

## **HUMAN RIGHTS OF LGBTI PEOPLE IN EUROPE: CURRENT THREATS TO EQUAL RIGHTS, CHALLENGES FACED BY DEFENDERS, AND THE WAY FORWARD**

Round-table with LGBTI human rights defenders  
organised by the Office of the Council of Europe Commissioner for Human Rights

Online event, 9 February 2021

# **REPORT**

## TABLE OF CONTENTS

INTRODUCTION .....	3
1 THE CONTEXT: RENEWED RESISTANCE AND ATTACKS AGAINST THE HUMAN RIGHTS OF LGBTI PEOPLE IN EUROPE .....	4
2 AN INCREASINGLY HOSTILE ENVIRONMENT FOR LGBTI HUMAN RIGHTS DEFENDERS IN EUROPE .....	6
2.1 Restrictions on independent civil society activism also impact LGBTI human rights defenders .....	6
2.2 Challenges faced by LGBTI human rights defenders in Europe .....	7
3 THE COVID-19 PANDEMIC: AGGRAVATING IMPACT AND ADAPTABILITY OF LGBTI HUMAN RIGHTS DEFENDERS .....	13
4 CONCLUSIONS AND RECOMMENDATIONS .....	15

## INTRODUCTION

1. Defending and promoting the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, and of the activists who work on their behalf, has been a priority for the Council of Europe Commissioner for Human Rights (the Commissioner), Dunja Mijatović.
2. There have been many advances in Europe in recognising the inalienable entitlement of LGBTI people to enjoy the same human rights as everyone. Progress has been swift and remarkable. All Council of Europe member states have decriminalised same-sex sexual relationships. Many have passed national legislation protecting LGBTI people from discrimination, hate speech and hate crimes. LGBTI people's right to respect for private and family life has been progressively realised, notably through the protection of same-sex couples and the affirmation of the right to legal gender recognition in a growing number of member states. Overall, public attitudes towards LGBTI people have markedly improved in many places.
3. None of this would have been possible without the tireless efforts of LGBTI human rights defenders. Activists work to make LGBTI communities visible and to raise awareness in order to strengthen acceptance and inclusion in society. They document human rights violations, advocate for legislative changes, raise awareness about non-discrimination, equality of rights and help victims to access remedies, including before national courts and the European Court of Human Rights (ECtHR).
4. Supporting the work of human rights defenders lies at the heart of the [mandate](#) of the Council of Europe Commissioner for Human Rights. Based on the strong conviction that the work of defenders is indispensable to secure respect for human rights, and having regard to the 2008 Committee of Ministers [Declaration](#) on Council of Europe action to improve the protection of human rights defenders and promote their activities, the Commissioner actively supports defenders. She promotes an environment that is conducive to their work, including by requesting member states to ensure their safety and liberty, and encouraging the states to ensure the political, legal and administrative conditions required for their work, including their right to participate in decision-making processes and public affairs. The Commissioner regularly interacts with human rights defenders, including by organising roundtables. She may act upon information she receives from them and consult them when preparing her human rights assessments of various issues. Human rights defenders are key partners of the Commissioner's Office.<sup>1</sup>
5. Since taking up office, Commissioner Mijatović has closely engaged with LGBTI human rights defenders from across the continent. She consulted them during relevant country visits and online meetings, for example in [Armenia](#), [Bulgaria](#), [Moldova](#) and [Poland](#). The Commissioner attended the annual meeting of the pan-European association ILGA-Europe in Prague in [2019](#), where she met a diverse range of activists, and she addressed its Gathering Online in [2020](#). The Commissioner condemned threats against physical integrity and a restrictive working environment for LGBTI human rights defenders, either individually or as organisations, for example in [North Macedonia](#), [Turkey](#), the [Russian Federation](#), [Poland](#), [Hungary](#), and [Bulgaria](#). In two statements marking the International Day against Homophobia, Transphobia, Biphobia and Intersexphobia, the Commissioner emphasised the vital work of LGBTI human rights defenders, and alerted member states to the increasing pressure and harassment they face.<sup>2</sup>
6. The Commissioner's thematic work, as well as her interactions with LGBTI activists, have consistently pointed to a negative downturn in the protection of the human rights of LGBTI people in Europe over the past few years.<sup>3</sup> On 9 February 2021, the Commissioner organised an online round-table with LGBTI human rights defenders in order to discuss in depth some of these negative developments, as well as their impact on the ability of LGBTI activists to effectively defend and promote the human rights of LGBTI communities. The report below is a summary of the discussions at the round-table and does not purport to comprehensively tackle all relevant issues.

---

<sup>1</sup> For more information, visit the Commissioner's [thematic webpage](#) dedicated to human rights defenders.

<sup>2</sup> Commissioner for Human Rights, "[Let's Defend LGBTI defenders](#)", May 2019 and "[IDAHOBIT: Council of Europe member states must support the work of LGBTI human rights defenders](#)", May 2021.

<sup>3</sup> For more information, visit the Commissioner's [thematic webpage](#) dedicated to the human rights of LGBTI people.

7. It summarises the key topics discussed at the round-table, with particular emphasis on the situation and experiences of LGBTI human rights defenders in Europe. The report finishes with a set of conclusions and recommendations by the Commissioner. The Commissioner wishes to express her deep gratitude to the participants of this round-table for their valuable contributions to the discussions.

## 1 THE CONTEXT: RENEWED RESISTANCE AND ATTACKS AGAINST THE HUMAN RIGHTS OF LGBTI PEOPLE IN EUROPE

8. A key take-away from the discussions was that all participants reported facing renewed resistance in their daily work to the recognition and protection of the equal human rights of LGBTI people across Europe.
9. The current environment in Europe is marked by a sharp increase in intolerance of LGBTI people, including hate speech and stigmatisation, alarmingly widespread instances of hate crimes, and legislative steps to rollback established rights. It was noted that this regression affecting LGBTI people is part of a more general deterioration of the political climate in Europe, marked by a rise of nationalism, right-wing populism and religious ultra-conservatism. LGBTI people are one of the groups whose rights are being targeted, along with women, migrants and asylum seekers, Roma, Muslims and others. Politicians' scapegoating of LGBTI people for their own gain is only a symptom of their more widespread opposition to and assault on human rights and the rule of law.
10. In this section of the report, the Commissioner summarises some of the concerns that were most prominently highlighted by LGBTI defenders during the round-table.
11. **Political manipulation of homophobia and transphobia:** Activists further described how more and more political leaders in several Council of Europe member states manipulate LGBTI issues and scapegoat LGBTI people for political gain. The Commissioner has documented and reacted to several of these negative trends over the past months.<sup>4</sup> Most recently, in August 2021, she published a human rights comment which documented further examples in other member states of the manipulation of societal homophobia and transphobia by political leaders for political gain.<sup>5</sup>
12. **Increased influence of the "anti-gender" groups:** Many participants also reported a growing negative influence of so-called "anti-gender" stakeholders in their countries.<sup>6</sup> Various examples were discussed. "Anti-gender" proponents call into question the concept of gender and whether it is a protected category in the human rights framework. Some "anti-gender" organisations promote an ultra-conservative view of the family, of sexuality and of women's role in society, and actively campaign against the rights of those with a different worldview, in particular women and LGBTI people. Other attacks against gender identity and transgender people come from activists and organisations who pit women's rights against transgender rights, as discussed further below.
13. The participants noted that anti-gender groups have used different topics as entry points to spread anti-LGBTI discourse (for example, the referendum on the definition of family in Romania; the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in Bulgaria and Hungary; debates about legal gender recognition in the United Kingdom and Finland; gender studies university programmes and comprehensive sexuality education in schools in several countries). Associations defending an ultra-conservative agenda were reported to be gaining in strength at grassroots level, for example in Bulgaria, Poland, Ukraine and Hungary, thanks to new sources of funding. Activists

---

<sup>4</sup> For more information, see for example the Commissioner's Memorandum "[Poland should stop the stigmatisation of LGBTI people](#)", 3 December 2020; several [statements](#) in relation to legislative changes in Hungary; and the Commissioner's [letter](#) to the Turkish authorities urging them to stop the stigmatisation of LGBTI people.

