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## **BELGIUM to introduce 'X' as third, non-binary gender**

By Gabriela Galindo

The Brussels Times (09.11.2020) - <https://bit.ly/36wunXk> - Belgium's new government will introduce gender-neutrality throughout its term and make it possible for non-binary citizens to use the gender identifier "X."

Federal Justice Minister Vincent Van Quickenborne said gender inclusion and self-determination will be one of the policies he will work on throughout his tenure, according to a general policy note released last week.

Van Quickenborne's note follows a Constitutional Court ruling last year which said Belgium's law on transgender people should be made more inclusive, the Belga news agency reports.

The court found that the law, which was passed in 2017 to allow people to modify the gender assigned to them at birth, needlessly maintained binary masculine and feminine genders, making it restrictive and discriminatory.

It therefore ruled that the law must take into account a person's right to self-determination.

The justice minister said that his cabinet would push modifications of the law in parliament to "make [the law] on gender registration conform with the court's decision."

Van Quickenborne said the changes in question were "an ethically sensible issue" and said he hoped the debate could take place "in an open and flexible way" in parliament, where it would face lawmakers from the conservative fringes, such as the N-VA and the Vlaams Belang (VB) as well as his party's coalition partner, the Flemish CD&V.

The move to do away with binary gender norms comes at a crucial time for LGBTQ rights across the globe, as some countries uphold and pursue diverse agendas while others seek to suspend or restrict civil rights and liberties.

While countries like Sweden and China beat Belgium to the punch in terms of inclusive gender legislation by decades —with both countries having passed their first transgender laws in the 70s— Belgium is a trailblazer in terms of political representation.

In 2011, Belgium became the first country in modern history to be led by an openly gay man, Elio Di Rupo, who is now the Walloon region's minister-president.

The country broke new ground again this year with the appointment as Deputy Prime Minister of Petra De Sutter, who is now the highest-ranking transgender politician in Europe.

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## **BELGIUM: Event in Brussels on LGBTQI rights highlights elevated risk during pandemic times**

***LGBTQI activists raise alarm over an increase in hate speech and violence and propose strategies to strengthen protections by improving funding mechanisms.***

By Brianna Hertford

The European Times (08.10.2020) - <https://bit.ly/3nNnXL2> - LGBTQI people around the world, an already marginalized group, have been subjected to an [increase in risk and violence](#) largely due to responses towards and misinformation about the COVID-19 pandemic, said panelists of a conference held by the Friedrich Naumann Foundation for Freedom.

At this Brussels-based event, panelists from Poland, Bangladesh, and Iraq reported that political and religious leaders have been using LGBTQI people as a scapegoat for the pandemic and building on existing narratives of LGBTQI people as a threat. Additionally, measures such as quarantines to combat the pandemic increased risk, as LGBTQI people were stuck in abusive homes or kicked out of temporary housing.

The LGBTQI activists speaking also spotlighted country-specific concerns.

In Poland, a Catholic majority country, Julia Maciocha, the Director of Warsaw Pride, highlighted the discrepancy between the outspokenly anti-LGBTQI agenda of the government and the general public's sentiments, citing the finding that about 50% of Polish people support same-sex marriage.

Moreover, state-sanctioned hostility towards LGBTQI people in Poland is at odds with many of the commitments and values of the EU, which has led to controversies such as the so-called 'LGBT-free zones'. In July 2020, the European Commission [rejected applications](#) from six Polish towns to 'twin' with other EU cities because these towns had declared themselves 'LGBT free'. Consequently, they didn't receive the funding for this exchange programme. A month later, the Polish Justice Minister announced that the government would provide financial support to these towns and decried the EU's actions as '[illegal and unauthorized](#)'.

Amir Ashour, the Founder and Executive Director for [IraQueer](#) stated that in Iraq, a Muslim majority country, LGBTQI people live with the constant fear of violence, torture, or even death. He also highlighted an issue essential to the discussion of risk, which is that when LGBTQI people flee to Western countries, they are often forced to 'prove' their sexual orientation or gender identity during the refugee determination process.

An activist from Bangladesh, who remained anonymous for safety reasons, explained that in Bangladesh, a Muslim majority country, homosexuality is still criminalized by a law inherited from British colonialism. After the 2016 highly publicized murder of Xulhaz Mannan, the founder of the first Bengali LGBT magazine, the movement was forced underground. Since then, social media platforms have been essential for LGBTQI activists to mobilize in a safe way.

Belgium is ranked as the [second-best](#) country regarding LGBTQI rights in Europe by ILGA Europe, but the lived experience of the LGBTQI community varies widely depending on which 'letter' one identifies with. For example, intersex children are still operated on at birth because, legally, parents need to register a child's sex with their birth certificate. Despite numerous legal protections in Belgium, many individuals still experience violence and discrimination, but do not always report to the police.

Globally, LGBTQI activists face many hostilities, including online threats and smear campaigns. Fear is a constant reality: fear of increasing political and legal persecution; fear that loved ones may be attacked either because they identify as LGBTQI or are associated with advocacy work; fear for LGBTQI people who are struggling with depression and may commit suicide; and fear of persecution and violence by the state or religious fanatics. Activism comes at an immense personal cost.

### ***Strategies for increasing rights by improving funding mechanisms***

Providing accessible avenues of funding for small NGO's and grassroots initiatives in challenging political and social environments is an essential step forward in protecting and advancing LGBTQI rights worldwide. Funding is often an issue, but the situation has become especially dire for many activists since governments and donors are not giving as much due to the pandemic. One of the many reasons funding is so essential is that activists often cannot find paid work due to their role as human rights defenders and so, without funding, these movements may become unsustainable.

Currently, application processes for funding are typically very time-consuming and complicated for activists on the ground, often requiring experts to complete them which is an added expense. These applications take precious human resources away from their actual work. It is in everyone's best interest to balance the need for transparency and accountability on the one hand, and the need for accessibility on the other.

At the end of the event, there was a call for increased intersectionality during any decision-making process about the LGBTQI community ranging from funding mechanisms to policymaking. Tailoring a programme to fit the needs of one 'letter' is insufficient, because each member of the community will have different needs. Other factors such as an individual's race, ability, age, etc must also be considered. Without taking them into account and planning accordingly, well-intentioned legislation and policies will continue to exclude already marginalized members of minority groups.

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## **BELGIUM's De Sutter breaks new ground for transgender politicians**

***POLITICO takes a look at those who paved the way before Petra De Sutter, who is now Europe's highest-ranking transgender politician.***

By Laurenz Gehrke

POLITICO (01.10.2020) - <https://politi.co/30JkmDM> - Petra De Sutter made history Thursday with her appointment as Belgium's new deputy prime minister, making her the highest-ranking transgender politician in Europe.

De Sutter has previously broken new ground for the EU's transgender community, becoming the first Belgian transgender woman on a parliamentary list of a political party when she ran in the 2014 European Parliament election, though unsuccessfully. She later also became the first openly transgender Belgian MP that same year and ultimately won a seat as an MEP last year.

Katrin Hugendubel, the advocacy director of LGBTQ rights group ILGA-Europe, praised De Sutter's new role as "great news," adding: "We'll miss one of our strongest partners in the European Parliament, but are heartened to know such a committed equality and social justice champion will have a key role in the Belgium government."

De Sutter — who is also known for her work as a gynecologist and fertility expert, and has advocated for legislation to improve access to medically-assisted reproduction — has previously stressed that being transgender is only part of who she is.

"I don't want to be reduced to my transgender past, it's [only] one part of my identity," she said last year while campaigning in the European election. "I have many others. I want people to talk about me because of my work, because of my political actions."

A look at the history of openly transgender politicians shows it's a relatively short list of people who came before De Sutter in Europe, as well as worldwide.

The 2017 book "A Path to Diversity: LGBTQ Participation in the Working World" identifies Germany's Christian Schenk as Europe's first transgender member of parliament, though he was not publicly out as transgender when he joined the Bundestag in 1990, and did not make the official legal transition until 2006, after he had left parliament.

Schenk, who served as an MP between 1990 and 2002, said in several interviews after publicly coming out that — having fought for women's rights while he was still a woman — he would continue to do so as a man. "Testosterone changes the hormone balance and not the brain content," he said.

The first openly transgender MP in Europe was Italy's Vladimir Luxuria, who was elected to the Chamber of Deputies in 2006.

While campaigning, Luxuria complained that Italy was "one of the very few nations in the European Union that did not recognize civil unions," vowing to advocate for gay rights. The country didn't start recognizing same-sex civil unions until a decade later.

When Luxuria left the Chamber of Deputies in 2008, there were no trans parliamentarians in Europe on the national level, until Anna Grodzka joined Poland's parliament in 2011. She remained a member until 2015, a year after De Sutter joined the Belgian senate.

"Today, Poland is changing. I am the proof along with Robert Biedroń, a homosexual and the head of an anti-homophobia campaign who ran for office in Gdynia," Grodzka said at the time, adding that she would be the only trans member of a parliament in the world — at least for the time being. The world's first openly transgender MP, New Zealand's Georgina Beyer, had left her seat in 2007 after entering office in 2005.

Despite Grodzka's conviction that her election marked the beginning of change for Poland, members of the LGBTQ community have faced increased discrimination there since — in particular in the run-up to the country's presidential election earlier this year.



The European Parliament's first openly transgender member was Nikki Sinclair, who served as an MEP for the UK Independence Party and later as an independent from 2009 to 2014, and came out as transgender in 2013.

Hugendubel from ILGA-Europe said De Sutter's new role is especially significant at a time when "trans rights are being viciously attacked in Europe and the authenticity of gender identity is being called into question."

"[It] means a lot for the LGBTI community to see a woman like her appointed to one of the highest roles in a European government."

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## **CROATIA: Torched effigy of gay couple causes outrage in Croatia**

***Politicians and human rights groups have jointly condemned the burning of an effigy of a same-sex couple and their child at a carnival on Sunday in the Dalmatian town of Imotski.***



*Photograph by Bosko Cosic*

By Anja Vladislavljevic

Balkan Insight (24.01.2020) - <https://bit.ly/2SWG1OL> - The Croatian President, government ministers, LGBT rights groups and the Ombudsperson on Monday all condemned the burning of an effigy of a kissing same-sex couple and their child at a Dalmatian carnival, calling it a hateful act. The image was torched at Sunday's traditional carnival in the small town of Imotski in the Dalmatian Hinterland.

President Zoran Milanovic condemned the act on Facebook as "inhumane and totally unacceptable". Education Minister Blazanka Divjak and Economy Minister Darko Horvat also condemned it.

The Rainbow Family Association, which gathers LGBT couples and individuals who have or want to have children, on Monday said the action sent an appalling message to society and to children especially.

"The scary scenes from Imotski cannot be justified by carnival customs... What kind of message is being sent to our children, children who nowadays in Croatia grow up with lesbian mothers or gay fathers?" Daniel Martinovic the association's coordinator, said.

"I find it incomprehensible, devastating and sad. It teaches children that it is okay to hate. That's unacceptable," Ombudsperson Lora Vidovic tweeted on Sunday.

A Social Democrat MP, Arsen Bauk, said that he would file charges against the organisers of the carnival.

Each year, carnivals across Dalmatia select new figures to feature as effigies, often selecting things or people that have made local inhabitants upset and angry.

Part of the effigy burned in Imotski clearly showed the face of Social Democratic Party MP Nenad Stazic, who has campaigned in parliament for same-sex couples to be allowed to foster children. His character had also a red star on his forehead, the symbol of former communist Yugoslavia.

When local media outlet Slobodna Dalmacija asked the carnival organisers why they had chosen a same-sex couple as an effigy to burn, one said: "We remain conservative, sticking to tradition. Give the baby to a mother, as the saying goes. We think that's right."

The torching comes after the Constitutional Court published a ruling at the end of January that obliges courts and relevant authorities to give all competent applicants to foster equal opportunities, including same-sex couples. The ruling was welcomed by human rights organisations but criticised in socially conservative circles.

It is not the first time that carnivals in Croatia have featured effigies targeting minority groups. In March last year, at the carnival in the coastal town of Kastel Sucurac, an effigy of the Croatian Serb leader and parliamentarian Milorad Pupovac was burned. Pupovac told BIRN that it was a nationalistic and chauvinistic act.

In February 2018, a replica of Croatia's first picture book about same-sex families "My Rainbow Family" was ceremonially burned at the carnival in Kastela. LGBT rights groups filed a complaint against the carnival organisers, and the Science and Education Minister, Blazenka Divjak, condemned the book's burning.

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## **CZECH REPUBLIC: Czechs demand equal marriage after COVID rules allow weddings but not civil partnerships**

***The legal mess shows why 'separate but equal' is never good enough.***

Gay Star News (20.11.2020) - <https://bit.ly/2JFM3IE> - The Czech government has snubbed civil partnership ceremonies while loosening COVID restrictions on heterosexual marriages.

The inequality – which may be deliberate discrimination or simply a mix-up – provides the perfect illustration of why 'separate but equal' laws for same-sex couples aren't good enough.



The Czech Republic's new coronavirus rules allow 'traditional' weddings with up to 15 guests.

However registered partnerships – which have been legal for same-sex couples since 2006 – can only go ahead if they are 'urgent'.

This means two distinct circumstances – either one of the partners is suffering from serious ill health and may die or one of the partners is a foreigner who may have to leave the country due to the length of their residency permit.

The inequality may be swiftly resolved. Already the Interior Minister, Jan Hamáček, has tweeted that the government will 'fix it as soon as possible'.

### ***'Clear and unjustifiable discrimination'***

But despite that comment, many have criticized the Czech government.

Today the European Parliament's Intergroup on LGBT Rights has written to Hamáček and Deputy Prime Minister Andrej Babiš about the issue.

The group said: 'The decree which lifts the ban on the freedom of movement for the purposes of a wedding but not for the purposes of registration of same-sex partnership, directly discriminates against same-sex couples.

'Unlike different-sex couples, who can marry freely, the only requirement being a restriction on the number of guests at their weddings, same-sex couples can only register their partnership in the case of urgency, such as if one of their lives is at risk.

'This constitutes clear and unjustifiable discrimination.'

The letter reminds the ministers that EU members should not 'abuse emergency powers' in this way during the COVID crisis.

### ***Equal marriage is the answer***

Meanwhile campaign organization Jsme fér (We Are Fair), posted their take on the rules on Facebook:

'Do you want to affirm your love at the time of Covid? Yes, but only if you die. Does that seem absurd to you? A new reality for gays and lesbians.'

The group also used the post to renew its appeal for marriage for all. It added:

'Equal marriage is a solution that once and for all stops dividing society.'

Research published in January 2020 found that 67% of Czechs support same-sex marriage.

But although the government announced its support for a same-sex marriage bill in 2018, it has repeatedly delayed a vote on the issue.

## **EU: 'Political backlash' blamed for halting LGBT+ rights gains in Europe**

***Legislative progress on LGBT+ rights have come to a near-standstill as polarisation mounted from Poland to Turkey, report says***

By Rachel Savage

Openly News (17.05.2021) - <https://bit.ly/3vpuFtZ> - Progress on laws to boost LGBT+ rights has come to a virtual standstill in Europe amid a rise in homophobic and anti-transgender rhetoric by politicians in countries including Poland and Hungary, an advocacy group said on Monday.

Britain, Italy and Ukraine were among the nations that scored lower rankings in this year's "Rainbow Europe" index compiled by ILGA-Europe, which said legislative reforms had stalled due to increasing polarisation over LGBT+ rights.

"There's been a clear political backlash in many countries, and not just ones grabbing headlines like Poland and Hungary," Evelyne Paradis, ILGA-Europe's executive director, told the Thomson Reuters Foundation by phone.

Under Prime Minister Viktor Orban, Hungary has excluded same-sex marriage from the constitution, effectively banned gay adoptions and legal recognition of trans people, and often depicts homosexuality as an aberration.

In Poland, LGBT+ rights have become a flashpoint in a wider culture war unfolding between religious conservatives and liberals, highlighting what Paradis described as "growing political polarisation" in various countries.

"It's becoming harder to mobilise across the political spectrum to get the issues done. There's mounting opposition. There's also frankly a lack sometimes of political will to see it through," she said.

Paradis said countries including Sweden, the Netherlands, Britain and France had fallen behind on commitments to implement further LGBT+ rights reforms since the start of the coronavirus pandemic.

There was praise, however, for North Macedonia and Bosnia, which both took steps to protect people who attend LGBT+ Pride marches.

Paradis said the launch of the EU's first LGBT+ strategy in November 2020 was further evidence that progress was possible during a pandemic.

Malta topped the Rainbow Europe rankings for the sixth consecutive year, improving its score by adding protections for LGBT+ asylum seekers and refugees.

Iceland was commended for letting non-binary people, who do not identify as either male or female, to register their gender as "X" and allowing 15 to 17-year-olds to change legal gender with a parent or guardian's permission.

Paradis said proposals presented to advance LGBT+ rights in at least 15 countries, including France, the Czech Republic and Ukraine, could be implemented in the coming year.

"Governments have to follow through on their promises," she said.

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## **EU: The rights of LGBTI people in the European Union**

European Parliament (11.05.2021) - <https://bit.ly/3xY7F78> - The European Parliament has just published an updated version of a 12-page document titled "[The rights of LGBTI people in the European Union](#)". It replaces the former versions of 2019 and 2020.

The prohibition of discrimination and the protection of human rights are important elements of the EU legal order. Nevertheless, discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people persists throughout the EU and takes various forms, including verbal abuse and physical violence.

Sexual orientation is now recognised in EU law as grounds of discrimination. However, the scope of the provisions dealing with this issue is limited and does not cover social protection, health care, education or access to goods and services, leaving LGBTI people particularly vulnerable in these areas. Moreover, EU competence does not extend to recognition of marital or family status. In this area, national regulations vary, with some Member States offering same-sex couples the right to marry, others allowing alternative forms of registration, and yet others not providing any legal status for same-sex couples.

Same-sex couples may or may not have the right to adopt children and to access assisted reproduction. These divergent legal statuses have implications, for instance, for partners from two Member States with different standards who want to formalise/legalise their relationship, or for same-sex couples and their families wishing to move to another Member State.

Combating discrimination has become part of EU internal and external policies, and is the subject of numerous resolutions of the European Parliament. However, action in this area remains problematic when it touches on issues pertaining to areas traditionally the preserve of Member States, such as marital status and family law. This is a further updated version of a briefing originally drafted by Piotr Bakowski. The previous edition, from November 2020, was by Rosamund Shreeves.

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## **EU : Long road to motherhood: Lesbians fight for IVF in Europe**

***Same-sex marriage or civil partnership is legal in 30 European countries, but laws allowing lesbian couples to have children - through adoption or sperm donation - have lagged behind***

By Rachel Savage

Thomson Reuters Foundation (26.04.2021) - <https://tmsnrt.rs/3xwcXXu> - It took Leonie Plastina and her wife Sonja years of careful research - poring over LGBT+ rights laws and private medical costs in various European countries - to fulfil their dream of having children.

The Swiss couple consider themselves lucky - Sonja conceived in their first round of in-vitro fertilisation (IVF), which they eventually did in Spain. But their costly, cross-border quest highlights the challenges lesbian couples face to parenthood.

"It makes you painfully aware that you're not really the same," Plastina said on a video call. "You almost feel like you are living in a parallel world, where you are treated different just because of the fact of who you love."

Same-sex marriage or civil partnership is now possible in 30 European countries, according to LGBT+ advocacy group ILGA-World, but legislation allowing lesbian couples to have children - either through adoption or sperm donation - has lagged behind.

Across Europe, 21 countries let one member of a same-sex couple adopt a partner's child, 17 permit joint adoption and 14 allow lesbian couples access to fertility treatments involving donated sperm, including IVF.

Lawmakers in Switzerland, where civil partnerships have been legal since 2007, voted in December for same-sex marriage, a law that also included joint adoption and access to donated sperm for married lesbian couples.

The law is expected to be challenged in a referendum later this year, but polls show large majorities in favour of the policies, meaning couples like the Plastinas could soon be able to get fertility treatment in their home country.

The couple, who got a civil partnership in 2016 but consider themselves married, are now expecting their second son, after transplanting a frozen embryo left over from their first round of IVF.

In total, they have spent about \$15,000 on their fertility treatments, not including travel costs, a price too high for many. Leonie also had to adopt their son, Joshua, once it became legal to do so in 2018, which took almost two years.

Opponents of allowing lesbian couples - and often single women, too - to access to fertility treatment, often point to the importance of children having fathers, but also to wider concerns about fertility treatment.

"Many factors could influence (opponents): a conservative cultural approach, a religious heritage linked to the 'sanctity of life' concept, the manipulation of these issues for political consensus," Elena Falletti, a law researcher at University Carlo Cattaneo in Italy, said by email.

Switzerland's largest party, the People's Party (SVP), opposes the same-sex marriage and IVF law, saying on its website that the proposals defy "a natural order that no ideology can ever change".

### **'MACHO COUNTRY'**

Laws banning lesbians from having fertility treatment at home send many abroad in their quest.

Emilie Jouvét, a lesbian filmmaker from Marseilles in France, spent 11,000 euros (\$13,270) on seven rounds of artificial insemination and two rounds of IVF in Belgium, before finally falling pregnant.

"France is a very macho country," said Jouvét, 44, whose daughter is now almost five.

"They talk about the well-being of the children, but in fact they don't really care about the well-being of children. It's just a way of (stopping) women being independent and free," said Jouvét, who was single when she conceived.

French President Emmanuel Macron pledged to legalise IVF for single women and lesbian couples in 2017, and the measure won preliminary approval before being blocked by senators earlier this year. Lawmakers must now seek to reach a compromise.

Campaign group Manif Pour Tous, which also mobilised large protests against same-sex marriage before it was legalised in 2013, hailed the senators' vote in a statement on its website, calling it a "victory for the best interests of the child".

Campaigners held a "Dyke March" in Paris on Sunday, ahead of Lesbian Visibility Day on April 26, to protest against the removal of lesbians and single women from the bioethics bill.

"We demand, among other things, anonymous assisted reproduction by default, free and reimbursed for all, without any conditions," Lea Haurie-Hontas, a spokeswoman for Les Collages Lesbians, the group planning the march, said by email.

### **EQUAL ACCESS**

But even in countries where fertility treatment for lesbian couples is legal, there are demands to make state funding for the treatment equal to that guaranteed for straight, infertile couples.

In much of England, same-sex female couples have to pay for six cycles of intrauterine insemination (IUI) - which is cheaper but generally less effective than IVF - at private clinics before being offered six free cycles of IUI, and then IVF.

In comparison, heterosexual couples are offered three free cycles of IVF if they have not conceived after two years of unprotected sex.

One cycle of IUI costs between 700 and 1,600 pounds (\$2,220), according to government estimates, while donor sperm costs at least 850 pounds - money that LGBT+ campaigners say many struggle to afford.

Despite the costs, more lesbian couples are turning to fertility treatment to start a family, accounting for 2,151 IVF cycles and 2,599 IUI cycles in 2018, up from 320 and 875 a decade earlier, according to the most recent official data.

The NHS funded 14% of those IVF cycles, compared to 39% for heterosexual couples, the data showed.

British couple Stacey Pearson, an international football referee, and Danielle Beazer, who manages a physiotherapy clinic, had their daughter Willow in July 2018 from Beazer's first IVF cycle.

However, Beazer has since had two miscarriages and, having spent about 17,000 pounds, the 34-year-olds cannot afford to pay for more fertility treatment right now.

