

Our submission to the EC 2023 Rule of Law report

In January 2023, ILGA-Europe, with the expert contributions of LGBTI organisations Bilitis (Bulgaria), LSVD (Germany), LGBT Ireland (Ireland), Háttér Társaság (Hungary), KPH & Atlas of Hate (Poland), ACCEPT Romania (Romania), Legebitra (Slovenia), and FELGTBI+ (Spain), compiled a written submission to the European Commission's online consultation ahead of the drafting of its 2023 Rule of Law report.

[Report](#), [Civil Rights and Freedom](#), [Freedom of Association](#), [Freedom of Expression](#), [Rule of Law](#)

The submission covers developments in eight EU Member States as regards rule of law developments in the countries which have had an impact on the fundamental rights of LGBTI people and their democratic participation, with a focus on the past year (2022).

We have kept our inputs relevant to the content asked for by the consultation, and therefore we have not included all fundamental rights violations against LGBTI people, or all restrictions experienced by LGBTI civil society in the respective countries. We have only included them where there is a clear link to the issues of rule of law contained in the consultation.

Notably the submission covers the following topics:

- Manipulation of judicial processes to attempt to erode the human rights of LGBTI people and their access to justice;
- Politicians attempting to discredit and delegitimise the rulings of courts that uphold the rights of LGBTI people;
- Harassment and intimidation of LGBTI human rights defenders by law enforcement/prosecution services;
- Smear campaigns and negative narratives against LGBTI people, particularly where independence of media is threatened;
- SLAPPs against activists or journalists reporting on topics of public interest related to LGBTI;
- Censorship of LGBTI content;
- Tabling and adoption of laws aiming to reduce fundamental rights of LGBTI people;
- Tabling of laws aimed at restricting the functioning of civil society organisations;
- Arbitrary application of Covid-19 regulations to attempt to restrict the freedom of assembly of LGBTI people;
- Continued non-implementation of CJEU or ECtHR judgements which would improve the lives of LGBTI people;
- Anti-LGBTI discriminatory speech from political and religious leaders affecting public perception of LGBTI CSOs and creating an unsafe climate for LGBTI human rights defenders;
- Insufficient implementation of legal protection (e.g. protection against hate crime) for LGBTI people by responsible services, sometimes including Ombudspersons.

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