising.

In March 2024 Circular [COL13/2013](#) was amended in order to improve the system for recording discrimination complaints, making it possible to identify various grounds of discrimination, including sexual orientation and gender identity. COL13/2013 sets out guidelines for public prosecutors, labour auditors, police services and inspection services.

There are no legal/regulatory restrictions on LGBTI activities, however, the new government elected in June 2024 has introduced much stricter policy regarding migration, which has an impact on LGBTI asylum seekers. The funding to work on these topics (migration and asylum-related) is also more limited. Belgium now has one of the most restrictive frameworks for migrants and refugees. In an April 2025 [report](#), Amnesty International showed how Belgium has been condemned on numerous occasions by international institutions for not respecting international agreements on adequate reception conditions, including the EU's Reception Conditions Directive.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

The current governments of Belgium want to reduce the overall budget allocated to civil society. While the decision to provide multi-annual, longer-term funding is positive for civil society, the overall amount allocated for this sector is [reduced](#) in Wallonia and Flanders. In the region of Brussels, funding for civil society is stalled due to the delay in the formation of the new regional government, which has resulted in NGO closures and laying off of staff.

The federal government has [decided](#) to reduce the tax deductibility of donations made to non-profit organizations. By lowering the financial incentive for individuals to donate, this measure may lead to a decrease in private contributions. For many non-profit organizations, which already operate with limited resources and rely on donations to support essential activities and services, this change could have a significant and lasting impact on their financial sustainability.

## Bulgaria

### IV. Other institutional issues related to checks and balances

#### **B. Independent authorities**

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

On 7 August 2024 Bulgaria's National Assembly adopted a law which amends and supplements the Preschool and School Education Act (PSEA), conceptually amending and expanding the prohibitions in the system of pre-school and school education to ban "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 Bulgaria, individuals cannot file direct complaints to the Constitutional Court. The following administrative bodies can do so: one fifth of the Members of the National Assembly, the Council of Ministers, Supreme Court of Cassation, Supreme Administrative Court, Prosecutor General. The Ombudsman may approach the Constitutional Court with a request to declare as unconstitutional any law that violates *rights and freedoms of citizens*. This is a constitutional prerogative outlined in Article 150 of the Constitution and related provisions. The Supreme Bar Council can also submit constitutional requests concerning laws that purportedly violate citizens' rights and freedoms.

In July 2025 Deystvie's team submitted requests to the Ombudsman and the Supreme Bar Council for the unconstitutionality of the Pre-school and School Education Act. However, no further actions and communication have been taken by either of these bodies. Notably, the request to the new Ombudsman was submitted on her second day of work, and no response has been received so far, which raises concerns about the independent operation of the Ombudsman.

#### **C. Accessibility and judicial review of administrative decisions**

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

##### Non-implementation of CJEU and ECtHR judgements

LGBTI Deystvie is leading a series of cases on behalf of LGBTI individuals seeking international protection in Bulgaria. In all cases submitted to the State Agency for Refugees, the applicants have been refused protection and have been required to provide statements from psychologists and psychiatrists regarding their sexual orientation, a practice that is incompatible with international human rights standards and EU law.

Although these cases have been successfully litigated before the Supreme Administrative Court, and despite the Court's clear and detailed reasoning on how the State Agency for Refugees should rule,<sup>1</sup>

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<sup>1</sup> See Judgement 6822/23.06.2025 of administrative court case № 7917/2024 before Supreme administrative Court - [Решение № 6822 от 23.06.2025 г. по адм. д. № 7917/2024 г., трето](#)

the Agency has repeatedly issued new refusals. In doing so, it has entirely disregarded the binding decisions and guidance of the highest judicial authority in the country.

There has been no progress since last year regarding the below cases reported on in last year's consultation:

### **Birth certificates of children born in same-sex families**

On 1 March 2023 the Supreme Administrative Court disregarded the judgement of the Court of Justice of the EU on [C-490/2020 V.M.A. v. Pancharevo municipality, Bulgaria](#) on the recognition of birth certificates of children born in same-sex families, leaving the child born to a Bulgarian mother and Spanish mother stateless.

The CJEU had found in December 2021 that it is contrary to the fundamental rights guaranteed by Articles 7 and 24 of the EU's Charter of Fundamental Rights for the baby of same-sex parents to be deprived of the relationship with one of her parents when exercising her right of free movement or for her exercise of that right to be made impossible or excessively difficult on the ground that her parents are of the same sex. The ruling effectively said that if one EU country recognises a child's parental relationship, then all EU countries should do the same to guarantee the child's right to freedom of movement across the region, a right granted to all EU citizens. This situation has yet to be remedied by Bulgaria in line with the CJEU judgement.

Bulgarian Courts and municipalities continue to ignore and refuse to implement the C-490/2020 ruling. This can be confirmed by the complaints submitted to the European Commission for breach of EU law – complaints with reference numbers: № CPLT(2023)02909, CPLT(2023)02910, CPLT(2023)02911, CPLT(2023)02912, CPLT(2023)02913, CPLT(2023)01724 which specifically concerns the case of V.M.A. Additionally, there is a pending case before the Administrative Court of Sofia city which concerns the issuance of birth certificate between the same parties as the V.M.A. case – adm.court case № 20247010708156/2024.

### **Legal gender recognition**

A significant body of ECtHR cases have ruled that lack of access to legal gender recognition (LGR) – the procedure in which trans and intersex people can change their legal gender in identity documents – is a violation of Article 8 ECHR.

The most recent ECtHR case is from December 2022 against Georgia ([A.D and others v. Georgia](#)). The court found violation of Article 8 ECHR because of not having a fast, accessible and transparent LGR procedure in place. The most recent case relating to Bulgaria, finding violation of Article 8 ECHR due to the lack of a fast, accessible and transparent LGR procedure, is the judgement of 27 September 2022 in [P.H. v. Bulgaria](#). The ECtHR case law also includes case Y.T. v. Bulgaria, which is among the rare cases where the ECtHR has adjudicated on the revision of a judgment under Rule 80 of the Rules of the Court. In its [original judgment](#) of 9 July 2020, the ECtHR found a violation of ECHR Article 8 as domestic courts refused to grant LGR to the applicant without providing relevant and sufficient reasons and without explaining why it had been possible for domestic courts to grant LGR in other cases. Upon request by the Bulgarian government, this judgment was revised by the ECtHR on 4 July

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[отделение, ВАС](#); Judgement № 1453/17.02.2025 of administrative court case № 9988/2024 of Supreme administrative court - [Решение № 1453 от 17.02.2025 г. по адм. д. № 9988/2024 г., трето отделение, ВАС](#); and Judgement № 6539/17.06.2025 of adm. court case № 1136/2025 of Supreme administrative court - [Решение № 6539 от 17.06.2025 г. по адм. д. № 1136/2025 г., трето отделение, ВАС](#).

2024. In this [second judgment](#), the Court decided that the application was inadmissible as the applicant had not disclosed to the Court the fact that he had obtained LGR in a second national court proceeding while his case was pending before the Court, which constituted an abuse of rights. The Court nevertheless made clear that this revision did not affect Bulgaria's obligations under Article 8, confirmed in the case of P.H. v. Bulgaria.

In February 2023 the Supreme Court of Cassation closed the way to trans and intersex people to change their legal gender. Due to previously conflicting judgments from the Supreme Court on legal gender recognition (LGR) requirements, the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) [issued](#) an interpretative decision in late February 2023. The decision [stated](#) that as gender is an unchangeable biological factor, LGR should not be possible in Bulgaria, despite the abovementioned ECtHR case law.