"For some people who would be amazing parents, it's just unaffordable," Pearson said.

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## **EU: MEPs proclaim the EU an LGBTQ 'Freedom Zone'**

***The resolution was a reaction to a string of Polish cities declaring themselves free from LGBTQ 'ideology.'***



By Maïa De La Baume

Politico (11.03.2021) - <https://politi.co/3bHFXT9> - MEPs on Thursday overwhelmingly adopted a resolution that called the EU an "LGBTIQ Freedom Zone" — a reaction to the recent wave of Polish cities that have declared themselves free from LGBTQ "ideology."

Lawmakers voted 492 to 141 to adopt the nonbinding text. The resolution is meant to add political pressure on countries where "backlash against LGBTIQ people is often coupled with a broader deterioration in the situation of democracy, the rule of law and fundamental rights," the text said.

"Rather than discriminating against LGBTIQ persons," it added, "the authorities at all levels of governance across the entire European Union should protect and promote equality and the fundamental rights of all, including LGBTIQ persons, and ensure their rights in full."

The resolution then said it "declares the European Union an 'LGBTIQ Freedom Zone.'"

The text specifically targeted Poland, where "over 100 regions, counties and municipalities" have passed anti-gay declarations since March 2019, either proclaiming themselves free from "LGBT ideology" or approving discriminatory "family charters."

It then lists the number of times the EU either [withdrew](#) financing or rejected applications for financing from these Polish towns. Last August, the European Commission [rejected grants](#) for six Polish towns due to such anti-gay declarations.

The text also emphasized that some EU countries "lack specific non-discrimination laws," while others like Malta, Portugal and some regions of Spain still prohibit "medical intervention on intersex persons without their consent."

The vote on the resolution took place a day after MEPs debated the issue with the Portuguese presidency of the Council of the EU and Helena Dalli, the European commissioner for equality. Last November, the Commission launched [a strategy](#) to protect LGBTQ rights across the bloc and extended the list of "EU crimes" to include hate crimes and hate speech targeting LGBTQ people.

"Cities and villages of Western Europe, declare yourself LGBTIQ freedom areas," Pierre Karleskind, a French MEP from the liberal Renew Europe group — and the initiator of the resolution — said during the debate.

His socialist colleague Iratxe García, the leader of the Progressive Alliance of Socialists and Democrats, directly addressed the leaders of Poland and Hungary, saying "the only ideology that threatens human rights is the ideology of hate and intolerance."

"We will never live in a Europe that forces its male and female citizens to hide from things and people," she added.

However, other groups called the resolution obsolete and proof that the EU is meddling in issues outside its jurisdiction.

A group of Euroskeptic MEPs from the far-right Identity and Democracy group even drafted an alternative resolution stating that the EU was "among the safest places on Earth for sexual minorities," that "both sexes are required for humans to procreate" and that any legislation on marriage and parenthood should "depend exclusively on the sovereignty of member states."

## **EU: Covid spurring hate speech against LGBTI in Europe**

AFP (16.02.2021) - <https://bit.ly/2Nkd7yC> - Hate speech against LGBTI people in Europe and Central Asia has spiked during the coronavirus pandemic, a group defending their rights said on Tuesday.

Verbal attacks on members of lesbian, gay, trans, bisexual and intersex communities by politicians have risen in Albania, Azerbaijan, Bosnia, Bulgaria, the Czech Republic, Estonia, Finland, Hungary, Italy, Kosovo, Latvia, Moldova, North Macedonia, Poland, Russia, Slovakia and Turkey, the ILGA-Europe federation said in its annual report surveying 54 countries.

Religious leaders in Belarus, Greece, Slovakia, Turkey and Ukraine are also accused in the report of hate speech, with some of them alleging LGBTI people are behind the spread of Covid-19.

The federation, representing 600 associations, also pointed the finger at increased hate speech in online media in Belgium, Bulgaria, Croatia, the Czech Republic, Malta, Montenegro, Russia and Turkey -- and in mainstream media in some cases, notably in Slovenia and Ukraine.

"There has been a resurgence of authorities and officials using LGBT people as scapegoats," ILGA-Europe's chief, Evelyn Paradis, said.

The targeting was part of an overall "crackdown on democracy and civil society" in many countries, the federation said, pointing to EU members Poland and Hungary among others.

It noted Poland's "LGBT-ideology free zones" set up by several local councils, along with Hungary's rewriting of its constitution to emphasise traditional binary sexual identification for parents and a law banning same-sex adoption.

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## **EU: The Commission presents its first-ever strategy on LGBTIQ equality in the EU**

European Commission (12.11.2020) - <https://bit.ly/38RFD3k> - The European Commission presented today the first-ever EU Strategy for lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) equality, as announced by President von der Leyen in her [2020 State of the Union Address](#).

While progress in the EU was made towards LGBTIQ equality over the past years, discrimination against LGBTIQ people persists with 43% feeling discriminated. The COVID-19 crisis has only exacerbated the situation. Today's Strategy addresses the inequalities and challenges affecting LGBTIQ people, setting out a number of targeted actions, including legal and funding measures, for the next 5 years. The Strategy proposes to extend the list of EU crimes to cover hate crime, including homophobic hate speech and hate crime and to bring forward the legislation on the mutual recognition of parenthood in cross border situations, among others. It also ensures that LGBTIQ concerns are well reflected in EU policy-making, so that LGBTIQ people, in all their diversity, are safe and have equal opportunities to prosper and fully participate in society.

Vice-President for Values and Transparency Vera Jourová said: "Everyone should feel free to be who they are – without fear or persecution. This is what Europe is about and this is what we stand for. This first strategy at EU level will reinforce our joint efforts to ensure that everyone is treated equally."

Commissioner for Equality, Helena Dalli said: "Today, the EU asserts itself, as the example to follow, in the fight for diversity and inclusion. Equality and non-discrimination are core values and fundamental rights in the European Union. This means that everybody in the European Union should feel safe and free without fear of discrimination or violence on the grounds of sexual orientation, gender identity, gender expression or sex characteristics. We are still a long way away from the full inclusion and acceptance that LGBTIQ people deserve. Together with the Member States, I trust we can make Europe a better and safer place for all. In this regard, the strategy calls on those Member States that do not have national LGBTIQ equality strategies to adopt one, addressing the specific equality needs of LGBTIQ people within their country."

### ***Actions towards LGBTIQ equality in 2020-2025***

The Strategy sets out a series of targeted actions around four main pillars, focused on: tackling discrimination; ensuring safety; building inclusive societies; and leading the call for LGBTIQ equality around the world. Some of the key actions outlined in the Strategy include:

- **Fighting discrimination:** Legal protection against discrimination is key to advancing LGBTIQ equality. The Commission will undertake a stocktaking exercise, in particular in the area of employment. The report on the application of Employment Equality Directive will be published by 2022. Following up to the report the Commission will put forward any legislation, namely on strengthening the role of equality bodies. The Commission will also put forward a regulatory framework that will specifically address the risk of bias and discrimination inherent in artificial intelligence (AI) systems.
- **Ensuring safety:** LGBTIQ people disproportionately suffer from hate crime, hate speech and violence while the under-reporting of hate crimes remains a serious problem. To harmonise protection against anti-LGBTIQ hate crime and hate speech, the Commission will present an initiative in 2021 to extend the list of 'EU crimes' to include hate crime and hate speech, including when targeted at LGBTIQ people. In addition, the Commission will provide funding opportunities for initiatives that aim to combat hate crime, hate speech and violence against LGBTIQ people.
- **Protecting rights of rainbow families:** Due to differences in national legislations across Member States, family ties may not always be recognised when rainbow families cross the EU's internal borders. The Commission will bring forward a legislative initiative on the mutual recognition of parenthood and explore possible measures to support the mutual recognition of same-gender partnership between Member States.
- **LGBTIQ equality around the world:** In various parts of the world, LGBTIQ people experience serious rights violations and abuses. The Commission will support actions for LGBTIQ equality under the neighbourhood, development and international cooperation instrument (NDICI), the Instrument for Pre-accession Assistance (IPA) and the Asylum and Migration Fund.

### ***Integrating LGBTIQ equality into EU policies***

Under the lead of Commissioner for Equality, Helena Dalli, and with support of the Task-Force on Equality, the Commission will also integrate the fight against discrimination affecting LGBTIQ people into all EU policies and major initiatives.

## **Next steps**

Member States are encouraged to build on existing best practices and develop their own action plans on LGBTIQ equality. The objective will be to protect better LGBTIQ people against discrimination, to complement action under this strategy with measures to advance LGBTIQ equality in areas of Member State competence.

The European Commission will regularly monitor the implementation of the actions outlined in the Strategy and present a mid-term review in 2023.

## **Background**

The Strategy presented today is the first Commission strategy in the area of LGBTIQ equality, delivering on President von der Leyen's commitment to a Union of Equality.

The Strategy builds upon the [List of Actions to Advance LGBTI Equality](#). It links to other European Commission strategic frameworks and strategies, including the recently adopted EU Action Plan against racism 2020-2025, the Victims' Rights Strategy, and the Gender Equality Strategy.

Equality and non-discrimination are core values and fundamental rights in the EU, enshrined in its Treaties and in the Charter of Fundamental Rights. In recent decades, legislative developments, case law and policy initiatives have improved many people's lives and helped us building more equal and welcoming societies, including for LGBTIQ people. While there is greater social acceptance and support for equal rights in the EU, it has not always translated into clear improvements in LGBTIQ people's lives. According to the [European Union Agency for Fundamental Rights \(FRA\)](#) 43% of LGBT people declared that they felt discriminated against in 2019, as compared to 37% in 2012. The COVID-19 crisis has brought new pressures for the most vulnerable groups, and LGBTIQ people are no exception.

Many of the policy areas linked to improving LGBTIQ equality are primarily national responsibilities. However, the EU has an important role in providing policy guidance, coordinating actions by Member States, monitoring implementation and progress, providing support via EU funds, and promoting the exchange of good practices between Member States.

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## **EU: Does hope or fear prevail among Europe's LGBTI people?**

FRA (14.05.2020) - <https://bit.ly/36ee9l6> - More lesbian, gay, bisexual, trans and intersex (LGBTI) people are now open about who they are but fear, violence and discrimination remain high, show the results of the EU Fundamental Rights Agency's survey on experiences of LGBTI people in Europe. With 140,000 respondents, it is the largest ever survey on hate crime and discrimination against LGBTI people. The findings should drive policy measures to further protect and promote the rights of LGBTI people.

"Too many LGBTI people continue to live in the shadows, afraid of being ridiculed, discriminated or even attacked. Even though some countries have advanced LGBTI equality, our survey findings show that overall there has been too little real progress, leaving many LGBTI people vulnerable. Their job and healthcare difficulties may worsen due to COVID-19. Policymakers should take note and do more to actively promote full respect for rights of LGBTI people," says FRA Director Michael O'Flaherty.

European Commissioner for Equality, Helena Dalli added: "Despite the important steps forward regarding the equality of LGBTI+ people in the EU in the last years, LGBTI+ people still report high levels of discrimination. More worryingly, we have recently witnessed within the EU anti-LGBTI incidents such as attacks on prides, the adoption of 'LGBTI ideology-free zone' declarations, fines for LGBTI-friendly advertisements and others. Everybody in the European Union should feel safe and free to be themselves."

The '[A long way to go for LGBTI equality](#)' report looks at how around 140,000 LGBTI people in the European Union, the United Kingdom, Serbia and North Macedonia experience their human rights. It also underlines changes since FRA's first LGBT survey carried out in 2012.

Comparing the two surveys reveals little overall progress over the seven years. The EU averages mask important differences between countries. In some, over 70% LGBTI respondent say society is more tolerant, while in others, up to 68% say it is less.

**Key survey findings include:**

- **Openness:** 6 in 10 avoid holding hands in public with their partners.
- **Harassment:** 2 in 5 respondents say they were harassed the year before the survey.
- **Attacks:** 1 in 5 trans and intersex people were physically or sexually attacked, double that of other LGBTI groups.
- **Discrimination:** 1 in 5 feel discriminated against at work and over 1 in 3 feel discriminated against when going out to eat, drink or being social.
- **Schooling:** 1 in 2 LGBTI students say someone among their peers or teachers supported LGBTI people.
- **Economic situation:** 1 in 3 LGBTI people say they have difficulties to make ends meet. The situation is worse for intersex and trans people (about 1 in 2).

This evidence will support the European Commission's LGBTI Equality Strategy due this year. FRA calls on the EU and its Member States to put in place measures protecting the rights of LGBTI people, including:

- **Hate crime** – build a culture of zero tolerance towards violence and harassment of the LGBTI community so that LGBTI people can enjoy their right to move freely and without fear. Invest in training to ensure that police can recognise, record and properly investigate hate crimes against LGBTI people so that victims feel safe to report attacks and are treated equally.
- **Reporting** – make it easier for victims to report crimes and discrimination through online reporting tools, community liaison and police training. Adequately resource equality bodies so they can effectively support victims of discrimination.
- **Discrimination** – adopt the Equal Treatment Directive to extend protection against discrimination beyond employment. Realise comprehensive national actions plans to promote respect for rights of LGBTI people across all areas of life.
- **Schooling** – create safe and supportive environment for young LGBTI people at school. Help schools and teachers to share experiences, counter bullying of LGBTI students and ensure educational materials do not equate being LGBTI with having a disease.
- **Lead by example** – everyone can play their part so that equality becomes a reality.

This survey covers the EU 27 Member States, the UK, Serbia and North Macedonia. For the first time, it includes experiences of intersex people and young LGBTI people aged 15 to 17.

Together with the main survey results, FRA publishes an extensive [online data explorer](#), which allows to filter data by country, by survey question and by L, G, B, T or I group.



In [our video](#) LGBTI people tell us about their lives - in their own words.

### **More information**

For more information, please see the [press pack](#) or contact [media@fra.europa.eu](mailto:media@fra.europa.eu) (link sends e-mail) / Tel.: +43 1 580 30 653

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## **EU: ILGA-Europe Rainbow Map points to make-or-break moment for LGBTI rights in Europe**

***In light of the COVID-19 crisis, the annual ILGA-Europe Rainbow Map shows we have come to a pivotal moment for LGBTI people's human rights in the region.***

ILGA-Europe (14.05.2020) - <https://bit.ly/3g5m4Fx> - Published today, May 14, 2020, the ILGA-Europe [Rainbow Map and Index](#) reveals that once-leading countries in Europe are falling behind in their commitments to equality for LGBTI people. Combined with the COVID-19 pandemic, which disproportionately affects the most vulnerable and is being used by some governments as an excuse to advance their agendas to curtail human rights, the Map's findings identify a make-or-break moment for LGBTI equality in Europe.

### **Key findings of the Rainbow Map 2020 include:**

- There has been no positive change in 49% of countries
- For the second year in a row, countries are moving backwards on the Rainbow Index, as existing protections are disappearing
- Trans rights are where most of the current movement in terms of LGBTI equality is happening, for better or worse.
- Other forward movement, although on a smaller scale, is in the inclusion of equality measures protecting intersex people against discrimination
- Regression is most visible where civil and political rights are eroded: LGBTI human rights defenders increasingly at risk, authorities taking active measures to undermine civil society associations, and attempts to ban public events

According to Executive Director of ILGA-Europe, Evelyne Paradis: "This is a critical time for LGBTI equality in Europe. With each year passing, more and more countries, including champions of LGBTI equality, continue to fall behind in their commitments to equality for LGBTI people, while more governments take active measures to target LGBTI communities. History shows that those who are vulnerable before a crisis only become more vulnerable after a crisis, so we have every reason to worry that political complacency, increased repression and socio-economic hardship will create a perfect storm for many LGBTI people in Europe in the next few years."

"Our call to put high political priority on LGBTI equality has never been more pressing. The results of this year's Rainbow Map show that equality measures are falling through the cracks in several countries, not because of lack of political and public support but because of widespread complacency about the need for LGBTI equality measures. Fewer and fewer decision-makers are picking up the mantle to see important pieces of legislation through and keep political momentum, so processes are stalling or not being followed up. There are reasons to be extremely worried that this situation will spread as political attention is immersed in the economic fall-out of COVID-19."

Amidst overall stagnation and regression, advances continue to be made on trans and intersex rights. Indeed, most of the positive changes reported this year take place in

countries which included gender identity and sex characteristics in equality laws (as was the case in Andorra, Belgium, the Netherlands, North Macedonia, and Switzerland) and adopted new legal gender recognition (LGR) legislation which respects the principle of self-determination (Iceland) and gives minors access to LGR (Spain). However, in an increasing number of countries, LGR legislative measures are being stalled (Albania, Cyprus, Finland and Sweden), including in the context of a hostile climate on trans rights fuelled by opposition groups, as was the case in the UK. A number of countries are also losing points this year (namely Hungary, Azerbaijan, Serbia, and the UK) because existing administrative and legal procedures that allow for name or gender marker change in official documents for trans people are not effective in practice.

According to Viima Lampinen, Co-chair of the ILGA-Europe Executive Board: "The news that more governments are adopting laws that protect trans, intersex and non-binary people must be read with extreme caution. Targeted attacks on trans rights by opposition groups have been observed in an increasing number of countries across the region, especially transphobic speech fuelled online. The safety and wellbeing of trans communities in Europe remains precarious and only made more fragile by governments' responses to the current pandemic, which is affecting these communities particularly hard. Trans, intersex and non-binary people need governments to stand strong as vocal allies, taking all necessary steps to secure their rights in law and in practice, and taking their needs into consideration in their COVID-19 responses."

The 11th ILGA-Europe Rainbow Map is published at an unprecedented time in the world, during which vulnerable minorities, including LGBTI people, are particularly affected and the inequalities in our societies have been starkly brought into focus. Along with this, a number of European governments have used the pandemic as an excuse to make aggressive moves against LGBTI and other human rights. This is happening at a time when countries like Poland (dropping to the bottom of the EU ranking) and Turkey are going backwards on the Rainbow Index for having failed to uphold such fundamental freedoms as freedom of assembly, freedom of association and protection of human rights defenders.

Says Darienne Flemington, Co-chair of the ILGA-Europe Executive Board: "Countries like Hungary, Poland, Turkey have been in the spotlight because of their policies targeting LGBTI communities prior to the pandemic. The proposed ban of legal gender recognition in Hungary, proposed laws to ban abortion and sex education in Poland, scapegoating of LGBTI people as the source of the coronavirus by Turkey's political leaders – these are all alarming signals of how governments with strong authoritarian tendencies are emboldened by the crisis to further limit the rights of vulnerable groups and minorities. If there was ever a time for European governments and institutions to stand firm on the rule of law and human rights, it is now."

Evelyne Paradis concludes: "Amidst the public health emergency and economic turmoil we are facing, there is a crisis of structural inequality unfolding as well, one that makes the many vulnerable people in our societies even more at risk. In the current climate, it is only more evident that laws and policies are often the last lines of defence for LGBTI communities as other marginalised groups. That's why it's never been more important that governments enshrine the protection of LGBTI people into law and take concrete measures to make sure that they can live as who they are in societies that are just, equal and fair."

### **Executive summary**

Rainbow Europe – ILGA-Europe's annual benchmarking tool – is comprised of the Rainbow Map and Index and national recommendations. ILGA-Europe have produced the Rainbow Map and Index since 2009, using it to illustrate the legal and policy situation of LGBTI people in Europe.

The Rainbow Map and Index ranks 49 European countries on their respective legal and policy practices for LGBTI people, from 0-100%.

In order to create our country ranking, ILGA-Europe examine the laws and policies in 49 countries using a set of 69 criteria – divided between six thematic categories: equality and non-discrimination; family; hate crime and hate speech; legal gender recognition and bodily integrity; civil society space; and asylum. More information on the list of criteria and their weight on the total score can be found at [www.rainbow-europe.org/about](http://www.rainbow-europe.org/about)

Rainbow Europe 2020 individual criteria and the percentage 'weight' assigned to them remain exactly the same as the 2019 version, meaning that it is easier than ever before to compare a country's momentum or regression on LGBTI equality laws.

Policymakers, researchers and journalists are able to go 'behind' the points and see the original information sources that we base our Map and Index ranking on. This additional layer of information is available through our updated Rainbow Europe web module, [www.rainbow-europe.org](http://www.rainbow-europe.org).

The Rainbow Map and Index presents a picture of what the policy landscape is like right now, while our country-specific recommendations attempt to answer the question "what's next?" These recommendations for national policymakers are intended to encourage policymakers to address the most pressing legal and policy priorities within the framework of our Rainbow Map and Index. The recommendations were gathered following an online consultation with a wide range of LGBTI organisations in the various countries. As a result, the recommendations are tailored to the needs of activists working on the ground.

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## **EU: Annual review of the situation of LGBTI people paints a picture at odds with widespread notion that in Europe the work is done**

***Amid rising hate speech and crime, vulnerable people across Europe find themselves disconnected from the popular story of the region's success in securing LGBTI rights, major human rights review finds.***

ILGA-Europe (03.02.2020) - <https://bit.ly/2v5g7FJ> - Launched on the 4 February 2020, the 10th edition of [ILGA-Europe's Annual Review](#) details the human rights situation of lesbian, gay, bisexual, trans and intersex (LGBTI) people across the 49 European countries, and the five countries of Central Asia. Created with LGBTI activists and experts on the ground, the Review also identifies trends, both current and on the rise.

This year's review, which charts developments during the 12 months of 2019, paints a complex picture that diverges from the widespread narrative that all is well for LGBTI people in large parts of Europe. Central to this is a sharp rise in anti-LGBTI hate speech carried out by public figures across Europe - in countries ranging from Bulgaria, Poland and Turkey, to Cyprus, Finland, Greece, Portugal and Spain - and the very real consequences of this for LGBTI individuals and groups. In many countries across the European and Central Asian regions, and not only those with a documented growth in official bias-motivated speech, there has also been an equally sharp increase in online hate-speech and physical attacks on LGBTI people, many of the latter premeditated and brutal.

The review identifies that this is a pan-European phenomenon, from the UK where the populist narrative surrounding Brexit can be linked to an increase in anti-LGBTI hate crimes

and incidents, to the banning of events in many towns and cities on the continent, the prosecution of participants in Pride marches in Turkey, and a growing presence of anti-LGBTI and neo-Nazi protesters in public spaces during LGBTI events across the region.

Alongside the rise in hatred, there is increased movement of people from within the region to countries perceived as less harsh. More LGBTI people left countries such as Albania, Bosnia and Herzegovina, Tajikistan, and Turkmenistan for neighbouring countries where the situation might be perceived as relatively safer. There is also an anecdotal rise in people saying they want to leave countries like Poland for other EU countries.

Reported obstacles in access to healthcare, bullying in schools and the workplace, and LGBTI people being denied services, often with a lack of governmental intervention, all play a part in the overall picture of a Europe where lived experiences for a large part do not match up with the surface message that LGBTI rights and equality have been fully secured.

***According to Evelyne Paradis, Executive Director of ILGA-Europe:***

"It is not all bad news. The issue of bodily integrity for intersex people continues to gain more prominence on the political agenda of governments and institutions. 2019 was a year of positive developments for rainbow families in the region, with an expansion of family rights in a few countries; and important advancements continue to be made on reforming or establishing legal gender recognition procedures, even if in many countries progress is slowing down.

