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COMPILATION OF ECRI COUNTRY REPORTS RECOMMENDATIONS PERTAINING TO LGBT PERSONS¹

(fifth monitoring cycle)

¹ Ce document existe uniquement en anglais. Les versions françaises des recommandations contenues dans ce document peuvent être consultées dans les versions françaises des rapports de monitoring par pays à <https://www.coe.int/fr/web/european-commission-against-racism-and-intolerance/country-monitoring>; elles suivent la même numérotation des paragraphes.

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RECOMMENDATIONS²

I. Legislation

Criminal Law

- *Comprehensive Legislation*

1. (§ 87) ECRI recommends that the [**Belgian** authorities] proceed to an overall evaluation of the current criminal legislation on racism and homo/transphobia before any amendment to it.
2. (§ 7) ECRI recommends [to the **Netherlands**] that the Dutch authorities bring their criminal legislation fully into line with its General Policy Recommendation No. 7 and, in particular ... (iii) make sure that the law provides for effective, proportionate and dissuasive sanctions for racist, homo- and transphobic offences...
3. (§ 5) ECRI recommends that the [**North Macedonian**] authorities bring the country's Criminal Code, in general, into line with its General Policy Recommendation No. 7...

- *Grounds (§ 18 of GPR No. 7)*

4. (§ 9) ECRI recommends that the [**Albanian**] authorities bring their criminal law, in general, into line with its General Policy Recommendation No. 7...; in particular they should include the grounds of colour, language, citizenship and gender identity in the relevant provisions...
5. (§ 10) ECRI recommends that the [**Armenian**] authorities bring their criminal law, in general, into line with General Policy Recommendation No. 7...; in particular they should (i) explicitly include the grounds of colour, language, nationality (understood as citizenship), national or ethnic origin, sexual orientation, and gender identity in the list of "prohibited grounds"...
6. (§ 6) ECRI recommends that the authorities bring the Criminal Code of **Bosnia and Herzegovina**, in general, into line with its General Policy Recommendation No. 7...; in particular they should explicitly (i) add language, colour, citizenship, sexual orientation and gender identity to the enumerated grounds in Articles 145, 145a, 171 and 176...
7. (§ 8) ECRI recommends that the [**Lithuanian**] authorities bring the Lithuanian Criminal Code, in general, into line with its General Policy Recommendation No. 7...; in particular they should explicitly (i) add colour and citizenship, as well as gender identity, to the list of enumerated grounds in Articles 60, 169 and 170...
8. (§ 6) ECRI strongly recommends that the **Luxembourg** authorities bring their legislation into line with its General Policy Recommendation (GPR) No. 7; in particular, they should ... (iii) include the grounds of language and gender identity in the provisions of the Penal Code aimed at combating racism and homophobia/transphobia.
9. (§ 7) ECRI recommends that the [**Montenegrin**] authorities bring the Criminal Code into line with its General Policy Recommendation (GPR) No. 7...; in particular they should (i) include in all criminal law provisions aimed at combating racism and intolerance the grounds of language and citizenship, as well as sexual orientation and gender identity,
10. (§ 11) ECRI recommends that the [**Moldovan**] authorities amend the Criminal Code to include the following elements:... The grounds of colour, national or ethnic origin, language, citizenship, as well as sexual orientation and gender identity should also be inserted in all the relevant provisions, including as an aggravating circumstance.
11. (§ 7) ECRI recommends [to the **Netherlands**] that the Dutch authorities bring their criminal legislation fully into line with its General Policy Recommendation No. 7 and, in particular, (i) explicitly incorporate the grounds of colour, language, citizenship, national or ethnic origin and gender identity in all provisions of the Criminal Code that are aimed at combating racism and intolerance...

² ECRI notes that the interim follow-up recommendations are highlighted in grey.

12. (§ 5) ECRI recommends that the **[North Macedonian]** authorities bring the country's Criminal Code, in general, into line with its General Policy Recommendation No. 7...; in particular they should explicitly... (ii) add sexual orientation and gender identity to the list of enumerated grounds in Articles 39(5) and 319...
13. (§ 4) ECRI recommends [to **Romania**] amending the Criminal Code to include ... [t]he grounds of national origin, colour, citizenship and gender identity ... into all the relevant provisions, including as an aggravating circumstance.
14. (§ 7) ECRI recommends that the **Serbian** authorities bring their criminal law into line with its General Policy Recommendation No. 7; in particular they should (i) include in all criminal law provisions aimed at combating racism and intolerance the grounds of skin colour, language, citizenship, ethnic origin, sexual orientation and gender identity ...
15. (§ 10) ECRI recommends that the **Spanish** authorities bring their criminal law into line with its General Policy Recommendation No. 7 ...; in particular they should (i) include the grounds of colour, language, citizenship and gender identity in all relevant provisions...
16. (§ 8) ECRI recommends that the authorities bring the **Swedish** criminal law into line with its General Policy Recommendation No. 7 ...; in particular they should (i) explicitly include the grounds of language and gender identity in the relevant provisions of the Penal Code.
17. (§ 11) ECRI recommends that the **[Turkish]** authorities bring their criminal law, in general, into line with its General Policy Recommendation No. 7; in particular they should (i) include the grounds of ethnic origin, colour, language, citizenship, sexual orientation and gender identity among the prohibited grounds in Articles 122, 125 and 216 and all other Criminal Code provisions aimed at combating racism and homo/transphobia...
 - *Public insults, defamation and threats (§ 18 b and c of GPR No. 7)*
18. (§ 6) ECRI strongly recommends that the **Luxembourg** authorities bring their legislation into line with its General Policy Recommendation (GPR) No. 7; in particular, they should ... (ii) explicitly make public insults, public defamation and racist and homophobic/transphobic threats a criminal offence...
19. (§ 13) ECRI recommends to **[San Marino]** that the criminal legislation be amended in line with its General Policy Recommendation No. 7: separate criminal offences should apply when public insults, defamation or threats are committed against a person or a grouping of persons on account of their race, colour, language, religion, nationality or national or ethnic origin, as well as their sexual orientation or gender identity;
 - *Racist motivation as an aggravating circumstance (§ 21 of GPR No. 7)*
20. (§ 6) ECRI recommends that the authorities bring the Criminal Code of **Bosnia and Herzegovina**, in general, into line with its General Policy Recommendation No. 7 ... Furthermore, racist and homo-/transphobic motivation should be introduced as an aggravating circumstance at state- and entity-level, where this is not already the case.
21. (§ 10) ECRI recommends **[France]** ... (3) that the homophobic and transphobic motivation is also considered an aggravating circumstance of every ordinary offence.
22. (§ 6) ECRI strongly recommends that the **Luxembourg** authorities bring their legislation into line with its General Policy Recommendation (GPR) No. 7; in particular, they should (i) expressly provide that racist or homophobic/transphobic motivation constitutes an aggravating circumstance for any ordinary offence...
23. (§ 9) ECRI recommends that the **Portuguese** authorities bring their criminal legislation into line with its General Policy Recommendation No. 7 and, in particular ... (iv) stipulate that racist, homo- or transphobic motives constitute aggravating circumstances for any offences and ...
24. (§ 11) ECRI recommends that the **[Turkish]** authorities bring their criminal law, in general, into line with its General Policy Recommendation No. 7; in particular they should ...

(iii) provide explicitly that racist and homo/transphobic motivation constitutes an aggravating circumstance for any ordinary offence.

- *Legal persons (§ 22 of GPR No. 7)*

25. (§ 13) ECRI encourages the [**Bulgarian**] authorities to consider the possibility of providing for the criminal liability of legal persons for racially motivated offences.

Civil and Administrative Law

- *Grounds (§ 1a of GPR No. 7)*

26. (§ 9) ECRI recommends that the authorities [of **Bosnia and Herzegovina**] bring the civil and administrative law, in general, into line with its General Policy Recommendation (GPR) No. 7...; in particular they should amend the Law on Prohibition of Discrimination to explicitly: (i) include citizenship and gender identity as prohibited grounds...

27. (§ 16) ECRI recommends that the [**Lithuanian**] authorities bring the Lithuanian civil and administrative law, in general, into line with its General Policy Recommendation No. 7.... They should, in particular, amend the Law on Equal Treatment with the aim of including citizenship and colour, as well as gender identity into the enumerated grounds...

28. (§ 22) ECRI recommends that the [**Moldovan**] authorities amend the anti-discrimination legislation to remedy the gaps identified...in line with its General Policy Recommendation (GPR) No. 7. In particular, they should i) include national origin, citizenship, sexual orientation and gender identity in the list of grounds of prohibited discrimination;...

29. (§ 10) ECRI recommends that the [**North Macedonian**] authorities bring the country's civil and administrative law, in general, into line with its General Policy Recommendation No. 7 ...; in particular they should amend the Law on Prevention and Protection against Discrimination with the aim of including (i) sexual orientation and gender identity into the enumerated grounds...

30. (§ 19) ECRI recommends that the **Portuguese** authorities generally align their anti-discrimination legislation with its General Policy Recommendation No.7 and, in particular, (i) broaden the scope of the anti-discrimination law to all areas, (ii) expressly include "race", language, religion, sexual orientation and gender identity in the list of prohibited grounds...

