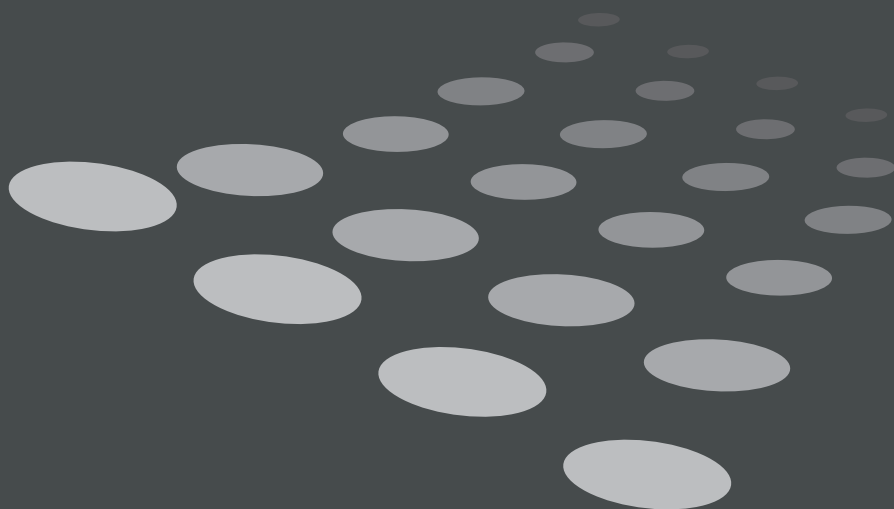




**ILGA-Europe**

**Annual Review of the Human Rights Situation of  
Lesbian, Gay, Bisexual, Trans and Intersex People  
in Europe**

**2016**



# ILGA-Europe in brief

- ILGA-Europe is the European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA).
- ILGA-Europe works for equality and human rights for lesbian, gay, bisexual, trans & intersex (LGBTI) people at the European level.
- ILGA-Europe is an international non-governmental umbrella organisation, bringing together 433 organisations from 45 countries in Europe.
- ILGA-Europe advocates for human rights and equality for LGBTI people at European level organisations such as the European Union (EU), the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE).
- ILGA-Europe strengthens the European LGBTI movement by providing trainings and support to its member organisations and other LGBTI groups on lobbying, advocacy, fundraising, organisational development and communications.
- ILGA-Europe was established as a separate region of ILGA and an independent legal entity in 1996. ILGA was established in 1978.
- Since 1997, ILGA-Europe enjoys participative status at the Council of Europe.
- Since 2006, ILGA-Europe enjoys consultative status at the Economic and Social Council of the United Nations (ECOSOC) and also advocates for equality and human rights of LGBTI people at the UN level.
- ILGA-Europe has its office in Brussels.
- ILGA-Europe receives funding from public and private donors.



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**2016**

This Review covers the period of January to December 2015.

**May 2016**

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\* Included in this Review as a separate jurisdiction following UNSCR 1244/1999

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# Introduction

Welcome to the fifth edition of ILGA-Europe's *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe*. The publication includes events that occurred between January - December 2015. It provides a snapshot of what happened during the year, at national, regional and international levels, and it documents progress and trends regarding the human rights situation of LGBTI people.

While the institutional reviews and country chapters focus on 2015, our highlights section puts these trends in context, with reference to further developments that took place in early 2016, prior to the *Review's* publication.

Once again, we must stress that this document is not an exercise in apportioning blame. ILGA-Europe's goal is not to point fingers at specific countries. Instead, this publication intends to serve as a tool for the exchange of best practices and policies, and as an open invitation for enhanced cooperation between governments and LGBTI civil society.

For the purpose of documentation and comparability of information, this *Annual Review* remains largely faithful to the format established in previous editions. Major developments will be emphasised with colourful textboxes and the index directs readers interested in particular topics to the most relevant chapters. We have also included a glossary containing some of the most commonly used acronyms and definitions to help make our country chapters as clear as possible. The country chapters contained in the *Annual Review* will also be available to view online through our website and our updated *Rainbow Europe* web module.

ILGA-Europe want this publication to meet our readers' expectations and needs, and welcome any suggestions for improvement at [annualreview@ilga-europe.org](mailto:annualreview@ilga-europe.org)

We hope that you will find this edition of the *Annual Review* informative and useful.

**ILGA-Europe's Annual Review Team**  
**May 2016**

# A note on data collection and presentation

Collecting and presenting data on developments at national level in 49 countries represents a significant challenge for ILGA-Europe. Not only are we dealing with original reports in many diverse languages, the use of terminology around LGBTI issues is often not harmonised across Europe. Nonetheless, all information within the *Annual Review* has been verified using original documents and the best available local knowledge. Where possible, information was checked against institutional and national reports, and reliable news sources.

In terms of language and terminology, we have tried to avoid causing confusion. For comparative reasons, the language within the *Annual Review* has been kept in line with ILGA-Europe's standards, and moves away from country-specific legal terms that may have a different meaning elsewhere. At the same time, we respected the variety of terms used by LGBTI communities to self-identify in different countries. For example, this is why the *Annual Review* does not exclusively refer to LGBTI but also to 'LGBT', 'LGBTQ' and other formulations.

Of course, the *Annual Review* cannot cover every development in all 49 countries in intricate detail. Firstly, the event itself may not have been adequately reported, or perhaps the reports were confusing or contradictory and ILGA-Europe were unable to verify them.

Secondly, the primary goal of the *Annual Review* is to reflect the human rights situation of LGBTI people and their position in society. This means that our primary focus is on events and LGBTI NGO work that represent important milestones towards the acknowledgement of the rights of the LGBTI community in that country.

Thirdly, information on intersex issues was collected where available but unfortunately intersex people's human rights remain largely unaddressed at national level.

Finally, this is our fifth *Annual Review* and we always strive to develop our rigorous data collection system. However, a number of limitations remain. We will incorporate the lessons learnt during the previous four *Annual Reviews* and continue to improve the quality of our reporting on LGBTI issues in Europe.



# How to use this Annual Review?

This *Annual Review* covers developments at national and international level between 1 January 2015 and 31 December 2015. The *Review* itself is divided into two main sections. **Institutional reviews** provide an overview of developments at the United Nations, the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe. The second section, **Country reviews**, contains 49 chapters covering all European countries in alphabetical order.

Each of the chapters uses standardised thematic categories to order the information - this facilitates searches and comparative analysis between chapters. The Index at the end of the *Annual Review* tells you where to find information in particular categories. The Index is accompanied by a Glossary which explains some of the acronyms and terminology we use in the country chapters. The presentation of information in each category is marked by introductory bullet points and follows a chronological order, without distinguishing between positive and negative developments.

Finally, each country chapter opens with a short introduction that gives readers a snapshot of the LGBTI human rights situation in the country.

Highlights,  
key  
developments  
and trends

2015 was a year of conflicting emotions – from the dizzying highs that grabbed global headlines to the sobering reminders that many LGBTI communities had very little to celebrate since our last Annual Review was published.

Arguably the most dramatic changes came from unexpected places. **Malta**, the smallest EU country rose to the top of our country ranking in 2015, buoyed by an irresistible combination of determined activism and unprecedented political leadership at national level, which led to the adoption of ground-breaking legislation and comprehensive public policies. **Ireland** shook off its mantle as a socially conservative state, inextricably linked to Catholic doctrine, when an overwhelming majority of Irish people from all over the country, not only voted in favour of marriage equality but also embraced the change. Both islands gave valuable gifts to the European LGBTI movement: hope and inspiration. Hope springs from the fact that profound political and social change really is possible. Witnessing the tangible power of civil society mobilisation combined with political leadership was truly inspirational.

However, 2015 overall was the **year of the reminder**. Several times we were prompted to recognise that the news headlines Ireland and Malta inevitably attracted often masked the more complex situation across many parts of Europe. Achieving equality in one facet of life, such as equal marriage, does not signal the end of our advocacy journey. It should provoke more action, not represent a reason for political leaders to ease off.

Some of the most important developments again related to the growing recognition of the human rights of trans and intersex people. 2015 was a year when national and European institutions stepped up their efforts to learn about and to take action to protect the **rights of intersex people**. In many ways, Malta again led the way with its visionary Gender Identity, Gender Expression and Sex Characteristics Act, which made it the first country in the world to prohibit any unnecessary surgical procedure on

the sex characteristics of a person without their consent. Human rights ideals were also put into practice in schools through a comprehensive policy for trans, intersex and gender variant students.

The Maltese focus is indicative of a growing impetus all over Europe to be proactive about protecting the rights of intersex people. In addition to the advances made in Malta, Greece also introduced explicit protection from discrimination on the grounds of sex characteristics on 24 December. Finland's updated Gender Equality Act now includes a reference to "gender features of the body" which is intended to protect intersex people against discrimination. A court in Tours recognised an intersex person as gender neutral, the first time a French court has recognised an individual as having a gender other than male or female. At European level, two high-level publications gave the issues faced by intersex people valuable public exposure. Launched on the same day in May, the EU Fundamental Rights Agency and Council of Europe Human Rights Commissioner's papers contained human rights-based recommendations to improve the lives of intersex people. Both these publications put intersex issues firmly at the heart of the European agenda, as well as serving as a timely reminder to policy makers to include the voices of intersex people in their work – "nothing about us without us".

When it comes to the **rights of trans people**, as we already mentioned, Malta's GIGESC Act was revolutionary in a European context, as it contains provisions relating to adults and minors alike. Ireland also introduced the long-awaited Gender Recognition Act based on a self-determination model (for people aged 18 and older) following years of campaigning by national trans activists, inspired by the persistence of Dr Lydia Foy. More countries are expected to follow suit: Sweden is currently planning amendments to its gender recognition process and the French authorities are examining proposals to remove the need for surgery from their own practice. Several politicians in Belgium spoke out in favour of abolishing medical intervention criteria and potential changes to

existing legislation were also raised by expert groups in Finland, Greece, Germany and Norway. At Council of Europe-level, the ECtHR ruled that sterilisation is not a necessary precondition for individuals undergoing gender reassignment surgery to have their gender legally recognised in the case of *YY v Turkey*.

That said, the journey for many trans people in Europe is another useful reminder for the wider LGBTI community. We must continue to highlight milestones while not allowing these achievements to render us oblivious to the work that still need to be completed. It is worth remembering that Lithuania is still trying to find a way to implement the *L v Lithuania* judgment from the European Court of Human Rights. That decision was handed down in 2007; trans people in Lithuania still waiting for practical answers. Poland's Gender Recognition Act had passed both houses of parliament in the summer of 2015 but a presidential veto was not overturned and the trans community was left without a codified legal recognition process. On a positive note, the Eurobarometer survey – the first EU wide public opinion survey to cover trans issues – did reveal that 63% of people questioned thought that trans people should be able to change civil documents to reflect their gender identity. However, when you analyse the individual country reactions, only 34% of the Hungarian respondents agreed, with 29% support reported in Bulgaria and Romania. These figures demonstrate two things: how vital it is to continue advocating for the rights of trans people and how important it is to communicate this need for change among the general public.

During 2015, we saw more countries increase protection for **LGBTI families**. Ireland became the 12th country in Europe to adopt marriage equality, following the extraordinary result of the May referendum and the widespread public and political support mobilised by the Irish *Yes Equality* campaign. This result was particularly notable, given Ireland's relatively swift journey from criminalisation to marriage equality. Same-sex couples in Luxembourg could marry and jointly adopt from 1

January; their own prime minister was among the first couples to take advantage of the introduction of equal marriage. Cyprus and Greece joined the group of countries with civil partnership; LGBTI activists in both countries had to wait until the closing stages of 2015 before their celebrations could begin.

The European Court of Human Rights ruled in *Oliari v Italy* that denying same-sex couples legal recognition of their relationships is a human rights violation; this decision increased expectation and pressure on other European governments to act. The debate around Italian civil unions culminated in a Senate vote in February 2016 moving the bill to the next legislative stage, although at the cost of the second parent adoption provisions which were dropped. This said, **parenting rights** were progressed in Austria, as its constitutional court struck down a ban on same-sex couples jointly adopting and the country expanded access to medically assisted insemination. In Portugal, joint and second parent adoption recently became a reality when the parliament overturned a presidential veto in February 2016.

But 2015 provided many reminders that the Irish referendum was the exception to many rules. In several other European countries – namely Slovakia, Slovenia and Switzerland – referendums and constitutional changes on LGBTI issues were framed in negative terms. While an inspiring public mobilisation, led by proactive LGBTI organisations, helped to avoid limiting the rights of same-sex couples in Switzerland, the end result was not as encouraging in Slovenia. There, a referendum was used to override parliamentary decision-making; the parliament approved an equal marriage bill in March that was rejected by popular vote in December. In Armenia, following a December referendum on a large package of constitutional changes, marriage was defined as a union between different-sex couples only. FYR Macedonia is another country where the government attempted to constitutionally define marriage as a union between men and women only, but the final implementing vote had still not taken place at time of writing. In other countries,

procedural barriers were erected in an attempt to block positive change. The implementing legislation required to get Estonia's celebrated Registered Partnership Act 2014 up and running was slowed down by anti-equality parliamentarians. Anti-equality groups called for a repeal of Finland's equal marriage act, due to enter into force in 2017.

The treatment of **LGBTI asylum seekers** had always been an issue of concern, but it became an altogether more urgent priority for LGBTI organisations in 2015. As many European countries dealt with the arrival of many more refugees, LGBTI NGOs were also trying to provide support to LGBTI asylum seekers, either travelling through their countries or settling there as refugees. The language of "safe third countries" was on the agenda at several political levels; both at never-ending summits in Brussels and in national parliaments. Asylum-related developments once again were noted in this Annual Review; Malta granted asylum on gender identity grounds for the first time, the Dutch government changed its asylum policy for LGBT applicants from Russia and detention conditions in the UK were critiqued by a parliamentary group report. It is a theme which we anticipate will only increase in relevance.

One of the most concerning ongoing trends is the closing **space for civil society**. We have seen restrictions being placed on NGOs, including LGBTI groups, in a growing number of countries. Governments are erecting legal and administrative barriers and increasingly fail to include civil society in decision-making processes. This makes it more difficult for civil society to receive foreign support and funding to operate, to influence policy making, to hold public gatherings or set up new organisations. Event organisers in Turkey, Ukraine and Montenegro, to name a few, were confronted by restrictions on their rights to freely assemble, with the violent policing of the Istanbul Pride march, violent attacks on Kyiv Pride and a ban on the march in Odesa, and the multiple cancellations of the Niksic Pride walks respectively. The practical day-to-day advocacy work of LGBTI activists was hampered by the claustrophobic

atmosphere created by continual audits and inspections in countries such as Hungary and Slovenia. In addition to this, incidents of intimidation and harassment against human rights defenders are on the rise. An activist in Kosovo was added to a human rights defender safety/monitoring programme, NGO staff in Moldova were threatened by the Occupy Paedophilia vigilante group and regional Ukrainian activists were reported to be moving to Kyiv or emigrating.

Civil society continued to face obstruction within Russia, as LGBTI groups were targeted under existing 'anti-propaganda' and 'foreign agent' laws. In addition to this, foreign organisations deemed to be a security risk can be branded as an 'undesirable organisation' and banned from working under new legislation passed in May 2015. In this context, LGBTI people faced persistent attacks, ranging from physical violence and hate speech to the closure of businesses or loss of their jobs. Broader geo-politics also largely influenced the situation in Ukraine, where the fortunes of LGBTI people remained tied to political developments in the country. On one hand, NGOs and individuals found it increasingly difficult to work in the occupied territories of Crimea and Southern Donbas. On the other hand, the promise of a visa-free travel within the EU significantly contributed to the inclusion of an anti-discrimination provision protecting people on the basis of sexual orientation and gender identity in the labour law.

**Hate speech** also continued to stain the records of countries at all levels of our Rainbow Europe ranking; for example, there were reports of public figures (such as politicians or religious leaders) making bias-motivated remarks in Bulgaria, Germany, Greece, Sweden and Turkey, to name but a few. The European Parliament's resolution on Azerbaijan in September condemned political hate speech against LGBTI people. The existence of such remarks is disturbing enough but their impact can be exponentially increased when victims have no legal recourse. Many European countries, EU member states and non-EU states, still lack legislation that outlaws hate

speech against people based on their sexual orientation and/or gender identity. The OSCE Office for Democratic Institutions and Human Rights commented on the need for political leaders to step up on this issue in March – there really is not a moment to lose.

Sadly, the high incidence of **homophobic and transphobic violence** across the European region appears as a recurring feature of our annual analysis. Again this year, we are reporting on serious hate crimes in several countries, from Azerbaijan and Greece to Georgia, Moldova and Russia. One disturbing parallel trend is the apparent impunity attached to these attacks as a bias-related motive is often not taken into account at all. The LGBTI community, in particular trans people, continued to be the target of extreme violence in Turkey. A well-known LGBTI activist was raped in their own home in Ankara and was mistreated by police officers when they reported the incident. As the Annual Review was going to print in April, we learned that the prosecutor's office, examining the activist's complaint, ruled that the police officers would not be prosecuted. But there were attempts made to fight back against hatred. The European Court of Human Rights spoke out against the violent disruption of a Pride march in *Identoba and Others vs Georgia*. In April, the first sentence for a homophobic crime under existing Hungarian hate crime legislation was handed down by a court in Budapest. Politicians in Bosnia and Herzegovina also began discussions on how to improve hate crime legislation, potentially affecting all three federal levels. Amendments introduced in Greece at the very end of 2015 aim to protect people against hate crime based on their sexual orientation, gender identity or gender characteristics.

Overall, as mentioned above, 2015 was the year of reminders. Firstly, a reminder that progress is not inevitable and that regression is all too possible. We must remember that when we think our work is over, that is when we are at our most vulnerable. This point was all too apparent in several countries, where the early optimism that abounded in the opening weeks and months of the

year had all but evaporated by December. This introduction has already mentioned the emotional experiences endured by LGBTI activists in Poland, Slovenia, Estonia and Finland. These events are vital reminders that things can sometimes change overnight. They show how quickly situations can develop and turn into something unexpected.

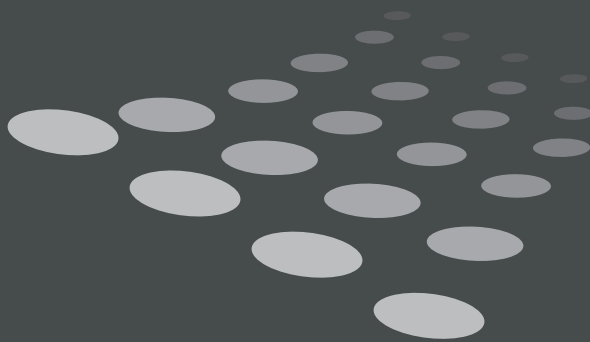
Secondly, change is not automatic. One positive development in a country does not mean that improvements will flow naturally. Nor does positive change in one country guarantee automatic change in others. The adoption of concrete legislative and policy measures to make equality a daily reality for LGBTI people is stagnating in too many countries. This is despite the fact that public support for the human rights of LGBTI people is growing. The 2015 edition of the EU's Eurobarometer survey showed us that 71% of the survey respondents agreed that LGB people should have the same rights as heterosexual people.

Active political leadership, in national parliaments and in EU institutions, is essential for progress. The relentless commitment to advancing equality for LGBTI people (and as a result, creating a more equal society for all its citizens) shown by the current Maltese government is quite unique. But at too many levels in 2015, **political leadership** seems to have been distracted when it comes to LGBTI issues. Whether that is out of genuine preoccupation or for a more insidious reason, the end result is ultimately the same. The Italian education ministry published anti-bullying guidelines only to drop measures to combat homophobic bullying from the National LGBT Strategy weeks later. MPs who voted down a civil union proposal for different-sex couples in Lithuania said they did so to avoid having to give similar rights to same-sex couples in the future. Slovakia's government dropped a promised Action Plan on LGBTI Equality in January, seemingly abandoning their LGBTI population and leaving the responsibility to act to the next government. Calls to German decision makers to push for progress on marriage equality or the EU's proposed

anti-discrimination directive once again seemed to fall on deaf ears.

Finally, creating permanent change requires sustained effort. It is the efficacy and durability of the change that we must continue to monitor. We might have new laws – but how are they being implemented? In the days after a new piece of legislation is passed, it can be easy for politicians to bask in the glow of achievement. New policies have been published – but do they include all LGBTI people or are groups missing out on protection? There is growing awareness that it is as important to think about who is left out of a particular policy initiative as it is to think about those who are included. If we truly want to advance LGBTI equality, then laws must include the needs of older LGBTI people, LGBTI women, people of colour, LGBTI people of faith and members of our community from a mix of socio-economic backgrounds. Profound changes are only possible if these laws are useful in practice. The laws must work for everyone in our community, not just a subset. The change must be cemented in reality. Otherwise it runs the risk of being no use to LGBTI people once the media spotlight fades away or the ‘novelty wears off’.

# Institutional reviews





# United Nations

**The rights of LGBTI people featured prominently on the UN agenda in 2015, both via traditional channels such as the Universal Periodic Review and historic firsts like the high-level meeting on the rights of intersex people in Geneva. Human rights violations against LGBTI people were brought to the attention of the Human Rights Council. UN bodies also increased the visibility of their work on the rights of trans and intersex people.**

## Data collection

- In September, the UN Development Programme and the Office of the High Commissioner for Human Rights (OHCHR) initiated an LGBTI Inclusion Index to bring together data to reduce inequalities and exclusion of LGBTI people. Civil society will play a vital role in the development of this index and were consulted through an online consultation and in a meeting in New York in December.

## Employment

- On 24 March, a vote initiated by Russia to block the UN's extension of staff benefits to same-sex couples was defeated in a General Assembly vote; 80 countries voted in favour of the measure, 43 opposed it, 37 abstained and a further 33 didn't vote.

## Equality and non-discrimination

- Human rights violations against LGBTI people in several countries were brought to the attention of the Human Rights Council under the Universal Periodic Review mechanism, specifically in Belarus, Bulgaria, Italy, San Marino, Slovenia, Sweden, Turkey.
- The government of Andorra brought up the legal recognition of same-sex civil unions, adopted in 2014. Belarus adopted recommendations to enact anti-discrimination legislation including grounds of sexual orientation and gender identity and to protect freedom of assembly and association, but not other LGBTI-specific recommendations. Bulgaria accepted all related recommendations, including those to strengthen legislation on hate speech and violence against LGBTI people. Croatia indicated advances made to bring its legislation in line with EU directives in the areas of discrimination, gender equality, hate crime, violence and protection of victims. Sweden highlighted the inclusion of sexual orientation in its constitution since 2011. Turkey rejected recommendations to adopt and implement anti-discrimination legislation and measures on sexual orientation and gender identity, but accepted recommendations to prosecute and punish perpetrators of hate crimes targeting LGBT people. Italy pointed to the extended mandate of the National Office against Discrimination and its LGBT National Strategy, and accepted

to increase protection through anti-discrimination legislation and to legally recognise same-sex relationships. San Marino indicated its willingness 'to continue to defend the institution of the family, based on the union of a man and a woman' and did not respond to a recommendation to ensure equal protections for same-sex couples. Slovenia accepted the need to protect same-sex relationships and their children, as well as 'family as the basic and fundamental unit of society'.

- Final reports were adopted for Andorra, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Italy, San Marino, Slovenia, Spain, Sweden and Turkey.
- In May, the High Commissioner's report on human rights violations based on sexual orientation and gender identity was released before the Human Rights Council. This report was an update of a 2012 study on violence and discrimination on the basis of sexual orientation and gender identity, sharing good practices and ways to overcome violence and discrimination. The report is an important tool for regional and national advocacy in dialogue with governments.
- Under the auspices of the High Commissioner for Human Rights, a two-day meeting on human rights violations of intersex people was held in Geneva on 16 September, the first high-level meeting of its kind to discuss intersex issues. Also in September, OHCHR published an intersex fact sheet as part of the UN's 'Free and Equal' campaign. The High Commissioner cited the human rights violations faced by intersex people during his opening statement to the 30th session of the Human Rights Council.
- After several years of negotiations between States on global goals to end poverty and inequality by 2030, all Member States of the UN adopted the Sustainable Development Goals in December 2015. Although the rights of LGBTI people were not explicitly included in the final text, several events were organised by the SOGI Core Group of States at the UN General Assembly related to LGBTI and these development discussions during the year. In September, a high-level event was organised on Equality and Inclusion in the Post-2015 Development Agenda (SDGs) including speakers such as UN Secretary General Ban Ki-moon and European Commissioner Frans Timmermans.
- In December on International Human Rights Day, a special event took place on 'The Economic Cost of Exclusion'.

# Council of Europe

**In 2015, the Council of Europe's human rights standard-setting work was strengthened with a specific focus on the rights of intersex people. Trans rights were also high on the agenda, in particular at the Council's Parliamentary Assembly.**

## Bias-motivated speech

- In May, the European Court of Human Rights (ECtHR) issued a decision in the case of *Identoba v. Georgia*. For the first time in the context of hate crimes against LGBTI people, the Court found a violation of Article 3 (prohibition of inhuman and degrading treatment) taken in conjunction with Article 14 (prohibition of discrimination) (see **Georgia**).
- Also in May, The European Commission against Racism and Intolerance (ECRI's) annual meeting of the national specialised bodies (equality bodies and national Human Rights Institutions) focused on the underreporting of discrimination and hate crime. Along with representatives from civil society and intergovernmental organisations, ECRI discussed how they could work together to tackle the underreporting of hate crimes, including homophobic and transphobic hate crime.

## Bodily integrity

- The Commissioner for Human Rights Nils Muižnieks published an issue paper on 'Human rights and intersex people' in May, denouncing Europe's disregard of intersex people's right to self-determination and physical integrity. The paper called for an end to unnecessary medical treatment without consent, to respect the right not to undergo sex assignment treatment, to review medical classifications, and to the right to self-determination by facilitating legal recognition in official documents.

## Equality and non-discrimination

- ECRI, as part of its five-year monitoring cycle, adopted its fifth reports on Albania, Austria, the Czech Republic, Estonia, Greece, Hungary, Poland and Norway (see respective chapters). Austria, Greece, Hungary, Norway were instructed to adopt an action plan for non-discrimination of LGBT people, while ECRI recommended that Albania needed to step up the implementation of its action plan.
- In July, Commissioner for Human Rights Nils Muižnieks released the report based on his visit to Serbia. He noted that, despite some progress, homophobia and

discrimination against LGBTI people persisted, particularly in the workplace, and had to be addressed by the authorities.

- In October, the Commissioner released the report of his visit to Slovakia, encouraging the government to provide legal recognition to same-sex couples and stated that the persistent anti-gay public discourse and hate speech was very worrying, despite the strengthened policy and institutional framework.
- In December, the Sexual Orientation and Gender Identity (SOGI) Unit organised a seminar on "National Action Plans as effective tools for the promotion and protection of human rights of LGBT people". This seminar took place in Bratislava and was organised in cooperation with the Ministry of Justice of the Slovak Republic.

## Freedom of assembly

- In June, the Parliamentary Assembly (PACE)'s General Rapporteur on the rights of LGBT people, Jonas Gunnarsson, expressed deep disappointment at the refusal, yet again, to authorise a Gay Pride rally in Moscow, despite the 2010 ruling of the ECtHR that such bans violate human rights.
- On 9 July, Commissioner for Human Rights Nils Muižnieks published an updated Opinion on the legislation of the Russian Federation on non-commercial organisations. Muižnieks pointed out that Russian NGO legislation falls short of European standards and must be revised to allow human rights defenders and NGOs in Russia to perform their essential role in society (see **Russia**). His comments were made in response to the fact that more human rights NGOs were labelled as "foreign agents" by the Russian government, including the LGBTI group Maximum. He also noted that the practice of applying the Law on Foreign Agents had largely confirmed his initial concerns about possible abuse.
- In September, the Committee of Ministers encouraged Moldova to continue taking all necessary measures to ensure that NGOs can exercise their right to peaceful assembly, in accordance with the 2012 judgment by the ECtHR in *GENDERDOC-M v Moldova*.

## **Freedom of expression**

- In June, 22 Members of the Parliamentary Assembly of the Council of Europe (PACE) tabled a written declaration urging Kyrgyzstan to abandon the bill criminalising “propaganda of non-traditional sexual relations” and adopt measures to combat discrimination against LGBTI people.

## **Legal gender recognition**

- In March, Transgender Europe (TGEU) and ILGA-Europe filed a collective complaint against the Czech Republic before the European Committee of Social Rights. The complaint concerned the fact that sterilisation is a prerequisite for legal gender recognition in the Czech Republic and was deemed admissible on 9 September.
- On 22 April, the PACE adopted Resolution 2048(2015) “Discrimination against transgender people in Europe”. The resolution calls for abolition of the legal requirement of sterilisation and other compulsory medical treatment in laws regulating the procedure for changing a name and registered gender.

## European Union

For those who had hoped that the EU would take a strong stance on the promotion of LGBTI rights, the first full year of the European Commission's current formation turned out to be a disappointment. Despite the creation of a new high-level Commission portfolio which includes fundamental rights in its mandate, human rights in general – including the human rights of LGBTI people – did not appear to be top of the EU's agenda in 2015. As a result, the Commission only put forward two working papers on gender equality and the rights of LGBTI people; no strategy on either issue emerged in 2015. The list of actions on LGBTI equality, the Commission's working paper, will hopefully be the basis for more substantial action against discrimination. The Eurobarometer survey included a comprehensive set of questions about social acceptance of LGBTI rights for the first time, with quite alarming results in a number of member states. On an altogether more positive note, the Fundamental Rights Agency launched a very significant focus paper which led to discussions on how to strengthen the human rights of intersex people within the European Union. The Commission also announced plans for a pan-EU campaign promoting social acceptance of LGBTI rights.

## Asylum

- The numbers of refugees and asylum seekers arriving in Europe increased exponentially. In September, the European Commission proposed adopting an EU-wide list of “safe countries of origin” and to collaborate intensely with Turkey. Both proposals are highly problematic for LGBTI asylum seekers, often exposing them to “safe countries” in which LGBTI people are being persecuted on a daily basis.
- The EU’s asylum agency (EASO) developed a training module and a research guide, published in April, tackling some of the challenges regarding LGBTI asylum seekers.

## Education

- In September, the European Parliament adopted a report calling on the European Commission to tackle homophobic and transphobic school bullying and “to support the inclusion of objective information on LGBTI issues in school curricula.”

## Enlargement

- The European Commission’s report on Turkey’s EU visa liberalisation agreement, published in October, failed to mention the need to adopt anti-discrimination legislation that includes the ground of sexual orientation.
- In November, the European Commission published its annual strategy and reports on progress towards EU accession for Albania, Bosnia and Herzegovina, Kosovo, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, and Turkey (see respective chapters).

## Equality and non-discrimination

- In April, the Court of Justice of the European Union (CJEU) ruled that the imposition by EU member states of blood donation bans for men who have sex with men (MSM) may be justified, depending on the situation in each individual member state. The Court also made clear that the principle of proportionality might not be respected by a permanent ban on men who have sex with men from giving blood (see **France**).
- On 11 May, the Fundamental Rights Agency (FRA) launched its focus paper “The fundamental rights

situation of intersex people” to coincide with the IDAHO Forum (see **Montenegro**). The focus paper highlighted the human rights violations intersex people still suffer in Europe and put the issue on the agenda of EU institutions (see **Council of Europe**).

- In September, the human rights of intersex people were discussed in the European Parliament for the first time, at a meeting between MEPs, the LGBTI Intergroup, EC officials and a group of intersex activists.
- The European Parliament adopted two reports (the Noichl report on equality between men and women in June, and the Ferrara report on EU fundamental rights), which specifically referred to the rights of intersex people.
- The European Parliament called on the European Commission in June to adopt a new ambitious gender equality strategy (2016-2020) that included the fundamental rights of LGBTI people. Gender equality strategies are useful tools to begin breaking down binary gender norms and stereotypes but the European Commission did not renew its strategy. In December, it proposed a staff working document called ‘Strategic engagement for gender equality’.
- In December, the European Commission published the “List of actions by the Commission to advance LGBTI equality”. The list set out very general and non-comital actions; the European Parliament and civil society had been calling for a more ambitious LGBTI equality strategy. The document includes actions such as adopting the Equal Treatment Directive, strengthening implementation of relevant existing EU laws and supporting Member States in key policy areas (e.g. education, health and prevention of violence); however several issues, such as closing the gap on homophobic and transphobic hate crime in EU legislation, were omitted. A clear framework to assess and review progress, monitoring and evaluation was also missing.

## Foreign policy

- In April, the European External Action Service (EEAS) published a renewed Action Plan on Human Rights and Democracy (2015-2019), committing to address the threats to civil society space. The Action Plan also commits the

EEAS, member states and the EC to ensure more systematic support to human rights defenders working on women's rights, LGBTI rights, as well as continued work at bilateral and multilateral levels with third countries.

## Freedom of expression

- In 2015, the European Commission started a dialogue procedure with the Lithuanian government on the "Law on the protection of minors against the detrimental effects of public information", following a complaint by ILGA-Europe and its member organisation LGL. The Commission recognised the indications that this law was being used to curtail freedom of expression of LGBTI organisations.

## Family

- On 3 December, Poland and Hungary blocked EU proposals to clarify property rights for married and registered couples who exercise their freedom of movement within the EU. Both countries argued that the proposal to provide a framework for the existing law on property regimes infringed their sovereignty and interfered with family law, national identity, traditions and values.

## Legal gender recognition

- In October, the European Parliament adopted a report urging the European Commission and the Member States to fight against discrimination faced by trans people in the area of employment and to promote their full inclusion in the workplace.
- Also in October, the European Parliament awarded a European Citizen's Prize to Lydia Foy, an Irish trans woman who fought for more than twenty years to get her gender legally recognised by Irish authorities (see **Ireland**).

## Public opinion

- In October, the European Commission published the latest edition of its Eurobarometer survey, detailing discrimination in the EU in 2015. The survey on perception of discrimination in the EU included the grounds of sexual orientation and, for the first time, gender identity. The

report included a spotlight section which covered public attitudes to LGBT people. Since the last survey in 2012, the overall proportion of respondents who think discrimination is widespread had increased, especially for the grounds of sexual orientation (+12%), gender identity (+11%). The survey also revealed wide disparities between different EU member states. On a positive note, more people than ever before stated that equal marriage should be allowed throughout Europe (61%).

- In the framework of its "List of actions to promote LGBTI equality", the Commission announced a two-year communication campaign on improving social acceptance of LGBTI people across the EU. The campaign will be launched in 2016.



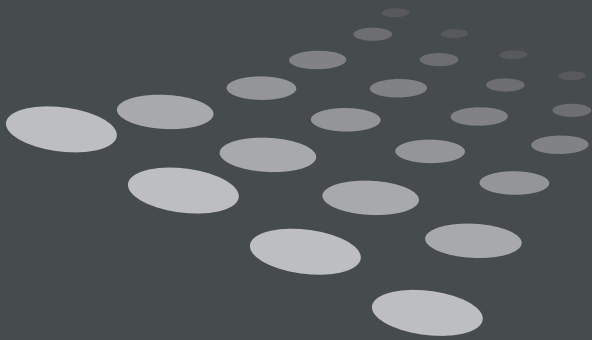
# Organization for Security and Co-operation in Europe

**Throughout 2015, the Organization for Security and Co-operation in Europe (OSCE) continued to highlight the impact of hate crime and intolerance on society. It published its annual report on hate crime, covering incidents in 43 countries. However, data on some bias motivations was still very limited, pointing to problems of under-reporting and gaps in recording.**

## Bias-motivated speech and violence

- On 20 March, the Office for Democratic Institutions and Human Rights (ODIHR) issued a joint statement on hate speech, together with European Commission against Racism and Intolerance (ECRI), and the EU Fundamental Rights Agency (FRA). Michael Georg Link, ODIHR Director, stressed that hate speech is an extreme form of intolerance and contributes to hate crime. Moreover, he called on political representatives and opinion-makers (such as the media, community leaders and educational institutions) to show strong leadership whenever hate speech and hate crimes occur.
- In November, ODIHR published its annual report *Hate Crimes in the OSCE Region* (covering incidents that occurred in 2014). 43 OSCE participating states submitted information to ODIHR, but only 10 of those provided statistics on the number of recorded hate crimes against LGBT people. Civil society groups provided information about homophobic and transphobic incidents in 29 countries. ODIHR regretted that limited data on some bias motivations continued to indicate under-reporting and gaps in recording.
- Also in November, ODIHR organised a two-day conference in Vienna, facilitating collaboration among civil society groups and strengthening co-operation with governments on countering hate crime and other forms of intolerance.

Country  
reviews





# Albania



The LGBTI community in Albania celebrated several encouraging advances in 2015. The collaborative spirit generated by the extensive 2015-2020 action plan discussions with various ministries gave LGBTI activists a confidence boost. The parliament also passed a resolution in support of LGBTI rights which noted the positive developments that have been made, including the peaceful Pride in Tirana. However, despite these public events, general awareness of the LGBTI community remains low. Opinion polls revealed that LGBTI people continue to be harassed and a majority of the electorate stated they wouldn't support political parties whose manifestos included issues related to LGBTI equality.

## Asylum

- During 2015, all the national LGBTI NGOs received requests for assistance from LGBTI people within the country who planned to seek asylum in EU member states. NGOs reported that young people in particular expressed a wish to leave as a result of widespread discrimination and a lack of support.

## Bias-motivated speech

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 76% of the LGBTI people surveyed in Albania had been verbally harassed or abused because of their sexual orientation or gender identity.

## Bias-motivated violence

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 32% of the LGBTI people surveyed in Albania had suffered physical violence because of their sexual orientation or gender identity.

## Education

- In April, for the first time in its history, the Ministry of Education signed a cooperation agreement with LGBTIQ NGO PINK Embassy/LGBT Pro Albania. This agreement allows the NGO to hold lectures, presentations and other awareness-raising activities in high schools. A study on homophobic discrimination and bullying will also be conducted as part of the agreement. The study results will be made public in early 2016.

