

## LGBTI Enlargement Review 2021

ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (Regional); Aleanca, Streha LGBT, Pink Embassy, Open Mind Spectrum Albania - OMSA (Albania); Sarajevo Open Centre (Bosnia and Herzegovina); Center for Social Group Development CSGD and Center for Equality and Liberty CEL (Kosovo); Association Spectra, LGBT Forum Progress, LGBTIQ Social Centre, Juventas and Queer Montenegro (Montenegro); Helsinki Committee for Human Rights – LGBTI Support Centre, Coalition for sexual and health rights of marginalized communities MARGINS, Subversive Front, LGBT United Tetovo (North Macedonia); Da se zna!, Geten – Center for LGBTIQ People's Rights, Labris, XY Spectrum, National Center for Sexual and Reproductive Health - Potent, Crisis Response and Policy Centre, Collective Wave TIGV (Serbia); SPoD and Kaos GL (Turkey).



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## **Introduction**

### **Rationale**

Even with the rise of Euroscepticism in the Western Balkans and Turkey, the EU accession process continues to be a driving force for change in the recognition of the human rights of LGBTI+ people. The annual enlargement report process is a key moment to remind governments of the criteria that need to be met and point out where advancement, especially regarding the protection of LGBTI people, is still falling behind the requirements. The recommendations regarding the human rights of LGBTI+ people are key tools supporting LGBTI+ organisations in the region to engage with their governments and hold them accountable to the commitments made.

To ensure an accurate representation of the developments regarding the human rights of LGBTI+ people, ILGA-Europe and ERA, together with member organisations in EU enlargement countries, have compiled this submission to the Progress Reports of the European Commission.

This report reflects developments in recognising and respecting the human rights of LGBTI+ people in each enlargement country from January to December 2021. In addition to outlining key developments and challenges on the road to LGBTI equality, the report also highlights gaps in legislation and policy for the protection and advancing of the human rights of LGBTI+ people and the priorities which authorities in each country should tackle in the coming year, as identified by LGBTI+ activists in the respective countries.

### **Local context**

Although the enlargement region has been marked with dynamic movements and transformations of the socio-political, cultural and economic landscape in the past decade, one social and cultural fact remains persistent and hard to change: the negative perceptions and attitudes of the majority of citizens towards LGBTI+ people. Local organisations report high levels of hate speech, discrimination and intolerance towards sexual and gender minorities. The lack of adequate legal protection and responses by state institutions, as well as in some countries, LGBTI-phobic speech from officials, further increases the problem.

With the notable exception of Turkey, which is missing any legal protection of LGBTI+ rights, in the majority of enlargement countries, the legal frameworks against discrimination, hate speech and hate crimes is quite solid. However, most of these states fail to ensure full implementation of existing laws and policies, allowing discrimination, hate crimes and hate speech against LGBTI+ people to remain broadly unchecked. This is particularly concerning in 2021 and looking into future years, as there has been a significant rise of anti-gender, anti-rights and far-right groups across the region uniting under the signifier “gender ideology”, mainly attacking “gender equality” and LGBTI+ people, especially transgender people. These groups spread misinformation and discriminatory speech against LGBTI+ people in the public discourse via national broadcasting and political processes, leading to the prevention of the development of laws and policies inclusive of LGBTI+ people. The negative impact of these movements has been documented across the region. For example, in Albania, the anti-gender groups initiated an avalanche of hate speech against LGBTI+ human rights defenders and lesbian mothers; in North Macedonia, the influence of these groups resulted in educational reforms and legal gender recognition legislation being delayed; and Turkey withdrew from the Istanbul Convention, setting a worrisome precedent for the region. The overall context regarding anti-gender movements confirms the urgency for full implementation of the hate crime, hate speech and anti-discrimination legislation, which is still lacking.

In addition, we still see legislative gaps regarding partnership and family recognition (Montenegro is currently the only country that legally recognises same-sex couples), legal gender recognition based on self-determination, and the protection of intersex human rights. Regarding legal gender recognition (LGR), none of the countries have administrative procedures for accessing LGR based on self-determination in place, and they have also not started implementing the latest revision of the International Classification of Diseases, ICD-11, which removes measures pathologising transgender people. Adoption of LGR based on self-determination and ensuring access to trans-specific healthcare would be important steps in reducing the discrimination faced by transgender and gender non-conforming people and will contribute to increasing access for transgender and gender non-conforming people to all other rights and services.

The Covid-19 pandemic is still having a significant impact on LGBTI+ people, especially regarding healthcare and the socio-economic situation of the most marginalised in the community.

### **Headings for country submissions**

Each country's submission is arranged under the following headings. In cases where organisations have no updates to share, the respective heading has been left out. Each thematic heading also contains recommendations for the national authorities.

- Summary of key developments
- Main action points for the coming year
- Bias motivated violence, hate speech, hate crimes
- Education
- Employment
- Equality and non-discrimination, including legislation and enforcement
- Freedom of assembly, association and expression
- Health
- Human rights defenders
- Public opinion and attitudes
- Recognised unions for same-sex couples
- Rights and equal treatment of trans people
- Rights and equal treatment of intersex people
- A supportive and enabling environment for civil society
- Recommendations on how the EU delegation/European Commission can support LGBTI+ CSOs

### **Closing remarks**

EU accession remains a key goal for the majority of the accession countries, and therefore the accession process provides an opportunity to achieve sustainable change. The country submissions included in this report outline what changes are needed to ensure full and genuine protection of the human rights of LGBTI+ people, and we hope that many will be reflected in the Enlargement Reports to ensure continued and ongoing progress for the promotion and protection of the human rights of LGBTI+ people in the EU accession countries.

Cooperation between policy-makers and civil society is key to bringing real change to the region. We therefore hope that this contribution will be taken on board and that we remain in close contact for addressing the issues raised and for the implementation of the recommendations both for the national level authorities and regarding the EU programmes.

Sincerely,

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## Main priorities in the coming year

For each of the accession countries, local LGBTI organisations have identified key priorities for reform in the area of human rights of LGBTI persons. If these priorities are reflected in the upcoming country reports, the organisations and the European Commission can deliver a unified message to the governments of accession countries and monitor the progress made on these issues in the coming year.

### Albania

- Ensure effective implementation of the new LGBTI National Action Plan;
- Amend the Family Code, required since 2013, to legally recognize the family as a union of two citizens of the Republic of Albania, regardless of gender, in compliance with provisions of the Constitution of the Republic of Albania for the right of citizens to create families;
- Adopt the draft law on “On the Recognition of Gender Identity”, based on self-determination;
- Implement the European Commission against Racism and Intolerance (ECRI) [recommendations](#) given in June 2020;
- The new strategy on Gender Equality 2021-2030 should be inclusive of LGBTI women;
- Develop a Health Protocol to help transgender people access trans-specific healthcare, including transition-related medical care.

### Bosnia and Herzegovina

- Adoption of the Action Plan for Equality of LGBTI Persons in Bosnia and Herzegovina;
- Adoption of the Law on Same-Sex Partnerships;
- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people to come in line with international and EU standards.

### Kosovo

- Inclusion of same-sex marriage in the Civil Code;
- Drafting of a law to enable legal gender recognition (LGR) based on self-determination;
- Continue to effectively implement the National Action Plan;
- The Municipality of Prishtina should continue its support and close contact with CSOs regarding the construction of the LGBTI Shelter.

### Montenegro

- Adopt amendments to 23 laws and bylaws required for the implementation of the Law on registered partnership;
- Create the working group for drafting a law on legal gender recognition;
- Provide funding for services of LGBTIQ organisations;
- Improve sanctioning of hate speech and hate crime;
- Solve the problem of lack of hormone therapy for trans people;
- Ensure the continuation of the body for the monitoring of the LGBTI strategy implementation. All national stakeholders should improve their reporting on activities implemented within a specific Action Plan of the Strategy and the final report should also include activities which were not necessarily defined in the Action Plan.

## **North Macedonia**

- Adoption of the Law on Civil Registry introducing legal gender recognition (LGR) based on self-determination;
- Adopt the LGBTI National Action Plan 2021-2025, with incorporated suggestions from NGOs;
- Hate speech both online and offline, need to be adequately tackled by relevant institutions;
- The government should support LGBTI services;
- Ensure harmonisation of laws with the LPPD.

## **Serbia**

- Adoption of the Same-Sex Partnership Law, having included recommendations made by civil society and the Council of Europe;
- Adoption of Law on gender recognition in line with international human rights standards and based on self-determination;
- Better implementation of the Anti-discrimination Law to tackle hate crime and hate speech;
- Adoption of local LGBTI action plans;
- Continue good practice of accommodation of LGBTI people in mixed migration movement near Belgrade as most specialised LGBTI service providers are there.

## **Turkey**

- Enable and protect LGBTI+ events throughout Turkey;
- Condemnation and prosecution of hate speech, hate crimes and discrimination of LGBTI+ people, specifically including the trans community, sex workers and LGBTI+ refugees;
- Conduct studies to strengthen the right to association and freedom of expression, and to strengthen disadvantaged groups.

## **Country chapters**

### **ALBANIA**

**Submitted by: Open Mind Spectrum Albania (OMSA), PINK Embassy, Aleanca, Pro LGBT, Streha LGBT**

#### **Summary of key developments, including political context and trends**

- In November 2021 Albania adopted the new National Action Plan 2021-2027.
- Sensitised informational trainings with youth political forums, which began in September 2020, continued until March 2021. The trainings were based on the first research on the political participation of LGBTI people in Albania, which OMSA conducted with the support of the LGBTQ Victory Institute and the Council of Europe, entitled [LGBTI Albanians Respond: Politics & Representation](#).
- To mark International Day against Homophobia, Biphobia and Transphobia, activists organised a [flash mob](#), attended by representatives of the Council of Europe. Activists also marked the annual Pride.
- LGBTI contact points were established in Police Directorates of Tirana, Vlora, Gjirokastra, Fier, Elbasan, Durrës and Korça.
- The Political Monitoring Report: May-October 2021, conducted by OMSA with the support of Friedrich-Ebert-Stiftung, represents an assessment of LGBTI community issues in Albanian media after the 25 April 2021 election, with the aim of finding ways to improve the general situation of the LGBTI community in the country.
- Establishment of the Alliance against Hate - a coalition to combat hate speech, created by the Ombudsman, Commissioner for Protection from Discrimination, the Audio-visual Media Authority (AMA), Media Institute, Commissioner for the Right to Information and Data Protection and the Electronic and Postal Communications Authority (AKEP).
- There is still a lack of political will to progress on the two legal initiatives that were presented to the government in 2013: changes in the family code to recognize same-sex partnership and legal gender recognition.

#### **Main action points for the coming year:**

- Ensure effective implementation of the new LGBTI National Action Plan;
- Amend the Family Code, required since 2013, to legally recognize the family as a union of two citizens of the Republic of Albania, regardless of gender, in compliance with provisions of the Constitution of the Republic of Albania for the right of citizens to create families;
- Adopt the draft law on “On the Recognition of Gender Identity”, based on self-determination;
- Implement the European Commission against Racism and Intolerance (ECRI) [recommendations](#) given in June 2020;
- The new strategy on Gender Equality 2021-2030 should be inclusive of LGBTI women;
- Develop a Health Protocol to help transgender people access trans-specific healthcare, including transition-related medical care.

#### **Bias motivated speech, bias motivated violence**

The effects of the Covid-19 pandemic and its related containment measures have continued to amplify the already higher levels of violence, exclusion, and deprivation of LGBTI people. The LGBTI community was under constant attack from religious groups, media and public figures this year. The Coalition for



the Traditional Family for instance, made hateful statements about the community on a weekly basis. The following are just a handful of examples.

In June, journalist Blerta Tafani [made](#) several homophobic statements on TV, saying that same-sex couples “degenerate society” and “should not start a family”; that “it’s a great misfortune [that an LGBTIQ person] gives birth to a child”; that “life with two fathers doesn’t work, life with a gay family ends, this is offensive”; and that “an adopted child isn’t a healthy child”.

In November, the founder of the Coalition for the Traditional Family, pastor Akil Pano [organised](#) an event in his church where Italian journalist Nausica Della Valle shared her experiences as a “former lesbian” who was “cured” by the Church. LGBTI activists were invited to the event and showed up as part of a joint action, affirming their identity. Pano and Della Valle also gave an interview on national TV saying “homosexuality” can be cured.

Following a wave of hate speech against LGBTI activists this year, a trans person was physically [assaulted](#) by ten young men in Tirana, on 16 June. Aleanca presented three hate speech complaints to the Commissioner Against Discrimination, who failed to establish discrimination.