<sup>5</sup> Commissioner for Human Rights, "[Pride vs. Indignity: Political manipulation of homophobia and transphobia in Europe](#)", 16 August 2021.

<sup>6</sup> For more information about anti-gender groups, see for example: European Parliamentary Forum, "[Restoring the Natural Order: the religious extremists' vision to mobilise European societies against human rights on sexuality and reproduction](#)", 19 April 2018.

mentioned that anti-gender groups have links to politicians and parties, religious leaders or groups, and, in some countries, with violent extreme-right groups. It was noted that there may only be a few anti-gender protagonists in each country, but they are well organised and very active, which could give the impression that they represent widely shared views.

14. “Anti-gender” groups’ actions have negative impacts on the various LGBTI communities. It was stressed that the intersectionality of being a woman and LGBTI compounds the vulnerability of LGBTI women to stigma and to initiatives against gender equality by anti-gender movements. Some “anti-gender” groups have also started targeting intersex people<sup>7</sup> with hate speech, as documented by intersex activists.<sup>8</sup> Furthermore, some parents’ groups and medical professionals who support so-called “sex-normalising” surgeries on intersex children are reportedly increasingly using anti-gender rhetoric to justify such procedures. An increase in such surgeries, which can amount to inhumane and degrading treatment and torture in some cases,<sup>9</sup> has been reported in some countries.
15. **Pitting the human rights of LGBTI people against other human rights:** Several participants explained that access by LGBTI people to their human rights is increasingly being opposed with the pretext that their rights would conflict with the human rights of others. In Italy for instance, opponents to a draft law that would prohibit hate speech and hate crimes motivated by sexual orientation and gender identity have argued that such a law would violate their freedom of thought and freedom of religion. The human rights of transgender people are misleadingly pitted against women’s and children’s rights. The Commissioner was told that some of those who profess transphobic narratives wrongfully invoke freedom of expression or freedom of religion in doing so. Comprehensive sexuality education, which includes LGBTI-related topics, or even access to information about sexual orientation and gender identity among minors, has been presented as conflicting with the right of parents to educate their children.<sup>10</sup>
16. **Spread of anti-transgender narratives:** Several participants alerted the Commissioner to a more recent challenge, namely the emergence of virulent anti-transgender rhetoric, which has been spreading in more and more member states. Transgender people and the human rights challenges they face have gained more visibility in the last decade.<sup>11</sup> They are among the most vulnerable people, experiencing widespread discrimination, hatred and violence.<sup>12</sup> The anti-transgender narratives being disseminated are highly stigmatising and come from across the entire political spectrum. They deny the normality or even the existence of transgender people, claiming that they are the product of “gender ideology”. In the United Kingdom, for example, an intense and ongoing social and political debate has developed about transgender people, which sometimes descends into hatemongering and disinformation and adds to the sense of insecurity for trans people. It has a strong impact on the human rights and well-being of transgender people and activists.<sup>13</sup> In Azerbaijan, a prominent influencer recently issued a call to beat up and destroy transgender people.<sup>14</sup>

---

<sup>7</sup> “Intersex designates persons born with biological sex characteristics that do not fit societal norms or medical definitions of what makes a person male or female. Sometimes a person’s intersex status is detected at birth; sometimes it only becomes apparent later in life, notably during puberty. There are many forms of intersex; it is an umbrella term, rather than a single category”, definition in the Council of Europe Glossary on Sexual Orientation, Gender Identity or Expression and Sex Characteristics, 2021.

<sup>8</sup> Organisation Intersex International Europe (OIIE), “[OIIE Europe submission on hate crime and hate speech](#)”, April 2021.

<sup>9</sup> See for example, Report of the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [A/HRC/22/53, 2013](#); Council of Europe Commissioner for Human Rights, “[Human Rights and Intersex People](#)”, 2015.

<sup>10</sup> For more information, see Commissioner for Human Rights, “[Comprehensive Sexuality Education protects children and helps build a safer, inclusive society](#)”, July 2020.

<sup>11</sup> “Transgender is an umbrella expression referring to persons who have a gender identity different from predominant social expectations based on the person’s sex assigned at birth”, definition in the Council of Europe Glossary on Sexual Orientation, Gender Identity or Expression and Sex Characteristics, 2021; Parliamentary Assembly of the Council of Europe, [Resolution 2048](#) on the “Discrimination against Transgender People in Europe,” 2015.

<sup>12</sup> According to the [Trans Murder Monitoring](#) report 2021 by Transgender Europe (TGEU), 14 transgender persons were murdered because of they were transgender in Europe between October 2020 and October 2021.

<sup>13</sup> See for example, Parliamentary Assembly of the Council of Europe, Committee on Equality and Non-Discrimination, “[Combating Rising Hate against LGBTI people in Europe](#)”, September 2021.

<sup>14</sup> Jam News, “[Burning of transgender woman in Azerbaijan sparks protests, hate speech](#)”, 3 September 2021.

17. **Gross human rights violations in Chechnya:** As a specific issue of concern, it was reported that LGBTI people and those believed to be LGBTI continue to suffer egregious human rights violations in Chechnya in the Russian Federation, where persecution by law enforcement involving abduction, unlawful detention, extortion (physical and psychological), ill-treatment and torture and, in some cases, summary executions, was uncovered in 2017. Despite repeated calls by the [Commissioner's office](#), the [Parliamentary Assembly of the Council of Europe](#), the [Committee for the Prevention of Torture](#), the [United Nations](#), and the [OSCE](#) to address this situation, impunity for serious human rights violations in Chechnya prevails, and alarming information about serious human rights violations in this region continues to arrive regularly, as noted by the Commissioner recently.<sup>15</sup>
18. Overall, the participants remarked that most of the above-mentioned trends present disturbingly strong similarities across numerous countries, suggesting coordinated, transnational campaigns. As was made clear during the round-table, this general context is adversely affecting not only LGBTI people in Europe, but also the human rights defenders that work to protect them.
19. The activists explained to the Commissioner that they spend their time and scarce resources trying to fend off anti-LGBTI initiatives, rather than pursuing a forward-looking agenda. In addition, where they experience a hostile climate, LGBTI human rights defenders are more exposed to attacks by non-state actors, while having to contend, in some countries, with measures by national authorities aimed at stifling their activities. Such a hostile environment directly contributes to or even causes the numerous and sometimes unprecedented challenges faced by LGBTI activists, which are discussed in the following section.