## Enlargement

- Albania was awarded candidate status by the European Union in 2014. In its annual report on progress made towards EU accession, published in November, the European Commission noted while human rights laws are broadly in line with European standards, implementation of existing laws is insufficient. Despite events such as Pride walks and International Day against Homophobia, Transphobia and Biphobia (IDAHOT), overall public awareness of LGBTI people remains low. The Commission

also noted provisions that discriminate against trans and intersex people should be removed from legislation.

## Equality and non-discrimination

- On 7 May, the parliament passed a resolution entitled “On Protection of Rights and Freedoms of persons belonging to the LGBT community in Albania”. The document details a number of legal and policy reforms that the government should take to improve the lives of LGBT people. Among its recommendations were the adoption of a national LGBT action plan, diversity training for teachers and greater support for the Ombudsman and civil society organisations. 75 members of parliament voted in favour of the resolution, two voted against it and one abstained.

- As part of its five-year monitoring cycle, the European Commission against Racism and Intolerance (ECRI) published a report on Albania in June. ECRI requested that national authorities start gathering systematic data on attitudes towards LGBT people and the discrimination that they suffer. It noted that sexual orientation and gender identity did not feature among the persecution grounds of the new asylum law. To combat hate crime, ECRI recommended that the police build stronger links with NGOs and the LGBT community. The report also called for the introduction of legal gender recognition measures and the establishment of an inter-ministerial working group to monitor how effective national action plan anti-discrimination projects are.

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 65% of the LGBTI people surveyed in Albania had been personally discriminated against because of their sexual orientation or gender identity.

- The Ministry of Social Welfare and Youth (MSWY) held a consultative meeting to provide input for the upcoming action plan for non-discrimination of LGBTI people. The meeting took place in July with international and national experts, LGBTI NGOs, relevant government ministries and equality bodies all attending. The MSWY circulated the final draft in October. The government is expected to approve the 2015 -2020 action plan in early 2016.

## Family

- LGBTIQ NGO Pink Embassy/LGBT Pro Albania wrote to Minister for Justice Ylli Manjani (Socialist Movement for Integration, LSI) in November, calling for the recognition of same-sex couples. Along with Human Rights House Albania and Open Mind Spectrum Albania, they asked the government to amend articles 163 and 164 of the Family Code to allow for gender neutral cohabitation and to recognise the rights of same-sex couples in relation to property, inheritance and health/social insurance. The Ministry of Justice and the MYSW sent recommendations to parliament. The Family Code was not altered in 2015; the justice reforms are expected to take place in 2016.

## Freedom of assembly

- Tirana's second ever Pride took place in June. No major incidents were reported.
- For the first time, LGBTIQ organisation Pink Embassy/LGBT Pro Albania organised five Festivals of Diversity in five different cities: Shkodra, Durres, Elbasan, Korca and Vloa.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 76% of the LGBTI people surveyed in Albania felt that Pride parades have improved the position of the LGBTI community in society.

## Public opinion

- From June – August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. The survey combined the results of online questionnaires, focus groups with LGBTI people and face-to-face interviews with the general public. In Albania, 42% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 58% said they would not vote for a political party that championed the rights of LGBTI people.



# Andorra



**LGBTI activists in Andorra advocated on multiple issues throughout the year, often in collaboration with other civil society groups dedicated to equality. They called on elected officials to introduce legal gender recognition, to initiate data collection procedures, to combat homophobic violence in schools and to establish an equality commission. A new government department, dedicated to equality issues, was announced during the year and will begin its work in 2016.**

## Bodily integrity

- On 15 January, the Parliament (Consell General) approved the Eradication of Domestic and Gender Violence against Women Act but it does not contain any specific reference to the bodily integrity of LGBTI people. Violations are punishable under the civil and penal codes, but again, these codes do not contain any specific reference to the protection of LGBTI people.

## Data collection

- LGBTI NGO Som Com Som appeared before the social affairs legislative committee in June and asked politicians to collect data on the situation of LGBTI people in the country. No action was taken before the end of the year.

## Education

- LGBTI NGO Som Com Som (supported by the Stop Violències Association) asked the education minister Eric Jover (Democrats for Andorra, DA; centre-right) to implement a project to end homophobic violence in the classroom. No specific protocol to eradicate homophobia in schools was introduced by the end of 2015.

## Equality and non-discrimination

- In July, the Minister of Health, Social Affairs and Occupation Rosa Ferrer Obiols (Coalition of Independents, Cdi) announced that, as part of a ministry-wide reform, she would create a new policy area dedicated to equality and supporting victims of gender-based violence. The new Department of Equal Policies was due to begin its work in January 2016.
- Several civil society organisations, including LGBTI NGO Som Com Som, disability rights groups AMIDA, FAAD, Associació Síndrome de Down Andorra and the Stop Violències association worked on a proposal to establish a national equality commission; this work was on-going at the end of 2015.
- Discrimination on the grounds of sexual orientation was added to the list of aggravating circumstances in the Penal Code (40/2014) in January by Minister Xavier Espot Zamora (Democrats for Andorra, DA; centre-right).

- A final report under the UN's Universal Periodic Review process was adopted for Andorra in 2015 (see **United Nations**).

## Family

- In May, LGBTI activists announced their plan to collect signatures for a citizen's initiative to force the Consell General to change the name of the civil unions law to marriage. If a Parliamentary motion is unsuccessful, lawyers representing the groups said they intended to file a discrimination lawsuit before the European Court of Human Rights.

## Freedom of expression

- LGBTI activists successfully used the so-called 2014 'Mordaza Law' to remove homophobic comments from online news articles during the year.

## Health

- Minister Rosa Ferrer Obiols (Cdi) started to work on the new Health Plan 2020 but LGBTI people's specific needs were not mentioned in the text.





# Armenia



**Contradictory messages emerged from Armenia in 2015. On the one hand, the marriage rights of LGBTI people were limited in a sweeping package of constitutional changes and LGBTI activists were harassed on the street and online. On the other hand, political figures reacted defensively when questioned on the issue. Statements from the president's office continue to insist that adequate provisions are in place to protect against discrimination. Amidst this atmosphere of intolerance, there were positive signs of solidarity. The national LGBTI community mobilised in greater numbers than in previous years. Human rights activists spoke out in support of LGBTI people targeted after the first ever Rainbow Forum, the PACE called for greater action by Armenian authorities, and an infamous newspaper was fined for publishing homophobic content.**

## Bias-motivated speech

- In February, the *LGBTnews* website featured a series of interviews with political figures on LGBTI rights. Karine Achemyan MP (Republican Party of Armenia, RPA; right-wing) commented that she was not sent to parliament to protect the rights of LGBT people. When asked about violations of the rights of LGBTI people, Tevan Poghosyan MP (Heritage faction) replied “I don’t now see it as an issue, you even have a web site, in many other countries you would all have been burnt or killed while you exist in Armenia ...”.
- The Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan ruled against the *Iravunk* newspaper for publishing homophobic content. In July 2014, *Iravunk* had published personal information of all three plaintiffs in an article entitled “Another three of Conchita’s witnesses joined the persecution of free speech”. On 14 May, Judge Arayik Melkumyan ordered the paper to publish a refutation and pay each of the plaintiffs AMD 250,000 (approx. EUR 480).
- During parliamentary hearings on proposed constitutional reforms in September, Hrayer Tovmasyan, a member of the Specialised Commission on Constitutional Reforms, said “we have tried to put it clearly that same-sex marriages are alien to our value system.”
- In October, the mayor of Vanadzor reacted to the announcement that an LGBT forum would be held in the Lori region by saying “Shame on them, that they are organising such kind of events...”. LGBTI NGO Pink Armenia complained to the Commission on Ethics of High-Ranking Officials but had not received a response by the end of the year.
- One of the ‘Rainbow Forum’ participants (see **Freedom of assembly**) was threatened after taking part in the event. On 21 October, she was followed from a bus by a man who then grabbed her and shouted “viruses like you should be burned... we’ll find you all and destroy all of you one by one”.
- On 6 November, the leader of the Armenian Socialist Movement Robert Aharonyan burnt a rainbow flag at a protest in front of the EU Delegation office (see also **Respect for private and family life**).

## Bias-motivated violence

- On 23 August, two trans sex workers were assaulted by five men at a park in Yerevan. The incident was reported to the police, no individual was detained and the prosecutor’s office was processing the case at the end of 2015.

## Data collection

- In January, the NGO Public Information and Need of Knowledge and another NGO Socioscope (Societal Research and Consultancy Center) published ‘The impact of LGBT emigration on economic indicators of Armenia’. The report details the economic impact of LGBTI emigration during 2011-2013. An estimated 5,891 LGBTI people emigrated during this time period. The report’s authors estimate that budget revenues could have been increased by USD 20 million had the LGBT individuals, who left due to discrimination, remained in the country.

## Equality and non-discrimination

- On 25 January, Petra de Sutter (Belgian delegate at the Parliamentary Assembly of the Council of Europe (PACE)) issued a call to the Armenian authorities to condemn hate speech and to implement the CoE Council of Ministers’ recommendation on combatting discrimination. The call cited articles from *Iravunk* newspaper as an example. Her announcement was signed by 22 fellow delegates. In March, the president of *Iravunk*’s editorial board Hayk Babukhanyan demanded an apology from the PACE delegates.
- Following Armenia’s Universal Periodic Review (UPR) hearing on 22 January, the government stated its commitment to providing effective protection against discrimination to LGBTI people, combatting hate speech and training law enforcement officials in how to deal with bias-motivated crimes against LGBTI people.
- On 17 May, LGBTI NGO Pink Armenia submitted a letter containing questions on LGBTI issues to President Serzh Sargsyan, MPs and several ministries. Reacting to a question about protection for LGBTI people in the country, the president’s office said that “...necessary prerequisites exist in legislation to exclude any act of discrimination”.

## Family

- A package of constitutional changes proposed by President Sargsyan's government was approved by the National Assembly on 5 October. As part of the package, an amendment to the marriage definition was suggested. The term 'one another' was added to the existing clause on marriage; effectively limiting the union to different-sex couples only. The changes to marriage were passed by referendum (along with changes to the country's system of government, electoral system and judicial powers) on 6 December. Voter turnout was 51% and 66.2% of those who voted supported the referendum. On 8 December, a PACE delegation stated that the referendum was "driven by political interests instead of the needs of the Armenian public". Opposition parties, including the Armenia National Congress (ANC, centre-right) and the Heritage Party (centre/centre-right), claimed that the referendum results were fraudulent.

## Freedom of assembly

- The first Armenian LGBT 'Rainbow Forum' took place from 17-18 October in the province of Lori. The Forum attracted 40 participants.

## Human rights defenders

- Following the threats made against Rainbow Forum participants, both in person (see **Bias-motivated speech**) and on social media, Human Rights House Network released a joint statement in support of human rights activists. It called on the relevant authorities to immediately investigate all cases of threats, take appropriate steps to protect human rights defenders and ensure attacks are denounced by political leaders.

## Respect for private and family life

- Robert Aharonyan, who has a history of making homophobic speeches and campaigning against LGBTI activists, was outed for using gay dating websites on 18 November. NGO Pink Armenia issued a statement calling for an end to hate attacks against Aharonyan.



# Austria



2015 saw the implementation of several key judgments in the area of family law. These cases ranged from the extension of medically assisted reproduction to lesbian couples to the striking down of a ban on joint adoption options for same-sex couples, the first ruling of its kind in Europe. LGBTI activists gathered together in a show of public support for a lesbian couple evicted from a café; however the Eurobarometer figures revealed people in Austria felt less comfortable with LGBT work colleagues than the EU average. The push for marriage equality also continued throughout the year.

## Access to goods and services

- In January, a lesbian couple who had kissed at Café Prückel in Vienna were asked to leave the establishment after the manager reportedly said “diversity such as this belongs in a brothel, not in a traditional coffee house”. The couple brought this to the attention of the media and the manager later apologised for her reaction. On 16 January, an estimated 2,000 people gathered in Vienna to protest against the couples’ treatment and to draw attention to discrimination against same-sex couples.

## Age of consent

- A 2013 ECtHR judgment, concerning the non-deletion of convictions under the higher age of consent provision for male homosexual acts, was implemented following the introduction of the Special Criminal Record Deletion Act. The 2013 *E.B. and others v Austria* judgment required authorities to remove historical convictions handed down under article 209 of the criminal code from an individual’s record. The Act goes further than the ECtHR decision and extends this deletion to those convicted under additional legislation, such as the law criminalising male and female homosexuality, in force until 1971. The Act will come in force on 1 January 2016.

## Bias-motivated speech

- On 7 July, the parliament’s National Council amended section 283 of the Criminal Code. The amendments were then passed by the Federal Council on 23 July. Sexual orientation was included in the list of aggravating factors that should be taken into account during sentencing. The new hate speech law will come into force on 1 January 2016.

## Bias-motivated violence

- On 7 July, the parliament’s National Council amended section 33 of the Criminal Code through the Criminal Law Amendment Act 2015. The amendments were then passed by the Federal Council on 23 July. Sexual orientation was included in the list of aggravating factors that should be taken into account during sentencing. The new hate crime law will come into force on 1 January 2016.

- The latest ECRI report on Austria was published on 13 October. The lack of any comprehensive approach to LGBT issues at federal level was criticised and ECRI recommended that the Austrian authorities set up an IT system for recording homophobic and transphobic hate crime.

- Section 33 of the Penal Code was amended to expressly include sexual orientation; this provision covers the conditions that will be considered by judges as ‘special aggravating circumstances’ during sentencing. The grounds protected under incitement to hatred (found in section 283 of the code), including sexual orientation, will now be considered as special aggravating circumstances when a crime is committed for specific motives.

## Family

- On 14 January, the Austrian Constitutional Court became the first court in Europe to strike down a ban on joint adoption for same-sex couples. The court held that excluding same-sex couples from joint adoption was discriminatory and contrary to the best interests of the child. The deadline for parliament to legislate was 31 December 2015, but in October the Federal Ministry of Justice declared that further legislative amendments were not considered necessary to implement the court decision – the wording in the court’s judgment would sufficiently achieve this goal. Joint adoption by same-sex couples will be possible as of 1 January 2016 without further amendments to the law.

- Access to artificial insemination was officially extended to lesbian couples, following a 2013 court decision to end the ban on sperm donations for lesbian couples. The Constitutional Court deadline for imposing this legal change had been set at 31 December 2014 but the vote to enact the law took place in 2015. The Reproductive Medicine Law Amendment Act came into force on 23 February.

- An Austria national and their Thai partner initiated proceedings against Austria before the ECtHR. Their application to enter a registered partnership at a civil registry office was initially rejected in 2010. The couple argued that this constituted discrimination on the

grounds of sexual orientation, as registered partnerships and civil marriages are conducted at different offices. The ECtHR officially opened proceedings in May but there were no further developments in the *Dietz and Suttasom vs Austria* case before the end of 2015.

- In November, a citizen's initiative calling on the government to consider marriage equality attracted 45,000 signatures from members of the public. The *Ehe Gleich!* Initiative will be examined by the Minister for Justice and the Minister for Family Affairs in 2016; although part of the community and some LGBTI NGOs feel that it would be preferable for the institution of marriage to be reformed and modernised first.

## **Freedom from torture, cruel, inhuman or degrading treatment**

- On 6 November, the CoE's Committee on the Prevention of Torture published a report following a 2014 prison visit where they met with trans inmates. The Committee recommended that the authorities should take steps to ensure that trans people in prison have access to treatment and the legal gender recognition process; it also stated that anti-discrimination policies should be drafted and implemented to protect trans prisoners.

## **Public opinion**

- According to Eurobarometer 2015, 57% of people surveyed in Austria believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 58% felt discrimination on this ground was widespread (EU 28 average was 56%). 70% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 55% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 49% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Azerbaijan



Azerbaijan's LGBTI community continued to face severe challenges in 2015. Numerous violent attacks were carried out against LGBTI individuals; several murders were reported and investigated throughout the year. Political figures denounced marriage equality and the European Parliament demonstrated its concerns by passing a resolution that called for better protection of LGBTI people in Azerbaijan.

## Bias-motivated speech

- Mubariz Gurbanli (New Azerbaijan Party, YAP; centre-right) differentiated Azerbaijan from Europe and the United States, saying that same-sex couples would never be allowed. Gurbanli (chairman of the State Committee for Work with Religious Organisations) said that tolerance had its limits before posing the question “Should we allow same-sex marriages? No, and no again!”.

## Bias-motivated violence

- On 14 January, a 29 year-old gay man was robbed and beaten up in Yasamal by a man who he had met online. He made a statement about this attack to the police. Also in January, a 24 year-old was attacked at a well-known bar in Baku because of his sexual orientation.
- A gay man who had been living in the Shamkir region was found dead at his apartment on 28 February. The Narimanov District Police Department commenced an investigation. In March, a 28 year-old trans person was found strangled and stabbed to death in an apartment in Baku. On 10 April, another man was robbed by an individual he had met online. On 24 April, a gay man was attacked and robbed by two men who he had met for sex; both perpetrators were sentenced to four years in prison by Baku Serious Crimes Court in August.
- In May, media reports described an attack on a trans woman in Baku, who was beaten and robbed by two men. She reported the incident to the police and both perpetrators were arrested. A criminal investigation was ongoing at the end of the year.
- A trans woman was murdered in June following a brawl in Baku’s Sabail district. Her partner was also killed and two other people were injured during the incident. The Sabail District Prosecutor’s Office launched a criminal investigation, one person was arrested and charged, and the court case was ongoing at the end of 2015.
- A trans person was stabbed in the throat near a metro station in Baku in November; Narimanov District Police Department was investigating the attack on the sex worker at the end of the year.

## Foreign policy

- The European Parliament’s resolution on Azerbaijan, passed on 10 September in Strasbourg, stressed the parliamentarians extreme concern at the treatment of LGBTI people in the country. The resolution condemned political hate speech against LGBTI people. It also urged the Azeri authorities not to hinder the work of human rights defenders. Responding on Twitter, President Ilham Aliyev (New Azerbaijan Party, YAP) said that the resolution was “a political provocation based on lies, slander and prejudice”.

## Freedom of expression

- Nushiravan Maharramli, chair of the National TV and Radio Council (NTRC), gave an interview in October, stating that the ANS TV channel should raise the standards of its programming instead of broadcasting programmes that “present the homosexual lifestyle as normal”.

## Police and law enforcement

- In November, the police in Baku carried out a series of raids on buildings where trans sex workers gathered and brought the sex workers to Binagadi District Police Office, according to media reports.





# Belarus



The LGBTI community in Belarus faced a number of challenges in 2015. The government pressed ahead with legislation, claiming child protection was their intended goal, but LGBTI activists found that the new law threatened their freedom of expression. A number of bias-motivated assaults were recorded by NGOs. While space for LGBTI activists in some areas of the country continued to shrink, the first ever queer film festival in Minsk was an example of positive change. A gay man was forced to leave his role with a professional football team and Mikhail Pischevsky died from injuries sustained in a brutal homophobic attack in 2014.

## Access to goods and services

- In March, the organisers of a private LGBT-friendly event at a nightclub in Homiel were forced to cancel the party following pressure from local authorities.

## Bias-motivated violence

- A gay man from Minsk, was assaulted twice, on 8 and 13 March. He was admitted to hospital with concussion and reported the attacks to the police. When they failed to act, he initiated a case in the Frunze District Court. On 28 April, a gay man was beaten in Zhlobin. According to the victim, the unknown assailant beat him and forced him to undress while filming the incident. The incident was reported to the police. Also in April, a gay man from Zhodino was physically attacked. Neither reported the incident to the police.
- By May, the Identity Human Rights Centre had received four reports of homophobic attacks against men.
- Following a violent attack that took place in Minsk in May 2014, Mikhail Pischevsky died on 27 October. Mikhail was left in a permanent vegetative state after the physical attack outside a nightclub. The perpetrator served 11 months in prison after being convicted with hooliganism and serious bodily assault by recklessness.

## Employment

- Valentin Serada was fired from his role as marketing director for the Dinamo Minsk football club in January. Serada, who is gay, was dismissed for actions that the club called “unprofessional” and that caused “substantial damage” to their image. A number of Dinamo Minsk fans had started a homophobic social media campaign that opposed Serada’s appointment.

## Equality and non-discrimination

- A final report under the UN’s Universal Periodic Review process was adopted for Belarus in 2015 (see **United Nations**).

## Freedom of assembly

- DOTYK, the first Belarusian Queer Film Festival successfully took place in Minsk in February.

## Freedom of expression

- The draft law *On Amendments and Additions to Certain Laws of the Republic of Belarus (to protect children from information harmful to their health and development)* passed the first reading stage in parliament on 15 October. This proposal, first announced in December 2014, would forbid sharing any information with children that discredits the “institution of family”. Following the first reading, it was sent to the president, the Council of Republic (upper chamber of parliament) and the Council of Ministers for suggestions and comments. The parliament’s human rights committee was then instructed to finalise the draft bill and eventually it will be sent to the House of Representatives for a second reading in 2016. The bill does not contain specific references to sexual orientation or gender identity but it does still refer to information that “discredits the institution of family and marriage”.

## Public opinion

- Figures from a case study on family systems carried out by the Institute of Sociology of the National Academy of Sciences were published in June. 2.2% fully agreed with the statement that they wouldn’t mind if someone in their family wanted to enter a marriage with someone of the same sex; 82% strongly disagreed with the statement. When the wording of the statement was changed to read “For me the only acceptable form of family is recorded marriage between a man and a woman”, 6.9% disagreed. 62% fully agreed with the second statement.



# Belgium



Belgian society continued to demonstrate support for LGBTI people, a fact borne out by encouraging Eurobarometer survey results. Legislation extending automatic parental recognition to non-birth mothers in lesbian couples came into effect at the beginning of the year. At federal government level, discussions began on improving the legal gender recognition process. A Brussels-based criminal court recognised the homophobic motive behind an attack on a city centre bar and the Bishop of Antwerp modestly refused an LGBT equality accolade.

## Asylum

- NGO Subversive Front in FYR Macedonia registered one case of an LGBTI person seeking to leave the country and apply for asylum in Belgium. The man had been subjected to homophobic bullying due to his sexual orientation and in June, he moved to Brussels. In October, he was granted refugee status by the Belgian authorities.

## Bias-motivated speech

- Conservative organisation Pro Familia sent an email to their supporters that claimed homosexuality and paedophilia are closely related. The email was entitled "Homosexuality and pedophilia: A two-headed monster".
- Footballer Benito Raman was suspended by his club AA Gent in December after he started a homophobic chant after a match. After the incident, AA Gent apologised and said that Raman would receive counselling and attend an information session with LGBT NGO Çavaria.

## Bias-motivated violence

- In March, a 42 year-old man was fined EUR 1,800 and given 300 hours of community service for an attack on Brussels LGBT bar La Fontainas in 2011. The criminal court noted the homophobic nature of the attack; an accomplice was also given a community service order.

## Bodily integrity

- In June, the Flemish Minister for Equal Opportunities Liesbeth Homans (New Flemish Alliance, N-VA; centre-right) stated that the Flemish government was considering adding the rights of intersex people to the region's equal opportunities policy. Before the end of 2015, the rights of intersex people were added to the policy. Minister Homans also launched research into the situation of intersex persons; this was on-going at the end of the year.

## Diversity

- Johan Bonny, Bishop of Antwerp, turned down an LGBTI equality award from LGBT NGO Çavaria. The bishop was recognised for his call for acceptance in an open

letter to colleagues in 2014 but said he could not accept a prize for work that was central to his role as a bishop.

## Employment

- Youth organisation Chirojeugd Flanders, Karel de Grote University College in Antwerp, the Flemish and federal governments all added X options to their job application forms in 2015, meaning that potential employees were not limited to identify as male or female.

## Family

- On 1 January, legislation came into force that put co-mothers in same-sex couples on an equal footing with fathers in different-sex couples as to the recognition of their parenthood. Co-mothers no longer have to go through an adoption process, but will be recognised automatically when the parents are married, or through a simple declaration when the parents are not married.

## Foreign policy

- Deputy Prime Minister and Minister of Development Cooperation Alexander de Croo (Open Flemish Liberals and Democrats, VLD; centre-right) addressed the UN Commission on Population and Development in April. He raised discrimination against LGBT people in health policy and sex education.

## Freedom of assembly

- The Ihsane Jarfi Foundation organised a march to protest against homophobic violence. On 4 May, approximately 100 people, including Flemish and francophone politicians from the socialist and green parties, marched in Brussels city centre. The protest received applause and isolated insults from passers-by.

## Legal gender recognition

- Secretary of State for Equal Opportunities Elke Sleurs (New Flemish Alliance, N-VA) announced her intention to reform the legal gender recognition process. In a TV interview on Canva's *Reyers Laat* programme in January, Sleurs said that the current sterilisation and surgical intervention requirements violated the integrity of trans

people. Justice Minister Koen Geens (Christian Democratic and Flemish Party, CD&V; centre-right) also stated that he was in favour of removing medical requirements in response to a parliamentary question on 6 May. Discussions on the issue were still on-going at the end of the year.

## Public opinion

- According to Eurobarometer 2015, 59% of people surveyed in Belgium believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 55% felt discrimination on this ground was widespread (EU 28 average was 56%). 81% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 90% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 83% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Bosnia and Herzegovina



The need to make quicker progress on equality issues in Bosnia and Herzegovina was stressed by the European Commission and acknowledged at national level, as political figures noted they were lagging behind their neighbours. The BiH state parliament discussed the rights of LGBTI people for the first time. The Council of Ministers adopted amendments to anti-discrimination law; while not finalised, this is an important first step. The experiences of trans people were documented in a major new NGO study. NGOs continued to offer trainings for police officers, along with similar schemes for politicians, judges and prosecutors.

## Access to goods and services

- In Banja Luka, a bar published homophobic comments (and later threatened LGBTI activists who reacted) on their Facebook page. The case was reported to the police but no action was taken. In Sarajevo, two women were asked to leave a bar after kissing each other. When NGO Sarajevo Open Centre (SOC) tried to reserve a table at the same bar, they were warned not to hug or kiss as the owner did not want any problems at his premises. The NGO was considering legal action at the end of the year.

## Asylum

- NGO SOC proposed improvements to the Ministry of Security's new draft of the Asylum Law. Activists asked that sexual orientation and gender identity be included as asylum grounds and these amendments were adopted by the House of Representatives in December. The House of Peoples passed a different version of the law that did not include sexual orientation and gender identity; its contents will be finalised in February 2016 at a joint committee.
- Vaša Prava, a legal information NGO, assisted a gay man from Africa with his successful asylum application.

## Bias-motivated speech

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 72% of the LGBTI people surveyed in Bosnia and Herzegovina had been verbally harassed or abused because of their sexual orientation or gender identity.
- NGO SOC documented 123 hate speech cases in 2015. The cases mostly involved online hate speech but also included newspaper articles promoting discrimination against LGBT people.

## Bias-motivated violence

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 15% of the LGBTI people surveyed in Bosnia and Herzegovina had been the victim of physical violence because of their sexual orientation or gender identity.
- NGO SOC documented 18 cases of bias-motivated crimes, involving physical and verbal attacks, blackmail,

threats, domestic violence and malpractice by law enforcement officers.

- In November, Vesna Švancer, Vice-president of the House of Representatives of the Parliament of the Federation (Union for a Better Future of BiH, SBB; centre-right) announced that her party would propose amendments to the country's criminal code to better regulate hate crime by the end of 2015. The process was delayed and the amendments will be proposed in 2016. If adopted, all three federal units will have hate crime provisions.
- In December, a 14 year-old boy in Sarajevo committed suicide, allegedly due to homophobic bullying and abuse he experienced at school. The Prosecutor's Office of Canton Sarajevo and the BiH Ombudsperson for Human Rights both announced they would work on this case.

## Data collection

- *Life Beyond the Set Norms*, the first major study on trans people in BiH, was published by NGO SOC in December. The research showed that 70% of trans people surveyed saw fear of violence and exclusion as their main obstacle from living freely. 18% were discriminated against in health care institutions and 30% in education. 60% of trans people that participated experienced physical violence and 80% experienced psychological/emotional violence. 100% of trans people questioned had encountered problems while filing for personal documents and 88% of trans people in the study would change their sex marker on documents right away if they were legally able to do so.

## Enlargement

- Bosnia and Herzegovina has been a potential candidate to join the European Union since 2003. In its annual report on progress made towards EU accession, published in November, the European Commission pointed out that no attempts have been made to develop a national anti-discrimination strategy or to systematically record reported hate crimes. The Commission said that anti-discrimination legislation and criminal codes need to be amended to protect LGBTI citizens from discrimination

and hate speech. The report also noted the lack of a clear legal gender recognition process for trans people. Bosnia and Herzegovina will submit a request for EU membership in February 2016.

## Equality and non-discrimination

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 51% of the LGBTI people surveyed in Bosnia and Herzegovina had been personally discriminated against because of their sexual orientation or gender identity.
- Amendments to the Anti-Discrimination Law, including prohibiting discrimination on the grounds of sexual orientation, gender identity and sex characteristics, were adopted by the Council of Ministers (state government) in December. The draft law will go through the Parliamentary Assembly's procedure in 2016 before being finalised.
- The Government of Republika Srpska adopted their operational plan for the implementation of the Gender Action Plan for 2016 on 15 December; this is the first operational plan approved by a government in BiH that explicitly mentions LGBT people. Bosnia and Herzegovina made a similar operational state-level plan and the Federation of Bosnia and Herzegovina also initiated an operational plan on entity level – both will be adopted in early 2016.
- A final report under the UN's Universal Periodic Review process was adopted for BiH in 2015 (see **United Nations**).

## Family

- The Council of Muftis of the BiH Islamic Community published a statement on 15 December, saying that marriage is only between a man and woman, homosexuality is a great sin but that violence against a person because of their personal traits is forbidden.
- During a TV interview organised by TV Liberty and LGBT NGO SOC, Maja Gasal-Vražalica (Democratic Front, DF; centre-left) and Damir Arnaut (Union for a Better Future of BiH, SBB; centre-right) openly stated their support for legally recognising same-sex couples.

## Freedom of assembly

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 69% of LGBTI people surveyed in Bosnia and Herzegovina felt that public LGBTI events have improved the position of the LGBTI community in society.
- In 2015, the Merlinka LGBT Film Festival was held in Sarajevo and Tuzla without any problems; an investigation by the Prosecutor's Office into the 2014 attack on the festival was still on-going.

## Freedom of association

- Mostar-based LGBTI group Liberta Mo officially registered as an NGO; additionally the Tuzlanski otvoreni centar (TOC – Tuzla Open Centre) initiated their registration.

## Participation in public, cultural and political life

- To mark IDAHOT on 17 May, the Joint Committee on Human Rights of the BiH Parliamentary Assembly addressed the rights of LGBT people. This was the first time that the issue had ever been discussed by a legislative body in Bosnia and Herzegovina.
- In November, Chairman of the BiH parliamentary Committee on Human Rights Borislav Bojić (Serb Democratic Party, SDS) said that Bosnia and Herzegovina was behind its neighbours Serbia and Croatia in terms of protecting the rights of LGBTI people, during a meeting with US State Department Envoy Randy Berry in Sarajevo.
- NGO SOC ran a two-day training session on the issues faced by LGBTI people for nine members of three political parties (Democratic Front, Social Democratic Party and Union for a Better Future of BiH) in December.

## Police and law enforcement

- In total, 161 police officers from every canton in the Federation of BiH received training, from NGO SOC and the OSCE Mission to BiH, on how to respond effectively to hate crimes. They also organised training for apprentices of courts and prosecutors' offices, attended by 23 people.



- In May, a total of 42 judges and prosecutors were trained in how to combat discrimination of minority groups by Heinrich Böll Stiftung, organised by the NGO SOC with the support of the two Centres for Judicial and Prosecutorial Training of the Republika Srpska and Federation at various sessions in Sarajevo.

## **Public opinion**

- From June – August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. In Bosnia and Herzegovina, 44% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 52% said they would not vote for a political party that championed the rights of LGBTI people.



# Bulgaria



The Bulgarian authorities' inaction on hate speech was widely criticised in 2015; both from within the country and by external actors. Following the publication of an Amnesty International report, national activists called on the government to act on hate crimes. Political parties and religious leaders continued to speak out against equality but a long list of ambassadors pledged their support to Sofia Pride. An intersex person was refused gender recognition in a novel legal case and people who have undergone change of gender were protected from discrimination for the first time. In another historic first, an Iraqi asylum seeker was recognised as a refugee on the basis of sexual orientation.

## Asylum

- A gay man, originally from Iraq, was granted asylum on 17 December. The man had left Iraq, after he had been kidnapped, threatened and violently assaulted because of his sexual orientation. This was the first time that the Bulgarian State Agency for Refugees granted refugee status to a person seeking protection because of persecution on the basis of their sexual orientation.

## Bias-motivated speech

- A statement released by the Bulgarian Orthodox Church on 26 June (see **Freedom of assembly**) referred to homosexuality as an “unnatural lust which undoubtedly damages the individual, the family and society and causes detrimental effects on physical, mental and spiritual state of people”.

## Bias-motivated violence

- Amnesty International criticised the lack of effective hate crime investigation in Bulgaria. In their *Missing the Point* report released in February, the NGO stated that the failure to investigate hate crime creates a climate of impunity and that legislative gaps contribute to the “... invisibility of homophobic and transphobic hate crimes”.

## Bodily integrity

- On 5 June, the Sofia District Court rejected an intersex person’s application for legal gender recognition. This was the first case of its kind in Bulgaria. The court turned down the application as the applicant had not undergone “body corrective surgery”. The decision was appealed to the Sofia City Court and the next hearing will take place on 16 May 2016.

## Data collection

- LGBT NGO Bilitis published the results of a research project with LGBTI students and teachers, entitled *Schools for All?*. The study, based on structured interviews with students and teachers in Sofia, found that current school anti-discrimination policies are ineffective, verbal harassment is widespread and that sexual orientation and gender identities are not discussed in educational programmes.

## Education

- The Sofia Pride organising committee compiled the Declaration for Non-Discrimination of LGBTI People in the Sphere of Education, a list of demands for changes in the education system to improve the lives of LGBTI students. 13 NGOs and two political parties (The Greens and DEOS (Movement for European Association and Solidarity; liberal)) signed the declaration.

## Equality and non-discrimination

- The government specifically added gender reassignment to the ground of ‘sex’ in the Law on Protection against Discrimination (01/2004). The law was amended on 25 March, protecting trans people from all forms of discrimination. The Bulgarian Helsinki Committee criticised the amendment’s wording; the NGO stated that the provision leaves room for interpretation that might lead to a situation where trans persons who have not undergone gender reassignment surgery are left unprotected.
- A final report under the UN’s Universal Periodic Review process was adopted for Bulgaria in 2015 (see **United Nations**).

## Family

- Youth LGBT organisation Deystvie filed a request for protection under the Law on Domestic Violence for a woman who was psychologically attacked by her female former civil partner. The Sofia Regional Court refused the request, stating that the woman did not have legal grounds to ask for protection as she was in a same-sex partnership. The court also held that civil partnership could only exist between a man and a woman and closed the case. Complaints were pending before the National Anti-Discrimination Body and the ECtHR respectively at the end of 2015.
- Planning to get married to his partner in the Netherlands, in August, a Bulgarian citizen applied to the Sofia municipality to obtain the certificate required by the Amsterdam municipality. The Sofia administration refused the request, citing the Bulgarian constitutional ban on equal marriage and stating that if they issued the

certificate, they would be bound to accept the subsequent marriage. At the end of 2015, the citizen's case was pending before the Sofia city Administrative court and the National Anti-Discrimination Body.

- An application was filed in court on behalf of a same-sex couple with a child born using artificial insemination to one of the women. As the non-birth mother is not recognised under Bulgarian law, her father recognised the child in order to give her some rights. However, this means that the child and the non-birth mother now share a family name (and are practically legal step-sisters) while the biological mother regularly has to prove that she is the mother of a child with a different family name. The couple asked the court to allow the biological mother change her surname on the basis of her same-sex relationship; decision was pending at the end of 2015.
- In December, youth LGBT organisation Deystvie started a campaign which aims to gather 100 same-sex couples to enter applications for issuing certificates for their marital status. The campaign's long term aim is to legalise equal marriages concluded in a foreign country.

## Freedom of assembly

- On 17 May, LGBTI activists gathered in front of the Sofia City Courthouse to protest against homophobic and transphobic hate crimes. 40 people took part in the IDAHOT protest march. The activists called on the authorities to add homophobic and transphobic motives to existing hate crime legislation.
- In June, the Ataka Party (far-right) filed a bill in parliament calling for participants in Pride events to be imprisoned; the bill was later defeated.
- Sofia Pride was scheduled for 27 June; its main focus in 2015 was discrimination in education (see **Education**). In the weeks leading up to the event, anti-equality groups and the Bulgarian Orthodox Church called for the parade to be cancelled (see **Bias-motivated speech**). Media editors, sports personalities and political figures wrote to Sofia's mayor, asking Yordanka Fandakova (Citizens for European Development of Bulgaria, GERB; centre-right) to call off the march. A statement of support for Sofia Pride

was signed by the Bulgarian ambassadors from Austria, Belgium, Croatia, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Romania, South Africa, Spain, Sweden, the United Kingdom and the United States. Over 1,500 participants took part in the Pride celebrations, including members of the DEOS and Zelenite (The Greens) parties.

## Participation in public, cultural and political life

- Victor Lilov (DEOS) became the first openly gay candidate to run in local elections in October. He contested the mayoral race in Sofia and his party won 0.76% of the vote.

## Public opinion

- According to Eurobarometer 2015, 34% of people surveyed in Bulgaria believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 31% felt discrimination on this ground was widespread (EU 28 average was 56%). 51% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 39% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 36% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Croatia



Croatia's Life Partnership Act continued to establish itself, as over 90 couples entered into partnerships since its introduction and the 'partner-guardianship' provision was successfully used for the first time. However, despite Croatia's prominent position on the ILGA-Europe Rainbow Map, social acceptance of LGBTI people in Croatia is still rather low compared to other EU member states. The existing legal gender recognition policy was shown to be inefficient as no requests for change of gender marker were accepted in 2015. In November, parliamentary elections were held and socially conservative party groups won a majority of the vote; the LGBTI movement are waiting to see how this may affect their future advocacy work.

