

Highlights, Key Developments and Trends

There is a message emerging from our *10th Annual Review of the Human Rights Situation of LGBTI People in Europe and Central Asia* that, given the impact on communities of the unprecedented global events of 2020, is unsurprising, yet at the same time is a glaring clarification that progress we have taken for granted in many ways is not only increasingly fragile, but particularly vulnerable to exploitation by anti-human rights forces.

The COVID-19 pandemic and its consequences have highlighted all the gaps in terms of lived realities of LGBTI people across Europe and Central Asia. In reports from country after country, we see a stark rise in **abuse and hate speech** against LGBTI people; many who became vulnerable to homelessness have been forced to move back in to hostile family and community situations; LGBTI organisations have had to skew their work towards provision of basic necessities like **food and shelter** while many governments leave LGBTI people out of their relief packages; and there has been a resurgence of authorities and officials using LGBT people as scapegoats while authoritarian regimes are empowered to isolate and legislate without due process.

At the same time, this report clarifies that **the way we define progress is evolving**. In a lot of countries there are still more progressive laws on the books than there were five years ago, but in too many places we're still waiting for those laws to translate into real change in the lived experience of LGBTI people. While more actors in the political realm have begun to voice the need to take bolder action so that lived experiences become more in line with legislative progress, for the time being we are observing **more people turning to the courts** for the recognition of their human rights, or for the clarification of existing legislation that is meant to protect them. Meanwhile, in a substantial number of countries, legislative change is lagging, stagnant or backsliding.

Drilling down further, this report shows a significant growth of opposition towards trans rights across Europe, and this is beginning to have a wide and negative impact on **legal gender recognition (LGR)**. There is regression in Austria, Croatia, Finland, Hungary, Lithuania, Russia, Slovakia and Slovenia and the UK, and stagnation in Germany, Andorra, Cyprus, Czechia, Georgia, Germany, Kosovo, Montenegro, North Macedonia, and Sweden. In many of these countries, opposition forces have become louder, pretending that advancing the protection against discrimination and self-determination for trans people would harm women's rights or 'the protection of minors'. While there are some countries making progress in terms of self-determination across the age-spectrum, where there is progress reported in LGR, it excludes minors.

There has also been a substantial rise in **hate speech**, both from official sources, in the media and online. The trend of politicians verbally attacking LGBTI people has grown sizeably and spread in countries including Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Czechia, Estonia, Finland, Hungary, Italy, Kosovo, Latvia, Moldova, North Macedonia, Poland, Russia, Slovakia, and Turkey; and religious leaders have propagated hate-speech in Belarus, Greece, Slovakia, Turkey and Ukraine, many of them directly blaming LGBTI people for COVID-19. Hate speech on social media has risen in Belgium, Bulgaria, Croatia, Czechia, Malta, Montenegro, Russia and Turkey, and in the general media in Slovenia and Ukraine, while hate speech is an ongoing issue in Georgia, Ireland, Netherlands, North Macedonia, Portugal, Romania, Slovakia, Spain and the UK. Many courts and governmental institutions are beginning to have a larger awareness of this growing trend, and beginning to talk about regulating online hate speech, including on the EU level.

For much of this annual report's ten years, reporting on **family rights** has generally focused on same-sex partnership registration or marriage rights and in this context there continues to be stagnation in several countries, including Andorra, Bulgaria, Czechia, Estonia, Latvia, Lithuania, Romania, Serbia and Slovakia. However, the growing trend is that more countries are moving on parenthood rights rather than partnership rights, either positively or negatively, taking the focus away from LGBTI rights themselves. Markedly in 2020, Montenegro became the first Western Balkans country to introduce civil partnership; while in Serbia the government promised steps toward introducing civil partnership in 2021. Switzerland and Northern Ireland (UK) both introduced marriage equality.

Annual Pride events have always been part of this report under the **Freedom of Assembly** heading, but this year, due to the COVID-19 lockdowns, Prides were cancelled all across Europe. The absence of Pride events matters not just as a test of free



assembly, but because of the potential longer-term impact on the visibility and presence of LGBTI people and communities in the public space, which will only be seen as we move into the years beyond the pandemic.

Having said that, attacks on freedom of assembly continue to be a growing trend. Demonstrators were detained in Azerbaijan; there was a brutal crackdown in Belarus for months, including arrests, detention, violence, and torture of LGBTI people; events were attacked or disturbed by extremists in Bulgaria; in France police brutality against protests rose; Greece denied a permit for LGBTI police conference to be hosted; and in Poland anti-LGBTI and anti-abortion rallies were rampant, while activists were arrested. In Russia activists were detained; in Turkey there are ongoing court cases against peaceful Pride marchers and other cases against human rights defenders, and in Ukraine the Odessa Pride event was attacked. On a positive note, courts struck down bans on three Pride marches in Turkey last year.

Overall there has been a **crackdown on democracy and civil society**, and not just in Poland and Hungary, which made all the headlines in 2020. We are seeing this in Turkey, Azerbaijan, and across Central Asia. Contributors to this report in several countries have expressed fears of their governments following in the footsteps of Poland and Hungary. Pending legislation in Russia to limit the work of NGOs takes the Russian propaganda law, which has been instrumental in influencing crackdowns in other countries, one step further.

In Central Asia, LGB rights are in stagnation, while trans rights are backsliding. In Kazakhstan we saw a step backwards in LGR, when legislators introduced a discriminatory norm in the healthcare law, raising the age limit for trans healthcare access from 18 to 21 and excluding those with a mental health or “behavioral disorder” diagnosis. Similarly in Kyrgyzstan, a new version of the law “On acts of civil status” came into force in autumn, erasing provision on LGR and making it no longer possible for trans people to change their legal gender marker.

At the same time, in Tajikistan, Uzbekistan and Turkmenistan, we see windows of opportunity for advancing LGBTI rights: inclusion of SOGIESc in the anti-discrimination bill currently being drafted in Tajikistan, and for the decriminalisation of consensual same-sex relations in Turkmenistan and Tajikistan, as both countries are in the process of revising their Criminal Codes.

What is surprisingly absent in this latest review, but which ILGA-Europe knows in an important conversation for many LGBTI groups, is a focus on **intersectionality** within LGBTI communities and in our wider society. While many people within the movement are talking about intersectionality, and taking steps to work on intersecting inequalities that affect LGBTI people, very few groups articulate their commitment to intersectionality in the public sphere. For example, while we know from our work that many LGBTI activists took part in the Black Lives Matter (BLM) demonstrations in 2020 (as the few mentions in this report suggest), few connect their support to the BLM movement to their own work, for example on police violence against LGBTI people, which is a topic identified in this Review.

Beyond LGBTI organisations, we have yet to see national authorities adopting specific measures that would take into consideration the realities of LGBTI people who experience exclusion because of other aspects of their lives - be it their race, their ability, their faith, to name a few. One notable exception in 2020 is the **EU LGBTIQ Equality Strategy 2020-2025**, published in November, which explicitly adopts an intersectional approach, and which will serve as a model for national governments to follow.

This overview only focuses on some particular trends and learnings we have pulled from the wealth of information our *Annual Review* pulls together, with the help of committed country experts across Europe and Central Asia. There would not be space to cover the many other trends and learnings to be gleaned from this report. This 2020 review of the human rights situation for LGBTI people in Europe and Central Asia is a stark reminder that achieving equality in both law and real life is a multi-layered, non-linear and long-term endeavour. Forgetting the fragility of the progress makes us vulnerable, while seeking to see and understand the complexity makes us all better equipped to continue to advance towards our goals.