## 2 AN INCREASINGLY HOSTILE ENVIRONMENT FOR LGBTI HUMAN RIGHTS DEFENDERS IN EUROPE

### 2.1 RESTRICTIONS ON INDEPENDENT CIVIL SOCIETY ACTIVISM ALSO IMPACT LGBTI HUMAN RIGHTS DEFENDERS

20. According to the United Nations (UN) [Declaration on Human Rights Defenders](#), a defender is a person who, individually or with others, acts peacefully to promote or protect human rights, at the national or international level and in accordance with the Declaration. They defend and promote the human rights of others. In doing so, defenders must respect the universality of human rights, meaning that they should not seek to undermine the human rights of others when defending certain rights.<sup>16</sup>
21. Over the past decade, there has been a clampdown on civil society organisations and human rights defenders in some countries, including in Europe.<sup>17</sup> Governments have adopted restrictive laws limiting their activities and deployed various approaches, formal and informal, that make their work more difficult. The fact of erecting legal and administrative barriers and making it more difficult for human rights defenders to express their views and do their work freely has contributed to restricting the space available for independent civil society activism.
22. In 2018, on the occasion of the 20<sup>th</sup> anniversary of the UN Declaration on Human Rights Defenders, the Commissioner organised an event to discuss the situation of defenders in the Council of Europe area specifically.<sup>18</sup> The event made it clear that challenges vary in intensity from one country to another, but include attacks against personal safety, administrative and judicial harassment, restrictive regulatory legislation regarding registration and funding, smear campaigns and even disappearances and killings.

<sup>15</sup> See for example, Council of Europe Commissioner for Human Rights, "[Human rights abuses in Chechnya should be investigated, not covered up](#)", March 2021.

<sup>16</sup> For more information, see "[About human rights defenders](#)", UN Special Rapporteur on Human Rights Defenders.

<sup>17</sup> See, for example: Council of Europe Commissioner for Human Rights, "[The Shrinking Space for Human Rights Organisations](#)", 4 April 2017; United Nations (UN) Special Rapporteur on the situation of human rights defenders, "[Global trends in risks and threats facing human rights defenders](#)", report to the 70<sup>th</sup> session of the UN General Assembly, 2015; European Union Agency for Fundamental Rights, "[Protecting Civic Space in the EU](#)", 2021.

<sup>18</sup> For more details, see the report of the round-table: Council of Europe Commissioner for Human Rights, "[Human Rights defenders in the Council of Europe area: current challenges and possible solutions](#)", 13-14 December 2018.

Impunity for violations committed by state and non-state actors against human rights defenders because of their work defending human rights remains a widespread problem.<sup>19</sup> As was highlighted in the Commissioner's report of that event, LGBTI human rights defenders are among the most affected by measures taken by public authorities to undercut human rights activism in general.

23. Participants again reported a number of measures aimed at human rights defenders in general in their countries that also impact them, including restrictive legislation, administrative and judicial harassment, surveillance by intelligence services, among others. For example, the Commissioner and her predecessor discussed LGBTI NGOs when they examined the situation of human rights defenders and the impact of measures aimed at restricting their work in Russia, Turkey and Hungary.<sup>20</sup> These include restrictive legislations affecting NGOs that receive foreign funding in Russia and Hungary and the misuse of anti-terrorism legislation to target civil society activities in Turkey (discussed below).

## 2.2 CHALLENGES FACED BY LGBTI HUMAN RIGHTS DEFENDERS IN EUROPE

24. In addition to encountering the same challenges that affect human rights activists in general, LGBTI human rights defenders also face specific obstacles. They are attacked because of the issues they work on and because of their identity.
25. LGBTI people and activists raise issues that challenge societal stereotypes and traditional perceptions of sexuality and gender roles. There is a level of structural lesbophobia, homophobia, biphobia, transphobia and intersexphobia that lingers in our societies and with which LGBTI human rights defenders are confronted in their work. When they are members of the LGBTI communities themselves, they also face hatred based on who they are, which is compounded in hostile environments where stigmatisation of LGBTI people is encouraged by the authorities and religious leaders.
26. The LGBTI movement in Europe has been growing and diversifying in the past few years.<sup>21</sup> Therefore, it is important to bear in mind that the umbrella term of "LGBTI human rights defenders", as used in this report, in effect designates a very diverse group of people, who may face a range of challenges. Some defenders work for longstanding, professionalised NGOs that cover LGBTI issues broadly. Numerous LGBTI associations, on the other hand, consist of small groups of people whose activism is conducted on a voluntary or near-voluntary basis. In recent years, several national or transnational associations were formed to work on single issues, such as the human rights of lesbians, of transgender people or of intersex people. Some LGBTI human rights defenders are individual activists, who do not belong to any structure or NGO. A considerable number of LGBTI groups are not officially registered as NGOs.<sup>22</sup> LGBTI defenders who find themselves at the intersection of various grounds of discrimination are particularly vulnerable, for example women LGBTI activists, LGBTI activists of colour, migrant transgender women activists or LGBTI sex worker activists.
27. The challenges faced by LGBTI human rights defenders in the Council of Europe area vary considerably between countries. In some countries where the environment is particularly hostile to LGBTI people, LGBTI activists often face intimidation by both state and non-state actors. In other member states, the authorities are supportive, but defenders nonetheless experience challenges from third actors, including ordinary members of society, religious leaders, ultra-conservative and "anti-gender" organisations, some media and violent far-right militants. It is always the state's responsibility to ensure the safety of LGBTI human rights defenders and their ability to work in an enabling environment, including when the threats and reprisals come from non-state actors.

---

<sup>19</sup> See UN Special Rapporteur on the situation of human rights defenders, "[Impunity for human rights violations committed against human rights defenders](#)", report to the 74<sup>th</sup> session of the UN General Assembly, 2019.

<sup>20</sup> See "[Third Party Intervention](#) by the Council of Europe Commissioner for Human Rights, Application No 9988/13, Ecodefense and others v. Russia and 48 other applications", published on 17 July 2017; Commissioner for Human Rights, "[Report](#) following her visit to Turkey from 1 to 5 July 2019", published on 19 February 2020; Commissioner for Human Rights, "[Report](#) following her visit to Hungary from 4 to 8 February 2019", published on 21 May 2019.

<sup>21</sup> ILGA-Europe, "[Funding for LGBTI Activism in Europe and Central Asia: Priorities and Access to Resources](#)", 2018.

<sup>22</sup> Ibid.