## Asylum

- On 2 July, the International and Temporary Protection Act 2015 entered into force. It replaced the previous asylum legislation dating from 2007 and includes gender identity as a factor considered when determining membership of a social group for asylum purposes.

## Bias motivated violence

- Violent behaviour was reintroduced to the Criminal Code in May following a campaign by NGO Lesbian Group Kontra, Roma women's organisation 'Better Future' and the Serbian Democratic Forum. Kontra argued that this offence offers some protection to LGBTI victims of violence.

## Diversity

- The fourteenth Zagreb Pride celebrations were carried out under the theme of combatting political radicalism and fascism. Using the motto "*Louder and braver: Anti-fascism without compromises!*", the Pride March organisers urged LGBTIQ, feminist, anti-fascist, workers' rights and environmental activists to unite in a wide, progressive front (see **Freedom of assembly**).

## Education

- In the first case of its kind under the 2009 Anti-Discrimination Act, the Supreme Court ruled that a teacher in Bartol Kašić Primary School had not acted in a discriminatory manner. LGBTI NGOs had taken a case against the religion teacher in 2009 who had reportedly told children that homosexuality was an illness. The Supreme Court held that NGO Kontra had not proven that the teacher actually made the comments. Kontra filed an appeal to the Constitutional Court and planned to submit a complaint to the ECtHR.

## Equality and non-discrimination

- A final report under the UN's Universal Periodic Review process was adopted for Croatia in 2015 (see **United Nations**).

## Family

- In the first year since the *Same-Sex Life Partnership Act* was passed, 97 couples registered a life partnership (between September 2014 and September 2015).
- In July 2015, the Municipality Court of Zagreb, for the first time, granted 'partner-guardianship' for a second mother of a baby born into a lesbian life partnership. The 'partner-guardianship' is a form of care for a minor child which may be provided by a life partner after the death of the life partner who is the parent of the child.

## Freedom of assembly

- The fifth Split Pride March was led by Mayor Ivo Baldasar (Social Democratic Party, SDC) and attended by Swedish Ambassador Lars Schmidt and Deputy British Ambassador Nicole Davidson. However, the second Osijek Pride was cancelled.

## Freedom of expression

- The Osijek County Court handed down its decision in *Krišto v. Zagreb Pride* in July. Affirming the Zagreb Municipal Court's earlier decision, it found that Zagreb Pride had violated the personal honour and dignity of a journalist by including her name on a list of candidates of homophobic public persons in 2013. In her previous role with public broadcaster HRT, Karolina Krišto had promoted a film called 'The Kinsey Syndrome' which implied links between homosexuality and paedophilia. When balancing Zagreb Pride's right to expression with Krišto's right to personal honour and dignity, the LGBT NGO felt that the Court did not carry out a test of proportionality but considered the case only from Krišto's position. Zagreb Pride were ordered to pay a fine of HRK 41,000 (approx. EUR 5,400) and, in August, appealed to Constitutional Court.

## Legal gender recognition

- Throughout 2015, at least 10 people were waiting for a decision on their application to have their gender legally recognised under existing regulations. The deadline for responses passed but none of the 10 received a reply. As a

result, no one in Croatia was able to change their gender marker under these regulations in 2015.

## **Police and law enforcement**

- Following Croatia's session on 15 July, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) issued its concluding remarks. The Committee recommended that Croatia take all steps to protect LBT women and in particular, train judiciary and police on non-discrimination and on how to deal with hate speech efficiently.

## **Public opinion**

- According to Eurobarometer 2015, 62% of people surveyed in Croatia believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 49% of Croatians surveyed felt discrimination on this ground was widespread (EU 28 average was 56%). Only 48% of Croatians totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 59% of Croatians said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 56% of Croatians said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Cyprus



Debate over the introduction of a long-awaited civil union bill was the most visible manifestation of the struggle for LGBTI equality in Cyprus in 2015. The optimism felt by LGBTI activists following the government's approval in early summer soon gave way to frustration, as political wrangling over adoption rights and the legal status of civil partners slowed progress down. However, the bill's passage in November after years of discussion, along with the criminalisation of homophobic and transphobic rhetoric and incitement to violence or hatred as well as a peaceful, successful second Cyprus Pride event were signs of the growing support for LGBTI people in Cypriot society.



## Bias-motivated speech

- In May, public incitement to violence or hatred due to homophobia or transphobia was criminalised. Amendments introduced to the Cyprus Penal Code made it an offence to engage in violence towards someone based on their sexual orientation or gender identity. Prosecutions under this law must be approved by the Attorney General. Any individual found guilty of this offence could face a fine of up to EUR 5000 and/or a jail sentence of up to 3 years. LGBTI activists had argued that, instead of adding to the Penal Code, the existing anti-discrimination legislation should have been amended, as it provides for steeper penalties (EUR 10,000 fine and/or 5 year jail term) and is governed by EU and Council of Europe guidelines.

## Family

- The Civil Union Bill was approved by the Council of Ministers on 6 May 2015. A full plenary vote originally scheduled for July was delayed until September, as some MPs attempted to deny civil partners the legal status of 'spouse'. Activists from LGBTI NGO Accept – LGBT Cyprus protested against these attempted changes to the Bill and party leaders decided to postpone the vote. After another postponement at the beginning of the month, a parliamentary majority voted in favour of the bill on 26 November. 39 members of parliament supported the proposal, 12 voted against and three abstained. Under the new legislation, civil unions are open to different - and same-sex couples and the union features all of the rights of civil marriage, except for joint or second-parent adoption.

*"This bill is not about homosexuality, rather we are voting for freedom and equality..."*

**- Nicholas Papadopoulos (Democratic Party, DIKO) during the civil union vote, 26 November**

- Adoption rights for LGBTI couples were a dominant feature of the on-going debate on civil partnership legislation. The civil union bill did not contain any specific references to adoption by same-sex couples; however

opposition to the possibility was expressed by several political parties, including ruling Democratic Rally (DISY; Christian-democratic) and Movement for Social Democracy (EDEK; socialist). In an effort to reach an agreement on behalf of her party, Roulla Mavronikola MP (EDEK) submitted an amendment to the civil union bill, which explicitly prevented civil partners, both different- and same-sex couples, from adopting as a couple; this amendment was approved. During parliamentary discussions, the main opposition Progressive Party of Working People (AKEL; progressive Left) publicly favoured granting same-sex couples access to joint adoption, the first time a Cypriot political party had supported this position.

## Freedom of assembly

- Cyprus' second annual Pride festival took place in Nicosia in June 2015. Five thousand participants attended the festival, including the Australian, Austrian, UK and US ambassadors. Unlike the inaugural Pride march, the 2015 parade was not disrupted by protestors and passed off peacefully. Organisers Accept - LGBT Cyprus said that the social taboo around the rights of LGBTI people was fading away.

## Public opinion

- According to Eurobarometer 2015, 79% of people surveyed in Cyprus believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 79% also felt discrimination on this ground was widespread (EU 28 average was 56%). 62% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 69% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 62% said they would be comfortable or moderately comfortable (EU28 average was 67%).

- A phone interview poll conducted by Pulse Market Research, with 825 inhabitants of metropolitan Nicosia, reported that 64% of those surveyed agreed that the Cyprus Pride Festival should continue to take place. 28% of respondents to the survey, commissioned by the Municipality of Nicosia, said that the Pride should not be conducted.

## Cyprus, Northern Equality and non-discrimination

- Military service is mandatory in Northern Cyprus. Individuals who were classified as having a 'psychosexual disorder' were considered 'unfit' for military service. Mental illness legislation included transsexuality and sexual orientation in its definition of 'psychosexual mental disorder'. Following the decriminalisation of consensual homosexual acts in 2014, state mental psychiatric units no longer issue official certificates diagnosing gay men as 'disordered', meaning that, as of January, gay men could not ask for an exemption based on their sexual orientation. Trans people wishing to be excused from military service still have to provide certification from a psychiatrist. A change to the law for trans people was suggested by the Cyprus Turkish Psychological Association and the Medical Doctors Association at the beginning of 2015 however no progress has been made by the end of the year.
- On a related note, trans people who cannot find employment can only qualify for unemployment benefit if they obtain certification from the Mental Health Services of State Health Authorities saying that they are "impaired". The Cyprus Turkish Psychological Association also proposed an amendment to this in February but it was in subcommittee stage in parliament at the end of the year.
- The Nicosia Turkish Municipality established an LGBTI Youth Desk in February as part of their Youth Council mandate. The aim of the desk is to encourage young LGBTI people to get involved with policy development within the municipality's jurisdiction. The municipality itself aims to develop educational initiatives and community activities to raise awareness of LGBTI issues.



# Czech Republic



Family issues, namely whether or not same-sex couples should be granted access to the adoption system, were firmly on the agenda in 2015. Politicians began to debate the issue but had not reached a conclusion by the end of the year; while one couple continued to fight multiple court cases, resulting in the first decision by a Czech court concerning foreign adoption by same-sex couples. Victims of homophobic bullying in schools received mentoring advice from LGBT NGOs and several public opinion polls revealed moderate to strong support for equality issues such as equal marriage and second parent adoption.

## Education

- LGBT NGO Prague Pride launched an online support service in February. The *S barvou ven* advisory centre links young people who are victims of homophobic bullying at school with mentors who can provide confidential information and advice.

## Family

- A gay couple who were refused permission to adopt under existing legislation initiated a legal challenge in April. The City Court referred the question to the Constitutional Court, making it the first time that the issue of same-sex exclusion from the adoption process would be addressed by the Constitutional Court. The case was on-going at the end of the year.
- On 28 April, the Chamber of Deputies began debating a proposal to introduce second parent adoption for same-sex couples. At the end of 2015, the proposal was still listed in the Chamber of Deputies' programme.
- A gay couple filed an administrative action in the Municipal Court in Prague over the delay in recognising their adopted children's Czech citizenship. The couple adopted two children in the USA in 2005. Despite Czech law stating that adopted children receive Czech citizenship on the day that a Czech court recognises the adoption, the civil registry had refused and said that adoption by same-sex couples is against public order. The administrative case was still pending at the end of the year but the same couple had also filed a district court case. In October, the Prostějov District Court acknowledged the original Californian court's adoption decision, meaning that the adoption is legally binding in the Czech Republic. This is the first time that a Czech court has ruled on the recognition of a foreign adoption by a same-sex couple.

## Health

- The government proposed an amendment to the Czech Public Health Protection Act (Act No. 258/2000 Coll.) in July 2014. This original proposal contained mandatory HIV testing for particular groups, including men who have sex with men (MSM). The Czech AIDS Help

society, supported by the Czech Public Defender of Rights, Czech Data Protection Office and other organisations, challenged the amendments, arguing that mandatory HIV testing is contrary to WHO best practice.

- The government subsequently accepted these arguments and on 1 December, a redrafted amendment, omitting mandatory testing for certain groups, came into effect.

## Public opinion

- Polling company CVVM released survey results in May which showed that 49% of those questioned supported equal marriage and 47% opposed the idea. 44% supported the idea of allowing same-sex couples to access the joint adoption system (up from 19% in 2005). 59% of people supported equal access to second-parent adoption procedures.
- According to Eurobarometer 2015, 30% of people surveyed in the Czech Republic believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 26% felt discrimination on this ground was widespread (EU 28 average was 56%). 62% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 56% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 46% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Denmark



The positive attitude among the public to LGBTI equality revealed in the Eurobarometer figures was evident in the year's legal and policy developments too. There was a positive decision in a case of discrimination on the grounds of gender identity at work; the first ever such decision in Denmark. The Adoption Act was revised and lesbian couples' access to fertility treatment was expanded. Marriage equality was voted on in Greenland; while the Faroe Islands also discussed equal marriage and elected their first openly lesbian MP. Several studies on the health and well-being of LGBTI people may give the Danish authorities food for thought.

## Data collection

- The National Institute of Public Health released an updated analysis of its study on LGB health in February. The data revealed that 1 in 3 lesbian or bisexual women experienced sexual violence; 1 in 5 considered suicide. The figures were similar for gay men, while 1 in every 12 heterosexual people surveyed had considered suicide. The research was initially carried out in 2000. The study's overall findings noted that non-heterosexual Danes reported higher degrees of sexual and/or psychosocial distress than heterosexuals. It surveyed 8,500 Danes and was the largest study of its kind in the country.
- On behalf of Copenhagen municipality, the National Institute of Public Health compiled a report on the physical health and well-being of LGBT people. This was based on the 2013 National Health Interview Survey with LGB respondents and a 2015 sample of trans respondents. The Ministry of Social Affairs also commissioned a report on the situation of ethnic-minority- LGBT persons, produced by Als Research.

## Diversity

- The first care home for older LGBT people opened in August. Based in the Nørrebro district of Copenhagen, the Slottet (Castle) home is open to both LGBT and non-LGBT residents.

## Employment

- Michelle Holst-Fischer's three-year case against her former employer ended in July. This was the first ever judgment in Denmark in a case relating to workplace discrimination on the grounds of gender identity. Michelle, a trans woman, had been dismissed in 2012 after a two-day trial at a warehouse. Her employment had been arranged by the municipal job centre but the company, a subcontractor of the warehouse, told the job centre that they didn't want someone of Michelle's "kind". She received DKK 30,000 (approx. EUR 4,020) in damages.

## Family

- In January, the administration practice concerning second parent adoption for female couples following

home insemination was changed. Previously, the child, the biological mother and the non-birth parent must have lived together for two and a half years before adoption was possible. That practice was abandoned for female couples. (If insemination took place under the guidance of a health professional, then the family would still fall under the remit of the Children's Act and no adoption is necessary.)

- Following a unanimous vote in parliament (Landstinget Inatsisartut), marriage equality was introduced in Greenland. On 27 May, all 27 parliamentarians present voted to extend equal marriage to same-sex couples (two MPs were absent). Couples who had previously entered civil partnerships can choose to convert the union to marriage. Following the vote in the Greenland parliament, the bill had to be passed by the Danish parliament (Folketinget) but was delayed due to the 2015 general election. The bill was resubmitted and passed after the election. The law will come into force on 1 April 2016.
- A bill to legalise marriage equality in the Faroe Islands was submitted to parliament on 17 November. The first reading took place on 24 November; the second reading and vote had not taken place by the end of 2015.

## Participation in public, cultural and political life

- On 1 September, Sonja Jógvansdóttir (at time of election: Social Democratic Party, JP; at time of writing: independent) became the first openly lesbian candidate to be elected to the Faroese parliament. She received 1021 personal votes, making her the third most popular politician in that election. Later in September, Jógvansdóttir left the Social Democratic Party after equal marriage was not included in the coalition agreement of the three-party government.

## Public opinion

- According to Eurobarometer 2015, 47% of people surveyed in Denmark believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 47% felt

discrimination on this ground was widespread (EU 28 average was 56%). 90% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 78% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 73% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Estonia



Political developments in 2015 were dominated by the Registered Partnership Act 2014. In order to give practical effect to the gender neutral cohabitation provisions passed in 2014, a series of legal changes were required. This prompted months of objections from political parties opposed to the measure, including attempts to repeal the 2014 Act altogether. It also proved to be a difficult year for LGBTI NGOs involved in the government's diversity planning and public opinion polls on LGBTI equality did not make for particularly encouraging reading.



## Education

- On 1 May, a government regulation came into force ensuring that individuals who changed their legal gender and their social security number during or after their studies will be allowed to receive a new set of documents attesting their education and training. This ended the practice of trans students being forced to carry outdated documents bearing incorrect personal information.

## Employment

- In 2015, six new members joined the Estonian Diversity Charter. The Charter, launched in 2012, is a voluntary commitment that can be signed by any company or public institution that values a discrimination-free work environment and makes a decision to work toward fostering diversity.

## Equality and non-discrimination

- ECRI's fifth monitoring cycle report was released in October. One of its key recommendations was to amend national legislation on asylum to specifically include persecution based on sexual orientation as a legitimate ground for refugee status. It also encouraged Estonian authorities to include LGBT issues in school curricula to build tolerance and to review legislation to clarify the situation for people undergoing gender reassignment surgery in Estonia.
- On 1 October, the steering committee responsible for overseeing the government's welfare development plan was informed that the specific diversity and equal treatment sub-goal was being removed from the 2016-2023 plan; its provisions would be divided between the other sub-goals. The development plan was designed in 2014 to promote gender equality, social protection and equal treatment policies. The Estonian LGBT Association was on the steering committee and complained to the Ministry of Social Affairs about this change. The specific equal treatment sub-clause had not been reintroduced by the end of the year.

## Family

- The Registered Partnership Act 2014, adopted by parliament in October 2014, introduced the concept of

legally recognised partnerships for same-sex couples. A series of implementing acts, making changes to 85 regulations, were necessary in order for the legislation to be fully operational. In April, the Conservative People's Party (EKRE) set up a parliamentary group designed to oppose these implementing acts. On 23 November, 12 MPs submitted a motion to annul the existing registered partnership legislation. At the end of the year, this motion was still awaiting consideration by the parliament's legal affairs committee.

- The first reading of the implementation bill was scheduled for 24 November but delayed by members of the EKRE. On 25 November, a group of parliamentarians from the Estonian Free Party (conservative) put forward an alternative draft of the act which included protection for same-sex couples in financial matters but omitted the references to adoption and family matters. On the same day, the implementation bill passed the first reading stage with 42 votes in favour, 41 votes against and several abstentions.

- The second and third stage votes were due to take place before the end of the year but were delayed when over 300 amendments were tabled by opposition parties. As the implementing act had not been finalised by the end of 2015, the Registered Partnership Act will enter into force on 1 January 2016 without the ability to be fully and immediately operational. A second reading is planned for 26 January 2016 with the third and final vote scheduled for 28 January; both second and third stage will require 51 votes in order to pass.

*"It's the obligation of the state to stand for the rights of its citizens including the rights of the minorities."*  
- Heljo Pikhof MP (Social Democrats, SDE), during implementation act debate, 25 November 2015

## Public opinion

- The results of a poll commissioned by the Estonian Council of Churches were published in June. 50% of respondents to the survey conducted by market research firm Saar Poll said that homosexuality should "definitely

not" be allowed. 53% opposed registered partnership for same-sex couples and 59% opposed adoption by same-sex parents.

- According to Eurobarometer 2015, 36% of people surveyed in Estonia believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 24% felt discrimination on this ground was widespread (EU 28 average was 56%). 44% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 41% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 36% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Finland



While President Niinistö did sign Marriage Act at the start of the year, the debate on marriage equality was not over. Attempts were made to repeal the legislation even before various implementing acts were introduced. An expert group urged the government to introduce long-awaited reforms to gender recognition laws; anti-discrimination and gender equality laws were successfully updated. A high-profile media executive was found to have discriminated against a colleague because of her sexual orientation. Diversity continued to grow in the country as religious groups reached out to the LGBTI community.

## Asylum

- Two Russian men were granted asylum in July after applying in September 2014. The couple left Russia in July 2014 following discrimination and a series of attacks.

## Diversity

- As part of the Helsinki Pride festival in June, three evangelical Lutheran congregations from Helsinki erected a tent in Kaivopuisto Park to promote inclusion and solidarity. Bishop of Helsinki Irja Askola said afterwards that it was symbolically important that the Lutheran Church joined in the Pride celebrations.

## Equality and non-discrimination

- In January, new non-discrimination and gender equality laws came into effect. The non-discrimination law widened protection against discrimination on the ground of sexual orientation and now includes protection against discrimination in all areas of life. The non-discrimination ombudsperson's mandate now explicitly includes sexual orientation. The new gender equality law unequivocally covers gender identity and gender expression as non-discrimination grounds. The law extends protection to intersex people as well. The gender equality ombudsperson's mandate also extends to these non-discrimination grounds. The new laws place a stronger obligation on responsible authorities to prevent discrimination.
- The Supreme Court found the CEO of a leading media company liable for discriminating against an employee based on her sexual orientation. Alma Media's CEO, Kai Telanne, had dismissed journalist Johanna Korhonen in 2008 after he discovered that her partner was female and planning to run for political office. In 2013, Telanne had been fined EUR 6,800 by Helsinki District Court and ordered to pay Korhonen's legal fees. On 10 June, the Supreme Court increased this fine to EUR 18,040 for workplace discrimination based on sexual orientation and family ties.
- Finland ratified the CoE's Istanbul Convention in the spring and it entered into force in August.

## Family

- President Sauli Niinistö (National Coalition Party, centre-right) signed the Marriage Act on 20 February. The successful 'Tahdon' campaign in 2014 saw the marriage equality bill become the first piece of legislation motivated by a citizen's initiative to be signed into law. Same-sex couples will be able to marry from 1 March 2017.
- On 18 July, a citizen's initiative to revoke the Marriage Act passed the 50,000 threshold required for a constitutional committee hearing on the issue. The petition had been initiated by the 'Association for Real Marriage' group. All signatures must be verified by the Population Register Centre before the petition can be submitted to parliament; that process was on-going at the end of the year. In October, Minister of Justice and Employment Jari Lindström (The Finns Party, PS; right-wing) committed to presenting the legislative amendments required to make the Marriage Act functional, despite his own opposition to equal marriage.
- In November, a 'motherhood law' citizen's initiative was launched. The aim of the initiative is to ensure that children born to families with two mothers can have two legal parents from birth; currently the mothers must go through a second parent adoption process before both have a legal relationship with their child. The initiative needs to reach 50,000 signatures within 6 months before it can be transmitted to parliament.

## Legal gender recognition

- On 6 April, the Ministry for Social Affairs and Health's expert group on legal gender recognition published its final report. The ministry's group recommended removing the sterilisation through hormone therapy requirement, the forced divorce provisions and suggested a recognition model based on self-determination. The report also encouraged the authorities to consider trans people under the age of 18 and to regulate the legal parenthood of people who have successfully obtained legal gender recognition.
- In October, the government presented a bill to parliament that proposed removing the requirement for people to be single to qualify for legal gender recognition. The bill was still pending at the end of the year.

## Participation in public, cultural and political life

- In May, an LGBTI network was established in parliament. The aim of the network is to promote LGBTI human rights and provide information; the network contains members from most parliamentary parties.

## Public opinion

- According to Eurobarometer 2015, 51% of people surveyed in Finland believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 49% felt discrimination on this ground was widespread (EU 28 average was 56%). 74% agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 55% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 53% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# France



2015 was marked by progress in the field of health; removal of the blanket ban on blood donation following the European Court of Human Rights (ECtHR) ruling in *Leger v France* signalled an intention to end discrimination based on sexual orientation and stigma. France also became the first European country to approve access to PrEP through the public health system. Legal developments included the recognition of a person as gender neutral and the punishment of Twitter users for use of hate speech, both for the first time. Deciphering public attitudes to LGBTI equality was complicated though; positive Eurobarometer figures seemed at odds with polls calling for the repeal of equal marriage.

## Bias-motivated speech

- Three people were convicted and fined in January by the Correctional Court of Paris for using homophobic hashtags on Twitter. This was the first time that a French court had fined Twitter users for inciting anti-LGBTI sentiment. LGBTI organisation Comité IDAHO brought the case after messages calling to “burn the gays” (#BrulonsLesGaysSurDu) and “gays must disappear” (#LesGaysDoiventDisparaîtreCar) appeared on Twitter in 2013. While the fines handed down, ranging from EUR 300-500, were ultimately at the lower end of the scale (the maximum punishment is EUR 45,000 fine and/or 1 year’s imprisonment), LGBTI groups called the ruling a “significant victory”.

## Bodily integrity

- In August, a court in Tours authorised an intersex person to register their sex as neutral on their birth certificate. This is the first time that any French court has recognised an individual as having a gender other than male or female. The plaintiff in the case was born with genitalia that were neither completely male nor female but was classified as male at birth. The decision was still under appeal at the end of 2015.

## Equality and non-discrimination

- The Council of Paris voted to introduce a new non-gendered Parisian citizenship card for individuals aged 6 and over in February. A majority of councillors voted in favour of an identity card that would allow Paris residents to choose their preferred gender marker; it had not been introduced by the end of the year.
- In March, the Comité consultatif national d’éthique (CCNE) announced it didn’t recommend relaxing the law that restricted gay and bisexual men from donating blood. In a contrasting decision, the National Assembly voted on 4 April to amend existing health legislation to allow people to donate blood, regardless of their sexual orientation. Later that month, the Court of Justice of the European Union (CJEU) ruled that the imposition by EU member states of blood donation bans on men who have sex with men (MSM) may be justified, depending on the

situation in each individual member state. However, the *Leger vs France* decision also stated that the principle of proportionality might not be respected by a permanent ban.

- In an interview in November, the health minister Marisol Touraine (Socialist Party, PS) announced that the blanket ban on gay and bisexual men donating blood would be relaxed. Men who have not been sexually active with other men in the past 12 months will be permitted to donate blood. The deferral period will be four months for donating blood plasma. The revised deferral periods will be introduced in spring 2016, trialled for one year and then reviewed. The forms completed by blood donors prior to donation will also be revised to include more information on transmission risks.

***“Giving one’s blood is an act of generosity and of civic responsibility that cannot be conditioned by sexual orientation.”***

**- Health Minister Marisol Touraine, 4 November 2015**

- An assistant to the mayor of Marseille was sentenced to five months imprisonment for refusing to officiate at the wedding of a lesbian couple. The prison term was ultimately suspended but the finding of discrimination made against Sabrina Hout (PS) in September is believed to be the first of its kind since marriage equality was introduced in 2013. Hout officiated at four heterosexual ceremonies on the same day in August 2014 but not the ceremony involving two women. She said she was not feeling well and also cited religious reasons for not wanting to perform the marriage ceremony. In addition to the suspended prison term, she was ordered to pay EUR 1,200 in damages to each of the women.

## Family

- In April, the Versailles Appeals Court ruled that four lesbian women were permitted to adopt children born to their partners after medically assisted insemination treatment. The couples had travelled abroad, as medically assisted insemination is still only available to different-sex couples in France. The appeal court’s decision overturned

a 2014 judgment which stated that the birth mother had committed fraud after going to Belgium to access the treatment. Also in April, a similar decision, affirming the right of a lesbian couple to travel abroad to have a baby, was handed down by an appeals court in Aix-en-Provence.

## Freedom of expression

- On 4 December, an outdoor photo exhibition featuring images of same-sex couples was vandalised in Toulouse. Photographer Olivier Ciappa had included rainbow families, different-sex and same-sex couples in his anti-homophobia exhibit. Ciappa announced on 8 December that the exhibit was moving to another location in the city, surrounded by increased numbers of surveillance cameras.

## Legal gender recognition

- Draft legislation on legal gender recognition was published by members of the parliamentary constitutional law committee in October. The bill would apply to those aged 18 or over and proposed no surgical or divorce requirements. However, applicants would be asked to prove they had been living in their true gender.

## Participation in public, cultural and political life

- In January, gay diplomat Laurent Stefanini was nominated by President François Hollande to serve as ambassador to the Holy See. The Vatican did not reject Mr Stefanini's credentials outright but his nomination was met with silence. After months of inaction, the French government were reported to have abandoned their plan in October.
- Luc Carvounas (PS) became the first openly gay parliamentarian to marry. The senator and his partner got married in July, following their civil partnership three years earlier.

## Public opinion

- According to Eurobarometer 2015, 72% of people surveyed in France believe that discrimination on the

basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 62% felt discrimination on this ground was widespread (EU 28 average was 56%). 81% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 90% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 82% said they would be comfortable or moderately comfortable (EU28 average was 67%).

- Religious conservative magazine *Valeurs Actuelles* published the results of a survey by Institut français d'opinion publique (IFOP) in October. 54% of those surveyed were in favour of altering the equal marriage law; 22% wanted a total repeal while 32% expressed a desire to rewrite the law to limit the ability of same-sex couples to adopt.

## Social security and social protection

- On 24 November, health minister Marisol Touraine said that Pre-exposure Prophylaxis (PrEP) will be available free of charge through the public health system. France is the first in Europe (and the second country in the world after the USA) to approve PrEP. PrEP will be made available to individuals who "cannot, for diverse reasons, use condoms systematically and who belong to groups where HIV incidence is very high". Users of PrEP medication will be reimbursed by state public health care from January 2016.





# Georgia



The vulnerability of LGBTI activists in Georgia remained a major issue in 2015. In a significant judgment from Strasbourg, the European Court of Human Rights declared that police had failed in their duty to protect an IDAHOT march in 2012. The Court acknowledged for the first time that a bias-motivated attack on a peaceful protest contravened Article 3 of the Convention. Elsewhere, prominent activists received death threats and NGOs were targeted by arson attacks. However, this did not prevent the LGBTI community marking events such as IDAHOT and International Trans Day of Remembrance; albeit in more inconspicuous ways.

## Bias-motivated speech

- Staff working for LGBT and gender equality NGO Identoba received threats in January. After Identoba's then executive director posted a Facebook comment saying that the Georgian Patriarch's Christmas address was offensive to women, he received death threats. His personal contact information was posted online and threats were made against his family. A neo-Nazi group called 'Free Generation' announced that they intended to attack Identoba's offices on 10 January unless the NGO disbanded. On 9 January, the Public Defender condemned the threats and called on the Ministry of Internal Affairs to take the necessary steps to protect Identoba staff.

- Several public figures reacted to news that marriage equality had been legalised in all US states in June. The parliament's deputy speaker Manana Kobakhidze (Georgian Dream – Democratic Georgia) commented on Facebook that "Even if we are left alone in this world, if all of our friends, partners or allies turn away from us, I will still say that legalising same-sex marriage is a big mistake". Similar remarks were made by Patriarch Ilia II during his sermon at Tbilisi's Holy Trinity Cathedral. Then Prime Minister Irakli Garibashvili (Georgian Dream – Democratic Georgia) stated that "...I, as a prime minister and citizen of Georgia, will do everything for adopting the record in the constitution that marriage and family is the union of woman and man!" in an interview with the *Asavali-Dasavali* newspaper.

## Bias-motivated violence

- A building in Tbilisi, where the offices of NGO Identoba were located, was set on fire on 13 January. Unknown individuals set fire to an adjacent office but no-one had been charged with any offence by the end of 2015.

- In *Identoba and others v Georgia*, the European Court of Human Rights (ECtHR) ruled that the police failure to protect an IDAHOT march in 2012 violated the participants' rights under Article 3 (prohibition of inhuman or degrading treatment) and Article 11 (freedom of assembly and association). The judgment, released on 12 May, was the first time that the ECtHR recognised that

hate speech and aggression against a peaceful protest contravened Article 3 of the ECHR. The judgment also explicitly recognised that Article 14 (prohibition of discrimination) applies to discrimination on the ground of gender identity, and not just on the more limited ground of "transsexuality". The Court's Chamber judgment was particularly critical of the police's lack of action. The 2012 IDAHOT event was disrupted by counter-demonstrators who verbally abused the participants before violently attacking the group, without adequate intervention from the police officers present.

- A man was acquitted of the murder in November 2014 of a Georgian trans woman. On 7 August, Levan Kochlashvili was sentenced to four years imprisonment for assaulting a second trans woman on the same evening as the murder and for arson offences. Feminist organisation Women's Initiatives Supporting Group (WISG) provided legal support and appealed the decision. No verdict had been issued in the appeal by the end of the year.

- On 23 October, Tbilisi District Court acquitted four men who were charged with violently disrupting a peaceful IDAHOT march in 2013. A fifth man was cleared as the court ruled there was insufficient evidence. One of the four men acquitted was an abbot at a monastery in Monastery in Mtskheta. Thousands of anti-equality protestors blocked a rally of approximately 30 LGBTI activists on 17 May 2013.

- International Transgender Day of Remembrance was marked with a demonstration at Vake Park in Tbilisi. On 20 November, WISG organised an event and read out the names of 226 trans people who were killed in 2015.

- Feminist organisation WISG documented 2 cases of physical violence against LGBT people during the year; one involved an attack on 2 gay men in the centre of Tbilisi, the second incident was a case of domestic violence against a lesbian woman, after she came out. The woman decided not to pursue any legal action and now lives separately from her family.

## Data collection

- According to the Public Defender of Georgia's 10 December *Report on the Situation of the Protection and*

*Freedoms*, 11% of the pending discrimination disputes before the Public Defender are related to sexual orientation and gender identity.

## Equality and non-discrimination

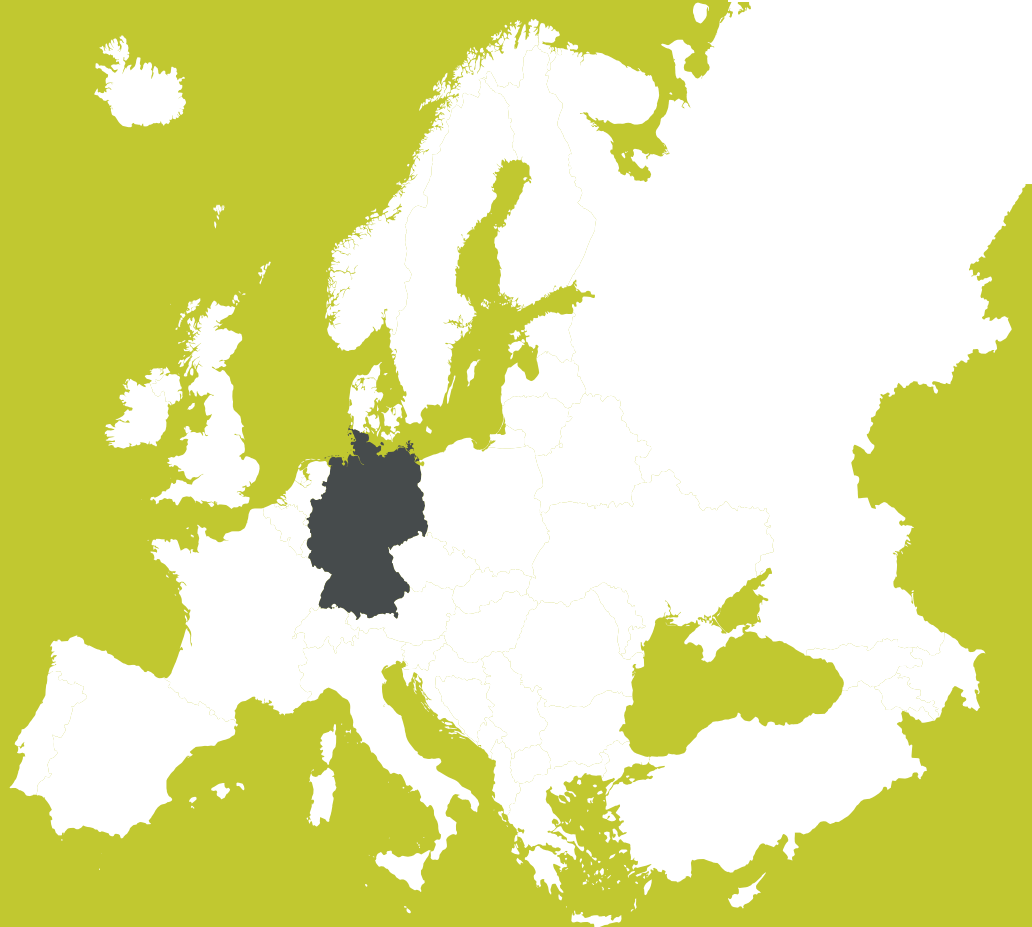
- Soso Jachvliani MP (Georgian Dream – Democratic Georgia) proposed removing the grounds of sexual orientation, gender identity and expression from the 2014 anti-discrimination law. He submitted his draft amendments in September, saying that the law violated “moral standards”. Jachvliani withdrew his proposal several weeks later.
- WISG conducted a new study on the situation of LGBT people living in Georgia and the accompanying *Discrimination and Hate Crime against LGBT Persons* report was released in September.

## Freedom of assembly

- On 8 May, Identoba released a statement noting that they had attempted to organise a public IDAHOT event but could not guarantee the safety of participants. To mark 17 May, LGBTI activists and allies, including Identoba, gathered in Tbilisi’s Round Garden. Attendees had to go through a vetting process beforehand and the time and location were kept a secret. The park was surrounded by a large police presence; the gathering took place in near silence and passed off peacefully. In a separate #ThisStreetIsTaken event, feminist organisation WISG demonstrated on the same street where IDAHOT marchers were attacked in 2013. NGO LGBT Georgia held a demonstration at the Ministry of Justice and also organised an online campaign to celebrate 17 May. Some NGOs reported a positive level of engagement from the Ministry of Internal Affairs when coordinating security for these events.
- The administrative panel of Tbilisi City Court partially upheld the case of WISG, Eka Tsereteli and others against the Ministry of Internal Affairs on 11 December. The court found that the Ministry of Internal Affairs failed in its obligation by not letting the applicants carry out a demonstration on IDAHOT 2013 (WISG’s case as plaintiffs was not upheld).

## Freedom of expression

- In January, the Ministry of Internal Affairs proposed amending the national criminal code. Under the draft amendment, incitement to hatred (strife-inciting calls) would be punishable with a two to five year prison term. Over 30 groups, including NGOs such as Identoba, media outlets and watchdog organisations, signed a joint statement protesting against the Article 2391 amendment. The groups stated that the change would not actually protect minority groups and in fact would do more harm to freedom of speech. The amendment had not been adopted by the end of the year.



# Germany



Pressure on the German government to advance LGBTI equality increased exponentially in 2015. Calls to back the EU's horizontal anti-discrimination directive re-emerged, both within Germany and from external actors. The general population seemed to be ahead of the ruling coalition on the question of equal marriage; two-thirds of the population publicly supported equal marriage. Opposition parties and international commentators also demonstrated support, particularly in the wake of developments in Ireland. At the end of the year, an expert commission urged German authorities to introduce greater protection for trans and intersex people.

## Asylum

- A gay man and a lesbian woman, both from Uganda, had their asylum applications turned down by authorities in Munich. Both had suffered homophobic abuse but they were not granted asylum on the basis of their sexual orientation, as German authorities considered that the Ugandan government's protection of LGBTI citizens was adequate.

