

EU Enlargement Review 2023

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ILGA-Europe has worked with ERA – LGBTI Rights Association for the Western Balkans and Turkey, to produce our annual LGBTI Enlargement Review, assessing gaps in legislation and policy for the protection and advancement of the human rights of LGBTI people in the enlargement countries, and identifying priorities the EU should insist authorities in each country need to tackle in the coming year, as identified by LGBTI activists in the respective countries.

2022 was an historic year for the enlargement process, as the EU expanded its promise of a perspective for EU accession to include Ukraine, Moldova and Georgia, following the beginning of Russia's war in Ukraine on 24 February 2022. All three countries are now included in the EU's annual enlargement reporting process. As ILGA-Europe has member organisations in all of the newly added countries, this year's LGBTI Enlargement Review covers the perspectives of LGBTI civil society from all ten countries: Albania, Bosnia & Herzegovina, Georgia, Kosovo, Moldova, Montenegro, North Macedonia, Serbia, Turkey and Ukraine.

This year's LGBTI Enlargement Review also follows a new format. We wanted to particularly highlight the importance of implementation of already existing policy and legislation, as it has become commonplace for Enlargement countries to adopt a legal framework aligning with EU standards, but not actually implementing it. As a result, each country chapter is divided into the below headings:

- Main legislation/policy to be drafted/adopted to ensure non-discrimination and access to justice for LGBTI people (priorities for the coming year)
- Implementation of already-existing legislation/policy
- Legislation/policy in process
- Feedback on the European Commission's 2022 Enlargement Report (where applicable)
- Recommendations to the EU

These headings are then complemented by a section linking readers to the respective country chapter of ILGA-Europe's Annual Review 2023, in order to understand the reality on the ground and more nuanced context, which often varies significantly from legislative frameworks. The chapter on Turkey is structured in a different way, in order to present the current state of play prior to the elections in May, and will be updated to reflect the priorities that emerge after the elections.

In all of the enlargement countries, we can unfortunately identify a clear trend of rule of law being challenged, foreign influence being exerted to challenge advances on human rights, including the rights of LGBTI people, and an increase of hate speech translating into violence on the ground, as well as ongoing challenges to freedom of assembly and association.

In this context, LGBTI topics are being used to polarise society, often to distract from a broader undermining of democracy and the rule of law in these countries and other more important socio-economic and political issues.

It is thus important that the EU renews a clear prospect for EU enlargement, not only for Ukraine, Moldova and Georgia, but most importantly in the Western Balkans. The commencement of accession talks with Albania and North Macedonia is an encouraging step in this regard. It is important that the EU places LGBTI rights firmly into all

its considerations, and that demands on advancing the protection of the human rights of LGBTI people are put on the same footing as important processes on fighting corruption and advancing the rule of law.

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