Trans and intersex rights at the forefront of positive change for LGBTI people in Europe, Rainbow Map finds

Press Release, Bodily Integrity, Civil Rights and Freedom, Health, Inclusion and Equality, Legal Protection, Safety, Rainbow Map and Index

Despite intense anti-LGBTI attacks in several countries, equality is still advancing across Europe, ILGA-Europe's annual Rainbow Map and Index shows.

The latest Rainbow Map and Index from Europe's leading LGBTI organisation, ILGA-Europe, finds that while the public discourse is becoming more polarised and violent, particularly against trans people, political determination to advance LGBTI rights is paying off. The largest gains on the map are for countries that introduced legal gender recognition (LGR) using a self-determination model.

Published on Thursday, May 11, 2023 at the IDAHOT+ Forum in Iceland, ILGA-Europe's annual Rainbow Europe Map and Index, ranking the legal and policy situation of LGBTI people in 49 European countries, finds that over the past 12 months bans on intersex genital mutilation (IGM) are also bringing countries up in the ranking. Spain jumped six places to number four with its introduction of LGR with self-determination, alongside a ban on IGM, while Finland entered the top ten, again up six places, again with LGR based on self-determination. Greece has also moved up four places with its ban on IGM.

Gender identity and sex characteristics are included in anti-discrimination and/or hate crime legislation, moving Belgium, Iceland and Moldova up the chart alongside Spain.

While the advancement of legislation recognising gender identity marks a major shift forward this year, there is more positive movement on the Rainbow Map and Index, notably:

- Moldova has jumped 14 places because sexual orientation and gender identity have been positively included in legislation covering employment, education, provision of goods and services, health, hate crime and hate speech.

- Slovenia and Switzerland switched positions. Both countries introduced same-sex marriage and joint adoption. Switzerland also allows medically assisted insemination for couples. Croatia too moved up one spot with its introduction of adoption for same-sex couples.

According to ILGA-Europe's Executive Director, Evelyne Paradis: "As powerfully evidenced in this year's Rainbow Map, the rise of anti-LGBTI rhetoric from anti-democratic forces, particularly instrumentalising false anti-trans narratives, is being fought back by politicians in Europe who have the courage to make a stand for the fundamental human rights and equality of every citizen. The map highlights the clear fact that progress for LGBTI people is still possible, and more important than ever, with the need for more leaders to push back on attacks on democracy for all by pushing forward. We commend those politicians who have taken the stance that needs to be taken for the good of everyone in our society, and we encourage more to step up to the plate as across Europe

democracy and human rights are under threat from the far-right."

Katrin Hugendubel, Advocacy Director at ILGA-Europe adds: "Governments, but also other political actors and institutions can and have been making a positive difference this year. A lot of progress relies on the Courts, for instance, at local, national and European level. Poland remains the country in the EU with the lowest ranking at 43rd place, but the country gained points in the index this year because of the courts ensuring that no surgical interventions are needed for legal gender recognition and the equality body extending its work to include intersex people. In a very hostile global climate, we are seeing different actors coming together, and weighing in more actively for LGBTI rights, which is crucial to counter the pushback."

That pushback can also be seen in the challenge to freedom of assembly amid the rise of anti-democratic forces. Markedly, Serbia, which hosted a seriously compromised EuroPride march after last-minute attempts by the Serbian President and Minister of the Interior to ban the event, went down three places, while Turkey remains almost at the very bottom of the ranking after another year of crack-downs on Pride gatherings, showing that in 2023 the basic right to gather in a public space still cannot be taken for granted.

Released every May since 2009, marking International Day Against Homophobia, Transphobia, Biphobia, and Intersexphobia (IDAHOBIT), the ILGA-Europe Rainbow Map ranks all 49 European countries on a scale between 0% (gross violations of human rights, discrimination) and 100% (respect of human rights, full equality).

Executive summary 2023

Rainbow Europe – ILGA-Europe's annual benchmarking tool – comprises the Rainbow Map and Index and national recommendations. ILGA-Europe have produced the Rainbow Map and Index since 2009, using it to illustrate the legal and policy situation of LGBTI people in Europe.

The Rainbow Map and Index ranks 49 European countries on their respective legal and policy practices for LGBTI people, from 0-100%.