## Bias-motivated speech

- In March, the relatives of a gay man who abducted him, with the apparent intention of forcing him to marry a woman, were fined by a German court. The man's father and two uncles had also apparently threatened to slit his throat or set him on fire because of his sexuality. The court did not deal with the torture allegations but all three men were fined EUR 1,350 for detaining the young man.
- Annegret Kramp-Karrenbauer (Christian Democratic Union, CDU) compared equal marriage to incest and polygamy in an interview with the Saarbrücker Zeitung in June. If equal marriage was introduced, according to Kramp "...then other demands can't be ruled out, such as a marriage between close relatives or between more than two people." Her comments were criticised by politicians from the Social Democrats (SPD), the Free Democratic Party (FDP; centre-right), the Left Party (social-democratic) and the Greens.

## Bias-motivated violence

- In March, the Bundestag approved a hate crime law that refers to racist motivation but does not mention homophobic or transphobic violence. LGBT NGO LSVD criticised the law for overlooking violence against LGBTI people and urged the government to improve its provisions.

## Bodily integrity

- In December, an independent expert commission from the German equality body recommended that criminal sanctions be introduced for non-consensual medical interventions in young intersex persons.

## Equality and non-discrimination

- In spring, the regional parliament in Bremen adopted an LGBTI action plan. This means that by 2015, nearly all Germany's federal states had adopted or prepared LGBTI actions plans against homophobia and transphobia – except Bavaria, Hamburg, Brandenburg and Saarland. The different action plans contain measures for combating discrimination in areas like education, the public health system or in sports.
- In May, the Catholic Bishop's Conference introduced a new basic order for employees. Homosexual employees still are not guaranteed legal certainty and still may be dismissed from employment when living in a registered same-sex partnership.
- Over 40 civil society organisations and anti-discrimination bodies signed a joint appeal with the German equality body FADA in July, calling on the German government to end its opposition to the proposed Equal Treatment Directive.

## Family

- Following Ireland's marriage equality referendum (see **Ireland**), Chancellor Angela Merkel (CDU) ruled out introducing equal marriage, stating that it was "not a goal" for her government. In May, the ruling coalition announced that minor changes would be made to existing registered partnership legislation.
- Opposition parties continued to call for the introduction of marriage equality by the current grand coalition government, composed of the CDU/CSU and Social Democrats (SPD). Green Party leader Katrin Göring-Eckardt urged the Chancellor to reconsider her position in May, saying: "It's time Mrs Merkel. The Merkel faction cannot just sit out the debate on marriage for all."
- In June, a resolution calling for marriage equality and entitlement to joint adoption for same-sex couples was approved by the Bundesrat, the upper house of the federal parliament. In July, President Joachim Gauck (independent) spoke out in favour of marriage equality in an interview with the *Irish Times* newspaper. In September, the Bundesrat again voted in support of marriage equality but in October the Bundestag only voted to make minor

changes to the registered partnership law, involving administrative procedures and civil registry office processes.

*“Nothing is more powerful than an idea whose time has come.”*

**- Rhineland-Palatinate minister-president Malu Dreyer (SPD) following the Bundesrat vote in support of marriage equality, 12 June 2015**

## Legal gender recognition

- In December, an independent expert commission from the German equality body recommended that gender markers on documents be limited as much as possible, that legal gender recognition processes be simplified and that trans people be depathologised.

## Participation in public, cultural and political life

- In June, the ‘Homosexuality\_ies’ exhibition opened at the German Historical Museum. It catalogued 150 years of gay and lesbian culture and was the first exhibition dedicated to the LGBT civil rights movement in Germany to be displayed at the venue.

## Public opinion

- Polling company YouGov carried out a survey in Germany between 26 and 29 May. 65% of respondents were in favour of equal marriage. When asked about adoption, 57% agreed that registered same-sex couples should be able to adopt children like married couples can do. 61% believed that gay and lesbian parents could educate children equally well as their heterosexual peers.

- In July, members of the Christian Democratic Union party voted against the introduction of equal marriage. 45% of the CDU’s Berlin faction were against marriage equality, while 35% were in favour.

- 70% of German Catholics want the church to recognise marriages between same-sex couples, according to a survey of 7,900 Catholics in Germany carried out by the University of Münster. The questions focused on partnership, marriage and family in a

Roman-Catholic context and the results were published in August.

- According to Eurobarometer 2015, 50% of people surveyed in Germany believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 51% felt discrimination on this ground was widespread (EU 28 average was 56%). 70% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 57% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 51% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Greece



2015 proved to be an eventful twelve months for LGBTI activists in Greece. The election of a government led by Syriza, a long-time supporter of equality for LGBTI people, in January started the year on a hopeful note. Promises to introduce civil unions for same-sex couples were quickly reaffirmed but access to adoption was omitted and legislation was slow to progress. In December, civil partnership was finally introduced for same-sex couples by a large majority of parliamentarians. Intersex people were recognised in legislation for the very first time. In an unprecedented show of political support for the rights of LGBTI people, representatives from all the main parliamentary parties signed an equality pledge at the ILGA-Europe Annual Conference in Athens.

## Bias-motivated speech

- In June, a meeting of the Synod of Priests and Monks called for the mayor of Thessaloniki to be barred from entering Mount Athos, a spiritual centre for the Orthodox Church. The religious leaders wrote a letter to the Athos community, stating that Yiannis Boutaris' support of annual Thessaloniki Pride events and the "shameful sin of homosexuality" meant that he was failing in his institutional role as overseer of Mount Athos.
- As the civil partnership law progressed through parliament (see **Family**), Bishop Seraphim of Piraeus called the bill "a shameful piece of legislation". Bishop Amvrosios of Kalavryta also said that church bells should be rung "in mourning" if the law was successfully passed.

## Bias-motivated violence

- In Athens, a trans woman was verbally attacked and repeatedly shot on 21 May. When the woman responded to a man who was shouting insults at her, she was shot several times. The woman received assistance at a nearby police station and was treated in hospital for her injuries. The victim lodged a formal complaint with the police.
- In 2015, LGBTQ NGO Colour Youth received 73 reports of cases of homo/transphobic violence or discrimination through their 'Tell It to Us' reporting project.
- Under the legal changes introduced in Law 4356/2015 on 24 December, trans people are now protected against hate crimes on the ground of gender identity (see **Bodily integrity**).

## Bodily integrity

- On 22 December, intersex people's rights were included in Greek legislation for the first time under Law 4356/2015. Two articles were approved by 191 of the 241 MPs who voted; the first article will protect intersex people against hate crime on the ground of sex characteristics and the second article relates to protection from discrimination when accessing goods and services. These changes came into force on 24 December.

## Equality and non-discrimination

- At the ILGA-Europe Annual Conference in Athens, political representatives from all the main parliamentary parties signed a pledge promoting LGBTI equality in Greece. Members from the Coalition for the Radical Left (Syriza), the Panhellenic Socialist Movement (PASOK), New Democracy (ND, Christian-democratic), Democratic Left (DIMAR), The River (To Potami, centre) and The Union of Centrists (Enosi Kentroon) stated their commitment to registered partnership, family law reform, legal gender recognition and combatting discrimination. Minister for Justice Nikolaos Paraskevopoulos also committed to opening the civil unions bill to public consultation within days.
- On the same day as the passage of the civil partnership law (see **Family**), section 347 of the Greek Penal Code was abolished. The section had previously criminalised sodomy for financial gain.
- Under the legal changes introduced in Law 4356/2015 on 24 December, trans people are now protected against discrimination when accessing goods and services (see **Bodily integrity**).

## Family

- The left wing Syriza party became the largest party in parliament after elections in January, winning 36% of the vote. Syriza was the only parliamentary party that had publicly supported greater equality for LGBTI people in Greece. The party had previously unsuccessfully tabled cohabitation proposals in 2013. On 15 January, days before the election, party leader Alexis Tsipras said that adoption by same-sex couples was a "difficult subject" and that it would not be included in their policy programme if elected.

- In February, justice minister Nikolaos Paraskevopoulos confirmed the Syriza-led government's intention to extend civil partnership legislation to include same-sex couples. A draft civil union pact was published by the justice minister in June. At the same time, the Ministry of Labour announced it would release a list of the rights to be conferred on same-sex couples in a presidential decree within six months. On 9 November, following promises



made by the minister of justice days earlier (see **Equality and non-discrimination**), an updated draft of the civil partnership bill was published online for public debate. Issues such as inheritance and taxation were included, but adoption for same-sex couples was not. The public debate concluded on 20 November and a parliamentary vote on the bill was scheduled for 22 December. On 23 December, 193 of 300 MPs voted to introduce civil partnership. PASOK, The River, the Union of Centrists and several conservative MPs joined with Syriza to vote in favour. Some members of Syriza's junior coalition partner, the Independent Greeks (ANEL; right-wing) voted against the measure, as did Golden Dawn members (XA, far-right) and the Communist Party (KKE).

asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 63% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 56% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Health

- Decree 39a was officially repealed by then health minister Panagiotis Kouroumplis (Syriza) in April. The health decree had been in operation since 2013. It allowed the police to detain individuals they thought were HIV positive, and also introduced mandatory blood testing.

## Legal gender recognition

- A Ministry of Justice intergroup, with the aim of developing regulations concerning legal gender recognition, was set up in April. In a report on gender recognition published in September, the Greek National Commission for Human Rights recommended that a legal gender recognition process based on self-determination be introduced, along with full access to healthcare services for trans people and public education/awareness raising efforts.

## Public opinion

- According to Eurobarometer 2015, 71% of people surveyed in Greece believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 73% felt discrimination on this ground was widespread (EU 28 average was 56%). 62% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When



# Hungary



**Hungary's political figures continued to disseminate anti-LGBTI views in public, a trend picked up on by ECRI. An anti-LGBTI activist was convicted of bias-motivated violence, while another judgment held that implying someone was being untruthful about their sexual orientation was defamatory. An event discussing the rights of intersex people took place in Hungary for the very first time. The LGBTI activist community remained active throughout the year, raising awareness through poster campaigns and documentary films; but the treatment of one activist in particular highlighted their vulnerability.**

## Access to goods and services

- Advertising company Publimont rejected an ad campaign by gay dating website Melegrandi in April, saying that the ads were harmful to the moral development of children and contravened advertising laws.
- Media firm MAHIR refused to publish an ad from a documentary film maker, who was looking for gay interviewees. The team behind the documentary launched a case before the Equal Treatment Authority; the case was still pending at the end of the year.

## Bias-motivated speech

- During an interview carried out on 17 May with news site Index, Prime Minister Viktor Orbán (Fidesz) commented that Hungary was currently a tolerant nation but that if "...the community of homosexuals starts being more provocative, I think that the current peaceful, calm equilibrium will be no more."
- The mayor of Budapest István Tarlós called the city's Pride parade "repulsive" during a TV interview with TV2's Mokka programme on 4 June.
- One of the major concerns raised by ECRI in its fifth monitoring cycle report on Hungary was the rise in homophobic rhetoric among political parties, particularly those on the far-right. The inclusion of sexual orientation and gender identity in hate speech laws was noted but the fact that no court cases had occurred as a result was also a cause for concern. The ECRI report was published on 9 June.
- László Sütő was dismissed from the Democratic Coalition party (DK, social-liberalism) by party leader Ferenc Gyurcsány in July after Sütő stated his belief that homosexuality was a curable illness in a Facebook post.
- On 30 October, a Budapest court ruled that openly-lesbian politician Klára Ungár (Alliance of Free Democrats, SZDSZ; social-liberalism) had damaged the reputation of Máté Kocsis (Fidesz) by stating that he was gay in a Facebook comment. The court declared that falsely claiming someone is hiding their true sexual orientation, thereby implying that they are dishonest, is defamatory. According to trial judge Justice Péter Fintha-Nagy, the court was not passing moral judgment on same-sex couples. The court ordered Ungár to delete the Facebook comment, pay HUF 2 million (approx.

EUR 6,300) in compensation and issue a public apology. Klára Ungár intended to appeal the decision.

- On 9 November, far-right party Jobbik displayed the winning entries in a poster competition for its youth branch in the lobby of the MPs office building. Among the posters was a drawing entitled "The puzzle for children of homosexual parents" that depicted a child looking confused or upset by the idea of same-sex parents and celebrating the idea of different-sex parents.

## Bias-motivated violence

- On 4 February, the Supreme Court ordered a retrial in the case of three men who attacked police at Budapest's 2011 Pride parade. The anti-LGBTI equality protestors had received community service sentences but the court found this punishment to be overly lenient.
- The first sentence for a homophobic crime under existing hate crime legislation was handed down on 29 April. The Central District Court of Pest found a right wing activist guilty of violence against a member of a minority community and sentenced her to three years imprisonment. The woman shouted homophobic abuse and hit a man walking home from Budapest Pride in 2013. Both the defendant and the prosecutor appealed the decision.
- The same hate crime legislation was used in another case concerning attacks against Budapest Pride participants in 2012. In a decision delivered by the Central District Court of Pest on 12 November, an extreme right wing activist was sentenced to two years imprisonment, suspended for 3.5 years. The court emphasised that there is no need for physical violence for an incident to qualify as a hate crime; threatening behaviour is enough.
- *For the Record*, the report of the ProTrans monitoring project led by Transgender Europe (TGEU), was published in November. Between June 2014 and August 2015, NGO Transvanilla reported 32 transphobic incidents; 16 individuals are receiving legal aid as a result.

## Bodily integrity

- The Office of the Commissioner for Fundamental Rights hosted a conference on the issues faced by intersex children in May. Children's rights organisations, sociologists

and LGBTI NGOs such as Háttér and Transvanilla were among the participants. This was the first event on the human rights of intersex people held in the country and the first LGBTI event organised by the ombudsman.

## Education

- In April, four NGOs launched the 'Together against Bullying' campaign. The project aims to reduce bias-motivated bullying of children from minority groups in school.

## Equality and non-discrimination

- The Hungarian LGBT Alliance launched an awareness-raising campaign. Between 16-30 June, 120 posters were displayed in Budapest and seven other cities, the first time LGBTI-themed billboard posters appeared outside the capital.

## Family

- A German-Hungarian citizen's rights to human dignity and legal certainty were violated by the Hungarian authorities, according to a Commission for Fundamental Rights decision. The individual and his same-sex partner had entered a registered partnership in Germany. As permitted under German law, he took his partner's name but Hungarian authorities refused to recognise this.

- In June, Gábor Fodor (MLP) put forward a bill to introduce marriage equality for same-sex couples. The bill was not put on the parliament's agenda as it was voted down in the Justice Committee by seven votes to one on 26 October; it was put up for a vote when Fodor was not available to attend and defend his bill.

- In November, a man who had been treated as a distant relative by the tax authorities when his registered partner died received a refund on the inheritance tax that he had been erroneously charged. A similar decision was delivered in December, saving a widowed registered partner HUF 1.2 million (approx. EUR 3870) in inheritance tax. NGO Háttér requested the tax authority to launch a comprehensive review on all inheritance tax cases concerning registered partners.

- In December, Hungary blocked EU proposals to clarify property rights for married and registered couples exercising their freedom of movement within the EU (see **European Union**).

## Freedom of assembly

- For the first time in several years, Budapest's Pride parade on 11 July was not disrupted by far-right protest groups. There were some small counter-protests outside the parade route. Official estimates put attendance at 10,000 people; organisers put the figure closer to 20,000.

## Human rights defenders

- LGBTI activist Andrea Giuliano was sued for defamation by the right-wing National-Hearted Motorcyclists group on 10 June. Giuliano had included a parody of the group's logo in the costume he wore during Budapest Pride 2014. The case was dropped but Giuliano's own harassment case, regarding the multiple death threats he received throughout 2015, had not progressed by the end of the year.

## Participation in public, cultural and political life

- Richard Barabas, member of Budapest's local assembly for Dialogue for Hungary (PM, liberal-green) came out in a blog he posted on 10 July.

## Public opinion

- According to Eurobarometer 2015, 49% of people surveyed in Hungary believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 40% felt discrimination on this ground was widespread (EU 28 average was 56%). 49% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 57% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 53% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Iceland



**In 2015, several municipalities took steps to ensure teenagers and teachers receive education and training on LGBTQIAP+ matters, despite some isolated opposition from parents groups. Iceland welcomed the first LGBTI refugees to the country. Intersex activists received an apology from a publisher after a derogatory definition was discovered in a textbook and the equality ombudsman made important statements on the rights of intersex children.**

## Asylum

- Five LGBT refugees were among a group of 18 asylum seekers accepted by the Icelandic government, the first group of LGBTI refugees to arrive in the country

## Bias-motivated speech

- On 27 April, LGBTQIAP NGO Samtökin 78 reported 10 incidents of hate speech to the capital area police. The NGO filed charges against 10 individuals under article 233(a) of the Penal Code which protects people against hate speech. The bias-motivated remarks were made on social media after the Hafnarfjörður town council's decision (see **Education**). In September, the metropolitan police declined to investigate the allegations. On 7 October, Samtökin 78 announced they intended to sue the Chief of the Reykjavik Metropolitan Police. The State Prosecutor's Office responded on 10 November and instructed the police to launch an investigation.
- In protest against the anti-LGBTI comments often made on the Útvarp Saga radio station, the youth branch of the Social Democratic Alliance (centre-left) organised the #OccupySaga campaign. Pro-equality activists were encouraged to call in to the live Línan laus show on 24 April and the Young Social Democrat's chairperson offered to talk about minority rights on the programme.

## Bodily integrity

- The Ombudsman of Children released a written opinion regarding surgical interventions performed on intersex babies in May. The Ombudsman stated that a child should be allowed to make informed decisions about surgical or hormonal treatment when they have developed an awareness of their own gender identity. Subjecting intersex children to irreversible and unnecessary operations violates their rights, according to the opinion.

## Education

- A new queer student group Catamitus organised a series of queer days in March at Menntaskólinn í Reykjavík, an upper secondary school in Reykjavík. It was the first

time that such an event had taken place in the school. Several other upper secondary schools organised similar initiatives.

- The municipality of Hafnarfjörður proposed updates to their education system in April, suggesting that NGO Samtökin 78 would give classes on LGBTQIA issues to both teenagers and teachers at the town's seven compulsory schools. It was also proposed that Samtökin 78 would help the town to develop a LGBTQIA curriculum. The town council's decision generated several public campaigns, both for and against the introduction of the diversity curriculum (See **Bias-motivated speech**). In October, the Hafnarfjörður education board approved the proposals and collaborated with NGO Samtökin 78 to develop the new lessons. The updated curriculum, along with a training programme for teachers, was due to be introduced in 2016.
- In June, Reykjavík City Council agreed to provide ISK 15 million (EUR 102,000) of funding over three years to help the NGO Samtökin 78 to train staff and students on LGBTI issues, as well as to run counselling and support groups for LGBTI people.
- Kári Örlygsson, the publisher of a biology textbook used in three colleges, apologised in October for translating the word 'intersex' as 'freak'. He promised to revise the translations. The textbook dated from 2010 and the accompanying glossary, where the translation was included, had last been revised in 2006.

## Equality and non-discrimination

- In January, Gústaf Níelsson (Independence Party, centre-right) was put forward as the Progressive Party's (FSF, centre-right) deputy representative on Reykjavík's Human Rights Council. This attracted considerable media attention as Níelsson was not a member of the nominating party and had expressed opinions contrary to FSF policy, such as an opposition to marriage equality and adoption by same-sex couples. His nomination was later withdrawn by his original supporters on the council, Sveinbjörg Birna Sveinbjörnsdóttir and Guðfinna J. Guðmundsdóttir. The deputy representative position was filled by Greta Björg Egilsdóttir (FSF).

- Children’s TV programme *Stundin Okkar*, Iceland’s longest running children’s TV series starring singer Páll Óskar, broadcast a scene in October where two characters discuss different sexual orientations.

trained on dealing with violence among LGBTI couples but that the force was open to improving its education programmes.

## Family

- In September, it was reported that the Office of the Bishop of Iceland replied to a parliamentary question from Andrés Ingi Jónsson (reserve MP from Left Green Party) by saying that ministers can refuse to marry same-sex couples under a “freedom of conscience” exemption. No use of the exemption had been reported but Samtökin 78 stated their opposition to the discriminatory practice. In November, the Evangelical Lutheran Church of Iceland voted to remove the ‘freedom of conscience’ option; ministers can no longer refuse to marry same-sex couples.

- Also in September, the discrimination of lesbian couples (either married or in registered partnerships) by the National Registry was discussed. When a child is conceived through artificial insemination, the non-birth mother is only recognised as a parent if they fill out a form stating they were both in favour of the treatment and submit it to the National Registry. Different-sex couples who use sperm donors do not need to do this; the father was automatically recognised as a parent under the *pater est* rule. In November, the National Registry announced that they would gather the necessary information directly from the country’s only artificial insemination clinic rather than ask the new mothers to complete the paperwork. They also proposed that the Ministry of Interior enact an equivalent *mater est* clause for lesbian couples that would be added to the Act in Respect of Children. This had not been enacted by the end of 2015.

## Police and law enforcement

- In November, a gay man gave an interview to local newspaper *Fréttablaðið* discussing the frequent domestic violence he suffered and the inactivity of the police force. On 15 November, District Commissioner Sigríður Björk Guðjónsdóttir said that LGBTI people were not excluded from police protocols. In an interview with the Gay Iceland website, she also said that officers were currently not



# Ireland



2015 was a very significant year for the LGBTI community in Ireland, not least as the country made history by becoming the first to introduce marriage equality by popular vote. After years of campaigning by trans activists and allies, the Gender Recognition Act introduced legal gender recognition based on self-determination for over 18s. Ireland's outdated family laws were transformed and protections in employment law for LGBTI employees in religious run institutions (schools and hospitals) were also enhanced. Despite all this legislative progress, ensuring that equality is felt by LGBTI people all over the country remains a challenge. Several issues were unresolved at the end of the year; the blood donation ban was still in place, progress on hate crime legislation was slow and there were isolated bias-motivated incidents.



## Bias-motivated violence

- NGO GLEN (Gay and Lesbian Equality Network) received 19 reports of homophobic or transphobic crimes between December 2014 and June 2015. The reports were recorded through a website set up to gather data on incidents traditionally underreported by LGBTI people. NGO Transgender Equality Network Ireland (TENI) received 27 reports of hate crime via their STAD (Stop Transphobia and Discrimination) reporting system.
- On 15 February, a lesbian couple were attacked by two men in Limerick. Passers-by contacted the emergency services and the incident was investigated by An Garda Síochána (police service).
- Human rights NGO The Irish Council for Civil Liberties (ICCL) and a consortium of organisations (including the University of Limerick, GLEN and other civil rights groups) published draft legislation to protect LGBT people from hate crimes on 13 July. Gender identity, gender expression and sexual orientation were listed among grounds protected under the proposed Criminal Law (Hate Crime) Amendment Bill 2015 presented to the government.

## Education

- The Minister for Education and Skills, Jan O'Sullivan (Labour Party), launched the *Respect* guide for primary school teachers on how to deal with homophobic and transphobic bullying on 4 February, the first resource of its kind developed by GLEN and primary teachers' union INTO.
- In September, the INTO's LGBT Group launched a poster and accompanying resources for primary school teachers to support them in teaching about the diversity of families in Irish society, including LGBTI-headed families. *The Different Families, Same Love* poster was distributed to 40,000 teachers. The media reported opposition to the poster from conservative, Catholic advocacy group The Iona Institute who protested that the poster could be contrary to the religious ethos of many schools.
- In response to the passage of the Gender Recognition Act (see **Legal gender recognition**), the Department of Education and Skills convened a high-level meeting between department officials, civil society and education

partners, which was the first of its kind, on 6 October on the Act's implications for schools.

## Employment

- The first Workplace Equality Index (WEI) and subsequently the first WEI Awards were presented by NGO GLEN's Diversity Champions Programme. The WEI Awards are Ireland's first benchmark for LGBT workplace equality. Accountancy firm EY Ireland were named the best place for LGBT people to work on 23 September.
- The Equality (Miscellaneous Provisions) Act 2015 was passed on 2 December. The legislation, originally proposed in 2013, amended section 37.1 of the Employment Equality Act 1998. LGBT NGOs, teachers and doctors had long advocated for change in the legal exemption which permitted religious managed institutions to discriminate against employees who undermined their religious ethos. Many LGBT employees had feared their job would be at risk if they were to 'come out'. The Act was signed into law by President Michael D Higgins on 10 December.

## Equality and non-discrimination

- The Irish Blood Transfusion Service (IBTS) shared a report with the Department of Health in January which outlined possible alternatives to the complete ban on blood donation by gay and bisexual men. Health minister Leo Varadkar (Fine Gael, FG; centre-right) confirmed he was conducting a review and that he was in favour of a 12 month deferral period. In July, a private citizen commenced a High Court case against the IBTS and the Department of Health. He had been refused as a blood donor and he argued that the ban was unreasonable, discriminatory and in contravention of EU law.

## Family

- The Child and Family Relationships Bill was passed by the Dail on 12 March. On 30 March, it was passed by the Seanad, accompanied by a standing ovation from senators, before being signed by the president on 6 April. The Act recognised LGBTI parenting for the first time, allowing civil partners, married couples and cohabiting

couples to apply for joint adoption. It details how same-sex couples can apply for guardianship, custody and access on the same basis as different-sex couples and recognises legal parentage in the context of assisted human reproduction on the same basis for straight and lesbian/gay couples. The parenting/guardianship provisions will be commenced in January 2016. Sections of the Act also outline the assignment of parentage through the donor-assisted reproduction process; these provisions were not commenced in 2015 and will be dealt with on a phased basis by the Minister for Health in 2016. Surrogacy will be addressed in separate legislation.

- Ireland became the first country in the world to introduce marriage equality by popular vote. On 22 May, 62% (1,201,607 people) voted in favour of adding equal marriage provisions to article 41 of the constitution. Voter turnout was 61%. Two separate appeals against the referendum result were lodged and heard by the High Court in June. Both cases were refused leave to proceed and subsequently dismissed by the Court of Appeal and the Supreme Court. The Constitution was officially amended when President Michael D Higgins signed the referendum result bill into law on 29 August. Subsequently, the Marriage Bill was passed by the Dail (lower house) on 7 October and by the Seanad (upper house) on 22 October. The Presidential Commission signed the Marriage Act 2015 on behalf of the president on 29 October. The commencement orders, required to make the Act operational, were signed by the justice minister Frances Fitzgerald (Fine Gael, FG) and the Tánaiste (deputy prime minister) Joan Burton (Labour Party) on 10 November. The first marriages between same-sex couples took place on 16 November.

## Freedom of assembly

- Over 45,000 people took part in the Dublin LGBTQ Pride parade on 27 June, the event's highest ever attendance.

## Health

- In April, a specially commissioned report on the health needs of LGBTI people was launched by the Health Service Executive (HSE). The Rainbow Report's

recommendations will be used to draft an integrated plan for the five counties of the HSE's South East Community Health Organisation Area.

- The first National Transgender Healthcare Conference took place in Carlow on 3 December. The event, jointly organised by the Transgender Equality Network (TENI) and the Health Service Executive (HSE), attracted 380 health professionals.

- Minister of State at the Department of Health, Kathleen Lynch (Labour) spoke at an event on LGBT mental health (organised by ILGA-Europe, GLEN and the Department of Health) attended by policy makers and NGO representatives from seven European member states.

## Human rights defenders

- During the year, the *Yes Equality* civil society campaign (coordinated by NGO's GLEN, Marriage Equality and ICCL) was represented nationwide by over 70 local branches who canvassed for a Yes in May's referendum. The campaign also encouraged 60,000 new voters to register (see **Equality and non-discrimination**). In December, the *Yes Equality* campaign was honoured with a *People of The Year* award.

- Lydia Foy became the first trans activist to receive a European Citizens' Prize from the European Parliament on 14 October.

## Legal gender recognition

- On 3 June, the Minister for Social Protection and Tánaiste Joan Burton (Labour Party) announced that the government intended to amend the Gender Recognition Bill to allow for self-determination. The Bill completed the legislative process on 15 July and was signed into law by the president on 22 July. Trans people over the age of 18 can apply for gender recognition by way of statutory declaration; no medical interventions or diagnosis required. More limited provisions, based on a medical model, exist for people aged 16 and 17 years. The so-called 'forced divorce' clause requiring applicants to be single was amended and removed as soon as the Marriage Act was passed (see **Family**). Trans people in Ireland could apply for gender recognition certificates from 8

September. The state's first ever certificate was issued to Dr Lydia Foy (see **Human rights defenders**).

*"This marks a hugely significant and historic day for the transgender community, for their families, friends and indeed for all of Irish society."*

**- Tánaiste Joan Burton, 8 September 2015**

## Participation in public, cultural and political life

- Health minister Leo Varadkar came out as gay in a radio interview with national broadcaster RTÉ on 18 January. As a result, he is the country's firstly openly gay cabinet minister.
- In September, RTÉ journalist Jonathan Rachel Clynych announced they identified as gender-fluid. In a statement, RTÉ said they encourage "diversity and equality and RTÉ is supportive of Jonathan Rachel, a valued member of staff and a highly-respected journalist".

## Police and law enforcement

- On 25 November, An Garda Síochána's PULSE computerised crime recording system was updated to allow transphobia to be logged as a motive.

## Public opinion

- According to Eurobarometer 2015, 49% of people surveyed in Ireland believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 47% felt discrimination on this ground was widespread (EU 28 average was 56%). 87% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 92% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 86% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Italy



In a year beset by political deadlock, most change for LGBTI people in Italy was initiated by the courts. While Prime Minister Renzi's promises of civil union legislation faltered at committee stage, various Italian courts ruled on shared custody rights for non-biological parents, requirements for legal gender recognition, step child adoption and recognition of marriages conducted in other EU member states. The landmark ECtHR case of *Oliari v Italy* acknowledged the right of same-sex couples to be legally recognised for the first time. Education continued to be at the centre of many debates, especially those framed by so-called 'anti-gender movements' who opposed diversity education in schools. Several cases of homophobic or transphobic hate speech by individuals with a public profile were also reported.

## Bias-motivated speech

- Reacting to the Irish marriage equality referendum in May (see **Ireland**), the Vatican secretary of state Cardinal Pietro Parolin called the result a “defeat for humanity”.
- In May, Felipe Belloli was sacked as president of Italy’s amateur football federation when it was revealed that he had made homophobic comments about female footballers in March.
- Paola Binetti MP, a Union of the Centre (UdC, Christian-democratic) member of the Chamber of Deputies, said that civil unions were not necessary as gay and lesbian people should just change their gender identity instead. Binetti holds a degree in psychiatry and made the comments in an interview with the *Huffington Post* in July.
- The right-wing political party Brothers of Italy (Fratelli d’Italia, FdI) was sued by Rose Morelli, a UK student, after they misused a photo she had taken for an art project to campaign against diversity education in Italian schools. Morelli was notified of the misrepresentation in September by LGBT organisation Arcigay.

## Bias-motivated violence

- In February, a trans woman was murdered in northern Italy. The 21 year-old, of Brazilian origin, was stabbed and found by paramedics close to the city of Bergamo. In September, a 30 year-old man was charged with her murder and a trial was due to start in January 2016.
- A fundraising campaign for Italy’s first shelter for young adult victims of homophobic or transphobic abuse started in Rome in June. Professional counselling, legal assistance and social supports will be available through the ‘Refuge LGBT’ service, jointly organised by the Italian Red Cross Rome chapter and LGBT association Gay Center.
- In August, the public prosecutor opened an attempted murder investigation following an attack on a 45 year-old man. The man and a male friend were on a bus returning from a night out on 14 July when they were violently beaten by a group of young people who perceived them to be gay. The man suffered a brain haemorrhage, was placed in a medically induced coma and now cannot eat or speak. In September, three young

men were arrested and the bus driver charged with aiding and abetting.

## Education

- The Ministry of Education, Universities and Research published guidelines on prevention of bullying and cyberbullying in April; the guide refers to victimisation on the grounds of sexual orientation and gender identity.
- Several children’s books depicting same-sex families were banned from school libraries in Venice by mayor Luigi Brugnaro (Independent) following his election in June. In response, 267 Italian authors wrote to Brugnaro during the summer, asking for their approved texts to be removed in solidarity.
- Measures designed to combat homophobic bullying in schools (including training for school personnel and inclusion of diversity issues in the curriculum) were dropped from the National LGBT Strategy by the Ministry of Education in June.

## Equality and non-discrimination

- A final report under the UN’s Universal Periodic Review process was adopted for Italy in 2015 (see **United Nations**).

## Family

- In January, Rome city council established a special register for civil unions. The registry began its work officially in May when 14 same-sex and six heterosexual couples entered civil unions. Mayor Ignazio Marino (DP, in office until October 2015) referred to 21 May as ‘Celebration Day’.
- Also in January, Milan mayor Giuliano Pisapia (independent) revealed that he was facing criminal charges for recognising equal marriages carried out abroad. Pisapia refused to cancel the registration of these marriages, despite pressure from interior minister Angelino Alfano (New Centre-Right, NCD). At Milan Pride in June, over 100,000 people showed their support for marriage equality by holding up ‘Si’ signs during the event.
- On 9 February, the country’s highest appeals court held that same-sex couples do not have an automatic right to marriage under the constitution. The Court of

Cassation did say that gay and lesbian couples were entitled to legal protection, in a form similar to the rights enjoyed by unmarried, heterosexual couples.

- In April, a court in Palermo recognised the right of an Italian woman to retain shared custody of her children after separating from the children's biological mother.
- Following several promises by Prime Minister Matteo Renzi (Democratic Party, PD) to enact civil union legislation before the end of 2015, a bill was introduced to the Senate in March. It aimed to create partnerships with similar rights as marriage, with the exception of joint adoption rights (proposed second parent adoption only) and access to medically assisted insemination. Thousands of amendments were introduced, blocking the proposal at parliamentary commission stage. On 14 October, the government presented a modified version of the bill to the Senate in an attempt to reinvigorate the process. All references to family had been removed and instead references were made to 'specific social formations'. Also in October, interior minister Angelino Alfano (NCD) asked for a secret ballot on the civil unions bill.
- On 14 July, the Court of Appeal in Naples recognised the marriage of two French women (one of whom had dual French-Italian citizenship) who had married in France, citing the right to move and reside in another EU member state and the principle of non-discrimination.
- On 21 July, the European Court of Human Rights (ECtHR) unanimously ruled in *Oliari and Others vs Italy* that Italy's failure to provide any form of legal recognition for same-sex couples violated Article 8 of the European Convention of Human Rights. The ruling was the first time that the ECtHR acknowledged the right of sex-same couples to be legally recognised. The Chamber judgment recommended that the government introduce civil unions or registered partnership and also ordered that damages be paid to all of the applicants in the case.
- On 23 July, a Turin judge awarded custody of a child to its mother and her female partner, rejecting the father's appeal.
- In September, same-sex parents of children attending nursery school in Bologna were granted equal parenting responsibilities from start of the 2015/2016 academic year.

- In November, the Rome Juvenile Court held that the non-biological parent in a same-sex couple could adopt the child born to her partner after medically assisted reproductive treatment in Belgium.
- Appeal courts in Milan and Rome ruled that the existing Law 184 from 1983 which limited stepchild adoption to different sex couples was not in the best interests of the child. The Milan court gave its decision on 16 October, while the Court of Appeal in Rome handed down a similar judgment on 23 December. In the latter case, the Rome court affirmed the 2014 juvenile court ruling that a child, born abroad following gamete donation, could be legally adopted by her biological mother's lesbian partner.

## Freedom of assembly

- Venice mayor Luigi Brugnaro claimed that he intends to ban all Pride events in the city during his term of office. He made the statement in August during an interview with *La Repubblica*, saying that "There will be no Gay Pride in my Venice...let them go and do it in Milan or under your windows."

## Health

- Mario Bonfante, a former Catholic priest who came out in 2012, told the *La Repubblica* newspaper that gay priests were sent to a Trento monastery by the Vatican to be 'cured'. The Vatican refused to comment on the allegations.

## Legal gender recognition

- In November, the Constitutional Court confirmed that trans people in Italy do not have to undergo surgery as a prerequisite for legal gender recognition. The decision followed the earlier finding of the Supreme Court of Cassation on 20 July that sterilisation is not a requirement for gender recognition, following a legal challenge by a trans woman before the court of Piacenza.

## Police and law enforcement

- A gay Sicilian man, who had his driving license revoked, concluded a 15-year legal battle against two

government ministries. In January, the Court of Cassation ruled that his privacy was violated and he had been discriminated against because of his sexual orientation. Danilo Giuffrida had been informed by doctors, during a medical linked to military service, that he was 'troubled' by his sexuality and this made him mentally unfit to drive. Both the Ministry of Defence and the Ministry of Transport were ordered to compensate Giuffrida.

## Public opinion

- The La Stampa newspaper published the results of an opinion poll conducted after Ireland's marriage equality referendum in May; 51% of respondents supported equal marriage and 67% said they were in favour of civil unions.
- According to Eurobarometer 2015, 73% of people surveyed in Italy believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 71% felt discrimination on this ground was widespread (EU 28 average was 56%). 72% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 69% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 64% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Kosovo<sup>1</sup>



**Public acceptance of the rights of LGBTI people remained low in Kosovo. Even among parents of LGBTI people, a sizable proportion told an opinion poll that they would try to ‘cure’ their child if they were lesbian or gay. The increased work of national LGBTI NGOs led to greater exposure for some LGBTI activists, which resulted in online attacks. A human rights activist was added to an international protection programme for human rights defenders and the European Commission criticised the authorities’ investigation of hate crime and the lack of progress made by the LGBTI Advisory and Coordination Group. On an altogether more positive note, the legal framework was improved with the approval of new laws on anti-discrimination and gender equality. A government ministry also supported public IDAHOT events for the first time.**

<sup>1</sup> Included in this Review as a separate jurisdiction following UNSCR 1244/1999



## Bias-motivated speech

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 81% of the LGBTI people surveyed in Kosovo had been verbally harassed or abused because of their sexual orientation or gender identity.
- An LGBTI activist received a death threat after he posted a statement on the situation of LGBTI people on social media during the visit of US Special Envoy Randy Berry in November. The case was reported to the police and was pending at the end of 2015.