31. (§ 101) ECRI recommends that the **Portuguese** authorities pass an anti-discrimination law covering the grounds of sexual orientation and gender identity and incorporate these grounds of discrimination in the legal texts aimed at combating discrimination.

32. (§ 16) ECRI recommends that the [**Romanian**] authorities amend the anti-discrimination legislation to bring it in line with its General Policy Recommendation No. 7. In particular, the legislation should include i) national origin, colour, citizenship and gender identity in the list of prohibited grounds of discrimination...

33. (§ 27) ECRI recommends that ... [t]he [**Turkish**] authorities should bring their anti-discrimination legislation fully into line with ECRI's General Policy Recommendation No. 7; in particular they should include the grounds of citizenship, sexual orientation and gender identity in the list of grounds of prohibited discrimination...

Independent authorities³

34. (§ 23) ECRI recommends to **Finland**, as a matter of priority, that the National Non-Discrimination and Equality Tribunal should be empowered to deal with complaints of discrimination in employment on all prohibited grounds and not solely on the grounds of gender and gender identity ...

- *Federal issues*

35. (§ 38) ECRI recommends that the **Belgian** authorities conclude as soon as possible the legislative process to turn the Centre for Equal Opportunities and Opposition to Racism into

³ See also LGBT.

a fully independent inter-federal institution dedicated to helping all victims of discrimination on the grounds within its competence.

- *Functions and responsibilities of national bodies combating racism and intolerance*

36. (§ 18) ECRI recommends to **Finland** that the authorities increase the capacity and staff of the Equality Ombudsman in order to enable the institution to adequately deal with gender identity issues falling within its mandate.

II. Hate speech

Data⁴

37. (§ 32) ECRI recommends that the [**Austrian**] authorities set up an IT-based system for recording and monitoring racist, homo- and transphobic incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist or homo/transphobic offences (§ 12 of General Policy Recommendation No. 11 on combating racism and racial discrimination in policing).

38. (§ 47) ECRI recommends that the [**Belgian**] authorities ensure that the new regulations for collecting data on racist and homo/transphobic incidents are applied in practice so that specific and reliable data on hate speech offences and the follow-up given to them by the criminal justice system is made available.

39. (§ 21) ECRI recommends that the **Danish** authorities set up a comprehensive data collection system for racist and homo-/transphobic hate speech incidents, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome. Furthermore, the [Danish] authorities should take active measures to tackle under-reporting of hate speech, including by taking inspiration from ECRI's General Policy Recommendation No. 15 on combating hate speech.

40. (§ 39) ECRI recommends that the **Estonian** authorities ... put in place a system to collect data and produce statistics offering an integrated and consistent view of the cases of racist and homo/transphobic hate speech and violence brought to the attention of the police and/or being pursued through the courts. (see § 51).

41. (§ 29) ECRI recommends that the **Finnish** authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.

42. (§ 24) ECRI recommends that the **Georgian** authorities establish an effective monitoring system for racist and homo-/transphobic hate speech. They should build on the expertise of the Public Defender and relevant NGOs.

43. (§ 35) ECRI recommends that the police and judicial authorities [in **Luxembourg**] establish and operate a system for recording and monitoring racist incidents and the extent to which these incidents are brought before the prosecutors and eventually qualified as racist or homophobic/transphobic offences. The authorities should publish these statistics.

44. (§ 21) ECRI strongly reiterates its recommendation to **Malta** to ensure that a mechanism for collecting disaggregated data on hate crime incidents, including hate speech, on grounds of race, colour, language, religion, ethnic origin, citizenship, sexual orientation and gender identity, is put in place, recording the specific bias motivation as well as the criminal justice response, and that this data is made available to the public.

45. (§ 24) ECRI recommends that the [**Monegasque**] authorities publish their statistics relating to the number of racist, xenophobic, homophobic and transphobic offences reported to the police, the number of prosecutions, the reasons for non-prosecution and the outcome of prosecutions.

⁴ See also Racist and homo/transphobic violence.

46. (§ 16) ECRI recommends that the **[Montenegrin]** authorities put in place a system for collecting disaggregated data in order to provide a coherent, integrated view of the cases, by recording the specific bias motivation of racist and homo/transphobic hate crime (hate speech and violence) reported to the police as well as the follow-up given by the justice system, and that this data is made available to the public.
47. (§ 44) ECRI recommends that the **Polish** authorities ... (2) rationalise the system for collecting data and producing statistics in order to provide a coherent, integrated view of cases of racial and homo/transphobic hate speech reported to the police or processed through the courts...
48. (§ 61) ECRI recommends that the **Polish** authorities (1) rationalise the system for collecting data and producing statistics in order to provide a coherent, integrated view of cases of racial and homo/transphobic hate speech reported to the police or processed through the courts; (2) reinforce the group set up by the Council against Racial Discrimination, Xenophobia and Related Intolerance to study the real scale of the hate crime phenomenon; and (3) study, in consultation with civil society, the phenomenon of extremist violence occurring on the fringes of the Independence Day celebrations and draw up a comprehensive action plan for preventing and combating it.
49. (§ 52) ECRI recommends that the **Serbian** authorities establish and operate a system for recording and monitoring racist, homo- and transphobic incidents and the extent to which these incidents are brought before prosecutors and are eventually qualified as racist, homo- or transphobic offences
50. (§ 50) ECRI recommends that the **Spanish** law enforcement authorities continue and intensify their activities with a view to establishing and operating a system for recording and monitoring racist, homo- and transphobic incidents, and the extent to which these incidents are brought before the courts and are eventually qualified and sentenced as racist, homophobic and transphobic offences.

Awareness-raising campaigns/prevention

51. (§ 45) ECRI recommends that the **Finnish** authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, as much as possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No.15 on Combating Hate Speech.
52. (§ 44) ECRI recommends that the **[Estonian]** authorities organise an extensive campaign to inform and raise awareness among all sections of Estonian society about racist and homo/transphobic hate speech, the legal provisions and rights existing in this field, and procedures for reporting or filing complaints against instances of such speech.
53. (§ 33) ECRI recommends that the **Liechtenstein** authorities reinforce their responses against hate speech, and notably (i) organise, together with the Association for Human Rights and the relevant civil society groups, an awareness-raising campaign about the prohibition of racist and homo/transphobic hate speech and discrimination, the legal provisions and rights existing in this field, and the procedures for reporting and filing complaints
54. (§ 47) ECRI recommends that the **Lithuanian** authorities, as part of the Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination, set up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. This group should include the relevant authorities, as well as civil society organisations, including, amongst others, representatives of the LGBT community.
55. (§ 44) ECRI recommends that the **Polish** authorities (1) draw up and implement a comprehensive plan for training police officers and prosecutors in the application of the Prosecutor General's guidelines on the participation of prosecutors in cases of crimes prosecuted upon private complaint and on the conduct by prosecutors of proceedings in cases of hate crimes; (2) rationalise the system for collecting data and producing statistics in

order to provide a coherent, integrated view of cases of racial and homo/transphobic hate speech reported to the police or processed through the courts; (3) incorporate into the statistical system indicators for monitoring the effectiveness of the judicial system in dealing with hate speech cases; and (4) mount a large-scale campaign for tolerance addressed to society at large, as already recommended in the 4th cycle report.

Schools

56. (§ 44) ECRI recommends that the **French** authorities fight racial and homophobic/transphobic stereotypes and prejudices effectively to deal better with the concrete challenges that arise due to living together in an intercultural world. To this end, ECRI recommends that school curricula and teacher training programmes are revised in order to enable teachers and pupils to understand better societal issues linked to questions such as religions and beliefs as well as immigration matters.

Counter speech

57. (§ 48) ECRI recommends that the **Finnish** authorities encourage speedy reactions by public figures and in particular politicians, that not only condemn all forms of racist and homo-/transphobic hate speech, but which also seek to reinforce the values which such speech threatens.
58. (§ 42) ECRI recommends that the **[Latvian]** authorities encourage and promote counterspeech among high-level political representatives and other public figures in response to racist and homo-/transphobic hate speech.

Elected bodies

59. (§ 51) ECRI recommends [to **Armenia**] that a code of conduct be introduced as soon as possible in Parliament sanctioning, inter alia, racist and homo/transphobic discourse.
60. (§ 46) ECRI recommends [to **Georgia**] that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach be introduced in the Parliament's Rules of Procedure...
61. (§ 48) ECRI recommends [to **Greece**] that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach is introduced in the Parliament's Standing Orders.
62. (§ 40) ECRI recommends the adoption of a code of ethics for both chambers of the **Russian** Parliament, prohibiting and sanctioning racist and homo/transphobic hate speech.