### *Physical attacks, violence, hate speech and online harassment*

28. LGBTI human rights defenders are confronted with virulent hatred by some members of society. They receive threats when doing their work, via letters and e-mails and on social media, including death threats and threats of sexual violence. Online hate speech and harassment of LGBTI activists is widespread in most countries of the Council of Europe and social media platforms as well as other websites do not always act effectively to remove hate messages. Some participants reported constant and coordinated abuse on social media. In its 2021 annual review, ILGA-Europe reported an online hacking attack against the websites and accounts of two LGBTI NGOs from Azerbaijan and their members.<sup>23</sup>
29. There have been multiple incidents of physical attacks against individual LGBTI human rights defenders. Examples publicly documented include a physical attack in August 2020 on Bekim Asani, an LGBTI activist from North Macedonia, who had received multiple threats over the years. In 2019, Lilit Martirosian, a transgender activist in Armenia was targeted after she gave a speech in Parliament and forced to leave the country for several weeks when groups of men stalked her home, threatening to beat her up. In 2015, ILGA-Europe reported that a well-known activist in Montenegro, Stevan Milivojevic, and his organisation *LGBT Forum Progres* were attacked 19 times in a year. The Commissioner also called for the investigation of death threats against Igor Kochetkov of the Russian LGBT Network.<sup>24</sup>
30. LGBTI activists also face violent attacks at the events they organise, including by neo-nazi groups. There have been numerous examples in recent years of Pride marches at which organisers and participants were attacked, intimidated and sometimes beaten, for example in Kyiv (2015) and Odessa (2019), Ukraine, and Białystok, Poland (2019). In July 2021, the organisers of the second Pride March in Tbilisi, Georgia, cancelled the March following violent attacks by anti-LGBTI demonstrators and the ransacking of their office.<sup>25</sup> Also in 2021, the Pride March in Zagreb, Croatia, was attacked – something that had not happened for 10 years.<sup>26</sup>
31. The Commissioner was informed about community events, including conferences, meet-ups and film projections having been violently disrupted by hostile and violent members of extreme right-wing groups in some Council of Europe member states. This happened for example in Ukraine, Bulgaria, Hungary and Russia. The participants at the round-table emphasised that these extremist groups sometimes have links with well-established political parties. It has been further alleged that extremists in Ukraine have organised “hunting competitions”, chasing LGBTI people and activists at LGBTI Pride marches and on the streets of some Ukrainian towns.
32. Vandalism directed at offices of LGBTI NGOs is also common. There are numerous examples from across Europe including in Austria, Bulgaria, Serbia, Spain, Lithuania, Hungary, Latvia, North Macedonia, Georgia and Ukraine of offices being vandalised, stormed and ransacked, rainbow flags pulled down, facades smeared with paint, or with anti-LGBTI stickers and graffiti. Attempts were made to set some of them on fire in some cases. In some of these countries, the same NGO offices have been repeatedly targeted.
33. It was reported that, in some countries, such as Russia and Poland, some LGBTI activists have started to withdraw from their public roles because they consider it too unsafe to conduct their activism.

### *Leaks in personal data*

34. Participants alerted the Commissioner to a dangerous trend whereby the personal data of LGBTI activists are released to the public, usually on the Internet. This practice, known as doxing, entails revealing personal details about the activists, such as their name, telephone number, photos and home address, without their permission. This is done maliciously with the intention of scaring the defenders and threatening their safety. It was also reported that several young transgender activists have been targeted lately using this tactic, with

---

<sup>23</sup> ILGA-Europe, [Annual Review 2021](#).

<sup>24</sup> Council of Europe Commissioner for Human Rights, “[Statement on threats against Igor Kochetkov, Director of the Russian LGBT Network](#)”, 4 February 2019.

<sup>25</sup> See for example, International Partnership for Human Rights, “[When the whole country is against us: failure to address hate speech and attacks on LGBTI activists and journalists in Georgia](#)”, November 2021.

<sup>26</sup> Deutsche Welle, “[Croatia: Zagreb Pride march sees homophobic attacks](#)”, 4 July 2021.



their personal data and photos disclosed online to attract hate. In one of the most terrifying examples of doxing, a list of names, photos and identifying data about LGBTI people and prominent LGBTI human rights defenders was published in Russia together with a call to hunt and kill all those on the list. The website on which the list was published was later taken down, but it appears that no one has been duly prosecuted and punished.<sup>27</sup>

### *Stigmatisation, smear campaigns*

35. LGBTI human rights defenders in several countries face public campaigns denigrating them, their organisations and their work, sometimes with the explicit support of public officials and opinion formers. For example, political leaders in Armenia, Hungary, Russia, and Turkey have labelled LGBTI activists and organisations traitors and enemies of the nation who destroy national values and families. Bills undermining the human rights of LGBTI people, for example in Poland, have deployed stigmatising and offensive language equating homosexuality with paedophilia and insinuating that organisations providing sexuality education in schools are a threat to children. In Poland, an activist who put up “LGBT-free zone” signs in municipalities which had adopted anti-LGBT declarations in order to draw attention to these harmful declarations and denounce them was targeted by specious lawsuits, a smear campaign and accusations of spreading disinformation. Smear campaigns against LGBTI activists also spread on social media and in traditional media.
36. Stigmatisation and smear campaigns contribute to a hostile climate in society toward LGBTI activists and crimes and violence against them are likely to increase because of such campaigns.

### *Impunity*

37. The participants at the round-table emphasised their concerns that the perpetrators of the serious violations discussed above, including physical violence, threats, hate speech and doxing, often enjoy complete impunity, despite repeated attempts to file complaints with the police. LGBTI human rights defenders underscored that one key impediment in some countries is the lack of national legislation prohibiting hate crimes and hate speech motivated by sexual orientation, gender identity and sex characteristics. This is the case for example in Bulgaria, Italy, Poland, Ukraine and Russia. Incidents involving attacks against LGBTI events, damage to offices or burning of rainbow flags are often either not investigated or treated as petty hooliganism or vandalism and end up not being prosecuted. To date very few member states protect intersex people by specifically prohibiting hate crimes and hate speech based on sex characteristics.<sup>28</sup>
38. In many instances, law enforcement authorities do not consider online threats against activists as serious enough to be investigated. Formal complaints are not acted upon. Complaints also get lost. The participants to the round-table stressed that such impunity has deleterious effects. It sends the message that LGBTI human rights defenders and their NGOs can be abused without legal consequences, which emboldens perpetrators to commit further violence. Impunity also leads to a loss of trust in the police, with LGBTI activists no longer reporting threats and violence against them, because they do not think it will yield results or for fear of facing prejudice and re-victimisation. The activists stressed that they increasingly fear for their safety, given the absence of appropriate action and protection by law enforcement authorities in some countries.

### *Freedom of assembly and association*

39. Freedom of assembly and freedom of association, as protected in the European Convention on Human Rights, are cornerstones of an enabling environment in which human rights activism is possible. For LGBTI human rights defenders, Pride marches are an important means of increasing the visibility of LGBTI communities and of their needs. Yet there are still multiple threats to the fundamental right to freedom of assembly for LGBTI activists and people in Europe. Pride marches are still banned in some places, on grounds that they offend the majority population or that the safety of participants cannot be ensured.

---

<sup>27</sup> Newsweek, [“Russia blocks ‘Saw’-inspired website that reports LGBT people, encourages them to be hunted down and tortured”](#), 19 July 2019.

<sup>28</sup> Belgium, Greece and Malta have legislation prohibiting hate crimes on the basis of sex characteristics, and Belgium and Greece prohibit hate speech based on sex characteristics.