Aleanca ran a social media [campaign](#) featuring photos and quotes from politicians who had used hate speech against LGBTI people. On the occasion of IDAHOT, OMSA and Beyond Barrier, with the support of the U.S Embassy, [launched](#) the new programme “Equal Albania – A Campaign to Make Discrimination and Hate Speech Unacceptable”. PINK Embassy’s podcast [‘Protecting the LGBTI community in Albania from hate crimes’](#) was launched on the occasion of IDAHOT. In September, Aleanca co-organised a training with Dutch CSOs, for judges and prosecutors on handling anti-LGBTI hate crime cases.

The Council of Europe’s study [‘Beyond definitions: a call for action against hate’](#) found that two-thirds of hate speech incidents in Albania target LGBT people.

#### *Main action points for the coming year:*

- Ensure full implementation of the new National Action Plan 2021-2025;
- Ensure full implementation of existing legislation, including by providing trainings on hate motivated discrimination, speech or violence against LGBTI people to law enforcement bodies, in collaboration with civil society organizations;
- Establish an emergency fund to support LGBTI victims of hate crimes and domestic violence;
- Establish LGBTI contact points in police stations;
- Legislation regulating hate speech, including on the grounds of SOGI, needs to be improved and the Criminal Code should be amended to cover hate speech both online and offline.

## **Education**

CSOs continued to experience difficulties working with the Ministry of Education and there has been no progress on including human rights and LGBTI rights issues into the curriculum. There remains a lack of policies against bullying and no training of teachers and school psychologists from the Ministry of Education.

Aleanca’s study with LGBTI high school and university students found that 65% feel unsafe at school; 93% heard homophobic slurs in school very often; almost a third have skipped or changed schools due to bullying. PINK, Aleanca and Streha supported the first openly trans person to attend university and was met with a welcoming attitude from teachers and students.

In May 2021 OMSA conducted, with the support of the Dutch Embassy, a number of youth trainings in the cities of [Fier](#), [Vlora](#), [Pogradec](#). OMSA also contributed a chapter to the [book](#) "Tell It Out!", compiled by the Council of Europe, which educates parents on how to support their LGBTI children.

*Main action points for the coming year:*

- Ensure that action is taken to combat the bullying of LGBTI youth in schools, such as the establishment of a mechanism to address bullying and school violence;
- Conduct continuous trainings against discriminatory speech in schools;
- Organise trainings with LGBTI civil society for students studying healthcare professional paths such as psychology, gynaecology etc.

### **Equality and non-discrimination, including legislation and enforcement**

Following the amendment of Albania's anti-discrimination law in October 2020, to include sex characteristics and HIV status as protected grounds, activists are still calling for improved implementation. LGBTI people still tend not to report cases to the authorities due to lack of trust.

The implementation of the previous National LGBTI Action Plan remained flawed, with only the Ministry of Health and Social Protection fulfilling their responsibilities and cooperating with CSOs. The Commissioner for Protection from Discrimination has also failed to take proactive steps against discrimination and violence. The new National LGBTI Action Plan (2021-2027) was adopted in November. PINK [called for](#) a coordination and monitoring body to oversee implementation, and the establishment of a Transgender Support Fund.

For IDAHOT on 17 May, PINK Embassy [published](#) a report on the human rights of LGBTI people in Albania in the past 10 years, critical of the lack of government action, particularly on trans rights.

In March, Aleanca LGBTI and Pro-LGBT [held a training](#) for police officers on LGBTI issues. Civil society and the police launched an [informative brochure](#) on policing anti-LGBTI hate crimes. PINK organised a consultation between the Chiefs of Police Stations in Tirana with the Commissioner for Protection from Discrimination and the Diversity Contact Point at the National Police Authority, to discuss better cooperation between LGBTI CSOs and the police, including through training and support. On 24 November, the Council of Europe, in cooperation with the police and LGBTI NGOs, held [meetings](#) about the rights of the LGBTI community with the police in Tirana, Durrës, Vlora, Gjirokastra, Korça, Elbasan, Kavaja, and Fier. As a result, LGBTI contact points were established in each of these cities.

A number of trans people reported that they were denied rentals due to their gender identity. Streha continued to provide shelter this year to five trans people, nine gay men, and two lesbians; emergency shelter to five people; and rent payments to 33. Aleanca has provided rent payments to 15 members of the LGBTI community during 2021.

Aleanca's survey found that 79% of LGBTI respondents may leave Albania due to discrimination. Dozens of LGBTI people reached out to CSOs for support in seeking asylum in the EU, and many shared that their claims had been rejected.

Aleanca continued its cooperation with the municipalities of Tirana, Vlora, and Lezha to increase their capacity and help develop local LGBTI action plans. The municipality of Kukes withdrew due to the stance of the new mayor.

In May OMSA collaborated with the Council of Europe to produce a [video](#) about anti-discrimination.

*Main action points for the coming year:*

- Strengthen the position of the Commissioner for Protection from Discrimination and ensure that LGBTI persons are reporting cases of discrimination based on SOGISC;
- The Commissioner for Protection from Discrimination should take a more proactive role in combating discriminatory speech against the LGBTI community through effective and unbiased decisions that carefully reflect the difference between freedom of expression and hate speech, as reflected in international human rights standards and case-law;
- Establish a coordination and monitoring body to oversee implementation of the new National LGBTI Action Plan;
- Ensure full implementation of current legislation, including through conducting discrimination prevention training to groups of professionals like the police, school teachers, doctors, journalists, prosecutors, and judges.

### **Freedom of assembly, association and expression**

A number of events took place in 2021 for IDAHOT and for Pride. Aleanca LGBTI held a [flash mob](#) on [IDAHOT](#) in May at the Nene Tereza Square in Tirana. The rainbow flag was [raised](#) on several castles across the country on the day. PINK held the annual Tirana Pride with 10 people due to COVID-19 restrictions, and displayed a 10-metre long rainbow flag.

### **Health**

Aleanca reports that the number of HIV infections doubled over the past year and services are lacking. PrEP and PEP continue to be unavailable to LGBTI people. Viral load tests are unavailable at public hospitals and private clinics remain unaffordable for most. Lastly, the National Strategy for People Living with HIV expired in 2020 and has not been renewed.

Streha provided medical visits to 49 people and medication to 127. Aleanca has provided HIV rapid testing to 1131 people, and provided medical support to 30 people from the LGBTI community.

Trans people continue to report a lack of access to basic trans-specific healthcare services, despite the fact that in June 2020, ECRI [called](#) on Albania to regulate the provision of trans-specific healthcare. Due to lockdown measures, access to gender affirmative treatments were disrupted.

#### *Main action points for the coming year:*

- The Ministry of Health and Social Protection should conduct awareness raising campaigns to reduce stigma towards HIV among the LGBTI community and general population;
- The government needs to immediately implement the Transition Grant 2020-2022 to ensure provision of uninterrupted HIV services;
- A protocol should be established for doctors on how to support transgender people during transitioning;
- HIV and trans-related medical care need to be classified as essential in times of health crisis.

### **Human rights defenders**

Human rights defenders remained targets of hate speech and hate crimes this year. In June for instance, LGBTI activist Xheni Karaj's social media accounts were [targeted](#) on TV, when a reporter [suggested](#) that LGBTI people want to remove the word "mother". During the same month, a trans activist was targeted by hate speech and was later [attacked](#) physically. On 2 July, the European Parliament Intergroup on LGBTI Rights [published](#) a letter expressing concern about the lesbophobic violence and hate speech used against Xheni Karaj.

The report “[Community \(self\)organizing of transgender movement in Western Balkans region](#)” was published in March and features a chapter on the state of the trans movement in Albania. In July, the LGBTI Shelter Streha [received](#) an award for being one of the 17 best practice examples to end youth homelessness in Europe.

*Main action points for the coming year:*

- Ensure proper implementation of hate-crime legislation.

### **Public opinion and attitudes**

The Albanian government has never organised any public awareness campaign on LGBTI issues and politicians do not support LGBTI people publicly for fear of losing votes.

*Main action points for the coming year:*

- The Anti-Discrimination Commissioner and Albanian Ombudsman should continue using public institutions to condemn politicians in Albania who use hate speech against LGBTI people. Their stance should be as public as possible to demonstrate that discrimination is not acceptable;
- Public institutions should provide services for LGBTI victims of discrimination, similar to the ones addressing human trafficking victims, as this is a good example of a legal framework, institutional involvement and victims’ integration in society. Most importantly, this will enable a more realistic political and public discourse on LGBTI rights and the difficulties of coming out as LGBTI in Albania;
- The government needs to organise national public awareness campaigns to improve perceptions of the LGBTI community, and commit to LGBTI equality more publicly.

### **Recognised unions for same sex couples**

The Ministry of Justice launched a consultation this year regarding amendments to the Family Code and the Adoption Law. LGBTI organisations [submitted](#) recommendations to provide legal recognition to same-sex couples and grant them adoption rights. The two laws were later adopted by the parliament, but without any of these provisions. In June, the authorities [refused](#) to register both women, who are a same-sex couple, as parents of their two children.

*Main action points for the coming year:*

- Adopt the necessary changes to the Family Code to recognize same-sex partnerships.

### **Rights and equal treatment of trans people**

Trans people do not enjoy the right to change their name or gender marker. There are no specific services or clinics for trans people. Hormone therapy and sex affirmation procedures are not available. Discrimination or refusal of public health services is commonplace. Aleanca LGBTI has been discussing with the Ministry of Health about the possibility of developing a protocol to medically assist transgender people during transition.

A draft law on gender recognition was presented to the government in 2013 but nothing has been done on the part of the government to approve this draft law. In June 2020, ECRI [urged](#) Albania to put in place a legal gender recognition procedure that is quick, accessible and transparent, and a simple administrative process. From March 2021, PINK Embassy consulted CSOs and authorities to prepare a draft legal gender recognition law, which it will present to the Parliament in 2022.

The [Being Trans in Albania](#) exhibition took place in Tirana in May.

*Main action points for the coming year:*

- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO launched in 2022;
- Adopt legal gender recognition legislation on the basis of self-determination.

### **Rights and equal treatment of intersex people**

PINK Embassy continues to follow the implementation of the new “Medical Protocol for the Assessment of Children with Atypical Genital Development” adopted in 2020, and has drafted and proposed changes to the Civil Registration Law to introduce provisions for trans and intersex people.

*Main action points for the coming year:*

- Introduce legal provisions for the protection of intersex people;
- Ensure that the harmful practice of so-called “sex normalising” surgery on newly-born intersex babies is not being practised;
- Allow for a third gender marker in the Civil Registry, which would be in line with the new medical protocol as well as the recently amended anti-discrimination law.

### **A supportive and enabling environment for civil society**

The position of LGBTI CSOs, and of CSOs in general, is still problematic. Their financial sustainability remains a challenge due to fiscal and legal frameworks. In 2021, OMSA’s advocacy programme “LGBTI Civic Engagement Program: Politics and Representation for the Advancement of the Rights of the LGBTI Community in Albania” [continued](#) in nine cities across Albania (Elbasan, Fier, Vlore, Gjirokaster, Sarande, Korce, Pogradec, Durres, Tirana) with the support of the German Foreign Office. Educational and awareness raising trainings were organised with Youth Political Forums of the main parties and the cities’ youth organisations. In December 2021 OMSA, the Council of Europe and ERA hosted an [event](#) to present the [guide](#) on political participation of LGBTI people in Albanian political parties.

*Main action points for the coming year:*

- Ensure meaningful consultations with CSOs as part of inclusive policy dialogues;
- The government needs to increase funding for the LGBTI shelter.

### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- Support projects that are oriented toward service provision, as due to Covid-19 more than a quarter of LGBTI people are facing problems in accessing health, housing and food;
- Continuation of financial support to LGBTI CSOs, in particular granting opportunities;
- Encourage the Albanian government to make the main legal changes that are requested from the LGBTI community and organisations, such as changes in the family code and gender recognition law;
- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU’s [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU’s [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LGBT women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU’s [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.

## BOSNIA AND HERZEGOVINA

Submitted by: Sarajevo Open Center

### Summary of key developments, including political context and trends

- In the Federation of Bosnia and Herzegovina some Cantonal Governments started the process of harmonising Laws on freedom of assembly with international standards.
- The second Sarajevo Pride march [took place](#) on 14 August, and was financially supported by the Government of Canton of Sarajevo, which for the first time paid for all the security measures.
- The Action Plan for Equality of LGBTI Persons in Bosnia and Herzegovina 2021-2023 was finalized and is ready to be adopted by the Council of Ministers.
- An Inter-Ministerial Working Group finalized conclusions on the elimination of discrimination of same-sex partners in the Federation of Bosnia and Herzegovina.