In order to create our country ranking, ILGA-Europe examine the laws and policies in 49 countries using 74 criteria, divided between seven thematic categories: equality and non-discrimination; family; hate crime and hate speech; legal gender recognition; intersex bodily integrity; civil society space; and asylum. More information on the list of criteria and their weight on the total score can be found at www.rainbow-europe.org/about

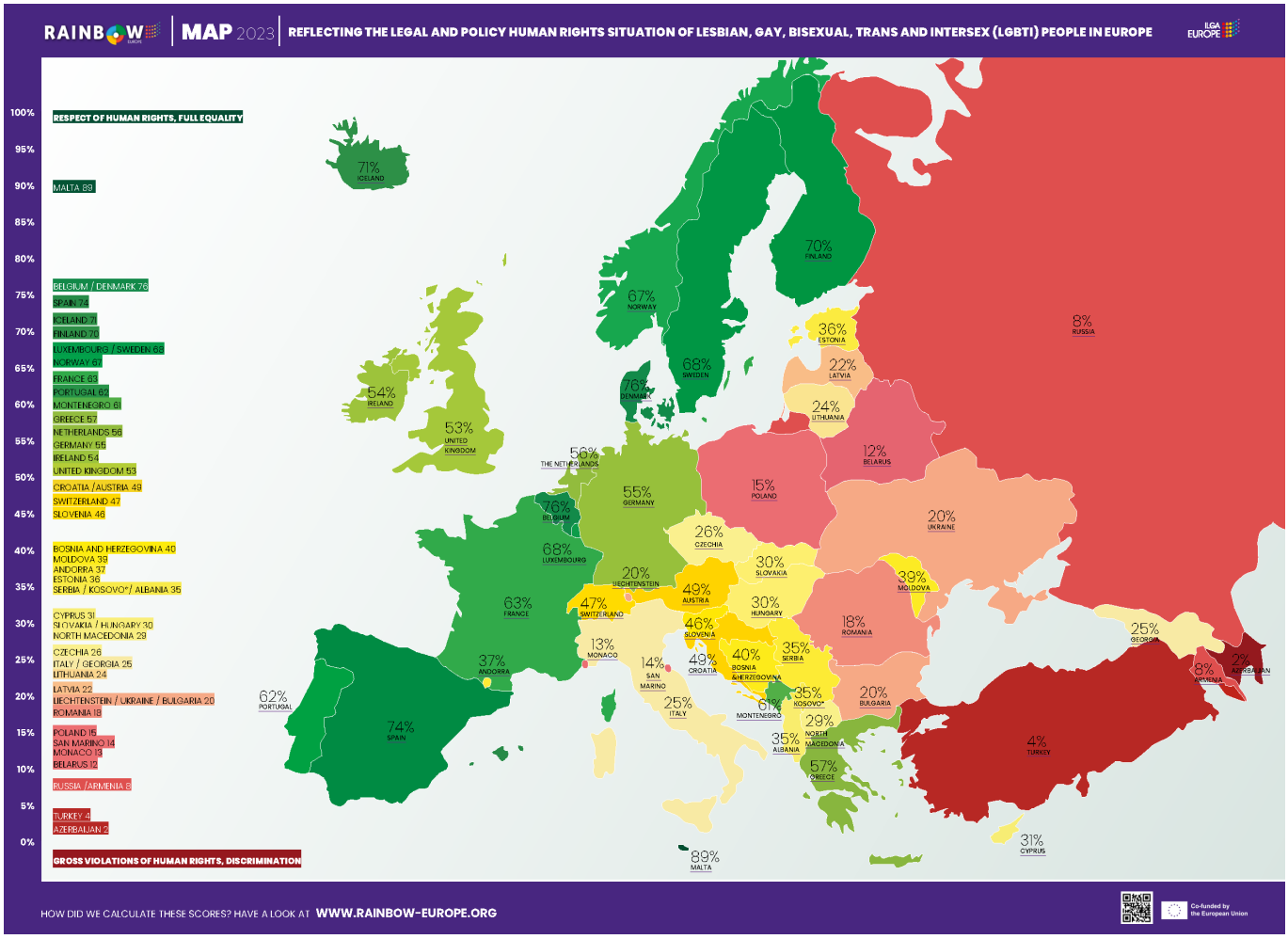
Policymakers, researchers and journalists are able to go 'behind' the points and see the original information sources that we base our Map and Index ranking on. This additional layer of information is available through our updated Rainbow Europe web module, www.rainbow-europe.org.

The Rainbow Map and Index presents a picture of what the policy landscape is like currently, while our country-specific recommendations attempt to answer the question "what's next?" These recommendations are intended to encourage policymakers to address the most pressing legal and policy priorities within the framework of our Rainbow Map and Index.

The recommendations were gathered following an online consultation with a wide range of LGBTI organisations in the various countries. As a result, the recommendations are tailored to the needs of activists working on the ground.

- For the eighth year in a row, Malta continues to occupy the number one spot on the Rainbow Europe Map, with a score of 89%.
- With 76 points, Belgium now occupies the second place with a rise of four points due to the inclusion of gender identity and sex characteristics as aggravating factors in the country's penal code.

