

## **Joint statement: Latest EU enlargement reports will be litmus test for accession countries**

Fundamental rights and protections for LGBTI people in the Western Balkans and Turkey were put under the microscope by the European Commission in their latest enlargement annual reports. Despite being encouraged by the clarity contained in the reports, now is a critical time for LGBTI people in south-east Europe according to **ILGA-Europe** and **ERA - LGBTI Equal Rights Association**.

“Vague or non-existent laws, confusion over who to turn to after suffering hate crime and lack of legal gender recognition measures. This is still a reality for many LGBTI people – the Commission needs to follow-up on the content of these reports to make sure that sustainable change is secured across the region.” said **Dragana Todorovic** from ERA, the newly formed LGBTI Equal Rights Association for the Western Balkans and Turkey.

The overall tone of the reports is positive and their commitment to ‘fundamentals first’ (covering issues such as rule of law and freedom of expression in detail) is welcomed by both organisations. Accessibility has also increased, as the Commission has made some alterations to the layout of the reports, making them clearer, more concise and focused on specific next steps.

However, the comparatively moderate tone on the rights of LGBTI people opted for by the Commission in this year’s review does not mean that they should be allowed to slide off the political agenda. “The intentions contained in laws, policies and strategies must be felt by LGBTI people in the region; a gap between law and reality cannot be allowed to persist in candidate countries.” commented ILGA-Europe’s Senior Policy and Programmes Officer **Lilit Poghosyan**.

The collection of 2015 progress reports were released at a particularly opportune time, as national LGBTI activists from the countries reviewed in the documents gathered in Brussels for a study visit on 16 & 17 November. Together with ILGA-Europe, the participants reviewed the 2015 reports and noted the following key points:

- **New legislation is still urgently needed:** Legislative omissions are impacting on the fundamental rights of LGBTI people, particularly in Turkey and Macedonia; a comprehensive anti-discrimination law is still missing from its statute books and the Commission has called for this to be introduced as a matter of urgency.

The Commission refers to issues faced by trans and intersex people in the reports, however very little progress on protecting their rights seems to have been made at national level. ILGA-Europe and ERA hope that the emphasis placed by the Commission on the rights of trans and intersex people is followed up in these countries.

Steps should also be taken to introduce specific reforms, such as registered partnership for same-sex couples (protection that is currently absent in all seven countries) or clear legal gender recognition procedures in countries where such measures are lacking. Serbia and Bosnia and Herzegovina were singled out in this regard and urged to introduce greater protections for trans people.

- **Full implementation of existing legislation needs to happen immediately:** Passing comprehensive legislation is only the first step; it will only be effective if it is implemented correctly. The divergence between law and practice is felt by LGBTI people, particularly in Kosovo. The Law on the Protection from Discrimination adopted in May is called a “major step forward” in the 2015 report but LGBTI people living in Kosovo need to feel they can rely on it before the law can be considered truly effective.
- **The European Commission has a role to play in changing hearts and minds:** the Commission must ensure that political leaders in each of the accession countries continue to promote awareness of the challenges faced by LGBTI citizens. Intolerance and hate crime will not be stopped by legislative measures alone. Social change will only be sustainable when the benefits of diversity in society are widely promoted. The need for various awareness-raising initiatives by national authorities is mentioned in each report.

The full 2015 country reports on Albania, Bosnia and Herzegovina, FYR Macedonia, Kosovo, Montenegro, Serbia and Turkey can be [downloaded from the European Commission's website](#).