### Main action points for the coming year:

- Adoption of the Action Plan for Equality of LGBTI Persons in Bosnia and Herzegovina;
- Adoption of the Law on Same-Sex Partnerships;
- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people to come in line with international and EU standards.

### Bias motivated speech, bias motivated violence

Hate speech continues to be a serious issue in Bosnia and Herzegovina. A conference in the summer was [held](#) by the NGO Sarajevo Open Centre (SOC) to identify key policy and legal measures needed. It was noticeable that hate speech towards LGBTIQ people increased prior to and during the second Pride March that happened in Sarajevo on 14 August. Hate speech was present on social and online media.

The Canton of Tuzla [appointed](#) a member of staff in the Prosecutor's Office to oversee anti-LGBTI hate crimes. Domestic and family violence remained key issues for the LGBTI community this year.

### Main action points for the coming year:

- Amend the criminal codes in the Federation of BiH and Brčko District, and expand the provisions on incitement to hatred and violence so that they include sexual orientation, gender identity and sex characteristics as protected grounds;
- Educate, train and inform prosecutors, judges, police officers and civil servants on hate crimes, incitement to hatred and violence against LGBTI people;
- Systematically collect data on hate crime on the grounds of sexual orientation, gender identity and sex characteristics;
- Adopt protocols on joint action between the police and prosecutor's offices regarding hate crime cases;
- Introduce LGBTI inclusive modules in curricula and programmes in law schools and police academies, as well as permanent and specialist programmes for police officers' training and civil service exams.

### Education

Bosnia and Herzegovina continues to have no mandatory sex education curricula and SOGIGESC issues are not part of mandatory national curricula. Democracy and Human Rights are in the curriculum, however, civil society reports that it is not provided nation-wide in all administrative units.

Furthermore, the subject does not include the discussion of discrimination on the basis of SOGIGESC nor the inclusion of LGBTI rights.

*Main action points for the coming year:*

- Train university academic staff to make them more sensitive in working with LGBTI people, including being able to recognise, denounce and avoid use of hate speech towards LGBTI people;
- SOGIGESC issues should be part of mandatory national curricula in Bosnia and Herzegovina;
- Develop a programme to combat peer violence in primary and secondary schools encompassing homophobic and transphobic violence, as well as programmes to promote tolerance and create an inclusive education system.

### **Equality and non-discrimination, including legislation and enforcement**

The draft national LGBTI Action Plan, completed in late 2020, has yet to be adopted at the federal level. Republika Srpska and Brčko District governments have endorsed it, but no developments have taken place since. Civil society has urged the Ministry of Human Rights and Refugees to inform them about next steps. The draft Action Plan was prepared by state and civil society representatives, and covers protection from discrimination and violence, the right to private and family life of same-sex partners, asylum, and other key areas.

*Main action points for the coming year:*

- Implement the Law on Prohibition of Discrimination through the development and adoption of multi-annual public policies on equality of LGBTI persons on State, Entity and Brčko District levels, which would foresee specific and realistic measures for equality of LGBTI people;
- Introduce LGBTI specific modules in education of future judges and prosecutors;
- Based on recommendations from the [Special Report](#) of the Ombudsman Institution, improve laws and regulations, and include the rights and needs of LGBTI people into all public policies at all government levels, thereby ending the institutional neglect of this marginalized group;
- Develop internal mechanisms and documents for all legal entities for solving cases of discrimination against LGBTI people.

### **Freedom of assembly, association and expression**

This year's Sarajevo Pride was [held](#) on 14 August. The march was joined by hundreds of people and went safely, despite a counter-demonstration. In the previous two years, the organisers had to self-fund protective fences and private security services to protect the participants. This year, the Ministry of Interior [ordered](#) the local municipalities to cover these costs, which was celebrated by the organisers as a victory.

12 Laws on freedom of assembly exist in Bosnia and Herzegovina due to the complex constitutional state system. Only one is harmonised with international standards. SOC is working and advocating on harmonisation of laws with international and EU standards.

*Main action points for the coming year:*

- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people, including harmonisation with international and EU standards;
- Improve the existing legislation in order to clearly define the difference between protection of citizens' right to freedom of assembly, and commercial public gatherings and events.



## Health

SOC carried out a number of activities this year to provide mental health support to LGBTI people. SOC conducted training on [peer-to-peer counselling](#) and held [several workshops](#) for social workers and mental health professionals in several cities to improve the quality of service provision across the country. Since 2018, SOC has been organizing trainings for B&H medical experts from various branches of medicine, on the medical aspects of gender reassignment, human rights and the needs of trans persons within the healthcare system.

*Main action points for the coming year:*

- All administrative-political units should make sure that healthcare professionals are providing gender sensitive healthcare services and sexual and reproductive health services to LGBTI people;
- Sarajevo Canton should implement activities and goals from the Gender Action Plan, which include the establishment of clear guidelines for healthcare professionals on adequate treatment of trans and intersex people in Bosnia and Herzegovina, i.e. adopt the Rule Book on Gender Reassignment in Sarajevo Canton Medical Facilities.
- Increase social, psychological and economic support for LGBTI people.

## Human rights defenders

The report "[Community \(self\)organizing of transgender movement in Western Balkans region](#)" was published in March and features a chapter on the state of the trans movement in Bosnia and Herzegovina.

## Public opinion and attitudes

The Agency for Gender Equality of Bosnia and Herzegovina plans to conduct a state-wide research on public opinion related to LGBTI topics and issues in the beginning of 2022. It will be the first research on this topic since 2015.

In early December 2021, the media broke a story about a City Councillor being extorted due to an intimate video leaked to the public which revealed his sexual orientation. The scandal it produced resulted in him resigning, also from his party. SOC sent him a Letter of Support, contacted his political party, and filed criminal charges of extortion based on sexual orientation to the Banja Luka Prosecutor's Office. They have received no responses thus far. The situation highlights a trend of the public being more interested in the "scandal" of someone's sexual orientation than the criminal offence of extortion.

## Recognised unions for same sex couples

The first Intersectoral Working Group on same-sex rights and partnership managed to [resume](#) its work this year and held a number of meetings. The Working Group, of which SOC is an [observer](#), is in the process of analysing existing provisions and outlining any necessary additional provisions and legislation. The next steps would involve the creation of an official Working Group for drafting the law itself.

*Main action points for the coming year:*

- Legally recognize same-sex partnerships and the rights of same-sex couples in both entities and Brčko District by:



- Adopting proposed legal regulations and solutions introduced by the Inter-ministerial Working Group of the Federation of Bosnia and Herzegovina, which would systematically resolve legal issues of same-sex unions in BiH, and address them to the parliamentary procedure;
- Initiating processes for the adoption of legislative solutions on same-sex partnerships both in the Republika Srpska and Brčko District, in order to provide same-sex couples with equal treatment on this issue countrywide.

### **Rights and equal treatment of trans people**

Trans-specific healthcare services in Bosnia and Herzegovina are still insufficient. Doctors, clinics and hospitals need to be educated, expand their knowledge and continue to exchange experiences on this issue in order to respond to the needs of trans people.

The procedure for changing one's gender marker in official documents is still very complicated and in practice mandates medical interventions on the body such as hormonal therapies and surgeries.

Surgeries have to be conducted abroad due to the lack of medical staff who have knowledge of the transition process. The cost of medical interventions is not covered by state-funded health insurance, which prolongs the process and increases the cost to the individual.

#### *Main action points for the coming year:*

- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO will launch in 2022;
- Systematically and comprehensively stipulate the procedure for change of gender marker in personal documents based on the right to self-determination;
- Adopt and implement laws in all administrative units (Republika Srpska, Brčko District, and the Federation of Bosnia and Herzegovina), which would define duties of medical facilities to form teams, equip medical facilities and train professionals who could follow the process and perform gender reassignment medical procedures in Bosnia and Herzegovina, and which would establish the obligation of health insurance funds to cover the costs of these procedures out of the health insurance budget;
- Continuously and systematically educate medical professionals and healthcare workers on adequate, trans inclusive and trans specific provision of services in the fields of psychology, psychiatry, endocrinology, gynaecology, urology, plastic, reconstructive and aesthetic surgery.

### **Rights and equal treatment of intersex people**

In March, SOC held a conference entitled "[Between the Sexes and Reality: The Rights of Intersex Children in the Healthcare System of Bosnia and Herzegovina](#)". The panellists and participants explored ways to raise awareness and to provide inclusive health services and care without medically unnecessary surgical procedures.

Bosnia and Herzegovina belongs to a small number of countries in Europe which explicitly protects intersex people in their anti-discrimination legislation by prohibiting discrimination on the grounds of sex characteristics. However, there are still no clear medical guidelines and procedures on healthcare practices regarding intersex people, including regarding prohibiting unnecessary "sex normalization" medical procedures conducted on intersex children without their full consent.

#### *Main action points for the coming year:*

- Through its entity and cantonal ministries of health, as well as clinical centres, Bosnia and Herzegovina needs to strengthen intersex people's right to bodily integrity, prohibit unnecessary "sex normalization" medical procedures conducted on intersex children without

their full consent, and make transparent information on procedures and medical treatments available;

- Medical institutions and professionals should revise medical classifications, including removal of obsolete terms such as hermaphrodite and pseudo-hermaphrodite. They should also work with civil society to conduct awareness raising activities on the issues intersex people face;
- Government institutions (ministries of health) and state bodies responsible for human rights protection (Ombudsman) should continuously work towards the intersex people's human rights, including the right to bodily integrity and self-determination.

#### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- The EU Delegation should act as a partner when advocating for LGBTI human rights in BiH;
- The EU Delegation should provide support in the processes that are currently ongoing (adopting Law on Same-sex Partnership, adopting already mentioned Action Plan);
- The EU Delegation should encourage national authorities to provide further financial support CSOs;
- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU's [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU's [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LBTI women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU's [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.

## KOSOVO

Submitted by: CEL and CSGD

### Summary of key developments, including political context and trends

- After the February elections, a new government was established in Kosovo in March.
- The International Day against Homophobia, Transphobia and Biphobia was [marked](#) with various awareness raising activities.
- Pride Week was [organized](#) for the fifth time in Prishtina in July 2021.
- The draft Civil Code failed to include same-sex marriage. Civil society organizations have reacted to this exclusion and have updated their recommendations and sent them to the working group.
- CSGD and CEL participated in a working group for drafting a concept document for amending the Law on Civil Registry and advocated for Legal Gender Recognition.

### Main action points for the coming year:

- Inclusion of same-sex marriage in the Civil Code;
- Drafting of a law to enable legal gender recognition (LGR) based on self-determination;
- Continue to effectively implement the National Action Plan;
- The Municipality of Prishtina should continue its support and close contact with CSOs regarding the construction of the LGBTI Shelter.

### Equality and non-discrimination, including legislation and enforcement

Following the establishment of the new government, Emilia Rexhepi was elected Third Deputy Prime Minister for Minority and Human Rights Issues. Rexhepi is an opponent of marriage equality and civil society [condemned](#) her appointment.

During the first three months of 2021, CSGD in cooperation with the Office of Good Governance held informational sessions with human rights and gender equality officials within the Ministries and Municipalities of Kosovo. The officials were informed about the rights and needs of LGBTI individuals.

### Main action points for the coming year:

- The Advisory and Coordination Group should continue to work closely with activists to continue the implementation of the National Action Plan.

### Freedom of assembly, association and expression

CSGD, following a youth camp that was organised in the first quarter of the year, organised a [street activity](#) to mark International Day against Homophobia, Transphobia and Biphobia (IDAHOBIT). The street activity gathered participants from the youth camp to deliver their messages via graffiti in three municipalities of Kosovo (Gjilan, Malisheva, and Prizren). The graffiti (of portraits of two girls/boys sharing their love) sent the message that love is for everyone, regardless of one's sexual orientation and gender identity. As on previous occasions, with the support of the Office of Good Governance, the Government Building was lit with rainbow lights, along with several other Kosovo Institutions and foreign Embassies which raised the rainbow flag.

Political and public figures joined CEL Kosovo in a video to show solidarity in support of LGBTI people by sharing an awareness raising message. The [video](#) was shared by NGOs, Embassies, and other stakeholders and activists.

CSGD, CEL, and other human rights organisations jointly organised Pride again this year. Kosovo Pride Week took place from 28 June to 1 July in Prishtina. It featured various events, including movie nights, exhibitions, discussions, and a conference with a focus on marriage equality. The conference was [joined](#) by Prishtina's mayor, who expressed his support to the LGBTI community.