Ever since after the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) [issued](#) an interpretative decision in late February 2023 no trans person managed to change their legal gender marker. In the few cases which finished positively, the judgments did not enter into force. Furthermore, on 4 October 2024 the CJEU ruled in case [C-4/24 Mirin](#) that the refusal of an EU Member State to recognise changes of forename and gender acquired in another Member State is contrary to the rights of EU citizens. On 13 March 2025 the CJEU ruled in case [C-247/23 Deldits](#) that authorities responsible for keeping public registers should correct data on gender identity when it is inaccurately recorded under the right to rectification in Article 16 read in the light of Article 5(1)(d) GDPR so it reflects the person's lived gender identity and not the sex at birth. Despite these judgments, Bulgarian courts still refuse to recognize changes of forename and gender applicants acquired in other Member States. All cases pending before the Supreme Court of Cassation are currently stopped awaiting the outcome of the upcoming CJEU ruling in case [C-43/23 Shipov](#).

#### **D. The enabling framework for civil society**

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.

Regarding the anti-LGBT law adopted in August 2024: legal complaints filed last year against two LGBTI CSOs which both have licenses to work with children and young people, requesting a revision of their licenses, were dropped.

In December 2024, a [new bill](#) was submitted by a group of MPs which supplements the Child Protection Act with provisions undermining rights for trans people and introducing another layer of censorship with vague definitions. This bill has been making its way through parliamentary committees in 2025 and remains in the committees currently. The proposal aims to ban, alongside the sale of tobacco, alcohol and laughing gas to children:

1. The display, presentation, offering, or any other form of distribution within preschool and school institutions, as well as in other public places visited by children outside of school hours, of informational or other materials containing content that does not conform to the understanding of gender as a biological category;

2. The presentation to children of lectures containing content that does not conform to the understanding of gender as a biological category, the presentation or advertisement of gender identity as an alternative to biological sex, its early determination, or other related topics, as well as the application, presentation, or advertisement of medical activities using methods or technologies for changing the biological sex of children."

The proposal introduces fines for breaches of these provisions, as well as an amendment to the Health Act to ban "the direct presentation, advertisement, and performance of medical activities using methods or technologies for changing the biological sex of persons under 18 years of age". Another amendment also introduces a penalty of imprisonment for any person who "issues a medical prescription or performs a medical activity using a method or technology for changing the biological sex of a person under the age of 18".

The banning of "content that does not conform to the understanding of gender... as a biological category" does not reflect contemporary scientific knowledge on sex and social theories' conceptualisation of gender and is a form of censorship. This bill and the anti-LGBT propaganda law passed in 2024, directly violate teachers' and students' right to freedom of expression, including to seek, receive and impart information and ideas with regards to human rights, sexual and reproductive health and rights (SRHR), sexual orientation, gender identity and their rights to equality and non-discrimination.

Additionally, the absence of a meaningful legal definition regarding content deemed "non-conforming" to understandings of gender identity aligned with biological sex may lead to legal uncertainty, creating a risk of arbitrary interpretation and application of the law. This could result in the establishment of vague legal obligations while simultaneously allowing for discriminatory practices or unintended censorship of content that promotes the human rights and fundamental freedoms of individuals with diverse ("non-traditional" as per the language of the law) gender identities and sexualities. For instance, in Hungary, the vaguely worded provisions of the 2021 anti-LGBTI propaganda law have led to high degrees of caution and [self-censorship](#). Such legal uncertainty risks violating the principles of the rule of law and human rights.

The amendment fails to specify what constitutes these "other public places visited by children outside school hours," thereby creating legal uncertainty and leaving room for arbitrary interpretations. By deliberately leaving this term undefined, the sponsors of the bill are attempting to create legal grounds for sanctions and penalties against a broad range of events related to LGBTI people including Prides and other public events raising awareness of LGBTI people and promoting their rights. Such a broad scope inevitably presents significant risk for civil society organisations involved in the working on equality and fundamental rights for LGBTI people, particularly trans people.

Regarding the amendment providing for prison sentences for any person who "issues a medical prescription or performs a medical activity using a method or technology for changing the biological sex of a person under the age of 18", at present, no sex reassignment surgeries are performed in Bulgaria, either for adults or minors. Such a medical intervention can be qualified as a crime under the provisions of Article 128 of the Criminal Code. The attempt to ban a medical procedure that is not being practiced not only on minors but also on adults due to existing legal restrictions, shows an intention to cause deliberate harm to trans and intersex people and will produce a 'chilling effect' by further deterring them from seeking the medical services they need. It raises concerns that the actual motives of the proponents of the bill are rather driven by a desire to target and oppress a specific social group and engage in political demagoguery.

## Hungary

### I. Justice System

#### **A. Independence**

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

Háttér Society does not deem the Constitutional Court independent and it regularly fails to keep the deadline set in law (more details on this in Section I.C. of our 2025 submission).

In 2025 the Kúria, contrary to usual practice, has been issuing press releases in response to media reporting on decisions related to LGBTI public assemblies. This follows the adoption of a ban on LGBTI related public assemblies adopted by the Parliament on 18 March 2025. On 31 May 2025, the Kúria quashed a police ban on an LGBTQI-themed march and ordered a new procedure. Some media outlets reported on the judgment as the Kúria "*approved the mini-Pride event in Budapest on Sunday afternoon*" and some interpreted the judgment as a ruling in favour of the Budapest Pride. In the [press release](#), the Kúria refuted these statements. It clarified that it had ordered a new proceeding at a time that would have allowed for a decision before the planned date of the assembly, but the organisers had decided to postpone the date, which is why no ban was able to be issued. It further added "*The Curia firmly rejects statements that are untrue and therefore seriously undermine judicial authority, and is considering further legal action.*" (More information of the litigation related to the assembly in question may be found [here](#).)

On 6 October 2025 the Kúria publicly [clarified](#) that it did not overturn the police ban on Pécs Pride, but rather it had overturned the ban on a protest on wildlife damage, acting on the presumption of the organisers' good faith. This clarification came as a result of the wildlife protest being used to host Pécs Pride.

The Kúria – in addition to above statements – also reported on all the judgments rendered in May-July on the police bans of LGBTQI-themed assemblies organized by civil society organizations, no other topic was afforded such wide coverage by the press corps of the court.

### III. Media Freedom and Pluralism

#### **B. Safeguards against government or political interference and transparency and concentration of media ownership**

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

As explained in Háttér's 2024 submission, the Hungarian media is largely state-captured, and therefore lacks pluralism and independence. State-controlled media is strategically and purposefully building anti-LGBTI narratives, using misinformation and disinformation, often echoing Russian anti-LGBTI / anti-gender campaigns. The messages correlate with the government's messaging or campaign narratives. One of their key tactics is trying to conflate being LGBTI with paedophilia, consistent with the governing party's messaging around the anti-LGBT Law.

Despite the adoption of the December 2024 law on curbing aggression on the internet, homo- and transphobic speech continued in the public discourse and also in the media (both electronic and print), with no noticeable impact.

Connected to the anti-LGBTI legislation passed in 2025 (*i.e.* the [Fifteenth Amendment](#) to the Fundamental Law entrenching the binary understanding of sexes, or the ban on LGBTI-themed assemblies discussed below), homo- and transphobic speech became an everyday phenomenon, championed by government officials or leading politicians of the ruling majority. Scapegoating sexual and gender minorities intensified particularly in April-June 2025 when the mayor of Budapest announced that the Budapest Pride March will be held as a municipality event, and when CSOs challenged the bans issued on LGBTI-themed events (which were often conflated with Budapest Pride in the media). The overview of these cases may be found [here](#).

#### **IV. Other institutional issues related to checks and balances**

##### **A. The process for preparing and enacting laws**

Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

In 2025, all major anti-LGBTI legislative proposals were tabled by MPs, thus no civil society input was possible. On 17 March 2025 – following up on [the promise of the Prime Minister](#) made in February – a [bill](#) amending Act no. LV of 2018 on the right of assembly (Assembly Act) was submitted by seven MPs from the ruling coalition. The bill proposed to add a further ground for banning an assembly to the Assembly Act, namely Section 13/A (for more details on the amendment see [Legislating fear: Banning Pride is the latest assault on fundamental rights in Hungary](#)). The bill was processed in an accelerated procedure in the Parliament and the final vote took place within a day, and it was promulgated the next day, on 18 March 2025. Only one provision entered immediately into force: the notification window available for organizers of assemblies was reduced to 30 days from 3 months, and in practice this meant that Budapest Pride planned for 28 June 2025 could not be notified to the police in March. The remaining provisions' entry into force was linked to the Fifteenth Amendment to the Fundamental Law.