Political parties/politicians

63. (§ 55) ECRI ... recommends [to **Armenia**] that all political parties take a firm stand against homo/transphobic discourse – especially when it is their members engaging therein.
64. (§ 40) ECRI recommends that the **[Danish]** authorities encourage the country's political leadership and representatives always to condemn all forms of racist and homo-/transphobic hate speech and apply appropriate sanctions when necessary.
65. (§ 46) [...] ECRI further recommends **[Georgia]** that all political parties take a firm stand against racist and homo-/transphobic discourse.
66. (§ 52) ECRI reiterates its recommendation that **[Hungarian]** political leaders on all sides take a firm and public stance against the expression of racist and homophobic hate speech and react to it with a strong counter-hate speech message.
67. (§ 39) ECRI calls upon all political parties [of the **United Kingdom**] to take a firm stand against intolerant discourse and instruct their representatives to refrain from making derogatory comments targeting a group of persons on grounds of their "race", religion, citizenship, language, ethnic origin, sexual orientation or gender identity.

Racism in the media

68. (§ 33) ECRI recommends that the [**Georgian**] authorities review their contracts with media outlets and cancel or not renew them in cases where media are known to engage in racist or homo-/transphobic hate speech. The authorities should also ensure that future contracts contain a clause stipulating that racist or homo-/transphobic hate speech will result in contract termination.
69. (§ 45) ECRI recommends that the **Luxembourg** authorities (i) initiate a review of the regulatory framework for the media in order to prevent and eliminate hate speech in this area, (ii) encourage the media to develop measures to combat hate speech on their websites, (iii) work towards ensuring that the social media and internet access providers ban hate speech in their conditions of use and enforce that ban, (iv) ensure that the police and the media only disclose information concerning the ethnic origin, colour, language, religion, nationality or national or ethnic origin, sexual orientation and gender identity of the alleged perpetrator of an offence when that disclosure is strictly necessary and serves a legitimate purpose, and (v) give the Press Council the right to open proceedings on its own initiative and be able to take decisions concerning any print media outlet. All these measures should strictly comply with the principle of media independence.
70. (§ 32) ECRI recommends that the [**North Macedonian**] authorities take urgent measures to tackle the growing problem of racist and homo-/transphobic hate speech, in particular by...
ii) introducing administrative sanctions for hate speech in the Law on Audio and Audiovisual Media Services of 2013 ...Furthermore, ECRI recommends that an evaluation of past initiatives to prevent hate speech is carried out with a view of building on existing efforts and expanding good practices, especially in the media and education sectors.
- *Regulatory bodies*
71. (§ 32) ECRI recommends that the [**North Macedonian**] authorities take urgent measures to tackle the growing problem of racist and homo-/transphobic hate speech, in particular by...
iii) providing the regulatory authority for audio and audio-visual media services with the possibility of issuing warnings or demanding apologies in cases of racist or homo-/transphobic hate speech and related breaches of professional journalistic standards and ethics; iv) setting up a system of information sharing through which the regulatory authority for audio and audio-visual media services receives information from prosecutors and courts concerning cases that it forwarded in order to enable the regulatory authority to improve and optimise its media monitoring activities; and v) establishing effective regulatory bodies, while respecting the principle of media independence, that can monitor incidents of hate speech in print media and internet services.
- *Ethical standards*
72. (§ 49) ECRI again recommends that the [**Armenian**] authorities work in close co-operation with the media, without encroaching on their independence, in order to adopt a code of media ethics with clear provisions against racist and homo/transphobic hate speech, to promote adherence to it by the entire industry, and to organise appropriate training sessions for media professionals.
73. (§ 41) ECRI recommends that the **Lithuanian** authorities take steps to ensure that the widespread phenomenon of homo-/ and transphobic hate speech is effectively tackled, including by i.) empowering the Inspector of Journalist Ethics to impose greater sanctions, as already recommended in ECRI's 2011 report, and encourage the Inspector to combat hate speech, and homo- /transphobic hate speech in particular, more vigorously...

Homophobic/transphobic hate speech

74. (§ 55) ECRI recommends that the **Armenian** authorities make a public declaration condemning homo/transphobic hate speech and violence.
75. (§ 44) ECRI recommends that the [**Estonian**] authorities organise an extensive campaign to inform and raise awareness among all sections of Estonian society about racist and

homo/transphobic hate speech, the legal provisions and rights existing in this field, and procedures for reporting or filing complaints against instances of such speech.

76. (§ 46) ECRI recommends that the [**Greek**] authorities discuss with the leadership of the Orthodox Church ways in which the Church can use its moral standing to prevent and combat hate speech, including against LGBT.
77. (§ 57) ECRI recommends that the [**Greek**] authorities make a public declaration condemning homo-/transphobic hate speech. It also recommends that all political parties take a firm stand against homo-/transphobic discourse by their representatives.
78. (§ 47) ECRI recommends that the **Lithuanian** authorities, as part of the Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination, set up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. This group should include the relevant authorities, as well as civil society organisations, including, amongst others, representatives of the LGBT community.

Religious authorities

79. (§ 56) ECRI recommends that the [**Greek**] authorities discuss with the leadership of the Orthodox Church ways in which the Church can use its moral standing to prevent and combat hate speech, including against LGBT.
80. (§ 53) ECRI recommends that the [**Moldovan**] authorities discuss with the leadership of the Moldovan Orthodox Church ways in which the Church could use its moral standing to prevent and combat hate speech, including homo/transphobic as well as sexist hate speech, and ensure that their representatives refrain from making derogatory comments.
81. (§ 37) ECRI recommends that the [**Montenegrin**] authorities discuss with the leadership of the Serbian Orthodox Church ways in which the Church could use its moral standing to prevent and combat hate speech, including against LGBT persons, and ensure that their representatives refrain from making derogatory comments.

Legislation⁵

82. (§ 26) ECRI recommends [to **Armenia**] that sexual orientation and gender identity be expressly added to the prohibited grounds in Article 226 of the Criminal Code and that a provision be added to that Code explicitly stipulating that homo/transphobic motivation constitutes an aggravating circumstance for any ordinary offence.
83. (§ 73) ECRI recommends that the [**Belgian**] authorities consider extending the exception to Article 150 of the Constitution to homophobic incitement so that prosecution can be brought before ordinary courts.
84. (§ 43) ECRI recommends to [**Bulgaria**] that the provisions of the Radio and Television Act relating to hate speech be amended to include the ground of sexual orientation.
85. (§ 28) In view of the existing situation as regards racist and homophobic hate speech, ECRI recommends that the [**Cypriot**] authorities increase the penalties for homo/transphobic hate speech under the new Criminal Code provisions so that they are identical to those for racist hate speech in Law 134(I) 2011.
86. (§ 32) ECRI recommends [to **Estonia**] that gender identity be specifically added to the prohibited grounds in Articles 151 and 152 of the Criminal Code and that a provision be added to that Code explicitly stipulating that sexual orientation and gender identity constitute an aggravating circumstance in any ordinary offence.
87. (§ 35) ECRI strongly recommends [to **Ireland**] that new hate speech and hate crime legislation is enacted in consultation with relevant civil society actors. Inspiration should be taken from ECRI's GPR Nos. 7 and 15, and hate based on the following grounds should be included: race, colour, ethnic/national origin, citizenship, language, religion, sexual orientation and gender identity.

⁵ See also LGBT.

88. (§ 38) ECRI recommends to **Malta** that the ground of gender identity is added to Articles 16 J and K of the Broadcasting Act.
89. (§ 28) ECRI recommends [to **Poland**] that sexual orientation and gender identity be explicitly added to the prohibited grounds in Articles 256 and 257 of the Criminal Code.

Application of criminal legislation on hate speech

90. (§ 54) ECRI recommends [to **Armenia**] that all cases of public incitement to violence and hatred, threats against LGBT people on grounds of their alleged sexual orientation and/or gender identity, or against human rights defenders promoting their rights, be investigated and prosecuted accordingly.
91. (§ 28) In view of the existing situation as regards racist and homophobic hate speech, ECRI recommends that the [**Cypriot**] authorities increase the penalties for homo/transphobic hate speech under the new Criminal Code provisions so that they are identical to those for racist hate speech in Law 134(I)2011.
92. (§ 36) ECRI recommends that the [**Lithuanian**] authorities fully investigate racist and/or homo- / transphobic threats and ensure that a lack of probability does not constitute an obstacle for convicting a perpetrator...
93. (§ 41) ECRI recommends that the **Lithuanian** authorities take steps to ensure that the widespread phenomenon of homo-/ and transphobic hate speech is effectively tackled, including by ... ii) ensuring effective and proportionate prosecution of such acts; and iii) preventing the notion of 'protecting public morals' from being used to justify or condone incitement of hatred against LGBT persons.