*Main action points for the coming year:*

- Continue to mark the International Day Against Homophobia, Biphobia and Transphobia;
- Continue to organize Pride Week.

## **Health**

Border lockdowns due to COVID-19 have severely impacted trans people's access to gender-affirming healthcare abroad, as Kosovo does not offer any trans healthcare services.

During the pandemic, the number of LGBTI individuals seeking psychological support increased, both online and in-person. Civil society organised group therapy sessions to combat stress and anxiety caused by the lockdown and to give tips on how to maintain healthy relationships with the outside world.

*Main action points for the coming year:*

- Collect more data concerning the specific health needs of trans people;
- Start offering health services addressing the specific needs of trans people;
- Initiate the pilot phase of PrEP for the MSM community in Kosovo.

## **Human rights defenders**

Lend Mustafa, a well-known LGBT activist was physically [assaulted](#) and received death threats in the spring. The police started an investigation, however, to date, the person has not been found.

*Main action points for the coming year:*

- Ensure proper investigation and prosecution of those who physically assaulted Lend Mustafa.

## **Recognised unions for same sex couples**

The 2020 draft Civil Code was a [great](#) disappointment for civil society, for failing to provide any kind of legal recognition to diverse families. Local civil society organisations have been advocating for an inclusive law for years.

In March this year, the new government was formed and was immediately [urged](#) by LGBTI organisations to respect and protect LGBTI people's human rights. As the new government came into power, the draft Civil Code was submitted for revision. CSGD and CEL continued to advocate for the inclusion of marriage equality in the new draft as it is guaranteed by the Constitution of Kosovo. The Constitution of Kosovo is among the best in the region, defining marriage as a right of every citizen of Kosovo regardless of their sexual orientation. The Ministry of Justice held several meetings with civil society and pledged to hear out their concerns.

In the summer, civil society learned that the new draft law [fails](#) to recognize same-sex couples in any way. Civil society harshly criticised the move and called on the EU Office in Kosovo to monitor the process and hold the government to account.

On International Human Rights Day, 10 December, the Minister for Justice said during a conference that same-sex marriage should be included in the Civil Code, as this is Kosovo's obligation to their

citizens, based off the Constitution. However, the Government of the Republic of Kosovo, in its meeting of 29 December, approved the [Draft Civil Code](#), despite the fact that the CSOs were promised by the Ministry of Justice that they will continue to work together on how to bring the content of the Draft Civil Code in line with the Constitution. The approved Draft Civil Code defines marriage as a legally registered union between two people of different sexes. It also defines that a man and a woman have the right to marry and to found a family. The Draft Civil Code does not regulate same-sex marriage but provides the possibility of establishing registered civil unions, but the conditions and procedures are to be regulated by a separate law.

*Main action points for the coming year:*

- Include provisions for same-sex marriage in the Civil Code during the Parliamentary procedure.

### **Rights and equal treatment of trans and intersex people**

The report “[Community \(self\)organizing of transgender movement in Western Balkans region](#)” was published in March and features a chapter on the state of the trans movement in Kosovo.

Legal gender recognition procedures are not in place in Kosovo and only a handful of trans people managed to have their documents changed after years of court battle. The Ministry of Internal Affairs established a Working Group this year, which worked on several issues regarding the Civil Registry, including legal gender recognition. The Working Group, of which CSGD and CEL are members, held two meetings in order to draft the concept document for amending the law on Civil Registry. CSGD and CEL advocated for procedures for changing name and sex on public documents and registers that are based on self-determination, are quick, transparent and accessible irrespective of age, medical status, financial situation or police record. Restrictions on the right of transgender people to remain in an existing marriage upon recognition of their gender should be removed, and the law needs to ensure spouses and children do not lose certain rights. Compulsory medical treatments, mental health diagnosis and sterilisation as a legal requirement should be abolished. This would bring Kosovo in line with the World Health Organisation’s (WHO) new ICD-11, which will come into effect in 2022 and depathologises trans identities in all areas of life. Activists also suggest including a third gender option in identity documents for those who seek it, and called for the best interests of the child to be a primary consideration in all decisions concerning children. The concept document was approved by the Government of Kosovo on 29 December, with all civil society suggestions included, and it was agreed that the next steps will be to establish a Working Group on drafting a new Civil Registry Law which would regulate legal gender recognition.

*Main action points for the coming year:*

- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO will launch in 2022;
- Establish a Working Group to work on a new Civil Registry Law, which should include regulation of legal gender recognition, and should represent a wide range of expertise and experiences;
- The government should run awareness-raising campaigns about legal gender recognition.

### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- Encourage the Parliament to amend the draft Civil Code of Kosovo by including same-sex marriage;
- Provide sustainable financial support for civil society organizations that work on LGBTI rights;
- Encourage the government to draft legislation to enable legal gender recognition (LGR) based on self-determination, and to include minimum criteria derived from resolution 2048 of the

Parliamentary Assembly of the Council of Europe “Discrimination against Transgender people in Europe” in the new Law on Civil Registry;

- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU’s [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU’s [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LBTI women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU’s [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.

## MONTENEGRO

**Submitted by: Juventas, Spectra, LGBT Forum Progress, LGBTIQ Social Centre, Queer Montenegro**

### **Summary of key developments, including political context and trends**

- After the historic adoption of same-sex partnership in Montenegro in 2020, several same-sex partnerships have been registered since July 2021, however a number of laws remain to be harmonized and adopted in order to complete its implementation.
- Trans people are not able to access hormonal therapy, both in state health institutions and private pharmacies, due to lack of estradiol and a 300% rise in testosterone prices.
- Space for funding has been shrunk, and sustainability of LGBTI organisations is endangered.
- Work with local municipalities in the development of local action plans has continued, including new municipalities such as Bar, Pljevlja and Cetinje.
- The new Gender Equality Strategy 2021-2025 was adopted in September, including the rights of trans, gender diverse and intersex people, as well as LBTQ women for the first time.
- The rise in political, national and religious tensions has led to a rise in misogyny and homo/transphobia, with a clear rise in hate speech which remains unaddressed.
- The National LGBTI Strategy (2019-2023) is not being implemented properly nor in a timely manner. The new Ministry of Justice and Human and Minority Rights does not mention LGBTI people anywhere in its work competences.

### **Main action points for the coming year:**

- Adopt amendments to 23 laws and bylaws required for the implementation of the Law on registered partnership;
- Create the working group for drafting a law on legal gender recognition;
- Provide funding for services of LGBTIQ organisations;
- Improve sanctioning of hate speech and hate crime;
- Solve the problem of lack of hormone therapy for trans people;
- Ensure the continuation of the body for the monitoring of the LGBTI strategy implementation. All national stakeholders should improve their reporting on activities implemented within a specific Action Plan of the Strategy and the final report should also include activities which were not necessarily defined in the Action Plan.

### **Bias motivated speech, bias motivated violence**

There was a continued increase in anti-LGBTI and misogynistic political rhetoric this year. During an IDAHOT event in May organised by the Council of Europe office in Montenegro and Queer Montenegro, the Minister of Internal Affairs of Montenegro, Sergej Sekulović, [said](#) that hate speech can never be justified. Deputy Prime Minister Dritan Abazovic [acknowledged](#) in June that Montenegro needs to do better in this area, and at the same time himself and other members of the Government [pledged their support](#) and partnership to the LGBTI community. In August, the Ombudsperson published a [statement](#) calling on political leaders to refrain from anti-LGBTIQ hate speech.

In 2021 Queer Montenegro provided pro bono legal aid to 11 victims of hate crime and hate speech incidents based on sexual orientation or gender identity. In 2021 LGBT Forum Progress filed over 100 charges for online hate speech against the LGBTI community and LGBTI human rights defenders.

In December 2021, during a session of the Parliament, MPs Jovan Vučurović and Jelena Božović made anti-LGBTI [statements](#) which were publicly condemned by various CSOs who called for Mr Vučurović

to resign as President of the Parliamentary Committee on Human Rights and Freedoms. A complaint was filed with the Ombudsperson. The Parliament has not made any statements regarding this. MP Vučurović publicly refused to apologise and withdraw his statements.

Due to the Covid-19 pandemic, trans, intersex and gender diverse people reported feeling isolated and being targeted by violence by their family members or partners. The victims did not want to file formal complaints. At a roundtable in February featuring the Ombudsperson and civil society, speakers [highlighted](#) that anti-LGBTI hate crimes are most often classified as misdemeanours in court, and the majority of the cases do not even get reported.

*Main action points for the coming year:*

- Improve capacities of the prosecutorial and judicial system to adequately recognize, treat and sanction hate crime and hate speech;
- Relevant institutions should improve monitoring of hate crime and hate speech, and support LGBTI people to report;
- Address hate speech in online spaces;
- Publicly condemn and sanction public officials when they use hate speech or discriminatory speech.

## **Education**

LGBT Forum Progress published "[Analysis of LGBTIQ Topics in textbooks at the Faculty of Political Science, University of Montenegro and the Faculty of Political Science, University of Belgrade](#)" and sent an [initiative](#) to the Faculty of Political Sciences at University of Montenegro to urgently remove all anti-LGBTI content. Following a productive meeting with the representatives of the Faculty and the Rector of the UoM, the initiative was accepted.

Spectra signed Memoranda of Understanding with several high schools this year: a Gimnasium in Kotor, a mixed high school in Mojkovac and Kolašin, as well as a Gimnasium in Podgorica. Agreements on cooperation were followed by educational workshops for students in all mentioned high schools, and teachers in the Grammar school in Podgorica. Spectra and Juventas held a workshop in an art high school in Cetinje, for trans and non-binary students, following their request.

*Main action points for the coming year:*

- Furthering the cooperation with schools for improving their antidiscrimination work and support LGBTI youth;
- Continuation of education of high school students, teachers and school psychologists;
- Promote and implement research in the fields of human rights protection, sexuality, gender identity, gender expression and sex characteristics.

## **Employment**

Queer Montenegro launched the first research on discrimination of LGBTIQ people in regards to employment. Spectra and Stana implemented a campaign for the LGBTQ community on self-employment using crafting skills, as well as organised workshops on learning several crafts. Their products were put on sale during Pride Week, and proceeds were distributed to the community involved, as well as the work of the Drop in Centre. Several meetings have been held in regards to LGBTIQ people and employment, with the Ministry of Justice and Human Rights, Social Council, and Ministry of Finance and Social Welfare. However, this work is only just beginning, and therefore the topic is currently only addressed adequately by NGOs.



*Main action points for the coming year:*

- Ensure sustainability of key social support programmes for the LGBTI community (LGBTI Drop in Center, Shelter and SOGI Center) as well as sustainability of LGBTIQ organisations using different methodologies including social contracting, licencing, social entrepreneurship, etc;
- Institutions in the field of work and social care should establish and strengthen cooperation with LGBTI CSOs;
- LGBTI people should be supported in capacity building for employment.

**Equality and non-discrimination, including legislation and enforcement**

The new Ministry of Justice and Human and Minority Rights does not include LGBTI rights issues or reference the National LGBTI Strategy in the description of its directorates. The Ombudsperson's Office published an [anti-discrimination manual](#) this year. The focal points network of local governments on LGBTI rights increased from 17 members to 21 members this year.

The new Police Director [met with representatives](#) of LGBTI organisations and expressed strong support and intent of the police to continue working closely with the LGBTI community to ensure their protection under the law. He also expressed willingness to further develop capacities of police officers and improve the work of the Team of Trust.

Juventas, Queer Montenegro and Spectra continued their work on supporting local municipalities, in cooperation with the Ministry of Human and Minority Rights. The municipality of Mojkovac will adopt a local LGBTI action plan soon, and the municipalities of Pljevlja, Cetinje and Bar are in the drafting process.

The new Gender Equality Strategy 2021-2025 was adopted in September, including the rights of transgender, gender diverse and intersex people, as well as LBTQ women for the first time.

*Main action points for the coming year:*

- Support to further development of local action plans, as well as monitoring of implementation of the existing ones;
- Local authorities' capacities from the south to the north of the country should be additionally strengthened in order to create adequate and effective measures combating homophobia and transphobia on a local level;
- Monitoring of the implementation of the National LGBTI Strategy.

**Freedom of assembly, association and expression**

The 9th Montenegro Pride was successfully [organized](#) on 16 October 2021 by Queer Montenegro, and called for the remaining laws and bylaws to be amended to complete the legal framework necessary for the implementation of the same-sex partnership law. This year's Pride was attended by more members of the Government (ministers, state secretaries) than any before.