The [Fifteenth Amendment](#) to the Fundamental Law was also submitted to the Parliament by individual MPs, namely by those belonging to the ruling coalition, avoiding the rules on public consultation. The amendment was not subject to an accelerated procedure, it was registered on 14 March 2025 and the final vote took place on 14 April 2025. (For more information on the Fifteenth Amendment see the Venice Commission's translation [here](#), and the Venice Commission's opinion [here](#).)

The [bill on the transparency of public life](#) was also submitted by a Fidesz-MP to whom later further MPs joined.

Occasionally draft laws are published for public consultation. The deadlines for submitting an opinion continue to be tight, and little or no information is made available about the impact of civil society input. On 9 January 2025, the Ministry of the Interior submitted for public debate a [draft decree](#) amending EMMI Decree 20/2012. (VIII. 31.) on extracurricular school activities, meant to implement amendments to the Act on National Public Education (NPA) foreseen by the 2021 anti-LGBT law currently subject to an EU infringement. The draft decree, published 3.5 years after the amendment to the NPA, offered a partial regulation – Háltér’s [opinion](#) was submitted within the deadline. Although a standardised summary of the opinions received has been published on the website, it did not include a summary of the opinion sent by Háltér or the reasons for its rejection. The omission was only rectified after a written request from Háltér.

On 1 July 2025, Háltér submitted a written opinion on the amendment of ministerial decrees affecting public health to the email address provided on the website. Although the decree was promulgated on 17 July 2025, under number 25/2025. (VII. 16.), the standardised summary was not published on the website.

On 19 December 2025, a [call for submitting opinions](#) on the draft Government Decree on the implementation of measures related to adoption was published. The deadline – as it is still indicated on the website – was 26 December 2025, leaving two working days to prepare any submission. But not even this tight deadline was respected by the Government: the Decree was adopted and published on 23 December 2025, three days before the deadline for submitting critical opinions, thereby rendering the public debate on draft laws illusory and meaningless.

As discussed in Háltér Society’s 2024 submission, the Legal Equality Thematic Working Group replacing the previously operating LGBT Working Group under the auspices of the Human Rights Roundtable does not serve as a consultative forum for LGBTQI civil society organizations. The Working Group’s bylaws do not mention sexual and gender minorities. In 2025 the Working Group did not have the prescribed number of meetings, and Háltér’s recommended topics for discussion were never put on the agenda even when the Working Group met.

**Recommendations:**

- Comply with the rules set out in Act no. CXXXI of 2010 on public participation in the preparation of laws, stop circumventing the law by introducing bills through individual members of the Parliament.
- Provide structured and regular fora for civil society organizations for consultation with the relevant state actors in policy- and law-making.

**B. Independent authorities**

[Independence, resources, capacity and powers of national human rights institutions \(‘NHRIs’\), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions](#)

In Autumn 2025, a new Commissioner for Fundamental Rights was elected. Civil society organizations sent an [open letter](#) to the President of Hungary in which they recommended to select the new Commissioner for Fundamental Rights through a transparent, merit-based selection process that meets international standards, and conduct broad and meaningful consultations with civil society and professional organizations on the selection of candidates for the position. No such consultation took place, the procedure remained as non-transparent as before. Furthermore, shortly after the new Ombudsperson took office, all position papers by the former deputy Commissioner for the Rights of Minorities were [suspiciously removed](#). The work of the Deputy Commissioner – including analysis of systemic issues concerning LGBTQI rights such as hate crimes and hate speech – was considered vital public documentation.

### C. Accessibility and judicial review of administrative decisions

#### Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

In September 2025 the Committee of Ministers once again [urged](#) the Hungarian authorities to adopt the legislation required to implement ECtHR judgement [Rana v. Hungary](#) of July 2020. In parallel the authorities still have not taken measures to comply with Decision no. [6/2018. \(VI. 27.\)](#) of June 2018 by the Hungarian Constitutional Court regarding the Rana case.

As noted in previous submissions, the Hungarian authorities have consistently rejected the recognition of foreign same-sex marriages in Hungary, even if one of the partners is a Hungarian citizen. Two clients of Háttér filed a constitutional complaint with the Constitutional Court after unsuccessfully attempting to have their marriages concluded abroad recognized as registered partnerships by Hungarian authorities. In its June 2025 [decision](#) the Constitutional Court recalled that the institution of registered partnership was adopted to recognize same-sex partnership, which is similar to marriage both in its function and legal effects. The Court opined that leaving the petitioners (married same-sex couples) without any recognition violates their fundamental rights, and that no regular court can resolve this issue through legal interpretation. The Parliament had until 31 October 2025 to adopt legislation that eliminates the unconstitutional omission and enforces the right of same-sex couples married abroad to human dignity and respect for private and family life. No legislative proposal has been tabled and consequently no law implementing the Constitutional Court’s decision has been passed to date. In the meantime, in November 2025 the CJEU ruled in [Case C-713/23](#) against Poland, that all EU Member States must recognise a same-sex marriage lawfully concluded in another Member State by EU citizens who have exercised their free movement rights, to ensure continuity of their family life.

On 13 March 2025, CJEU rendered its decision in the [Deldits case](#), concerning a substantially similar case to the Rana case. The CJEU held that the right to rectification as guaranteed by Article 16 of the GDPR “*must be interpreted as requiring a national authority responsible for keeping a public register to rectify the personal data relating to the gender identity of a natural person where those data are inaccurate*”. Importantly, the CJEU emphasized that “*a Member State cannot rely on the absence, in its national law, of a procedure for the legal recognition of transgender identity in order to limit the right to rectification*”. The individual measure following from the CJEU judgment was taken and the petitioner’s gender marker was corrected in the asylum registry, but no general measures have been taken.

Additionally, as mentioned in previous submissions, Hungary also fails to comply with the CJEU judgments in [Coman](#) and [Mirin](#), which concern the same areas of legal recognition of same-sex marriages and legal gender recognition.

Last year we reported on guardianship offices' repeated refusal to apply Court judgements in adoption cases, as the ECtHR standard ([E.B. v. France](#)) is implemented in a discriminatory way against LGBT applicants. In 2025, several court judgments found that the discriminatory practice of the guardianship authorities was in violation of Hungarian law, six of Háltér Society's cases are or have been in judicial phase. The overview of the procedures is available [here](#) (in Hungarian). In one case (in November 2025) the Budapest-Capital Regional Court, after the fourth rejection by the guardianship office (in stark contravention of three judgments), decided to exercise its exceptional power and ruled on the suitability of the plaintiff itself (and found him suitable for adoption). Thus after four years of back-and-forth between the guardianship authority and the court, the plaintiff was eventually declared suitable for adoption. In another case, the court – as a warning to the guardianship authority – noted: *“(t)he court draws the defendant's attention to the fact that the provisions of its final judgment are binding on everyone – including public authorities – and that the enforcement of judgments is a fundamental condition for the enforcement of legal certainty.”* In October 2025, the Budapest-Environs Regional Court also ruled on the issue instead of ordering a new procedure before the Pest County Government Office.

#### Recommendations:

- Ensure full and complete compliance with the judgments of the CJEU, including taking all individual and general measures.
- Fully and timely execute the judgments of the ECtHR, including taking general measures required to avoid future violations.
- Comply with the decisions of the Constitutional Court and adopt the prescribed pieces of legislation without delay.
- Comply without delay with the judgments of domestic courts, and stop using abstract, hypothetical and discriminatory arguments against LGBTI prospective or current parents.