## Bias-motivated violence

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 29% of the LGBTI people surveyed in Kosovo had suffered physical violence because of their sexual orientation or gender identity.

## Enlargement

- Kosovo has been a potential candidate to join the European Union since 2008. In its annual report on progress made towards EU accession, published in November, the European Commission pointed out that political leaders needed to do more to promote tolerance. The report stated that current awareness-raising activities such as training for judges, police officials, teachers and journalists needed to continue. The Commission was concerned that investigations of reported hate crime remain poor and that the Advisory and Coordination Group on the rights of the LGBTI community has not yet produced any tangible results.

## Equality and non-discrimination

- In March, the European Parliament passed a motion for a resolution on the European integration process for Kosovo. The final text approved by MEPs called on the Kosovo authorities to consult with civil society more frequently and emphasises the need to protect LGBTI rights activists from threats and attacks.
- On 26 May, the 2004 anti-discrimination law was replaced by the new Law on the Protection from Discrimination. The law was approved by parliament

in May and entered into force in July. The Act establishes a general framework for prevention and combatting discrimination based on a number of grounds, including gender identity and sexual orientation. It prohibits any discrimination in direct or indirect form.

- On 28 May, a new Law on Gender Equality was adopted, replacing the 2004 version. It includes an updated definition of gender identity, protecting “the gender-related identity, appearance or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person’s designated sex at birth”. It was published in the Official Gazette on 26 June.
- A discrimination complaint against a municipality official was submitted to the Human Rights Unit in the Pristina municipality in May. The complainant stated that he had been discriminated against on the grounds of sexual orientation when he requested permission to organise a march and concert for IDAHOT. The complainant had not received any official update on the case by the end of the year.
- On 15 July, LGBT NGO Center for Social Group Development (CSGD) organised an information session about LGBTI issues with civil society groups in the four northern municipalities (these areas are not fully integrated in the Kosovo system and have majority ethnic Serb populations). It was the first time that LGBTI issues were publicly raised in this part of Kosovo.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 67% of the LGBTI people surveyed in Kosovo had been personally discriminated against because of their sexual orientation or gender identity.

## Freedom of assembly

- The Ministry of Culture, Youth and Sports supported the 2015 IDAHOT celebrations; this was the first time that a ministry had supported a public LGBTI event. The IDAHOT events were also adequately protected by police, according to local LGBT NGOs.

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 71% of the LGBTI people surveyed in Kosovo felt that Pride marches have improved the position of the LGBTI community in society.

## **Human rights defenders**

- Rajmonda Sylbije, executive director of CEL Kosova, became the first activist from Kosovo to be added to Civil Rights Defenders' Natalia Project. It provides security training and monitors the position and safety of human rights defenders using a GPS bracelet alarm.

## **Participation in public, cultural and political life**

- On 17 March, LGBT NGO CSGD organised the 'LGBTI in Politics' conference, the first public event of its kind to discuss including LGBTI issues in the political agenda. It was attended by representatives of the Self Determination party (VV; centre-left) and the Democratic Party of Kosovo (PDK; centre-right).

## **Public opinion**

- From June to August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. The survey combined the results of online questionnaires, focus groups with LGBTI people and face-to-face interviews with the general public. In Kosovo, 41% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 60% said they would not vote for a political party that championed the rights of LGBTI people.



# Latvia



Latvia's capital Riga hosted EuroPride 2015, making history as the first post-Soviet state to hold the event. It was a huge success and attracted lots of positive media attention. Less encouraging was the introduction of a "morality" clause to the school curriculum; these amendments to the Education Law were confirmed during the summer. Discussions about gender neutral cohabitation or partnership continued among NGOs and politicians. As Latvia also took charge of the EU's rotating Council presidency, national opinion polls revealed that the issue of LGBTI equality is still a divisive issue in Latvian society.

## Bias-motivated speech

- During a parliamentary committee hearing into a series of roof collapses at the Maxima shopping centre in 2013, Cardinal Jānis Francis Pujats made several statements about homosexuality. On 18 May, the Catholic cardinal implied that "...the deeper reasons for this tragedy should be sought in the people's moral realm" before going on to state that "...even Hitler's and Stalin's regimes didn't dare raise pederasty to the level of state policy". Artuss Kaimiņš MP (Latvian Association of the Regions, LRA) later asked if gay people would go to hell, to which the cardinal replied "I think you know the answer".
- In May, Minister of Justice Dzintars Rasnačs (National Alliance, NA; right-wing) reacted to media questions following Ireland's referendum (see **Ireland**) by saying "In Latvia there are no same-sex marriages or partnership provided by the law because it would be a road to nowhere for the Latvian nation."

## Education

- On 24 April, amendments to the Education Law proposed by Julija Stepanenko MP (Social Democratic Party – Harmony, SPDS) were partially approved in a final reading by parliament (Saeima). A proposal stating that education institutions must provide moral instruction on the constitutional values of family and marriage was passed. A suggestion to prohibit the distribution of certain materials to children was rejected. The moral education amendment was given final parliamentary approval on 18 June, by 64 votes to 12. President Andris Bērziņš signed the changes into law on 27 June.

## Family

- Veiko Spolītis MP (Unity, centre-right) introduced a gender neutral civil partnership bill on 30 January that proposed similar rights to marriage under the Civil Code. The proposal was discussed by the parliamentary legal affairs committee, who rejected it on 24 February.
- In March, an online signature campaign was launched, calling for the introduction of a gender neutral cohabitation law. The petition was initiated by the For Development (liberal) party leader Juris Pūce; the party is

relatively new and did not have any seats in the parliament at time of writing. By the end of the year, it had gathered 6,000 signatures (petitions which reach 10,000 must be discussed by parliament). There is no time limit for signature collection.

- An open letter, sent by Minister of Justice Dzintars Rasnačs (National Alliance) to NGO Mozaika in December 2014, was made public by the media. The minister said: "Same-sex partnership registration is not and will not be on the agenda of the Ministry of Justice. It is just the first step towards same-sex marriage and after that, most likely, child adoptions into such marriages would follow, and that is strictly against our Constitution's Article 110."

## Freedom of assembly

- EuroPride 2015 took place in Riga from 15-21 June, with the parade scheduled for 20 June. It was the first time that EuroPride had been hosted by a former Soviet state. Prior to the festival, it was announced on 8 June that Riga City Council would allow both the EuroPride parade and a gathering by the 'Anti-Globalists' group to take place on 20 June. The Latvian branch of 'Anti-Globalists' have compared homosexuality to mental illness. On 10 June, interior minister Rihards Kozlovskis MP (Unity) stated the authorities were concerned about the security challenge posed by EuroPride. Kozlovskis noted that police officers could use force to maintain public order. The parade on 20 June passed off peacefully; three counter-protestors were arrested for minor public order offences. Over 5,000 people took part in the parade in Riga.

## Public opinion

- According to Eurobarometer 2015, 35% of people surveyed in Latvia believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 21% felt discrimination on this ground was widespread (EU 28 average was 56%). 42% agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally

comfortable), 46% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 39% said they would be comfortable or moderately comfortable (EU28 average was 67%).

- Social attitudes research centre SKDS released the results of an opinion poll on attitudes towards sexual minorities in November. When asked what they would do on discovering that a colleague was homosexual, 47.6% of people surveyed said their attitude would not change, 25.5% said they would contact the person less and 4.3% said they would try to make the colleague in question leave their job. When asked about a potential homosexual relative, 38.2% of people surveyed said their attitude would not change, 10.4% said they would contact the person less and 6.4% said they would openly condemn their relative. When questioned about homosexual people and homosexual relations, 22.3% thought that neither should be condemned, 24.7% condemned both and 37.9% condemned homosexual relations but not the people themselves. 37.3% of the people surveyed said they would not want sexual minorities as their neighbour.



# Liechtenstein



No developments related to sexual orientation or gender identity were recorded in 2015.



# Lithuania



**LGBTI-friendly events gained visibility in Lithuania in 2015, with Vilnius' mayor-elect speaking out in favour of Pride parades in the capital and the city's successful application for 2016 Baltic Pride. The President reacted to homophobic comments by a well-known performer and a man was fined for bias-motivated hate crime. However, polls showed that only a minority of the general public felt comfortable with the idea of LGBTI colleagues and support for civil partnership or marriage equality remains low overall. A controversial 'anti-propaganda' bill made a sudden and unwelcome reappearance on the legislative agenda and political discussions on civil partnership for both different- and same-sex couples continued throughout the year.**

## Access to goods and services

- In April, the National LGBT\* Rights Organization LGL made a complaint to the Office of Equal Opportunities Ombudsperson when the Julturas bus company refused to supply a bus for Europride in Riga. The bus had been pre-ordered but Julturas revoked the contract, saying the vehicle was unavailable. The acting Ombudsperson Edita Žiobienė stated that the bus company had violated equal opportunities legislation in a letter to LGL in May.

## Bias-motivated speech

- A complaint against homophobic comments on a Facebook photo of a gay couple kissing, originally brought by LGL in December 2014, was dismissed. On 18 February, the final instance District Court of the Klaipėda Region affirmed the order to terminate the complaint. The court held that such “an eccentric act” must anticipate a certain reaction from people who hold opposing opinions. An appeal to the ECtHR (citing lack of effective remedies, violation of private life and discrimination) was filed by LGL on 13 August.

- Marijus Adomaitis, who performs as DJ Ten Walls, called gay men “another breed” and compared them to paedophiles in a Facebook post from his personal account in June. He later deleted the comments, apologised and wrote a longer statement that was published in September, blaming his remarks on “stress”. Several music festivals dropped Ten Walls from their line-ups during the summer as a result of his comments. Following his apology, DJ Ten Walls recorded a song with a trans singer and launched it on the website of National LGBT\* Rights Organization LGL. He was also formally invited to perform at Baltic Pride 2016 but had not confirmed by the end of 2015.

- During the annual congress of the Electoral Action of Poles in Lithuania political party and allied group The Polish Union of Lithuania, photos of participants in t-shirts with homophobic slogans appeared online. In July, the Equal Opportunities Ombudsperson opened an investigation into the incident before transferring the complaint to the Public Prosecutor’s Office in October, as the slogans were potentially punishable under criminal

law. On 20 October, the public prosecutor upheld the earlier decision of the police not to conduct a pre-trial investigation and dismissed the complaint.

## Bias-motivated violence

- In April, a man was fined EUR 3,350 for publicly harassing an openly gay singer based on his sexual orientation. In April, Laurynas Baltrūnas was ordered by a second instance court to compensate Ruslanas Kirilkinas for verbally abusing the singer as well as attacking him with eggs during a performance.

## Education

- In April, the director of a Vilnius school declared that a publication distributed by National LGBT\* Rights Organization LGL was tantamount to “propaganda”. The survey on homophobic bullying in schools was shared with 250 schools and institutions by LGL. In an interview with TV3, director of Pilaitė high school, Zotikas Popovas said that children might be tempted to ‘try’ homosexual relationships if LGBTI issues are openly discussed.

## Family

- In March, nine MPs from the Social Democrats (LSDP) and Liberal Movement (LRLS) parties submitted a joint bill on civil partnership for same-sex and different-sex couples. The Catholic Church in Lithuania immediately spoke out against the civil partnership proposal. The assistant secretary of the Lithuanian Bishops’ Conference stated that the Church “blesses marital love between a man and a woman and not between two men or two women”. Also in March, Prime Minister Algirdas Butkevičius (LSDP) said that he didn’t support the bill. In May, the parliamentary Committee on Legal Affairs confirmed that the proposal was compatible with the constitution. In July, parliament speaker Loreta Graūžinienė (Labour Party, DP) said that Lithuania was not ready for same-sex partnership and shouldn’t be forced to legislate following the ECtHR’s *Oliari* judgment (see **Italy**). In October, MPs opposing the bill stated that such a proposal would need to be passed by public referendum.



Voting on the bill had still not taken place by the end of the year.

- Justice minister Juozas Bernatoniš (LSDP) introduced an amendment to the Civil Code that would permit different-sex couples to enter registered civil partnerships. NGOs such as Human Rights Watch and legal professors criticised the proposal, stating that it was discriminatory. In June, the justice minister reacted by saying that there are not enough same-sex couples in Lithuania to justify their inclusion. On 13 October, the bill was rejected by members of parliament as the number of MPs against (25) and abstaining (16) outnumbered those in favour (27). The Homeland Union – Lithuanian Christian Democrats (TS-LKD) party opposed the bill. Several MPs who rejected the proposal said they did so because they feared that such a law would hasten the introduction of similar partnership laws for same-sex couples; Vilija Aleknaite-Abramikiene MP (TS-LKD) said "...it would be wrong to claim that we only want to help those guys and girls who live together, because we would have to automatically extend that right to gays and lesbians".
- On 15 September, 39 parliamentarians voted in favour of placing an amendment to child protection legislation on the agenda for the autumn legislative session. The proposal, put forward by Petras Gražulis MP (Order and Justice, TT; nationalist), explicitly stated that Lithuanian children cannot be jointly adopted by same-sex couples; only married couples can currently access adoption. The relevant committees had not delivered opinions on this proposal by the end of 2015.

## Foreign policy

- On 24 August, the Ministry of Foreign Affairs addressed the UN Security Council. In a closed briefing, the Ministry raised the vulnerability of LGBT people to gross human rights violations and called on the international community to protect the human rights of all.

## Freedom of assembly

- Remigijus Šimašius (LRLS) was elected as Mayor of Vilnius in March. When asked about potential LGBT

equality events or Pride parades in the city, he said "All types of parades of whoever wants to march will be allowed, as long as they do not disturb other residents of Vilnius. We must enjoy democracy in Vilnius. I see no reasons for banning someone from marching along Gedimino Avenue, if it is not the rush hour". Outgoing mayor Artūras Zuokas (Lithuanian Freedom Union, LLS) had previously said that the city did not need events like Pride as they were antagonistic.

- A permit to hold the 2016 Baltic Pride celebrations in Vilnius was awarded to the National LGBT\* Rights Organization LGL in October. LGL reported that law enforcement and city officials had been more helpful than in previous years. An event of 1,000 people was authorised, along with a Pride march, rally and concert scheduled for 18 June 2016.

## Freedom of expression

- A bill proposing freedom of expression limitations similar to Russia's so-called anti-propaganda law reappeared in November. Bill XIP 4490(3), an amendment to the code of administrative violations which aimed to punish 'public denigration of constitutional moral values' had been discussed in 2013 and debated in 2014. A final vote had not yet taken place and was proposed for 10 November. The bill's provisions included fines for individuals organising events that offended public morality. Before the vote could take place on 10 November, 65 members of parliament voted to postpone consideration of the proposal. The bill could be reintroduced to the legislative voting schedule at any time.

## Legal gender recognition

- A joint Ministry of Justice- Ministry of Health working group was established in January to discuss the introduction of a legal gender recognition procedure. In July, the group recommended a system where gender reassignment surgery is a required pre-condition, regulated by medical professionals. A legislative motion was tabled in November and will be considered by the parliament in 2016.

## Participation in public, cultural and political life

- Reacting to online comments made by DJ Ten Walls (see **Bias-motivated speech**), President Dalia Grybauskaitė (independent) stated that national discussions about homophobia and intolerance were required in Lithuania. In June, she said “I believe discussions are a healthy thing, we need more of them, as the sooner Lithuania becomes more open and more tolerant, the better it will be for the country”.

## Public opinion

- In a poll carried out by market research firm RAIT, 15% of respondents stated they would be in favour of the introduction of recognised same-sex partnership (rising from 7% in a 2014 RAIT poll); 79% were against equal partnership. 8% expressed support for marriage equality, while 82% stated their opposition. The survey was conducted in November 2014 and the results published in February.

- According to Eurobarometer 2015, 57% of people surveyed in Lithuania believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 46% felt discrimination on this ground was widespread (EU 28 average was 56%). 44% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 46% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 41% said they would be comfortable or moderately comfortable (EU28 average was 67%).

*“We must find a way to live in tolerance and equality in the world, and change the major opinion about gay men and women in my country.”*

- Vaidas Baumila, Lithuanian entry in the 2015 Eurovision Song Contest



# Luxembourg



**On 1 January 2015, marriage equality made headlines in Luxembourg as the first ceremonies for same-sex couples took place. Access to joint adoption was also extended to same-sex couples. Attention was on the country once again in May, as Prime Minister Bettel became the first serving EU leader to marry their same-sex partner. A prominent Russian LGBTI activist sought asylum in Luxembourg. Proposals to better protect trans people against discrimination were also put forward by the minister for labour.**

## Asylum

- Russian LGBTI activist Irina Fedotova (Fet) applied for political asylum after she was physically attacked in Moscow (see **Russia**). The co-organiser of Moscow Pride moved to Luxembourg in August. Her application was being processed at the end of the year.

## Equality and non-discrimination

- The Minister for Labour, Nicolas Schmit (Luxembourg Socialist Workers' Party, LSAP) put forward a bill to add the ground of 'sex change' to the existing 2006 anti-discrimination legislation. This amendment was filed, along with several other proposed legal reforms, in March and was adopted by the Commission on Labour, Employment and Social Security in December. Various NGOs disputed the amendment's language and raised concerns that it would not protect trans people who cannot afford or do not wish to undergo reassignment surgery. The law had not been adopted by the end of the year; the legislative process was ongoing.

## Family

- Marriage equality came into effect on 1 January, after parliamentarians voted in favour of the change in June 2014 by 54 votes to 6.
- On 1 January, the option to apply for step-child or joint adoption was also extended to same-sex couples.
- In March, discussions continued on a filiation law reform bill, originally put forward in 2013. The bill aimed to reform legal parentage; one of its main proposals was to expressly prohibit surrogacy. It was still being reviewed by government and parliament at the end of the year.

## Legal gender recognition

- On 4 May, the NGO Intersex and Transgender Luxembourg wrote an open letter to all 60 members of the Chamber of Deputies, calling on the legislature to implement measures to improve the life of trans people recommended by the European Parliament and the CoE's Parliamentary Assembly (PACE).

## Participation in public, cultural and political life

- Prime Minister Xavier Bettel (Luxembourg Democratic Party, DP; centre-right) became the first serving EU leader to marry his same-sex partner. On 15 May, the country's first openly gay leader married his civil partner Gauthier Destenay. At the time, Bettel was only the second political leader in the world to have married a partner of the same sex.

*"Thanks for all your kind messages. We just have one life, live it..."*

**Tweet from Xavier Bettel on the day of his wedding (@Xavier\_Bettel), 15 May 2015**

## Public opinion

- According to Eurobarometer 2015, 38% of people surveyed in Luxembourg believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 34% felt discrimination on this ground was widespread (EU 28 average was 56%). 75% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 69% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 65% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# FYR Macedonia



**The year began on a negative note, with the government's attempt to constitutionally define marriage as a union between men and women only. An additional constitutional amendment to make the passage of any future civil union legislation for same-sex couples more difficult was another source of disappointment, especially as it was introduced at the last minute, without informed debate. Hate crimes against LGBTI people remain a concern; the apparent lack of a systematic response to violent attacks was pointed out by the European Commission and led LGBTI activists to protest on the streets during the summer.**

## Access to goods and services

- In 2015, the Coalition on Sexual and Health Rights documented three cases in the access to banking services and health care services based on gender identity.

## Asylum

- LGBT NGO Subversive Front supported an LGBTI person applying for asylum in Belgium (see **Belgium**). He had experienced psychological violence, discrimination, hate speech and harassment since he publicly came out in an online video campaign in 2013.

## Bias-motivated speech

- In February, one journalist was sanctioned with a public warning by the Council for Ethics in the Media after his national TV show contained homophobic hate speech.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 66% of the LGBTI people surveyed in FYR Macedonia had been verbally harassed or abused because of their sexual orientation or gender identity.
- Bekim Asani, the leader of Tetovo-based NGO LGBT United, spoke at Amsterdam Pride in August. After his speech appeared online, Asani received many homophobic messages and multiple death threats. He temporarily relocated abroad.
- In November, the Commission for Protection against Discrimination (CPD), civil society organisation HERA and the Coalition on Sexual and Health Rights of Marginalised Communities launched the *Nation without Discrimination* campaign to make the public more aware of how to report discrimination on various grounds, including sexual orientation (see **Equality and non-discrimination**). The campaign attracted serious bias-motivated speech; the incidents were reported to the Cyber Crime Unit but no action had been taken by the end of the year.

## Bias-motivated violence

- The perpetrator of a violent attack against two LGBTI activists in 2012 was sentenced to 7 months imprisonment in January. The decision was quashed on appeal in

December and will be reviewed by the Basic Criminal Court in 2016.

- In June, the National Network against Homophobia and Transphobia protested outside government headquarters to highlight the lack of progress made in investigating violent hate crimes against LGBT people.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 27% of the LGBTI people surveyed in FYR Macedonia had suffered physical violence because of their sexual orientation or gender identity.
- The Coalition on Sexual and Health Rights documented two cases of assault based on sexual orientation and one case of violence based on gender identity in 2015; two of these cases were pending at the end of the year.

## Data collection

- In July 2015, NGO Subversive Front commenced the first ever comprehensive survey on SOGI-based bullying among youth in Skopje. The study is based on sample of LGBT-identifying and non-LGBT identifying people, aged between 18 and 30. Preliminary findings show that young LGBT people experience more anxiety and show more compulsive tendencies towards depression than young straight people. The final survey results will be presented in February 2016.

## Education

- The Coalition on Sexual and Health Rights successfully applied to the Commission for Protection from Discrimination to remove homophobic content from a university psychiatry text book. During the year, the Coalition also initiated advocacy activities to discuss the material included in the regular curricula.

## Enlargement

- FYR Macedonia formally applied to join the EU in 2004. In its annual report on progress made towards EU accession, published in November, the European Commission pointed out that the LGBTI community continue to suffer hate speech in the media. Such

bias-motivated incidents need to be systematically investigated. The Commission also expressed disappointment at the government's failure to add the grounds of sexual orientation and gender identity to existing anti-discrimination legislation. Considerable efforts need to be made to promote acceptance and diversity, through public campaigns and training for law enforcement officials.

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 83% of the LGBT population think that EU support is very important for the improvement of their position in the country.

## Equality and non-discrimination

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 54% of the LGBTI people surveyed in FYR Macedonia had been personally discriminated against because of their sexual orientation or gender identity.

- On 13 July, NGO Subversive Front, submitted a complaint to the State Commission for Protection against Discrimination regarding discriminatory, derogatory and openly homophobic content in some supplementary books at the University 'Ss. Cyril and Methodius' in Skopje. No response to the complaint had been received by the end of the year.

- In November, CPD, HERA and the Coalition on Sexual and Health Rights of Marginalised Communities launched an anti-discrimination protocol. Anti-discrimination legislation does not include sexual orientation or gender identity as protected grounds. As a result, the protocol outlines how to treat claims of discrimination based on sexual orientation or gender identity.

- LGBTI NGOs expressed concern following the appointment of six new members of the Commission for Protection against Discrimination by parliament in December. NGOs were particularly concerned about three appointees as they had previously expressed homophobic, islamophobic and misogynistic views.

## Family

- In January, the parliament voted in favour of constitutionally defining marriage as a union solely between a man and a woman. In addition to this, politicians also adopted an amendment to ensure that a two-thirds majority of members of parliament would be necessary to regulate marriage, family, and civil unions, including any future unions for same-sex couples. Such a majority was previously only reserved for issues such as sovereignty and territorial questions. On 9 January, the parliamentary committee on constitutional issues approved a series of amendments, including the limitation of marriage and the two-thirds majority requirement which was included at the last minute. On 20 January, the amendments were approved in parliament by 72 votes to 4. In order for these amendments to be added to the constitution, a final vote was required to approve them. This final parliamentary session was commenced on 26 January but never concluded, as the ruling coalition did not obtain the two-thirds majority required. The parliamentary session on the constitutional amendments was in recess until the end of 2015.

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 89% of the general population finds equal marriage unacceptable.

## Freedom of assembly

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 45% of the LGBTI people surveyed in FYR Macedonia felt that Pride parades have improved the position of the LGBTI community in society; FYR Macedonia was the only one of the six countries surveyed where only a minority agreed with this statement. In addition, 84% of the general population would not personally support the organisation of Pride events.

## Freedom of expression

- National Broadcasting Television did not respond to a request from NGOs to air the *Nation without Discrimination* video campaign as a public interest broadcast (see

**Bias-motivated speech).** National media outlets also failed to cover the Coalition on Sexual and Health Rights' 10 December billboard campaign in cooperation with NGO Queer Zagreb; only seven independent news sites mentioned the initiative.

## Human rights defenders

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) showed that 31% of LGBT people surveyed do not have favourable opinions about activists that advocate for LGBTI rights in the media.

## Legal gender recognition

- LGBT NGO Subversive Front filed a case in the Administrative Court in November in support of a trans woman whose request to change her gender marker and official ID was refused. The NGO also initiated civil proceedings due to the authorities' delay in responding to her request; this was still pending at the end of 2015.
- The Coalition on Sexual and Health Rights provided legal representation to five trans people who have requested legal gender recognition; some of the cases are pending since 2011.

## Public opinion

- From June – August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. In FYR Macedonia, 58% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 61% said they would not vote for a political party that championed the rights of LGBTI people.





# Malta



**The drive to increase protection for LGBTI people in Malta continued apace in 2015. The Gender Identity, Gender Expression and Sex Characteristics Act (GIGESC) protects individuals' physical integrity, bodily autonomy and self-determination. It became an instant example of international best practice and the catalyst for several other significant initiatives: a wide-ranging education policy for trans, gender variant and intersex children and a comprehensive LGBTI Action Plan. The changes introduced by the Maltese government saw them rise to first place on the ILGA-Europe Rainbow Europe Index. The government moved to ban so-called 'conversion therapies', while the debate around diversity education in schools was less conciliatory.**

## Asylum

- In January, asylum was granted to a trans refugee following a review of their case by the authorities. This was the first time that the Commissioner for Refugees had granted protection on the grounds of gender identity.
- When passed in April, the GIGESC Act granted a right to legal recognition to those with refugee or protected status (see **Legal gender recognition**).

## Bias-motivated speech

- When passed in April, the GIGESC Act also extended bias-motivated speech and violence provisions to the grounds of gender expression and sex characteristics (see **Legal gender recognition**).
- US evangelist pastor Tom Brown was invited to speak at the River of Love church in June. During an interview with the Times of Malta, he stated that “Having same-sex attraction is not natural... it’s not healthy”. He also discussed his ability to ‘cure’ gay and lesbian people (see also **Health**).

## Bias-motivated violence

- The LGBTIQ Action Plan 2015-2017 (see **Equality and non-discrimination**) addressed hate crimes on the grounds of sexual orientation and gender identity. It included commitments to reviewing the existing protocols to deal with hate crime, ensuring police are adequately trained and setting up appropriate referral services for victims.

## Bodily integrity

- The GIGESC Act was passed in April (see **Legal gender recognition**) and it prohibits any unnecessary surgical procedure on the sex characteristics of a person without their consent, making Malta the first country in the world to enact such protections for intersex people.

## Education

- Malta became the first country in Europe to introduce an education policy focusing on the needs of trans, gender-variant and intersex children. On 16 June, the government launched the policy, along with an

accompanying procedure and strategy which outlined how the policy’s provisions should be implemented uniformly in schools. Among the specific needs addressed by the policy were confidentiality, support, adequate facilities, the possibility to amend documentation and access to information.

- On 29 July, the Minister for Education Evarist Bartolo (Labour Party, PL) announced that a collection of books on diversity would be distributed to schools. This set of educational materials would include books about LGBTIQ children and rainbow families, and audio-visual resources for teachers. Parents who objected to the LGBTI diversity books formed a Facebook group called ‘Parents and teachers against gender indoctrination of our children in schools’. In October, the education minister stated that the initiative was about eradicating stereotypes and promoting diversity. The books are currently being kept at the ministry for reference for teachers.

## Employment

- On 11 March, it was announced that the family-friendly measures (such as adoption or parental leave) enjoyed by married couples working in the civil service were extended to couples in a civil union.

## Equality and non-discrimination

- In February, the government announced a third option would be introduced for personal identification cards. An X category, signifying an undeclared sex/ gender, would be made available alongside male and female.
- In July, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties published its LGBTIQ Action Plan 2015-2017. Following up on the government’s commitment in its programme for government to strengthen anti-discrimination policies, the Action Plan was developed in partnership with the LGBTIQ Consultative Council (LGBTI NGO representatives).
- Malta reached the top of ILGA-Europe’s Rainbow Europe Index for the first time in October, moving ahead of the UK.

- In November, a new Human Rights and Integration Directorate was established within the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties.
- On 10 December (Human Rights Day), the Ministry for Social Dialogue, Consumers and Civil Liberties opened a public consultation on two new bills; one proposed setting up a Human Rights and Equality Commission, the other draft Equality Bill outlaws discrimination in various spheres of life and promotes high equality standards.

## Health

- NGO Malta LGBTIQ Rights Movement (MGRM) called on the government to ban so-called 'conversion therapies'. In June, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties confirmed it was reviewing similar legislation from other jurisdictions. Minister Helena Dalli (Labour Party, PL) presented the draft *Affirmation of Sexual Orientation, Gender Identity and Gender Expression* bill to parliament for its first reading on 15 December. On the same day, a public consultation on the bill was opened until 15 January 2016.

## Legal gender recognition

- Following a unanimous vote, the Maltese parliament passed the *Gender Identity, Gender Expression and Sex Characteristics Act* on 1 April. The Act guarantees rights to gender identity, bodily integrity and physical autonomy for all persons. It outlines the legal gender recognition procedure for adults and minors, based on self-identification. President Maria Louise Coleiro Preca signed the Act on 14 April.

*"All individuals have a gender identity, whether we are aware of it or not, and we all have a right to have it respected by others. We politicians will be simply honouring our obligation to ensure all members of society can enjoy their life, succeed and prosper without discrimination."*

**- Minister Helena Dalli, speaking before the final vote on the GIGESC Act, 1 April**

- On 6 July, amendments to the GIGESC Act were approved by parliament. The changes (drawn up by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties) clarified a number of issues, including access to legal gender recognition for people who were adopted. The amendments were signed into law by the president on 14 July.
- In November, Minister for Home Affairs Carmelo Abela (Labour Party, PL) confirmed that 40 people had legally changed their gender since the introduction of the GIGESC Act.

## Participation in public, cultural and political life

- Alex Mangion (Nationalist Party, PN; Christian-democratic) became the first trans person to be elected to public office. The 25 year-old became a member of Attard local council in April.

## Public opinion

- According to Eurobarometer 2015, 55% of people surveyed in Malta believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 58% felt discrimination on this ground was very widespread (EU 28 average was 56%). 77% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 81% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 76% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Sexual and reproductive rights

- The government set up a review committee in August to propose changes to the Embryo Protection Act. At the time of writing, LGBTIQ people do not have access to reproductive health services under the existing legislation.



# Moldova



The LGBTI community in Moldova was the target of hate speech and physical violence in 2015. Discriminatory statements emanated from political and religious groups and multiple bias-motivated attacks were reported to LGBTI NGOs. The homophobic 'Occupy Paedophilia' group continued to operate in Moldova; three of its members were convicted of assault. The Supreme Court cleared an Orthodox bishop of incitement to hatred in a dubious decision and LGBTI activists ran into difficulties when they tried to broadcast an advertisement on national TV.

## Access to goods and services

- The owner of a karaoke bar discriminated against a same-sex couple in September by refusing to serve them after they had danced together and kissed. The police referred the case to the Council for Prevention and Elimination of Discrimination and Ensuring Equality. On 20 November, the national equality body confirmed that the owner had discriminated against them based on their sexual orientation. He was warned not to commit any further violations; the equality body can issue recommendations but not impose penalties.

## Bias-motivated speech

- In February, the Bălți Court of Appeal found that comments made in a 2012 TV interview by the Bishop Markel of Bălți and Fălești constituted hate speech. The Orthodox bishop was ordered to pay damages and issue a formal apology for stating that homosexuals shouldn't be employed in hospitals, schools or in the catering sector because 92% of homosexuals are living with AIDS. On 16 September, the Supreme Court overturned the Court of Appeal decision, saying that the bishop's position gave him the right to speak publicly about homosexuality and Church teaching. The court also criticised lower courts for supposedly siding with LGBTI NGOs.
- Before June's local elections, the Party of Socialists of the Republic of Moldova (PRSM, democratic-socialism) released a campaign ad where PRSM party chairman Igor Dodon criticises people who he says are "destroying our traditional and moral Christian values", while LGBTI activists appear on screen. It was uploaded to the Socialist Party's YouTube channel and broadcast on several TV channels in May and June.
- From 14 -28 June, before the Chişinău mayoral elections, unidentified people distributed leaflets on behalf of the Orthodox Christian Movement. The leaflets stated that serving mayor Dorin Chirtoacă (Liberal Party, PL; right-wing) "allows shameful parades and manifestations of homosexuals. Thus, he threatens our and our children's moral security".

## Bias-motivated violence

- In 2015, NGO GENDERDOC-M documented 10 cases of bias-motivated violence including one of alleged homicide based on the victim's sexual orientation.
- In July, a trans women and her husband were subjected to verbal and physical abuse while visiting friends. One man, accompanied by seven others, entered the house around midnight and began to taunt the woman before beating her and her husband. She notified the police but a transphobic motive was not taken into account. The case is being currently examined by the Anenii Noi Regional Court.
- A lesbian in Chişinău was attacked by one of her neighbours in July. After filing a formal complaint with the police, the victim returned home, only to be attacked and robbed by the same assailant. Prosecutors charged the assailant with the minor offence of hooliganism, with no aggravated bias-related motive considered. The assailant pleaded guilty in November. In December, he was found guilty and ordered to pay damages to the victim.
- In September, a gay man in his 50s was found dead with signs of fatal bodily injuries near Chişinău railway station. The police began enquiries; however, no results of that investigation had been announced by the end of 2015.
- Three members of the 'Occupy Paedophilia' group were found guilty of bias-motivated assault in November. The Bălți City Court fined each of them MDL 6,000 (approx. EUR300). The three men had been part of a larger group of 13 'Occupy Paedophilia' assailants who brutally attacked a young gay man in October 2014.

## Equality and non-discrimination

- A report released by the Institute for Public Policy (IPP), *The Phenomenon of Discrimination in Moldova*, contained a number of recommendations to reduce discrimination against LGBT people. They included appropriately investigating and punishing bias-motivated crimes, more state involvement in countering discrimination and improving tolerance by training journalists, law enforcement officials, politicians, teachers and doctors (see **Public opinion**).

## Freedom of assembly

- In May, NGO GENDERDOC-M planned to hold a march in the capital. Two days before the event, the police asked GENDERDOC-M to change the location and time due to alleged security concerns and counter-protestors. A bus company contracted to take participants away from the march failed to appear following a call from police officers. Members of the 'Occupy Paedophilia' group threatened participants and threw rotten eggs but no individual was charged with public order offences.
- On 14 July, LGBTI activists marched from Bălți City Hall to the main police station to protest against the lack of hate crime investigation. Prior to the march, police officials asked if the activists would move away from the statue of Stephen the Great (a national monument) and gather elsewhere instead. Two members of the public who shouted homophobic abuse at the marchers were approached by police but were not charged with any offence.

## Freedom of expression

- In May, two television stations, Moldova 1 and JurnalTV, refused to broadcast a video campaign 'Because I Live Here: What would happen if you learned that s/he was a lesbian/gay/transgender?' produced by LGBTI NGO GENDERDOC-M. The NGO had signed contracts and paid both stations in advance. The NGO commenced legal proceedings. Their claim against Moldova 1 was rejected and, at time of writing, was being appealed. The discrimination case against JurnalTV was ongoing at the end of 2015.

## Human rights defenders

- Staff from NGO GENDERDOC-M were threatened by members of 'Occupy Paedophilia' on social media around Pride celebrations in May. The organisation's executive director was threatened by a taxi driver during the Pride festival; the driver was dismissed following a complaint to the taxi company. The rainbow flag displayed in a courtyard at GENDERDOC-M's offices was stolen in June and December.

## Legal gender recognition

- Moldova does not have a clear legal mechanism for gender recognition but one trans woman received a psychiatric evaluation certificate that allowed her to successfully apply to have her gender recognised in court. The 18 year-old submitted her court claim on 23 July. Subsequently, she received a favourable judgment, obliging the State Registry Office to issue a new birth cert with her preferred name and gender marker. A trans man also submitted a similar request; his claim was ongoing at the end of the year.

## Participation in public, cultural and political life

- Oleg Brega, a journalist, activist and GENDERDOC-M member, ran for mayor of Chişinău and in the city's council elections in June. He was not successful in either race.

## Police and law enforcement

- NGO GENDERDOC-M made four official complaints about bias-motivated events that were not dealt with by police or the prosecutor's office in 2015.

## Public opinion

- When IPP researchers compared 2010 and 2014 opinion poll results, they found an increase in the numbers of people who thought that LGBT people needed treatment (67% to 76%) and those who thought that LGBT people should not be permitted to adopt (74% to 87%). The number of people who thought that LGBT people are HIV-positive fell from 46% to 39%.



# Monaco



No developments related to sexual orientation or gender identity were recorded in 2015.



# Montenegro



Montenegro hosted the third ministerial Forum to mark IDADOT, however the opening of the event was somewhat overshadowed by the fact that police in Niksic had banned a Pride walk only two days earlier. The organisational board of Montenegro's Pride Rally decided to postpone the event due to anti-government protests occupying the parade routes; it went ahead successfully in December following cooperation between the authorities, the police force and event organisers. Three men were jailed for their homophobic abuse of an LGBTI activist.



## Access to goods and services

- An activist from NGO LGBT Forum Progress was verbally abused by a doctor during a medical examination. He complained about the homophobic comments to the police and his case was forwarded to the prosecutors (still ongoing at the end of the year).