Training of public officials (§ 6 of GPR No. 10 and § 10(h) of GPR no. 15)

94. (§ 34) ECRI recommends that the [**Danish**] authorities provide training on how to handle hate crime cases to police and prosecutorial staff on an ongoing basis across the country. Cooperating partners in this training should also include the DIHR, the Jewish, Muslim and Black communities, ethnic minority associations, refugee support groups and the LGBT community.
95. (§ 36) ... The training programme for [**Lithuanian**] police officers on the fight against racism and promotion of tolerance should be expanded and the planned training sessions on relevant provisions of the Criminal Code be conducted. ECRI also recommends that the authorities carry out an evaluation of the impact the trainings had with a view to ensuring that further elements necessary to enable law enforcement officials and members of the judiciary to fight racist and homo- /transphobic hate speech, including threats, more effectively are identified and included in future training programmes.
96. (§ 35) ECRI recommends that the training activities for [**Montenegrin**] law enforcement officials and the judiciary on hate crime are scaled up. Such training should cover homo-/transphobic hate crime. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it helps hate crime to be identified effectively, and, if necessary, adjust it.
97. (§ 32) ECRI recommends that the [**North Macedonian**] authorities take urgent measures to tackle the growing problem of racist and homo-/transphobic hate speech, in particular by i) stepping up the training activities on hate speech for law enforcement officers, prosecutors and judges...
98. (§ 33) ECRI recommends that the [**Azerbaijani**] authorities build up regular dialogue with vulnerable groups in order to ensure that any instance of hate speech is reported and that they ensure that their statistics contain all instances of racist, homo- and transphobic criminal offences.
99. ECRI recommends that the police and judicial authorities [in **Luxembourg**] set up a regular round table to enable a dialogue with civil society and bodies specialising in combating racism and homophobia/transphobia.

100. (§ 42) ECRI recommends [to the **Turkish** authorities] that the police and prosecution services designate contact persons for vulnerable groups and establish regular round tables or other forms of dialogue with these groups in order to improve the reporting, investigation and punishment of racist and homo/transphobic offences.

III. Racist and homo/transphobic violence

Data collection and monitoring (§ 12 of GPR no. 11)⁶

101. (§ 43) ECRI once again strongly recommends that the **Andorran** authorities strengthen data collection as concerns racist and homo/transphobic hate crime. Such data should include aggravating circumstances to make it easier to identify the racial or discriminatory motivation behind an offence.
102. (§ 50) ECRI recommends that the [**Danish**] authorities ensure that the hate crime data collection system can trace the judicial follow-up of incidents involving racist and homo-/transphobic violence, including acts of vandalism.
103. (§ 51) ECRI recommends that the **Estonian** authorities put in place a system to collect data and produce statistics offering an integrated and consistent view of the cases of racist and homo/transphobic hate speech brought to the attention of the police and/or being pursued through the courts. ECRI recommends that the authorities adopt the same approach with regard to racist and homo/transphobic violence (see § 39).
104. (§ 54) ECRI recommends that the **French** authorities set up a partnership similar to those already existing with the CFCM [Council of the Muslim Faith], the SPCJ [Jewish Community Protection Service] and LICRA [the International League against Racism and Antisemitism] with civil society organisations that provide support for the Roma population and LGBT people, in order to improve both the detection of racist acts of violence of which these vulnerable groups are victims and the follow-up action to the lodging of complaints in this connection.
105. (§ 56) ECRI recommends that the **German** authorities reform their system for recording and following up “racist, xenophobic, homophobic and transphobic” incidents in order to ensure that all cases involving such a motive are recorded (§ 12 of General Policy Recommendation No. 11).
106. (§ 57) ECRI recommends that the [**Moldovan**] authorities put in place a system for collecting disaggregated data in order to provide a coherent, integrated view of the cases, by recording the specific bias motivation of racist and homo/transphobic hate crime (hate speech and violence) reported to the police as well as the follow-up given by the justice system, and that this data is made available to the public.
107. (§ 44) ECRI also recommends that the [**Norwegian**] authorities set up an IT-based system for recording and monitoring racist and homo-/transphobic incidents and their processing through the judicial system (§ 12 of ECRI’s General Policy Recommendation No. 11 on Combating racism and racial discrimination in policing).
108. (§ 49) ECRI recommends that the [**Romanian**] authorities put in place a system to collect data and produce statistics offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime brought to the attention of the police and pursued through the courts, and that this data is made available to the public.
109. (§ 44) ECRI recommends that the [**Slovenian**] authorities ensure that the specific motive is recorded in relation to criminal offences involving racist and homo/transphobic violence. This should be done by putting in place a system to collect data and produce public statistics offering an integrated and consistent view of the cases of racist and homo/transphobic violence brought to the attention of the police and the follow-up given to them by the justice system.

⁶ See also Hate speech.

110. (§ 39) ECRI recommends that the **Swiss** authorities improve their system for recording and monitoring in particular incidents of violence in order to obtain more reliable statistics on the racist, homophobic or transphobic motivation of offences under the Criminal Code (§ 12 of General Policy Recommendation No. 11).
111. (§ 57) ECRI strongly recommends that the **Turkish** authorities establish and operate a system for recording and monitoring all racist and homo/transphobic incidents...

Legislation

112. (§ 87) ECRI recommends that the [**Belgian**] authority proceed to an overall evaluation of the current criminal legislation on racism and homo/transphobia before any amendment to it.
113. (§ 47) ECRI recommends [to **Poland**] that sexual orientation and gender identity be added to the prohibited grounds in Articles 118, 119 and 255 of the Criminal Code.

Application of criminal law

114. (§ 51) ECRI recommends the [**Albania**] police to investigate thoroughly racist and homo/transphobic offences; inter alia, they should take the racist and/or homo/transphobic motivation of ordinary offences fully into account (§ 11 of General Policy Recommendation No. 11 on combating racism in policing).
115. (§ 64) ECRI again strongly recommends [to **Armenia**] that criminal law is effectively applied to all cases of racist violence and incitement thereto -, including homo/transphobic incidents – in particular by focusing on respect of the law by law enforcement officers. Moreover, the authorities should make the alleged racist and/or homo/transphobic motivation an integral part of the investigation into violent incidents from its very beginning and of any judicial proceedings that result therefrom.
116. (§ 44) ECRI recommends [**Azerbaijan**] that the police and prosecution services thoroughly investigate all cases of alleged hate crime, that they establish dialogue and co-operation with groups at risk of hate crime and that they use the Law on the Prevention of Domestic Violence to protect LGBT persons.
117. (§ 50) ECRI recommends that the authorities [of **Bosnia and Herzegovina**] (i) carry out an evaluation of hate crime-related training activities for police officers, prosecutors and judges in order to make any necessary improvements; (ii) continue to roll out and expand these training programmes; and (iii) ensure that violence against returnees, religious communities, and LGBT persons is adequately covered in these trainings.
118. (§ 51) ECRI recommends that the authorities [of **Bosnia and Herzegovina**] ensure that any homo-/transphobic motivation in cases of violence are duly taken into consideration by the relevant law enforcement agencies when investigating such incidents.
119. (§ 61) ECRI recommends to **Croatia** that the training activities for law enforcement officials and the judiciary on hate crime are scaled up. Such training should cover racist and homo-/transphobic hate crime as well as ethnic profiling. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it helps hate crime to be identified effectively and, if necessary, adjust it.
120. (§ 43) ECRI recommends to **Croatia** that a racist and/or homo-/transphobic motivation in cases of violent incidents is made an integral part of investigations, particularly through providing clear guidelines between the police and State Attorney's Office, as well as judicial proceedings from their very beginning. ECRI also recommends that the authorities continue training to police, judges and prosecutors on the application of Article 87 (21) of the Criminal Code.
121. (§ 53) ECRI recommends that the [**Danish**] authorities promote increased dialogue between members of the LGBT community and the police in order to facilitate the reporting of homo-/transphobic violence.
122. (§ 48) ECRI further recommends that the [**Estonian**] authorities take steps to encourage victims and witnesses of homo/transphobic incidents to report such occurrences, provide

training and awareness-raising for representatives of the law-enforcement agencies in the recognition of the homo/transphobic motivation of an ordinary crime and ensure that the police thoroughly investigate homo/transphobic offences.