40. In Turkey, for example, the local authorities in Istanbul started prohibiting Pride marches in 2015, citing concerns for the safety of participants in the march, given the opposition voiced by other segments of society.<sup>29</sup> There are numerous examples across Europe of local authorities denying permission for Pride marches as a hostile signal, even if courts later overturn the bans. This happened recently in the city of Kaunas in Lithuania,<sup>30</sup> for example, and in several cities in Poland.<sup>31</sup> In Poland, in October 2021, the Parliament voted to proceed with the examination of a bill introduced by a group of citizens, labelled the “Stop LGBT bill”, which proposes to amend the country’s law on assemblies in a manner that could result in banning the holding of Pride marches; the bill remains pending before Parliament.<sup>32</sup> The ECtHR has repeatedly found that Pride bans on the grounds cited above, as well as the failure to protect Pride marches from attacks by non-state actors, constitute a violation of the right to freedom of assembly.<sup>33</sup>
41. Apart from formal bans, authorities also use other means to dissuade the holding of Pride marches, such as failing to respond to applications for administrative registration,<sup>34</sup> refusing to conduct proper security assessments or stating publicly that no protection will be provided by police at the march, as was done in Tbilisi, Georgia, in 2019.<sup>35</sup> In Turkey, unregistered peaceful Pride marches have repeatedly been violently dispersed by police, including with tear gas.<sup>36</sup>
42. While the possibility of registering LGBTI associations can usually be freely enjoyed across Council of Europe member states, at least one case having reached the ECtHR related to the refusal to register three LGBTI groups in Russia. In their submission, the Russian authorities explained that registration had been refused in order to prevent social or religious hatred and disorder. Finding a violation of the right to freedom of association of a discriminatory nature, the ECtHR stressed that state authorities have a positive obligation to guarantee the proper functioning of associations.<sup>37</sup>
43. LGBTI NGOs in some countries face important administrative obstacles in their daily functioning due to restrictive legislations targeting civil society organisations in general. One example is the application of the so-called “foreign agents” law to LGBTI NGOs in Russia. The law, among other things, introduces burdensome financial reporting and an obligation to pejoratively self-label for NGOs receiving even modest funding from abroad. LGBTI NGOs are particularly vulnerable, given the unlikelihood of them receiving national or local funding in the Russian Federation. Numerous LGBTI NGOs have been declared “foreign agents” over the years. Amendments adopted in 2020 extend the status of “foreign agent” to individuals associated with or receiving small grants from an NGO with that label.<sup>38</sup> This creates new impediments for LGBTI NGOs in the country. Indeed, NGOs with national reach or located in bigger cities have carried out their activities in remote parts of Russia with the assistance of local activists, who were provided with humanitarian assistance or small grants. These individuals are themselves now subject to strenuous financial reporting. Failure to comply is punishable by heavy fines and criminal prosecution.
44. Another example concerns Law No7262 on Preventing the Financing and Proliferation of Weapons of Mass Destruction, amending several other laws, which entered into force in Turkey on 31 December 2020. The law gives the authorities broad powers for controlling the functioning of NGOs, including replacing members with appointed trustees and overseeing and blocking fundraising activities. It also allows civil servants to

---

<sup>29</sup> Council of Europe Commissioner for Human Rights, “[Commissioner Muižnieks criticises ban of Istanbul Pride](#)”, 26 June 2017.

<sup>30</sup> Liberties, “[Lithuanian Pride March goes ahead despite local efforts to restrict freedom of assembly](#)”, 5 October 2021.

<sup>31</sup> Council of Europe Commissioner for Human Rights, “Memorandum on the Stigmatisation of LGBTI people in Poland”, op. cit, para. 52

<sup>32</sup> Euractiv, “[Poland, a LGBT-free zone?](#)”, 21 October 2021.

<sup>33</sup> See, for example, *Genderdoc-M v. Moldova*, Application no 9106/06, 12 September 2012; *Identoba and Others v. Georgia*, Application no 73235/12, 12 August 2015; *Alekseyev and Others v. Russia*, Application no 14988/09 and 50 others, 6 May 2019.

<sup>34</sup> Civil Rights Defenders, “[LGBTI People in Bosnia and Herzegovina denied freedom of assembly again](#)”, 17 April 2018.

<sup>35</sup> Gay Star News, “[Stonewall 50: Police refuse to protect Pride after violence in Georgia](#)”, 7 June 2019.

<sup>36</sup> For example, Reuters, “[Turkish police fire tear gas to disperse Pride march in Istanbul](#)”, 26 June 2021.

<sup>37</sup> European Court of Human Rights, “[Case of Zhdanov and others v. Russia](#)”, Application nos. 12200/88 and 2 others, 16 October 2019.

<sup>38</sup> For more information about the Russian “foreign agents” laws, including the amendments adopted in 2019, 2020 and 2021, see the [Opinion](#) by the Council of Europe Venice Commission, released on 7 July 2021.

conduct audits and inspections of NGOs, without clear criteria.<sup>39</sup> As pointed out by NGO representatives, such audits represent a great amount of work for the organisations concerned and paralyse their functioning. They also stressed that when an NGO is audited, its donors and collaborators are audited too. The Commissioner learned during the round-table on 9 February 2021, that six LGBTI NGOs had already been designated for such administrative audits.

### *Freedom of expression and criminalisation of LGBTI issues*

45. Another key impediment to LGBTI activists in their work is the criminalisation of information concerning LGBTI issues. A so-called anti-“LGBTI propaganda” law prohibiting the dissemination of information about LGBTI issues among minors in the public sphere and in schools has been in place in Russia since 2012. Some legal provisions limiting the dissemination of LGBTI information have also been applicable for several years in Lithuania.<sup>40</sup> In June 2021, Hungary adopted a law prohibiting the dissemination of information about LGBTI issues among minors.<sup>41</sup> Reasons put forward for promoting these laws often include protecting children from inappropriate content and the right of parents to educate their children according to their own beliefs. These laws, by effectively eliminating information about LGBTI people in the mainstream, increase stigma and hate against LGBTI people in society. In the case of *Bayev v. Russia*, which concerns the regional and federal legislations in Russia prohibiting the “promotion of non-traditional sexual relations among minors”, the ECtHR has found a violation of the right to freedom of expression, affecting LGBTI people in a discriminatory way.<sup>42</sup>
46. On grounds that children may come across the information, anti-“LGBTI propaganda” laws are in effect used to eliminate publications from the public sphere, including online content, posters, video and TV material, as well as events such as Pride marches. Several LGBTI activists have been fined and prosecuted for their work under the Russian anti-“LGBTI propaganda” law over the years.<sup>43</sup> It was also reported during the round-table discussions that LGBTI organisations and companies in Hungary have received warnings or been fined for publishing materials featuring LGBTI content. Bills mirroring the Russian anti-“LGBTI propaganda” law have been examined by parliaments, without being adopted, including in Armenia, Latvia, Poland, Ukraine, Moldova and most recently Slovakia, for example.
47. The Commissioner has previously expressed concern about attempts made in several member states to discontinue or even to criminalise the provision of comprehensive sexuality education covering LGBTI issues in schools.<sup>44</sup> For example, in 2019, a bill labelled “Stop Paedophilia” was put forward in the Polish Parliament by a group of citizens. It envisaged the introduction of harsh penalties, including possible imprisonment, for anyone operating in the educational context or on school premises who “promotes or approves of the undertaking by a minor of sexual intercourse or any other sexual act”; the bill remains pending in Parliament.<sup>45</sup> LGBTI NGOs often teach modules of comprehensive sexuality education programmes dedicated to LGBTI issues and are directly impacted by such trends.

### *Police, judicial harassment*

48. Police and judicial intimidation of LGBTI human rights defenders is a problem in some countries. In Turkey and Russia, organisers and participants at unregistered Pride Marches and other demonstrations have

---

<sup>39</sup> For more information on the law, see Council of Europe Commissioner for Human Rights, [Letter to the Turkish authorities](#), 25 February 2021.