## Bias-motivated speech

- On 10 April, the director of NGO LGBT Forum Progress was threatened by a group of three men. He was walking in Podgorica when the men verbally abused him and threatened him with physical violence because of his sexual orientation. On 28 May, a Podgorica court sentenced all three men to three months in prison.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 54% of the LGBTI people surveyed in Montenegro had been verbally harassed or abused because of their sexual orientation or gender identity.

## Bias-motivated violence

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 28% of the LGBTI people surveyed in Montenegro had suffered physical violence because of their sexual orientation or gender identity.

## Enlargement

- Montenegro formally applied to join the European Union in 2008 and negotiations have been ongoing since 2012. In its annual report on progress made towards EU accession, published in November, the European Commission praised the country's successful hosting of the 2015 IDAHOT Forum (see **Foreign policy**) but stressed that cooperation between various institutions such as the ombudsman and civil society needed to improve. The ban imposed on Niksic Pride, the high number of attacks on LGBTI people and the lack of subsequent convictions was also highlighted.

## Equality and non-discrimination

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed

that 49% of the LGBTI people surveyed in Montenegro had been personally discriminated against because of their sexual orientation or gender identity.

## Foreign policy

- The third international ministerial Forum to mark International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) took place in Montenegro from 10-12 May. The theme for the 2015 Forum was 'Ending Hate Crime and Violence'. Ministers from Albania, Bosnia and Herzegovina, Croatia and Serbia joined Montenegro's justice minister Zoran Pazin in signing a joint statement from the ministers of the region. The statement reaffirmed their commitment to anti-discrimination measures and prioritised the response to homophobic and transphobic hate crimes.

## Freedom of assembly

- Two NGOs (LGBT Forum Progress and Hiperion) planned to hold a march in support of an LGBTI event at Niksic University on 24 April. The 'Academic Walk of Pride' was a reaction to a meeting on LGBTI rights being banned. It was due to take place in front of the philosophy faculty on campus but was suspended by police, who cited security reasons. Following complaints from students, the march was rescheduled for 8 May. This march was also cancelled, with no alternative date or routes being proposed, days before the IDAHOT Forum was due to begin (see **Foreign policy**). In September, the Pride march was banned for the third time; once again, concerns about an increased threat of violence were the justification given.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 67% of the LGBTI people surveyed in Montenegro felt that Pride parades have improved the position of the LGBTI community in society.
- Queer Montenegro, the organisers of the Pride events in the capital city Podgorica decided to reschedule the event due to the outbreak of mass protests against Prime Minister Milo Djukanovic's government. The third annual Montenegro Pride was initially scheduled for 18 October.

Public demonstrations against alleged political corruption lasted throughout October and the Pride organising committee announced their decision to postpone the event on 9 October. Alterations were made to the route and a new date of 13 December was confirmed. The march went ahead without any incidents, with several hundred participants taking part and with a significantly decreased number of police officers.

## **Public opinion**

- From June – August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. The survey combined the results of online questionnaires, focus groups with LGBTI people and face-to-face interviews with the general public. In Montenegro, 47% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 49% said they would not vote for a political party that championed the rights of LGBTI people.



# The Netherlands



LGBTI organisations in the Netherlands continued to advocate for improvements in law and policy throughout 2015. The ‘single fact’ dismissal rule was finally removed from employment legislation, meaning that LGB teachers could no longer be dismissed on the grounds of their sexual orientation. NGOs called on the government to adjust the legal recognition process and abolish official sex registration to better protect trans and intersex people. 2015 also saw the publication of numerous reports into various aspects of the lives of LGBTI people in the Netherlands, revealing varying levels of public acceptance.

## Asylum

- In September, the government changed its asylum policy for LGBT applicants from Russia, following pressure from NGOs including LGBTI NGO COC Nederland. Russian LGBT asylum seekers are now considered a 'group at risk' and the Dutch authorities no longer suggest that they could move to other parts of Russia to be safe. Three Russian LGBT asylum seekers received a permit to stay after the policy was changed.
- NGO COC wrote to State Secretary Klaas Dijkhoff (People's Party for Freedom and Democracy, VVD; centre-right) in October after receiving multiple complaints from LGBT asylum seekers who had been bullied or harassed in temporary shelters. Separate accommodation was not introduced by the national government but the municipality of Amsterdam established a safe house for LGBT asylum seekers in December.
- Two civil society organisations, Human Rights Watch and OutRight Action International, wrote to the foreign affairs and justice ministries on 9 October, urging them to exercise care while assessing the applications of Iranian LGBT asylum seekers, as LGBT individuals were still being systematically prosecuted.

## Bias-motivated violence

- As of January, countering violence against LGBT people is an official priority of the Dutch police and the Ministry of Security and Justice in their 2015-2018 Security Agenda. However, the government has not yet operationalised this priority into concrete policy measures.
- The Dutch police released their latest figures on discrimination and violence against LGBT people (referring to 2014). 1,403 cases were reported, up from 428 in 2009.

## Data collection

- In February, the Dutch Social and Cultural Research Body (SCP) published their 'Young People and Sexual Orientation' report. Young LGB people ranked their life at six out of ten, compared to eight out of ten for heterosexual youth. LGB youth report more mental health problems and the suicide rate among LGB youth is five

times higher than amongst heterosexual youth, according to the SCP report.

- In November, NGO Trans Network Netherlands published the results of an online survey on the subject of violence towards trans people. 351 participants were questioned as part of the '*Safe, as Long as One Does Not Notice*' study. 54% of respondents had experienced verbal threats or physical violence in the previous 12 months. One in four said they needed professional help as a result of the harassment they encountered.
- On 10 December, the Dutch Social and Cultural Research Body (SCP) published *The over-55s and sexual orientation*, a report about the experiences of older LGB and heterosexual people. The research shows that LGB people are equally as happy as their straight peers but 31% of them are never open about their sexual/gender identity. 20% expect negative reactions from other people living in care homes for elderly people and 10% expect care home personnel to react negatively.

## Education

- Minister for Education Jet Bussemaker (Labour Party, PvdA; social democratic) decided to continue to financially support the Gay-Straight Alliance network in schools from 2015 to 2017.

## Employment

- A proposal to amend employment legislation, originally submitted in 2010, to prevent teachers from being dismissed and students being expelled on the grounds of sexual orientation was implemented. The so-called 'single fact' rule had been circumvented by some religious schools to expel LGB teachers and students, not on the 'sole fact' of their sexual identity, but on circumstances connected to it. The Senate voted to remove the single fact exception from the Equal Rights Act 1993 on 10 March, by 72 votes to 3. This change was effective from 1 July.

## Equality and non-discrimination

- NGOs COC, Transgender Network Netherlands and Netherlands Netwerk Intersekse/DSD continued to make

proposals to abolish official sex registration. The results of a government report on the issue, originally published in 2014, were debated in parliament on 18 June. Minister of Justice Ard van der Steur (VVD) then developed a new policy in September, which included the establishment of a commission of government officials that began investigating concrete possibilities to limit sex registration.

- On 28 October, Minister for Health Edith Schippers (VVD) announced that the permanent restriction on gay and bisexual men donating blood would be lifted. The minister stated it would be replaced with a 12 month deferral period. LGBTI rights groups criticised the move as sexually active individuals who do not engage in risky behaviours are still excluded from donating.

## Foreign policy

- At the Parliamentary Committee on Foreign Affairs on 15 June, Minister of Foreign Affairs Bert Koenders (Labour Party, PvdA) stated that the government intended to include the human rights of intersex people in their human rights foreign policy; human rights of LGBT people were already included as a priority.

## Legal gender recognition

- In April, NGOs Transgender Network Netherlands, NNID and COC made a plea to the Ministry for Security and Justice, asking for improvements to the 2014 gender recognition law. At a meeting with the ministry in September, the organisations called for removing the need for the approval of a judge for intersex people to change their sex registration at any age. For trans people, they proposed to removing the minimum age of 16 for the change of gender registration as well as the need for a psychological opinion. The Dutch government promised to evaluate the law in 2017.

## Police and law enforcement

- 'Pink in Blue' police teams were dispatched to more regions during the year; now there are contact points in all ten police regions, although only four can be reached by phone. These police teams, of LGBT people and allies, are specialised in countering violence against LGBT people.

## Public opinion

- The Dutch Social and Cultural Research Body (SCP) published research on social acceptance of LGBT people on 11 May. 66% of the Dutch population had a positive opinion about lesbian, gay and bisexual people and 78% were in favour of equal marriage. However, 35% thought it is offensive to see two men kissing in public, compared to 24% taking offence at two women kissing, and 12% after seeing a heterosexual couple kissing. One third of those surveyed think that 'there is something wrong' with people who don't feel male or female. About one in ten Dutch people have prejudices about bisexual people, for example that bisexuals 'can't choose'. The research also shows that countries such as Spain, Sweden and Iceland are now more accepting of LGBT people than the Netherlands.

- According to Eurobarometer 2015, 65% of people surveyed in the Netherlands believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 56% felt discrimination on this ground was widespread (EU 28 average was 56%). 96% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 96% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 91% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Norway



**Religious belief and discussions on LGBTI equality intersected several times during 2015. The Church of Norway's highest representative body supported the idea of same-sex couples getting married in church ceremonies. One bishop in Oslo simultaneously opposed equal marriage while agreeing to ordain a lesbian theology student. An election officer was dismissed from his duties following derogatory comments during church elections; similar offensive remarks earned a footballer a red card. Recommendations from an expert group started discussions about improving the legal gender recognition process.**

## Asylum

- An Iraqi citizen arrived in Norway via Russia on 5 October. He left his home as he feared being persecuted because of his sexual orientation but the asylum authorities said that legally he must be sent back to Russia. He was still in Norway at the end of the year. LGBTI NGOs expressed concern that other LGBTI refugees will be returned to Russia.

## Bias-motivated speech

- Bærum SK football player Simen Juklerod became the first player to be sent off for using homophobic language. In June, Juklerod was given a straight red card for using the word 'gay' in an offensive manner.
- During church elections in September, an official at a polling station in Oslo was heard ridiculing voters who asked for ballots for a group supportive of marriage equality within the church. When a woman asked for a ballot for the Åpen folkekirke (Open People's Church), the election official asked her "Are you really taking that homo-ballot?". The official was eventually asked to leave the polling station an hour before the polls closed.

## Bias-motivated violence

- Hanne Marie Pedersen-Eriksen (see **Employment**), a lesbian pastor in Sarpsborg, was slapped by a woman while she was preparing for a funeral service. In July, Pedersen-Eriksen reported that the woman had called her a "disgrace to the church" before hitting her in the face. When Pedersen-Eriksen mentioned the incident on Facebook, she was criticised by Fusa parish priest Einar Ekis Ekerhovd who said she should have 'turned the other cheek'. He later apologised for his comments.

## Employment

- In April, the bishop of More Ingeborg Midttømme refused to ordain a female theology student because she intended to marry her female partner. Hanne Marie Pedersen-Eriksen had been offered a job as a pastor by the Sandøy parish council but Midttømme announced that she would not ordain her. In July, Bishop Per Arne Dahl (see **Family**) agreed to ordain Pedersen-Eriksen.

## Family

- Oslo-based bishop Per Arne Dahl announced that he would not officiate at marriage ceremonies involving same-sex couples. Dahl said that he would be happy to bless couples married outside the church in civil ceremonies. In July, he commented that "...I stand for the classic view on marriage as a relationship between a man and a woman".
- On 30 October, the General Synod of the Church of Norway approved a proposal to allow churches to offer marriage ceremonies to same-sex couples. Gay and lesbian couples will be able to choose between a civil ceremony and a church service for the first time. Before any ceremonies can take place, the decision has to be confirmed by the Synod in spring 2016 and then put out for consultation. At the end of the year, there was an ongoing debate over whether there will be one common liturgy or separate texts for same-sex and different-sex couples.

## Legal gender recognition

- On 10 April, an expert group from the Ministry of Health published their recommendations for changes to the legal recognition process. It proposed a model of self-determination for trans people aged 18 and over. The report also highlighted deficiencies in the health sector that must be addressed.
- In June, the government proposed amendments to the gender recognition age limits. Children aged 7 and over would be allowed to choose their legally recognised gender with parental support. Those aged 16 and over would be permitted to legally change their gender without any need for a medical or psychiatric evaluation and people aged 18 and over could undergo gender reassignment surgery. The proposition will be brought before parliament in March 2016.

## Participation in public, cultural and political life

- Singer Tooji Keshtar came out in June. He released a video for his single 'The Father Project' which depicted himself kissing a priest in front of a congregation. Ole

Christian Kvarme, the bishop of Oslo, called the video “a gross misuse of the church”.

## **Sexual and reproductive rights**

- In November, the Norwegian Biotechnology Advisory Board voted in favour of allowing trans men to retain their ovaries and access IVF treatment after legally changing their gender. Nine of the 13 members of the national ethics committee supported the proposal.





# Poland



Negative rhetoric and opposition to LGBTI equality became more apparent over the past 12 months. Attempts to debate civil partnerships for same-sex couples were shut down by a majority of MPs. Homophobic and transphobic statements were once again made by public figures and court cases involving violent attacks continued to ignore the bias motivation in their sentencing. Arguably, the most disappointing aspect of 2015 was the fate of the Gender Accordance Act. Passed by the parliament in the summer, it was subsequently hampered by amendments and objections from political opponents before the Act was eventually killed by a presidential veto.

## Bias-motivated speech

- In March, Krystyna Pawłowicz MP (Law and Justice, PiS) was quoted in media reports saying that “the government continues to introduce a sick ideology of gender, which promotes sexual pathologies”. Her comments came as amendments to the Criminal Code were being considered (see **Bias-motivated violence**).
- In the run-up to parliamentary elections on 25 October, Jarosław Kaczyński (party leader, PiS) at a rally in Siedlce called gender reassignment “a fad” and “an attack on the family”.

## Bias-motivated violence

- On 2 February, one man was sentenced to 15 years imprisonment for the robbery and murder of a 20 year-old gay man in January 2014 in the city of Szczecin; another man received a suspended 2 year sentence for taking part in the assault. Homophobia was not mentioned as a potential motivating factor during sentencing. Both appeals were rejected in June.
- Potential amendments to the Criminal Code to extend protection from violence and incitement to hatred to the grounds of sexual orientation and gender identity remerged for discussion. Three separate bills on the topic were being considered in 2014 but no progress was made. On 20 February, then Minister for Justice Cezary Grabarczyk (Civic Platform, PO; Christian democratic) expressed support for the changes in a letter. The bills were not passed before parliamentary elections on 25 October and became void as a result.
- On 4 May, the District Court of Żywiec ordered a man to serve sixth months in prison and pay a fine of PLN2,000 (approx. EUR 450) for assaulting a human rights activist and using homophobic slurs in December 2014. No reference was made to the homophobic nature of the attack.
- Amnesty International's *Targeted by Hatred, Forgotten by Law* report, published in September, found that LGBTI people are not adequately protected against hate crimes and face wide-spread discrimination.

## Employment

- A Polish priest who had been employed by the Vatican was dismissed from his role in October. Father Krzysztof Charamsa was sacked for breaking his vow of celibacy after he spoke about his male partner in media interviews before the synod of bishops on family issues in Rome.

## Equality and non-discrimination

- As part of its fifth monitoring cycle, ECRI released its report on Poland in June. The report recommended including sexual orientation and gender identity as grounds in criminal hate speech and hate crime legislation, training police officers and prosecutors on how to deal with hate crimes, and starting awareness-raising campaigns. The report also criticised politicians who had made intolerant statements in public.

## Family

- MPs voted against debating a civil partnership bill for a fifth time by 215 votes to 146, 24 abstained. The bill proposed regulating social security benefits, income tax and inheritance rights for same-sex and different-sex couples. It had been initiated by the Democratic Left Alliance (SLD) in 2013; the party said it would bring a sixth version of the bill forward after October's parliamentary elections. No SLD MPs were elected to the Sejm but LGBTI activists began working with the Modern (.N, liberal) party on draft legislation that will be submitted to parliament in 2016.
- A Polish national, who planned to marry his Spanish partner in Spain, was refused documents confirming his single status and commenced legal action against his local registry office. The local registry office stated that issuing the license would contravene Polish law as the constitution only recognises different-sex marriage. The case was heard before the Warsaw Court of Appeal on 15 October. On 28 October, the court upheld the registry office's decision. A motion to ask a prejudicial question was put forward to the CJEU.
- In December, the Coalition for Civil Partnership announced that it will initiate legal proceedings on behalf of five couples seeking to challenge the lack of recognition for same-sex partnerships. The coalition is

composed of representatives from three NGOs and several law firms and aims to obtain a ECtHR judgment that will enable same-sex couples to formalise their relationships.

- In December, Poland blocked EU proposals to clarify property rights for married and registered couples exercising their freedom of movement within the EU (see **European Union**).

## Freedom of assembly

- Gdansk held its first Pride march on 30 May, attracting approximately 2,000 participants. Local councillor Anna Kołakowska (PiS) and members of her family tried to block the march by sitting in the middle of the street but were moved by police.

## Legal gender recognition

- The Gender Accordance Act, proposed in 2012 by trans MP Anna Grodzka, aimed to simplify criteria for legal gender recognition: applicants must be a Polish citizen; unmarried and present two supporting medical opinions for assessment by a regional court. On 23 July, the act was passed by the lower house of parliament (Sejm) by 252 votes in favour to 158 against; 11 MPs abstained.

- The Senate passed the Gender Accordance Act on 7 August, with several last-minute amendments, adding the need for sexologists and psychologists to be present during the required court proceedings. The Act then returned to the Sejm's parliamentary committee. On 8 September, it rejected 13 of the 17 Senate amendments, including the additional psychologist requirements.

- President Andrzej Duda (PiS) vetoed the law on 2 October, prompting a return to the Sejm. More than 2000 people signed an online petition in 24 hours, calling on their elected representatives to save the law. This vote was scheduled for 9 October but could not take place due to the failure of two parliamentary committees to appoint a rapporteur. The veto was upheld and the Act did not enter into force.

## Participation in public, cultural and political life

- In February, Anna Grodzka MP announced her intention to enter the 2015 presidential election on behalf

of the Green Party. She collected 85,000 public signatures in support but did not meet the necessary 100,000 threshold before the 26 March deadline.

- In June Robert Biedroń, the openly gay mayor of Słupsk, was reported to the district prosecutor by Ryszard Nowak, chairman of the Nationwide Committee for the Defence against Sects and Violence. Nowak made the complaint in June, after a picture of Pope John Paul II was removed from the mayor's office and given to a local church. In August, the prosecutor announced that this was not an offence and that Biedroń had no charge to answer.

## Public opinion

- According to Eurobarometer 2015, 48% of people surveyed in Poland believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 44% felt discrimination on this ground was widespread (EU 28 average was 56%). 37% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 69% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 68% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Sexual and reproductive rights

- In June, a new law on in-vitro fertilisation was passed. The legislation allows married or cohabitating different-sex couples only to avail of fertility services. LGBTI organisations had protested against this and while parliament had debated alternative options, the final text excluded same-sex couples, single cis women and trans men from treatment.



# Portugal



**Following years of unsuccessful attempts, same-sex couples were granted access to the joint adoption process in 2015. Progress was made in other areas of family law, as a proposal on access to medically assisted insemination also began its journey through parliament. Employment law measures were amended to increase protection for trans people in the workplace. 17 May will now be celebrated even more enthusiastically in Portugal, as it was designated as a national anti-homophobic and transphobic discrimination day.**

## Data collection

- According to ILGA Portugal's Observatory on Discrimination figures released in May, 339 cases of discrimination based on sexual orientation or gender identity were reported to the NGO in 2014. 198 cases of hate crime based on sexual orientation or gender identity were reported in the same period; 93% of these cases were not reported to national authorities.

## Employment

- On 16 January, parliamentarians voted in favour of including gender identity in the Labour Code, thus introducing anti-discrimination protections for trans people in the workplace. The Social Democratic Party (PSD) and CDS- People's Party (CDS-PP, Christian-democratic) abstained from the vote. The president signed the amendment into law in April.

## Equality and non-discrimination

- On 26 June, parliament voted unanimously to designate IDAHOT (17 May) as National Day against Homophobia and Transphobia.

## Family

- On 22 January, MPs rejected joint adoption proposals put forward by the opposition Socialist Party (PS), the Left Bloc (B.E., democratic-socialist) and the Green Party (PEV) by a narrow margin of 30 votes.

- In September, a series of bills related to adoption were submitted by political parties from the left, including measures to allow same-sex couples access to joint and second-parent adoption. The first reading on 20 November was successful and the five bills were then considered by the Constitutional Affairs, Rights, Freedoms and Guarantees Committee. The committee amalgamated them into one measure and approved it. On 18 December, the final vote took place and the proposal was passed by majority vote. At the end of the year, the only step in the legislative process that remained unfulfilled was the signature of the law by the president.

## Public opinion

- According to Eurobarometer 2015, 69 % of people surveyed in Portugal believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 65% felt discrimination on this ground was widespread (EU 28 average was 56%). 71% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 59% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 56% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Sexual and reproductive rights

- In October, PS, BE, PEV and the People-Animals-Nature Party (PAN) put forward legislative proposals to grant single woman and same-sex couples access to medically assisted insemination. The proposal was discussed by parliament in November and was sent to committee without a vote. A vote on the joint proposal was scheduled for February 2016.



# Romania



**LGBTI people in Romania continued to experience inequality throughout 2015. Public acceptance of LGBTI people in society was lower than the EU average and an inquiry into whether the police adequately protected an LGBTI event was dropped. No further action was taken against a prominent football club patron for discriminatory statements, despite a CJEU judgment that suggested stronger sanctions. Activists campaigning for sex education in schools were met with vocal opposition from religious-backed groups. Bucharest Pride attracted record numbers of participants. At the end of the year, a citizen's initiative to limit the constitutional definition of marriage appeared in the National Gazette.**

## Asylum

- The existing 2006 law on asylum (law 122/2006) was amended to recognise that specific groups of asylum seekers may be in need of “special procedural guarantees” throughout the asylum process. Sexual orientation and gender identity are included as specific circumstances. Law 331/2015 came into force on 21 December.

## Bias-motivated violence

- An investigation into police actions during LGBTI History Month 2013 was officially closed in March. A film screening at the Museum of the Romanian Peasant in 2013 was violently disrupted by a far-right group. The Sector 2 Court of First Instance upheld a previous decision to close the inquiry but did order the investigation of certain assailants for displaying Nazi symbols and salutes.

## Education

- The Coalition for Gender Equality, a group of 10 civil society organisations including LGBT NGO Accept, advocated for the introduction of mandatory sex education in schools. On 28 September, the Coalition (along with 57 supportive groups) organised an online petition and a series of flashmobs in front of the education and health ministries. The campaign was condemned by groups such as ‘Parents in support of the Religion Class’ and The Coalition for Family, who said that the campaign was “aggressive” and “pornographic”. On 29 September, opponents of the campaign published the personal contact details of NGO representatives who had signed the petition; calling them the “NGO mafia” who “wanted to impose homosexual propaganda”.

## Employment

- The High Court of Cassation and Justice upheld the 2010 decision of the National Council for Combating Discrimination (CNCD) in a case involving LGBT NGO Accept and football team FC Steaua. A shareholder and patron of the club, Mr Becali, during a media interview said that he would never hire a homosexual player. The NGO Accept lodged a complaint, but the CNCD said there was no employment relationship between Becali and FC

Steaua so dismissed the complaint against the football club. It issued Mr Becali with a warning. Accept then referred questions to the CJEU, who subsequently issued a preliminary finding in April 2013. In 2013 and October 2015, the national courts decided to uphold the CNCD decision, in spite of the CJEU’s finding that there was an employment relationship for the purposes of the Equal Treatment Directive and that original punishment may not have been sufficient.

## Family

- Remus Cernea MP (independent) put forward a gender-neutral civil partnership bill. In March, the Senate’s legal committee voted against the bill. However, the Senate’s Equal Opportunities Committee supported it, the first time that a proposal to recognise same-sex couples was supported by a parliamentary commission. The Senate rejected the bill with 48 votes against, 8 in favour and 3 abstentions. On 18 December, the bill was defeated in a plenary sitting of the Chamber of Deputies, despite earlier support from the Chamber’s Labour and Social Protection Committee.

- On 25 November, a citizen’s initiative to limit the definition of marriage was published in the Official Gazette. The proposal suggested amending article 48 of the constitution to redefine family in terms of heterosexual marriage. Marriage between same-sex partners is currently banned under the Civil Code. In order for a citizens’ initiative to progress, 500,000 valid signatures must be collected. The collection phase was launched by the initiative’s creators through an Orthodox bishop in December, during Christmas religious services. The Romanian Orthodox Church actively supported the collection, which was still ongoing at the end of 2015. If the requisite number of signatures is collected, they will be submitted to the Constitutional Court in 2016.

## Freedom of assembly

- Bucharest’s Pride march took place on 23 May, with no significant incidents during the march. The event attracted over 1,000 participants for the first time ever.

## Police and law enforcement

- On 5 February, the Bucharest police department was ordered to pay EUR 5,000 in compensation to a man harassed by officers due to his perceived sexual orientation. On 27 July 2011, the man was threatened and assaulted by police officers who assumed he was gay. He complained about the incident but no action was taken. LGBT NGO Accept helped the man to sue for moral damages in the Sector 3 Court.

## Public opinion

- The results of a public opinion poll, commissioned by the National Council for Combating Discrimination, were published in June. According to this poll, LGB persons\* rank fourth among the most discriminated groups in Romania, sharing this position with people of Roma ethnicity. The groups viewed as facing more discrimination than LGB individuals were people living with HIV/AIDS, people with substance use disorders and people with disabilities. The poll was carried out between May and August by market research agency TNS CSOP.
- According to Eurobarometer 2015, 52% of people surveyed in Romania believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 46% felt discrimination on this ground was widespread (EU 28 average was 56%). 36% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 37% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 35% said they would be comfortable or moderately comfortable (EU28 average was 67%).





# Russia



Political and social oppression of LGBTI people in Russia did not decline in 2015. Civil society groups were classified as 'foreign agents' and international NGOs were targeted by a new law banning 'undesirable organisations'. The 2013 'anti-propaganda' legislation was responsible for blocking online support services for young LGBTI people. LGBTI people faced persistent attacks, ranging from physical violence and hate speech to the closure of businesses or loss of their jobs. In spite of this blatant opposition, the LGBTI community in Russia demonstrated robust resilience; continuing their advocacy work, organising public events for and supporting colleagues who were fined or banned during the year.

## Access to goods and services

- The NGO Russian LGBT Network received two reports of trans people whose access to transport services were limited; one by staff on the Samara-Moscow train and one by personnel at Tyumen airport. They also recorded the refusal of medical services to a lesbian woman by a gynaecologist in Tyumen.
- Coming Out Initiative group documented 19 incidents when trans individuals were refused goods or faced mistreatment in St Petersburg.

## Bias-motivated speech

- At a 'Day of Silence' rally in St Petersburg (see **Freedom of assembly**), Anatoly Artyukh, of 'Narodny Sobor' (a right-wing group) tried to disrupt the protest. He was filmed with a group of supporters burning posters from the rally, saying "This is what is going to happen to the Children 404 group and those who support faggots". Two petitions for administrative charges to be brought against Artyukh (in connection to his attempts to disrupt the protest) were filed.
- In April, the founder of online support group Children 404 shared examples of the homophobic insults she had received on social networks.
- Deputy Vitaly Milonov (United Russia) shouted homophobic insults at a group of LGBT activists at a demonstration in St Petersburg on 1 May. Eight LGBT activists complained. Criminal and administrative cases were not given permission to proceed but district court civil proceedings were ongoing against Milonov at the end of 2015.
- Kirovsky District Court dismissed Sasha Krik's civil action against Vitaly Milonov on 26 June. Krik had been the victim of a homophobic attack on the LaSky office in 2013; Milonov had later justified the violence in a media interview.
- In September, Vitaly Milonov, the drafter of the law banning "propaganda" was awarded the Second-Class Order for Merit to the Fatherland.

## Bias-motivated violence

- Two people were injured in a gas attack on Murmansk-based NGO Maximum on 13 April. The incident

was reported to the police but a criminal investigation did not take place. In May, one of the victims was instructed by police officers to drop her criminal complaint.

- On 17 April, an activist at the Day of Silence protest in St Petersburg was physically attacked. She reported the incident to police and provided them with video footage of the incident but proceedings were not instigated.
- On 18 April, an LGBTI activist was physically attacked in the centre of St Peterburg. He reported the attack to the police but they refused to investigate.
- LGBT activist Alexander Ermoskin was attacked at a 'Rainbow Over Amur' rally in Khabarovsk on 17 May (see **Freedom of assembly**). He received serious head injuries but no criminal case was initiated as the investigator failed to identify the perpetrator, despite possessing witness testimonies.
- In June, Coming Out Initiative Group launched their annual report on incidents of discrimination against LGBT people recorded in St Petersburg. For the first time, the Ombudsman was actively involved; their chief-of-staff attended the report's launch.
- Irina Fedotova (Fet), a well-known LGBTI activist, was verbally abused and physically assaulted on 17 August in Moscow. She posted pictures of her face after the assault on Facebook.
- In October, activist Dante Teodori was physically attacked on the St Petersburg subway. Teodori was treated in hospital and reported the incident to police; a criminal case was initiated.
- In November, a man was beaten as he left the Side by Side International LGBT Film Festival in St Petersburg. He was hospitalised with concussion, kidney damage and a broken nose. He went to the police, but no criminal case was initiated.
- Russian LGBT Network received 52 reports of physical violence against LGBT people during 2015. In addition, the Network received 21 complaints from LGBTI assault victims about their treatment by the police.
- Lawyers from Coming Out in St Petersburg continued to assist two lesbian women who had been the victims of a bias-motivated attack in the city in October 2014. Following a series of refusals, a criminal case was initiated

in 2015. The lawyer's requests to have the anti-LGBT motive taken into account were refused.

- Coming Out documented 12 cases of 'set up dates' in St Petersburg, where gay men who have arranged to meet other men online are attacked by homophobic groups.

## Data collection

- The Russian LGBT Network's annual survey of violence and discrimination against LGBTQI persons was published in October. The levels of violence experienced by respondents grew for the first time in four years; 60% had suffered psychological violence, 17% suffered physical violence and 7% suffered sexual violence. Of the 8% of survey respondents who had experienced discrimination when accessing health or medical services, 41% were trans people.

- The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) released their latest data on hate crimes in November. The figures show that 22% of all hate crimes reported in 2014 were committed against LGBT people (73 of 336 monitored incidents).

## Diversity

- The UN Committee on the Elimination of Discrimination against Women expressed concerns that the country's so-called 'anti-propaganda' amendments could have a negative impact on the status of women. The CEDAW monitoring committee recommended that anti-discrimination legislation be introduced to protect LGBT women from intersectional discrimination.

## Employment

- Russian LGBT Network documented 22 cases of violations of LGBT people's rights in the field of employment, representing 8% of total number of cases they collected during 2015.

- In April, a music teacher who had been fired from a St Petersburg school because of her sexual orientation lost her appeal. She had been sacked in December 2014 after being 'outed' as a lesbian by anti-equality activist, Timur Bulatov. Bulatov claimed that he was personally responsible for the sacking of up to 29 gay and lesbian teachers.

- In June, homophobic anti-equality groups began an online hate campaign against St Petersburg psychiatrist Dr. Dmitry Isaev. Anti-LGBTI activist Timur Bulatov announced that he intended to get Isaev sacked and homophobic groups filed a complaint with the prosecutor's office. Following an investigation the State Medical University pressured Dr. Isaev to resign in July. The medical commission headed by Dr. Isaev, that had issued the diagnosis required by trans people wishing to undergo surgery, was disbanded.

- On 7 July, the 'Captains of Russia' Fund offered a gay man from St Petersburg a managerial job. The man was then contacted on social media by a Fund representative who asked him to "clarify his orientation". When the man said that he was in a relationship with a man, the job offer was retracted. The Nagatinsky District Court of Moscow was asked to examine the discrimination claim in October but the court of first instance dismissed the claim on 25 November.

## Equality and non-discrimination

- During an interview with US TV channel CBS in September, President Vladimir Putin said that reports of homophobia in Russia had been "deliberately exaggerated from the outside for political reasons". He also stated that there was no persecution of LGBTI people in the country and that "...people of non-traditional sexual orientation work, they live in peace, they get promoted...".

## Family

- On 4 March, the Sovietsky District Court of the city of Astrakhan removed a citizen's custody of a child on the basis that she was part of a same-sex union. On 3 August, the Gagarinsky District Court of Moscow restricted the parental rights of a trans woman on the basis of her gender identity and family life, overturning the court of first instance decision.

- The Lyuberetsky City Court (Moscow region) rejected a trans woman's application to have her son's domicile established with her following the breakdown of her marriage. Both the first instance and appellate courts

ruled that establishing the child's domicile with her would negatively impact his development.

## Freedom of assembly

- On 21 March, permission for a Pride parade in Moscow was refused for the tenth year in a row. An unauthorised parade took place in front of the mayor's office on 30 May. Fights between Pride participants and Orthodox protestors broke out after a rainbow flag was unfurled; eight marchers were injured, two required medical treatment. 20 people were arrested, including 10 LGBTI activists. In June, the organiser of Moscow Pride, Nikolai Alexeyev was fined RUB 20,000 (EUR 260) and spent 10 days in jail, along with two other activists, for holding the parade without permission.
- On 12 April, activists in Moscow were prevented by the police from holding a 'Day of Silence' march in the centre of the city, designed to commemorate victims of homophobic and transphobic violence. Two 'Day of Silence' rallies were held in St Petersburg on 17 April. A march highlighting the treatment of the Children 404 group at Nevksy Prospect was organised by Coalition "Vmeste", and individual pickets were held by activists from Alliance for Straight and LGBT Equality.
- Celebrations marking IDAHOT on 17 May took place in 16 cities. In the city of Khabarovsk, the organiser of a flashmob was attacked; he later filed a complaint. 17 people were detained but later released at an event in Moscow organised by Rainbow Association. More than 30 people marked IDAHOT in the city of Krasnosdor, at the first such event organised by LGBT group Revers.
- On 29 May, the 'Open Your Eyes' festival in St Petersburg screened a film focusing on LGBT issues. Deputy Milonov and his supporters attempted to disrupt the screening. In November, Deputy Milonov and anti-equality activists attempted to break into the 'Side by Side' international LGBT film festival. On 23 November, the administration of one of the venues told the organisers that they had been pressurised by the district prosecutor's office to cancel the event.
- During Pride season, the Moscow branch of the United Russia party launched a 'straight' Pride flag. The

flag was launched on 8 July and featured a nuclear family with a mother, father and three children under the slogan '#realfamily'.

- In St Petersburg on 25 July, a request to hold a march and a rally was refused on two occasions, citing the 'anti-propaganda' legislation. After the second refusal, activists applied to hold a march on 2 August, Paratrooper Day; this was also refused. Individual activists who held solo pickets on 2 August were subjected to homophobic abuse and three were detained by police.
- Viktor Pavlenko, mayor of Arkhangelsk, claimed he would allow a Pride march to go ahead in the city. He later announced that the event could only happen on 2 August, National Paratrooper Day; as the LGBTI activists had been "getting on my nerves". Pride organisers applied for a permit but this request was denied on 24 July. During the year, city authorities in Arkhangelsk denied a total of 11 requests from LGBTI activists to hold peaceful assemblies; referring to the 'anti-propaganda' legislation.
- The Saint Petersburg International Queer Culture Festival 2015 took place in September. After the opening night, the festival venue received threats and the organisers had to move the event to a reserve venue.

*"Our greatest weapon is that we don't give up. We come back year after year, with our positive message of solidarity, freedom, and diversity. We believe that we are on the right side of history, and that will make us stronger than our opponents who are driven by ignorance and hatred."*

**- Polina Andrianova, QueerFest 2015 organiser**

## Freedom of association

### Foreign agents

- At a court hearing on 5 March, LGBT NGO Maximum was found guilty of failure to register as a 'foreign agent' and fined RUB 300,000 (approx. EUR 4600). The fine followed unilateral registration of the organisation in the 'foreign agent' NGOs list by the Ministry of Justice on 4 February.

## Undesirable organisations

- On 21 January, the Duma passed a bill that gave Russian authorities the power to ban foreign organisations deemed to be a risk to national security, public order or national health. The bill was signed by President Putin on 23 May. This ban can be unilaterally applied to civil society groups, transnational corporations or international companies. The Prosecutor-General's office, the federal security service (FSB) and the Foreign Ministry make decisions on who to add to the so-called 'patriotic stop list'. Fines can also be issued to anyone involved in organising activities or receiving funds from any 'undesirable' foreign organisation; prison terms can be imposed for repeated violations.

## Freedom of expression

- Human rights activist Konstantin Golova was questioned, had his home searched and his bank accounts frozen in May following posts he made on social media in 2014. He left the country and applied for asylum in Sweden.
- A photo exhibition, aimed at young LGBTI people, entitled 'Being Yourself' was due to open in Moscow on 12 June but failed to do so after the venue's landlord terminated the contract. Exhibition organisers claimed that the gallery's staff had been intimidated by police officers.

## Developments related to the 'anti-propaganda' law

- Online support group Children 404 was targeted for contravening the so-called 'anti-propaganda' law. On 23 January, the group's founder Elena Klimova was fined RUB50,000 (approx. EUR 670) for 'promoting homosexuality'. An appeal, scheduled for 6 April, took place without any public notification on 25 March. The decision to fine her was overruled but the prosecutor's office previous decision to ban the organisation was upheld by St Petersburg's Oktyabrskiy District Court. Klimova was fined RUB50,000 once again in July. On 24 September, following parallel legal proceedings in a Siberia court, the Children 404 website was blocked.