"However, the lived reality of LGBTI people in many parts of Europe and Central Asia is increasingly difficult and for a large part remains invisible, even to organisations like ILGA-Europe. Action is needed. Governments still have so much to do, from adopting laws that guarantee the protection of people's rights and giving public authorities the means to translate policy into practice across sectors, to leading by example in having a discourse promoting social acceptance and inclusion.

"By making people aware of such a broad and nuanced picture, which is constantly shifting and evolving, the ILGA-Europe Annual Review aims to give a sense of the enormity of issues and areas that affect the lives of people, which will continue to require attention, especially in a context where LGBTI people are being targeted and vulnerability is heightened."

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## **EUROPEAN COURT/ ROMANIA: The European Court and gender affirming surgery**

### ***X and Y v. Romania: the 'impossible dilemma' reasoning applied to gender affirming surgery as a requirement for gender recognition***

By Sarah Schoentjes and Dr. Pieter Cannoot

Strasbourg Observer (25.02.2021) - <https://bit.ly/3uGK2yr> - In the case of *X and Y v. Romania*, the ECtHR has declared one more abusive requirement for gender recognition to be a violation of article 8 of the Convention. Almost two years after *X v. FYROM*, in a case with a similar fact pattern, the Court finally declared that requiring trans persons to undergo gender affirming surgery before they could obtain legal gender recognition violates their human rights. Though the judgment is not without flaws – notably, the Court's now steadfast refusal to examine gender recognition cases under art. 14, – *X and*

*Y v. Romania* is a momentous development in the Court's case law, guaranteeing trans people an extra level of much-needed protection, recognition and autonomy.

### Summary of the facts

The applicants in *X and Y v. Romania* are two transgender men, both of whom sought gender recognition in Romania, in the form of amending their legal gender markers, forenames and national identification numbers. Both applicants have identified as men from a young age, and socially presented accordingly in certain areas of their life. Both also obtained a psychiatric diagnosis of 'gender identity disorder' and underwent elements of a medical transition, such as a mastectomy and hormone replacement therapy. Both applicants then started procedures before the national courts, the first applicant asking only for gender recognition, the second both for gender recognition and for the permission to undergo gender affirming surgery. The courts denied the first applicant's request on the basis that ECtHR jurisprudence allowed Member States to require that a person has undergone gender affirming surgery before they apply for legal gender recognition. For the same reason, they granted only the second applicant's first request: he obtained permission to undergo genital surgery, but would have to go through a second judicial procedure afterwards to obtain legal gender recognition.

The first applicant then left for the UK, where he obtained a Gender Recognition Certificate after a few years of residency. However, this Certificate cannot be used as an identification document, and so there remained an incongruence between his (female) Romanian ID and his (male) administrative identity in the UK. This incongruence exposed him to vulnerability and discrimination, and acted as an obstacle to his professional ambitions as a lawyer[i].

The second applicant realised the experimental nature and financial cost of gender affirming surgery in Romania, as well as the invasiveness of such a procedure. He therefore decided to start a second judicial procedure to request gender recognition without having undergone surgery. This request was denied. After this judgment, the second applicant did eventually undergo genital surgery. Consequently, the national courts acquiesced to his third request for gender recognition.

### Summary of the judgment

The Court's reasoning under art. 8 is twofold. The first part concerns the legal framework for gender recognition in Romania. The second analyses the validity under the Convention of gender affirming surgery as a requirement for legal gender recognition. Despite the applicants' and third parties' arguments regarding this case's importance regarding the State's negative obligations, the Court decided to examine both of those aspects from the angle of the State's positive obligations under art. 8.

In its reasoning about the legal framework, the Court starts by noting that Romanian law makes it possible to amend one's legal gender after a judicial decision granting permission to do so. The Court then goes on to examine twenty national judicial decisions concerning gender recognition. It finds that there seems to be no consistent internal practice regarding the conditions Romanian courts require to be met before they grant a request for gender recognition. The Court does not contradict the legislator's choice to make gender recognition dependent upon a judicial procedure, but it does cite international recommendations – both from Council of Europe organs and UN organs – insisting upon the need for 'quick, accessible and transparent' gender recognition procedures. Considering that the national courts reached such varying conclusions about the conditions and procedure for gender recognition, the Court concludes that the Romanian gender recognition procedure is not sufficiently transparent. Consequently, it finds a violation of art. 8 regarding the lack of clarity of the Romanian legal framework surrounding gender recognition.



Despite the second applicant's complaint that his physical integrity under art. 3 was violated, the Court limits its analysis of gender affirming surgery as a requirement for gender recognition to the scope of art. 8. The Court starts by insisting on the importance of the accuracy of public civil records, declaring that this importance justifies rigorous procedures surrounding any changes to these records in order to ensure their accuracy. Nevertheless, this public interest still needs to be balanced against the private interests of the applicants.

The Court goes on to compare the present case to its previous case law on gender recognition. It stresses that the applicants are in a fundamentally different position than those in *S.V. v. Italy* and *Y.T. v. Bulgaria*, in that they explicitly state that they do not want to undergo gender affirming surgery. In that sense, the Court considers that their situation is more similar to that of the applicants in *A.P., Garçon and Nicot v. France*, in which the applicants refused to undergo mandatory sterilisation to obtain gender recognition. However, the Court notes that the present case is also significantly different from *A.P., Garçon and Nicot*, since the present applicants do not insist specifically on the sterilisation that can be a consequence of gender affirming surgery, but on the invasiveness of the medical procedure in itself, regardless of its impact on fertility. The Court recognises that requirements for gender recognition are problematic whenever they have an impact on a person's physical integrity.

The Court points out that the State did not offer any specific reasons of public interest that could justify such an impact on the applicants' physical integrity. In the absence of such a justification, the applicants were faced with an unreasonably long period of 'vulnerability, humiliation and anxiety'. Furthermore, the Court expands the parallel with *A.P., Garçon and Nicot* by building upon its 'impossible dilemma' reasoning: by requiring the applicants to undergo gender affirming surgery before they could obtain gender recognition, the State forced them to choose between their right to physical integrity under art. 8 (and, as the Court mentions but does not expand upon, art. 3) and their right to the recognition of their gender identity, also under art. 8. In forcing the applicants to make this impossible choice, the State failed to adequately balance public interests against the applicants' private interests.

The Court supports this reasoning with one last argument: the continuously decreasing number of States requiring mandatory gender affirming surgery. Indeed, the Court seems to consider that the fact that twenty-six CoE Member States no longer impose such a requirement limits the State's margin of appreciation in such matters. Consequently, the Court finds that mandatory gender affirming surgery as a requirement for legal gender recognition violates art. 8 of the Convention. Having found this violation, the Court considers it unnecessary to examine the case separately under any of the other articles raised by the applicants, notably art. 14.

### **Commentary of the judgment**

#### **1. *No more mandatory gender affirming surgery: an unquestionably positive evolution for trans rights***

*X and Y v. Romania* marks an extremely positive development in the ECtHR's case law on trans rights. By condemning one more medical abusive requirement for gender recognition, it obviously increases protection for trans persons' physical integrity. The positive consequences of this judgment go further than just this one aspect, though. Indeed, this decision makes gender recognition available to more persons: trans persons who are unwilling or unable to undergo genital surgery are now included in the right to gender recognition under art. 8. The Court explicitly legitimises the unwillingness to undergo gender affirming surgery through the 'impossible dilemma' argument, and touches on

financial costs and shortcomings of medical interventions as valid reasons why a trans person might not be able to (safely) undergo such a procedure. One could, however, also imagine other reasons why someone may be unable to undergo this surgery, such as health concerns, for example, or religious and familial restrictions. Furthermore, the Court's judgment leads to a significant shortening of gender recognition procedures. Gender affirming surgery is often the last step in a long medical transition that generally takes several years and in which each step is subject to a (potentially very long) waiting list. The possibility of requesting gender recognition without having undergone gender affirming surgery therefore considerably shortens the period of 'vulnerability, humiliation and anxiety' that trans persons are subjected to when their identity documents do not match their gender presentation.

In *X v. FYROM*, two years ago, the Court stopped at the conclusion that the national legal framework surrounding gender recognition was lacking, refusing to separately examine mandatory gender affirming surgery as a requirement for gender recognition. The majority found that there was no legal framework for gender recognition procedures, because they were not provided for in national legislation. This was a sufficient reason to find a violation of art. 8, and there was therefore no reason to separately examine the validity of the requirements imposed on the applicant. The dissenting judges instead argued that consistent judicial decisions constitute a sufficiently predictable legal framework, even in the absence of a legislative framework. In that context, the dissenting judges were of the opinion that mandatory gender affirming surgery as a requirement for gender recognition fell within the State's margin of appreciation. The fact that the Court chose not to rule on the validity of this requirement suggests far-reaching internal disagreement among the judges regarding this particular topic.

In the present case, there was a national legislative framework. However, judicial interpretations of said framework were fragmented and inconsistent, which could be interpreted as an unclear legal framework. Once it found that the Romanian legal framework was lacking, the fourth section of the Court could have followed the same reasoning as the first section did in *X v. FYROM* and stopped there. Instead, it took things a step further by specifying an extra condition that the new, clear legal framework must respect: it must abolish mandatory gender affirming surgery as a requirement for gender recognition. Notably, in contrast to the divided judgment in *X v. FYROM*, the present judgment is unanimous.

The Court explicitly grounds this evolution in its case law in the evolution of soft law, civil society and national legislation. It cites recommendations and reports by several organs from the UN, CoE and EU and takes into account third party interventions by the UNHCHR as well as by LGBTQ+ organisations Transgender Europe, ILGA-Europe and Accept. It also, as mentioned above, points to the fact that twenty-six European countries abolished surgical requirements for gender recognition. Ever since the case of *Christine Goodwin v. UK*, the Court has attached great importance to international 'trends' in legal and social acceptance of trans persons. This judgment is one further expression of how the interaction and mutual reinforcement of several fields of society and law drive an evolution towards increased protection and autonomy for trans persons.

## *2. Things are not all rosy yet: several important questions remain*

*X and Y v. Romania* is not all positive, though. First and foremost, we are still far removed from actual self-determination for trans persons in the context of legal gender recognition. Gender affirming surgery was an important abusive requirement to eliminate for gender recognition, but there are many other abusive requirements, on which this judgment sheds little light. The insistence on the 'impossible dilemma' argument does open the door to abolishing other medical requirements for gender recognition that affect a person's physical integrity. If the Court sticks to this line of judicial reasoning, it may also end up condemning

mandatory hormone replacement therapies. Moreover, it would be particularly interesting to see the physical integrity aspect of this 'impossible dilemma' argument developed under art. 3 in a future case.

Other medical requirements, though, remain unaffected – or maybe even bolstered – by this judgment. Indeed, the Court insists heavily on the fact that both applicants were diagnosed with 'gender identity disorder' by a psychiatrist, and that they lived 'as men' for several years before they requested legal gender recognition. In the Court's reasoning, these factors seem to mean the applicants are 'really trans', and this seems to be implicitly used as a justification for why gender affirming surgery is no longer necessary in their cases. The Court thus grants significant legitimacy to psychiatric diagnosis and 'lived experience' as (medical) requirements for gender recognition.

Furthermore, medical conditions are not the only abusive requirements for gender recognition. In *Hämäläinen v. Finland*, for example, the conditions at stake were mandatory divorce as a requirement for gender recognition as well as the impossibility for the applicant to be legally recognised as her child's mother rather than as his father. The Court upheld these requirements, and has yet to come back on that ruling. Abusive requirements that affect other aspects of a trans person's private life – marriage and parental rights, notably – consequently still hold strong. Moreover, in the present judgment, the Court once again stressed the importance of the integrity, coherence and inalienability of the civil status, which – according to the Court – allows for 'rigorous' assessments of applications of legal gender recognition. In other words, the ECtHR still has a long way to go before it recognises gender self-determination as the only possible ground for gender recognition, a position that the Inter-American Court of Human Rights already took in 2017.

On a related note, the scope of this judgment could also be seen as unfortunately limited concerning the categories of trans persons it is arguably applicable to. In its presentation of the case's circumstances, the Court insists on the applicants' rather 'classical' trans experience, stressing that they both realized they were trans at a young age as well as their extensive medical and social transition, and granting no consideration to the possibility of trans experiences outside a binary view of gender<sup>[ii]</sup>. This raises questions about the Court's attitude towards a hypothetical future applicant whose experience of being trans diverged from this narrative.

This reluctance to truly examining the diversity of trans experiences in a structurally cisnormative society shines through in one last way: the Court once more refuses to examine this case under art. 14 of the Convention. This sidestepping of the discrimination issue is, by now, expected in cases on gender recognition, but never becomes any less disappointing. It may in fact be particularly disappointing in this case, considering that both the first applicant and the intervening third parties handed them the relevant reasoning on a silver platter. Cisgender persons do not have to subject themselves to a plethora of conditions in order to have their gender identity recognised. Trans persons do, even though their gender is just as integral to their personal identity as it is for cisgender people. The Inter-American Court used this exact reasoning to condemn abusive requirements for gender recognition as discriminatory back in 2017. Its European counterpart, however, steadfastly refuses to even consider the question.

## Conclusion

The Court's repeated unwillingness to address the ways systemic and structural discrimination of trans persons is embedded in our cisnormative legal frameworks certainly is a disappointment. So is the fact that it upholds resolutely binary and essentialist trans narratives in this judgment. Nevertheless, *X and Y v. Romania* is an extremely important and hugely positive step forward for trans rights in Europe. By unanimously declaring that

mandatory gender affirming surgery as a requirement for legal gender recognition violates art. 8 of the Convention, the Court significantly increases the protection and autonomy of trans persons in the CoE. It frees trans persons who do not want to undergo gender affirming surgery from the impossible choice between their physical integrity on the one hand, and the legal recognition of their gender identity (and the protection from everyday discrimination it entails) on the other hand. It also makes legal gender recognition available for trans persons who find themselves unable to undergo gender affirming surgery. Furthermore, it leads to increased protection for trans persons who do want to undergo gender affirming surgery, since it allows them to obtain legal gender recognition before they do so and consequently shortens the period in which an incongruence between their ID and their appearance potentially exposes them to discrimination and harassment. Last but not least, looking to the future, the Court's use of the 'impossible dilemma' argument in this case opens up a promising line of legal reasoning that could be the key to the abolition of most, if not all, abusive requirements for gender recognition.

## Notes

[i] In a clear example of the importance of legal gender recognition, the first applicant's lack of access to ID papers reflecting his gender identity rendered him unable to become a lawyer in the UK. Indeed, he had registered for the first series of exams to become a lawyer using his (British) masculine name. However, he was then asked to prove his identity to enroll for the final exam. Since his official (Romanian) ID papers still had his female name, he was unable to do so. Consequently, he was not allowed to take the exam, which make it impossible for him to become a lawyer.

[ii] It must be remarked that the second applicant has Turner syndrome, and can consequently be considered to be intersex. The Court did not expand upon this fact, but this goes to show how intertwined trans and intersex rights are, especially with respect to protection from non-consensual medical procedures.

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## FRANCE: French government unveils national plan to combat hatred against LGBT people

***The French government has unveiled a national plan to combat hatred and discrimination against lesbian, gay, bisexual and transgender people (LGBT), which emphasises the importance of inclusive education in stamping out homophobia.***

By Christina Okello

RFI (14.10.2020) - <https://bit.ly/2HnSCxW> - The three-year plan unveiled on Wednesday, aims to make members of the LGBT community "citizens in their own right", French Junior Minister of Gender Equality Elisabeth Moreno told reporters.

It comprises over 40 objectives designed to tackle homophobia or transphobia in the home, school, university, work, healthcare or sport.

The 42 measures, some of which have already been implemented, will be "amplified" between now and 2023, notably plans to facilitate adoption for LGBT homes, Moreno said.

She also insisted on the importance of education.

"Because discrimination and inequality are rooted in childhood, they can also be corrected, by putting in resources (...) The school must therefore be the first place of awareness and prevention to participate in deconstructing stubborn stereotypes".

### ***Inclusive education***

The gender equality minister has pledged to work with her counterpart at the Education ministry, Jean-Michel Blanquer, to "amplify" training for teachers serving LGBT students.

A website called "Educating against LGBTphobia" is to be set up in order to "give teachers the weapons to fight homophobia and transphobia, and allow the proper inclusion of LGBT students", Moreno added.

The national plan also aims to act against conversion therapy, "abject and medieval practices" according to the minister, which try to change the sexual orientation of LGBT people. "We want to ban them outright," Moreno said.

Same sex families have not been left out either. Administrative forms will continue to be adapted to include them, the minister insisted.

### ***Grim figures***

Lesbian, gay, bisexual and transgender people continue to face discrimination in France.

In 2019, 1,870 people were victim of homophobic and transphobic acts, according to the interior ministry.

In addition, 55 percent of LGBT people have experienced anti-LGBT acts in their lifetime, the minister said, before adding that gay and bisexual people are four times more likely to commit suicide than the rest of the population. This figure is nearly double when it comes to trans people.

"This situation is unacceptable in the France of 2020", Moreno said.

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## **FRANCE: Marie Cau: First transgender mayor elected in France**

***A trans woman in France has won election in her local commune to become the country's first openly transgender mayor.***

BBC News (25.05.2020) - <https://bbc.in/2U8JmB3> - The council in Tilloy-lez-Marchiennes in northeastern France chose Marie Cau as its new mayor on Saturday.

The 55-year-old ran on a platform of ecological sustainability and building the local economy.

Speaking to the AFP news agency, Ms Cau said she was "not an activist" and wanted to focus on municipal politics.

"People did not elect me because I was or was not transgender, they elected a programme," Ms Cau said. "That's what's interesting: when things become normal, you don't get singled out."



France's gender equality minister Marlène Schiappa tweeted her support on Sunday.

"Trans visibility, and the fight against transphobia, also depends on exercising political and public responsibilities. Congratulations Marie Cau!"

Residents of Tilloy-lez-Marchiennes - a commune of under 600 inhabitants on the Belgian border - voted in municipal elections in March.

They elected all the councillors from the "Deciding Together" list, among them Ms Cau. On Saturday these councillors voted nearly unanimously to make her the new mayor of the town.

Stéphanie Nicot, co-founder of France's National Transgender Association, said the election showed that "our fellow citizens are more and more progressive", voting on "the value of individuals, regardless of their gender identity".

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## **GERMANY: Lesbian mothers flood German courts with demands for parenting rights**

***Over a dozen lesbian couples have gone to court seeking to reform Germany's civil code, which does not recognise lesbian parents***

By Enrique Anarte

Openly News (06.05.2021) - <https://bit.ly/3hqfwok> - When Inga celebrated the birth of her first child with her wife Jenny, the last thing she expected in her bid to be recognised as the baby's second mother was a criminal record check - so she went to court to change the law.

In Germany, only the biological mother is legally recognised as a parent and her female partner must go through a formal adoption process to become the child's second parent, even if they are married. The process can take years.

"They asked me for a medical certificate, an HIV test, my criminal records, a self-written report of my life and photos of me with the child, among other things," Inga, 38, told the Thomson Reuters Foundation.

"There is no information available about how these things are assessed: how healthy do I have to be in order to be allowed to be a parent? How much do I have to smile in the pictures? Or how much money should I earn?"

Inga and Jenny are among more than a dozen lesbian couples who have gone to court since August seeking to reform Germany's civil code, which does not recognise lesbian parents, forcing the second woman to apply to adopt her own child.

Cases are being heard in family courts around the country, with two cases heading for the federal constitutional court - where a ruling in favour of the women could force the government to change the law.

Inga was traumatised by the nine-month wait to be recognised as the mother of her son, born in 2018. She had to take him to hospital multiple times when he fell seriously ill, as Jenny had returned to work, but she had no legal parenting rights.

"I was not allowed to take any decisions regarding his health," said Inga, who declined to give her full name as the case involving her parental rights over her second child, filed in December, is ongoing.

"They would not consider me his mother legally."

### ***Liberal but conservative***

Germany is one of the most liberal countries in the world in terms of LGBT+ rights. Gay sex has been legal since the 1960s and LGBT+ people have wide-ranging workplace discrimination protections and are allowed to serve in the military.

Yet, in parts, it remains a conservative country.

A 2019 study by the Robert Bosch Stiftung, a charitable foundation, found that 21% of Germans did not believe gay men or lesbians should be able to have children.

Same-sex marriage was introduced in 2017, but parliament has rejected a Green Party bill seeking to automatically recognise lesbian couples as co-parents. Another bill, sponsored by the Social Democrats (SPD) last year, never made it to parliament.

The "Nodoption" or no adoption initiative began with Christina Klitzsch-Eulenburg and Janina Eulenburg who filed a case in August seeking to be recognised as co-parents of their child.

"It is discriminatory that we are required to adopt our own child," said Klitzsch-Eulenburg, whose case has been adjourned until the constitutional court rules on the other two lawsuits.

"There's something wrong in a democracy when a minority is so poorly protected."

Germany falls mid-way between countries like Britain, Spain and Austria, which grant joint parenthood from birth, and East European states that do not allow second-parent adoption, says the Network of European LGBTIQ Families Associations.

### ***Elections***

Berlin-based Carrie and Marie-Luise are one of two couples whose case was referred on to the constitutional court in March.

"We are doing it for our children, but also for all the other rainbow families in a similar situation," said Carrie, who asked for her full name to be withheld.

Lawyer Lucy Chebout, who represents several "Nodoption" families, believes it could take about two years before a ruling is made. But she is optimistic.

"The winds seem to be changing," Chebout said, adding that the law "needs to be reformed urgently".

Germany's biggest LGBT+ group LSVD recently started a campaign to persuade German parliamentarians to change the law.

But action is unlikely before the Sept. 26 election, which will give Germany its first new leader in 16 years as Chancellor Angela Merkel steps down.

Polls show the Greens overtaking Merkel's ruling CDU/CSU alliance, with a coalition between the two seen as the most likely scenario after the election.

"If they don't do anything now, with the September general elections and the coalition negotiations afterwards, nothing might happen in the next year and a half," said LSVD spokesman Markus Ulrich.

But the chances of changing the law through parliament remain slim, LGBT+ activists say, given that the conservative CDU/CSU - which is in a grand coalition with the SPD - did not back its junior partner's proposed bill last year.

The CDU/CSU did not respond to requests for comment.

The SPD-led family ministry said in an emailed statement that "sadly it has not been possible to reach an agreement with our coalition partners" regarding legal reform. Klitzsch-Eulenburg is angered by the delays.

"It cannot be that my son might have to wait until he's five or six years old to have two legal parents," she said.

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## **GERMANY: German Catholics set to bless same-sex couples despite a Vatican ban**

Euronews (10.05.2021) - <https://bit.ly/3tDuz0n> - Germany's powerful Catholic progressives are openly defying a recent Holy See pronouncement that priests cannot bless same-sex unions.

They are offering such blessings at services in about 100 different churches all over the country this week.

The blessings at open worship services are the latest pushback from German Catholics against a document released in March by the Vatican's orthodoxy office.

The 'Congregation for the Doctrine of the Faith' said Catholic clergy cannot bless same-sex unions because God "cannot bless sin."

The document pleased conservatives and disheartened advocates for LGBTQ Catholics around the world. But the response has been particularly acute in Germany, where the German church has been at the forefront of opening discussion on hot-button issues such as the church's teaching on homosexuality as part of a formal process of debate and reform.