#### D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

On 17 March 2025 Act no. LV of 2018 on the right of assembly (Assembly Act) introduced an amendment, adopted within a day, which prohibits holding an assembly that *“violates the prohibition set forth in Section 6/A of Act XXXI of 1997 on the protection of children and guardianship administration (hereinafter: Child Protection Act) or that displays a substantial element of the content prohibited under Section 6/A of the Child Protection Act.”* Section 6/A of the Child Protection Act – as amended by the [anti-LGBT Propaganda Law](#) – restricts access of minors to *“content that is pornographic or that depicts sexuality as having a purpose in itself or that depicts or propagates divergence from self-identity corresponding to the sex at birth, sex change or homosexuality.”* [The infringement procedure launched against the propaganda law is pending before the CJEU ([C-769/22](#)) with a decision expected in March 2026.]

The amendment entered into force on 15 April 2025 together with the Fifteenth Amendment of the Fundamental Law, which modified Article XVI (1) to create a constitutional underpinning of the restrictions on freedom of assembly by declaring that the right of the child “*right to the protection and care necessary for his or her proper physical, mental and moral development*” shall take precedence over any other concurring right except for the right to life.

As a result organisers of banned assemblies, including the Budapest Pride March, or any other LGBTI-themed gathering, may face up to one year imprisonment, while participants risk fines of up to EUR 500. According to the new provisions a fine for this petty offence cannot be converted to community service or to custodial sentence (like other petty offence fines), thereby removing the possibility of civil disobedience of those individuals unable or unwilling to pay the fine. The amendment also widened the scope: any deviation from the notification of an assembly may empower the police to disperse. The amendment also changed the rules on notification: it reduced the earliest possible time for notifying assemblies to the police from three to one month prior to the planned date, which civil society has also interpreted as a targeted act towards Budapest Pride.

The new amendments dangerously broaden the use of facial recognition techniques (FRT) in Hungary, allowing authorities to use it to identify unknown perpetrators of all petty offences, which violates privacy and aims to suppress dissent. (For an analysis see the [joint submission](#) of CSOs to the UN Special rapporteur.) Previously, FRT in petty offence proceedings was restricted to a narrow group punishable by a custodial sentence.

Four civil society organizations, including Háttér Society, notified the police of four smaller LGBTI-themed assemblies on IDAHOT in May 2025. No police ban was issued and one small march was [held](#) on 17 May. However, when the same group notified the police of a larger anti-homophobia and anti-transphobia march later that month, it was banned under the Assembly Act. The ban, which showed arbitrary application of the law, was challenged by the CSOs before the Kúria, which quashed the ban due to a lack of proof it would violate the CPA. The police subsequently banned the rescheduled event several times arguing that the proposed march will be the Budapest Pride March or substantially similar to that. The CSOs submitted a constitutional complaint on 8 August 2025, and on 17 December 2025 the President of the Kúria informed that the deadline for deciding on its admissibility was extended another 180 days. According to Section 30 (1) of the Standing Rules of the Constitutional Court, the “the reporting judge shall examine without delay” the admissibility of constitutional complaints. (An overview of the bans applied to LGBTQI-themed assemblies outside the Pride March is available [here](#).)

On 28 June 2025, hundreds of thousands of people attended Budapest Pride, organised by the municipality. The march was a municipal event; therefore it did not fall under the police’s power to acknowledge or ban it. Nevertheless, the police considered it an assembly, and despite no notification of it having been submitted, they banned it. Consequently, the Mayor of Budapest was [questioned](#) on 1 August and is now facing ongoing criminal charges that could result in incarceration. No procedures against the participants were launched.

The police banned Pécs Pride on 5 September 2025. Organized by a private individual, the event was vulnerable due to a lack of public body involvement. The ban was also based on Section 13/A of the Assembly Act and Article XVI (1) of the Fundamental Law, and the Kúria rejected the organiser’s appeal on 14 September. Despite the ban, thousands marched on 4 October. Subsequently, the authorities initiated [criminal proceedings](#) against organiser Géza Buzás-Hábel, who could face up to one year in

prison. On 14 January 2026 Géza and four NGOs [filed](#) a complaint at the European Court of Human Rights.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

The legal battles of CSOs against the anti-LGBT amendments to the Assembly Act, adopted in March 2025, were accompanied by growing political pressure from members of the government calling on the decision-makers to have the courage and implement the amendments (explained in detail below). According to a [statement](#) by the Hungarian Minister of Justice Bence Tuzson, he recommended that the event organisers, the police, and the Ministry of Interior designated a new location for Budapest Pride, specifically proposing Kincsem Park (a horse racing park). The Minister added that the horse racing track is “*spacious, secure, and suitable for a march, and it can be ensured that children will in no way come into contact with the event.*” János Lázár, Minister for Construction and Transport, to a question whether Pride was banned in Hungary, in a [video](#) responded: “*We have banned it. We have passed all the necessary legislation in Hungary to ensure that there will be no Pride this year or in the coming years. Therefore, there will be no Pride on Andrásy Avenue, no Pride in Puskás [a sport arena], and I hope, for the sake of the horses, no Pride in Kincsem Park either. Now all that is needed is for the Hungarian authorities to finally dare to apply the new legislation. I ask for courage from everyone.*” Alexandra Szentkirályi, leader of the group of the ruling party in the Budapest city council, visited Vienna Pride and posted some [photos](#) that – in her assessment – illustrate why Pride marches are dangerous and harmful for children. Prime Minister Viktor Orbán [commented](#) on her post: “*Well, that's what we don't want at home!*”.

Following the [historic](#) Budapest Pride march, Prime Minister Viktor Orbán [called](#) for imposing fines on the participants: “*The Hungarian people made a clear decision in the referendum on child protection. We decided on the laws accordingly. We informed everyone, and everyone is familiar with the legislation. The rest is up to the authorities; politics has no role to play here.*” (The police [announced](#) after the Pride March that no fines will be imposed.)

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

In February 2025 the Sovereignty Protection Office (SPO) [designated](#) a special commissioner who is “*responsible for uncovering political corruption funds paid by the United States Agency for International Development to Hungarian entities*”.

Although no SPO investigation has been launched against Háttér Society, it has been repeatedly portrayed as a lobby organization harmful for Hungarian interests and national sovereignty. On 29 January 2025, SPO published a [report](#) on the CERV programme of the European Union, with the subtitle: “*This is how Brussels opened the floodgates to finance the Soros network*”. The report discusses the “*European hubs*” of civil society groups, and declares that among the members of the

LGBTQI hub “*such pressure organizations*” may be found as Háttér Society (of which SPO notes that it is a member of four European hubs). The report contains a table with the amount of funding received from the CERV programme (data that are public in case of Háttér Society).

On 13 May 2025, the SPO [report](#) titled “*Political work by pressure organisations is funded by EU grants*” was released. On the topics funded by the EU the report notes : these “*are suitable for dividing people, disrupting social peace, and creating a basis for the EU public to put Hungary or other non-compliant states in the spotlight. Green politics and sexual minorities, for example, are global front lines that are clearly visible in the projects.*” The report discusses at length two projects in which Háttér Society participated (emphasizing Háttér’s role in the projects), insinuating that the projects had aims that could be categorized as exerting political pressure.

The 2 October 2025 [issue](#) of SPO’s newsletter [Sovereignty Observer (*SzuverenitásFigyelő*)] summarises a Guardian article about the use of LGBTQI narratives in electoral campaigns prepared by Outright. The author adds: “*It is important to emphasize that Outright International also finances Háttér Society, the flagship LGBTQ organization of the Soros empire in Hungary.*”

On 20 October 2025, SPO released its [report](#) on “*The Erasmus+ programme and externally funded lobby networks*”. The summary of the report already sets the tone: Erasmus+ “*is used to regularly support foreign-funded organizations that represent political goals. Erasmus+ is thus not only an educational program, but also an instrument of power that serves to undermine national sovereignty and impose EU ideological priorities on member states.*” The photo used for illustration is Háttér Society's call for participation in the Dragtivism Erasmus+ youth exchange program. In addition to the exchange program, Háttér Society’s Q-Learning project implemented with an Austrian LGBTQI organization is explicitly singled out. The Erasmus+ program and SPO’s reservations about it is also mentioned in the [report](#) titled “*There is no social support for the Brussels empire-building*” published on 15 December 2025, which recalls that Háttér Society – as “*a network actor financed from abroad*” – performs activities that “*are mainly aimed at young people*”.