- On 27 January, the parliament of the Samara region voted to keep an explicit ban on "propaganda of transgenderism" in their local version of the 'anti-propaganda' law.
- Senator Mikhail Marchenko (Liberal Democratic Party, LDPR; far-right) complained to communications regulator Roskomnadzor that the use of same-sex emoticons on social media violated the 'anti-propaganda' laws. On September 24, news emerged that officials in the Kirov region had launched an administrative case against Apple, regarding the homosexuality-positive emoji icons available on iPhones.
- In September, five online LGBTI groups were banned by communications regulator Roskomnadzor under the 'anti-propaganda' legislation. The organisations were Children 404 (discussed above) and four additional groups supporting young LGBTI people.
- Ivan Nikitchuk MP and Nikolay Arefyev MP (both Communist Party) drafted a bill that would criminalise public demonstrations of "distorted sexual preferences". The bill, published in October, stated that individuals could face fines or 15 days of arrest, depending on the location of the demonstration. Civil society organisations criticised the proposal, saying that it effectively sought to punish people from coming out as LGBTI. First reading had not taken place by the end of 2015.

## Legal gender recognition

- According to NGO Coming Out, trans people in St Petersburg reported at least six cases of refusals by registry offices to applicants that had provided medical documentation, including proof of surgery.

## Police and law enforcement

- Russian LGBT Network documented 21 cases of violations of LGBTI people's rights by law enforcement officials during 2015.

## Public opinion

- The Yuri Levada Analytical Center released the results of opinion polls throughout the year. In May, 37% of those polled believed homosexuality to be a 'disease'. 18% said

that LGBT people should be prosecuted. 77% of those surveyed supported the so-called 'anti-propaganda' legislation; this figure had risen from 67% since the last Levada survey in 2013. In October, 37% of Russians surveyed said they wanted LGBT people to live separately from the rest of Russian society. In the same poll, 21% said they wanted LGBT people to be 'liquidated'.

- In separate polls, the state-owned Russian Public Opinion Research Center (VTsIOM) published results of a public attitudes poll in July. 8% of respondents said that same-sex couples should be able to marry and 3% thought that LGBT people should be able to bring up children. 12% agreed that the government should protect the LGBT community from discrimination.



# San Marino



A gay couple submitted an application to have their marriage recognised in San Marino.

## **Equality and non-discrimination**

- A final report under the UN's Universal Periodic Review process was adopted for San Marino in 2015 (see **United Nations**).

### **Family**

- On 8 April, a gay couple requested that their marriage, carried out in Wales, be recognised by San Marino. Federico Podeschi and Darren Williams were one of the first same-sex couples to marry in Wales in 2014. Podeschi, a citizen of San Marino, submitted the request to the public registry office. The office asked for additional information to support the claim but the request had not been granted by the end of the year.





# Serbia



Political support for LGBTI citizens varied in 2015, as discussions began on the possibility of registered partnership for same-sex couples. The vulnerability of trans people in Serbian society was exposed when an army officer was forced to retire when they began to transition. The European Commission also stressed the need to protect trans people in their annual enlargement reports. A group of lesbian women were attacked in the capital and filed a complaint under hate crime legislation. Civil society groups also launched an online portal to report hate crime against LGBTI people. Several members of parliament attended Belgrade Pride for the first time and a minister was singled out for particular praise with an equality award.

## Bias-motivated speech

- During a parliamentary discussion about the 2009 anti-discrimination law in May, Aleksandar Martinovic MP (Serbian Progressive Party, SNS; centre-right) made several negative remarks about the LGBTI community and affiliated NGOs. Martinovic said that while LGBTI people should have legal rights, he could not understand the need for Pride parades and that such events were against moral norms. In September, proceedings against Martinovic were dropped as the MP had been speaking under parliamentary privilege.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 72% of the LGBTI people surveyed in Serbia had been verbally harassed or abused because of their sexual orientation or gender identity.

## Bias-motivated violence

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 23% of the LGBTI people surveyed in Serbia had suffered physical violence because of their sexual orientation or gender identity.
- Four lesbian women were verbally and physically assaulted by a man in a café in Belgrade on 26 September. Three of the women were injured. One of the women attacked, activist and writer Dragoslava Barzut, called the police. Before assistance arrived, another man joined and attempted to harm the women; they hid in the café's toilet until police arrived at the scene. Two of the women were treated in hospital for their injuries. Speaking at a press conference after the attack, Dragoslava Barzut said that she felt a "...moral responsibility to condemn the lesbophobic attack on my friends and me...". A complaint was filed under the country's hate crime legislation. The attack was also publicly condemned by several MEPs. At the end of the year, the case was pending before the state prosecutor's office.

## Data collection

- On 19 November, NGOs Labris and Gayten-LGBT along with the National Democratic Institute launched a

new online portal for reporting violence and discrimination against LGBTI people. DA SE ZNA will allow individuals to report incidents and also serve as a resource by keeping track of resolved cases.

## Education

- In response to a letter from NGO Labris, the Institute for the Advancement of Education confirmed in August that all school texts aged 20 years or older will be revised in line with legal frameworks in 2016. The education ministry assured them that books without discriminatory content related to LGBT people will feature on the 2016/2017 curriculum.

## Employment

- In January, a trans woman claimed she had been forced to take early retirement after she began to transition. A major in the Serbian army, she had been declared physically fit for military service but the defence ministry claimed that she could have a "negative effect" on the army's reputation. She filed a complaint to the equality commissioner and commenced legal proceedings against the defence minister, ministry of defence and the Serbian army. These charges were later dismissed by the Higher Public Prosecutor in Belgrade.

## Enlargement

- Serbia formally applied to join the European Union in 2009 and began negotiations in 2014. In its annual report on progress made towards EU accession, published in November, the European Commission noted a divergence between the comprehensive 2009 anti-discrimination law and its application in practice. LGBTI people were named among the groups most vulnerable to discrimination. Hate crimes against these groups still need to be properly investigated and sanctioned. The success of Belgrade Pride in 2014 and 2015 was praised as well as government-run awareness raising activities. However, the Commission stressed that more political commitment was needed, both to promote equality across society and introduce change for marginalised groups such as trans people.

## Equality and non-discrimination

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 51% of the LGBTI people surveyed in Serbia had been personally discriminated against because of their sexual orientation or gender identity.

## Family

- Public discussion on an official preliminary draft of a new Civil Code, including registered partnership for same-sex couples, started on 2 July and will run until summer 2016. In November, Deputy Prime Minister Zorana Mihajlovic (Serbian Progressive Party, SNS; conservative) said that she was personally against equal marriages but did not see any problem with discussing the issue. Current minister for social policy, Aleksandar Vulin (Movement of Socialists, PS) said that he opposed marriage equality and that, as the responsible minister, he would never sign such a law.

## Freedom of assembly

- In April, the country's first ever Lesbian March took place. The first Trans Pride in Belgrade also took place on the same day as the Pride parade in September. NGO Gayten-LGBT organised their first ever trans, intersex and queer conference in October.
- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 59% of the LGBTI people surveyed in Serbia felt that Pride parades have improved the position of the LGBTI community in society.
- Belgrade's Pride parade took place on 20 September, with no major incidents reported. This was the second year in a row where the parade passed off peacefully, after several years where threats of violence caused the event to be cancelled. Riot police closed down the city centre and approximately 300 people marched to the Serbian parliament.

## Participation in public, cultural and political life

- To coincide with IDAHOT, NGO Gay Straight Alliance announced that the 2015 recipient of their 'Rainbow

Award' was Jadranka Joksimovic MP (SNS). The minister without portfolio with responsibility for European integration was chosen for her unequivocal support for the rights of LGBT people and the good working relationship she developed with the Serbian LGBT movement. The award ceremony was held in Belgrade City Hall.

*"Our commitment and our goal is to ensure that all people have equal rights, equal opportunities and that no one is part of the 'invisible minority'. I will fight for a city in which everyone can express their opinion on any subject. Because this is a city of diversity and all are welcome into it."*

**- Mayor of Belgrade, Siniša Mali at GSA Rainbow Award ceremony, 16 May 2015**

- Several political figures publicly supported LGBTI equality by taking part in Belgrade Pride (see **Freedom of assembly**), including Jadranka Joksimovic MP (SNS), culture minister Ivan Tasovac (Independent) and Belgrade's mayor Siniša Mali (Independent). The equality commissioner Brankica Jankovic, US Ambassador to Serbia, Michael Kirby and Head of the EU Delegation to Serbia, Michael Davenport also took part in the march. Prime Minister Aleksandar Vucic (SNS) said he was not interested in attending but that "...state institutions must ensure that every citizen feels secure and that is a European standard."

## Police and law enforcement

- NGO Labris held five trainings during 2015, reaching a total of 125 police officers. Eight LGBTI community liaison officers were appointed and the Kragujevac police department opened an emergency phone line for LGBT people and their family to report hate crime or discrimination.

## Public opinion

- From June – August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights

Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. The survey combined online questionnaires, focus groups with LGBTI people and face-to-face interviews with the general public. In Serbia, 48% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 47% said they would not vote for a political party that championed the rights of LGBTI people.



# Slovakia



2015 was certainly a year of mixed emotions for LGBTI activists. Despite interventions from the Vatican, a referendum to limit LGBTI equality failed to attract an adequate number of voters to the ballot boxes in February. The negative atmosphere generated by the tense campaign led to the postponement of Bratislava Pride. The Council of Europe's leading human rights expert expressed concern over the treatment of LGBTI people while the government introduced the country's inaugural human rights strategy. EU-commissioned opinion polls showed a lack of public support for LGBTI equality, yet another national survey demonstrated a majority of the population favoured registered partnerships for the first time ever.

## Data collection

- In October, NGO TransFúzia released the results of the first qualitative research study on the availability of healthcare for trans people. 30 trans people from various regions in Slovakia, doctors and other experts had been interviewed. The most common problems identified were finding a doctor that would not stereotype them, long waits for medical care and intrusive procedures.

## Equality and non-discrimination

- On 18 February, the government introduced the first nationwide Human Rights Promotion and Protection Strategy. The Alliance for Family (AZR) group had opened a petition on 17 February calling on the government to reject the human rights strategy. This strategy outlines the government's human rights priorities and was drafted by the foreign ministry. Among its proposals are improving human rights education, preventing violence and protecting the rights of unmarried couples. LGBTI issues were not included in the strategy, as they were planned for inclusion in a separate action plan for LGBTI people 2016-2019, opposed by the Christian Democratic Movement (KDH) in October. The action plan had not been approved before the end of the year.

- CoE Commissioner for Human Rights Nils Muižnieks visited Slovakia from 15 to 17 June. The Commissioner released the report on his country visit on 13 October and the treatment of LGBTI people was one of his most prominent concerns. Among his recommendations was the extension of existing hate crime and speech legislation to cover all LGBTI people and to ensure the bodily integrity of trans and intersex people was respected.

## Family

- On 8 February, a referendum involving a series of questions on the rights of LGBTI people took place. Voters were asked if the term 'marriage' should only apply to a union between a man and a woman, if they agreed that same-sex couples should be banned from adopting children, and if parents should be allowed to remove their children from school lessons about sexuality or euthanasia. Conservative groups backed by the Catholic

Church were in favour of the proposals. The Conference of Slovak Bishops spoke out in favour of the referendum. During an audience in Rome days before the vote, Pope Francis said "...I wish to express my appreciation to the entire Slovak church, encouraging everyone to continue their efforts in defence of the family...". A group of theologians issued a statement against the referendum, arguing that it was counter-productive. Speaking before the vote, Prime Minister Robert Fico (Direction- Social Democracy, SMER-SD) said on 5 February that there was a duty on the government to "unburden practical parts of life for same-sex couples", in areas such as inheritance and medical records. LGBTI activists distanced themselves from the campaign and encouraged people to boycott the vote. 21.4% of the eligible electorate turned out, below the 50% quorum required for results to be valid. The proposals were not approved.

- The Life Partnership platform was established in June. The coalition of 39 NGOs and activists support the introduction of an alternative partnership for both different-sex and same-sex couples, one that is recognised by the state and has similar rights and responsibilities to civil marriage. In the first phase of its campaign in 2015, Life Partnership gathered stories of couples who would benefit from the introduction of registered partnership.

## Freedom of assembly

- The organisers of Bratislava Pride cancelled the 2015 event in June, as activists felt a negative atmosphere had been generated by the referendum campaign. Activists focused instead on the civil partnership campaign (see **Family**).

## Human rights defenders

- In April, LGBT NGO Inakost and other national LGBT organisations were awarded the 2015 Human Rights Defender Award by the US Embassy in Slovakia.

## Participation in public, cultural and political life

- President Andrej Kiska (independent) formally sponsored Inakost's ninth Queer Film Festival in October;

he was the first major political figure to officially support any LGBT event.

## Public opinion

- A Focus Polling Agency survey carried out in August revealed that 50.4% of people questioned supported the idea of a recognised partnership option for couples who cannot/do not want to get married. The poll was commissioned by Life Partnership, a platform of 39 NGOs in favour of registered partnership (see **Family**). This is the first time that a majority of the population was shown to be in favour of introducing an alternative to marriage.
- According to Eurobarometer 2015, 38% of people surveyed in Slovakia believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 33% felt discrimination on this ground was widespread (EU 28 average was 56%). 36% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 41% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 32% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Slovenia



2015 was a year of contrasts in Slovenia. The initial optimism during the first few months was countered by a gruelling constitutional battle over marriage equality. The proposed amendments to the Marriage and Family Relations Act consumed the attention of many LGBTI activists for the entire year. Despite the fact that the constitution outlaws popular votes on human rights issues, a referendum was granted on the gender-neutral marriage amendments passed by parliamentary majority. Public figures and European politicians backed the reforms; unsurprisingly the Catholic Church and affiliated groups did not. The referendum was held in December and marriage equality, for now, will not become law in Slovenia.



## Equality and non-discrimination

- A final report under the UN's Universal Periodic Review process was adopted for Slovenia in 2015 (see **United Nations**).

## Family

- At the end of 2014, a group of United Left (ZL) MPs had suggested amending the Marriage and Family Relations Act to extend marriage to same-sex couples. The 1976 Act defined marriage as a heterosexual union only. In January, the government did not raise any objections to the bill. On 10 February, the parliamentary committee on labour, family, social affairs and people with disability voted in favour of the gender-neutral marriage amendments by 11 votes to 2. The marriage equality bill was approved by the National Assembly on 3 March; there were 51 MPs in favour, 28 against. It was anticipated to come into force in six months.

- Marriage equality opponents objected to the law and requested a referendum. On 10 March, a conservative group called 'Children are at stake' announced that they had gathered over 80,000 signatures. An official signature-gathering phase began on 23 March, where opponents of the law needed to collect 40,000 valid signatures in 35 days to push for a referendum. In a 53-21 vote, the National Assembly agreed to block any popular vote as it would contravene the prohibition on votes on constitutionally-protected human rights. Anti-equality campaigners, who at this point had collected more than the 40,000 valid signatures required, appealed this decision to the Constitutional Court in April.

- The Constitutional Court's 5-4 majority decision was announced on 22 October; the parliamentary rejection of the referendum request was invalid as only the Court can decide on issues of constitutionality.

- In November, the referendum date was confirmed as 20 December. LGBTI activists and allies, including United Left (ZL) members, campaigned for a Yes vote as part of the Čas je Za (It's time for Yes) movement. President Borut Pahor (independent, former leader of the Social Democrats) supported the marriage equality law as did Commissioner Violeta Bulc and Tanja Fajon MEP. Pope

Francis and the archbishop of Ljubljana had indirectly appealed for a No vote. The marriage equality law was rejected by 63% to 37%; voter turnout was 36%.

- On 22 December, Jani Möderndorfer MP (independent) submitted a bill to give additional rights to same-sex couples in civil partnerships. It did not include any reference to adoption or medically assisted insemination for same-sex couples.

## Public opinion

- An opinion poll on the Marriage and Family Relations Act amendments (see **Family**) in February showed a small majority favoured the changes. 51% of those surveyed by Delo Stik approved of the marriage equality law, 49% opposed it. The adoption of children by same-sex couples was opposed by 55%, while 38% thought it was acceptable.

- According to Eurobarometer 2015, 42% of people surveyed in Slovenia believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 37% felt discrimination on this ground was widespread (EU 28 average was 56%). 54% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 62% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 57% said they would be comfortable or moderately comfortable (EU28 average was 67%).



# Spain



Overall, 2015 was a positive year for LGBTI people in Spain. The general public's acceptance and support for LGBTI people remained high. Former opponent of marriage equality Prime Minister Rajoy attended his colleague's wedding and judges in Madrid handed down their decision in a case involving a lesbian couple who were denied publicly funded IVF treatment. However, the year was marred by several tragic events; the country mourned the loss of well-known LGBTI activist Pedro Zerolo and a trans person was murdered in Alicante.

## Access to goods and services

- Madrid metro staff received an internal memo warning them to be vigilant when checking LGBTI customers' tickets. The note urged staff to exercise particular caution when inspecting the tickets of "musicians, beggars and gays" as they may not have paid the correct fare. In February, the memo was leaked and the metro authorities launched an investigation.

## Asylum

- A 29 year old woman from Cameroon applied for asylum in March as she feared persecution on the grounds of sexual orientation. Her picture had been published in a local Cameroonian newspaper under the headline "Wanted: leader of a group of lesbians". Her application was initially refused but an appeal to the ECtHR delayed her deportation. National LGBTI NGO FELTGB launched an online petition in support of the woman in April which collected over 45,000 signatures in 24 hours. She was granted the right to remain in Spain on humanitarian grounds later in April after several MP's from various political parties met with asylum authorities.

## Bias-motivated speech

- On 15 January, singing duo Los Chunguitos were removed from the reality programme Big Brother by the Mediaset Spain TV network after they made homophobic statements, including saying that they would prefer a "deformed or diseased child to a faggot".
- In August, bullring owner Carlos Zúñiga said that watching a Pride parade would be more harmful for children than attending a bullfight. In an interview with the *Europa Press* news agency, he said "I don't particularly like fiestas that stand up for people like gay pride...that is what is harmful for children to watch".
- In an interview with *La Vanguardia* newspaper on 10 December, interior minister Jorge Fernandez Diaz said that he would "be very upset" if his son ever told him he was gay.

## Bias-motivated violence

- In February, Cristina Cifuentes (Peoples' Party, PP; centre-right), the central government's Madrid delegate, launched an information campaign, urging victims of homophobic hate crime in the city to contact the police.

- According to a report released by the Ministry of the Interior in April, 40% of hate crimes reported in the previous 12 months were related to sexual orientation.

- On 22 March, a 49 year-old trans woman was attacked in a bar in Seville. The first bias-motivated attack in Cantabria in 21 years was reported in June, after a lesbian couple were assaulted. The Court of First Instance in Torrevega was examining the case at the end of the year. A trans person, originally from Brazil, was killed in Alicante in July; two French men on holiday in the area were arrested on suspicion of beating them to death. A gay man visiting from England was attacked in Sitges in August. Also in August, a group of LGBTI people were beaten by neo-Nazi assailants in the city of Alcala de Henares. On 31 August, there were reports of two homophobic attacks in Salamanca.

## Equality and non-discrimination

- On 19 March, the Extremadura regional parliament unanimously passed an LGBTI social equality law and policies against homophobic and transphobic discrimination. The law includes a health protocol for trans people, publicly funded reproductive treatments for lesbian and bisexual women and care for victims of violence and hate crime.
- In the decade since marriage equality was introduced, 31,610 same-sex couples married, according to figures released by the national statistics institute, Instituto nacional de Estadística (INE), in June.
- A final report under the UN's Universal Periodic Review process was adopted for Spain in 2015 (see **United Nations**).

## Freedom of assembly

- For the first time ever, the rainbow flag flew from Madrid City Hall during Pride celebrations in July; Manuela Carmena (Ahora Madrid, citizen platform; left-wing) also became the first mayor of Madrid to attend Pride events in the city. The parade was broadcast live on Telemadrid TV for the first time.

## Human rights defenders

- On 9 June, LGBTI activist Pedro Zerolo died aged 55. A lawyer and former politician, he served as president of FELGTB from 1998-2003. He also served as president of the LGBT Collective of Madrid (COGAM).

## Participation in public, cultural and political life

- Following the death of Pedro Zerolo (see **Human rights defenders**), a square in the centre of Madrid in was renamed in his honour. Plaza Vázquez de Mella, at the heart of the city's gay district, was renamed Plaza Pedro Zerolo after more than 84,000 supporters signed an online petition in June calling for the gesture, set up by LGBTI organisations FELTGB and COGAM.
- On 28 November, writer and socialist politician José María Mendiluce, one of the first politicians to come out publicly, died aged 64.
- Football teams Rayo Vallecano and Deportivo Guadalajara launched new kits that featured rainbow stripes. FC Barcelona signed an anti-homophobia protocol to mark IDAHOT in May.
- In September, Prime Minister Mariano Rajoy (People's Party, PP, Christian-democratic) attended the wedding of his party colleague Javier Maroto, who married his partner, Josema Rodríguez. Rajoy had firmly opposed equal marriage and launched a constitutional challenge following the law's introduction in 2005.

## Police and law enforcement

- On 8 January, the police protocol for collection and responding to hate crime entered into force. It is a protocol for the national law enforcement bodies (National Police and the Civil Guard). The protocol containing an explanation of criminal behaviours, indicators for hate crime and guidelines for victim support. The protocol was drafted by the interior ministry and was praised by CoE Human Rights Commissioner Nils Muiznieks during a country visit in the same month.
- Local police officers in Fuenlabrada took part in the city's pride events for the first time in June.

## Public opinion

- According to Eurobarometer 2015, 56% of people surveyed in Spain believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 66% felt discrimination on this ground was widespread (EU 28 average was 56%). 90% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average

was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 81% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 78% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Sexual and reproductive rights

- In October, a Madrid court ruled that a lesbian couple who were denied publicly funded fertility treatment should be compensated by their hospital. The judge stated that the Madrid hospital infringed their "fundamental right not to be discriminated (against) for their sexual orientation" as it banned women without male partners from availing of medically assisted insemination. According to a recent directive from the ministry of health, only women who had been unsuccessful in conceiving after sexual intercourse could receive publicly funded treatment, thereby excluding lesbian couples. The hospital was ordered to pay EUR 4,875 in damages to the couple.



# Sweden



Improving the lives of trans people in Sweden was at the forefront of several initiatives in 2015. In a bid to overhaul existing legal gender recognition legislation, proposals to simplify the process for all trans people (including young trans people) were announced. Two new health treatment protocols, one focusing on trans people under 18, aimed to make access to gender affirming treatments equally available to trans people all over the country. Investment in diversity education was announced in Stockholm. However, some tensions were evident throughout the year, as several religious leaders and politicians made anti-LGBTI statements, or used LGBTI issues as a platform against other communities.

## Access to goods and services

- In June, the district court in Gothenburg granted SEK 10,000 (approx. EUR 1075) compensation to a female couple who had been told to stop kissing in a restaurant by a waiter. The Equality Ombudsman took the case to court, but the restaurant failed to respond. In the restaurant's absence, the court found in favour of the women.
- In October, the Göta Hovrätt court of appeal granted a compensation of SEK 20,000 (approx. EUR 2,150) to a woman from Östergötland. The Equality Ombudsman had sued after the woman was asked by the fertility clinic to pay more for an insemination treatment because she had a female partner. The issue of unequal costs had been rectified by politicians before the court decision.
- In December, the Equality Ombudsman took up its first-ever case concerning discrimination on the grounds of gender identity/gender expression. The Ombudsman sued a restaurant in Malmö after a waiter quit due to continual harassment because of his sexual orientation and gender expression. The case was on-going at the end of the year.
- Also in December, Malmö's independent Equality Bureau awarded a seven year-old child SEK 15,000 (approx. EUR 1600) in compensation after a barber in the city refused to serve them. The child identified as male (having been registered as female at birth) but the barber stated that they "only did haircuts for boys".

## Asylum

- During the summer, LGBTI NGO RFSL and five NGO and business partners launched the *Jagarfri.nu* campaign to highlight the personal stories of LGBTI asylum seekers in Sweden.
- Asylum lawyers in RFSL worked with approximately 150 cases of asylum seeking LGBTI people during the year, and assisted in additional cases, handled by other lawyers.
- Government proposals, put forward in November, to change the asylum system included a new policy regarding the definition of 'others in need of protection'. The policy change proposed that this group would no longer be able to claim asylum; LGBTI NGO RFSL estimated that up to a third of LGBTI asylum seekers in Sweden might belong to this group. The changes are expected to

come into force during 2016. Additionally, a new rule that all asylum seekers must have identification documents was passed in December and will take effect on 4 January 2016.

## Bias-motivated speech

- A pastor and former parliamentary candidate for the Christian Democrats (KD) wrote a joint opinion piece along with other religious leaders calling homosexuality a "sin". When asked to clarify his position, Tommy Dahlman said that gay people "will go to hell". In April, the bishop of the Swedish Church in Gothenburg and the Christian Democrats distanced themselves from Dahlman's views.
- In April, a priest apologised for comments he made about gay and lesbian people in the Catholic parish of Ärkeängeln Sankt Mikael in Växjö. Father Ingvar Fogelqvist said that some gay people can be "cured" of their "psychological disorder" and that they should not take on the responsibility of family life.
- Christian Democrat (KD) councillor Morgan Emgardsson disagreed with Västerås City Council's decision to fly a rainbow flag in support of Pride events in June, saying that if the rainbow flag was allowed, then other flags such as ones bearing swastikas must be approved as well. His fellow council members and KD spokespeople said the remarks were unacceptable.
- An imam from the town of Halmstad who called homosexuality a "virus" was not charged with a violation of hate speech laws. The RFSL Halland section filed a complaint. In October, chief prosecutor Charlotte Österlund dropped the case, saying while the comments were reprehensible, they were not criminal, as they were taken out of context and did not intend to incite hatred.
- In July, Jan Sjunnesson, a contributor to *Avpixlat*, a website which frequently publishes racist, homophobic and transphobic statements, and with connections to the far-right party The Sweden Democrats (SD) announced he was organising a 'pride march' in Stockholm on 29 July. A very limited number of people attended Pride Järva as it marched through Tensta, an area of the city where many migrants live. An alternative, anti-racist, pride event was organised by local LGBTI activists.

## Data collection

- The results of the Public Health Authority's survey of 800 trans people, published in June, revealed that 20% of respondents had experienced transphobic violence and 36% had contemplated suicide in the previous 12 months.

## Diversity

- During Stockholm Pride, a section for LGBTI people of African descent marched for the first time, organised by the LGBT group within Black Coffee, a network for people of African descent living in Sweden.

## Education

- RFSL Ungdom, the Swedish youth federation for LGBTQ rights, released a project called Diskrimineringskartan.se in May; a viral map where LGBTQ people could report discrimination they faced in school. From May- August, the website received over 500 reports from LGBTQ people aged 13 -18. None of the people who reported an incident of discrimination had contacted the police, as they feared their complaint would not be taken seriously.
- In August, the city of Stockholm announced that it will spend SEK 8 million (approx. EUR 870,000) on LGBT awareness programmes in schools. The initiative was proposed by feminist party Feministiskt Initiativ (Fi) and will run from January 2016 in cooperation with, among others, LGBTQ organisation RFSL.

## Equality and non-discrimination

- A final report under the UN's Universal Periodic Review process was adopted for Sweden in 2015 (see **United Nations**).

## Health

- In September, Södersjukhuset Hospital in Stockholm opened what is thought to be the world's first clinic for male rape victims, when making the centre's services available to all victims of rape, regardless of gender identity or expression.

## Legal gender recognition

- In January, a public investigation (initiated by the former government) put forward a suggestion to update

the existing gender recognition legislation. The plan was to replace the current act, dating from 1972, with two new laws, clearly separating the legal and medical procedures and lowering the age limit. The government had not put forward a proposal to change the law by the end of the year.

- In July and October, courts in Stockholm and Gothenburg respectively, in two separate cases, had ruled that trans men who had given birth to their children had the right to be registered as fathers in the population registry. The Supreme Administrative Court announced that the tax agency had withdrawn their appeal in November, meaning the previous decisions handed down by the two lower courts would stand.

## Public opinion

- According to Eurobarometer 2015, 63% of people surveyed in Sweden believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 69% felt discrimination on this ground was widespread (EU 28 average was 56%). 95% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 96% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 93% said they would be comfortable or moderately comfortable (EU28 average was 67%).

## Social security and social protection

- The National Board of Health and Welfare published two new treatment protocols in April, one for under 18s and another for those aged 18 and over. The guidelines, which came into effect immediately, aim to improve the gender affirming treatments and make publicly funded surgeries and hormone therapies available to trans people equally across the country.



# Switzerland



Several notable family law discussions took place in 2015. A citizens' initiative on tax matters turned into a debate on limiting marriage to a union between women and men only (the question will ultimately be decided by a public vote in 2016). Two fathers and their son started legal proceedings, leading the family all the way to Strasbourg. An infamously outspoken bishop was forced to back down on two separate occasions, after making homophobic remarks and for trying to dismiss a colleague who had blessed a lesbian couple. A social insurance court ruled that a trans woman should be reimbursed for surgery carried out abroad and the government signed up to the principles of the Valetta Declaration.



## Bias-motivated speech

- Speaking at the 'Joy in Faith' forum in Germany, Vitus Huonder, bishop of Chur, quoted biblical passages that referred to homosexuality as an "abomination" in July. On 12 August, he sent a letter to 800 colleagues apologising to "everyone who felt injured by my speech, in particular those of homosexual persuasion". The LGB NGOs Pink Cross and Lesbian Organisation Switzerland (LOS) filed a criminal complaint against the bishop. The complaint was lodged with the public prosecutor in the Graubünden canton.

## Bias-motivated violence

- On 18 August, the Federal Council replied to a parliamentary question from the Conservative Democratic Party (BDP/PBD) group about recording of hate crimes against LGBT people. It noted that it is currently not possible to publish national police statistics on the numbers of homophobic or transphobic crimes. The Council said that discriminatory acts against LGBT people were common, but that it lacked the numbers to substantiate and implement appropriate measures. It went on to state that it would be expensive and complicated to install a uniform data collection system across all cantons but that it would assess various options.

## Employment

- In February, it was announced that Father Wendelin Bucheli would be dismissed from his role in the Uri canton. The Catholic priest in the village of Bürglen had blessed a lesbian couple in 2014 and Bishop Huonder called for his resignation. Bucheli's parishioners reacted negatively to news of his dismissal and started a petition in support of his actions, which attracted over 4,000 signatures. Bucheli refused to hand in his notice and in April it was announced that he would remain in his position.
- NGO Transgender Network Switzerland (TGNS) announced their new *Trans-Fair* project in October. The project aims to combat the high levels of unemployment faced by trans people. The Federal Office for Equality is supporting *Trans-Fair*, marking the first time the office has awarded funding to a trans-specific project.

## Equality and non-discrimination

- A parliamentary initiative on anti-discrimination submitted by Mathias Reynard (Social Democratic Party, SP/PS) was discussed by the National Council in March. Originally submitted in 2013, the initiative suggested adding sexual orientation to the list of protected grounds in the Criminal Code's hate speech and discrimination provisions. Gender identity was not included in this initiative. The Council of States' commission voted in favour of it in April but the proposal had not become law by the end of the year.
- Switzerland signed the Valetta Declaration of Intent on 29 April, the 18th state to do so. The Declaration, launched during the 2014 IDAHOT Forum in Malta, lays out commitments that signatories intend to take to promote equality for LGBTI people.
- The Geneva canton had proposed adding sexual orientation to the list of grounds protected against discrimination in the federal constitution and the Penal Code in 2013. The Federal Assembly's National Council approved the measure on 11 March, but it was later rejected by the Council of States on 17 June.
- In May, Daniel Stolz (FDP. The Liberals, centre-right) submitted an interpellation and the parliamentary group of Conservative Democratic Party (BDP/PBD; centre right) submitted a motion, both to amend existing legislation on blood donations. The motion called on the Federal Council to remove the donation restriction currently imposed on gay men. On 2 September, the Federal Council responded by saying that patient safety was a primary concern. The Council said that legal reform should not be necessary; instead the questionnaire completed by donors should be changed (to emphasis risky behaviour as opposed to sexual orientation). The Swiss Transfusion initiative within the Swiss Red Cross was asked to review the questionnaire. The Council then proposed rejecting the motion and it was still pending in the Council at the end of the year.
- On 18 June, Manuel Tornare (Social Democratic Party, SP/PS) put forward a parliamentary initiative designed to combat racial, homophobic and anti-Semitic discrimination. The initiative recommended creating a

federal regulation to introduce recourse options for minority rights organisations (trans or intersex people were not included). The initiative had not been debated by the end of the year.

## Family

- On 20 February, an equal marriage initiative, backed by the Green Liberal Party (glp) was approved by the National Council's legal affairs committee. The committee voted in favour of the 'marriage for all' proposal by 12 votes to 2.
- The Federal Council published their 'Modernising family law' report on 25 March that called for a review of the country's family law; including a discussion on whether to legislate for registered partnership or open marriage to same-sex couples. In response, the National Council's science, education and culture committee called on the Federal Council to develop a strategy to modernise family legislation.
- On 22 May, the Federal Supreme Court ruled that it is not possible for both partners in a gay couple to be registered as the father of a child born as a result of a surrogacy arrangement. This 3-2 majority verdict overruled a July 2014 decision from the St Gallen Administrative Court. Only the sperm donor can be entered into the civil registry as the child's father. Both men began preparing an application for the ECtHR. In December, legal proceedings were commenced on behalf of their four-year old son, who will be represented by a separate human rights lawyer.
- Discussions on taxation changes, commenced in 2014, continued in 2015. The Christian Democratic People's Party of Switzerland (CVP) proposed a popular initiative, which has the potential to block marriage equality. Swiss citizens will be asked to vote on a tax-related amendment that would define marriage as a union between a man and woman in the constitution. Both chambers of parliament and the Federal Council recommended voting against the initiative. The public vote will be held on 28 February 2016.

## Human rights defenders

- On 15 September, a series of information boards were launched in Zurich to honour the city's history of LGBTI

activism. The plaques were initiated by the *It's Love* campaign, supported by the city's gender equality office.

## Legal gender recognition

- Two courts of first instance granted legal gender recognition to a trans woman with learning disabilities and to a minor, on 27 July and 10 September respectively. The two decisions confirmed that legal age is not a requirement, but rather capacity of judgment. The courts also confirmed that no high requirements must be met to affirm capacity of judgment for legal gender recognition.

## Public opinion

- Several opinion polls sought the public's views on marriage equality. In February, the poll carried out by the Léger Institute showed that 62% of women surveyed supported equal marriage compared to 46% of men. The second analysis, commissioned by NGO Pink Cross and carried out by gfs-Zurich, revealed that 71% of those questioned were in favour or somewhat in favour of marriage equality.

## Social security and social protection

- On 9 December, the social insurance court in the canton of Vaud ruled that a trans woman should be reimbursed for gender reassignment surgery she had undergone in Thailand in 2008. The court ruled in her favour as the quality of surgery in Switzerland is not comparable to Thai expertise. The judgment was under appeal at the end of 2015.



# Turkey



Violence was a common thread linking many of the major events involving LGBTI people in 2015. The distressing scenes at Istanbul Pride, an event that traditionally took place without disruption, were some of the more startling images from the past year. Unfortunately, the brutality directed towards trans women, in particular sex workers, was all too familiar. A well-known activist was raped in his own home. LGBTI people remained legally unprotected against discrimination and hate speech. Of particular concern was the consistent hate speech from leading political figures and the fact that such actions were not publicly condemned. Positive developments included the ECtHR decision which confirmed that sterilisation is not a prerequisite for legal gender recognition and the largest IDAHOT celebrations ever seen in the capital.

## Access to goods and services

- The Ankara Bar Association's Gelincik Center extended its free legal aid services to LGBTI people in January. The Center provides representation and support for victims of violent crime.
- In February, an Istanbul court fined the Galatasaray bathhouse in Istanbul for refusing to admit a trans woman in 2013. The court fined the bath owner TRY 3,000 (approx. EUR 910) for discrimination.

## Bias-motivated speech

- Ismet Ucma MP (Justice and Development Party, AKP) stated that there are "ways and means" of preventing homosexuality during a speech on 29 January. Peoples' Democratic Party (HDP, democratic socialism) representatives condemned Ucma's comments.
- In a column on the Yeni Şafak website in March, pro-AKP Islamist opinion leader Hayrettin Karaman stated that Muslims can't tolerate gay people and that taking a stand against immoral behaviour was the duty of Muslims.
- In advance of elections, President Recep Tayyip Erdoğan criticised the HDP's choice of candidates and their sexual orientation, saying "We did not nominate a fake mufti in Diyarbakır or a gay candidate in Eskişehir. We do not have such issues". The AKP's Foreign Affairs Deputy Chair Yasin Aktay made similar comments on 30 May when discussing the HDP candidate list. During an interview with TGRT TV News on 2 June, election candidate and former interior minister Efkân Ala (AKP) talked about marriage equality and said that "...this is the destruction of humanity".
- One week after Istanbul Pride was disrupted (see **Freedom of assembly**), posters referencing the biblical cities of Sodom and Gomorrah and a Hadith verse appeared in various locations in Ankara. The posters asked "Should those who practice the foul labour and adhere to the practice of the people of Lot be killed?". A group called 'Young Islamic Defence' claimed responsibility. The posters were removed and the group's Twitter account was suspended. The government did not publicly condemn the posters and no investigation was commenced by the prosecutor's office.

## Bias-motivated violence

- The first shelter for trans women, run by Istanbul LGBTT Solidarity Association, opened in Istanbul in June.
- There were many reported attacks on trans people in 2015. On 26 January, a trans woman was strangled by a client, who then hid her body under a sofa. On 3 May, four trans women sex workers from 3 different provinces were severely assaulted in separate attacks. Two trans women were attacked on 12 May; one was attacked by a group of men in Fındıkzade and brought to hospital by friends, the second victim was attacked on Bağdat Boulevard by five men. A trans journalist for T24 News, was assaulted by plain clothes police officers while covering a press briefing in June. On 4 August, a trans woman was stabbed in her home in the city of Afyon by a man pretending to be a client. He also attempted to rob her. She was brought to hospital by a friend and admitted to intensive care.
- On 31 August, a trans person was killed in the town of Ortahisar. They were stabbed 200 times by a client. On 23 November, a trans woman was stabbed and strangled, apparently by a client of hers in Istanbul's Maltepe area. A definite suspect was not identified but LGBTI lawyers in Istanbul were following the legal process at the end of the year. On 2 December, a trans woman working as a sex worker was stabbed to death in the Haramidere district of Istanbul. On 8 December, a young trans man, who had been protesting in Istanbul against curfews in Kurdish cities, was subjected to transphobic abuse and physical harassment by the police officers who arrested him.