The dozens of church services celebrating blessings of gay unions are the latest escalation in tensions between conservatives and progressives that have already sparked alarm, primarily from the right, that part of the German church might be heading into schism.

Germany is no stranger to schism: 500 years ago, Martin Luther launched the Reformation here.

Pope Francis, who has championed a more decentralised church structure, has already reminded the German hierarchy that it must remain in communion with Rome during its reform process, known as a "synodal path."

In Berlin, the Rev. Jan Korditschke, a Jesuit who works for the diocese preparing adults for baptism and helps out at the St. Canisius congregation, will lead blessings for queer couples at a worship service May 16.

"I am convinced that homosexual orientation is not bad, nor is homosexual love a sin," Korditschke told The Associated Press in an interview. "I want to celebrate the love of homosexuals with these blessings because the love of homosexuals is something good."

The 44-year-old said it is important that homosexuals can show themselves within the Catholic Church and gain more visibility long-term. He said he was not afraid of possible repercussions by high-ranking church officials or the Vatican.

"I stand behind what I am doing, though it is painful for me that I cannot do it in tune with the church leadership," Korditschke said, adding that "the homophobia of my church makes me angry and I am ashamed of it."

The head of the German Bishops Conference last month criticised the grassroots initiative for gay blessings which is called "Liebe Gewinnt" or "Love Wins."

Limburg Bishop Georg Baetzing said the blessings "are not suitable as an instrument of church political manifestations or political actions."

### **'Love wins'**

However, Germany's powerful lay organisation, the Central Committee of German Catholics, or ZdK, which has been advocating for gay blessings since 2015, positioned itself once more in favour of them. It called the contentious document from Rome "not very helpful" and explicitly expressed its support for "Love Wins."

"These are celebrations of worship in which people express to God what moves them," Birgit Mock, the ZdK's spokeswoman for family affairs, told the AP.

"The fact that they ask for God's blessing and thank him for all the good in their lives — also for relationships lived with mutual respect and full of love — that is deeply based on the Gospel," Mock said, adding that she herself was planning to attend a church service with gay blessings in the western city of Hamm on Monday in which she would pray for "the success of the synodal path in which we, as a church, recognise sexuality as a positive strength."

The ZdK has been taking part in the "synodal path" meetings for more than a year with the German Bishops Conference. They are due to conclude in the autumn. The meetings include talks about allowing priests to get married, the ordination of women and a different understanding of sexuality, among other reforms. The process was launched as part of the response to revelations of clergy sexual abuse.

"We're struggling in Germany with a lot of seriousness and intensive theological discourses for the right path," Mock added. "Things cannot continue the way they did — this is what the crimes and cover-ups of sexual abuse showed us."

"We need systemic changes, also regarding a reassessment of the ecclesiastical morality of sexuality," Mock said.

## GERMANY: German Catholics plan huge blessing of gay unions on May 10

By Inés San Martín

Cruxnow (15.04.2021) - <https://bit.ly/32sCTVF> - Continuing to openly challenge the Vatican, several Catholic leaders in Germany are openly supporting the blessing of same-sex couples, with a massive blessing service scheduled for May 10, in direct opposition to Rome's chief doctrinal office.

Bishop Franz-Josef Overbeck of Essen said that the priests in his diocese will face no canonical consequence if they decide to bless gay and lesbian couples next month as part of the event called "Love wins, blessing service for lovers."

However, the website organizing the campaign [has no public blessings](#) registered in his diocese to take place on May 10 or "around that date," as the website reads.

His comments came in an interview with WDR earlier this week, and follow his comments on Easter, when he argued that there are "many blessings for gay couples" in Germany. He also said that the Catholic Church is not supposed to reject gay people but "find ways for homosexuals to be able to live together."

Overbeck's stance is in direct opposition to a statement released by the Vatican's Congregation for the Doctrine of the Faith (CDF) March 15 with papal approval.

The document, technically an answer to a question posed to the CDF, argues that the Church cannot do so because "God does not bless sin."

The Vatican never said who posed the original question.

The response caused division both among the faithful and the hierarchy, particularly in Germany, which is currently undergoing [a synodal path](#) to try to address the Church's response to clerical sexual abuse, while at the same time reviewing Church teaching on human sexuality, priestly celibacy and the ban on ordaining women into the priesthood.

Among the German high-ranking prelates who support the CDF's response are Cardinal Rainer Maria Woelki, Archbishop of Cologne; Bishop Stephan Burger of Freiburg; and Bishop Rudolf Voderholzer of Regensburg.

"Love wins. Love is a blessing," says the website for May 10<sup>th</sup> blessing of same-sex couples. "People who love each other are blessed. On May 10<sup>th</sup>, 2021, we invite you to various places in Germany to blessing services. We don't want to exclude anyone. We celebrate the diversity of people's different life plans and love stories and ask for God's blessings. Without any secrecy. On this page you will find the services that take place and you can register for a service and send us a blessing."

Organizers also ask that on that day, Catholics in Germany use "creative symbols to make visible how many people in the Church perceive the colorful diversity of different life plans and love stories of people as an enrichment and a blessing."

## **GERMANY's Transgender Law seen as 'archaic, degrading'**

***Trans\* people in Germany are subjected to a long, expensive assessment process to change their legal gender. A new self-determination law would reform this — and activists say it's long overdue.***

By Elliot Douglas

Deutsche Welle (28.12.2020) - <https://bit.ly/38pMJv1> - "Degrading, expensive and illogical" — that is how one trans\* person described her experience of legally changing her gender in Germany.

Felicia Rolletschke is one of many activists who is fighting for a reform to the so-called Transsexual Law, which determines the legal process for trans\* people to change their gender and name in Germany. By the beginning of 2021, the law will have been in place for 40 years — a time frame in which many countries around the world have seen great upheaval in their legislation around trans\* rights.

There are currently two bills before the German parliament that aim to ease this process with a new "self-determination law" (Selbstbestimmungsgesetz). Activists hope such a law would reform the current costly, lengthy process — but the reform has faced some stiff opposition.

### ***Payment holds trans\* people back***

"It really is such a hassle and inconvenience to change your legal name and gender," Felicia Rolletschke explained. She should know — she went through the process herself, between 2015 and 2018.

Rolletschke is a 26-year-old workshop leader and public speaker based in Berlin. After growing up in a "very Catholic" Bavarian village of 4,000 people, she moved to the German capital at the age of 17 to attend university. It was there that she came out as a trans\* woman for the first time, at 21.

After coming to terms with her identity and coming out to friends and family, Rolletschke began the process of legally changing her name and gender in the German courts.

"In late 2015, before I even came out properly, I found a really good therapist," Rolletschke said. "Then we agreed I should begin the paperwork for the court in order to change my name, even before I began hormone therapy and surgery. But in order to get that process started, I needed to pay €1,600 (\$1,955)."

This payment is often a barrier for trans\* people, especially those who are younger and lack independent resources. Rolletschke was also hampered by being under 25, meaning any state financial support she could receive was assessed based on her parents' income — even though her mother had cut off contact with her.

"It shouldn't be a requirement to have enough money lying around in order to change your legal name," Rolletschke said.

### ***Assessments by psychotherapists***



According to Kalle Hümpfner from the German Trans\* Association (BVT), this amount is typical. "We often see costs of several thousand euros," they said. "These hurdles are far too high."

After an initial hearing with a judge, the money is needed for applicants to pay for two "expert opinions" — in almost all cases, licensed psychotherapists — who both need to independently assess the trans\* person in question.

"You are assigned the psychotherapists [by the court]," Rolletschke explained. "You can request which ones you get and in Berlin normally you are assigned who you want — but that is not necessarily common in the rest of Germany."

Rolletschke described her experience with the psychotherapists as mostly an assessment of "old-fashioned gender roles."

"My two assessments each took two hours, four hours in total. They are psychological assessments where they talk about your entire life story. They ask about sexual experiences, sexual orientation, fetishes, family structures. They covered many topics that were not relevant to gender," she said.

As someone trying to change her legal gender to female, Rolletschke believed she was particularly judged based on her adherence to a stereotypical female appearance.

"They judged how well my makeup was applied. They also noted that I crossed my legs when I sat down," she said. "And they judged my sexual orientation. For example, if you are a trans\* woman and you are interested in men exclusively, that means bonus points."

"It felt like they came from a place of pathologization. They seem to believe that being trans\* is a mental illness."

The idea that being transgender is a mental disorder was dismissed by the World Health Organization in 2019.

The assessors then submit their findings to the relevant judge. According to Hümpfner, 99% of the expert opinions ultimately come to the same conclusion as what the trans\* person has said about themselves.

"They are not only superfluous, but can also be degrading and invasive for trans\* people," said Hümpfner.

Rolletschke had to wait another two months after her assessments before, in early 2018, she received the letter that her change of gender and name had been approved. All in all, the process had lasted over two years and cost thousands of euros, hours of her time and a great deal of stress.

### ***Self-determination for ages 14 and above?***

It is this process that the self-determination law hopes to simplify, by replacing the 40-year-old Transsexual Law. Under the latest bill, proposed by the Green party in June 2020, "all people could submit a declaration on the indication of gender and the use of their first name at a registry office" without any need for psychological assessment.

A second bill, proposed by the pro-business Free Democratic Party (FDP), calls for largely the same thing. Both bills would allow self-determination for those aged 14 and above.

The issue came to a head in November when both bills were discussed in a special hearing of the German parliament. A panel of experts gave evidence, most agreeing the need for reform — except for one. Munich-based doctor Alexander Korte expressed his doubts about the change in the law, especially about the low age limit of 14.

"Girls are often clearly uncomfortable with their own bodies at the start of puberty," the child psychologist also warned in an interview with German broadcaster Deutschlandfunk.

But activists like Rolletschke and Hümpfner dispute whether there is any evidence to justify this concern.

"From the age of 14, young people can decide independently of their parents whether to join or leave a religious community," Hümpfner pointed out. "Freedom of religion is a fundamental right. The recognition of one's own gender identity is also protected by fundamental rights such as the protection of human dignity or the right to the free development of personality."

Rolletschke was keen to emphasize that the change to the law does not affect the process to receive hormone treatment or surgery, which is carried out separately in consultation with a medical doctor.

"The thing is — legally changing your name is not that irreversible a step," she said. "And even if people do regret that step, that is the one thing that is easy to reverse."

### **Germany lags behind**

There is precedence for reforms for trans\* rights in Germany — the Transsexual Law was amended in previous decades to remove a requirement for infertility and evidence of surgery before applicants could change their gender. In 2017, Germany added a third legal gender — "divers" — to the options on official forms.

But a law of self-determination would bring Germany up to speed with many European Union partners and other countries around the world. A Council of Europe ruling in 2015 paved the way for many European countries, among them Malta, Denmark, Belgium, Luxembourg, Ireland, Iceland, Sweden, Norway and Portugal, to introduce variations on a law of self-determination.

"This call was also echoed in the recently published EU LGBTIQ equality strategy," Hümpfner added. "There are many good reasons on an international level why the German government should now finally bring in a new law."

But Hümpfner and Rolletschke are far from confident of success.

"Since the bills come from the opposition (FDP and Greens), they have no chance in the Bundestag and will be rejected for party political reasons," Hümpfner said. "We therefore very much hope that the federal government will introduce its own draft law before the next election [in September 2021]."

"I really see German legislation as too conservative at the moment," Rolletschke added. "But I think it is really good we had a conversation about it."

"Just talking about changing this archaic law is a step in the right generation. I hope it will work, but I am not too optimistic."

## **GERMANY is 5th country to ban conversion therapy for minors**

***The discredited practice purports to turn a gay person straight, and jurisdictions around the world have moved to prohibit it.***

By Tim Fitzsimons

NBC News (08.05.2020) - <https://nbcnews.to/3fxapiC> - Germany's legislature on Thursday passed a ban on the advertising and practice of so-called gay conversion therapy for people under age 18, joining a growing list of countries and local jurisdictions that have moved to prohibit the debunked practice in minors.

Germany is the fifth nation to pass such a ban, following Malta, Ecuador, Brazil and Taiwan. In the United States, 20 states and a number of cities have banned the practice for minors and some members of Congress have attempted to prohibit the practice federally.

"Young people are being forced into conversion therapies," German Federal Health Minister Jens Spahn said, "and so it is very important that they should find support in the existence of this law: a clear signal that the state does not want this to happen."

Some members of Germany's left-wing opposition declined to support the measure because it included just minors — those under 18 — instead of the traditional societal category of "youth," which extends to 26.

Gabriela Lünsmann of Germany's Lesbian and Gay Association (LSVD) said the bill did not go far enough because it did not protect those between 19 and 26, and she objected to the inclusion of the phrase "treatment performed on humans," which she and her organization said "has a positive connotation and suggests a promise of healing and an achievable treatment goal."

In response to critics of the ban's age limit, Spahn, who is gay, said that the law had to be able to withstand legal challenges.

New York City could serve as a cautionary tale: Unlike other U.S. states and localities, the city initially passed a ban that prohibited the practice of conversion therapy on people of all ages. The expansive measure led to a legal challenge by a conservative religious group on behalf of a man who sought religious counseling for his same-sex attraction. Fearing the challenge could lead to a Supreme Court decision unfavorable to the LGBTQ community, New York City lawmakers repealed the initial ban and rushed to pass an age-limited law.

"It's smart to start with bans on conversion therapy for minors, because we need to ensure there are no instances of child abuse and that minors are protected from harmful practices and unnecessary interventions that could have lasting impact on their development," Jessica Stern, the executive director of OutRight Action International, a global human rights organization, told NBC News.

"The challenge with restrictions on so-called conversion therapy for adults is that from a human rights perspective, we believe in the principle of self-determination," Stern said. "So when we look at ways to restrict, limit or ban conversion therapy, it becomes really important to look at other forms of regulation."

Some states and jurisdictions, including New York, allow adult individuals who felt that they were sold a false service the ability to pursue a civil suit for fraudulent business

practices after the fact. Other potential strategies, Stern suggested, might involve simply enforcing existing bans on torture for practices like electro-shock therapy when used in at-risk populations.

A 2019 survey by OutRight Action International found that a third of people around the globe who have undergone conversion therapy chose to do it for themselves, while two thirds were coerced.

Conversion therapy has been associated with suicidal ideation and attempts, drug abuse and depression. In November, the American Medical Association endorsed a nationwide ban on the controversial practice. Other major medical and health associations, including the American Psychological Association and the American Psychiatric Association, have also spoken out against it.

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## **GREECE: Non-binary recognition of gender identity by the Magistrate's Court of Kallithea**

***Winds of change, let the courts decide.***

Equal Eyes (20.09.2020) - <https://bit.ly/2Sfj4f9> - For the first time in the jurisprudence, non-binary gender identity is recognized, something that, as mentioned, was rejected 3 years ago by the Magistrate's Court of Maroussi in the case of Jason Antigone .

The news comes from the lawyer Vassilis Sotiropoulos and the text published on t-zine, where, among other things, it informs about the recognition of non binary gender identity in a person by the Magistrate Court of Kallithea.

### **Read in detail what he mentions:**

IN A CASE OF OUR OFFICE, WHICH REPRESENTED A PERSON WHO WAS NOT BINARY IN TERMS OF GENDER, THE MAGISTRATE COURT OF KALLITHEA WITH DECISION 153/2020 UPHELD THE APPLICATION FOR RECOGNITION OF GENDER IDENTITY AND THE CHANGE OF THE PERSON'S NAME. THIS IS THE FIRST DECISION BY WHICH THE REQUEST OF A NON BINARY PERSON IS FULLY ACCEPTED , AS THERE WERE TWO PREVIOUS DECISIONS OF THE MAGISTRATE'S COURT OF MAROUSSI THAT HAVE ALREADY BEEN APPEALED AND THE RELEVANT DECISIONS ARE PENDING BY THE SINGLE MEMBER COURT OF FIRST INSTANCE OF ATHENS. FOR THE FIRST NON BINARY DECISION CONCERNING JASON ANTIGONE, THE MAGISTRATE'S COURT OF MAROUSSI HAD ACCEPTED THE NON-BINARY GENDER IDENTITY AND THE ADDITION OF "ANTIGONE" TO JASON, BUT HAD REJECTED THE DELETION OF GENDER, A REASON FOR WHICH THE CASE WAS APPEALED. IN FACT, AS THE JUDGE ASSIGNED TO HEAR THE APPEAL EXCEEDED THE LEGALLY PRESCRIBED PERIOD OF EIGHT (8) MONTHS FOR A DECISION, WE HAVE ALREADY APPEALED TO THE COMPETENT AREOPAGITIS FOR DISCIPLINARY REVIEW AND WE ARE AWAITING HIS EXAMINATION FOR THE REASONS OF THE DELAY. IN THE SECOND DECISION OF THE MAGISTRATE'S COURT OF MAROUSSI, THE REQUEST FOR GENDER DELETION WAS ALSO REJECTED AND AN APPEAL HAS BEEN SUBMITTED. THE MAGISTRATE'S COURT OF KALLITHEA ADJUDICATED A REQUEST FOR RECOGNITION OF THE GENDER IDENTITY OF A PERSON WHO AT HIS BIRTH WAS GIVEN THE FEMALE SEX AND REQUESTED THE CHANGE OF THE FIRST NAME FROM A WOMAN'S NAME TO A NEUTRAL NAME AND THE SURNAME ENDING IN THE OPPOSITE SEX (MALE).

### **According to the decision:**

'The provision of article 5 par. 1 of the current Constitution guarantees the right of everyone to free development of their personality, as long as the rights of others are not violated and the Constitution or good morals are not violated. Also, according to the provision of article 5 par. 5 of the Constitution, everyone has the right to the protection of his health and his genetic identity. The breadth of this constitutional wording, which refers to the general principle "what is not forbidden is allowed" and the relationship between the general and the specialist (Raikos 2008: 335) with individual provisions that guarantee private and public manifestations of autonomy (eg the private life in Article 9 S., freedom of expression in Article 14 S. etc.) does not mean, however, that this constitutes a guiding principle for the legislator or a "rule of interpretation" (Manesis 1982: 119),

The meaning of this constitutional requirement extends to the freedom of action of every subject, both as a right of defense, as a claim of the State's abstention from interventions in the "free development of personality", and as an active and participatory right, as a positive freedom, in the sense of "participation in the social, economic and political life of the place." In a nutshell, it is the "right of the individual to decide for himself and to make his own choices, the ability of everyone to shape his life as he wishes (ECtHR *Pretty v. United Kingdom*, *Laskey, Jaggard and Brown v. United Kingdom*). The free development of the personality means first of all the individual right (self) of identification. This typically determines,

Thus, the right of the individual to his name (first and last name) is a statutory element of his identity. The field of personal identity, and in particular the identification of the individual, but also of his personal narrative unit, includes the freedom of the subject to present himself publicly as he wishes, which goes beyond the traditional field of privacy and the spatial criterion of its determination (Akrivopoulou 2012), to specialize as the first protection of the image of the face from the unwanted exposure (Chrysogonos 2006: 184, Karakostas 2000: 284), but also of its "cultural" self-determination.'

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## **Hungarian parliament's proposed amendments censoring public communication about LGBTI people violates EU law**

### ***ILGA-Europe's statement on proposed anti-LGBTI and illegal amendments by FIDESZ in the Hungarian parliament***

ILGA Europe (11.06.2021) - <https://bit.ly/3iKwz5f> - Yesterday, on 10 June, MPs of ruling party FIDESZ tabled a number of amendments in the Hungarian Parliament which directly discriminate against LGBTI people, and breach a number of EU laws. The proposed amendments introduce a ban on the "portrayal and the promotion of gender identity different from sex at birth, the change of sex and homosexuality" for persons under 18. This language would be being introduced to:

- The Child Protection Act;
- The Act on Business Advertising Activity;
- The Media Act – all such content will be qualified as category V (unsuitable for minors), and the publication of such content will be banned in public service advertisements;
- The Family Protection Act and the Public Education Act - such topics cannot be part of sexuality education, schools cannot invite external speakers or NGOs for education on "sexual culture, sexual life, sexual orientation or sexual development" unless they receive a special licence by the state to do so, and participating in such activity without a licence is classified as a misdemeanour.

These amendments, due to be voted on next Tuesday (15/06), would effectively ban the representation or communication about diverse sexual orientations, gender identities and sex characteristics in the Hungarian public sphere, as well as specific places such as in schools. The amendments are the next stage in a series of legislative attacks launched by FIDESZ against the human rights and fundamental freedoms of LGBTI people in Hungary. They also violate the right to freedom of expression and the right to education for all Hungarian people. The amendments clearly violate international human rights norms, in particular the case law of the European Court of Human Rights, UN Human Rights Committee and the EU's Charter of Fundamental Rights (Articles 11 and 21) and Treaty on the European Union (Articles 2 and 6).

The discriminatory language being introduced to the Media Act constitute a clear violation of the EU's Audiovisual Media Services Directive (Articles 9, 30 and 51). The discriminatory language being introduced to the Act on Business Advertising Activity constitute a violation of the EU's Unfair Commercial Practices Directive. The discriminatory language being introduced to the Business Advertising Activity Act and the Family Protection Act breach the right to freedom of service provision and freedom of movement of goods as set out in the Treaty on the Functioning of the European Union (Article 19 in relation to Article 26).

We call on all Hungarian MPs to vote against this openly discriminatory amendment. These amendments, when adopted, will have a significant impact on the rights of LGBTI people and all those who should enjoy their freedom of expression to simply even communicate about the existence of diverse sexual orientations, gender identities and sex characteristics.

We also call on EU institutions, as well as Council of Europe and UN to condemn the ongoing and systematic attacks of the Hungarian government on the human rights of LGBTI people and the principle of non-discrimination.

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## **HUNGARY government proposes same-sex adoption ban**

***Hungary's government has drafted a change to the country's constitution that would in effect ban adoption by same-sex couples.***

BBC News (12.11.2020) - <https://bbc.in/32WgxMO> - The proposed amendment would specify that "the mother is a woman, the father is a man" and permit only married couples to adopt children.

Same-sex marriage is illegal in Hungary, but adoption has been possible if one partner applies on their own.

The draft legislation has been condemned by human rights groups.

The proposal was sent to parliament by the governing right-wing Fidesz party late on Tuesday. It would require children to be raised with a "Christian" interpretation of gender roles.

"[It] ensures education in accordance with the values based on Hungary's constitutional identity and Christian culture," it reads.

Hungary's government, led by Prime Minister Viktor Orban, has made sweeping changes to the constitution since coming to power in 2010.

The document already defines "the institution of marriage as between a man and a woman" as well as "the basis of the family and national survival".



Under the latest proposed amendment, single people could only adopt with special permission from the minister in charge of family affairs. For this reason, the proposal is also being viewed by critics as an attack on single-parent families as well as LGBT people.

### ***Government pushes its definition of family***

These proposals are the latest move by the Fidesz government to reinforce its definition of a family as a union of husband and wife and their children.

It reasons that the traditional family is under attack worldwide from ultra-liberal ideologists, and must be defended.

The amendments are likely to be voted into force by the two-thirds Fidesz majority in early December. Meanwhile, the Equal Treatment Authority, which has criticised and even fined government ministers in the past, will be abolished.

The immediate effect of this change in the constitution will be to make it almost impossible for any individuals, including a small number living in a same-sex relationship, to adopt children.

At least 500,000 children in Hungary live in single-parent families, and opposition parties have accused the government of discriminating against them in the family allowance and tax system.

LGBTQ groups said it was deliberately drafted at a time when mass protests were not possible due to the coronavirus pandemic.