*Main action points for the coming year:*

- Conditions for safe and peaceful organisation of public events (pride marches, cultural events, etc) should be ensured in all municipalities in Montenegro;
- Ensure the conditions for LGBTI organisations to work in a sustainable way, including through funding them.

## Health

In 2020 the Montenegro UN Office published a [report](#) on the impact of Covid-19 on different groups, including LGBTI people. The report found that trans people did not have access to medication, as the pandemic exacerbated the ongoing shortage of hormones, which had been an [issue](#) since 2018, and worsened due to border closures. As a result, many trans people started self-medicating, risking their own health. These issues persisted in 2021. Trans, intersex and gender diverse (TIGD) people also continue to suffer from an interruption of their treatments, particularly impacting those going through transition or who have HIV. NGOs have had to provide psychological support for the LGBTI community during the pandemic, with limited resources, resulting in the inability to cover everyone's needs. Spectra and Juventas has been providing mental health support for TIGD people who have been particularly impacted, and Spectra also highlighted the impact on organisations, calling for more targeted funding so they can continue their work. Juventas continued providing medical support, HIV/AIDS testing and other testing in the LGBTIQ drop-in centers across the country, in collaboration with Queer Montenegro, Spectra, Stana and the Montenegro Pride initiative. To address the problem of shortage of estradiol, Spectra wrote to the Public Health Center Podgorica, Montefarm, the Ministry of Health, the Health Insurance Fund and the Protector of Human Rights and Freedoms. However, institutions have not yet addressed the problem.

### *Main action points for the coming year:*

- Ensure sustainability of health services focused on HIV prevention and treatment;
- Solve the problem of lack of hormonal therapy for trans people;
- Improve access to trans-specific healthcare, respecting transgender people's mental and physical integrity, in accordance with national and international standards, and commit to practices which include individual approaches and informative consent models;
- Improve intersex-specific healthcare to provide access to adequate healthcare for intersex people, respecting their mental and physical integrity.

## Human rights defenders

The report "[Community \(self\)organizing of transgender movement in Western Balkans region](#)" was published in March and features a chapter on the state of the trans movement in Montenegro.

Although physical meetings have become possible again in some months of 2021, due to ongoing political tensions in Montenegro, it remains difficult to put human rights on the agenda again. Covid-19 still impacts LGBTI people in a range of areas. According to the UN in Montenegro's report from 2020, 50% of LGBTI respondents have completely lost their income or their income has been reduced by more than 50%. More than half (56%) expressed concern about their economic situation, while 25% identified food as the most important need during the crisis, and 17% said it was shelter. Healthcare remains an issue of serious concern (see *Health*).

NGOs have continued supporting LGBTI people during the pandemic. Juventas provided food and hygiene packages, laundry services, helped with rent coverage, and made safer sex essentials available. Juventas, Queer Montenegro, Spectra, and Stana prioritised emergency mental health support and suicide prevention. LGBT Forum Progress [provided](#) full services of the LGBTIQ Shelter, LGBTIQ Social Centre also worked on providing direct support services (psychosocial, legal), while Spectra sensitised public health hotline workers on supporting trans, intersex, and gender diverse people.

### *Main action points for the coming year:*

- Ensure that NGOs and informal groups working on the protection and promotion of human rights of LGBTI people have the conditions necessary to carry out their work.

### **Public opinion and attitudes**

The following information is based on research implemented by Kantar in 2021, for the NGO Juventas, entitled "Research on the public opinion in Montenegro: Attitudes towards LGBTI community". More than 70% of Montenegro's citizens believe that homosexuality, bisexuality and being transgender are a disease, but it is encouraging that the number of those who perceive homosexuality as a disease has decreased compared to the previous research in 2019. Although attitudes towards LGBTI people are generally negative, the vast majority of citizens still do not consider violence against members of this population acceptable, and the number of Montenegrin citizens who would be willing to report such violence has increased significantly compared to the previous research in 2019 (67% in 2021 vs. 57% in 2019). However, we should keep in mind the social desirability of such answers and point out that there are those 7% of citizens who openly point out that violence against these people is acceptable to them. When it comes to transgender identities, more than half of citizens have negative attitudes towards behavior that is not in line with traditional gender norms. However, it is encouraging that the number of those who believe that children should not be limited to traditional gender patterns has increased, because it is not in the best interests of the child.

### **Recognised unions for same sex couples**

On 25 July, the first ever same-sex partnership was [concluded](#) in Montenegro, in the town of Budva. The same-sex partnership law was voted by Parliament on 1 July 2020, making Montenegro a leader in the region as the first Western Balkans country outside the EU to [adopt](#) such legislation. While same-sex partnerships are now possible, administrative barriers remain as a number of laws still need to be harmonized and adopted in order to complete its implementation.

#### *Main action points for the coming year:*

- Ensure adequate and timely implementation of the Law on Life Partnership of Same Sex Persons, by introducing amendments in connecting laws and creation of necessary bylaws.

### **Rights and equal treatment of trans and intersex people**

Spectra, in partnership with Queer Montenegro and Juventas, published "[Legal recognition of gender identity in the legal system of Montenegro](#)" this year.

Lack of hormonal therapy for trans people has still not been addressed by institutions this year. Trans people are not able to access hormonal therapy, both in state health institutions and private pharmacies, due to lack of estradiol and a 300% rise in testosterone prices. The majority of trans people are still facing hardship with regards to employment and scarcity of essential resources. The visibility of trans people has decreased, due to several factors (hardship impacting wellbeing, as well as media not being particularly interested in human rights of LGBTI people – this is a trend which has continued from 2020, with a slight improvement).

Preparations for the process of the creation and adoption of the Law on gender identity were conducted by LGBTIQ organizations Spectra, Queer Montenegro and Juventas.

#### *Main action points for the coming year:*

- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO will launch in 2022;

- Further development of trans-specific healthcare services through further development of informative consent protocols and building capacities of medical workers;
- Resolve the problem of the lack of hormonal therapy for trans people;
- Raising awareness on intersex issues, self-determination and bodily integrity in healthcare;
- Building capacities of medical workers for providing affirmative care to trans, intersex and gender diverse people;
- A Working Group for the Law on Gender Identity should be created, and the law should be adopted to ensure legal gender recognition based on self-determination, in accordance with ECHR practice and the new ICD-11, which depathologizes trans identities. Additional efforts and active participation of all respective Ministries and trans-led CSOs should be ensured in this process.

#### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- Support the implementation of the LGBTI Strategy;
- Further support campaigning and advocacy efforts of LGBTI organisations regarding advocacy for their human rights, in particular in countering hate speech, for the adoption of the Law on gender identity and the full implementation of the law on registered partnership;
- Ensure funding and continuous support to the sustainability of LGBTI organisations and their successful services and activities;
- Ensure that Government, Parliament and other political actors do not instrumentalize human rights of LGBTIQ people as a tool for EU accession;
- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU's [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU's [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LGBT women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU's [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.

## **NORTH MACEDONIA**

**Submitted by: Helsinki Committee for Human Rights – LGBTI Support Centre, Coalition Margins, Subversive Front, LGBT United Tetovo**

### **Summary of key developments, including political context and trends**

- In January the Parliament elected new members of the Commission for Prevention and Protection against Discrimination (CPPD), but it still lacks one Commissioner.
- 2021 saw a huge rise in anti-gender movements and smear campaigns against LGBTI human rights defenders, and LGBTI-phobic speech online and offline, which became particularly acute around Skopje Pride.
- The Ministry of Labour and Social Policy, together with LGBTI civil society, started the process of drafting the National Action Plan for LGBTI 2021-2025;
- On 13 December, Bulgaria elected a new Prime Minister, who stated that Bulgaria would [no longer block](#) North Macedonia's accession to the EU in the Council. Bulgaria will propose a new process with a maximum time frame of 6 months.

### **Main action points for the coming year:**

- Adoption of the Law on Civil Registry introducing legal gender recognition (LGR) based on self-determination;
- Adopt the LGBTI National Action Plan 2021-2025, with incorporated suggestions from NGOs;
- Hate speech both online and offline, need to be adequately tackled by relevant institutions;
- The government should support LGBTI services;
- Ensure harmonisation of laws with the LPPD.

### **Bias motivated speech, bias-motivated violence**

In 2021 the Helsinki Committee for Human Rights (MHC) recorded 216 cases of hate speech due to sexual orientation and gender identity, 42% of the total number of cases of hate speech registered by the organization (514). The announcement of Skopje Pride and the event itself resulted in a large increase in hate speech against LGBTI people. From June to August 97 cases were reported on the platform [govornaomraza.mk](https://govornaomraza.mk), representing 61% of the total reports for this period. Of 35 criminal complaints launched by Subversive Front, the Public Prosecutor only responded to eight. Subsequently, Subversive Front filed three complaints to the Public Prosecutor's Office, out of which one complaint was rejected.

North Macedonia's Eurovision contestant was Vasil Garvanliev this year, who was regularly targeted by homophobic speech. He also sang at Skopje Pride 2021 and came out as gay to the public. He received harassment and death threats online.

In April 2021, the National Radio-television broadcasted the program "My Story" financed by Europe House Skopje where representatives from the LGBTI Center, Safe House, Subversive Front and Skopje Queer Center discussed the current position of the LGBTI community. Shortly after the broadcast, bias motivated speech erupted on social media condemning both the guests and the National Radio-television for broadcasting programs with such topics. Some of the reactions constitute hate speech since some of the threats were aimed at the lives of LGBTI people. A teacher posted comments online which incited discrimination based on SOGI, violating both the Law on Prevention and Protection against Discrimination and the Law on Primary Education. MHC [reported the case](#) to the State Education Inspectorate (SEI) which ruled that this was a case of discrimination against LGBTI people. The SEI issued a prevention measure against the teacher, and obliged him to attend educational

training, according to the Law on Primary Education. In July, Alpha TV used inciteful and stigmatising language describing HERA's sex education program in primary schools. HERA [reported](#) the incident and called for a public apology. The Agency for Audio and Audiovisual Media Services (AVMS) found that Alpha TV violated its professional duties. In August, Alpha TV [issued](#) a public apology. Earlier this year, the association "From Us to Us" also [used](#) defamatory language about the program. HERA, MHC and Coalition Margins [filed](#) a criminal and civil lawsuit. The Public Prosecutor's office rejected HERA's claim because they decided there are not sufficient elements for initiating a criminal lawsuit.

Coalition Margins [documented](#) hate speech in 17 cases, two are gender-based, containing also insults to LGBT people, and [15 are SOGI-based](#) hate speech. These include hate speech on social media after the publication of information and promotional material on LGBTI rights, and the Pride Weekend and Parade. Activists reported them to the police and Public Prosecutor's office but there is never action that results in punishing the perpetrators. In August, upon complaint from Coalition Margins and the Macedonian Association of Young Lawyers, the CPPD identified an online article "Forgive gay friends, it's not about hormones, it's about logic!" and noted it as discrimination. The content was removed and the online portals published their [apology](#).

The implementation of the hate crime law continues to be seriously flawed. Past hate crime cases remain unresolved by police and judiciary, and police continue to fail to classify anti-LGBTI attacks as hate crimes. Coalition Margins [documented](#) 8 anti-LGBT hate crimes this year. Five of the cases are of domestic violence (verbal and psychological) and three are of hate crimes based on SOGI. In 2021, MHC received a request for free legal aid from a victim of a homophobic hate crime. The victim was attacked by two people in the city centre after Skopje Pride. The incident was reported to the closest police station and the perpetrators were found and questioned, but they were released the same day.

On 29 November, the National network against homophobia and transphobia [held a peaceful protest](#) in front of the Public Prosecutor's Office, after MHC was informed that the Ministry of Interior is not equipped with the necessary forensic technology to identify the perpetrators of a homophobic attack from seven years ago which saw the LGBTI Support Center attacked while more than 40 people were inside. As a result, the Prosecutor's Office has decided not to initiate proceedings and will not take into consideration that it was a hate crime.

*Main action points for the coming year:*

- Improvement of state response to hate speech connected to LGBTI visibility events;
- Increase the collection of data on hate crimes and hate speech based on sexual orientation and gender identity (SOGI);
- Increase capacities of police and law enforcement for more effective prevention and prosecution of hate crimes and hate speech based on SOGI.

## **Education**

HERA's pilot program for comprehensive sexuality education continued in three schools. 94 CSOs [welcomed](#) the government's plans to [reform](#) primary education in February, including by prioritising gender equality and efforts to combat discrimination and violence in school. The new [Concept note on primary education](#) was adopted by the Ministry for science and education in March 2021.