## Employment

- On 31 December, a former football referee was awarded damages for the financial and emotional distress caused by the Turkish Football Federation. Halil İbrahim Dinçdağ was excused from military service in 2007 on account of his homosexuality. He worked as a referee in 2009 until the local board of referees stopped him from taking any professional exams. The Çağlayan Court in Istanbul acknowledged homophobic discrimination and awarded Dinçdağ TRY 23,000 (approx. EUR 6,900). His lawyers announced their intention to appeal.

## Enlargement

- Turkey applied to join the European Union in 1987; in 2005, negotiations began. In its annual report on progress made towards EU accession, published in November, the European Commission stated that discrimination and hate speech against minority groups, including LGBTI people, were “major areas of concern”. The Commission made a series of recommendations, including the adoption of a comprehensive anti-discrimination legal framework. The lack of protection for LGBTI victims of hate crime was also addressed, with particular attention being paid to the murder of trans people.

## Equality and non-discrimination

- In January, the Ministry of Justice replied to a question from Mahmut Tanal MP (The Republican People’s Party, CHP; social-democratic) on their LGBTI-related work by saying “there is no work on the protection and recognition of lesbian, gay, bisexual and trans citizens’ human rights conducted by our Ministry.”
- On 27 January, during Turkey’s UPR session at the UN Human Rights Council in Geneva, then Deputy Prime Minister Bülent Arınç (AKP) stated that the lack of any legal protection for LGBTI people did not mean that their rights were ignored. A final report under the UN’s Universal Periodic Review process was adopted for Turkey (see **United Nations**).
- Ten MP’s from the Republican People’s Party (CHP) submitted an anti-discrimination bill to parliament in February. The bill proposed protecting LGBT workers in the public and private sectors but the draft became obsolete as it was not discussed prior to the elections.
- On 14 July, a spokesperson for the UN Human Rights Commissioner for Human Rights released a media briefing which condemned the treatment of LGBTI people in Turkey, in particular the continuing violence towards trans people (see **Bias-motivated violence**), the poster campaign in Ankara (see **Bias-motivated speech**) and the attacks on Istanbul Pride (see **Freedom of assembly**).

## Freedom of assembly

- The IDAHOT celebrations in Ankara attracted the largest ever number of participants, according to LGBT NGO Kaos GL Association.

- Istanbul’s Pride march was scheduled to take place on 28 June. The parade was banned by the authorities at short notice, citing the overlap with Ramadan. For the first time in 12 years, the Pride parade was violently disrupted. Police officers fired tear gas, water cannons and rubber bullets at LGBTI activists and allies. Officers also failed to protect marchers from attacks by members of the public who opposed the Pride event. MP’s from the Peoples’ Democratic Party (HDP) and the Republican People’s Party (CHP) are reported to have formed a physical barrier between marchers and those assaulting them. In reaction, the Istanbul Governor’s Office said that the parade was banned and that police had used proportionate force to disperse the marchers. In November, the Governorship rejected the request of LGBTI activists to open an inquiry into police conduct at Istanbul Pride.

## Human rights defenders

- In July, LGBTI activist and chair of the Red Umbrella organisation, Kemal Ördök was raped and robbed at his home in Ankara. Two men entered Kemal’s home; one of them raped Kemal and the other took his mobile phone. When Kemal told the police about the incident, the officers were aggressive towards him. At the police station, Kemal was told to drop the case and officers also did not believe the rape allegation. The two assailants continued to contact Kemal via phone after their release. The prosecutor’s office completed an investigation and the assailants were to appear before Ankara’s 1st High Criminal Court for a hearing on 27 October. A second hearing was due to take place in early 2016.

## Legal gender recognition

- An inmate at Maltepe prison had their request to undergo gender reassignment surgery (after changing her name and gender) approved in January.
- In the case of *YY v Turkey*, the ECtHR ruled that sterilisation is not a necessary precondition for gender reassignment surgery, which itself is required for individuals to have their gender legally recognised. In the Chamber judgment released on 10 March, the Court found that the sterilisation requirement, demanded by

the Turkish courts, breached ECHR Article 8, which protects private and family life. The ECtHR held that the sterilisation requirement could not be considered necessary and ordered Turkey to pay the applicant EUR 7,500 in non-pecuniary damages.

## Participation in public, cultural and political life

- On 2 March, Sedef Çakmak (Republican People's Party, CHP) received her mandate as a member of Beşiktaş Municipal Assembly. She was originally elected as a substitute in 2014. She is the first openly LGBTI person to be elected to public office in Turkey.
- Before the general election in June, LGBTI activists asked candidates to sign a pledge to support LGBTI issues if elected. 64 people signed the Social Policies, Sexual Orientation and Gender Identity Studies Association's (SPoD) LGBTI Rights Pledge, 22 of which were successful in their election bid. In the November general election, 16 of the original signatories were re-elected.
- Baris Sulu (The Peoples' Democratic Party, HDP) ran in the June general election in the district of Eskisehir. The LGBTI activist was the firstly openly gay candidate to ever run in general elections but was not elected. Deva Özenen (The Anatolia Party, AnaParti; social democratic), a trans woman, stood for election in Izmir in June but was not elected.

## Police and law enforcement

- In April, justice minister Bekir Bozdag (AKP) announced plans to construct LGBT-only prisons. While the ministry stated this was a safety measure designed to protect LGBT prisoners from abuse, LGBTI NGOs and activists said that segregation was another means of ostracising the LGBT community. Construction began on a site in Izmir and from 2017, it is expected that all LGBT inmates will be imprisoned there.
- An LGBTI activist who visited an inmate at Bakırköy Women's Prison in July was harassed by guards. The trans woman was denied entry via the female visitor security entrance and was then verbally harassed by male guards.
- The Turkish military amended its exemptions policy in November, renaming sexual orientation as a 'sexual attitude and behaviour' instead of a 'psychotic disorder'. However, LGBTI NGOs were unclear about the effect the change will have for gay and bisexual soldiers in practice.



# Ukraine



**The fortunes of LGBTI people in Ukraine remained tied to political developments in the country in 2015. NGOs and individuals found it increasingly difficult to work in the occupied territories of Crimea and Southern Donbas. The right of freedom of assembly was severely undermined with the violent attacks on Kyiv Pride and the ban imposed on the march in Odesa. Far-right groups continued to attack LGBTI activists. After much political wrangling, an anti-discrimination provision protecting people on the basis of sexual orientation and gender identity was added to the labour law, motivated by the promise of visa-free travel within the EU. The country's first human rights strategy and action plan were published, while private companies' commitment to equality was also measured for the first time.**

## Asylum

- In September, Taras Karasiichuk stepped down as president of LGBT NGO Gay Alliance Ukraine, and together with his partner applied for political asylum in the U.S.A, citing threats from far-right groups. Their application had not been considered by the end of 2015.

## Bias-motivated speech

- NGO Gay Alliance Ukraine, supported by the Dutch Embassy in Ukraine, launched the 'Say It Right' poster campaign in May. It encouraged people in five cities not to use stigmatising language when discussing minority groups, including the LGBT community.
- Before the Kyiv Equality March (see **Freedom of assembly**), then leader of far-right group Right Sector Dmytro Yarosh wrote on his Facebook page, "...the Ukrainian public are having the ideology of sexual perversion and the destruction of the family foisted on them...".
- Government coalition member Pavlo Unhuryan MP (People's Front) commented at a press conference on 12 August, "Both the [Odesa] oblast and the city do not support the parade of homosexuals and any other perversions in Odesa." At the same press conference, Bishop Mark of Odesa and Balty (Ukrainian Orthodox Church – Kyiv Patriarchate) and Yurii Nahorny (canon of a Roman Catholic cathedral in Odesa) made homophobic comments.

## Bias-motivated violence

- A bomb exploded at the LGBTI-friendly Libertine bar in Odesa on 20 July, injuring a security guard. Graffiti bearing the name of anti-equality group Right Sector was found nearby. The police investigation was on-going at the end of 2015.
- A flash mob took place in Odesa on 15 August in memory of the victims of the LGBTI community who were killed in homophobic attacks. Activists also picketed the Odesa city office to protest against the fact that Odesa Pride had been banned.
- On 16 August, a planning meeting convened by the organisers of Odesa Pride (see **Freedom of assembly**) was smoke-bombed by masked protestors.

- A private LGBT party at a café in the city of Kryvyi Rih was disrupted by a group of 20 masked men on 30 August. Revellers were beaten by men in t-shirts bearing insignia similar to the far-right group Right Sector. Police made no arrests.
- Activists at QueerHome Kryvbass were attacked by masked assailants on 30 August. Smoke bombs were thrown into the building and the community centre was destroyed. Six staff members were treated for smoke inhalation and one activist was hospitalised.
- In October, two men were found guilty of hooliganism for the arson attack on Kyiv's Zhovten cinema in 2014. An LGBTI-themed film was playing at the time but a homophobic motive was not mentioned as the men were sentenced to two and three years on probation.
- On 18 November, a court in Kharkiv sentenced a man to eight years in prison for the murder of a 26 year-old member of the LGBTI community. The sentence did not consider the homophobic motive.
- On 10 December, the Kyiv Equality Festival was smokebombed; no-one was injured and criminal proceedings were on-going at the end of 2015.

## Data collection

- An LGBTQ NGO Insight research study concluded that trans people in Ukraine face challenges, including medical interventions, financial problems, emotional and psychological exhaustion and an unclear legal framework.

## Employment

- The first Ukrainian Corporate Equality Index was published on 17 September. The index, compiled by NGO Fulcrum and other organisations, surveyed anti-discrimination policies of private companies and how LGBT employees are treated.

## Equality and non-discrimination

- Following the ECtHR decision in *Oliari v Italy* (see **Italy**), two gay couples filed sexual orientation discrimination complaints to the Strasbourg court in August. They argued they cannot exercise the same



property rights as heterosexual couples as their relationships are not recognised by the state.

- International human rights organisations and US Congress members wrote to President Petro Poroshenko (independent) asking him to include protection from discrimination on the grounds of sexual orientation and gender identity in the constitution. The Constitutional Commission's human rights working group decided not to explicitly mention these grounds in Article 42. The group's chair, Professor Volodymyr Butkevych, stated that the issue would be considered in the anti-discrimination legislation process.

- *'In the Crosscurrent: Addressing Discrimination and Inequality in Ukraine'* was published by UK-based Equal Rights Trust and the LGBT Human Rights Nash Mir Centre in Kyiv, in August. The report concludes that the situation for LGBT people in Ukraine has become more dangerous since the Maidan protests began. Trans people are particularly at risk of unequal treatment, as they are less visible in Ukrainian society than LGB people.

- President Poroshenko approved the country's first National Human Rights Strategy on 25 August. The strategy came into force immediately and will run until 2020. The document contained a section entitled 'Ensuring the rights of indigenous peoples and national minorities' but does not make any specific reference to the rights of LGBTI people. On 23 November the government adopted an Action Plan for the implementation of the National Strategy. The action plan included references to registered partnership legislation, new rules for legal gender recognition, adding SOGI to the criminal code and researching intersex issues.

- On 12 November, Ukraine's parliament voted to add anti-discrimination measures to the existing labour code by 234 votes out of 333. These provisions protect people from discrimination in employment on the grounds of sexual orientation and gender identity for the first time in Ukrainian law. The law was required as part of the ongoing visa liberalisation process to achieve visa-free travel within the EU. The law came into force on 26 November.

- On 27 November, Opposition Bloc MPs introduced a bill calling for the repeal of the anti-discrimination

amendment. The draft law was distributed among MPs for examination but was not considered by parliament in 2015.

## Family

- On 15 July, a trans woman and a gender non-conforming person married in Kyiv; the trans woman was treated as a male and her partner treated as a female by registrar staff.

## Freedom of assembly

- Kyiv's 'Equality March' was scheduled to take place on 6 June. Far-right group Right Sector demanded that Kyiv mayor Vitalii Klychko ban the march and threatened to disrupt any parade by force. Mayor Klychko asked Pride organisers to consider abandoning the event as it was too dangerous and confrontational. The march went ahead and participants were brought by bus to the secret march location. Approximately 200-300 participants were protected by 1,000 riot police. The event was attacked by protestors who threw stones and smoke bombs; marchers and police officers were injured in the violence. 25-30 protestors were subsequently detained. LGBTI NGOs criticised the police for failing to prevent these attacks.

- A pride march, due to take place on 15 August as part of Odesa's Equality Festival, was banned at short notice by the Odesa District Administrative Court. The 'Equality March' was banned following court proceedings initiated by the city council, who cited concerns over public health, the threat of public disorder and the possibility of confrontation. The organisers appealed but were ultimately forced to cancel the march.

- LGBTQ NGO Insight and other LGBTI activists organised a protest and artistic performance entitled 'I will disappear soon' outside the Kyiv city administration on 30 August to highlight recent cases of discrimination including bias-motivated attacks, the disruption of Kyiv Pride and the cancellation of Odesa Pride.

## Freedom of association

- In September, the NGO Fulcrum successfully challenged the Ministry of Justice's refusal to register

them as an information portal. The District Administrative Court of Kyiv City ordered the ministry to assess the organisation's application and cancelled the earlier refusal.

## Freedom of expression

- An 'anti-propaganda'-style bill entitled *'On the prohibition of propaganda aimed at children'* proposing to limit freedom of expression was dropped by parliament in January.

## Human rights defenders

- In May, the LGBT Human Rights Nash Mir Centre reported that many LGBTI NGO's in Crimea had shut down. According to Nash Mir, many activists have moved to Kyiv or have emigrated from Ukraine.

## Legal gender recognition

- On 12 June, the Kyiv Administrative District Court ruled that sterilisation is not a requirement for legal gender recognition, overruling the earlier decision of the health ministry's Special Commission on the Issues of Sex Change/Correction.
- On 10 July, the Kyiv Administrative District Court found that requiring trans people to undergo forced surgical procedures was not compatible with national law. A trans woman, with the support of LGBTQ NGO Insight, had appealed against the decision not to recognise her female gender after some surgical procedures. The Court found that denying the women's request was unlawful and ordered the Commission on the Issues of Change of Gender Identification to issue a medical certificate. According to information from trans activists, the health ministry had started to work on updating the existing regulations at the end of the year.
- In August, the Ministry of Health set up a working group to review the existing gender recognition procedure. In November, the working group presented its first draft of a new protocol that would not require psychiatric hospitalisation or surgery.
- On 30 September, the Commission on Sex Change/Correction provided certificates confirming sex change to

two people who had previously taken legal challenges against the Commission; however the certificates were incorrectly filled in and were of no use. At the end of the year, both individuals were still waiting for the correct certificates.

- "Transgender issues in social and medical context", the first international conference of its kind in Ukraine, took place in Kyiv from 22-24 October. The event was co-organised by LGBTQ NGO Insight, the Coalition for Combating discrimination in Ukraine and the Office of the Ombudsperson.
- On 29 December, Kozelets District Court granted the application for recognition and enforcement of the decision of a Russian court to amend the birth record of trans man, who was a Russian citizen.

## Participation in public, cultural and political life

- On 5 June, the day before Kyiv's Equality March, President Poroshenko told a news conference that he wanted it to go ahead. This was the first time that a president had spoken out in support of LGBTI rights.

*"I will not participate in it but I don't see any reason to impede this march because it's a constitutional right of every citizen in Ukraine."*

**- President Poroshenko, press conference on 5 June 2015**

- Svitlana Zalischuk and Serhiy Leshchenko (both Petro Poroshenko Bloc) attended Kyiv's Equality March; reportedly the first Ukrainian members of parliament to support an LGBTI march.

## Police and law enforcement

- According to NGO Nash Mir's annual report, the centre received accounts of 10 cases where LGBTI people had their rights violated by police officers in 2015.



# United Kingdom



The UK assessed its process of legal gender recognition in 2015, with the launch of a wide-ranging trans equality inquiry. The variation in laws and policies within the Union was highlighted by ongoing discussions in Northern Ireland; discrimination court cases, the ban on blood donation and its position as the only UK region without equal marriage all made headlines in the past 12 months. A landmark legal decision meant that same-sex couples are not automatically entitled to equal treatment when it comes to pensions. The island of Jersey introduced equal marriage for same-sex couples and a number of LGB candidates were successful in their bid to be elected to Westminster.

## Access to goods and services

- In May, a bakery in Northern Ireland was ordered to pay GBP 500 (approx. EUR 650) in damages for refusing to make a cake supportive of equal marriage. Judge Isobel Brownlie found that Ashers Bakery had discriminated against a customer on the basis of sexual orientation. Ashers announced they would appeal the decision and an appeal date was set for February 2016.

## Asylum

- Following criticism of the UK system's treatment of LGBTI asylum seekers in 2014, the Home Office published new guidance for caseworkers on how to deal with sexual identity issues in asylum claims in a balanced way on 16 February.
- In March, a Nigerian LGBTI activist appealed against the Home Office's decision to reject her application for asylum. The UK authorities argued that Aderonke Apata could not be a lesbian as she had children from previous relationships. Apata appealed to the High Court and submitted personal photographs and videos as evidence. On 3 April, the High Court dismissed the Home Office's argument in relation to children but ultimately rejected Apata's appeal, stating that she had fabricated her sexuality for asylum purposes.
- The All-Party Parliamentary Group on Refugees and the All-Party Parliamentary Group on Migration's report, published on 5 March, revealed that LGBTI people face bullying, harassment and abuse in detention centres. The report recommended that the Home Office and their National Asylum Seekers Stakeholder Forum work more closely together.

## Bias-motivated speech

- During a campaign event on 23 April, then Northern Ireland Health Minister Jim Wells MLA (Democratic Unionist Party, DUP) remarked that children raised in a homosexual relationship are more likely to be abused or neglected. On 25 April, complaints were made to the Police Service of Northern Ireland (PSNI) about comments that Wells was alleged to have made to a lesbian couple he met while canvassing. Jim Wells resigned on 27 April, saying that he needed to care for his wife who was seriously ill.

- *The Stop Online Abuse* website was launched on 17 June. The site was funded by the Government Equalities Office and informs LGBTI people how to report and campaign against homophobic or transphobic media content.

- In October, a Metropolitan police officer was sacked after a Scotland Yard investigation into his treatment of a gay civilian colleague. PC Nicholas Vanner was dismissed from the Parliamentary and Diplomatic Protection team for gross misconduct, repeatedly taunting his colleague and threatening to 'open' him up with a pen knife.

## Bias-motivated violence

- In February, the Equality and Human Rights Commission announced a major project to tackle hate crime against LGBT people in England and Wales, working with a partnership of 31 LGBT organisations coordinated by the LGBT Consortium. In August, the project was extended to cover LGBTI hate crime in Scotland. It runs until March 2016.

- On 3 October, the home of a trans woman in Derry, Northern Ireland was attacked with a pipe bomb. She was moved into emergency accommodation and the PSNI investigation treated the incident as a sectarian hate crime.

- 5,597 homophobic hate crimes were recorded by police in England and Wales during 2014-2015. The latest Home Office figures released in October showed a 22% increase in reported homophobic hate crimes from the previous 12 months. In 2014-2015, there were 605 hate crimes against trans people reported.

- In Scotland, 841 homophobic or biphobic hate crimes were reported by police to prosecutors in 2014-15 (a small drop from the previous year's figure of 889). 21 transphobic hate crimes were reported (previous year: 25).

- Figures from the Public Prosecution Service (PPS) showed an increase in homophobic hate crimes in Northern Ireland in 2014-2015. 54 reports of homophobic or transphobic crime were received by the PPS in 2014-2015, compared to 44 in the previous twelve months.

- To mark Trans Day of Remembrance on 20 November, the trans flag was flown from the Department for

Education building, the first time that the flag had ever been publicly displayed by a government department.

## Data collection

- The National AIDS Trust released the results of their 2014 survey with 1,000 young gay men aged 14-19. 68% said they received no information on HIV testing and 64% received no guidance on what to do if confronted with homophobic bullying.
- In June, the Equality Network released the Scottish LGBT Equality Report, based on a survey of 1052 LGBT people in Scotland, and 16 consultation events. 49% of respondents reported experiencing or witnessing prejudice or discrimination in the previous month, and 79% in the previous year. 14% of trans respondents reported they had had such an experience in the previous 24 hours, rising to 45% in the previous week and 91% in the previous year.
- On 16 November, Stonewall published YouGov research on LGBT bullying. The survey was carried out with 2,008 adults, 52% heard derogatory remarks in the past 12 months but 57% of those who witnessed abuse did not intervene.

## Employment

- On 4 October, an employment tribunal in Nottingham ruled that Canon Jeremy Pemberton had not been discriminated against on the grounds of sexual orientation. A job offer to work as a hospital chaplain in Nottingham had been withdrawn after Pemberton married his male partner in 2014. The tribunal ruled that the Church of England's stance on equal marriage did not breach equality legislation. Pemberton intended to appeal the decision.

## Equality and non-discrimination

- Following Jim Wells' resignation (see **Bias-motivated speech**), NI health minister Simon Hamilton MLA (DUP) announced that he would be guided by science and medical evidence in relation to the ban on gay and bisexual men donating blood in Northern Ireland. In October, the Court of Appeal in Belfast began the appeal

against the 2013 ruling that former health minister Edwin Poots' (DUP) continuation of the ban was biased. In December, it was announced that Simon Hamilton had asked the UK Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO) to provide evidence on the risks associated with different lengths of deferral. Hamilton said that if the SaBTO recommended lifting the donation ban, then he would do so.

- On 16 May, the Church of Scotland General Assembly took the final decision to allow churches to appoint ministers who are in same-sex civil partnerships (not just ministers who are openly gay but not in sexually active relationships), by a vote of 309 to 182. The General Assembly also voted to refer to regional presbyteries the question of whether to allow appointment of ministers in equal marriages. By December, a majority of presbyteries had voted in favour, and the issue will be considered again at the May 2016 General Assembly.
- Same-sex couples are not entitled to inherit their partner's pension entitlement if it was accumulated before 2005, according to a Court of Appeal decision issued on 5 October. John Walker initiated legal proceedings against his former employer when he discovered that the company would not treat his husband in the same way as heterosexual widows and widowers after his death. The Court of Appeal unanimously ruled against Walker as his pension contributions had been accumulated up until 2003, before same-sex partnerships were legally recognised in the UK.
- From July 2015, the Women and Equalities Select Committee held an inquiry into equality for trans people in the UK. The committee examined several key areas of life, including employment, trans youth, healthcare services, hate crime and the criminal justice system. The Committee received over 230 submissions during its call for evidence and a report is due to be published in early 2016.

## Family

- Following the successful Irish referendum (see **Ireland**), LGBTI activists in Belfast held a 'March for Marriage Equality' that attracted 20,000 participants on 13 June. On 26 June,

two same-sex couples announced they would be seeking judicial review of the prohibition on civil marriage for gay and lesbian couples in Northern Ireland. On 2 November, the Stormont Assembly voted in favour of marriage equality for the first time. Out of a total of 105 voting MLAs, 53 were in favour, 51 against with 1 abstention. The motion calling for the NI executive to legislate was ultimately defeated for the fifth time in three years as the DUP used a measure called a 'petition of concern' to veto the motion. On 3 December, judicial review was granted and the two couples (Grainne Close and Shannon Sickles and Chris and Henry Flanagan-Kanem) began their case before Belfast's High Court. The court's decision was due in early 2016.

- Marriage equality was introduced on the island of Jersey on 22 September. The States Assembly voted 37-4 in favour of the change. Guernsey opened a public consultation in June and 90% of respondents agreed that same-sex couples should be legally recognised. The Isle of Man also opened a public consultation on equal marriage from 16 October to 13 November. A summary of responses had not been published by the end of 2015.

## Health

- A memorandum of understanding on conversion therapy was published in January. The document was signed by 14 organisations, including NHS England, and stresses that the NHS does not endorse or support such treatment. In April, Prime Minister David Cameron (Conservative) said that the government could take further steps to outlaw conversion therapy if the memorandum alone was not effective.
- NGO Stonewall's *Unhealthy Attitudes* report, released in July, revealed that 25% of LGB health and social care staff had been bullied in the last five years; 20% had heard negative remarks in the workplace about trans people. One in ten staff had heard colleagues express the view that LGB people can be 'cured'.

## Participation in public, cultural and political life

- 32 openly LGB candidates were elected in May's UK general election, out of 650 MPs in total. In Scotland, 7 out

of the 56 MPs elected were openly lesbian or gay. Cat Smith MP (Labour Party), who identifies as bisexual, was later appointed as the opposition shadow minister for equalities. Two trans women were also elected as local councillors in May; Zoe O'Connell (Liberal Democrats) in Cambridge and Zoe Kirk-Robinson (Conservative) in Bolton.

- Keegan Hirst came out in August, the first professional rugby league player to do so and, in the same month, Sam Stevens became the first rugby union sevens player to come out while still involved with the game. On 13 October, race walker Tom Bosworth became the first British track and field athlete to come out.

## Police and law enforcement

- Two trans women committed suicide while being held in all-male prisons in England. On 13 November, Vicky Thompson died in Leeds prison. On 1 December, Joanne Latham died in Woodville prison, near Milton Keynes.

## Public opinion

- An Ipsos MORI poll found that 68% of adults in Northern Ireland supported equal marriage when interviewed between 20 May and 8 June. 16-34 year-olds were the most supportive age group, with 82% support for marriage equality, compared to 47% of over-55s.
- According to Eurobarometer 2015, 58% of people surveyed in the UK believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 60% felt discrimination on this ground was widespread (EU 28 average was 56%). 84% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 93% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 90% said they would be comfortable or moderately comfortable (EU28 average was 67%).

# Glossary

**Our glossary will help you work your way through the Annual Review with greater ease. This list of commonly used phrases and acronyms is designed to make our institutional and country chapters as easy to follow as possible. If you need further information, a longer glossary is available on the ILGA-Europe website: [www.ilga-europe.org](http://www.ilga-europe.org)**

**Automatic co-parent recognition:** when children born to same-sex couples do not face any barriers in order to be recognised legally from birth to their parents.

**Bisexual:** when a person is emotionally and/or sexually attracted to persons of more than one gender.

**Civil union:** see **Registered partnership**.

**Cohabitation rights:** two persons living together at the same physical address can, in some European countries (and regions), make a legal agreement on some practical matters (which vary from country to country). The rights emanating out of cohabitation are limited.

**Coming-out:** the process of revealing the identification of a lesbian, gay, bisexual, trans or intersex person.

**Council of Europe (abbr. CoE):** The Council of Europe is Europe's oldest political organisation, founded in 1949. It groups together 47 countries. Its headquarters are in Strasbourg, France.

#### **Important institutions, bodies and charters:**

**Committee of Ministers (abbr. CoM):** the CoE's decision-making body; composed of the 47 foreign ministers or their Strasbourg-based deputies (ambassadors/permanent representatives).

**European Convention on Human Rights (abbr. ECHR):** is an international treaty to protect human rights and fundamental freedoms in Europe.

**European Court of Human Rights (abbr. ECtHR):** composed of one judge from each of the 47 member states. It makes judgments in respect of possible violations of the European Convention on Human Rights. Where the Court finds that a particular member state has violated the Convention, the government is obliged to take corrective action.

**Parliamentary Assembly (abbr. PACE):** the Parliamentary Assembly has 636 members (318 representatives and 318 substitutes) from the 47 national parliaments of the member states. The Parliamentary Assembly is a deliberate body and holds four week-long plenary sessions a year.

**Different-sex relationship:** different-sex relationship is a relationship containing people of two different sexes. This term is preferred instead of opposite-sex, as 'opposite' is based on the wrong assumption that there are only two possible sexes and that they are immutable.

**Discrimination:** unequal or unfair treatment which can be based on a range of grounds, such as age, ethnic background, disability, sexual orientation or gender identity.

**European Union (abbr. EU):** The European Union is an economic and political union of 28 current Member States in Europe.

#### **Important institutions, bodies and charters:**

**Charter of Fundamental Rights of the European Union:** The European Union Charter of Fundamental Rights sets out in a single text the range of civil, cultural, political, economic and social rights of all persons resident in the EU. The Lisbon Treaty, which came into force in 2009, made the Charter legally binding.

**Council of the European Union:** The Council is, together with the European Parliament, one of the legislative institutions of the EU. Each EU country in turn presides over the Council for a six-month period. One minister from each of the member states attends every Council meeting. Formerly known as the 'Council of Ministers', it is often only referred to as 'the Council'.

**Court of Justice of the European Union (abbr. CJEU):** The CJEU is the judiciary of the EU. It reviews the legality of the acts of the institutions of the EU; ensures that Member States comply with obligations under the Treaties; and interprets EU law at the request of the national courts and tribunals. The Court is composed of one judge from each EU country, assisted by eight advocates-general. The Court of Justice of the European Union is located in Luxembourg.



**European Commission (EC):** The European Commission is the executive body of the European Union responsible for proposing legislation, implementing decisions, upholding the EU treaties and managing the day-to-day business of the EU. The EC is appointed for a five year period by agreement between the EU countries, subject to approval by European Parliament. The Commission acts with complete political independence. It is assisted by a civil service made up of 36 "Directorates-General" (DGs) and services, based mainly in Brussels and Luxembourg.

**European Council:** The European Council consists of the Heads of State or Government of the EU countries, together with its President and the President of the Commission. It defines the overall general political direction and priorities of the European Union.

**European External Action Service (abbr. EEAS):** Abroad, the EU is represented by a network of 136 EU Delegations, which have a similar function to those of an embassy. This is being coordinated by the European External Action Service which serves as a foreign ministry and diplomatic corps for the EU under the authority of the High Representative for Foreign Affairs and Security Policy (HR), a post created by the Treaty of Lisbon.

**European Parliament:** The European Parliament is the elected body that represents the EU's citizens, and currently seats 751 national representatives. They are elected every five years. As an equal partner with the Council of Ministers, the European Parliament passes the majority of EU laws.

**Primary legislation:** Primary legislation includes the Treaties of the European Union and other agreements having similar status. Primary legislation is agreed by direct negotiation between EU countries' governments and defines the role and responsibilities of the EU institutions.

**Secondary legislation:** Secondary legislation is based on the Treaties and may take the following forms:

- Regulations which are directly applicable and binding in all EU countries without the need for any national implementing legislation.
- Directives which bind the EU countries as to the objectives to be achieved within a certain time-limit while leaving the national authorities the choice of form and means to be used.
- Decisions which are binding in all their aspects for those to whom they are addressed, they do not require national implementing legislation. A decision may be addressed to any or all EU countries, to enterprises or to individuals.
- Recommendations and opinions which are not binding.

**Fundamental Rights Agency (abbr. FRA):** The FRA is an EU body tasked with collecting and analysing data on fundamental rights with reference to, in principle, all rights listed in the Charter. The FRA's primary methods of operation are surveys, reports, provision of expert assistance to EU bodies, member states, and EU candidate countries and potential candidate countries, and raising awareness about fundamental rights. The Fundamental Rights Agency (FRA) is based in Vienna, Austria, and was formed in 2007.

**Fertility treatment:** assisted insemination at a fertility clinic or hospital for women (single, or in different sex/ same-sex couples) in order to get pregnant either with a known donor or an unknown donor of sperm.

**Freedom of assembly:** the right to come together publicly and collectively express, promote, pursue and defend common interests.

**Freedom of association:** the right to form groups, to organise and to assemble together with the aim of addressing issues of common concern.

**Freedom of expression:** the right of all to express their views and opinions freely without any form of censorship.

**Gay:** a man who is sexually and/or emotionally attracted to men. The term is however sometimes also used to cover lesbians as well as gays (and sometimes even bisexuals). This has been disputed by a large part of the community and gay is therefore here only used when referring to men who are emotionally and/or sexually attracted to men.

**Gender:** refers to people's internal perception and experience of maleness and femaleness, and the social construction that allocates certain behaviours into male and female roles.

**Gender expression:** refers to people's manifestation of their gender identity. Typically, people seek to make their gender expression or presentation match their gender identity/identities, irrespective of the sex that they were assigned at birth.

**Gender identity:** refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.

**Gender reassignment:** refers to the process through which people re-define the gender in which they live in order to better express their gender identity. This process may, but does not have to, involve medical assistance including hormone therapies and surgical procedures that trans people undergo to align their body with their gender.

**Gender Reassignment Surgery (abbr. GRS):** a medical term for what trans people often call gender-confirmation surgery: surgery to bring the primary and secondary sex characteristics of a trans person's body into alignment with his or her internal self-perception.

**Gender recognition:** A process whereby a trans person's gender is recognised in law, or the achievement of the process.

**Hate crime:** offences that are motivated by hate or by bias against a particular group of people. This could be based, inter alia, on gender, gender identity, sexual orientation, ethnicity, religion, age or disability. Also called bias crime.

**Hate speech:** refers to public expressions which spread, incite, promote or justify hatred, discrimination or hostility towards minorities.

**Homophobia:** the fear, unreasonable anger, intolerance or/and hatred toward homosexuality.

**Homosexual:** People are classified as homosexual on the basis of their gender and the gender of their sexual partner(s). When the partner's gender is the same as the individual's, then the person is categorised as homosexual. It is recommended to use the terms lesbian and gay men instead of homosexual people. The terms lesbian and gay are being considered neutral and positive, and the focus is on the identity instead of being sexualised. Lastly, the term homosexual has, for many, a historical connotation of pathology.

**Intersex:** a term that relates to a range of physical traits or variations that lie between stereotypical ideals of male and female. Intersex people are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male. Many forms of intersex exist; it is a spectrum or umbrella term, rather than a single category.

**Joint adoption:** where a same-sex couple is allowed to apply for adoption of a child.

**Lesbian:** a woman who is sexually and/or emotionally attracted to women.

**LGBTI:** Acronym for lesbian, gay, bisexual, trans and intersex people.

**Marriage equality:** where national marriage legislation also includes same-sex couples – e.g. gender neutral reference to the spouses.

**OSCE:** The Organization for Security and Co-operation in Europe (OSCE) is the largest regional security organisation in the world with 56 participating States from Europe, Central Asia and North America.

**Out:** Being openly gay, lesbian, bisexual, trans or intersex.

**Pride events:** Pride events and marches are annual demonstrations against homophobia/transphobia and for LGBTI rights that take place around the world.

**Queer:** has become an academic term that is inclusive of people who are not heterosexual - includes lesbians, gay men, bisexuals and trans. Queer theory is challenging heteronormative social norms concerning gender and sexuality, and claims that gender roles are social constructions. Traditionally the term "queer" was an abusive term and therefore for some still has negative connotations. Many LGBTI persons however have "reclaimed" the term as a symbol of pride.

**Rainbow Flag:** A symbol celebrating the uniqueness and diversity within the LGBTI community. The flag has six stripes, each a different colour, ranging from purple to red.

**Registered partnership:** a legal recognition of relationships; not always with the same rights and/or benefits as marriage - synonymous with a civil union or civil partnership.

**Same-sex relationships or couples:** covers relationships or couples consisting of two people of the same sex.

**Same-sex marriage:** the term same-sex marriage does not exist in reality. There is no country which has a specific marriage law solely for same-sex couples. The right term is marriage equality, as the aim is to open marriage laws to same-sex couples to give them the same rights as different-sex couples.

**Second parent adoption:** where a same-sex partner is allowed to adopt their partner's biological child(ren).

**Sex:** refers to biological makeup such as primary and secondary sexual characteristics, genes, and hormones. The legal sex is usually assigned at birth and has traditionally been understood as consisting of two mutually exclusive groups, namely men and women. However, "[t]he Court of Justice has held that the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex. In view of its purpose and the nature of the rights which it seeks to safeguard, it also applies to discrimination arising from the gender reassignment of a person." In addition to the above, the legal definition of sex should also include intersex people.

**Sexual orientation:** refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

**Successive adoption:** where a same-sex partner is allowed to adopt their partner's adopted child.

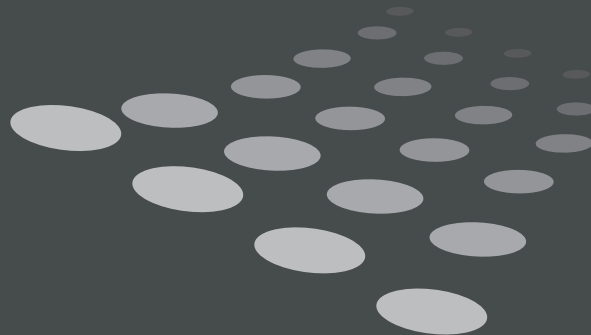
Surrogacy: an arrangement in which a woman carries and delivers a child for another couple or for another person.

**Transsexual:** refers to people who identify entirely with the gender role opposite to the sex assigned to at birth and seeks to live permanently in their gender role. This often goes along with strong rejection of their physical primary and secondary sex characteristics and wish to align their body with their gender. Transsexual people might intend to undergo, are undergoing or have undergone gender reassignment treatment (which may or may not involve hormone therapy or surgery).

**Trans Person/People/Man/Woman:** is an inclusive umbrella term referring to those people whose gender identity and/or a gender expression differs from the sex they were assigned at birth. It includes, but is not limited to: men and women with transsexual pasts, and people who identify as transsexual, transgender, transvestite/cross-dressing, androgyne, polygender, genderqueer, agender, gender variant or with any other gender identity and/or expression which is not standard male or female and express their gender through their choice of clothes, presentation or body modifications, including undergoing multiple surgical procedures.

**Transphobia:** refers to negative cultural and personal beliefs, opinions, attitudes and behaviours based on prejudice, disgust, fear and/or hatred of trans people or against variations of gender identity and gender expression.

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