"The timing is no coincidence," a statement from the Háttér Society rights group said.

It added: "The proposals that severely limit legal rights and go against basic international and European human rights ... were submitted at a time when... protests are not allowed."

In May, Hungary's parliament approved a law that banned transgender people from changing the sex they were assigned at birth on official documents.

At the time, rights groups said it would worsen discrimination against LGBTQ citizens.

"People are in panic, people want to escape from Hungary to somewhere else where they can get their gender recognised," said Tina Korlos Orban, vice president of the advocacy group Transvanilla Transgender Association.

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## **HUNGARY: Row in Hungary around children's book fuels fears of rising homophobia**

***The children's book 'Wonderland is For Everyone' includes LGBT+ heroes and was labelled 'homosexual propaganda' by Hungary's government.***

By Krisztina Than and Krisztina Fenyo

Reuters (19.10.2020) - <https://bit.ly/2HLV0yo> - Boldizsar Nagy hoped that the tales in the children's book "Wonderland Is For Everyone" would help youngsters to learn to accept minorities and fight social ostracism.

Instead, it has caused a stir in Hungarian politics, with the far-right and the ruling nationalist government labelling it "homosexual propaganda" that should be banned from schools.

More than 1,200 psychologists have since signed a petition in defence of the book, which was edited by Nagy. The tales include stories about Tivadar, a bunny born with three ears, an adopted boy, and Batbajan, a Roma boy, who is hated by his step-mother for his skin colour but finds love when he meets Zeke, a fair-haired boy.

Only a few of the 17 stories that teach acceptance towards people who are in some way "different", are about LGBT+ heroes.

Nagy, 37, who is gay and has Roma roots, says the backlash signals a rise in official intolerance of LGBT+ people and fits into the government's political agenda.

"It is unbecoming that a children's book is used for inciting hatred...or political gains," he said. "Looking at what happened in Poland or Russia, it does not bode well for the future. We are concerned."

Russia in 2013 passed a law banning the distribution of "propaganda of non-traditional sexual relationships" to minors.

Prime Minister Viktor Orban's government, which faces elections in early 2022 and promotes a strongly Christian-conservative agenda, has so far refrained from strong attacks on the LGBT+ community, unlike Poland, where homophobia has been part of the ruling PiS party's ideology.

This appears to be changing now.

Orban, who faces the biggest challenge of his decade-long rule due to the coronavirus pandemic and a deep recession, told state radio that Hungary was a tolerant country when it comes to homosexuality, but "there is a red line that should not be crossed ... leave our children alone."

In a speech over the weekend, he returned to the issue.

"There is a growing debate around us, a struggle almost at daggers drawn, about the future of our children. What influences should they be under?...How should they relate to their families, to Hungarian identity, and even to the sex they have been born into?"

A government spokesman declined to say if the government was planning any legal changes. In a reply to Reuters questions he said: "We have said all we wanted with relation to this issue."

### ***Living with stigma***

The book sold out fast after a lawmaker from the far-right Our Homeland party tore a copy apart and shredded it at a news conference. On Friday, a new edition came out in print.

Several actors have volunteered to take part in a podcast, and the support they received was encouraging, Nagy said. But a widening divide in society around the issue could make lives of LGBT+ people harder, he said.

"It takes years for everyone to accept their identity which is a stigma in Hungary...especially if you grow up in the countryside or in a religious family," he said.

"This book was a little bit also self-therapy for me."

Nagy came out when he was 30 and he was able to openly talk about being gay at work. Living in a stable relationship for six years, he and his partner want to adopt a child.

This is only possible in Hungary for gay couples if one of them applies as a single person as Hungary does not allow gay marriage.

Having been on the waiting list for two years, they had high hopes. These were dampened on Oct. 5 when the government tweaked legislation, saying that for each child, a married couple should first be searched nationwide. The civil law already says married couples should enjoy priority in adoption.

"We thought we would have a child by Christmas...theoretically single people and gay people can still adopt a child, but this will be a much longer process," Nagy said.

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## **HUNGARY ends legal recognition for transgender and intersex people**

***President Ader should not sign problematic new law.***

By Kyle Knight & Lydia Gall

HRW (21.05.2020) - <https://bit.ly/2Xsmuxl> - Hungary's parliament this week passed a law making it impossible for transgender or intersex people to legally change their gender – putting them at risk of harassment, discrimination, and even violence in daily situations when they need to use identity documents. The law is a major backwards step on transgender and intersex rights, and yet another violation of Hungary's international rights obligations. It comes at a time when the government has used the Covid-19 pandemic as a pretext to grab unlimited power and is using parliament to rubber-stamp problematic non-public health related bills, like this one.

"Danny," a 33-year-old transgender man living in Budapest, described his daily humiliation to Human Rights Watch. "I'm always stressed and uncomfortable ... where I have to show my identity documents, for instance when I go to the post office or want to cross a border. I get funny looks, questions, and am forced to explain a very personal story to random strangers and that's humiliating," Danny said. "It really destroys my day."

The legislation redefines the word "nem," which in Hungarian can mean both "sex" and "gender," to specifically refer to a person's sex at birth as "biological sex based on primary sex characteristics and chromosomes." According to Hungarian law, birth sex, once recorded, cannot be amended. This means that anyone who doesn't identify with the sex they were assigned at birth – such as transgender people – will be denied the right to change their legal gender marker to correspond to their identity.

Intersex refers to the estimated 1.7 percent of people born with sex characteristics that differ from social expectations of female or male. Because their bodies are often misunderstood or miscategorized, intersex people may need access to legal gender recognition procedures later in life.

This new law compounds the marginalization trans people in Hungary already face. A recent survey showed that 95 percent of respondents in Hungary believe the government does not effectively combat anti-LGBT bias. It also violates Hungary's obligations under the European Convention on Human Rights.

Hungarian President Janos Ader has a duty to ensure that people's basic rights are not violated by unconstitutional laws. He should decline to sign this law and instead refer it to the Constitutional Court for review. And the European Union's Commissioner on Equality, Helena Dalli, should strongly denounce Hungary's attack against nondiscrimination, a core right enshrined in EU treaties.

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## **HUNGARY #Drop33: Europe's two largest networks of LGBTI and transgender organisations call on Hungarian Parliament to reject attempts to ban legal gender recognition**

***ILGA-Europe and Transgender Europe, the two largest networks of LGBTI and trans organisations in Europe and Central Asia, representing over 800 organisations and groups across the region collectively, are calling on the Hungarian Parliament and the Justice Committee of the Parliament to drop Article 33 of a legislative omnibus bill, which would deny access to legal gender recognition in the country.***

ILGA-Europe (06.04.2020) - <https://bit.ly/3be8VHK> - The Hungarian government Tuesday, 31 March, released a draft omnibus bill simultaneously amending many laws and provisions. One of the laws proposed for amendment relates to legal gender recognition for trans people – proposing to replace “sex” with “sex assigned at birth” in the national registry and on identity documents, as cited in Article 33 of the omnibus bill.

The cited reasoning for this amendment is:

“The sex entered into the civil registry is based on facts determined by doctors, declared by the registry. The registry certifies the facts and rights it includes until proven otherwise, therefore it does not create rights. However, the sex declared by the registry could create rights or obligations, and therefore it is necessary to define the term of birth sex. Given that completely changing one's biological sex is impossible, it is necessary to lay it down in law that it cannot be changed in the civil registry either.”

Functionally, this amendment would mean that legal gender recognition would become impossible under any circumstances in Hungary, because all current mentions of “sex” in identity documents would be changed to the immutable characteristic of “sex assigned at birth”. Currently identity documents can be changed in Hungary by law, although processes have been suspended for nearly two years.

The amendment comes at a time when the Hungarian Parliament has given Prime Minister Viktor Orbán power to rule by decree indefinitely because of the COVID-19 crisis, which means he no longer needs to consult other lawmakers before making policy decisions. Orbán's attacks against the LGBTI community go back to 2015, when he blocked a draft agreement at the Council of the European Union which called on the European Commission to tackle homophobic and transphobic discrimination. He has also refused to ratify the Istanbul Convention because of its definition of gender as a social construct, and in 2017 he hosted the International Organisation of the Family (IOF), a US group which campaigns against same-sex marriage.

The Hungarian people overwhelmingly support access to legal gender recognition for trans people. According to a Median representative survey in September 2019, 70% of respondents believe that trans people should have access to legal gender recognition and

only 17% believed that trans people should under no circumstances change their gender or name in their papers.

According to Advocacy Director of ILGA-Europe, Katrin Hugendubel: "Case law from the European Court of human rights clearly establishes the right to legal gender recognition for transgender people. International human rights actors must act firmly and swiftly to stop this extreme rollback in a settled area of human rights law."

Trans-led Hungarian civil society organisation Transvanilla Transgender Association President Barnabás Hidasi affirms that "legal gender recognition ensures a person's right to self-determination, and that procedures must be existent, quick, transparent, and accessible".

"Hungary's proposed Article 33 runs counter to well-established international human rights standards, including the Council of Europe's recommendations to member states," said Masen Davis, Interim Executive Director at Transgender Europe (TGEU). "This dangerous bill would subject trans people in Hungary to increased scrutiny, discrimination, and violence. The Parliament should be focusing on what the people of Hungary to survive the COVID-19 pandemic, not using this crisis as cover to roll back the rights of an already-marginalised group."

ILGA-Europe and Transgender Europe call on the Hungarian Parliament and the Justice Committee of the Parliament to #Drop33, amending the omnibus bill to protect the fundamental rights of all Hungarians. Further, we call on international human rights actors to raise awareness of this issue, and call on the Hungarian government to mobilise to protect trans people in Hungary and everywhere from derogations of their rights.

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## **LITHUANIA: ILGA-Europe welcome a landmark European Court of Human Rights judgment on online hate speech**

***The European Court of Human Rights found Lithuania's failure to investigate online hateful comments against a gay couple to violate their rights to private and family life, as well as being discriminatory on the ground of sexual orientation.***

By Daniele Paletta

ILGA-Europe (15.01.2020) - <https://bit.ly/2RJew03> - The landmark case of *Beizaras and Levickas v. Lithuania* originated after one of the applicants posted a photograph of him kissing his male partner on his Facebook page, which led to hundreds of online hate comments. Some were about LGBT people in general, while others personally threatened the couple. The applicants alleged that they had been discriminated on the ground of sexual orientation, on account of the public authorities' refusal to launch a pre-trial investigation into hateful comments left on the first applicant's Facebook page. They also argued that the Lithuanian authorities' refusal to launch a pre-trial investigation had left them without the possibility of legal redress.

In a unanimous judgment, the Court found violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights, taken in conjunction with Article 8 (right to respect for private and family life), and Article 13 (right to an effective remedy).

The Court reiterated the authorities' positive obligation under Article 8 to effectively investigate whether the comments regarding the applicants' sexual orientation constituted incitement to hatred and violence. The Court considered that the failure to discharge such

obligation was due to the “discriminatory state of mind” of the authorities. Accordingly, the Court held that it constituted violation of Article 14, taken in conjunction with Article 8 of the Convention.

The Court found that the statistics provided inter alia by the third-party interveners and ECRI’s report demonstrated a clear lack of willingness by the Lithuanian authorities to prosecute perpetrators. The applicants had been denied an effective domestic remedy in breach of Article 13 of the Convention.

Importantly the Court reaffirmed the right of individuals to openly identify themselves as gay, lesbian or any other sexual minority and the growing general tendency to view relationships between same-sex couples as falling within the concept of “family life”.

The Court’s judgment was informed by a third party intervention submitted jointly by the AIRE Centre (Advice on individual rights in Europe), ILGA-Europe, the International Commission of Jurists (ICJ) and the Human Rights Monitoring Institute (HRMI).

“Today’s judgment is ever more important in establishing State’s positive obligations in tackling hate speech against LGBTI people in Lithuania and across Council of Europe member States amidst the rise in hate in a number of countries,” said Arpi Avetisyan, Senior Litigation Officer, ILGA-Europe.

“The Court was clear that such ‘undisguised calls on attack’ on the persons’ physical and mental integrity require protection by the criminal law and public authorities must apply the law without discrimination. We hope this judgment will be implemented duly and promptly ensuring equality and safety for the LGBTI community in Lithuania.”

Robert Wintemute, Professor of Human Rights Law at King's College London (UK) and co-representative of the applicants, said: “I am very pleased that the European Court of Human Rights has sent such a strong message to national authorities across Europe that they must take anti-LGBTI hate speech seriously, and investigate complaints, even about a single hateful comment on Facebook, let alone one that LGBTI persons should be killed.”

Tomas Vytautas Raskevičius, Member of the Vilnius City Council (Lithuania) and co-representative of the applicants, said: “The European Court of Human Rights has concluded today that the Lithuanian authorities systematically fail in effectively responding to homophobic hate speech online. I am positive that this judgment will become a powerful entry point to start conversation with Lithuanian police, prosecutors and judges about the measures that we must take in order to encourage reporting and effectively tackle anti-LGBT crimes.”

According to Vladimir Simonko, Executive Director of Lithuanian Gay League (LGL), this case raises questions of considerable public importance about the nature and scope of the positive obligation of Member States under the European Convention of Human Rights (ECHR) to protect individuals from homophobic hate speech and incitement to violence.

“It is appalling that the Lithuanian Government were challenging the very fact that a civil-society organisation might also have a legitimate interest in the outcome of the applicants’ case, and thus questioning the fundamental role of non-governmental organisations in performing a “public watchdog” function in a pluralist, democratic society,” said Simonko.

According to Livio Zilli, Senior Legal Adviser & UN Representative with the International Commission of Jurists (ICJ): “Among other things, the ICJ welcomes the Court’s finding in its judgment today that, as a result of their discriminatory attitudes towards the applicants’ sexual orientation, the authorities had denied them an effective domestic remedy in



connection with their complaints about a breach of the right to private life under the Convention."

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## **NETHERLANDS to compensate trans victims of forced sterilisation**

***Transgender people will get compensation of 5,000 euros each after Dutch apology.***

By By Karolin Schaps

Thomson Reuters Foundation (01.12.2020) - <https://bit.ly/3gtwgbB> - The Dutch government has agreed to pay about 2,000 trans people who had to undergo sterilisation to legally change their gender 5,000 euros (\$5,993) each in compensation.

Until 2014, Dutch trans people who wished to amend the gender on their birth certificate first had to be sterilised and to alter their bodies, through hormones and surgery, to match their new gender.

"Such a violation of physical integrity is no longer imaginable today," said Sander Dekker, Dutch minister for legal protection, in a statement.

"It is important to acknowledge the suffering of transgender people and to offer recognition, compensation and apologies for it."

The Netherlands follows in the footsteps of Sweden, which in 2018 became the first country in the world to compensate victims of a similar sterilisation law.

However, the Dutch compensation package for trans people who changed their registered gender between July 1, 1985 and July 1, 2014 is much lower than Sweden's payment of 225,000 crowns (\$26,411) per person.

A number of European Union countries still require sterilisation in order to legally change gender, including Finland, the Czech Republic and Bulgaria.

"It is quite a u-turn," said Willemijn van Kempen, a trans woman who was one of the initiators of the compensation campaign, which was launched in 2019 by a group of individuals and trans rights groups.

"Apologies and recognition are given after all the forced procedures on our body and the sterilisation resulting in an unfulfilled wish to have children," she said in a statement issued by women's rights law firm Bureau Clara Wichmann.

"I am happy with (the decision), but it still feels unreal and I have to let this sink in for a while."

Nora Uitterlinden, a spokeswoman for Transgender Netwerk Nederland, welcomed the government's apology.

"The wounds this inflicted on so many people and on the community as a whole are deep and enduring," she told the Thomson Reuters Foundation in emailed comments.

"Both those who ultimately underwent surgery and sterilisation to comply with the law as well as those who did not and consequently had to live without legal recognition of their identity."

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## **NETHERLANDS: MPs want to ban religious schools from refusing LGBTQ+ students**

NL Times (17.11.2020) - <https://bit.ly/3m9vW3R> - Schools must never be allowed to refuse students based on their religion, sexual orientation or ideals, according to a SP motion meant to regulate the acceptance obligations for all schools by law. A large parliamentary majority of VVD, D66, SP, PvdA, GroenLinks, and others, supports this motion, NOS reports.

Discussions affecting religion and education is a sensitive topic in Dutch politics. Last week there was outrage when Education Minister Arie Slob defended Christian schools who had parents sign anti-gay statements before allowing their child. The Minister referred to Article 23, saying that these statements were allowed as long as the school provided a safe education space for all students. He later retracted that statement.

Article 23 states that anyone may establish a school and that public and special education are financially equal. It was first added to the Constitution in 1917. Over the years, multiple parties, including PvdA, D66, GroenLinks, and SP, submitted plans to modernize this article. But the Christian parties in particular are opposed to the amendment of Article 23, according to the broadcaster. Two of the Christian parties, CDA and ChristenUnie, are in the current coalition.

After pleas to update this Article in 2006 and 2018, the PvdA is now submitting a bill for a constitutional amendment. According to the PvdA, Article 23 was intended to let parents choose a school that fits their ideals. But schools are now abusing that to refuse students, party leader Lodewijk Asscher said to NOS. "Because of a language deficiency or because their parents hold the wrong faith," he said. "Minister Slob unintentionally demonstrated perfectly why things really have to be changed."

Such a bill has to get a two-thirds majority in both parliament and the Senate, and changing the Constitution takes a long time. The SP therefore submitted its motion for the interim. SP parliamentarian Jasper van Dijk wants to "put an end to the door policy that special schools can implement," he said to the broadcaster. "It is too crazy for words that a school can refuse a child because they are not Christian. I'd prefer to see all children go to school together."

The VVD and D66 supporting the motion will likely cause strife in the coalition, as the Rutte III coalition agreement stated that the freedom of education and Article 23 will be left untouched in this government term.

D66 parliamentarian Paul van Meenen thinks that the SP motion was drawn up in such a way that "the pain in the coalition will not immediately drive the four parties apart," he said to NOS. The topic is indeed sensitive in the coalition, he said. "But the motion is not calling the government to do anything, a 'speak out' wording has been chosen. That is a start and can help a little bit."

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## **NETHERLANDS: Firework bombings targeted Amsterdam home flying an LGBT flag**

By Janene Pieters

NL Times (14.09.2020) - <https://bit.ly/32BfrXb> - A home in Amsterdam Oost twice had fireworks bombs explode in front of it over the weekend. Resident Jesper Raaijman believes that his home is being targeted because of the rainbow flag hanging from his balcony, he said to Het Parool.

"I was sitting on my couch with my curtains open a little when I heard something fall on my balcony and someone running away," the 35-year-old man said to the newspaper. "I went to see what was going on, and then saw a red flash. I realized I had to get away because the glass may shatter. That didn't happen, but my flower box was blown up."

That was around 8:45 p.m. on Saturday. On Sunday at 8:15 p.m., another fireworks bomb exploded in front of Raaijman's home, then on the ground floor.

Raaijman is shaken. "I just hope it stays at that," he said to the newspaper. He is also worried about the children who play in the area. They could get hurt if there are more attacks.

He, with the rest of the Oostpoort neighborhood, hung rainbow flags to show solidarity with a gay couple in the area, whose rainbow flag was pelted with eggs in two incidents at the end of July. On August 19th, Raaijman's home was also targeted. A friend looking after his house opened the balcony doors and had rotten eggs thrown at her.

"More attention needs to be paid to this. I think that this must not be possible for Amsterdam standards, that this happens that apparently you cannot have a rainbow flag hanging on your balcony," he said to the newspaper.

A spokesperson for the Amsterdam police confirmed the two fireworks bomb incidents to Het Parool, and that Raaijman pressed charges. The police's team focused on anti-LGBTQ incidents is investigating.

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## **NETHERLANDS: Dutch gov't uncovers holiday camps for 'conversion therapy'**

***15 organisations and individuals offer so-called "conversion therapy" in the Netherlands, aiming to make gay people straight.***

By Karolin Schaps

Thomson Reuters Foundation (11.06.2020) - <https://bit.ly/2UX3hU1> - In the Netherlands, 15 organisations and individuals offer so-called "conversion therapy" aiming to make gay people straight, the health ministry said, as it mulls a ban on the discredited practice which can cause severe mental health problems.

The treatments sometime take place in holiday camps and workshops, the ministry said in a study commissioned after several lawmakers called for conversion therapy to be outlawed as it was putting vulnerable youngsters at risk.

"Within a religious context, there are various initiatives, agencies and individuals which have emerged in this research that - in neutral terms - attempt to help people with a non-heterosexual orientation," it said.

"There are fifteen organisations or individuals who may also organise peripheral activities (e.g. holiday camps, seminars and workshops) in which a non-heterosexual orientation is regarded as problematic and attempts are made to 'remedy' this."

A top United Nations expert this month called for a global ban on conversion therapy, which can range from counselling and 'praying away the gay' to electric shocks and sexual violence, describing it as cruel, inhumane and degrading.

A growing number of countries - including the United States, Canada, Chile and Mexico - are reviewing their laws. Brazil, Ecuador and Malta have nationwide bans on conversion therapy while Germany outlawed the treatment for minors last month.

The Dutch health ministry said it will publish a second study in the next few months recommending what action to take.

"These practices have harmful consequences for victims and for this reason it is bad that they are being carried out," a health ministry spokesman told the Thomson Reuters Foundation.

The study included an online questionnaire, which 239 LGBT+ people responded to. About 30% said they had experienced conversion therapy.

"(These individuals) are most likely the tip of the iceberg," the study said, adding that more than half of respondents said their therapies had lasted more than one year.

Nearly all of the people who underwent conversion therapy reported suffering from psychological problems, including depression, suicidal thoughts and eating disorders, sexual issues and loneliness.

"It is now up to politicians to immediately ban these practices," the Dutch LGBT+ rights group COC Netherlands said in a statement.

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## **NORWAY: LGBT Equality: Gay rights in Norway**

***According to recent surveys, Norway is one of the world's best countries to be LGBTQ+. We take a look at the history of gay rights in Norway and what barriers remain in place.***

By David Nikel

Life in Norway (02.01.2020) - <https://bit.ly/2QXWWFe> - Recent research by two American bloggers has put Scandinavia as the world's friendliest region for LGBTQ+ travellers. The LGBTQ+ Danger Index ranks Sweden as the most friendly country, with Norway placed third. Beyond that, all the other Nordic nations placed well. The rankings for Finland (7th), Iceland (9th), Denmark (14th) were all in the upper reaches of the results.

The research was designed for travellers, but it looked at eight factors that impact lifestyle in general. These included the legal status of same-sex marriage, legal protections of

worker rights, and whether a country had any anti-discrimination or anti-LGBTQ+ “morality” laws in place.

This means the research results were a great starting point for assessing wider attitudes within a culture.

Norway also scores well in the Rainbow Europe country ranking, placing 6th among 49 European countries. The index is based on laws pertaining to same-sex marriage, adoption, rights for transgender people, and more.

Now, let's take a look more closely at the rights LGBTQ+ people have in Norway.

### ***A steady improvement over time to LGBTQ+ rights***

As with the other Nordic countries, Norway is regarded as one of the world's most LGBTQ+ friendly nations. Generally speaking, there is high societal acceptance along with many equality laws. Most recently Norway has made major strides forward in the recognition of trans people and other gender issues.