Coalition Margins signed a Memorandum for collaboration with the Bureau for development of education, and will work on licensing a training program for teachers to implement the bylaw for preventing and reporting violence helpful for LGBTI cases in primary schools.

The Draft Law on Textbooks and Other Teaching and Didactic Materials, reforming outdated textbooks with discriminatory and stigmatising contents, was [welcomed](#) by civil society. The draft calls for

harmonization with the Law on Prevention and Protection against Discrimination. Due to public pressure and the influence of the anti-gender movement, the Draft Law was withdrawn, in addition to the Law on teachers and the new Law for the Bureau for Development of Education.

HERA's report published in April "[Peer Violence and the Role of Professional Services: Perceptions of High School Students in Skopje](#)" found that more than a third of high-school students knew of anti-LGBT violence against a peer in their school. 78% of the victims were not referred to a professional.

On 15 July, MP Ivanka Vasilevska from the opposition party VMRO-DPMNE and Professor at the Faculty of Law at the University "St. Cyril and Methodius", framed the ongoing reforms in the elementary education sector as apocalyptic and scapegoated LGBTI people, thereby instilling fear among their social media followers. During summer 2021, former VMRO-DPMNE MP and current professor at University of "St. Cyril and Methodius", Dimitar Stevanandzija, also posted discriminatory and hateful content online, taking aim at ongoing educational reforms undertaken by LGBTI ally Minister Mila Carovska, who is frequently targeted for her support for LGBTI equality.

*Main action points for the coming year:*

- Revision of textbooks which contain homophobia, transphobia and gender stereotypes;
- Ensure development of a multi-year strategic action plan for further implementation of formal CSE in accordance to new reforms planned for primary schools.

## **Employment**

During the second half of 2020 and the beginning of 2021, work on the draft Labour Relations Law was intensified with regular meetings of active stakeholders. However, the last meeting for drafting the law was held in July. The law would be brought in line with the Macedonian anti-discrimination legislation, explicitly stipulating sexual orientation and gender identity as discriminatory grounds. Coalition Margins documented a case of lesbophobic harassment of a woman by her work clients, after she openly revealed her sexual orientation in the media and on social networks. In December 2021 the Commission for prevention and protection of discrimination found discrimination based on gender identity of a trans man whose contract was terminated.

*Main action points for the coming year:*

- Drafting and adoption of the new Law on Labour Relations introducing sexual orientation and gender identity as grounds for discrimination.

## **Equality and non-discrimination, including legislation and enforcement**

Following the successful [passing](#) of the Law on Prevention of and Protection against Discrimination (LPPD) in 2020, the Commission for Prevention and Protection from Discrimination (CPPD) was established at the beginning of 2021, but still lacks one Commissioner. The [Commission](#) has been facing many technical and administrative issues, but has started to be increasingly active and already issued many opinions on cases reported to them.

A working group composed of relevant stakeholders drafted the new Law on Gender Equality, which is expected to enter the parliamentary procedure in early 2022.

Acting upon a complaint filed by MHC, in July 2021 the [CPPD found](#) that the association MOTO Club Pelister in Bitola directly discriminated on the basis of sexual orientation, due to a Facebook post where they stated that LGBT people cannot be its members and that they are not welcome to attend the association's events. They further stated that this was the club's policy adopted unanimously by all members and the management. They were required to remove the Facebook post and change their



policy to allow equal access and membership to all people in the future, regardless of their sexual orientation and gender identity.

Subversive Front filed 3 complaints to the CPPD on discriminatory statements made by politicians against LGBTI people during Skopje Pride 2021 and the local elections campaign in October.

*Main action points for the coming year:*

- Harmonisation of other laws with the new LPPD;
- Capacity training for working with marginalised groups should be given to equality bodies and those working in the different inspectorates.

### **Freedom of assembly, association and expression**

[Skopje Pride](#) weekend was celebrated in-person this year. The country's second [Skopje Pride](#) march was held on 26 June and was [attended](#) by thousands, including the President, Ministers for Culture, Science and Education, Defence, and Labour and Social Policy, among other politicians.

Although the LGBTI rights Interparty Parliamentary Group has five MPs from the conservative opposition party VMRO-DPMNE, and the vice coordinator is also from that party, their official [announcement](#) for the Skopje Pride called the government hypocritical for supporting LGBTI rights in the context of socioeconomic hardship caused by the pandemic, by creating a false dichotomy between the two. They also said that "for VMRO-DPMNE, the family is a community of one man and one woman who share care for the children."

*Main action points for the coming year:*

- The central and the local governments must continue providing support to the organising of Skopje Pride and future local Prides such Tetovo Pride and other local pride activities as this has previously positively affected public opinion on LGBTI people, and has positively affected LGBTI community members regarding their self-acceptance, self-confidence, and feeling of belonging to a community.

### **Health**

The working group to improve trans healthcare, set up by the Ministry of Health in 2019, continued to postpone its activities due to Covid-19. The mandate of the working group on implementation of ICD-11 expired, and the Minister of Health is failing to approve it for the second time, leaving transgender people still pathologised, in contravention of ICD-11. In July, the CPPD found that Viola Pharmacy [violated](#) a trans woman's access to goods and services, as she was required to present extra medical documents when trying to purchase prescribed hormones, and was outed in front of other customers.

In March 2021, Subversive Front launched the Skopje Queer Center - a free counselling and support center for LGBTI people, providing individual and group psychotherapy services, psychological counselling, mobile psychosocial support services, as well as social care services. Both the National LGBTI+ Helpline, and the Skopje Queer Center were launched in response to significant increases in requests for support during the pandemic. Until November 2021, the Skopje Queer Center has provided 207 psychotherapy sessions to 41 clients and 81 social care services, whereas the National LGBTI+ Helpline has received 123 calls from 61 clients.

*Main action points for the coming year:*

- Recommence the activities of the Ministry of Health's Working Group on developing guidelines for health services for trans people as part of the implementation of ICD-11;



- Improve trans people's access to healthcare services, including trans specific healthcare.

### **Human rights defenders**

On 31 October - the day of the local elections - a radical nationalist party won the city of Tetovo. Activists working for LGBT United Tetovo began receiving hundreds of death threats so they decided to close the office for some time. After 3 weeks, on 19 November the office was [vandalised](#). Activists have been planning the first local Pride in Tetovo and Pride Week activities in Tetovo, Ohrid, Bitola and Strumica for 2022. After announcing their plans, they received online harassment and threats, which coincided with the election of more homophobic parties to Tetovo, Ohrid and Bitola. Five of the victims of hate speech cases this year were activists or members of the LGBTI community who decided to speak out about their sexual orientation or gender identity or to support LGBTI rights. Two human rights defenders from Coalition Margins and HERA have been targets of online harassment and misinformation by the anti-gender group Prezemi odgovornost.

The report "[Community \(self\)organizing of transgender movement in Western Balkans region](#)", published in March, features a chapter on the state of the trans movement in North Macedonia. The Network for Protection against Discrimination published "[Human rights of marginalized communities during COVID-19](#)", highlighting that the government failed to take into account the needs of the most marginalised communities during the pandemic, including LGBTI people and sex workers. These communities had to largely rely on civil society and their own networks to survive. LGBT United Tetovo, with the support of EU funded project TACSO 3, conducted a [survey](#) on the impact of Covid-19 on LGBTI people. 68.9% of respondents reported being exposed to domestic violence during the pandemic. 30% were dismissed from their jobs, and the most used source of help was food aid (47%).

Two new LGBTI organisations were founded this year: Association LGBTI Jadro (Core), a multi-ethnic LGBTI community organisation working in the southeast of the country, and DIVERSITY Tetovo, also a multi-ethnic organisation, led by a Roma LGBTI activist.

#### *Main action points for the coming year:*

- Ensure that hate crimes against LGBTIQ human rights defenders are legally processed;
- Make tackling disinformation and online hate speech a priority of the government and state institutions.

### **Public opinion and attitudes**

On 27 June 2021, a journalist and former TV show host, called for "medical treatment" for LGBTI people and the President for his support of Skopje Pride, and stated that the state has to protect the rights of the "majority of the population which is normal".

Parents of the initiative "There must be textbooks and teaching in physical space" organized several protests against new educational reforms and the digitalization of the educational process in 1st and 4th grade in primary school. They demonized the LGBTI community and oppose the implementation of sexual education. Two other anti-gender movement groups were formed this year, spreading disinformation about trans people and the LGBTI community.

#### *Main action points for the coming year:*

- Improved state response to negative attitudes and hatred towards LGBTI people with the promotion of equality and the condemnation of discrimination, hate speech and hate crimes.

### **Recognised unions for same sex couples**

Civil society reported that the Ministry for Labour and Social Policy planned to change the draft National LGBTI Action Plan (2021-2025) by removing plans to legally recognise same-sex partnerships or marriage. The National Network against Homophobia and Transphobia held meetings with the Ministry to prevent the regressive step.

On 26 June prior to the Skopje Pride Parade, the Minister of Agriculture, Forestry and Water Economy Arjanit Hoxha (also a member of BESA - one of the governing parties) made a public statement framing LGBTI people as “immoral” and “unhealthy”. He explicitly used “moral, traditional family values” as a prerequisite to “building a healthy future”, and therefore excluded LGBTI people from the concept of creating or participating in family environments.

*Main action points for the coming year:*

- Ensure that the National LGBTI Action Plan (2021-2025) contains plans to legally recognise same-sex partnerships or marriage.

### **Rights and equal treatment of trans and intersex people**

The legal gender recognition (LGR) law continued to be stalled this year. The draft Civil Registry Law passed one Commission in Parliament in June, but has not been on the agenda since. The amendments limit LGR access to nationals over 18 who have legal capacity and are not married. In practice this requires married people to divorce in order to access legal gender recognition. The amendments make no provision for legal recognition of non-binary gender identity, therefore leaving out a significant number of trans people. North Macedonia still needs to comply with the 2019 European Court of Human Rights decision of [X v. North Macedonia](#) in ensuring that all trans people can access LGR in the future. Following the decision and implementation of the individual measure toward X in September 2020, four other trans people were granted LGR. Meanwhile, 10 LGR cases are pending at different levels before administrative bodies or courts, due to the Registry Office’s refusal to process them.

*Main action points for the coming year:*

- Adoption of the Law on Civil Registry introducing legal gender recognition based on self-determination;
- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO will launch in 2022;
- Provide medical services for gender reassignment covered by public health insurance;
- Build the capacity of the police for protection from transphobic crimes and hate speech.

### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- The EU Delegation should conduct consultations with LGBTIQ led CSOs and groups on both national and local level when designing and planning financial and other types of support programmes and priorities;
- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU’s [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU’s [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LGBTI women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU’s [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.

## SERBIA

**Submitted by: Labris, Da se zna!, Geten, XY Spectrum, Crisis Response and Policy Centre - CRPC, National Center for Sexual and Reproductive Health - Potent, Collective Wave TIGV**

### **Summary of key developments, including political context and trends**

- In Spring 2021, the Ministry of Human and Minority Rights and Social Dialogue presented a Draft Law on Same-Sex Unions, the content of which civil society raised a number of concerns about, which were echoed by the Council of Europe's [legal opinion](#). The political context in Serbia still poses a barrier to the adoption of this law. In May the Serbian President [stated](#) that if the same-sex partnership law were to pass in Parliament he would veto it.
- In May, the parliament [amended](#) the anti-discrimination law and added sex characteristics as a protected ground.
- Belgrade Pride week [took place](#) from 13-19 September, with a Pride march on Saturday 18 September. Pride events were attended by government representatives, MEPs, international institutions and civil society.
- In July NGO Collective Wave TIGV (Kolektiv Talas TIRV) was formally registered as an NGO in Serbia run exclusively by trans and gender diverse people.
- In 2021 LGBTI refugees fleeing criminalization continued to arrive in Serbia either for refuge or transit, and are mostly accommodated in Belgrade, with access to specialised LGBTI service providers. Xenophobic groups targeting both refugees and LGBTI+ people as well as other minorities, continue to harass and intimidate refugees and migrants in the form of paramilitary units, particularly in Belgrade but also towns such as Sombor. The official response by state security authorities to these human rights violations is insufficient.
- CRPC in partnership with UNHCR, Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA), Swiss Embassy and IOM organised a Seminar on *Cultural Norms, Values and Practices in Countries of Origin* in October 2021, which addressed developments in migrants' country of origin with a focus on vulnerable groups such as children and LGBTI people. The seminar was attended by more than 35 participants.