- Denmark comes third place with a score of 76 with the rise of two points due to its new equality action plan, which includes specific measures on sexual orientation and gender identity but falls short of inclusion of projects on sex characteristics.
- The three countries at the other end of the Rainbow Europe scale are Azerbaijan (2%), Turkey (4%), and Armenia (9%), exactly the same as the last three years. Among them, only Armenia increased an index point after revoking its ban on blood donations from men who have sex with men.
- Spain, Iceland, Finland, Moldova, Switzerland, and Croatia are the countries with the biggest jump in scores. Spain introduced a comprehensive law that regulates legal gender recognition (LGR) based on self-determination, banned genital mutilations on intersex minors, prohibited so-called “conversion” practices and outlawed discrimination based on sexual orientation, gender identity, and sex characteristics.
- Iceland adopted an equality action plan, included gender identity and sex characteristics in their equality law, and added sex characteristics protection in the penal code. Moldova also amended its equality law and penal code to include sexual orientation and gender identity.
- Finland adopted its Trans Law which regulates LGR based on self-determination.
- Switzerland’s legislation on marriage equality came into effect, which also gave the right to joint adoption and medically assisted insemination for same-sex couples. In Croatia, same-sex couples can now apply for joint adoption and second-parent adoption after a court decision.



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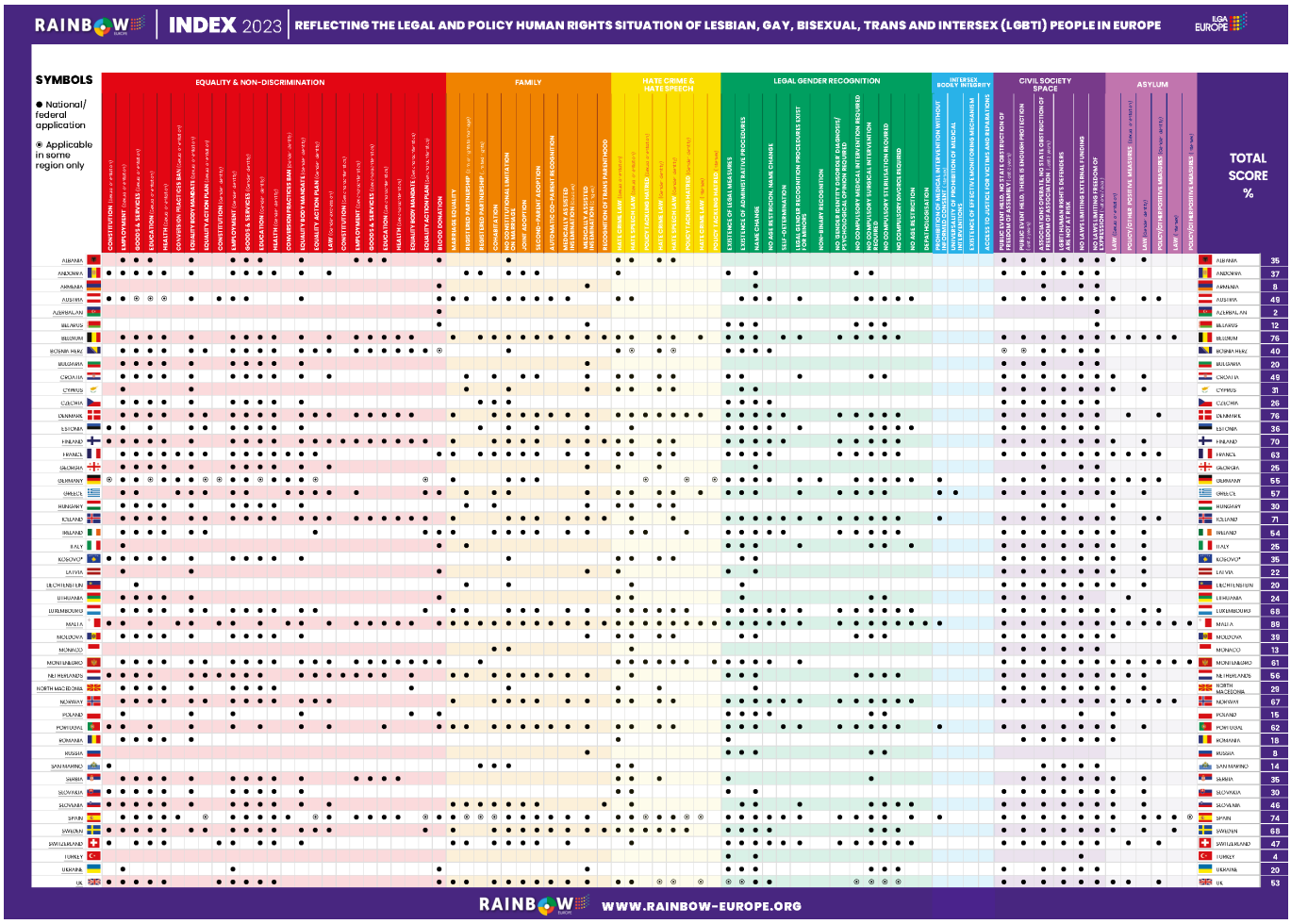

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For further comment, contact: Ana Muñoz Padrós, ILGA-Europe: ana@ilga-europe.org, +32 493 35 60 55