<sup>40</sup> Parliamentary Assembly of the Council of Europe, Resolution 1948, “[Tackling Discrimination on the grounds of sexual orientation and gender identity](#)”, 2013; Council of Europe Commissioner for Human Rights, “[Silencing voices against homophobia violates human rights](#)”, 2012.

<sup>41</sup> Council of Europe Commissioner for Human Rights, “[Commissioner Mijatović urges Hungary’s Parliamentarians to reject draft amendments banning discussion about sexual and gender identity and diversity](#)”, 14 June 2021.

<sup>42</sup> *Bayev and Others v. Russia*, Application no 67667/09 and 2 others, 13 November 2017.

<sup>43</sup> See for example, Reuters, “[Russian LGBT activist fined for 'gay propaganda' family drawings](#)”, 10 July 2020.

<sup>44</sup> Council of Europe Commissioner for Human Rights’ human rights comment “Comprehensive Sexuality Education protects children and helps build a safer, inclusive society”, op. cit.

<sup>45</sup> Council of Europe Commissioner for Human Rights, “Memorandum on the Stigmatisation of LGBTI people in Poland”, op. cit., para. 42.

reportedly been arrested, humiliated while in custody, and threatened with legal action. This has had a chilling effect on LGBTI activists, who fear for their physical and legal safety when attending public events. The Commissioner was told that between October 2020 and the round-table on 9 February 2021, 143 Polish LGBTI people and activists were arrested at unregistered demonstrations that took place while gatherings were prohibited because of the COVID-19 pandemic. The Polish Commissioner for Human Rights, as National Prevention Mechanism, visited individuals held in police custody and reported that activists were sometimes held for up to 24 hours and made to undress completely for searches, in some cases multiple times.<sup>46</sup>

49. LGBTI activists further mentioned legal actions aimed at dissuading them from their activism. For example, it was reported that in Hungary, participants in Pride marches were unjustly charged with criminal offences such as sexual violence or bodily abuse simply for putting a hand on anti-LGBTI protestors. In Turkey, 18 students and a professor from METU university were prosecuted for participating in an unauthorised march on campus in May 2019. Although they were finally acquitted in October 2021, the trial was postponed repeatedly, dragging on for a long period of time and creating anguish and a chilling effect for others.<sup>47</sup>
50. Finally, some LGBTI activists also face abusive complaints aimed at intimidating and silencing them and diverting their time and resources (strategic lawsuits against public participation – SLAPPs). For example, in Poland, LGBTI human rights defenders who drew attention to the anti-LGBT declarations and family charters adopted by certain local governments faced defamation lawsuits by ultra-conservative groups and some local municipalities.

#### *Lack of access to policymakers*

51. Participants from several countries mentioned that a key impediment in their work is the lack of access to policymakers. In Bulgaria, for example, LGBTI NGOs were said to be “invisible” for national state institutions. It was reported that these NGOs are not invited to general consultations with civil society, and not asked for their views regarding policies that directly affect LGBTI people. In some countries, the absence of contact between LGBTI human rights defenders and public institutions is the result of a hostile attitude on the part of the authorities. In others, such absence of communication may be structural and originate from either a lack of awareness of LGBTI issues on the part of public officials or from a lack of formal tools and structures to facilitate such cooperation, as pointed out in a 2016 report by the EU Fundamental Rights Agency on “Challenges to achieving equality for LGBT people”.<sup>48</sup>

#### *Insufficient funding*

52. There is a structural lack of funding for LGBTI NGOs overall in Europe. The problem has only worsened in recent times owing to the COVID-19 pandemic. There is a tendency among donors to focus available funding on LGBTI NGOs located outside Europe.
53. In countries where the public authorities are hostile to the human rights of LGBTI people, it is highly unlikely that LGBTI NGOs will obtain public funding. In those countries, such funding is sometimes used instead to finance overtly homophobic initiatives and organisations, as the Commissioner documented for example in her Memorandum on Poland.<sup>49</sup> It was stressed that, within the limited amount of funding available overall, it is most difficult for NGOs representing lesbians, trans and intersex people to secure funds.
54. The activists also reported several problems with the way in which funding is being disbursed. First, donors tend to fund projects but do not allocate structural funding to help consolidate the organisations and their staff. The time-limited nature of projects means that activists must constantly be on the look-out for new

---

<sup>46</sup> Council of Europe Commissioner for Human Rights, “Memorandum on Stigmatisation of LGBTI people in Poland”, op. cit.

<sup>47</sup> See for example, European Pride Organisers’ Association, “[METU Pride acquittal is good news, but it should never have got this far](#)”, 8 October 2021; Council of Europe Commissioner for Human Rights, “Letter to the Turkish authorities on the stigmatisation of LGBTI people”, op. cit.

<sup>48</sup> Fundamental Rights Agency of the European Union, “[Professionally speaking: challenges to achieving equality for LGBT people](#)”, 16 March 2016.

<sup>49</sup> Council of Europe Commissioner for Human Rights, “Memorandum on the Stigmatisation of LGBTI people in Poland”, op. cit. paragraphs 32-33.

funding and it is difficult to make LGBTI NGOs sustainable. A lack of flexibility was also reported on the part of donors, as well as the fact that they do not focus on the priorities identified by LGBTI activists.<sup>50</sup> It was reported, for example, that it had not been possible for an LGBTI organisation to secure funding for ongoing work with LGBTI older people.

55. Some local or grassroots LGBTI organisations are too small to access grants with certain requirements or burdensome reporting. Groups that are not formally registered as NGOs have difficulties accessing any kind of funding. In an environment of scarce resources, there is a risk of competition and tensions between LGBTI NGOs. To help tackle some of these issues, regional NGOs such as ILGA-Europe and the Eurocentralasian Lesbian Community (EL\*C) provide re-granting for smaller, local and unregistered groups. Overall, the activists were worried that there will be reduced funding available for civil society in general in the post-COVID-19 period, and that those representing minorities such as LGBTI people may be hit even harder.

### *Burnout, despair*

56. The current context, ongoing attacks and hatred, as well as the decreased opportunities to meet for community support during the pandemic have had damaging effects on LGBTI human rights defenders' well-being and mental health. Many activists work on a volunteer basis, combining their activism with a day-job, and working around the clock. It was reported that many defenders experience burn out. Some activists leave their country or stop their activism in the face of the hardships experienced.
57. Some LGBTI activists have sometimes turned to desperate means of action, especially when they have had to endure indifference and inaction on the part of the national authorities. In Spain, for example, some transgender activists and family members of transgender children went on hunger strike to draw the attention of the authorities to the need to move forward with a bill on legal gender recognition.
58. LGBTI NGOs have embarked on developing support strategies to assist LGBTI activists facing hardship. For example, the NGO Campaign Against Homophobia (*Kampania Przeciw Homofobii*, "KPH") in Poland started a programme aimed at providing legal and psychological support to local LGBTI activists who face prosecution and harassment because of their work defending the human rights of LGBTI people. ILGA-Europe provides funding to several LGBTI NGOs, for example in Georgia, to help them develop organisational strategies to deal with burnout and anxiety and improve the well-being of their staff.<sup>51</sup>

## 3 THE COVID-19 PANDEMIC: AGGRAVATING IMPACT AND ADAPTABILITY OF LGBTI HUMAN RIGHTS DEFENDERS

59. The COVID-19 pandemic has worsened the situation of LGBTI human rights defenders in many of the fields discussed above. Teleworking and lockdowns mean that most of the work has moved to the online space, with more daily exposure to online harassment, hate speech, or surveillance. Isolation, the impossibility of attending community events and intense work schedules have taken their toll on the well-being and mental health of many activists.
60. In addition, many LGBTI NGOs have had to worry about their funding because they are unable to carry out the funded projects because of the pandemic and some donors resist re-purposing the funds. Opportunities for fundraising, such as Pride events and marches, have been cancelled. Participants observed that in some countries, the pandemic seems to have been used as an excuse to ban LGBTI events and marches specifically, even though the organisers had undertaken to respect the sanitary measures in place. Access to policymakers overall has been made harder because of lockdowns. In Hungary, as explained above, the government adopted measures adversely affecting LGBTI people during peaks of the pandemic. Given the pandemic and associated restrictions, the activists could not organise demonstrations or conduct other kinds of advocacy to alert public opinion and resist the government's proposals.