### **Main action points for the coming year:**

- Adoption of the Same-Sex Partnership Law, having included recommendations made by civil society and the Council of Europe;
- Adoption of Law on gender recognition in line with international human rights standards and based on self-determination;
- Better implementation of the Anti-discrimination Law to tackle hate crime and hate speech;
- Adoption of local LGBTI action plans;
- Continue good practice of accommodation of LGBTI people in mixed migration movement near Belgrade as most specialised LGBTI service providers are there.

### **Bias motivated speech, bias motivated violence**

In its annual hate crime report, NGO Da se zna! documented 52 anti-LGBT unlawful conducts in 2021, marking a decrease compared to 2020, which can be explained by the Covid-19 lockdown measures.

Despite numerous recommendations from the European Commission against Racism and Intolerance (ECRI), the Council of Europe, and the EU, Serbia still does not gather data on anti-LGBTI hate crimes.

On 17 September the location where Belgrade Pride events were taking place was [vandalised](#) by a far-right group. The police located and detained the suspects, but we have no information since - whether a criminal complaint was filed or if anyone has been sentenced.

On 23 December, the Pride Info Centre was [vandalised](#) with graffiti and pictures of Ratko Mladić. Inscriptions read "Ratko Mladić Serbian Hero" and the Belgrade Pride - EuroPride 2022 logos were crossed out. This is the 11th time the Pride Info Centre has been vandalised, and so far there have been no prosecutions, despite being located in an area with heavy security due to proximity to government buildings. Despite [camera footage](#), there have been no arrests thus far.

*Main action points for the coming year:*

- Combat hate crime, hate speech, xenophobia and all forms of discrimination, through improved state reactions and public condemnations;
- Proper implementation of hate crime provisions within criminal legislation and the usage of Article 54a of Criminal Law in the indictments;
- Utilise all legal options to prevent groups who commit hate crime and hate speech.

## **Employment**

In order to facilitate refugees' (including LGBTI refugees') access to employment and training, UNHCR, the Serbian Commissariat for Refugees and Migration (SCRM) and the Serbian National Employment Service (NES) signed a Memorandum of Understanding in 2021.

*Main action points for the coming year:*

- Ensure easier access to vocational training, re-trainings and formal labour market for LGBTI refugees in the asylum procedure.

## **Equality and non-discrimination, including legislation and enforcement**

In May, the parliament [amended](#) the anti-discrimination law and added sex characteristics as a protected ground. The process started back in 2019, so civil society welcomed the step. The parliament also adopted the [Law on Gender Equality](#) in the same month, prohibiting discrimination on grounds of sex, gender, and sex characteristics and lists among vulnerable groups those who "find themselves in an unequal position" due to their sexual orientation or gender identity.

This year, Potent Association intervened in six cases of discrimination against people living with HIV and people diagnosed with syphilis. Three cases involved disclosure of health data by health workers, two of which were resolved at the level of the director of the institution. Two cases involved delay of intervention and neglect, and were resolved thanks to the intervention of the Ministry of Health. One case is of a lawsuit initiated by a doctor against a patient with HIV, who did not disclose his HIV status, and the doctor was injured while performing surgery on the patient. The lawsuit is in the pre-investigation phase and Potent Association is providing legal support.

During the Belgrade Pride march which took place on 18 September, members of the Lesbian and Gay Solidarity Network (Lezbejska i gej solidarna mreža), a trans exclusionary organisation, [brought banners](#) to the march that read "Trans ideology erases lesbians" and "Sex not gender".

*Main action points for the coming year:*

- Develop and support programs aimed at reducing stigma and discrimination against LGBTI patients;
- Better and consistent implementation of existing provisions tackling discrimination against LGBTI people.

## **Freedom of assembly, association and expression**

June's Pride month was held both in-person and on Zoom and [featured](#) a great variety of events and topics, such as intersex people's rights, safer sex topics, LGBTI history in Serbia, and others.

Belgrade Pride week [took place](#) from 13-19 September, with a Pride march on Saturday 18 September taking place without incident, although there was heavy police presence which drew criticism from civil society. The day before the march the office where Pride events were taking place was vandalised (see under *Bias-motivated violence*). Pride events were attended by government representatives, MEPs, international institutions and civil society.

Belgrade Pride is set to host EuroPride in 2022, activists expect the government and Belgrade municipality to ensure security of the event, whilst still allowing the general public to join Pride participants, as is the case with other European Pride events.

The Law on Environmental Noise Protection, adopted on October 7, 2021, may be an obstacle to obtaining approval to hold public gatherings and to have a negative effect on freedom of assembly. According to Article 20 of this Law, in order to hold public gatherings that may exceed the determined noise limit, event organisers are obliged to submit a request to local government within 20 days before the planned activities. Events can only take place upon approval from the local self-government unit, who determines this based on location and sound protection measures. This may be an obstacle to obtaining approval to hold public gatherings.

*Main action points for the coming year:*

- Support organisation of Belgrade Pride and EuroPride in 2022, with reduced police presence and without segregating participants from the general public, whilst still ensuring proper police action if incidents occur.

## **Health**

Labris published "[A handbook on protection measures during the COVID-19 crisis for LGBTI people](#)", covering healthcare, free legal aid, housing, unemployment, and vaccine access, among other key topics.

In 2021 trans women continue to face frequent hormone shortages. In addition, many trans women cannot afford hormones.

HIV services continued to be neglected due to the Covid-19 pandemic. With the support of the Ministry of Health and the Global Fund, civil society organisations are implementing important HIV testing and support programs, however, this is not enough. Three key problems in this area require a response from the health authorities; the apparent lack of this response could lead to long-term consequences in the near future.

Since the beginning of Covid-19, five antiretroviral drugs have been removed from the market in Serbia, and no new ones have been added, which would be in accordance with the European AIDS Clinical Society's guidelines (for contrast: surrounding countries such as Croatia and Slovenia have replaced old drugs with new ones). Despite Serbia's Health Insurance Fund being aware of the financial

and healthcare benefits of new drugs, they have not made decisions on requests made in 2019 and 2020 for cheaper ones.

People with HIV are vulnerable, discriminated against and neglected from multiple sides, especially during the pandemic. HIV wards are not working or are working at reduced capacity. A survey conducted by Potent Association shows that 42% of patients have not performed basic laboratory analyses since the beginning of Covid-19, which according to treatment guides should be performed every six months. HIV departments in Belgrade, Nis, Kragujevac and Novi Sad are still almost exclusively focused on treating Covid-19 patients. It is important that infectologists return to their regular patients and primary specialties.

Treatments for other sexually transmitted diseases have also been disrupted due to Covid-19. As a result Serbia faces an alarming increase in syphilis infections, and health institutions do not procure the drugs needed to treat it, despite the medicine being registered and available, forcing patients to pay privately.

An open letter about the problems regarding HIV and syphilis was signed by a number of Serbian LGBT organisations.

*Main action points for the coming year:*

- Develop and support campaigns aimed at improving prevention, testing and early diagnosis of HIV and other STDs in high-risk populations.
- Work on solving the problem of lack of hormones in Serbia.

### **Human rights defenders**

The report “[Community \(self\)organizing of transgender movement in Western Balkans region](#)” was published in March and features a chapter on the state of the trans movement in Serbia.

In July NGO Collective Wave TIGV was formally registered as an NGO in Serbia run exclusively by trans and gender diverse people.

### **Public opinion and attitudes**

A 2021 [report](#) of the UCLA Williams Institute (based on 2017 data) found that despite only 0.01% of Serbians knowing they have a trans friend or family member, 60% thought that trans people should be protected from discrimination and 64% thought that trans people should have access to gender-affirming surgeries.

*Main action points for the coming year:*

- Raise awareness on LGBTI people in mixed migration movement through awareness-raising events;
- Improve awareness raising about LGBTI people.

### **Recognised unions for same sex couples**

The Working Group, set up by the Ministry of Human and Minority Rights and Social Dialogue in February, presented a Draft Law on Same-Sex Unions in Serbia in the spring. The Working Group conducted brief public consultation and only met six times. Civil society raised a number of concerns about the draft law. Civil society reiterated its recommendations several times before. Labris for instance, [presented](#) a Model Law on Civil Unions in 2020.

The 2021 draft law establishes different standards for same-sex couples entirely. First, registered partnership could only be dissolved through a public notary, rather than a state registrar, which means same-sex couples would have to pay for this service. Second, same-sex partners would not have the right to maintain personal relations with the child of their former partner. Third, non-registered unions would be regulated differently. An un-married (heterosexual) couple is considered after one year to have the same rights as married (heterosexual) couples if their relationship is deemed more “permanent”, for example if they want to have a child or buy an apartment together. For same-sex couples this made possible under the draft law, but with a longer waiting period of 3 years. In May, the Council of Europe published a [legal opinion](#) on the law, upon the request of the Serbian government, and reiterated these concerns - among others.

In May, the Serbian President [stated](#) that if the same-sex partnership law were to pass in Parliament he would veto it.

In November, Minister Čović [said](#) the Law was ready for the adoption by the Government. She said that all comments given by the Council of Europe Expert Group are incorporated in the Draft, but the Draft is not available publicly, nor was it sent to Working Group members.

In December, Labris held a meeting with Prime Minister Brnabić, where she announced the adoption of the Law in May 2022, after the elections.

*Main action points for the coming year:*

- Adoption of the Same-Sex Partnership Law, having included recommendations made by civil society and the Council of Europe.

### **Rights and equal treatment of trans people**

On 21 November, Geten and Belgrade Pride [organised](#) a demonstration to mark the International Day of Remembrance for the Victims of Transphobia. Trans people in Serbia still suffer from widespread discrimination, as well as verbal, physical and institutional violence. More recently, trans and gender diverse people have become targets of misinformation and smear campaigns which deny their existence and rights and creates heightened discrimination against them.

Amendments to the law on birth registry, which now enable data on gender change to be entered into the registry, came into force in January 2019. However, currently trans people are still pathologized and must undergo one year of hormonal treatment. In 2021 civil society [continued calling for](#) a legal gender recognition law that provides for a model based on self-determination and for improved health services for trans people.

*Main action points for the coming year:*

- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO launched in 2022;
- Adopt the Law on gender recognition in line with international human rights standards and based on self-determination;
- The government should work on a mechanism for trans specific health care.

### **Rights and equal treatment of intersex people**

There is still no accurate estimate of the number of intersex people in Serbia. Activists welcomed the adoption in May of amendments to the Law on Prohibition of Discrimination which [added sex characteristics](#) as a protected ground. Therefore the Republic of Serbia became the second country in



the region to recognize sex characteristics as a basis for discrimination, and thus began work on protecting the rights of intersex people.

*Main action points for the coming year:*

- End discriminatory practices against intersex people and adopt measures to end pathologisation of sex characteristics.

#### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- The EU Delegation should provide financial support to the LGBTIQ organizations for implementing programs that tackle hate crimes, hate speech and discrimination, and programs on providing access to the right to private life, such as access to legal gender recognition and same-sex partnership, among others;
- The EU Delegation should conduct consultations with LGBTIQ-led CSOs and groups when designing and planning financial and other types of support programmes and priorities;
- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU's [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU's [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LGBTI women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU's [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.



## TURKEY

Submitted by: SPoD, KaosGL

### Summary of key developments, including political context and trends

In 2021 LGBTI+ people suffered once again from spikes in hate crime and hate speech, in particular following smear campaigns conducted from the level of political and religious authorities. President Erdoğan continued to lend his support to anti-LGBTI+ hate-speech, speaking out against LGBTI+ people in particular following the Boğaziçi University protests. NGOs have been targeted by increasingly restrictive measures that affect their functioning, and the online space has also been targeted – making it more difficult for NGOs to organise. Turkey continues to censor LGBTI+ content in media and print publications, and has taken to penalising people for holding rainbow flags and trans flags in protests. Pride events continued to be repressed during Pride season, in various cities across Turkey.

Turkey does not have a good record on LGBTI+ rights and human rights more broadly. The decisions of the Constitutional Court, which are bound by the Supreme Judicial Body and local courts, are not implemented. Despite the Constitution, the ECHR and international agreements, it is clear that hate speech, discriminatory speech, violations of the right to freedom of speech, violations of the right to freedom of assembly and demonstration and violations of the right to association have increased.

### Main action points for the coming year:

- Enable and protect LGBTI+ events throughout Turkey;
- Condemnation and prosecution of hate speech, hate crimes and discrimination of LGBTI+ people, specifically including the trans community, sex workers and LGBTI+ refugees;
- Conduct studies to strengthen the right to association and freedom of expression, and to strengthen disadvantaged groups.