On 13 May 2025, the bill on the Transparency of Public Life (the Bill) was submitted by an individual MP to whom members of the governing coalition joined a week later (thus circumventing the requirement on public consultation). The unofficial translation of the bill is available [here](#). Under the Bill, the government can designate in a decree any legal entity registered inside or outside of Hungary, upon the proposal of the SPO, as “*an organisation that uses foreign support to influence public life*” and thereby threatens the sovereignty of Hungary. The detailed analysis of the Bill is maybe found in the joint civil society [briefing paper](#) “*Operation starve and strangle. How the Hungarian Government Decided to Put Companies, Independent Media and Civil Society in a Chokehold*”. The final vote of the Bill was scheduled in early June 2025, but first it was postponed to the Fall. The Bill was not further discussed in the Parliament, however, it has not yet been formally withdrawn, thus can be revived any time.

## Kosovo

### I. Justice System

#### **A. Independence**

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

In Kosovo, judicial independence remains formally guaranteed by the Constitution and relevant legislation; however, in practice, structural weaknesses continue to affect cases concerning LGBTI persons. Frequent dismissal of cases, delays, and lack of effective remedies can have a chilling effect on victims seeking justice. Lengthy court proceedings, lack of specialised prosecutors, limited legal aid tailored to LGBTI victims, and inadequate victim-sensitive procedures, also affect the perception of ability to access justice for LGBTI persons. While Kosovo has a legal framework prohibiting discrimination based on sexual orientation and gender identity, its implementation remains weak and judgements in cases involving discrimination or violence against LGBTI persons are often delayed, and in some instances, not effectively enforced.

### III. Media Freedom and Pluralism

#### **B. Safeguards against government or political interference and transparency and concentration of media ownership**

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

Media freedom in Kosovo is generally pluralistic; however, LGBTI-related content is frequently subjected to hate speech, misinformation, and sensationalist reporting. LGBTI activists and organisations are often targeted online, particularly on social media platforms, through coordinated hate speech campaigns that are rarely investigated or sanctioned by authorities.

State-controlled or publicly funded media have, at times, failed to apply ethical standards when covering LGBTI topics, contributing to negative stereotypes. While media institutions are formally independent, political influence in appointments and editorial lines remains a broader concern that indirectly affects coverage of minority issues, including LGBTI rights.

Kosovo [lacks](#) regulatory safeguards against media ownership concentration, resulting in a mediascape which is vulnerable to a lack of diverse viewpoints and capture by specific political opinions. This in

turn means that marginalised groups, such as LGBTI persons, are at heightened risk of negative media coverage that captures the mediascape.

A report released in August 2025, analysing discrimination against LGBTI persons during the election campaign, [found](#) that most media gave air to hatred against LGBTI persons, without balancing the coverage with voices from civil society. Only once did a broadcaster refuse to air a hateful message against LGBTI persons.

#### **IV. Other institutional issues related to checks and balances**

##### **A. The process for preparing and enacting laws**

Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

While Kosovo's legal framework requires public consultation in law-making, in practice, consultations are often short, formalistic, and lack meaningful engagement with civil society. LGBTI organisations are occasionally included in consultations but not systematically or at early stages of policy development.

##### **D. The enabling framework for civil society**

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

LGBTI civil society organisations in Kosovo operate in a relatively open legal environment, with no formal restrictions on registration or foreign funding. However, operational challenges persist, including security risks, limited state funding, and hostile public narratives.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.

Smear campaigns and hate speech against LGBTI organisations and activists are frequent, particularly online, and are rarely condemned by public officials. Incidents of hate crime and hate speech are underreported and under-investigated, contributing to a climate of impunity.

## Poland

### I. Justice System

#### A. Independence

#### Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

In 2025, the constitutional crisis and paralysis of the Constitutional Court remained entirely unresolved. In the coming months, the terms of office of several judges of the Constitutional Court will expire, requiring the Parliament to select new candidates. According to media reports, the ruling party (Civic Coalition) intends to use this mechanism to reshape the composition of the Court; however, the pool of potential candidates is extremely limited. The Constitutional Court has significantly lost its prestige and institutional authority, discouraging experienced lawyers and academics from seeking appointment. As a result, 2025 has not brought any improvement in public trust or in the actual influence of the Constitutional Court in Poland.

Additionally, there is visible conflict between the government and the Constitutional Court. On the one hand, the government tries to influence the Constitutional Court by limiting their funds which is alarming. On the other hand, the Constitutional Court's President Bogdan Świączkowski is actively engaged in political actions, including [sending a letter](#) to the General Chief of Police (Komendant Główny Policji) about the detention of the former Minister of Justice and Prosecutor General Zbigniew Ziobro. Another example is of Świączkowski sending a [report](#) on the recent developments in rule of law restitution to Donald Trump's administration.

The situation of the Supreme Court is largely comparable. Due to the appointment of so-called "neo-judges"<sup>2</sup> and ongoing controversies concerning the legality of judicial nominations, some courts refuse to follow Supreme Court rulings.

With regard to LGBTI cases, in March 2025 the Civil Chamber of the Supreme Court [ruled](#) that individuals seeking to change the gender marker on their birth certificate are no longer required to sue their parents, and that such cases should be conducted under non-contentious proceedings. While this is a positive development, the lack of trust in the Supreme Court caused by the presence of neo-judges has resulted in its rulings not being uniformly applied by district courts, including this ruling.

Furthermore, the Supreme Court has still not issued a decision in the case concerning the presentation of an image of the Virgin Mary with a rainbow halo during the Pride March in Częstochowa. Although the Minister of Justice and Prosecutor General withdrew the extraordinary complaint from the Supreme Court in 2023, the Court has yet to formally dismiss the case.

The neo-National Council of the Judges (Krajowa Rada Sądownictwa) actively obstructs disciplinary proceedings against judges. Furthermore, President Karol Nawrocki [announced](#) that judges who are, in his opinion, politically engaged or challenge the Polish legal order would not be nominated. To attempt to bring an end to these controversies and challenges in the judiciary system, the Minister of Justice, Waldemar Żurek, has presented a draft bill on the rule of law restitution. This bill aims to

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<sup>2</sup> Judges appointed to the Supreme Court by the National Council of the Judiciary – a body whose [independence was severely undermined](#) by the former government's amendments to its functioning.

change the manner of appointing judges to the National Council - they will be chosen by other judges among themselves, instead of being nominated by the Parliament. In December 2025, the bill was [accepted](#) by the government and should soon proceed to Parliament. However, it is unlikely, in the event of the bill passing parliament, that the President would sign it into law.

From the civil society perspective, trust for the court and judiciary is very low. One third of Polish society does not believe that the perpetrator of a crime will be brought to justice or an innocent person will receive a fair sentence. According to the [survey](#) of trust in institutions conducted by CBOS (February 2024), 39% of respondents declared that they trust the courts, while 45% expressed distrust. This is not significantly different from the legislative branch (the lower and higher chamber of the Parliament enjoyed trust of 41% and distrust of 49%) or the executive branch (40% and 43%, respectively declared trust in the President and government, while 55% and 50% expressed distrust). On the other hand, 84%, 72%, and 59% of respondents declared trust in the military, police, and the Commissioner for Human Rights respectively (distrust of 8%, 21%, and 16%, respectively). 2025 has not brought any positive changes in this area.