<sup>50</sup> ILGA-Europe, "Funding for LGBTI Activism in Europe and Central Asia: Priorities and Access to Resources", 2018, op. cit.

<sup>51</sup> ILGA-Europe, the [Frontline Podcast](#), "The LGBTI Activist Challenge", 22 October 2021.

61. LGBTI human rights defenders experience heightened challenges at the very time when they are needed more than ever by the LGBTI communities they seek to represent and assist. The COVID-19 pandemic had a negative impact on some members of LGBTI communities across Europe. As also documented by the United Nations (UN) Independent Expert on Sexual Orientation and Gender Identity,<sup>52</sup> the pandemic has considerably increased the vulnerability of LGBTI people who were already disadvantaged because of existing prejudices and intolerance in society and their unequal access to human rights.
62. Young LGBTI people are particularly vulnerable owing to the lockdowns and the risk of being forced to stay at home in cases where they live with unsupportive family members. They experience heightened risks of domestic violence, depression and anxiety, as well as homelessness. School closures mean a loss of access to extra-curricular support activities that may exist, such as LGBTI clubs. In Finland, for example, a national working group on the impact of COVID-19 on children proposed that the LGBTI competences of national services needed to be considerably increased. Older LGBTI people tend to live alone and are therefore at greater risk of being socio-economically vulnerable. LGBTI families with no access to legal recognition of their family relationships have been affected by movement restrictions introduced between and inside countries because of the pandemic.
63. LGBTI people are sometimes unable to access support activities organised by LGBTI NGOs online because of digital poverty. Mental health issues and suicide rates were reported to have increased in many places. LGBTI people who rely on the informal economy to make a living, including sex workers, are particularly badly affected, having no access to government support and having lost all means of subsistence. With the suspension of many state services at some point during the pandemic, LGBTI asylum seekers could not access asylum procedures. In Turkey, Ukraine and Poland, high-profile religious figures blamed the COVID-19 pandemic on LGBTI people, thus further encouraging stigmatisation and violence against them in society.
64. There is a lack of data in Europe about the human rights situation of lesbians. A survey conducted by the Eurocentralasian Lesbian Community (EL\*C) showed that lesbians are struggling in a specific way from the COVID-19 crisis because, as women and LGBTI persons, they are often in more precarious jobs.<sup>53</sup> Intersex people experienced several areas of hardships, including mental health issues, barriers to needed medical care (specialised appointments cancelled, or exacerbated anxiety due to previous bad experiences with medical care related to their intersex status) and considerable loss in incomes, when respondents were already in a difficult financial situation.<sup>54</sup> Transgender people have been particularly vulnerable to the COVID-19 virus because of comorbidities resulting from underlying health conditions and discrimination in the health sector. They also suffer from severe socio-economic effects, especially those active in the informal economy and migrants. Transgender people from various countries reported problems during the pandemic in accessing trans-specific health care. Quarantines, curfews and movement restrictions sometimes led to discriminatory profiling by police or served as an excuse for crackdowns on sex workers, some of them transgender people.<sup>55</sup>
65. The vulnerability of some members of the LGBTI communities has not been identified in governments' response to the pandemic and they have reportedly been left out of special governmental support measures. In many countries, LGBTI NGOs are not involved in state consultations on the COVID-19 response. Furthermore, given the shift in priorities due to the sanitary crisis, pending legislative proposals to increase human rights safeguards for LGBTI people were either shelved or delayed in several member states.
66. In the face of these various impacts, LGBTI human rights defenders reported that they had taken measures to adapt their work to changed circumstances and needs. They had mobilised to document the impact of COVID-19 on their communities and to alert policymakers at the national and international level. They had also moved many of their services online, including community meetings and psychological support. COVID-

---

<sup>52</sup> UN Independent Expert on Protection against Violence and Discrimination based on sexual orientation and gender identity, "Violence and Discrimination based on sexual orientation and gender identity during the coronavirus disease (COVID-19) pandemic", [A/75/258](#), 28 July 2020.

<sup>53</sup> Eurocentralasian Lesbian Community (EL\*C), "[Resistance as a Way of Living: Lesbian Lives through the COVID-19 Pandemic](#)", 29 June 2021.

<sup>54</sup> Organisation Intersex International Europe, "[Covid-19 Survey Report](#)", 9 December 2020.

<sup>55</sup> TGEU, "[Impact assessment: COVID-19 and trans people in Europe and central Asia](#)", January 2021.

19 had made it necessary for many LGBTI organisations to shift their activities from policy advocacy work to humanitarian assistance directed at those most vulnerable. Such changes require remarkable adaptability and creativity on the part of LGBTI activists.

67. While refocusing activities on the immediate survival needs of community members was indispensable given the socio-economic impact of the pandemic, it also meant that LGBTI human rights defenders' time and resources were diverted from addressing the increasing negative rhetoric and legislative attacks discussed in section 1 above.

## 4 CONCLUSIONS AND RECOMMENDATIONS

68. The rising attacks against LGBTI people and their human rights across Europe represent a worrying trend. Many of the gains made in the past two decades in increasing the visibility, acceptance and non-discrimination of LGBTI people now stand under threat. It is imperative that member states quickly take action to curb these trends and to ensure that LGBTI people can enjoy their human rights without discrimination.
69. Many of the challenges reported by LGBTI human rights defenders from many different countries reveal clear patterns and similarities, which are spreading and repeating from one member state to another – rather than isolated incidents confined to specific countries.
70. The COVID-19 pandemic has harshly affected some members of the LGBTI communities who were already disadvantaged because of existing discrimination and unequal access to human rights. The pandemic has highlighted the importance of increasing efforts to ensure the fulfilment of LGBTI people's civil and political rights and economic and social rights, including the right to health, the right to an adequate standard of living, the right to housing, the right to education and the right to work.
71. The Commissioner salutes the relentless courage, resolve and creativity with which LGBTI human rights defenders stand up against these negative developments and continue to promote and protect the human rights of LGBTI people. At the same time, LGBTI activists are under increasing attack in Europe today. These risks vary between member states and are particularly pronounced and serious in countries where governments are openly pursuing anti-LGBTI policies.
72. The present report illustrates the severity of the problems faced by LGBTI human rights defenders in Europe. These problems are having a deleterious effect on activism, with some activists giving up their work entirely or having to stop being visible.
73. Considering the increased human rights challenges linked to the negative political context and the COVID-19 pandemic, the work of LGBTI human rights defenders is of critical importance to help defend the human rights of LGBTI people. It is essential that member states listen to LGBTI human rights defenders in order to more effectively respond to ongoing attacks. Council of Europe member states have a responsibility to ensure that LGBTI human rights defenders can do their work safely and effectively.