### Bias motivated speech, bias-motivated violence

Political leaders and pro-government media outlets continued [reporting](#) about LGBTI+ people with hate, particularly during the Boğaziçi University protests of January and February (see under *Education*). These smear campaigns led to an increase in hate crime, particularly noticeable in March. On 2 February, Justice Minister and the Interior Minister Süleyman Soylu [called](#) LGBTI+ people “perverts” on Twitter. Others called LGBTI+ people a “disgrace” or “dirty”. Turkey’s Human Rights and Equality Institution, TİHEK, which has been justifying hate and discrimination against LGBTI+ people [since 2016](#), also contributed to the smear campaign. These remarks prompted a wave of hate speech on social media. This continued hate campaign took place in the context of rising hateful rhetoric against the LGBTI+ community by representatives of high-level religious and political institutions, as well as actions and legislation attacking human rights defenders and civil society organisations.

In March, a defamation case [ended](#) in settlement and compensation for the victim, who was targeted by homophobic hate speech after posting about Ali Erbaş’s COVID-themed sermon in 2020. The imam, Turkey’s Religious Affairs Directorate blamed ‘homosexuality’ for the pandemic, [saying](#) that it “brings illness.” Kaos GL’s Annual Media Watch for 2020 [observed](#) that more than half of the news about LGBTI people on printed national and local media amounted to hate speech, marking an increase from 2019.

Countless hate crimes took place against LGBTI+ people again this year. For instance, a trans woman, a refugee from Syria, was [attacked](#) by her ex-girlfriend in Beyoğlu and suffered severe burns on her face in March. A trans woman, who was reported missing by her family, was [found](#) murdered in her

home in Izmir in March. Also in March, a video of a homophobic assault was [posted](#) by the perpetrator on social media - he was later identified and [detained](#) by the police. Trans women were assaulted in the street in [March](#) and [July](#). A group of LGBTI+ activists were severely [assaulted](#) in March in Newroz. In July, several gay men were [attacked](#) by violent groups - one person was [stabbed](#). In November, four trans women were [attacked](#) in two separate incidents, three survived with injuries, and one died.

A number of court cases, focusing on anti-LGBTI attacks or murder, continued to be [pending](#) or [stalled](#) this year - some for over 10 years.

*Main action points for the coming year:*

- Politicians and public officials need to be held accountable for using discriminatory speech;
- Authorities should take protective precautions for disadvantaged groups in times of crisis such as pandemics.

## **Education**

On 1 January, President Erdoğan appointed Melih Bulu as the new rector of Boğaziçi University in Istanbul. Academic staff and students held a series of protests, as Bulu is the first appointed rector from outside the University, which marks a next step of the government's crackdown on academic freedom in Turkey. Bulu is a long-standing ally of President Erdoğan, who has supported anti-LGBTI+ statements over the past years. The university's LGBTI+ student group was shut down, students were detained, and the police assaulted many demonstrators. In February, 328 civil society organisations in Turkey issued a [joint statement](#) to support the students and staff. 12 students [stand](#) trial for violating the law.

The European Commission [condemned](#) the violent repression of the protests, the mass detention of students, and the Istanbul governor's ad hoc ban on all meetings and protests in the university's neighbourhood. In July, the new acting rector of the university [dismissed](#) professor Can Candan, an avid supporter of LGBTI+ rights. Candan directed the film 'My Child', a documentary about LGBTI+ families in Turkey. Candan's supporters launched social media campaigns to stand with him in solidarity.

In March, Genç LGBTI+ published "[Monitoring LGBTI+ Equality in Universities](#)" and found that institutions in Turkey score alarmingly low. The report recommends universities to support students in their freedom of expression, to provide safer and inclusive spaces for LGBTI+ and specifically for trans students, to mainstream SOGIESC issues in the curriculum, provide counselling, and other key measures.

During the graduation ceremony of Dokuz Eylul University in October, two students were [forcibly removed](#) from the event and beaten up for wearing face masks with the slogan "Istanbul Convention Stays Alive". Turkey withdrew from the Convention earlier this year (see under *Equality and non-discrimination*).

## **Employment**

In May, a trans man reported having been [rejected](#) when applying for work as a trained physiotherapist. The clinic argued that they "wanted a male employee". In 2021, as in 2020, police continued [raiding](#) houses of trans sex workers living in Bayram Street of Taksim in Istanbul.

*Main action points for the coming year:*

- Government sourced support and programs should be accessible for LGBTI+ people who either lost their job or were forced to take unpaid leave, and the government should develop a special program to increase the employment rate among the LGBTI+ community;
- The government should develop a mechanism for determining the needs of LGBTI+ people and allocate resources and funds to cover those needs;
- Social Assistance and Solidarity Foundations (Sosyal Yardımlaşma ve Dayanışma Vakıfları) should prioritise LGBTI+ people's applications and provide support during the pandemic;
- For LGBTI+ people who are on unpaid leave, the condition of being uninsured should not be sought in their social assistance applications;
- Sexual orientation, gender identity and sex characteristics should be added as a protected ground in the anti-discrimination article of the Labour Law.

### **Equality and non-discrimination, including legislation and enforcement**

In March, Turkey [withdrew](#) from the Istanbul Convention, sparking outcry among local civil society and the [Council of Europe](#). Turkish civil society organised under [United 4 Istanbul Convention](#), expressing grave concern about the spillover effects of the government's regressive move. Several rallies took place on 1 July, which marked Turkey's official withdrawal. The International Day for the Elimination of Violence against Women (25 November) was marked by women's rights and LGBTI+ activists protesting in various cities in Turkey. In Istanbul protesters were [met with police violence](#) including rubber bullets and tear gas.

### **Freedom of assembly, association and expression**

Turkey continued to severely violate the right to freedom of assembly in the country this year, with bans, violent attacks on demonstrations, mass detention, and violence.

A number of Women's Day marches were censored, dispersed and/or attacked by the police this year. On 6 March, the demonstration in Kadıköy was [dispersed](#) by the police after some of the speakers introduced themselves as trans. The police followed several trans women activists afterwards, physically assaulted and [detained](#) them.

In 2020, the court had [lifted](#) the ban on Izmir Pride events, except for the march - the judgement has been criticised by civil society. In January 2021, ban on the Parade was also [annulled](#), and the court affirmed the participants' right to freedom of assembly and stated that the march "contribute[s] to pluralism and peaceful coexistence in a democratic society."

The Istanbul Pride event was repeatedly banned and then violently [attacked](#) and [dispersed](#) by the police on 26 June. 50 participants were detained and assaulted, in what some activists said was the most violent crackdown in years. The police staged violent interventions on Pride marches in Izmir, Ankara and Eskişehir as well, arresting many activists and journalists. The Council of Europe Commissioner for Human Rights Dunja Mijatović [called for](#) an absolute ban on restrictions on freedom of assembly and urged the Turkish government to protect LGBTI+ people's human rights.

The court case against 19 students and teachers who participated in the Middle East Technical University (METU) Pride March in 2019, [continued](#) this year, with hearings taking place in July and October. At the hearing on 8 October, all defendants were [acquitted](#), and only one was given a financial penalty for insulting a police officer.

On 5 March, the Adana Security Directorate [announced](#) that any display of signs about LGBTI+ rights or the Boğaziçi University protests, are banned for the duration of the 8 March Women's Day

demonstration. The police in Kadıköy and Beşiktaş [enforced](#) the same censorship on Women's Day marches.

In May, the Radio and Television Supreme Council (RTÜK) [fined](#) Acun Ilıcalı's digital platform Exxen for streaming an episode featuring trans woman Çağla Akalın. RTÜK ordered the removal of the piece.

In July, MP Oya Ersoy (Peoples' Democratic Party (HDP)) made a [statement](#) in parliament in support of Pride and LGBTI+ people's rights, and showed a picture of the rainbow flag. A number of INGOs [launched](#) a billboard campaign in July, calling for freedom from violence and equality for LGBTI+ people.

On 29 July, the parliament passed a law [tightening](#) control over social media sites in Turkey, which had provided some sense of free expression of political views. Human rights groups have expressed serious worry over the law, given that social media sites have already been monitored, and some have been prosecuted for criticising the President.

A British young adult novel "Heartstopper", whose protagonist is gay, is being [sold](#) in envelopes in Turkish bookstores, with the sign "Harmful for children" upon the order of the Family and Social Services Ministry. On 10 September, the Ministry of Family and Social Services Protection of Minors officially [classified](#) the book as "obscene".

Boğaziçi University trials involving LGBTI+ students continued: two are for the general protests against appointed Rector Melih Bulu, one is against the LGBTI+ Club for the LGBTI+ themed artwork, another is for students holding rainbow flags during a protest, and another for students protesting the arrest of those holding rainbow flags.

Rainbow Coalition, a platform of LGBTI+ organisations in Turkey, was created.

*Main action points for the coming year:*

- Acquit LGBTI+ people currently facing trials for exercising their right to freedom of expression and/or freedom of assembly.

## **Health**

SPoD's [annual report](#) on their LGBTI+ hotline found that the need for psycho-social support significantly increased during the COVID-19 pandemic.

*Main action points for the coming year:*

- LGBTI people need to have access to health services in regards to Covid-19, to general primary and secondary health and to LGBTI specific health services without discrimination.

## **Human rights defenders**

Human rights defenders continued to be targets of police violence and [hate campaigns](#) by the [media](#). Some activists received death threats.

The obligation for NGOs to give information to the Interior Ministry about their membership has led to stigmatisation and violation of freedom of association. NGOs continue to be impacted by the "Law on Preventing Financing or Proliferation of Weapons of Mass Destruction" passed in 2020. Most provisions of the law [focus](#) on further tightening government control on civil society, imposing annual inspections, limiting activities, and making it possible for NGO board members to be removed if they

face terrorism charges, which are often used in Turkey against activists, journalists, and academics. NGOs and the [Council of Europe](#) are deeply concerned.

*Main action points for the coming year:*

- Conduct supportive studies to strengthen the right to freedom of expression;
- Repeal the 36 articles of the Law on Preventing Financing or Proliferation of Weapons of Mass Destruction which are not related to the prevention of financing or proliferation of weapons of mass destruction, in particular those articles which unduly target civil society.

### **Rights and equal treatment of trans and intersex people**

On 22 April, the Constitutional Court [passed](#) a positive ruling, stating that the rejection of a trans person's name change, because they had not undergone any surgeries, was a violation of private and family life. The Court cited the case law of the European Court of Human Rights.

In Istanbul trans women are frequently being targeted by police, especially trans sex workers. Often they are arrested while simply walking in the street, and they are being evicted from their houses.

SPoD released a [FAQ guide on legal gender recognition](#).

*Main action points for the coming year:*

- The government should ensure that trans identities are depathologised in all areas of life, and rapidly implement ICD-11, which the WHO will launch in 2022;
- Hate crimes against trans and intersex people should be condemned and adequately prosecuted;
- Counselling and other support should be provided to trans and intersex people exposed to bullying, intolerance and violence.

### **A supportive and enabling environment for civil society**

NGOs have been undergoing audits carried out directly by the Minister of Internal Affairs.

In 2020 a group of people involved with radical Islamist groups announced that they would raid the offices of LGBTI+ organisations in Beyoğlu, Taksim of Istanbul, and attack the activists. There are three LGBTI+ organisations in Taksim: SPoD, LISTAG and Hevi LGBTI+. SPoD called for police protection of the offices, which the police did for many months. They have since stopped the protection and the attacks have so far not taken place.

*Main action points for the coming year:*

- Stop targeting and criminalising human rights organisations;
- Creation of mechanisms to ensure the right to freedom of expression and association.

### **Recommendations on how the EU delegation/European Commission can support LGBTI civil society**

- The EU Delegation should continue working with local LGBTI+ organisations and strengthen the relationship with them. Increased cooperation as well as direct and organic communication with LGBTI+ organisations is highly recommended. The EU Delegation should help foster communication and cooperation between LGBTI+ civil society and local governments;
- The EU Delegation and Commission should continue working on improving LGBTI+ rights in Turkey with the government and governmental bodies;

- The EU Delegation should continue trial observations and advocating for the allocation of sufficient resources for the LGBTI+ movement in Turkey;
- Ensure implementation of priorities for LGBTIQ equality as outlined in the EU's [LGBTIQ Equality Strategy 2020-2025](#), including implementation of specific commitments for accession countries such as supporting the monitoring and data collection on the situation of LGBTIQ people in the region;
- Ensure inclusion of LGBTIQ civil society in the implementation of the EU's [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LBTI women as a group at high risk of gender based violence and domestic violence;
- Ensure inclusion of LGBTI civil society in the implementation of the EU's [Human Rights and Democracy Action Plan](#), which specifically commits to tackling discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people.