## B. Quality of justice

### Accessibility of courts (e.g. court/legal fees, legal aid, language)

On 10 June 2025 the Minister of Justice [issued](#) an executive order regarding private prosecution cases (Polish: sprawy ścigane z oskarżenia prywatnego). The fixed fee for initiating a private indictment was increased from PLN 300 to PLN 1,000 (approximately EUR 71 to EUR 238). This substantial increase constitutes a significant financial barrier for individuals seeking legal protection through private prosecution.

## C. Efficiency of the justice system

### Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

Beyond legislative changes, the practical operation of the justice system also poses barriers for LGBTI individuals seeking redress. By way of example, in 2025 the case of Professor Magdalena Pecul-Kudelska concluded after five years of proceedings. Professor Pecul-Kudelska, an activist affiliated with the Citizens of Poland movement, [faced criminal charges following a police intervention in 2020](#), when she placed a rainbow flag bearing the inscription “Solidarity with the Persecuted” on the pedestal of the Sursum Corda statue of Christ located in front of the Basilica of the Holy Cross in Warsaw. As a result of the misuse of Article 196 of the Penal Code and prolonged inactivity by law enforcement authorities, she remained formally under suspicion for five years before the proceedings were ultimately discontinued.

## III. Media Freedom and Pluralism

### C. Framework for journalists’ protection

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

From the perspective of civil society organisations, the governmental [bill](#) aimed at implementing Directive (EU) 2024/1069 on Strategic Lawsuits Against Public Participation (SLAPPs), presented by the Ministry of Justice in October 2025, may also create additional obstacles. One of the concerns includes the high security deposits and financial penalties at an early stage of proceedings. These are designed to deter SLAPP claimants, and the judge in the case is given a lot of authority in determining whether the claim is primarily aimed at suppressing, restricting, or disrupting public debate or at harassing someone for participating in it. Given the aforementioned lack of trust in some judges as regards impartiality, some activists, journalists and smaller organisations fear being classified as SLAPP claimants when seeking justice for, for example, discriminatory anti-LGBTI speech in the media. If they were to be wrongly classified as attempting to disrupt public debate in the form of a SLAPP, they would be subject to heavy financial penalties. As a result of this lack of trust, there could be a chilling effect enabled by these provisions in the anti-SLAPP law, which KPH deems as outweighing the benefit of the desired financial deterrent effect on actual SLAPP claimants.

#### Any other developments related to media pluralism and freedom - please specify

In November 2025 the Basta Foundation filed a [complaint](#) with the Provincial Administrative Court against the decision of the Chairwoman of the National Broadcasting Council, Agnieszka Glapiak, who refused to remove LGBTI-phobic material published on a YouTube channel. The material, called “the LGBT+ virus”, was prepared by Catholic organisation Lux Veritas and presented the LGBT+ community in a dehumanising way as a threat to traditional and Catholic values. After the Basta Foundation intervention, Lux Veritas removed the material themselves. The National Broadcasting Council did not watch the emission and relied solely on the argumentation of Lux Veritas when making their decision, violating the principle of impartiality. The material should have been subjected to sanctions under the Broadcasting Act.

### IV. Other institutional issues related to checks and balances

#### **A. The process for preparing and enacting laws**

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders' /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

In 2025, the law-making process again did not adequately include civil society organisations (CSOs), both at preparatory and parliamentary phase.

Consultation processes have been limited and vary in length depending on the bill. For example, there were only 21 days of public consultation for the abovementioned anti-SLAPP bill, despite the fact that the bill would introduce complex changes in the civil law and civil procedure. As reported on last year, the [executive order](#) of the Minister of Justice regarding law enforcement practices in hate speech and hate crimes cases only had three days of consultation. While the government allowed for a 30 day consultation period from October 2024 for [the bill on civil unions](#) (reported in last's year's submission), in 2025 they changed the title and content of the bill without any consultation. While the bill number remained the same, the title is now [the bill introducing civil unions](#), which replaces the family rights institution with a civil agreement. Such a substantive change should have been done in consultation with civil society and other stakeholders.

Additionally the practice of informing CSOs on the publication of consultations is inconsistent: in some cases some CSOs, which are included in the so-called “distribution list”, receive information about the public consultation via e-mail, however more often, CSOs are not alerted and have to find the information online themselves. The practice of being included or not in the “distribution list” remains intransparent and unpredictable - often CSOs are not included in the list despite having previously responded to relevant consultations.

The inclusion of CSOs in parliamentary committee work on legislation is also insufficient. The main obstacle to adequate participation is the lack of formal invitation or an invitation received with very short notice (approximately 1-2 days before).

**Recommendation:**

- Improve the inclusion of civil society organisations in the legislative process with more transparent and predictable frameworks for public consultations.

**C. Accessibility and judicial review of administrative decisions**

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

In the reporting period there has been no progress on implementation of the ECtHR and CJEU rulings reported on last year (see below).

Positively, in November 2025 the CJEU ruled in another case against Poland, [Case C-713/23](#), that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State by EU citizens who have exercised their free movement rights, to ensure continuity of their family life.

**Non-implementation of judgements of the European Court of Human Rights (ECtHR)**

Judgements in the cases [Przybyszewska and others v Poland](#) (March 2024) and [Formela and others v Poland](#) (September 2024) both found that Poland’s lack of legal recognition of same-sex couples constitutes a violation of Article 8 of the European Convention on Human Rights (ECHR). Poland has yet to rectify this by adopting legislation recognising and providing equal rights to same-sex couples.

**Non-implementation of CJEU judgement**

In June 2024 the CJEU ruled in Case [C-2/21](#) that EU Member States must, for the purposes of the child’s right to freedom of movement, recognise the document issued in another Member State that enables the freedom of movement (i.e. birth certificate), including when both parents named on the document are of the same sex. In addition, the Member State of which the child is a national must provide the child with an ID document and passport without requiring the prior transcription of a birth certificate (obtained in another Member State) of that child into the national register of civil status. This judgement has still not been implemented, as there are no changes to date.

**Recommendation:**

- Ensure implementation of CJEU judgement in [Case C-713/23](#) delivered in November 2025, as well as ECtHR and CJEU judgements remaining to be implemented from previous years.

#### D. The enabling framework for civil society

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

In July 2025, the ECtHR ruled that Poland had violated Article 3 in conjunction with the Article 14 of the Convention by failing to ensure real protection from homophobic motivated violence in a case in which one of the victims was an LGBTI human rights defender, working for KPH organisation.<sup>3</sup>

The revised Penal Code has not come into force, because the Constitutional Court ruled that it is unconstitutional because it would limit freedom of speech too much. The Constitutional Court, similarly to the Supreme Court, has suffered from politicisation of the judge selection process (they are selected by the Parliament).

In April 2025 the final so-called “LGBT free zone” was removed, as Łańcut County [removed](#) its discriminatory Family Rights Charter.

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<sup>3</sup> Case of Bednarek and others v. Poland, application no. 58207/14, accessible at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-243999%22%5D%7D>

## Romania

### I. Justice System

#### **A. Independence**

##### Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

The independence of the Constitutional Court is formally guaranteed by law; however, the political appointment process of its members<sup>4</sup> continues to raise concerns regarding perceived independence, especially in cases touching upon human rights and protection of marginalised groups.

##### Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

Concerns regarding judicial independence and impartiality have been raised by repeated public statements made on social media by a judge<sup>5</sup> from Timișoara, spanning several years, which included homophobic and stigmatising remarks about LGBTI people and Pride events. Such statements were documented by national media as early as 2021 and have continued through 2025 as reflected in publicly available social media posts.<sup>6</sup> There is no publicly available information on any disciplinary action on the Judicial Inspection [website](#).

These statements, made in a public and identifiable capacity, reproduce harmful stereotypes and frame LGBTI visibility as a societal threat. Although these statements were not made in relation to a specific case, the fact that they were made publicly and repeatedly by a judge raises concerns about perceived impartiality, especially in cases involving LGBTI people, freedom of assembly or discrimination. This pattern risks undermining LGBTI litigants' confidence in the judiciary and contributes to a broader hostile environment affecting access to justice for such an already vulnerable community.