123. (§ 56) ECRI recommends to **Finland** that, in order to address the problem of underreporting, the authorities enhance cooperation between the police and vulnerable groups, including the LGBT community. Such cooperation could include the recruitment of Minorities Liaison Officers, including LGBT Liaison Officers to the police force.
124. (§ 58) ECRI recommends to **Finland** that the training activities for law enforcement officials and the judiciary on hate crime are scaled up. Such training should cover racist and homo-/transphobic hate crime. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it contributes to the effective identification of hate crime and, if necessary, adjust it.
125. (§ 62) ECRI recommends [**Georgia**] close monitoring of whether the police investigates potential racist and homo-/transphobic motivations. Furthermore, ECRI recommends that racist and homo-/transphobic motivations are considered from the outset of judicial proceedings.
126. (§ 67) ECRI recommends [**Georgia**] that the training activities for the judiciary and law enforcement officials on investigating incidents of hate crime are scaled up. Furthermore, the trainings should cover homo-/transphobic hate crime. ECRI also recommends that the authorities conduct an impact assessment to evaluate the trainings and, if necessary, adjust them.
127. (§ 59) ECRI recommends that the [**Greek**] authorities ensure that clear instructions are issued to all police officers that no fee is to be charged for reporting racist or homo-/transphobic violence; the victims should always be informed accordingly.
128. (§ 76) ECRI recommends [to **Greece**] that a racist and/or homo-/transphobic motivation in cases of violent incidents is made an integral part of investigations and judicial proceedings from their very beginning. ECRI recommends training for the police, for which programmes proposed by international organisations could be used. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 81A of the Criminal Code on hate motivated offences.
129. (§ 59) ECRI recommends to [**Lithuania**] further training for police officers, prosecutors and judges on how to deal with racist, and in particular homo-/transphobic acts of violence. This should include improved procedures for recognising bias-motivations, as well as confidence-building measures between the police and minority representatives and LGBT groups...
130. (§ 52) ECRI strongly recommends the **Maltese** authorities to press ahead with and intensify training for police, prosecutors and judges in order to ensure a more effective fight against racist and homo/transphobic hate crime, including violence.
131. (§ 68) ECRI recommends that the [**Moldovan**] police and prosecution services thoroughly investigate all cases of alleged hate crime and that they ensure that a possible existence of a bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings. Furthermore, ECRI recommends that in order to address the problem of underreporting the authorities implement confidence-building measures to enhance the relationship between the police and vulnerable groups, in particular the Roma and the LGBT community.
132. (§ 70) ECRI recommends that the training activities for [**Moldovan**] law enforcement officials and the judiciary on hate crime, including hate speech, are scaled up. Such training should cover racist and homo-/transphobic hate crime as well as racial profiling. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it helps to identify hate crime effectively and to adjust it, if necessary.
133. (§ 49) ECRI recommends [**Montenegro**] that the question of a racist and/or homo-/transphobic motivation in cases of violent incidents is made an integral part of investigations, particularly through providing clear instructions to police, as well as judicial proceedings from

their very beginning. ECRI also recommends that the authorities offer training to judges and prosecutors on the application of Article 42a of the Criminal Code on racist and homo/transphobic motivation as an aggravating circumstance.

134. (§ 48) ECRI recommends [**North Macedonia**] that existing training initiatives on racist and homo-transphobic violence for members of law enforcement agencies and the judiciary are expanded. ECRI also recommends that the authorities ensure that a possible existence of a bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings, in relevant cases of violence. Furthermore, ECRI recommends that in order to address the problem of underreporting the authorities implement confidence-building measures to enhance the relationship between the police and vulnerable groups, in particular the LGBT community.
135. (§ 64) ECRI recommends that the **Serbian** police and prosecution services ensure that investigations are opened in all cases of racist, homo- and transphobic violence, in particular when there is evidence pointing to the possible application of Article 54a of the Criminal Code on aggravating circumstances. Explicit reference to Article 54a of the Criminal Code should be made by the prosecution in the indictments.
136. (§ 57) ECRI strongly recommends that the **Turkish** authorities ... that the police thoroughly investigate all such cases, in particular by taking any racist or homo/transphobic motives in ordinary offences fully into account. The police and prosecution services should also adopt binding guidelines on the recording and investigation of such offences.

Specialised police officers and prosecution authorities

137. (§ 90) ECRI recommends that the [**Belgian**] authorities proceed without any further delay to designate in each police district a contact person responsible for racism and homo/transphobic issues. These contact persons should be networked and there should be close communication between the contact person in the police in the police district and the contact prosecutor in the corresponding prosecution department.
138. (§ 68) ECRI recommends that the **Georgian** authorities set up a specialised unit within the police to deal specifically with racist and homo-/transphobic hate crime. When establishing this unit, the authorities should seek expert advice from the Public Defender, relevant NGOs and international organisations.
139. (§ 80) ECRI recommends [to **Greece**] including sexual orientation and gender identity in the mandate of the new anti-racism police units.
140. (§ 62) ECRI recommends that the **Italian** authorities... appointing a contact person in each police district to deal with questions of racism and homophobia/transphobia, as well as a contact person in the corresponding public prosecutor's office. These contact persons should work together as a network, with good communication between the police contact persons and those in the prosecutors' offices.
141. (§ 40) ECRI recommends, as a matter of priority, that the [**Latvian**] authorities establish a unit within the State Police tasked with reaching out to vulnerable groups in order to increase trust in the police and address the problem of under-reporting of racist and homo-/transphobic hate crimes.
142. (§ 43) ECRI recommends that the [**Norwegian**] authorities set up specialised units or appoint specialised officers in each police district to deal with racist and homo-/transphobic incidents; these should also liaise with the vulnerable groups.
143. (§ 48) ECRI recommends that the police services and the **Portuguese** prosecutor's office adopt a broad definition of a racist, homo- or transphobic incident and register any hate speech or crime perceived as being racist, homo- or transphobic by the victim or any other person as such. In addition, they should further step up their interaction with the groups exposed to racism and intolerance and encourage them to lodge complaints.
144. (§ 67) ECRI recommends that the **Portuguese** authorities introduce within the police services a policy of zero tolerance towards racism and homo- and transphobia, which should shine

through in the basic and further training of police officers. The police services should intensify dialogue and cooperation with the groups at risk from racism and intolerance.

145. (§ 63) ECRI recommends that the [**Romanian**] authorities provide further training for police, prosecutors and judges on how to deal with racist and homo-/transphobic acts of violence. This should include improved procedures for recognising bias-motivations. Furthermore, it also recommends that, in order to address the problem of underreporting, the authorities enhance cooperation between the police and vulnerable groups, in particular the Roma and the LGBT communities.
146. (§ 64) ECRI recommends that the [**Russian**] authorities facilitate cooperation between LGBT communities and the police and establish regular dialogue with a view to improving reporting and preventing and combating homo/transphobic violence.

Police misconduct (see also under Interim follow-up and Other country-specific recommendations)

147. (§ 109) ECRI recommends that the **French** authorities intensify the training of law enforcement representatives with regard to the contents of the Code of Ethics concerning the need for exemplary relations with the population, that they review the system of numbers affixed to police uniforms in order to facilitate identification, including by testing the solutions proposed by the CNCDH and the Defender of Rights, and that they take steps to implement the Ministry of Justice's instructions on recording racist offences in the form of a formal complaint and not as a record in the police daybook, and to extend this arrangement to homophobic/transphobic offences.
148. (§ 59) ECRI recommends to [**Lithuania**]... the creation of an independent police complaints service that will be tasked to investigate, inter alia, allegations of racist and/or homo-/transphobic violence committed by law enforcement officials.

Strategy – Action Plan

149. (§ 66) ECRI recommends [to **Hungary**] that the National Crime Prevention Strategy should be revised to include measures aimed at combating crime motivated by racial and homo/transphobic violence.

Awareness

150. (§ 53) ECRI strongly recommends that the [**Estonian**] authorities implement its 4th cycle recommendations regarding awareness-raising measures for the general public on the criminal-law provisions concerning racist crimes and that they extend this awareness-raising to cover homo/transphobic crime.
151. (§ 70) ECRI recommends [**Georgia**] to inform the general public of the existence of criminal law provisions enabling racially motivated acts or acts of religious intolerance or homo-/transphobic acts to be punished. ECRI also recommends to initiate awareness raising programmes in schools and universities to combat racist and homo-/transphobic hatred.
152. (§ 53) ECRI recommends that the [**Swedish**] authorities include awareness-raising and prevention modules covering antisemitism and homo-/transphobia in introduction courses for newly-arrived migrants in Sweden in a way that avoids stigmatisation.
153. (§ 117) ECRI strongly recommends [to **Ireland**] that sufficient resources are invested in ensuring that asylum applications are processed more efficiently in order to reduce time spent in direct provision; that efforts are made to assist asylum seekers to access the labour market and find alternative housing; that solutions are found to LGBT concerns in direct provision and that the good practices employed in the Mosney direct provision centre are extended to other centres around the country.

Burden of proof (see also under civil law)

154. (§ 67) ECRI strongly recommends that the **Andorran** authorities introduce into the law the principle of sharing the burden of proof where discrimination complaints on grounds of race,

colour, ethnic origin, nationality, religion, language, gender identity and sexual orientation are brought before the civil or administrative courts.