Norway's gay rights story can best be described as a “slow and steady” one. Same-sex sexual activity has been legal since 1972, when the age of consent was also equalised at 16. Then in 1981, Norway became one of the only countries in the world to include sexual orientation in an anti-discrimination law. But it took many years for many other laws to be brought up to date.

### ***Gay marriage in Norway***

Norway made gay marriage legal in 2009. Previously, Norway had been the second country to allow same-sex couples to enter into registered partnerships. This began in 1993, following Denmark in 1989.

Since the gay marriage law passed in 2009 it has not been possible to create new registered partnerships. However, those with that status can choose to keep it or convert to marriage. In the three years following the change, 754 partnerships were converted to marriages.

Gay marriage has also been possible in the Lutheran Church of Norway since 2017. When the change was announced the previous year, King Harald spoke about the value of diversity. He also said LGBTQ+ people are “part of the fabric of Norwegian life”. He also described Norwegians as “girls who love girls, boys who love boys, and boys and girls who love each other.”

His comments were termed a welcome gift by campaign groups in a year when populist politics was grabbing headlines. In particular, a neo-Nazi group based in Norway has used social media and leaflets to target the so-called “gay lobby.”

Public opinion remains positive. A 2017 Pew Research Center poll revealed that 72% of Norwegians support same-sex marriage. Less than one-in-five answered negatively.

### ***Discrimination and hate crime***

Norway recorded a world first in 1981 when it became the first country to enact an anti-discrimination law that included sexual orientation. This included the provision of goods or services and in access to public gatherings. Hate speech laws were swiftly amended to include LGBT people in the definition.

Anti-discrimination laws on employment have been in place since 1998, while discrimination based on gender has been in place since 2013.

### **LGBT Parenting in Norway**

Under Norwegian law, married and committed same-sex couples are allowed to adopt children. Full adoption rights were granted in 2009, while adoption of stepchildren has been allowed since 2002. Artificial insemination is available for lesbian couples. In such cases, the other partner will have all the rights and duties of parenthood.

### **LGBT and Norway's military**

It is legal for openly gay, lesbian and bisexual people to serve in all Armed Forces. Since 1979, they have held full rights including anti-discrimination. Transgender people are also permitted to serve.

Health issues for LGBT people

Norway was the first country in the world to make PrEP available by prescription from the national health service. PrEP is a daily HIV-prevention drug that is available to those people who are not HIV-positive but are in a high risk group. Since June 2017, gay and bisexual men have been permitted to donate blood in Norway.

### **Transgender rights**

In 2016, Norway introduced a law permitting legal changes of gender with no psychiatric or psychological evaluation required. This also applies to those under 16 but only with parental consent. 190 people applied to change their gender within a month of the law coming into force.

As previously mentioned, transgender people are permitted to serve openly in all Norway's Armed Forces. Transgender people are also covered by Norway's anti-discrimination laws on issues such as housing and employment.

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## **POLAND: More Polish regions revoke anti-LGBT declarations over EU funds withdrawal**

Euronews (27.09.2021) - <https://bit.ly/2WGtHO4> - Three more Polish regions have revoked anti-LGBT declarations over the threat of losing funds from the European Union. Councillors in the southern region of Małopolska confirmed on Monday that they had repealed their opposition to the LGBT "ideology."

Authorities in the southeastern provinces of Lublin and Podkarpackie also abandoned the resolutions, according to the Polish PAP news agency.

Last week, the regional assembly of Świętokrzyskie became the first to abandon their status as an "LGBT-free zone."

In 2019, dozens of local Polish municipalities declared their symbols "anti-LGBT" in a largely symbolic gesture.

Local communities, in support of Poland's conservative Law and Justice party, said the declarations intended to protect traditional family values.



But after the EU threatened to halt millions of euros to Polish regions, the country's government asked local authorities to revoke their anti-LGBT status.

LGBT rights activists say the 2019 declarations made gays and lesbians feel unwelcome in Poland.

The European Commission wrote to five Polish regional councils at the beginning of September urging them to abandon declarations to receive recovery funding.

Earlier this year, the European Parliament also passed a resolution declaring the entire 27-member EU a "freedom zone" for LGBT people.

On Monday, sixteen councillors in Małopolska voted in favour of repealing the anti-LGT declaration. Seven officials voted against the decision, with fifteen others abstained.

Councillor Witold Kozłowski reluctantly said in a [statement](#) that local development must be "financially secured".

"Neither I nor any councillor on the right or the left was ready to take responsibility for leaving Małopolska without these EU funds," he stated.

"It is a consensus that not every party is entirely satisfied with," he added.

"It was only our voice about the importance and value of the family that caused the creation of just such a declaration [against LGBT people]."

"Małopolska is a strong region, built on values and based on centuries-old Christian tradition."

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## **POLAND: Polish court acquits activists who put LGBT rainbow on icon**

By Vanessa Gera

APNews (02.03.2021) - <https://bit.ly/3cbpDJv> - A Polish court on Tuesday acquitted three activists who had been accused of desecration and offending religious feelings for producing and distributing images of a revered Roman Catholic icon altered to include the LGBT rainbow.

The posters, which they distributed in the city of Plock in 2019, used rainbows as halos in an image of the Virgin Mary and the baby Jesus. Their aim was to protest what they considered the hostility of Poland's influential Catholic Church toward LGBT people.

The court in the city of Plock did not see evidence of a crime and found that the activists were not motivated by a desire to offend anyone's religious feelings, but rather wanted to defend those facing discrimination, according to Polish media.

The conservative group that brought the case, the Life and Family Foundation, said it planned to appeal.

"Defending the honor of the Mother of God is the responsibility of each of us, and the guilt of the accused is indisputable," the group's founder, Kaja Godek, said on Facebook. "The courts of the Republic of Poland should protect (Catholics) from violence, including by LGBT activists."

The case was seen in Poland as a freedom of speech test under a deeply conservative government that has been pushing back against secularization and liberal views. Abortion has been another flashpoint in the country after the recent introduction of a near-total ban on it.

One defendant, Elzbieta Podlesna, said when the trial opened in January that the 2019 action in Plock was spurred by an installation at the city's St. Dominic's Church that associated LGBT people with crime and sins.

She and the other two activists — Anna Prus and Joanna Gzyra-Iskandar — faced up to two years of prison if found guilty.

An LGBT rights group, Love Does Not Exclude, welcomed the ruling as a "breakthrough."

"This is a triumph for the LGBT+ resistance movement in the most homophobic country of the European Union," it said.

The image involved an alteration of Poland's most-revered icon, the Mother of God of Czestochowa, popularly known as the Black Madonna of Czestochowa. The original has been housed at the Jasna Gora monastery in Czestochowa — Poland's holiest Catholic site — since the 14th century.

Podlesna told the Onet news portal that the desecration provision in the penal code "leaves a door open to use it against people who think a bit differently.

"I still wonder how the rainbow — a symbol of diversity and tolerance — offends these feelings. I cannot understand it, especially since I am a believer," Podlesna told Onet.

Podlesna was arrested in an early morning police raid on her apartment in 2019, held for several hours and questioned over the posters. A court later said the detention was unnecessary and ordered damages of about \$2,000 awarded to her.

Because of all the attention the altered icon has received, it is now a very recognized image in Poland, one sometimes seen at street protests.

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## **POLAND: The Polish case against the Virgin Mary**

***Three activists face two years in prison for portraying Mary with a rainbow halo.***



*A person holds a picture depicting the Virgin Mary with a rainbow halo during Pride in Plock, Poland in August 2019 | Wojtek Radwanski/AFP via Getty Images*

BY [WOJCIECH KOŚĆ](#)

Politico (14.01.2021) - <https://politi.co/2LY51ek> - Three Polish women are on trial for offending religious feelings by making posters of Poland's holiest icon of the Virgin Mary with a rainbow halo.

They face up to two years in prison if convicted.

The trial, which began Wednesday, is attracting international attention both for the use of the controversial law protecting religious feelings and for again raising the issue of LGBTQ rights in Poland.

In April 2019, the three women, Elżbieta Podleśna, Anna Prus and Joanna Gzyra-Iskandar Podleśna, put up the posters to protest a traditional Easter display put up by a church in Płock, some 110 kilometers northwest of Warsaw. The display listed the sins that believers were supposed to battle against — ranging from traditional ones like “greed,” “hate,” or “envy” but also “LGBT” and “gender.”

“The immediate reason for our action was the homophobic and hurtful installation,” Podleśna [told](#) the court, adding that she was a religious believer and saw nothing untoward about the protest using Mary, “the universal symbol of the love of a mother and child.”

“What I saw was hatred, contempt, aggression,” said Prus. She said that the three used stickers that had already been printed up for earlier protests were to complain about what she called the “hypocrisy” of the church which hasn’t dealt with pedophilia scandals while it attacks LGBTQ people.

In protest against what they saw as a display of hate, the women placed stickers around the Płock church featuring a depiction of [the Black Madonna](#) — a famous rendering of the Virgin Mary from Poland's top pilgrimage site at the Jasna Góra monastery in Częstochowa — but with Mary and Jesus sporting LGBTQ rainbow halos.

Podleśna was arrested and her apartment was searched in what the Helsinki Human Rights Foundation [said](#) was police action "deliberately used as a form of repression."

The arrest was celebrated by Poland's ruling nationalist Law and Justice (PiS) party, which has unleashed verbal attacks against LGBTQ people as a way of bolstering its political support.

"Thank you [Polish police] for the efficient identification and detention of a person suspected of desecrating the image of the Mother of God that has been sacred to Poles for centuries. No tall tales of freedom and 'tolerance' give ANYONE the right to offend the feelings of the faithful," [tweeted](#) Joachim Brudziński, at the time the country's interior minister and now an MEP.

The party and its backers in part of the powerful Roman Catholic Church have described LGBTQ rights as a threat to the Polish nation and its traditional values. Archbishop Marek Jędraszewski warned in a [2019 sermon](#) that Poland was endangered by a "rainbow plague." President Andrzej Duda [told](#) an election rally last year that "LGBT ideology" was "more dangerous than communism." Several Polish towns have also [declared themselves](#) to be zones free of LGBT ideology, prompting a backlash from other European countries.

Poland was [ranked](#) as the most anti-gay country in the EU by the International Lesbian, Gay, Bisexual, Trans and Intersex Association.

Wednesday's trial was interrupted by a small group of protesters shouting slogans like "Secular, not Catholic Poland!" and "Rainbow does not offend!" in front of the courthouse. The court heard from the first witnesses, a priest from the church that put out the Easter decoration, who called the rainbow flag "filthy" for believers, and Kaja Godek, a well-known religious activist who asked the three if they were aware that homosexuality is a grave sin, before it adjourned until February 17.

"The case shows the incompatibility of Polish law with European freedom of speech standards elaborated by the European Court of Human Rights. Human rights protection is not limited to agreeable and conventional communication. It also covers speech that in order to draw or raise awareness of a particular issues 'offends, shocks or disturbs,'" said Zuzanna Warso, a human rights lawyer.

The trial will add to Poland's problems in Brussels, where there are already worries that the government is backsliding on democracy.

"Imagine you show this image and then face up to 2 years of prison for 'offending religious feelings'. Unbelievable? This is happening right now — in the middle of the EU," [tweeted](#) Terry Reintke, a German Green MEP.

### **More reading**

<https://apnews.com/article/trials-e1d82221344dc1e211aabc2e8d9e3c33>

## **POLAND's anti-LGBT+ tirade similar to pre-war 'dehumanising' of Jews, MEP says**

***Gay Polish former presidential candidate sees parallels between treatment of LGBT+ people today and Jewish community before war.***

By Hugo Greenhalgh

Thomson Reuters Foundation (14.09.2020) - <https://tmsnrt.rs/32AN3nY> - A prominent gay politician in Poland has compared the government's repeated attacks on the LGBT+ community to the way Jewish people were "dehumanised" in the run-up to World War Two.

LGBT+ rights are increasingly contested in Poland, where President Andrzej Duda was re-elected in July after an acrimonious campaign in which he proposed a constitutional ban on same-sex adoption and LGBT+ education in schools.

"The president of the republic dehumanises LGBTI people and calls them 'not humans'," said Robert Biedron, a former Polish presidential candidate who now sits in the European Parliament.

"I remember from the schoolbooks that Jewish people (before World War Two) were dehumanised, they were called 'not humans', and to me these resemble those times," Biedron told the Thomson Reuters Foundation in a telephone interview.

Biedron, 44, was speaking in advance of a European Parliament meeting due on Monday to debate possible action against Poland in protest at the treatment of its LGBT+ community.

Members of the ruling Law & Justice (PiS) party have been joined by some Roman Catholic bishops in denouncing LGBT+ rights as a foreign "ideology" that threatens traditional values.

The Polish government did not immediately respond to a request for comment. Last month, a spokesman said there was "no public policy or regulation restricting the civil rights of people with different sexual orientation in Poland".

Biedron said, however, that the Polish government should pay the price for "not respecting the rule of law" within the European Union.

"Because what is the European community? It is about the respect for equality, for freedom and for the respect of minorities," he said.

### ***'The perfect scapegoat'***

Biedron, a former mayor of the northwestern city of Slupsk, ran as a candidate in this year's presidential election, winning 2.2% of the vote after being the target of homophobic rhetoric during campaigning.

"To be honest, I expected (the homophobia)," he said. "But I was an activist for many years, fighting for LGBTI rights when it was really taboo. So to be a candidate and have the support of so many people is a sign of progress."

In parliamentary elections in October 2019, PiS made LGBT+ rights a major focus of its campaign, and critics say the nationalist party has fomented anti-gay and anti-trans sentiment in the country.



"This government won't change its (anti-LGBT+ policies) in coming years," Biedron said.

"They see it works. They are winning elections because they are being homophobic and transphobic, and we are the perfect scapegoat."

Biedron's partner, Krzysztof Smiszek, is a member of the lower chamber of Poland's bicameral parliament.

Both he and Biedron have been active in supporting a new generation of activists, including Margot Szutowicz, whose arrest last month for damaging an anti-LGBT protester's van sparked a wave of demonstrations.

"I keep fingers crossed for this generation," Biedron said, adding that he supports Szutowicz's sometimes-controversial campaigning tactics.

Biedron warned that the Polish government's stance could eventually pose a risk to the country's EU membership.

"There is a danger that one day Poland will make a mistake and be out of the European Union," he said.

"But that would be catastrophic not only for LGBTI people but Polish society as a whole... That's why we need solidarity."

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## **POLAND offers support for anti-LGBTQ towns refused EU funding**

***Polish minister says Brussels' actions were 'illegal and unauthorized.'***

By Zosia Wanat

Politico (18.08.2020) - <https://politi.co/3b1JauL> - Polish towns that were refused EU money because of their anti-LGBTQ views can count on financial support from the government in Warsaw, Justice Minister Zbigniew Ziobro said Tuesday.

Ziobro, leader of the ultra-conservative United Poland — the junior coalition party in the government headed by Law and Justice (PiS) — and author of sweeping and controversial changes to the judiciary, said he would grant the southern town of Tuchów, which last year signed an anti-LGBTQ charter, 250,000 złoty (€57,000) — three times as much as the town was supposed to get from the European Commission under a citizens' program for twin municipalities.

In July, Equality Commissioner Helena Dalli rejected grants for six Polish towns, including Tuchów, linking the decision to anti-gay declarations. Since 2019, dozens of Polish towns, counties and regions have signed such declarations and charters.

Ziobro on Tuesday called Dalli's decision "persecution" and "ideological revenge," claiming that local authorities such as Tuchów's don't discriminate against anyone but protect traditional family values.

"Ms. Dalli's actions were illegal and unauthorized," he said. "We can't leave such municipalities on their own. The Polish state, in a legitimate reaction condemning the



European Commission's action, will stand together with the local authorities and the citizens."

Ziobro said he'd talk to the country's prime minister, Mateusz Morawiecki, about setting up a special "financial mechanism" to help those towns that have been "harassed" by the Commission. He also admitted that the ministry couldn't identify the other five towns that hadn't received the EU money.

Earlier this month, the Polsat television station reported that some towns that applied to be part of the twinning program and were rejected did not sign anti-LGBTQ declarations. Ziobro on Tuesday said that Dalli might have "punished some of the towns in advance."

The Commission did not disclose the names of the six towns that didn't receive the money. It did say that some of the rejected applications came from towns elsewhere in Europe that had partnerships with Polish regions that had signed anti-LGBTQ declarations.

The row over LGBTQ rights is another chapter of Warsaw's fight with Brussels. Discussions on the EU's long-term budget and coronavirus recovery fund contained a proposal to link funding to the rule of law, which proved one of the most contentious in the negotiations as Hungary and Poland opposed a strong link. The final agreement watered down earlier language on the topic.

On Monday, a group of famous names — including film director Pedro Almodóvar, writer Margaret Atwood and philosopher Slavoj Žižek — sent a letter to the European Commission, calling on Brussels "to take immediate steps to defend core European values — equality, non-discrimination, respect for minorities — which are being blatantly violated in Poland."

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## **POLAND: Six 'LGBT-free' towns in Poland lose E.U. funding**

***Dozens of Polish towns have declared themselves "LGBT-free" since 2019, and now roughly a third of the country's population lives in these municipalities.***

By Tim Fitzsimons and The Associated Press

NBC News (31.07.2020) - <https://nbcnews.to/30u5QAh> - The European Commission rejected funding for six Polish towns that declared themselves to be "LGBT-free," a growing local trend where municipalities issue resolutions declaring themselves unwelcoming toward lesbian, gay, bisexual and transgender people.

"EU values and fundamental rights must be respected by Member States and state authorities," European Union Commissioner for Equality Helena Dalli wrote in a tweet announcing the rejection.

A European Commission spokesperson told NBC News in an email that the commission would not name the six towns, but said there is "a fundamental principle of equality of treatment that is at the heart of our selection processes."

The decision means these six undisclosed towns' applications to "twin" with other European Union cities — similar to "sister cities" in the United States — were rejected. Applications can unlock up to 25,000 euros in funding for conferences and other group-building activities.

"Our treaties ensure that every person in Europe is free to be who they are, live where they like, love who they want and aim as high as they want," European Commission President Ursula von der Leyen tweeted. "I will continue to push for a #UnionOfEquality."

The issue of LGBTQ rights has recently divided Poland.

Earlier this month, conservative president Andrzej Duda was re-elected by a razor-thin margin with 51 percent of the vote. Duda campaigned against LGBTQ equality, promising that gays would be prohibited from marrying and that LGBTQ issues would be banned from school curricula.

Other cities in Western Europe have already canceled their "twinning" agreements with Polish "LGBT-free" towns prior to the European Commission's recent rejection.

Polish Justice Minister Zbigniew Ziobro called the rejection "unlawful," urging for a reversal from the E.U. Commission and arguing that the views of all citizens should be respected by the E.U.

The trend began in March 2019 when small towns passed resolutions declaring themselves free of "LGBT ideology." Since then, dozens of towns have followed, and now roughly a third of Poland's population lives in these municipalities.

Poland's "LGBT-free zone" movement has already caused international waves. Last year, under pressure, Carnegie Hall canceled an event linked to a Polish magazine that first circulated "LGBT-free zone" stickers in its July 2019 issue.

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## **POLAND: French town suspends ties with Polish twin city over LGBT rights**

***A Polish mayor on Monday deplored the decision by a sister town in France to suspend 25-year official ties with her town because it declared itself an area "free of LGBT ideology."***

France 24 (18.02.2020) - <https://bit.ly/2HzCeHd> - The mayor of the south-eastern town of Tuchow, Magdalena Marszalek, blamed the rare decision by the French community it had been twinned with, Saint-Jean-de-Braye, on campaigning ahead of local elections there.

She expressed regret that severing ties will cut friendly relations among residents, as Tuchow will no longer be able to sponsor visits by people from Saint-Jean-de-Braye.

Marszalek said many in her community do not identify with the declaration adopted last year by local councilors of Poland's ruling conservative Law and Justice party.

The sister municipality in central France suspended ties last week and said in a statement that "France is committed to combating human rights violations based on sexual orientation ... We cannot accept that the ties that unite our two cities by a twinning oath be tainted. We condemn the position taken by our twin city of Tuchow."

Tuchow was among other towns in south-eastern Poland that adopted the declaration in May saying they wanted to defend themselves against "radicals ... who attack freedom of speech, childhood innocence, the authority of family and school and the freedom of businesspeople."

The declaration came in reaction to Warsaw Mayor Rafal Trzaskowski, an opposition politician, declaring the capital city supportive of the LGBT community and its rights.

Poland's ruling party and other social conservatives say they are trying to protect children and traditional families from being demoralized and corrupted by a growing gay rights movement.

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## **ROMANIA violated the European Convention**

***Romania has been found to be in violation of the European Convention on Human Rights because its authorities present transgender people with an impossible dilemma.***

ILGA Europe (19.01.2021) – <https://bit.ly/39BzKqO> – LGBTI rights organisations, ILGA-Europe and Transgender Europe (TGEU) have welcomed today's [judgment](#) in the cases of X and Y v Romania, the European Court of Human Rights (ECtHR) found a violation of Article 8 of the European Convention, in that Romania lacked a clear and foreseeable legal framework for the legal gender recognition. The Court's judgment was informed by a third-party intervention submitted jointly by ILGA-Europe and TGEU.

The applicants in the case, Mr. X and Mr. Y, spent years in the national courts requesting the authorisation for gender reassignment from female to male and an administrative change of forename and personal digital identity code, and other necessary changes in the civil-status register indicating the applicant's new forename and male gender. The relevant administrative corrections were refused on the grounds that persons making such requests had to provide proof that they had undergone gender reassignment surgery.

While Applicant X was able to obtain male forenames by deed poll in the UK in 2015, he continued suffering constant inconvenience owing to the mismatch between the female identifiers on the papers issued by the Romanian authorities and the male identifiers on the various documents he had obtained in the United Kingdom. While waiting for a decision from the European Court, Applicant Y felt compelled to undergo various surgeries in order to be able to make the necessary alterations to his civil-status records and have a new birth certificate issued.

The ECtHR observed that the lack of procedure and unreasonable requirements by the national courts had presented both applicants with an impossible dilemma: either they were forced to undergo the surgery, contrary to their right to respect for their physical integrity, or they had to forego recognition of their gender identity, which also came within the scope of respect for private life.

### ***ECtHR finding***

The Court found a violation of ECHR Article 8 in that Romania lacked a clear and foreseeable legal framework for legal gender recognition. The Court recalled recommendations by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, as well as the United Nations High Commissioner for Human Rights and the UN Independent Expert on SOGI calling on States to adopt procedures allowing persons to have their name and gender changed on official documents in a quick, transparent and accessible manner.

The Court also found that the State failed to provide fair balance between the general interest and the individual interests of the persons concerned.

Unfortunately, the Court did not address Article 14 claims on non-discrimination based on gender identity that affects the applicants, and thus did not clearly condemn any surgery requirements in legal gender recognition procedures as discriminatory.

Romania's ACCEPT association estimates that around 120,000 transgender people live in the country, while less than 50 have managed to change their civil status documents in the last 20 years.

**According Patrick Brăila, co-president of ACCEPT:** "Gender identity is an inner feeling and a deeply private one, which must be ascertained by the civil status authority on the basis of the trans person's statement, without being required to provide medical evidence, the testimonies of others, or worse, to be forced to undergo surgery on the genitals that the person in question either does not want or that are impossible to have in our country, due to the absence of specialists in the field. These interventions cost over €50,000 in foreign countries. We therefore request the Government of Romania, which has the obligation to implement this decision, to develop in collaboration with the ACCEPT Association and the transgender community in Romania, a simplified administrative procedure that allows the modification of identity documents of trans persons, respecting their dignity and personal autonomy and their right to self-determination."