### *Protecting the human rights of LGBTI people in Europe*

74. It is well established under international human rights law that LGBTI people enjoy guaranteed human rights, irrespective of their sexual orientation, gender identity and expression and sex characteristics. LGBTI people do not claim special rights, but equal access to the same human rights as anyone else. Recommendation [CM Rec\(2010\)5](#) of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation and gender identity lists steps that should be taken by member states to protect the human rights of LGBTI people and ensure that they are better included in society. The recommendation covers several fields in which such action is needed: tackling hate crimes and hate speech, freedom of association, assembly and expression, the right to private and family life, employment, education, health, asylum, sports and multiple discrimination.

75. Council of Europe member states should fully implement Recommendation CM Rec(2010)5,<sup>56</sup> as well as relevant recommendations by other human rights monitoring bodies, including the European Commission against Racism and Intolerance, and by the Commissioner's Office.
76. Regarding recent negative trends discussed in Section 1 of this report, the Commissioner made a number of recommendations in her human rights comment published in August 2021 entitled "[Pride vs. Indignity: Political manipulation of homophobia and transphobia in Europe](#)". She called on member states to take measures to urgently stop the stigmatisation of LGBTI people by politicians. Hate speech should not go unpunished. It is crucial that all Council of Europe member states pass national laws prohibiting discrimination as well as hate crimes and hate speech based on sexual orientation, gender identity and expression and sex characteristics.
77. Member states should also pay close attention to the increasing influence of so-called "anti-gender" movements and their deleterious impact on the human rights of several groups, including women and LGBTI people. A recent report by the UN Independent Expert on Sexual Orientation and Gender Identity has highlighted such impact.<sup>57</sup> There is also a need to urgently counter growing transphobic narratives in several member states. Addressing these trends requires adequate training of public officials. The Commissioner welcomes the fact that social acceptance of LGBTI people continues to increase in many European countries, as shown in a recent study.<sup>58</sup> Efforts by member states to educate and increase understanding and acceptance of LGBTI people in society remain crucial, in the light of resistance in some quarters.
78. Regarding the human rights impact of COVID-19 on LGBTI people, Council of Europe member states should consult with LGBTI organisations locally in order to ensure that their response to the pandemic adequately takes into consideration the needs and vulnerabilities of LGBTI people. This includes ensuring that health information about the pandemic reaches the most marginalised among LGBTI people, as a first step. Member states should also take measures to ensure that LGBTI people have adequate access to healthcare, taking into account risks of discrimination and existing trauma. Specialised healthcare for intersex and transgender people should be considered as essential healthcare services to be maintained at all times. The most vulnerable members of LGBTI communities should be secured equal access to the rights to housing, food and social security.

#### *Providing protection and support to LGBTI human rights defenders*

79. Council of Europe member states must meet their obligations to protect human rights defenders, including LGBTI activists, and ensure an enabling environment for their work, free from intimidation and pressure. These obligations are reiterated in the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities (2008), the Recommendation CM Rec(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe (2018), and the UN declaration on human rights defenders (1998). Regarding LGBTI human rights defenders in particular, the Commissioner underlines the urgent need to tackle the challenges discussed in this report, by taking the steps outlined below.
80. Member states should fulfil the obligation to protect LGBTI human rights defenders who are in danger, including by ensuring that they have access to emergency protection mechanisms. Such emergency assistance programmes provide financial support to address urgent needs, including medical expenses, legal representation, temporary relocation, dependant support etc.<sup>59</sup>

---

<sup>56</sup> See, Council of Europe "[Combating discrimination on grounds of sexual orientation and gender identity in Council of Europe member states: a Review of Recommendation CM\(2010\)5 of the Committee of Ministers](#)", November 2019.

<sup>57</sup> UN Independent Expert on the protection against discrimination and violence based on sexual orientation and gender identity, "[Practices of Exclusion](#)", A/76/152, 15 July 2021.

<sup>58</sup> UCLA School of Law, Williams Institute, "[Social Acceptance of LGBTI People in 175 Countries and Locations](#)", November 2021.

<sup>59</sup> Examples of such emergency assistance programmes which LGBTI human rights defenders can resort to include the European Union's [ProtectDefenders.eu](#), the Freedom House [Dignity for all LGBTI Assistance Program](#), and Civil Rights Defenders [Emergency Fund](#).



81. Member states must ensure that there is no impunity for incidents involving physical violence, threats and verbal harassment, including online, against LGBTI human rights defenders. This requires the passing of legislation prohibiting hate crimes and hate speech motivated by sexual orientation, gender identity and/or expression and sex characteristics. It also necessitates the conducting of effective and prompt investigations into the incidents reported, and prosecuting and punishing those responsible, irrespective of their status. Finally, training for police and judicial officials should be organised, as well as other institutional measures to eliminate the current practices that result in impunity.
82. National human rights structures play an important role in the protection of the rights of LGBTI activists. Yet, several participants mentioned that their respective national human rights structures have been passive in that regard. National human rights structures should have the necessary mandate, resources, and capacity to sustain co-operation with LGBTI NGOs and human rights defenders, ensuring that they are given a voice in national policy-making. When they have such a mandate, national human rights structures should have the capacity to protect LGBTI activists who face threats because of their work protecting the human rights of LGBTI people.
83. Member states must guarantee LGBTI human rights defenders' rights to freedom of association and assembly. This includes ensuring that events and marches organised by LGBTI organisations can take place in a safe environment, free from any attacks. LGBTI organisations should be able to function without undue administrative restrictions, such as disproportionately burdensome financial reporting requirements and audits. National legislations that introduce such excessive and unjustified burdens should be repealed.
84. Member states have an obligation to respect LGBTI human rights defenders' freedom of expression, and laws that criminalise discussion of LGBTI issues, modelled on the so-called anti-“LGBTI propaganda” laws, should be repealed.
85. Member states should ensure that LGBTI human rights defenders are not subjected to intimidation by law enforcement officials, notably through police arrests and criminal prosecution on unjustified grounds. Member states should also consider adopting laws that protect all human rights defenders from the effects of SLAPPs, as discussed in the Commissioner's [human rights comment](#) on the subject.
86. Member states should ensure that LGBTI human rights defenders can meaningfully participate in consultations and decision-making processes, at both national and local level. Effective procedures should be put in place in this respect.
87. International, regional and national networks of human rights defenders should co-operate in assisting those defenders who face difficulties in their work and threats to their personal security. It is essential for the wider community of human rights defenders to support LGBTI defenders and fully co-operate with them, and the Commissioner welcomes recent examples of such co-operation.
88. Member states should ensure that LGBTI organisations have access to public or private funding which is sufficient and stable enough to enable them to carry out their work effectively. All donors are encouraged to consider increasing funding opportunities for LGBTI human rights defenders in Europe, to support not only projects but also structural functioning in order to make LGBTI organisations more sustainable, and to be as flexible as possible to respond to unexpected developments – such as the COVID-19 pandemic. Donors should back as far as possible the priorities identified by the LGBTI human rights defenders themselves, including for example enabling more transnational cooperation, strategising and joint actions among LGBTI NGOs, given that many of the attacks they experience bear striking similarities across Europe.