VI. Policies to combat discrimination and intolerance against LGBT persons

Data and research

155. (§ 99) ECRI recommends that the [**Albanian**] authorities conduct systematic research and data collection concerning intolerance and discrimination on grounds of sexual orientation and gender identity, including a general attitude survey on LGBT related questions.
156. (§ 84) ECRI recommends that the authorities collect data on LGBT persons in **Andorra** and conduct surveys into any possible discrimination and intolerance that they may suffer.
157. (§ 79) ECRI recommends that the [**Austrian**] authorities undertake research and collect data on the living conditions of LGBT persons as well as on intolerance and discrimination against them.
158. (§ 141) ECRI recommends that the [**Belgian**] authorities pursue systematic research and data collection concerning intolerance and discrimination on grounds of sexual orientation and gender identity, including a general attitude survey on LGBT related questions.
159. (§ 112) ECRI recommends that the [**Bulgarian**] authorities collect data on hate speech and hate crime against LGBT persons, including on the number of cases reported, investigated and prosecuted.
160. (§ 115) ECRI encourages the authorities to undertake research and collect data on LGBT persons in **Bulgaria** as well as on discrimination and intolerance against them.
161. (§ 106) ECRI encourages the [**Cypriot**] authorities to undertake research and collect data on LGBT persons as well as on discrimination and intolerance against them.
162. (§ 91) ECRI recommends that the [**Estonian**] authorities carry out surveys and collect data on LGBT persons in Estonia and on the discrimination and intolerance of which they are the victims.
163. (§ 102) ECRI recommends that the **Estonian** authorities carry out a detailed study of the situation of LGBT persons in the employment field, and in particular the discrimination they suffer in this area, and identify and implement remedial measures.
164. (§ 102) ECRI recommends that the [**Moldovan**] authorities undertake research and collect data on LGBT persons in Moldova as well as on discrimination and intolerance against them.
165. (§ 95) ECRI recommends that [**French**] authorities carry out surveys and collect data on LGBT persons in France and on the discrimination and intolerance of which they may be victims.
166. (§ 121) ECRI encourages the [**Hungarian**] authorities to undertake research and collect data on LGBT persons as well as on discrimination and intolerance against them.
167. (§ 88) ECRI recommends that the [**Latvian**] authorities carry out a study on areas and levels of discrimination against LGBT persons in Latvian society.
168. (§ 77) ECRI recommends that the **Liechtenstein** authorities commission a study about the problems that LGBT people face and what measures should be taken to remedy these problems.
169. (§ 70) ECRI recommends that the [**Monegasque**] authorities conduct a systematic study, while respecting the private life of LGBT persons, about their living conditions and the intolerance and discrimination of which they may be victims.
170. (§ 103) ECRI recommends that the [**North Macedonia**] authorities carry out an independent comprehensive study on all forms of discrimination against LGBT persons jointly with the LGBT community. This study should also pave the way towards preparing and adopting an action plan to end such forms of discrimination.

171. (§ 81) ECRI recommends that the **Norwegian** authorities collect data on LGBT persons systematically.
172. (§ 91) ECRI recommends that the authorities conduct surveys and collect data on LGBT persons in **Poland** and on the discrimination and intolerance of which they are victims.
173. (§ 124) ECRI recommends that the [**Russian**] authorities carry out an in-depth study on the areas and levels of discrimination faced by LGBT persons in Russian society...
174. (§ 135) ECRI encourages the authorities to undertake research and collect data on LGBT persons in **Slovakia** as well as on discrimination and intolerance against them, while ensuring respect for the principle of confidentiality, informed consent and individuals' voluntary self-identification as a member of a particular group.
175. (§ 111) ECRI recommends that the [**Ukrainian**] authorities undertake research and collect data on LGBT persons in Ukraine as well as on discrimination and intolerance against them.

Legislation

- *General*

176. (§ 125) ECRI encourages the [**Hungarian**] authorities to align all the relevant legislation in order to send a clear message that intolerance against LGBT persons is not acceptable.
177. (§ 93) ECRI recommends that the **Lithuanian** authorities modify the Law on the Protection of Minors against the Detrimental Effect of Public Information to ensure that it does not prevent awareness-raising about LGBT issues and activities to promote tolerance...
178. (§ 99) ECRI recommends that the **Polish** authorities draft and submit to Parliament legislation, or amendments to existing legislation, in order to enshrine in Polish law the equality and dignity of LGBT persons in all areas of life.
179. (§ 111) ECRI recommends that the [**Russian**] authorities amend all existing legislation in order to include explicitly the grounds of sexual orientation and gender identity in the list of protected grounds, in particular in Articles 282, 136 and 63 of the Criminal Code, as well as in Article 3 of the Labour Code and Article 5 of the Law on the Fundamentals of Health Care of Citizens in the Russian Federation.
180. (§ 115) ECRI recommends, as a matter of priority, that the **Russian** authorities abolish the legal ban on the provision of information about homosexuality to minors (legislation on the so-called "promotion of non-traditional sexual relations among minors"), in line with the judgment of the European Court of Human Rights in the case Bayev and others v. Russia.

- *Anti-discrimination legislation*

181. (§ 145) ECRI recommends that the [**Belgian**] authorities amend the anti-discrimination legislation at federal and federated level in order to include gender identity among the prohibited grounds of discrimination.
182. (§ 108) ECRI recommends that the [**Bulgarian**] authorities amend the Anti-discrimination Act to include gender identity as a ground of discrimination.
183. (§ 109) ECRI recommends [to **Cyprus**] that gender identity is included as a prohibited discrimination ground in Cypriot equal treatment legislation.
184. (§ 122) ECRI recommends [to **Ireland**] that the Employment Equality Acts and the Equal Status Acts are amended to explicitly include the ground of gender identity.
185. (§ 92) ECRI recommends that the [**Latvian**] authorities amend the existing legislation in order to ... (ii) ensure that in the absence of comprehensive anti-discrimination legislation in Latvia both sexual orientation and gender identity are explicitly listed among the grounds on which discrimination is prohibited in the Labour Law, the Law on the Prohibition of Discrimination of Natural Persons Economic Operators, the Law on Social Security, the Consumer Rights Protection Law, the Law on the Rights of Patients; the Law on Education and the Law on Support to Unemployed Persons and Job Seekers.

186. (§ 80) ECRI recommends that the **San Marinese** authorities supplement legislation to protect persons from discrimination with provisions of civil and administrative law which expressly prohibit discrimination on grounds of sexual orientation or gender identity.
187. (§ 78) ECRI recommends that the [**Swiss**] authorities adopt comprehensive legislation against discrimination on the grounds of sexual orientation and gender identity and to include these grounds in Article 261bis of the Criminal Code.
188. (§ 116) ECRI strongly recommends [to **Ukraine**] that the grounds of sexual orientation and gender identity are explicitly included in the Law on Principles of Prevention and Combating Discrimination in Ukraine.
189. (§ 143) ECRI recommends [to the **United Kingdom**] that legislation is enacted in Northern Ireland providing for protection from discrimination on grounds of gender identity.
- *Criminal legislation*⁷
190. (§ 87) ECRI recommends that the [**Belgian** authorities] proceed to an overall evaluation of the current criminal legislation on racism and homo/transphobia before any amendment to it.
191. (§ 106) ECRI recommends that the [**Bulgarian**] authorities include sexual orientation and gender identity in all the Articles of the Criminal Code addressing hate speech and hate crime (Articles 162, 163, 131 and 116).
192. (§ 123) ECRI recommends [to the **Czech Republic**] that Sections 352, 355 and 356 of the Criminal Code should include specific references to the grounds of sexual orientation and gender identity.
193. (§ 80) ECRI recommends [to **Iceland**] that provisions are inserted into the Criminal Code making hostility based on sexual orientation and gender identity aggravating circumstances for all criminal offences.
194. (§ 92) ECRI recommends that the [**Latvian**] authorities amend the existing legislation in order to (i) include the grounds of sexual orientation and gender identity in Articles 48 and 150 of the Criminal Law...
195. (§ 83) ECRI recommends that the **Norwegian** authorities include gender identity in all articles of the Criminal Code concerning hate motivated offences.
196. (§ 114) ECRI strongly recommends [to **Ukraine**] that sexual orientation and gender identity are specifically included as grounds in Article 161(1) and (2) of the Criminal Code as well as in all the aggravated forms of offences and the general provisions on aggravating circumstances under Article 67(1)(3).
197. (§ 139) ECRI recommends that the authorities [of the **United Kingdom**] follow the advice of the Law Commission and review the operation of aggravated offences with a view to including the grounds of sexual orientation and gender identity. It also recommends including gender identity as a ground in the “stirring up hatred” offences and refers to its recommendation in § 51 of this report.
- *Legislation on gender recognition and gender reassignment*
198. (§ 105) ECRI recommends that the [**Albanian**] authorities take appropriate measures to guarantee the full legal recognition of a person’s gender reassignment, in particular by making possible his/her change of name and gender in official documents in a quick, transparent and accessible way.
199. (§ 93) ECRI recommends that the [**Armenian**] authorities carry out a study on the compatibility of legislation with Article 8 of the European Convention on Human Rights (right to respect for private and family life) with regard to the possibility of changing one’s civil status in connection with recognition of new and/or preferred gender. It also recommends that all relevant laws be amended where required.

⁷ See also hate speech and violence.