**Welcoming the judgement, Antonella Lerca, member of the TGEU Board said:** "Transgender people in Romania are very excited about the news from the European Court of Human Rights. We have been waiting for a long time to hear this, particularly those at the margins. Trans sex workers, poor and homeless trans people, have been rejected by society and been trampled on by the State. We call upon the Romanian state to respect its obligations and immediately introduce a legal gender recognition procedure that is quick, transparent, and accessible and based on self-determination."

**Head of Litigation at ILGA-Europe, Arpi Avetisyan added:** "We welcome this judgment as it reiterates the need for establishment of a clear legal framework for the legal gender recognition without any requirements violating the right to privacy and bodily integrity in Council of Europe Member States. Putting trans people in a dilemma of choosing between having their physical integrity respected or having their gender identity recognised is unacceptable. The Court took note of declining number of Member States requiring gender reassignment surgery as a prerequisite for legal gender recognition. It is time that countries across Europe set in place legal gender recognition procedures in line with international human rights standards."

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## **ROMANIA: Romanian rights groups condemn ban on gender identity studies**

By Luiza Ilie

Reuters (17.06.2020) - <https://reut.rs/2Z0qSoa> - Romanian human rights groups and universities on Wednesday condemned a blanket ban on gender identity studies voted through by lawmakers, which they said would legitimise discrimination against the country's LGBT minority.

Parliament passed the amendment to the education law on Tuesday, pushing Romania's sexual politics onto the same authoritarian track as neighbouring Hungary and Poland.

The bill, approved without public debate, would consign Romanian education "back to the Middle Ages," student associations said in a statement.

The groups, along with universities, said the amendment contravened human rights and freedom of expression, and urged President Klaus Iohannis - who is on record as advocating equality and who must sign all bills into law - to reject it.

Socially conservative Romania decriminalised homosexuality in 2001, decades later than other parts of the European Union, and is one of the only EU states that bar marriage and civil partnerships for same sex couples.

Lawmakers had "voted against a segment of the population they should be representing and protecting," Patrick Brăila, a rights activist for Romanian's estimated 120,000 transgender people, said in a statement.

"As such, they are directly responsible for all transgender people who are discriminated (against)."

In Hungary, lawmakers voted last month to ban transgender people from changing their gender on identity documents, while Polish President Andrzej Duda Poland this week compared LGBT "ideology" to communist doctrine in an election campaign speech.

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## **RUSSIA: "The state views us as ideological enemies" (18+)**

***Interview with Igor Kochetkov, who saved Chechen gays and is now called by the Ministry of Justice "three times a foreign agent"***

Novaya Gazeta (20.11.2021) - <https://bit.ly/3DCu1gN> - Igor Kochetkov - historian, human rights activist, founder of the Russian LGBT network - in mid-November was recognized by the Ministry of Justice as "an individual performing the functions of a foreign media agent". Kochetkov opposed Russian legislation introducing the concept of "propaganda of non-traditional sexual relations". In recent years, he has been actively engaged in helping LGBT people facing torture and harassment in the North Caucasus.

Deputy Editor-in-Chief of "Novaya" Kirill Martynov talked to Igor Kochetkov about the role of homophobia in modern Russian politics, how the anti-vaccination movement borrows human rights rhetoric, about the personal risks of activists and the Russian future. Has LGBT really become the most successful social movement in Russia in the last 20 years, and the state will no longer be able to stop the cultural changes taking place in Russian society?

### **FROM THE EDITORIAL OFFICE**

*The hero of this interview is a person who, in accordance with the new laws of the Russian Federation, is obliged to indicate everywhere:*

***"THIS MESSAGE (MATERIAL) WAS CREATED AND/OR DISTRIBUTED BY A FOREIGN MEDIA ACTING AS A FOREIGN AGENT AND/OR A RUSSIAN LEGAL ENTITY ACTING AS A FOREIGN AGENT."***

**- The Russian state is talking about the so-called traditional values that distinguish us very much from the modern West, and this difference seems to be based on our sovereignty. If we begin to deal with what is behind this rhetoric, then inside, apparently, there is an absolute void, there is nothing but a desire to extract rent from the country and not share it with anyone. But there is one specific thing that everyone understands: presumably we differ**

**from Europe in that we do not like gays. In this sense, homophobia is Koshcheev's egg of Russian power. As if we didn't have homophobia, Russia would cease to be a great, independent, sovereign power.**

[Continue reading this long interview in automatic translation](#)

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## **RUSSIA: 'Traditional Values' unite both sides in a new ideological Cold War**

***Republicans and global authoritarians around the world from different political, cultural and social contexts use alarmingly similar tactics.***

By [Tatyana Margolin](#) and [Gillian Kane](#)

Moscow Times (11.11.2021) - <https://bit.ly/3qWSlqs> - There is much debate about a new "cold war" between Russia and the U.S., but one tactic illiberal politicians on both sides of the Atlantic agree on is embracing "traditional values" to cover up their own failings. Far-right demagogues from Moscow to Texas increasingly incite moral panic to stir up tensions and deflect from domestic troubles.

In late October, forever Russian President Vladimir Putin delivered his annual speech at the Valdai Discussion Club. Despite the pandemic entering its deadliest phase in Russia, he did not address public health measures and instead chose to rail against "cancel culture" and gender-segregated bathrooms in the West.

Putin's speech is part of a deliberate, tried-and-tested playbook, both at home and abroad, to consolidate power and distract from governance failures by inflaming social tensions. It cannot be brushed aside as simply theatrics because it has real implications for an alignment of authoritarian tactics and manipulation of values across borders.

Since Russia introduced its 2013 law banning "homosexual propaganda," it has become an enthusiastic exporter of conservative ideologies, sometimes to the least expected places. During the 2018 anti-government protests in Sudan, Russian so-called "political strategists" with ties to Yevgeny Prigozhin, a nefarious oligarch close to the Kremlin, [instructed](#) the Bashir regime to plant pro-LGBT flags among demonstrators to undermine their credibility.

Reinforcing its image as a normative counterweight to the West, the Kremlin can secure access to other authoritarian states and their resources.

Republican Governor Greg Abbott of Texas is faithfully using the same tactics of distraction. In the lead up to next year's midterm and gubernatorial elections, he has managed to shift the conversation away from his mishandling of the pandemic, chronic energy supply problems, and growing voting rights restrictions, towards divisive social issues.

Last week he signed the controversial [House Bill 25](#), which bans transgender children from participating in sports. Earlier this year he championed Senate Bill 8, now before the Supreme Court, banning abortions before most women know they are pregnant and holding criminally culpable those who "aid and abet" abortions.

Rather than occupying opposing sides of a new ideological Cold War, Republicans and global authoritarians around the world — who may come from different political, cultural and social contexts — use alarmingly similar tactics. They are manipulating 'traditional values' narratives, which serve as a cultural cudgel to incite the population, and cause real



harm, especially to women, LGBTI people, and other minorities. And the damage is not just local. Globally, authoritarians are aligning to disrupt multilateral spaces and undermine democratic values by creating shadow, parallel systems.

[Continue reading...](#)

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## **RUSSIA/GERMANY: German NGO files legal case against Chechen officials over anti-gay purges**

***Exclusive: five Ramzan Kadyrov allies subject of criminal complaint for crimes against humanity***

By Philip Oltermann

The Guardian (18.04.2021) - <https://bit.ly/3ejwUrp> - Five officials from the inner circle of Chechnya's autocratic leader, Ramzan Kadyrov, are the subject of a criminal complaint in Germany for crimes against humanity, in a legal attempt to seek justice over the semi-autonomous Russian republic's [anti-gay purges](#).

The 97-page charge sheet, extracts of which have been seen by the Guardian, accuses the Chechen military and state apparatus of persecution, unlawful arrests, torture, sexual violence and incitement to murder at least 150 individuals on the basis of their sexual orientation since February 2017.

If the general prosecutor in Karlsruhe decides to take on the case, which was submitted in February by the European Center for Constitutional and Human Rights ([ECCHR](#)), a German NGO, and the [Russian LGBT Network](#), Kadyrov's associates could face an arrest warrant if they set foot in Germany.

The Russian newspaper Novaya Gazeta first drew attention to a concerted campaign of persecution against gay and bisexual men in April 2017, reporting that people had been [rounded up and held in unofficial prisons](#), where they were verbally abused, electrocuted and beaten with metal rods.

The Chechen government denied Novaya Gazeta's report, [claiming there were no homosexual people in Chechnya](#), and those that did exist would be rooted out by their own families. A Russian investigation into the matter was later dropped.

A criminal complaint to the international criminal court (ICC) filed by French activists in 2017 failed to gain traction because Russia has withdrawn from the jurisdiction of the tribunal in The Hague.

Chechen leaders could now be charged in [Germany](#) because the country has implemented the legal principle of universal jurisdiction for crimes against humanity, allowing prosecution in its courts even if the crimes happened elsewhere.

The same principle recently allowed [the first ruling by a court outside Syria on war crimes committed by the Assad regime](#), and has led NGOs to discover Germany as a forum for criminal complaints against [Saudi Arabia's prince Mohammed bin Salman](#) and a [former member of the Gambian armed forces](#).

"In an imperfect system of international criminal justice, with an ICC with limited jurisdiction, Germany attempts to guarantee that [Europe](#) is no safe haven for war criminals," said ECCHR's founder, Wolfgang Kaleck. "If no other jurisdiction investigates,

Germany is able and must be willing to take over tasks, representing thereby [Europe](#) and the international community.”

The Guardian understands that the German criminal complaint includes two officials already sanctioned by the EU, the UK and the US over the anti-gay purges : Kadyrov’s former personal bodyguard and deputy prime minister, Abuzayed Vismuradov, and police chief Ayub Katayev – and the chair of the Chechen parliament, Magomed Daudov.

Vismuradov is known to have visited Germany repeatedly in the last decade, seeking treatment after a car accident at a hospital near Hamburg in 2012, and supporting Chechen fighters at boxing matches in central Europe in 2014 and 2017.

If Germany’s federal public prosecutor takes further steps to investigate the officials after viewing extensive material submitted by the ECCHR, the case could also help those persecuted to claim asylum in Europe.

“In states like [Chechnya](#), where there is a strong taboo around sexual identity, there is usually very little information about the situation of LGBTQ people,” said Patrick Dörr, of the Lesbian and Gay Federation in Germany.

“Any legal action that leads to a better documentation of how strong people are persecuted or protected can make a crucial difference for an asylum application.”

Since reports of the purges emerged in 2017 only a handful of European governments, including France, Germany, the Netherlands and Lithuania, have shown themselves willing to take in those fleeing persecution.

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## **SCOTLAND: Legal challenge over definition of the word ‘woman’ gets under way at Court of Session**

***A legal challenge over the definition of the word “woman” has begun at the Court of Session in Edinburgh.***

By Kirsty McIntosh

The Courier (07.01.2021) - <https://bit.ly/2JS3dme> - Campaign group For Women Scotland is challenging the Scottish Government over the wording of the Gender Representation on Public Boards Act 2018.

The legislation, which was passed two years ago, aims to increase the number of women in senior positions on public bodies.

Its wording covers trans women who hold a gender recognition certificate, which changes their legal gender from male to female, as well as those who are “living as a woman” and are “proposing to undergo” such a change “for the purpose of becoming female”.

### ***Virtual hearing***

However, For Women Scotland say that definition clashes with the UK Government’s Equality Act 2010, which defines a woman as a female of any age.

For Women Scotland’s website says the group’s aim is “To stop the Scottish Government redefining ‘woman’ to include men”.

They believe the Scottish Government has acted outwith its powers, as the matter is reserved to Westminster, and believe MSPs are breaching their responsibilities to equality legislation.

The group was granted a judicial review, to be heard by Lady Wise.

The matter is being heard in a virtual hearing at the Court of Session today and tomorrow.

The hearing will also receive submissions from human rights lawyers Just Right Scotland on behalf of Scottish Trans, which is part of LGBT organisation Equality Network.

The submission includes a 5,000 word document detailing the experience of transwomen living in Scotland.

The Equality network believes that if the challenge is successful it will discriminate against transwomen.

### ***Previous controversy***

It comes just weeks after the Scottish Parliament debated an amendment to the Forensic Medical Services Bill.

The Bill aims to improve services for those who have experienced rape or sexual assault by allowing access to a forensic medical examination without the need to report to the police.

Johann Lamont tabled an amendment of just six words – “for the word ‘gender’ substitute ‘sex’” – after stating that the original wording “could be ambiguous in the bill, which has the potential to cause distress to individuals undergoing forensic medical examination”.

The change allows rape survivors to request that an examination be carried out by an individual of the same sex.

The Scottish Government initially rejected this argument, but ministers backed the amendment on Thursday.

The change in wording was backed by 113 MSPs.

The issue led Scottish Greens MSP Andy Wightman to quit the party after disagreeing with their stance on the issue.

All members of the Scottish Green Party, as well as the Lib Dems, voted against the amendment.

For Women Scotland has a list of the group’s beliefs on its website, including that “sex is immutable and is a protected characteristic”.

They also believe that “women are entitled to privacy, dignity, safety and fairness”.

And “women’s rights should be strengthened”.

Members say they “campaign on a positive, pro-women basis and we call for evidence-based discussion and legislation”.

## **SWITZERLAND: Swiss voters set to back same-sex marriage**

***Initial projections suggest strong backing for bid to widen rights of same-sex couples.***

BY Lili Bayer

POLITICO (26.09.2021) - <https://politi.co/3F2Hz6v> - The majority of Swiss voters have backed same-sex marriage in a referendum, according to initial projections.

While same-sex couples in Switzerland are currently able to enter registered partnerships, they do not enjoy the same rights as married couples.

But under an [amended law](#) up for a referendum, same-sex couples would be allowed to have civil weddings and be granted equal rights, including adopting children together and applying for simplified naturalization. Female couples would also receive access to regulated sperm donation.

Sixty-four percent of participants in the nationwide vote support the plans, according to [projections](#) by the gfs.bern institute, conducted for public broadcaster SRG.

Olga Baranova, head of the Swiss marriage for all campaign, welcomed the results. "We're extremely relieved, we're extremely happy," she told POLITICO in a phone interview on Sunday afternoon. "This is really a historical day," she added, with the outcome reflecting "how accepted LGBT people are in Switzerland."

Nevertheless, Baranova said there are more fights ahead in the push for Swiss equality. "The campaign was quite homophobic," she said. "So the fight against homophobia will continue."

Full results are expected later on Sunday.

*Photo: People taking part in Zurich Pride on September 4, 2021 | Fabrice Coffrini/AFP via Getty Images*

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## **SWITZERLAND is set to be the next country to legalize marriage equality**

***Both chambers of the legislature have now passed marriage equality bills.***

By Alex Bollinger

LGBTQ Nation (04.12.2020) - <https://bit.ly/3lYatdf> - Switzerland is moving forward with a bill to legalize marriage equality, which could make it the next European country to do so.

The Council of States – the upper house of Switzerland's legislature – passed a law that would legalize marriage equality with a 22-15 vote, with seven abstentions. The lower house – the National Council – passed the bill this past June.

"We have been waiting for this for seven years," said Olga Baranova of the Marriage For All campaign, referring to how legislation for marriage equality was first introduced by the Green Party in 2013. "The emotions are very strong."

The Council of States rejected a motion that would have required a nationwide constitutional referendum on marriage equality, which would have significantly delayed the law.

Council of States member Beat Rieder of the Christian Democratic Party argued that a constitutional referendum was needed because the Swiss constitution was originally intended to only give rights to heterosexual people, even evoking the late Justice Antonin Scalia to defend the idea of originalism in a speech.

One of the major questions in the legislative process was whether the bill would allow lesbian women to use sperm banks in Switzerland, and the bills passed by both chambers allowed it, stirring opposition from the Christian Democratic Party. The wife of the parent who gives birth to the child will also be listed on the birth certificate as the child's second mother, but only if a couple goes to an officially recognized sperm bank.

"The bill does not achieve full equality for children from rainbow families," LGBTQ organizations said in a statement, according to the Swiss newspaper Le Temps.

The bill now goes back to the National Council for final approval and it is expected to pass before the end of the year.

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## **SWITZERLAND: Swiss gays hope for marriage equality ahead of parliamentary vote**

By Emma Farge

Reuters (03.06.2020) - <https://reut.rs/30qZ3b3> - When civil partnerships were legalised in Switzerland in January 2007, gay couple Laurent Marmier and Yves Bugnon completed the paperwork that same month, making them among the first to take advantage of the new law.

Thirteen years later, they hope a parliamentary vote will open the door for them to finally marry and enjoy full equality with heterosexual couples. Debate began on Wednesday but the vote was delayed to an unspecified date, a parliament official said.

"We don't have the same rights, not quite. And this is what is bothering us," said Bugnon, a music teacher in the French-speaking city of Lausanne.

Conservative Switzerland lags many countries in Western Europe on gay rights and is slowly catching up. In February, voters backed an anti-homophobia law giving lesbians, gays and bisexuals legal protection from discrimination.

A survey commissioned by gay rights association Pink Cross showed more than 80% of Swiss support same-sex marriage.

However, the country's political institutions tend to be more conservative than the general public, Socialist lawmaker Mathias Reynard told Reuters. "Swiss people are in favour – but everything takes time."

The same-sex marriage proposal is expected to pass the lower house but it will still have to clear the upper house. Then, in line with Switzerland's direct democracy process, it could be challenged via referendum if opponents gather the necessary 50,000 voter signatures within 100 days.

The dominant People's Party (SVP) opposes the law but an official did not respond for requests to comment on whether it would seek a referendum on the issue.

The fact that gay marriage is not yet legal here has more than just symbolic importance for couples. Marital status has a bearing on adoption and assisted reproduction rights, including sperm donations for lesbian couples.

Marmier said he was hopeful the law would pass but added it was important that these other issues were also addressed in the new law.

"I think it is important it moves forward and that we don't wait 13 years to pass the next step," he said.

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## **SWITZERLAND: Swiss vote to approve legislation to protect LGBTQ+ rights**

***Referendum approves law that was passed in 2018 but was opposed by rightwing parties.***

By Philip Oltermann

The Guardian (09.02.2020) - <https://bit.ly/3bpkhcc> - Swiss voters have given their backing in a referendum to extending anti-racism legislation to cover sexual orientation, defying critics who had claimed such a move would be an infringement of free speech.

Unlike many of its western European neighbours, Switzerland has no law in force that specifically protects LGBTQ+ people from discrimination or hate speech.

A law passed by the country's government in December 2018 was designed to close this loophole. However, an alliance of rightwing parties including the conservative Christian Federal Democratic Union (EDU) and the nationalist Swiss People's Party (SVP) opposed the law change and sought a referendum to prevent it from coming into effect.

On flyers and on posters, opponents framed the law as a "gagging clause" that would restrict freedom of speech and demote gay and bisexual members of society to a "weak minority in need of protection".

Switzerland has a long tradition of holding plebiscites on issues that can range from major foreign policy decisions to the building of a new school. Votes are usually held on three to four dates spread across the year.

In Sunday's vote, 63.1% of the public voted in favour of expanding the anti-discrimination law, though the results revealed splits across the linguistically and cultural heterogeneous state. In the German-speaking cantons of Schwyz, Uri and Appenzell-Aargau, there were majorities in favour of blocking the law. In French-speaking Vaud, by contrast, the law was endorsed by an emphatic 80% of the voting public.

Under the new law, those who "publicly degrade or discriminate" others on the basis of their sexual orientation, for example by denying same-sex couples entry to a nightclub,



could face a jail sentence of up to three years. The law does not affect private conversations such as among friends or family.

Several European countries such as Belgium, Germany, France, Ireland and the UK already have similar legislation in place.

LOS, an advocacy group representing Swiss lesbian, bisexual and queer women, welcomed the referendum result. "We have won, and how! Next stop: same-sex marriage," it said.

Switzerland and Italy are the last two countries in western Europe where gay marriage is not legal. Both countries offer same-sex couples the option of civil unions but not full marriage.

In a separate referendum, Swiss voters on Sunday rejected an initiative calling for at least 10% of new housing to be built by not-for-profit cooperatives in an attempt to reduce the cost of living. The proposal was rejected by 57.1% of the voting public.

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## **UK: Richard Dawkins loses 'humanist of the year' title over trans comments**

***American Humanist Association criticises academic for comments about identity using 'the guise of scientific discourse', and withdraws its 1996 honour***

By Alison Flood

The Guardian (20.04.2021) - <https://bit.ly/33ak8q5> - The American Humanist Association has withdrawn its humanist of the year award from [Richard Dawkins](#), 25 years after he received the honour, criticising the academic and author for "demean[ing] marginalised groups" using "the guise of scientific discourse".

The AHA honoured Dawkins, whose books include [The Selfish Gene](#) and [The God Delusion](#), in 1996 for his "significant contributions" in communicating scientific concepts to the public. On Monday, [it announced](#) that it was withdrawing the award, referring to a tweet sent by Dawkins earlier this month, in which he compared trans people to [Rachel Dolezal](#), the civil rights activist who posed as a black woman for years.

"In 2015, Rachel Dolezal, a white chapter president of NAACP, was vilified for identifying as Black," [wrote Dawkins on Twitter](#). "Some men choose to identify as women, and some women choose to identify as men. You will be vilified if you deny that they literally are what they identify as. Discuss."

Dawkins later [responded to criticism](#), writing: "I do not intend to disparage trans people. I see that my academic 'Discuss' question has been misconstrued as such and I deplore this. It was also not my intent to ally in any way with Republican bigots in US now exploiting this issue."

Among his critics was Alison Gill, vice president for legal and policy at American Atheists and a trans woman. [She said](#) Dawkins' comments reinforce dangerous and harmful narratives. She said: "Given the repercussions for the millions of trans people in this country, in this one life we have to live, as an atheist and as a trans woman, I hope that Professor Dawkins treats this issue with greater understanding and respect in the future."

In 2015, [Dawkins also wrote](#): "Is trans woman a woman? Purely semantic. If you define by chromosomes, no. If by self-identification, yes. I call her "she" out of courtesy."

In a statement from its board, [the AHA said](#) that Dawkins had “over the past several years accumulated a history of making statements that use the guise of scientific discourse to demean marginalised groups, an approach antithetical to humanist values”.

The evolutionary biologist’s latest comment, the board said, “implies that the identities of transgender individuals are fraudulent, while also simultaneously attacking Black identity as one that can be assumed when convenient”, while his “subsequent attempts at clarification are inadequate and convey neither sensitivity nor sincerity”.

“Consequently, the AHA Board has concluded that [Richard Dawkins](#) is no longer deserving of being honored by the AHA, and has voted to withdraw, effective immediately, the 1996 Humanist of the Year award,” said the organisation.

The Guardian has reached out to Dawkins for comment.

Last year, the author JK Rowling [returned an award](#) given to her by the Robert F Kennedy Human Rights organisation, after its president, Kennedy’s daughter Kerry Kennedy, criticised her views on transgender issues. “I am deeply saddened that RFKHR has felt compelled to adopt this stance, but no award or honour, no matter my admiration for the person for whom it was named, means so much to me that I would forfeit the right to follow the dictates of my own conscience,” said Rowling in a statement at the time.