### III. Media Freedom and Pluralism

#### **B. Safeguards against government or political interference and transparency and concentration of media ownership**

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

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<sup>4</sup> 9 judges appointed per term, 3 by the Senate, 3 by the Chamber of Deputies and 3 by the President.

<sup>5</sup> <https://stirileprotv.ro/stiri/social/judecator-roman-despre-comunitatea-gay-o-mana-de-imberbi-nu-le-creste-barba-si-nu-se-hotarasc-daca-sa-poarte-sau-nu-sutien.html>

<sup>6</sup> <https://www.facebook.com/adriana.stoicescu.9>, please contact ILGA-Europe for screenshots of posts which have since been removed.

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

Most major media outlets are privately owned; however, the Romanian media landscape is widely characterised by political and economic dependencies, including through political advertising, party-linked financing and preferential access arrangements. This creates incentives for some broadcasters to provide repeated platforms for public figures to promote anti-LGBTI rhetoric framed as “political opinion” or “values-based debate”, with limited editorial moderation. As a result, LGBTI topics are often presented through a sensationalised or hostile lens, which further normalises stigma and encourages harassment.

LGBTI activists and organisations have been targeted primarily via online platforms, including through coordinated hate campaigns, disinformation and incitement during election periods. These dynamics have contributed to a chilling effect on public participation and the ability of civil society actors to communicate safely online.

ACCEPT has filed multiple complaints with the National Audiovisual Council (CNA) in relation to homophobic and transphobic statements broadcast on air, including cases in which broadcasters failed to intervene or moderate discriminatory speech by guests. In 2025, particularly in the period preceding Pride events and during the electoral campaign, ACCEPT submitted several complaints concerning television programmes in which LGBTI people were referred to using degrading terms such as “deviants” or “anomalies”, in a context of heightened political polarisation. These complaints were generally resolved with warnings, rather than stronger sanctions.

In another 2025 case, a highly popular entertainment reality show aired transphobic remarks and jokes made by participants on camera. Despite CNA having sanctioned comparable transphobic content in previous years, the Council considered these statements to fall under freedom of expression, illustrating inconsistent enforcement standards.

During the 2025 election period, CNA operated in coordination with the Central Electoral Bureau (BEC). ACCEPT reported multiple instances of broadcast and online content supporting the far-right presidential candidate George Simion and the party AUR, often combining anti-European and anti-LGBTI narratives. While some materials were removed following notification, others remained available, pointing to uneven follow-up and limited deterrent effect, particularly during periods of intensified political campaigning.

Overall, authorities’ responses to hate speech in broadcast media and online spaces remain insufficient. Existing legal and regulatory mechanisms are applied inconsistently, and there is no effective, timely system to prevent the amplification of anti-LGBTI hate speech and misinformation during election periods, when its impact is particularly harmful.

#### **IV. Other institutional issues related to checks and balances**

##### **A. The process for preparing and enacting laws**

Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

Although Romanian legislation formally requires public consultation and transparency in the law-making process, there are no sanctions in case of infringement of these legal provisions. Moreover, in practice, meaningful consultation is frequently limited, timelines are often insufficient for genuine scrutiny, and access to parliamentary processes (committee work, amendments, and real-time legislative drafting) is not transparent. This undermines checks and balances and restricts civil society's ability to engage effectively.

LGBTI organisations are not systematically included in policy-making or decision-making processes. When consultations occur, they are often selective or formalistic, and LGBTI perspectives are frequently excluded from discussions on family, education, health, public order, or child protection policies—areas where LGBTI people are directly affected. In addition, in order to bypass the aforementioned requirement for public consultation, the Government continues to adopt legislation by emergency ordinances.

## B. Independent authorities

*Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions*

ACCEPT has maintained a constructive working relationship with the Ombudsperson, including engagement in discussions related to the implementation of ECtHR and CJEU judgments affecting LGBTI people. The Ombudsperson has shown openness to addressing these issues and has supported working-level exchanges; however, progress has remained limited, with no concrete legislative outcomes from the institutions involved in these working meetings. Institutional continuity has also been affected by mandate-related uncertainty and political dynamics.

The CNCD (National Council for Combating Discrimination) has a mandate that covers discrimination on grounds relevant to sexual orientation and gender identity in practice, but its independence and effectiveness are increasingly questioned due to procedural inefficiencies, limited transparency, and controversial decisions - some of which were overturned by courts. The case of the printing shop reported in last year's submission is still pending before the CNCD. Procedural changes requiring a majority vote of council members for self-initiated investigations have further slowed decision-making, limiting the effectiveness of this mechanism, particularly in cases requiring urgent intervention.

LGBTI organisations sought to challenge hate speech by public officials using electoral law mechanisms, which are legally required to provide expedited remedies, in the context of Romanian presidential elections. In practice, complaints were redirected to CNCD, where lengthy timelines allowed discriminatory content to remain publicly accessible throughout the Presidential electoral campaigns during the April-May 2025, thereby undermining the effectiveness of legal protection and enabling continued harm.

### Recommendation

- Romania should ensure timely remedies against hate speech and discrimination, particularly during electoral periods, and improve the transparency and efficiency of the National Council for Combating Discrimination.

## C. Accessibility and judicial review of administrative decisions

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

There has been no progress in the implementation of relevant CJEU and ECtHR judgements reported on in last year's report (2018 judgement in [case C-673/16 Coman](#), 2023 [Buhuceanu and Others](#) judgement of the ECtHR, and 2021 [X and Y](#) judgement of the ECtHR). There has also been no development in the implementation of the new CJEU judgement reported on last year – October 2024 judgement in [case C-4/23 Mirin](#). These judgements represent a systemic disregard for the rule of law in relation to equality for both trans persons and same-sex couples.

#### **D. The enabling framework for civil society**

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

##### **Unequal application of rules governing freedom of assembly**

The rejection of Pride in Oradea for the third consecutive year demonstrates a troubling pattern of institutional resistance against the LGBTI community's right to freedom of assembly and freedom of expression. Pride-related events were effectively prohibited through repeated refusals of authorisation by local authorities, despite timely and procedurally compliant requests submitted by organisers. Refusals relied on vague and inconsistent justifications (including alleged pre-booking of public spaces), without transparent evidence or good-faith engagement. Pride organisers provided 12 route options, all were refused as the municipality informed them that 10 routes had religious demonstrations that day and the other two were construction sites opening some days before the event date. Following the refusal of authorisation, organisers held the march on one of the 10 routes which were supposed to have a religious demonstration, and which was in fact empty. Organisers and participants were fined, including in relation to peaceful protest actions. These sanctions (EUR 1,000 per organiser and EUR 100-200 per participant), were disproportionate and punitive, creating a chilling effect and discouraging future assemblies. The combined practice of refusal of authorisation, lack of effective remedies and imposition of fines raises serious concerns regarding Romania's compliance with Article 11 ECHR and the equal application of public order rules.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

##### **Safety of LGBTI human rights defenders**

LGBTI organisations continue to face attacks and intimidation, and accountability remains weak. In ACCEPT's case, authorities have failed to identify perpetrators in relation to previous incidents targeting the organisation (including vandalism), which we reported on in our submission for the 2024 report, despite the submission of available evidence. In the context of the May 2025 Presidential elections, LGBTI organisations were subjected to online threats and incitement, including the

publication of office addresses and calls for violence. Criminal complaints have been filed by organisations, yet follow-up and deterrence remain limited.

### **Hate speech and smear campaigns online**

Anti-LGBTI hate speech has increased significantly online, particularly during election periods, including through coordinated campaigns on social media platforms. Civil society actors have documented cases of dehumanising content and explicit incitement to violence. LGBTI people were repeatedly used as political scapegoats, with elected officials and candidates making public statements portraying LGBTI rights as a threat to public order, national identity or “traditional values”. See [here](#) and [here](#) for example. These statements were widely disseminated through mainstream media and social media platforms.