200. (§ 84) ECRI recommends [to **Austria**] ... that legislation is enacted on the issues of access to gender reassignment treatment, changing a transgender person's first name, gender recognition and changing the gender marker in documents.
201. (§ 91) ECRI recommends that the authorities [of **Bosnia and Herzegovina**] regulate the procedure and conditions of gender reassignment, in line with Council of Europe guidelines.
202. (§ 120) ECRI recommends that the [**Bulgarian**] authorities develop legislation on gender recognition and gender reassignment ensuring that it is in line with international standards and expertise.
203. (§ 112) ECRI recommends [to **Cyprus**] that the relevant legislation is amended to allow gender changes in personal documents without the requirement for gender reassignment surgery.
204. (§ 100) ECRI recommends that the **Estonian** authorities review the legislation or regulations in force so as to clarify the administrative situation of persons undergoing gender reassignment.
205. (§ 101) ECRI recommends to **Finland**, as a matter of priority and in conformity with the case law of the European Court of Human Rights, that the Act on Legal Recognition of the Gender of Transsexuals should be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should be infertile or should undergo sterilisation as a pre-condition to legal recognition.
206. (§ 98) ECRI recommends that the **French** authorities quickly carry out the legislative work that will enable the procedure for changing a person's gender designation in the public records to be regulated. As this is such a sensitive issue, ECRI recommends that the authorities involve the organisations that represent LGBT persons and take into account the opinion of the CNCDH.
207. (§ 111) ECRI recommends that the [**Georgian**] authorities develop clear guidelines for gender reassignment procedures and their official recognition.
208. (§ 104) ECRI recommends that the **German** authorities insert into the law the right of transsexuals to change their gender marker in documents such as educational diplomas and employment certificates.
209. (§ 97) ECRI recommends that the [**Latvian**] authorities regulate the procedure and conditions of gender reassignment, in line with Council of Europe guidelines.
210. (§ 113) ECRI strongly recommends that the **Lithuanian** authorities comply without further delay with the judgment of the European Court of Human Rights on regulating the procedure and conditions of gender reassignment; as well as simplify the issuing of new identity cards to persons who have undergone gender reassignment surgery.
211. (§ 93) ECRI recommends that the **Luxembourg** authorities adopt, as soon as possible, a law on name changes and gender recognition for transgender persons, drawing inspiration from international recommendations and especially from Resolution 2048 (2015) of the Council of Europe Parliamentary Assembly.
212. (§ 106) ECRI recommends that the [**Moldovan**] authorities develop legislation on gender recognition and gender reassignment in line with the Council of Europe guidelines.
213. (§ 92) ECRI recommends [to **Montenegro**] that the relevant legislation is amended to allow gender changes in personal documents, without the requirement for completion of full medical gender reassignment procedures, particularly surgery.
214. (§ 93) ECRI recommends [to the **Netherlands**] that the Dutch authorities adopt new legislation on name changes and gender recognition for transgender persons, drawing inspiration from international recommendations such as Resolution 2048 (2015) of the Council of Europe Parliamentary Assembly.

215. (§ 100) ECRI recommends that the [**North Macedonia**] authorities regulate the procedure and conditions of gender reassignment, as well as the issuing of new identity cards to persons who have undergone gender reassignment surgery.
216. (§ 94) ECRI recommends that the [**Norwegian**] authorities develop legislation on gender recognition and gender reassignment, in line with international standards and expertise.
217. (§ 94) ECRI recommends that the [**Romanian**] authorities develop legislation on gender recognition and gender reassignment in line with the Council of Europe guidelines.
218. (§ 101) ECRI recommends that the [**Serbian**] authorities implement within the planned timelines their anti-discrimination strategies' measures on ... regulating the change of name and gender of transgender persons.
219. (§ 99) ECRI recommends that the **Slovenian** authorities adopt, as soon as possible, legislation explicitly regulating the change of name and gender for transgender persons. Authorities should also establish clear guidelines for gender reassignment procedures and their official recognition drawing inspiration from international standards and especially from Resolution 2048 (2015) of the Council of Europe Parliamentary Assembly.
220. (§ 99) ECRI recommends that the **Spanish** authorities adopt new legislation on name changes and gender recognition for transgender persons, drawing inspiration from international recommendations and especially from Resolution 2048 (2015) of the Council of Europe Parliamentary Assembly
- *Asylum legislation*
221. (§ 96) ECRI recommends that the **Estonian** authorities amend their legislation so as to grant refugee status to anyone claiming to be a victim of persecution in his or her country of origin on account of his or her sexual orientation.
- *Legislation on cohabitation and marriage*
222. (§ 84) ECRI recommends that the [**Austrian**] authorities re-examine whether there is an objective and reasonable justification for each of the remaining differences in the regulation of married and same-sex couples and that they abolish all unjustified differences...
223. (§ 89) ECRI recommends that the authorities [of **Bosnia and Herzegovina**] provide a legal framework that affords same-sex couples the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.
224. (§ 94) ECRI recommends that the **Estonian** authorities make as quickly as possible the amendments which will enable the new Cohabitation Act to have its full effect as soon as it enters into force.
225. (§ 95) ECRI recommends that the [**Latvian**] authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.
226. (§ 97) ECRI recommends that the **Lithuanian** authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live. In this context, the provisions of Section XV of the Civil Code should also be extended to same-sex couples.
227. (§ 68) ECRI recommends that the **Monegasque** authorities deal with the legislative proposal on the "living together agreement" as speedily as possible and evaluate the need for other relevant changes to the law.
228. (§ 94) ECRI recommends that the [**North Macedonia**] authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.

229. (§ 92) ECRI recommends that the [**Romanian**] authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected.
230. (§ 117) ECRI recommends that the [**Russian**] authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.
231. (§ 89) ECRI recommends that the **San Marinese** authorities begin as soon as possible the process for adopting legislation governing same-sex relationships.
232. (§ 101) ECRI recommends that the [**Serbian**] authorities implement within the planned timelines their anti-discrimination strategies' measures on introducing registered partnerships for same-sex couples ...

Independent authorities

233. (§ 152) In connection with the inter-federalisation of the Institute for the Equality of Women and Men, ECRI recommends that the [**Belgian**] authorities consider enshrining the independence of the Institute for the Equality for Women and Men in the new legislation in order to ensure that its full independence is secured both in law and in fact.
234. (§ 108) ECRI recommends [to **Georgia**] taking steps to combat intolerance and discrimination against LGBT persons. This should be done in close cooperation with the LGBT community and the Public Defender, who should receive support to establish a dedicated LGBT unit...
235. (§ 108) ECRI recommends that the **Italian** authorities broaden UNAR's powers so that the relevant legal provisions clearly cover discrimination based, inter alia, on sexual orientation and gender identity.
236. (§ 85) ECRI recommends that the **Swiss** authorities task one or more independent authorities to promote understanding of LGBT persons and combat the discrimination against them. These authorities should cover the whole of Switzerland and be given a specific budget for this purpose.

National action plans and measures for promoting tolerance and combating discrimination

237. (§ 112) ECRI recommends [to **Albania**] that an inter-ministerial working group is set up on LGBT issues, without delay, to ensure co-ordination among competent authorities, regular contacts with LGBT NGOs and a speedy implementation of all the projects of the Action Plan for non-discrimination because of sexual orientation and gender identity 2012-2014, which should be properly funded.
238. (§ 100) ECRI recommends that the [**Armenian**] government task an appropriate authority with preparing an action plan concerning LGBT issues, which should include the objectives of raising awareness of the rights of LGBT persons and of their living conditions; promoting understanding of LGBT persons; making their right to equal treatment a reality; enacting legislation to protect LGBT persons and tackling the most pressing issues of concern, as described in the preceding paragraphs.
239. (§ 88) ECRI recommends that the [**Austrian**] authorities task at federal level an administrative service to develop and coordinate an action plan or a comprehensive programme for LGBT persons aiming to ensure that LGBT persons can live on an equal footing with others in Austria.
240. (§ 85) ECRI recommends that the **Azerbaijani** authorities adopt and implement an action plan for LGBT persons, which should include the objectives of raising awareness about LGBT persons and their living conditions, promoting understanding of LGBT persons and making their right to equal treatment a reality.

241. (§ 95) ECRI recommends that the authorities [of **Bosnia and Herzegovina**], in close cooperation with LGBT organisations, carry out awareness-raising activities to promote tolerance and combat discrimination against LGBT persons.
242. (§ 123) ECRI recommends that the [**Bulgarian**] authorities draw up and adopt an action plan to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care, taking inspiration from Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.
243. (§ 113) ECRI recommends that the [**Croatian**] authorities draw up and adopt an action plan, either as a separate policy document or part of the National Plan for Combating Discrimination (2017-2022), to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care.
244. (§ 122) ECRI recommends that the [**Cypriot**] authorities adopt an action plan to combat homophobia and transphobia in all areas of everyday life, drawing inspiration from Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.
245. (§ 110) ECRI recommends [to **Georgia**] taking steps to combat intolerance and discrimination against LGBT persons.
246. (§ 110) ECRI recommends that the Federal Government of [**Germany**] and the Länder which have not yet adopted an action plan or a comprehensive programme to promote tolerance vis-à-vis LGBT persons and combat homophobia and transphobia take inspiration from the existing plans to draw up their own measures or action plan.
247. (§ 112) ECRI recommends that the **German** authorities systematically include specific transgender issues in their action plans on promoting equality and increase financial support for organisations fighting for their rights.
248. (§ 143) ECRI strongly recommends that the **Greek** authorities develop a national strategy, together with LGBT representatives, to combat discrimination and homo-/transphobia, including in educational facilities. Furthermore, all educational staff should be encouraged and supported to assist victims of bullying.
249. (§ 133) ECRI recommends that the [**Hungarian**] authorities draw up and adopt an action plan to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care, drawing inspiration from Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.
250. (§ 92) ECRI encourages the [**Icelandic**] authorities to complete work on the action plan on “LGBTI” issues and include measures aimed at combating hate speech against this community as well as bullying in schools.
251. (§ 106) ECRI recommends that the **Lithuanian** authorities take urgent actions to combat the discrimination of LGBT persons by including, in consultation with the LGBT community, measures for the promotion of tolerance towards LGBT persons in the field of education as well as general public awareness-raising activities into the Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination.
252. (§ 113) ECRI recommends that the [**Moldovan**] authorities draw up and adopt an action plan, either as a separate policy document or part of National Human Rights Action Plan (2018-2022), which should include the objectives of protecting LGBT persons against hate speech, violence and discrimination, raising awareness about their living conditions, promoting understanding of LGBT persons and making their right to equal treatment a reality.
253. (§ 75) ECRI recommends that the [**Monegasque**] authorities make a department responsible for devising and coordinating, on the basis of a study of the situation of LGBT persons in Monaco, a programme for LGBT persons in order to ensure that those persons can live on an equal footing with the rest of the population.