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## **UK: Labour MP Luke Pollard was sent despicable homophobic abuse on Valentine’s Day**

***Labour and Co-operative MP Luke Pollard was sent despicable homophobic abuse on Valentine’s Day simply for sharing a photograph of himself with his boyfriend, Sydney. Here, for PinkNews, the MP for Plymouth Sutton and Devonport reveals how all the homophobic haters managed to achieve was remind him that Valentine’s Day is, first and foremost, about love.***

Pinknews (17.02.2021) - <https://bit.ly/3u6JjpP> - Valentine’s Day this year would be different for my boyfriend and I. It wasn’t just a mix up at the florist with the flowers, or coping with love in lockdown: we were piled on by homophobic trolls for doing what couples across the country were doing and sending a short tweet celebrating our relationship.

“Happy Valentine’s Day to my lovely boyfriend” is a simple message. It shouldn’t be controversial. Not in 2021, but yet, it seems that not everyone has got the love is love message. And certainly some people mistook a day about love to be about hate instead. The attacks came steady and fast.

My boyfriend is beautiful and kind, and what we have together is very special. He has supported me as I’ve faced the rapids of public life, helping with elections, offering sage advice, always there with a hug and a glass of wine, a joke and a smile. He is my rock – and I don’t mind people knowing I love him.

I’m Plymouth’s first out MP; the first to wear my sexuality publicly, not as a source of shame to be hidden, but as a stamp of pride.

The trolls chose to attack me because I’m out and proud. They attacked me because I’m in the public eye and because me and Sydney don’t look like a traditional nuclear family. That’s a good thing. Family is everything to me, and every family looks different to the

next: all you need are people who love each other no matter what, who share common bonds and who face their struggles together.

It's a convenient fib we tell ourselves that in the 21st century homophobia has been defeated. It hasn't. It's all too real.

When my office in Plymouth was vandalised last year with homophobic graffiti, Sydney was there for me. The age-old slur that gay men are child abusers is a common one, one that my team and I washed off the front of my office not once but twice. And the few years between me and Sydney offered the trolls and haters a first line of attack yesterday. Sydney's Chinese heritage added another.

It is easy to throw hate at hate. It is a natural reaction, but I prefer to calm the waters. I offered a cup of tea and a conversation to the person who vandalised my office. I wanted to speak to them to hear why they were so angry and so full of hate that slurs and vandalism was the only option for them. They are yet to take me up on my offer.

But to the haters on my Valentine's Day tweet, the love and affection Sydney and I have is a threat to them. Our love is good and I hope it lasts many more years. You must be in a dark place when sending homophobic and racist abuse is your pastime. Social networks are too slow to act on abuse but I am encouraged by how many people who saw those tweets and took the time to report them. Now it's over to Twitter to act.

Being an MP is a ridiculous job. The hours are all over the place and the pressures are intense. Having someone to stand alongside you on that journey, just as you stand alongside them through life, makes it a hundred times easier.

When I was growing up we didn't have out politicians like we do today. The LGBT+ role models across society aren't as present as they are today. The papers used to spit hate from their front pages. Laws had been drafted to marginalise and attack people like me. Progress isn't inevitable. It happens when people make it a priority, when we decide that enough is enough, and things should be different. That political change took generations, and the battles of those pioneers makes the abuse on one tweet look rather insignificant.

There is a lot of attention on the haters – it's how they thrive. But let's spend time looking at the messages of hope, of love, of support. Those people who shared their personal stories of their partners. The weird and wonderful range of relationships that make Britain so diverse. I hope that amid the commercialism of Valentine's Day – the bouquets (correctly delivered or not) the focus on my tweet expressing my love for my boyfriend can be a small and simple reminder of that eternal truth: love is love. And we're all better for it.

I hope that those who tweeted hate will one day have as much love as I feel today with my partner. It's a happier place than I fear many of the trolls find themselves in, and for that they have my sympathy. I haven't lost a wink of sleep thinking about their hate. I would encourage others not to either when they're attacked, because this happens to LGBT+ couples every single day of the year.

Homophobia and racism are on the rise, and we need to make a stand against it. The best way to do that is to not shy from the light, to be loud and proud of who we are and who we love because love always triumphs over hate.

Luke Pollard is the Labour and Co-operative member of parliament for Plymouth Sutton and Devonport. He serves in Keir Starmer's shadow cabinet as shadow environment secretary.

## **UK: Why blood donation rules have finally been relaxed for gay and bisexual men**

By Eamonn Ferguson

The Conversation (06.01.2021) - <https://bit.ly/3sjdzgm> - It can not be underestimated just how important blood is for effective healthcare provision. Of the numerous treatments people rely on for their wellbeing, blood is critical for as many as 22 different treatments, including surgery, child-birth, emergencies, end-of-life care, and treatments for various diseases.

To meet this need, 5,000 daily donations are needed from blood donors in the UK. The target is achieved through a small number of generous blood donors (approximately 3-4% of the eligible population donates blood at any one time).

But as well as retaining existing regular donors, there is an ongoing need to recruit new ones. Analysis suggests that there could be potential shortfalls in blood because of increasing demand from an ageing population and a reduction in the number of young donors.

Expanding the number of potential blood donors to groups who have historically been deferred – such as men who have sex with men (MSM) – will not only create a fairer and more inclusive blood donation system but also help to address demand.

### ***The current position: who can give blood?***

In an important move away from the current three-month deferral on MSM giving blood, new rules due to come into play this summer will allow MSM who have had the same partner for three months or more to give blood. MSM are currently deferred from donating blood unless they have abstained from sex for three months (down from 12 months in 2017 ).

While the UK transfusion services were the first in the world to move to a three-month deferral from 12 months, the rules have historically been perceived as unfair. People have argued that it is the behaviours that people engage in, irrespective of gender and sexuality, that should be the focus of decisions to defer potential donors.

Though the initial relaxation of rules, to a three-month deferral, was a big step forward, the Department of Health and Social Care requested yet more progress: a selection approach based on the sexual behaviour of donors (rather than the sex of their partner). As such, the FAIR (For the Assessment of Individual Risk) steering group was set up by the UKFORUM (which represents the four UK transfusion services).

With a focus on individuals' sexual behaviour, the group's aim was to assess risks to the safety of the blood supply. It was also tasked with identifying key questions to ask donors with the aim of making recommendations to the government about changing the rules on blood donation.

### ***System based on behaviour, not sexuality***

To provide evidence for a potential move to rules based on assessing sexual behaviour, the FAIR group looked at a combination of epidemiological and behavioural evidence. Epidemiologists advised on the objective risk of infection for different sexual behaviours

while behavioural scientists provided advice on the perceived risk of different sexual behaviours, the frequency of those behaviours and how acceptable people might find each question on their sexual behaviour.

The epidemiology team was comprised of Dr Su Brailsford (chair of the FAIR Steering group), Katy Davison, Claire Reynolds and Joe Flannagan from NHS Blood and Transplant and Public Health England. Together, they considered evidence on the objective risk of blood-borne infection from different sexual behaviours, infection rates in the UK and the sexual behaviour of blood donors.

The behavioural science work was led by the team at the School of Psychology, University of Nottingham: myself, Dr Claire Lawrence (now at Lawrence PsychAdvisory), Dr Naomi Pierce and Erin Dawe-Lane (now at Kings College London).

We explored how often people reported engaging in a series of sexual behaviours, how accurately people felt they and others could recall their sexual behaviour, how acceptable it would be for people to be asked questions about sexual behaviour, and if asking about sexual behaviour could potentially deter donors.

We also looked at whether sexual behaviours are reported reliably in general, and perceptions of risk to patient safety when donors are selected based on sexual behaviour. These questions were considered among the non-donors, blood donors, MSM, donor staff and patients.

By gathering this data, we were able to identify a set of gender-neutral questions that were perceived as acceptable to ask, unlikely to deter donors, and were associated with both a higher objective and subjective risk of infection.

These questions about sexual behaviour will be asked of every person volunteering to give blood when the new rules come into force in the summer of 2021. Participants in the research also considered the proposed changes to be fair, thought they were needed and were a potential way to encourage more new donors. They were considered unlikely to increase risk to patients.

Evidence and recommendations for a new approach were presented to the government's Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO) for evaluation on October 2020. They were subsequently accepted by the Department of Health and Social Care in December 2020.

UK transfusion services are world-leading in being the first to take an approach based on the sexual behaviour of all donors. Other countries including the US, Canada and New Zealand are also considering a similar shift in their rules.

Relaxing the rules is a major step forward towards creating a fair blood donor system for all and we are very proud of this achievement and our involvement in it. The power of the FAIR project to provide evidence to support this landmark change lay in part in combining epidemiology, behavioural science and engaging wider stakeholder groups. Other countries that wish to support similar change may also now adopt such an approach.

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## **UK court rules against trans clinic over treatment for children**

***The judge ruled that it was 'highly unlikely' that a child of 13 or under would be capable of giving consent for puberty blocking drugs.***

By Rachel Savage and Hugo Greenhalgh

Thomson Reuters Foundation (01.12.2020) - <https://tmsnrt.rs/37xPadk> - Children aged under 16 will need court approval in England and Wales to access puberty blockers after a landmark ruling on Tuesday amid a global debate about the age at which a child can choose to transition gender.

Three High Court judges said it was "highly unlikely" that a child of 13 or under was "competent to give consent" to puberty blockers, and it was "doubtful" that 14- and 15-year olds could "weigh the long-term risks and consequences".

Following the ruling, the National Health Service (NHS) England updated its guidelines to state that a court order must be sought for any new referral for such medication.

But the Tavistock and Portman NHS Foundation Trust, which runs England's only youth gender identity clinic, vowed to appeal, setting the stage for a Supreme Court showdown.

Keira Bell, 23, brought the action against the Tavistock and Portman NHS Foundation Trust after regretting taking puberty blockers at the age of 16 that she feared may have damaged her ability to have children.

Bell, who "detransitioned" in her early 20s and now lives as a woman, had argued for puberty blockers to only be prescribed for under-18s with a court order.

The judges said 16 and 17-year-olds were presumed to be able to consent to medical treatment, but doctors may want to seek court orders before prescribing them puberty blockers due to the "experimental" nature of the treatment.

Bell welcomed the decision.

"I'm delighted at the judgment of the court today, a judgment that will protect vulnerable people. I wish it had been made for me before I embarked on the devastating experiment of puberty blockers," she told reporters outside the court.

### **Lawsuits**

Bell's lawyer, Paul Conrathe, said the decision "opens the floodgates for expensive clinical negligence claims" and called on the government to launch a public inquiry.

NHS England, which commissions the Tavistock & Portman NHS Foundation Trust's services, immediately updated its guidelines.

"The Tavistock have immediately suspended new referrals for puberty blockers and cross-sex hormones for the under 16s, which in future will only be permitted where a court specifically authorises it," an NHS England spokesperson said by email.

The Tavistock had argued it would be an intrusion on a young person's autonomy to restrict access to the drugs and said the outcome was "likely to cause anxiety for patients and their families".

A spokeswoman confirmed the Trust was in talks with lawyers

Previously in Britain under a 1985 court ruling, children under the age of 16 could consent to medical treatment if they were deemed to understand and fully appreciate the implications, in what is known as the Gillick competence test.



Jolyon Maugham, a lawyer and director of the Good Law Project, a legal nonprofit that has worked on trans rights cases, said the new ruling could push families into taking children abroad for treatment.

"The practical effect of the judgment will be that puberty blockers will very rarely be prescribed to those under 16," Maugham said on Twitter.

The mother of a trans 14-year-old, who has filed legal action over waiting times at the Tavistock gender clinic, described it as a "pretty devastating day".

"There's so much evidence that people don't understand what it means to be trans ... It's not a choice," she told the Thomson Reuters Foundation, asking not to be named to protect her child's identity.

The ruling comes as rising numbers of adolescents globally seek to change gender, dividing those who fear doctors are too hasty in prescribing puberty blockers and cross-sex hormones and those worried about access to medication they deem life-saving.

The Tavistock has released figures showing a nearly 30-fold rise in child referrals to the clinic in the past decade, to about 2,560 last year.

Courts and lawmakers from Canada and the United States to Mexico and Brazil are weighing parental rights and the age at which someone can make medical decisions.

Trans rights campaigners have voiced concerns that the inability to access treatment will harm adolescents with gender dysphoria.

The World Professional Association for Transgender Health, a global body of doctors specialised in treating trans people, says puberty blockers may prevent the negative mental impact of gender dysphoria in puberty.

It described them as "fully reversible" but acknowledged concerns about possible impacts on bone development and height.

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## **UK's top court rejects trans man's bid to be named child's father**

***Trans man Freddy McConnell's bid to be named the father rather than the mother on his child's birth certificate was rejected by Britain's Supreme Court.***

By Rachel Savage

Thomson Reuters Foundation (16.11.2020) - <https://bit.ly/3nuPuQv> - A British transgender man's bid to be named the father rather than the mother on his child's birth certificate has been rejected by the country's highest court, in a case that has highlighted evolving conceptions of gender.

Freddy McConnell transitioned aged 22 and official documents, such as his passport and health records, have been changed to show his sex as male.

Britain's Supreme Court declined to hear an appeal against a ruling by a lower court that said existing law balanced trans rights with the view "that every child should have a mother and should be able to discover who their mother was".

The challenge did not "raise an arguable point of law", it said on its website on Monday.

McConnell and his lawyers did not reply to requests for comment.

McConnell, a journalist, stopped taking testosterone in 2016 and became pregnant through fertility treatment using donor sperm.

His journey to parenthood was shown in a documentary, "Seahorse", and he is currently sharing his efforts to become pregnant again via IVF on Instagram.

"This could've been a really pivotal moment for trans parents such as Freddy," said Cara English of trans advocacy group Gendered Intelligence.

"We hope that in the near future the loophole that forces men such as Freddy to be incorrectly referred to as "mothers" can be legally righted."

In April McConnell told the Thomson Reuters Foundation he had accepted his legal fight would be "a long road" and that appealing to the European Court of Human Rights was a possibility.

"I don't really think it's about the fact that I gave birth," he said. "Ultimately, it's about the fact that trans people have never been taken into account."

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## **UK: LGBT+ advocates dismayed as UK gov't scraps key transgender rights reform**

***Britain's government has dropped plans to let transgender people change gender legally without a medical diagnosis, after two years of heated debate.***

By Rachel Savage

Thomson Reuters Foundation (22.09.2020) - <https://bit.ly/3iburiQ> - Transgender people will not be allowed to legally change gender without a medical diagnosis, the British government said on Tuesday, scrapping a proposed reform that sparked furious debate between LGBT+ and women's rights campaigners.

The government launched a consultation two years ago on overhauling the 2004 Gender Recognition Act (GRA) to allow "self-ID" in England and Wales - a reform opponents said could allow predatory men access to women-only spaces such as toilets.

While the "self-ID" proposal was scrapped, the cost for trans people to change birth certificates will be cut from 140 pounds (\$180) to a "nominal amount" and the process will be moved online.

Trans rights advocates expressed disappointment at Tuesday's announcement on the outcome of the consultation.

"It's a shocking failure in leadership," Nancy Kelley, the chief executive of Stonewall, Britain's largest LGBT+ advocacy group, said in an emailed statement.

"While these moves will make the current process less costly and bureaucratic, they don't go anywhere near far enough toward meaningfully reforming the Act to make it easier for all trans people to go about their daily life."

Countries including Ireland, Portugal, Norway and Argentina have "self-ID", allowing trans people to legally change gender via a legal declaration and without doctors' involvement.

Almost two thirds of the 102,818 respondents to the British consultation said they backed removing the requirement for a diagnosis of gender dysphoria, a government report showed.

More than three quarters said they supported scrapping the need for trans people to show they had lived in their gender for a specific time period - currently two years.

But women's rights activists who had opposed the introduction of "self-ID", welcomed the news.

"It's really good news and it acknowledges a fair balance between trans people and women's rights," Nicola Williams of Fair Play for Women, which campaigned against the reform, told the Thomson Reuters Foundation.

She said the group's priorities would now be looking at how to ensure "privacy, safety and fairness" when it came to trans people accessing women-only areas such as hospital wards, prisons and changing rooms.

In the United States, women's rights groups said in 2016 that 200 municipalities that allowed trans people to use rape crisis facilities and domestic violence shelters saw no rise in sexual violence or public safety issues as a result.

Some British trans rights campaigners expressed relief that the sometimes-toxic debate over the issue may now cool down.

Harry Potter author J.K. Rowling weighed into the issue earlier this year, saying she did not support "self-ID" as it would be "offering cover to predators", a view she said was informed by her experience of domestic violence.

"Hopefully it means that so much negative attention that has been sent our way as communities can be quietened," said Cara English of advocacy group Gendered Intelligence.

She said that their focus would now be "things that affect us in a much more material way", including healthcare and hate crime.

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## **UK: Plans to drop gender recognition reforms would see UK plummet in LGBT equality rankings**

***Government is set to scrap plans to allow people to change their legal gender by self-identifying as male or female.***

Amnesty International (14.06.2020) - <https://bit.ly/2A763Pw> - Responding to reports that the UK Government plans to drop key reforms to the Gender Recognition Act, Chiara Capraro, Amnesty International's Women's Rights Programme Director, said:

"The UK has always prided itself on being a champion of LGBT equality – if it's serious about this, it will update the Gender Recognition Act to ensure trans people can enjoy their rights, free from discrimination.

"Reports that the Government intends to scrap plans to bring gender recognition laws in line with human rights standards are extremely worrying.

"More than two years ago, the Government rightly set out a plan to reform the out-of-date Gender Recognition Act - a U-turn on this would send a chilling message that the UK is a hostile place for trans people.

"Perpetuating wrong stereotypes of trans women as a danger to other women is dehumanising and wrong, and risks further inciting hate crimes against trans people.

"The UK is already slipping further and further down the European rankings for LGBT equality - falling from 3rd to 9th place over the past three years. The proposed move would no doubt see the UK plummet even further.

"The UK has always prided itself on being a champion of LGBT equality - if it's serious about this, it will update the Gender Recognition Act to ensure trans people can enjoy their rights, free from discrimination."

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## **UK moves to ban trans youth from getting gender affirming health care**

***A minister said she wants to protect transgender youth from "irreversible decisions" by forcing them to undergo puberty as the wrong gender.***

By Alex Bollinger

LGBTQ Nation (23.04.2020) - <https://bit.ly/3f18jrh> - The U.K.'s Minister for Women and Equalities Liz Truss has announced a multi-pronged attack on transgender rights that could ban gender affirming health care for transgender youth.

Truss, a member of the Conservative Party, announced in a meeting with the Women and Equalities Select Committee that she would be putting forth amendments for the Gender Recognition Act, the 2004 law that allows transgender people to correct their legal gender.

She said that there would be three areas of focus for the proposed amendments. One of them was a call for an end to gender affirming care for transgender people under the age of 18 to protect them "from decisions that they could make, that are irreversible in the future."

"I believe strongly that adults should have the freedom to lead their lives as they see fit," said Truss, "but I think it's very important that while people are still developing their decision-making capabilities that we protect them from making those irreversible decisions."

This affects puberty blockers and access to hormones, because gender confirmation surgery already isn't provided for people under 18 by the U.K.'s National Health Service.

Puberty blockers delay certain irreversible changes to transgender people's bodies so that they can either better understand what they want to do or avoid dysphoric feelings that come with going through puberty and developing secondary sex characteristics that don't align with one's gender identity.

They have been shown to lower the lifelong risk of suicidal thoughts among transgender people who wanted them as teens. But in order for them to be effective, they have to be taken before the onset of puberty. That is, well before the age of 18.

Laura Russell of the LGBTQ organization Stonewall said that they're "concerned" with the minister's comments.

"We'd welcome an opportunity to discuss this with the Minister, as it's crucial all young people who are questioning their gender identity are able to access high-quality, timely support," she said. "Every trans young person should be given the care they need, in an informed and supportive manner, so they're able to lead a happy, healthy life."

Mermaids, a transgender youth organization, was more direct.

"It would be an extraordinary move for the Minister for Women and Equalities to support the introduction of a new form of inequality into British medical practice," said a spokesperson for the organization.

A U.K. transgender man who was only identified as "Alex" told iNews that starting hormones at age 16 saved his life.

"It really reduces the dysphoria and live my life. I've got a friend who hasn't [got hormones], and sometimes he won't even speak because of how high his voice is. He can't deal with that."

If he didn't have access to testosterone, he said, "I would probably be suicidal. I would be in a pretty bad place."

One of Truss's other areas of focus for Truss was "the protection of single-sex spaces," which she called "extremely important."

Anti-transgender activists in the U.K. often say that transgender women are "biological males" and usually use the expression "single-sex spaces" to refer to areas where cisgender women, transgender men, and non-binary people who were assigned female at birth are allowed to enter, to the exclusion of transgender women.

Last, Truss said that the amendments would maintain "the proper checks and balances in the system" when it comes to "transgender adults" but didn't elaborate further.

She didn't specify a timeline for the amendments other than that a review would happen this summer.

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## **UK: Half of LGBT+ women are outed at work**

By Jamie Wareham

Forbes (20.04.2020) - <https://bit.ly/2RRI6kO> - Half of LGBT+ women are being outed at work, a new survey reveals.

Women are going back in the closet when they get their first job, feeling unable to report issues to HR and struggling in "male-dominated and heteronormative environments."

Released ahead of Lesbian Visibility Week, the new research by DIVA Magazine and Kantar looked at the experiences of LGBT+ women's work life, financial stability, well-being, relationships and their overall feelings of safety.

The survey shows that LGBT+ women are fed up of male-dominated LGBT+ spaces and campaigns, feel most safe at home due to the violence and uncertainty they face out in the world and are facing disproportionate problems at work.

Unsurprisingly the women surveyed, who already face a higher number of barriers in the workplace, feel they are a 'minority within a minority' because of their queer identity.

Although three in four respondents are open about their sexual orientation to most of their work colleagues, the youngest age group (16-24) are far less likely to be out at work.

Only one in three of those under the age of 24 feel able to be out at work, which Kantar concludes that with LGBT+ people coming out younger than ever, that many are 'going back into the closet' when they get their first job.

It's currently estimated in the graduate LGBT+ community, that six in ten, regardless of their gender identity, go back in the closet when they get their first job.

In a worrying statistic, the most common homophobic experience LGBT+ women face in the workplace is being outed. Half of the respondents saying they have been through this discriminatory ordeal.

The research, which also looked at trans women's experiences found that one in four transgender people feel that they have faced barriers in their current workplace due to their gender identity.

### **Research reveals discrimination LGBT+ women face for Lesbian Visibility Week**

"The DIVA research highlights the challenges that LGBTQI women face; feeling invisible and unsupported in key areas of their lives," Linda Riley, Publisher of DIVA magazine, says.

The research is being launched as part of a week of events, extending the Lesbian Visibility Day on 26 April each year, into an extended celebration of queer and trans women's experiences.

Claire Harvey, MBE, GB Paralympian, Diversity and Inclusion Consultant and DIVA Development Week Lead, believes with the current COVID-19 pandemic, now more than ever it is vital that there is a focus on women's lives:

"We use the word community all too often, but what does it actually mean? For me, it means a sense of belonging, visibility and value.

"LGBTQI women are a diverse, talented and often unheard group – so now, more than ever, it's important that we build up our community and help those who are most isolated feel connected."