Complaints concerning anti-LGBTI and anti-European content were addressed through mechanisms involving the National Audiovisual Council (CNA) and the Central Electoral Bureau (BEC). Civil society organisations reported numerous instances of online content supporting George Simion, presidential candidate and leader of AUR, frequently combining anti-European narratives with anti-LGBTI rhetoric and specific far-right coded language. While some materials were removed following notification, others remained accessible; several are no longer available online.

In addition, during the broader electoral period, in March 2025, senior public officials and presidential candidates made public statements reinforcing stigmatising narratives. For example, Prime Minister and presidential candidate Marcel Ciolacu framed discussions on gender identity and identity documents as a threat linked to so-called “woke ideology”, stating that he did not want to be “forced to wear a skirt”, a remark that trivialised and ridiculed gender identity debates and contributed to hostile public discourse against LGBTI people.

Authorities’ responses remain inconsistent: investigations are often slow, outcomes are unclear, and victims frequently rely on CSOs for support and guidance rather than public institutions. While prosecutors have had access since 2020 to a hate crime investigation methodology, effective implementation remains uneven.

[Organisation of financial support for civil society organisations and human rights defenders \(e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding\)](#)

LGBTI organisations continue to face challenges in ensuring sustainable funding, and there are limited national mechanisms which can support civil society working on LGBTI related topics.

## Slovakia

### IV. Other institutional issues related to checks and balances

#### D. The enabling framework for civil society

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.

In April 2025, the parliament passed a law on NGOs which would impose significant restrictions on the civil sector. In December, this law was ruled to be unconstitutional by the Constitutional court, however, the government is now allowed six months to edit it, so the threat to the effective operation of civil society organisations is still pending.

On 26 September 2025, the National Council of the Slovak Republic approved a number of amendments to Slovakia’s Constitution that threaten the EU’s legal order and will have wide-reaching detrimental impacts on fundamental rights protections and the rule of law in Slovakia, including on the daily work of LGBTI civil society organisations.

The amendments, which came into force on 1 November 2025, effectively declare that Slovakia retains sovereignty over what are described as “national identity” matters, with the stated aim of ensuring that Slovak domestic legislation may take primacy over all international law, including EU law and the ECHR in these areas. The constitutional amendments aim to strip away the human rights to private and family life, education, and healthcare from children, women, and LGBTI people.

The amendments state that: “(t)he Slovak Republic shall recognize only the biologically determined sex of a man and a woman,” and that “(t)he parents of a child are the mother and the father; the mother of the child is a woman and the father of the child is a man.”

The recognition of only two sexes (biologically-determined male and female) embedded into the Constitution also renders legal gender recognition impossible under domestic law and effectively erases the existence of non-binary people. In addition, forced sex assignment at birth without flexibility has been found to increase the risk of intersex genital mutilation – a serious human rights violation suffered by intersex children and infants.<sup>7</sup>

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<sup>7</sup> See the Council of Europe’s October 2025 Recommendation to Member States on Equal Rights for Intersex Persons, which calls on Member States to “enact legislation that explicitly and specifically prohibits any medical intervention on a person’s sex characteristics, including surgical, hormonal and/or mechanical procedures and other treatments, without their prior, free, informed, express and documented consent.” Accessible at: <https://search.coe.int/cm/#{%22CoEIdentifier%22:%22091259488028b934%22,%22sort%22:%22CoEValidationDate%20Descending%22}}>

These amendments run contrary to recent CJEU caselaw, notably *Mousse* (C-394/23, 9 January 2025),<sup>8</sup> *Mirin* (“Arian”, C-4/23, 4 October 2024) and *Deldits* (C-247/23, 13 March 2025). The latter two reaffirm the need to ensure data on gender identity reflects the person’s lived gender identity and not the sex at birth.

In addition, the amendments stipulate that only married heterosexual couples may adopt a child and that parental approval will now be required for learners to access comprehensive sexuality education in schools.

The Council of Europe Commissioner for Human Rights,<sup>9</sup> [the Venice Commission](#),<sup>10</sup> the Fundamental Rights Agency of the European Union,<sup>11</sup> and multiple [UN Special Rapporteurs](#) in the fields of education, health and privacy expressed their concern<sup>12</sup> regarding the amendments, and prior to their approval in Parliament, called for withdrawal or rejection of the proposed changes.

These grave concerns are also shared by the European Parliament, as expressed following the LIBE mission to Slovakia of 2-3 June 2025, the plenary debate of 10 September on “the Rule of law and EU funds management in Slovakia”, and the open letter<sup>13</sup> which over 50 MEPs sent to the Slovak National Council on 16 September. The European Parliament is clear that the proposed changes to the Constitution are not compatible with Article 2 of the TEU, the Charter of Fundamental Rights and the principle of the primacy of EU law and international human rights treaties.

In November 2025 the European Commission sent a letter of formal notice (first step of the infringement procedure) to Slovakia concerning principles of primacy, autonomy, effectiveness and uniform application of Union law (notably the amendments to Article 7 of the Constitution).

In October 2025 the Ministry of Justice [proposed](#) a new draft of the Civil Code, which contains a clause that proposes to automatically terminate marriages of people who have undergone legal gender recognition (changed their gender marker in their identity documents), even without their consent or the consent of their partner.

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<sup>8</sup> The collection of customers’ binary civil titles (“Mr” or “Ms”) when purchasing train tickets without providing a third option is not necessary and therefore unlawful under Article 6(1) read in conjunction with Article 5(1)(c) GDPR; and poses a risk of discrimination for trans and non-binary persons on grounds of gender identity.

<sup>9</sup> Available from: <https://www.coe.int/en/web/commissioner/-/slovak-republic-parliament-should-not-adopt-constitutional-amendments-that-undermine-human-rights>

<sup>10</sup> Available from: <https://www.coe.int/en/web/portal/-/slovak-republic-venice-commission-issues-urgent-opinion-on-the-draft-amendments-to-the-constitution>

<sup>11</sup> Available from: <https://fra.europa.eu/en/news/2025/fra-statement-recent-developments-affecting-fundamental-rights-eu>

<sup>12</sup> Available from: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30299>

<sup>13</sup> Available from: <https://maria-noichl.eu/workspace/media/static/mep-letter-constitutional-amen-68c9604f91298.pdf>

## Slovenia

### I. Justice System

#### **A. Independence**

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

The Slovenian Constitutional Court operates independently and in accordance with the Slovenian Constitution. This year, we did not find any irregularities related to the handling of LGBTI topics.

### IV. Other institutional issues related to checks and balances

#### **A. The process for preparing and enacting laws**

Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

In 2025 there was inconsistent inclusion of local LGBTI organisations in policy-making regarding LGBTI issues. While LGBTI CSOs were consulted for the National LGBTIQ+ Strategy (based on the EU LGBTIQ Strategy), they were not consulted for the preparation of other relevant laws. For example, the drafting of the new law on ART (to include lesbian couples and single women) based on the recent Constitutional Court decision. In addition, finally the National LGBTIQ+ Strategy was not adopted, with the Ministry for Family Affairs stating that "it is not in the best interest of the public".

#### **B. Independent authorities**

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

National human rights institutions/ombudsperson/equality bodies acted independently as regards LGBTI rights. However they do not have a separate mandate covering grounds of sexual orientation, gender identity or sex characteristics.

#### **D. The enabling framework for civil society**

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.

LGBTI organisations are targets of hate speech on a daily basis, including by politicians and in parliamentary debates. They are also targeted by media. Notably in 2025 right-wing media published a number of articles smearing LGBTI people by presenting them as a threat to children, claiming that paedophilia is a part of the LGBTI community and so-called “ideology”. Legebitra reported two cases ([here](#) and [here](#)) to the [Journalistic Honorary Tribunal](#), winning one of the cases.