254. (§ 100) ECRI recommends [to **Montenegro**] that the Inter-ministerial Working Group ensures speedy implementation of all the projects of the Action Plan of the Strategy for improving the quality of life of LGBT persons (2013-2018) in close and regular cooperation with LGBT NGOs. This should be properly funded and include targeted measures at local level.
255. (§ 103) ECRI recommends that the [**North Macedonia**] authorities carry out an independent comprehensive study on all forms of discrimination against LGBT persons jointly with the LGBT community. This study should also pave the way towards preparing and adopting an action plan to end such forms of discrimination.
256. (§ 90) ECRI recommends that the [**Norwegian**] authorities develop and adopt a new comprehensive action plan for LGBT persons focusing particularly on improving knowledge and openness in connection with transgender persons and their situation.
257. (§ 107) ECRI recommends that the **Portuguese** authorities (i) develop, apply and reinforce measures to foster understanding of and respect for LGBT persons, particularly in schools, (ii) provide all LGBT pupils and students with the information, protection and support they need to live in accord with their sexual orientation and gender identity, (iii) provide awareness-raising and training for healthcare staff enabling them to deal with the specific questions raised by LGBT persons and (iv) develop facilities for accommodating elderly LGBT persons.
258. (§ 100) ECRI recommends that the [**Romanian**] authorities draw up and adopt an action plan, either as a separate policy document or as part of national plans currently in the drafting process, which should include the objectives of protecting LGBT persons against hate speech, violence and discrimination, raising awareness about their living conditions, promoting understanding of LGBT persons and making their right to equal treatment a reality.
259. (§ 105) ECRI recommends that the [**Serbian**] authorities create a safe environment for LGBT persons, that they continue and expand training of public servants on LGBT issues, introduce LGBT issues into mandatory school programmes and that the authorities and high representatives of the state become role models for improving attitudes towards LGBT persons.
260. (§ 105) ECRI recommends that the **Turkish** authorities adopt and implement an action plan for LGBT persons, which should include the objectives of protecting LGBT persons against hate speech, violence and discrimination, raising awareness about their living conditions, promoting understanding of LGBT persons and making their right to equal treatment a reality.

Gender reassignment treatment

261. (§ 110) ECRI recommends that the [**Croatian**] authorities make gender reassignment treatment available to transgender persons and clear guidelines are developed on the reimbursement of costs by public health-insurance schemes
262. (§ 103) ECRI recommends that the **Finnish** authorities, in order to avoid the current lengthy delays, establish a third centre to provide the necessary health services to persons wishing to undergo gender reassignment. The authorities should also consider covering the costs for gender reassignment procedures carried out abroad in the interim period until a third centre is fully operational.
263. (§ 92) ECRI recommends that the [**Norwegian**] authorities ensure that gender reassignment and other specific treatment for transgender persons is made available to them in several medical facilities and that their cost is reimbursed by public health-insurance schemes.
264. (§ 143) ECRI recommends that the [**Slovak**] authorities ensure that gender reassignment treatments, which are required by law to change name and gender identification in official documents, are made available for transgender persons in Slovakia and that their cost is reimbursed by public health insurance schemes.

LGBT adolescents

265. (§ 91) ECRI recommends that the [**Austrian**] authorities of the Federation and the Länder provide LGBT adolescents with the necessary information, assistance and protection to enable them to live in accordance with their sexual orientation and gender identity...

266. (§ 163) ECRI recommends that the [**Belgian**] authorities implement at all levels, be it in the framework of the Inter-federal Action Plan against homophobia and transphobia or at federated entities' level, measures to promote mutual tolerance and respect in schools regardless of sexual orientation and gender identity. In particular, these measures should provide pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity.
267. (§ 82) ECRI recommends that the [**Swiss**] federal and cantonal authorities provide all LGBT adolescents with the necessary information, assistance and protection to enable them to live in accordance with their sexual orientation and gender identity. It also recommends that they implement measures in all cantons to promote in schools mutual understanding and respect for all persons, irrespective of sexual orientation or gender identity. They could draw on the good examples already to be found in several cantons.

Education

268. (§ 91) ECRI recommends that the [**Austrian**] authorities ... implement, in particular in schools, measures to promote mutual understanding and respect for all persons irrespective of sexual orientation or gender identity.
269. (§ 98) ECRI recommends that the **Estonian** authorities adapt the school curricula to include LGBT issues from the angle of the intolerance and discrimination that LGBT persons can suffer, train teachers on how to address this topic and produce official teaching material appropriate to this question.
270. (§ 108) ECRI recommends [**Georgia**] to take steps to combat intolerance and discrimination against LGBT persons... Suitable elements for awareness-raising in schools should also be developed.
271. (§ 118) ECRI recommends that the [**Italian**] authorities implement in schools at every level, be it in the framework of the implementation of Act No. 107/15 "on good schooling" or in the context of the continuing National LGBT Strategy, measures to promote mutual tolerance and respect at school, regardless of sexual orientation or gender identity. In particular these measures should provide all pupils and students with the information, the protection and the support they need in order to be able to live in harmony with their sexual orientation and their gender identity.
272. (§ 102) ECRI recommends that the [**Latvian**] authorities promote and facilitate LGBT awareness-raising and tolerance campaigns in schools.
273. (§ 93) ECRI recommends that the **Lithuania**...that the restrictions concerning the children's book Gintarinė širdis are urgently reviewed with a view of fully utilising its positive impact for promoting tolerance and diversity.
274. (§ 90) ECRI recommends that the **Luxembourg** authorities implement measures to promote understanding and respect for LGBT persons, especially in schools. They should also provide all pupils and students with the information, protection and support necessary to enable them to live in accordance with their sexual orientation and gender identity.
275. (§ 97) ECRI recommends that the [**Montenegrin**] authorities implement in schools at appropriate levels, in the context of the continuing National LGBT Strategy and in consultation with the LGBT community, measures to promote mutual tolerance and respect in education, regardless of sexual orientation or gender identity. In particular, these measures should increase efforts to address bullying of LGBT pupils in schools, with special attention given to teacher training and textbook revisions to raise awareness for LGBT issues.
276. (§ 97) ECRI recommends [to the **Netherlands**] that the Dutch authorities implement measures to promote mutual tolerance and respect in schools regardless of sexual orientation and gender identity. These measures should provide LGBTI pupils with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity.

277. (§ 101) Finally, ECRI recommends that the **Polish** authorities ensure that the curricula of all branches of school, university and vocational education contain a section on LGBT persons and the fight against discrimination towards them, and provide in-service training programmes to raise awareness among all relevant professionals (including health professionals).
278. (§ 124) ...[T]he [**Russian**] authorities should promote and facilitate public LGBT awareness-raising and tolerance campaigns, including in schools.
279. (§ 105) ECRI recommends that the [**Serbian**] authorities create a safe environment for LGBT persons, that they continue and expand training of public servants on LGBT issues, introduce LGBT issues into mandatory school programmes ...
280. (§ 104) ECRI recommends that the **Spanish** authorities implement measures to promote understanding and respect for LGBT persons, in particular in schools. At the same time, they should provide all pupils and students with the information, protection and support necessary to enable them to live in accordance with their sexual orientation and gender identity.
281. (§ 125) ECRI recommends [to **Ukraine**] implementing measures, such as training of teachers, to promote understanding of and respect for LGBT pupils in schools and to prevent bullying.
282. (§ 149) ECRI encourages further efforts [by the **United Kingdom**] to address bullying of LGBT pupils in schools, with special attention given to teacher training.

Police misconduct

283. (§ 145) ECRI strongly recommends that the **Greek** authorities issue a clear instruction to all police officers that transgender persons should not be fined for alleged prostitution offences merely due to their identity and appearance.
284. (§ 136) ECRI recommends that the [**Greek**] authorities ensure a full and independent investigation of this incident.

Freedom of assembly

285. (§ 120) ECRI recommends that the **Russian** authorities fully implement the judgment of the European Court of Human Rights in the case of Alekseyev v. Russia and ensure that LGBT persons' right to freedom of assembly is respected.