



# Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly Europe

*Submission to the UN Independent Expert on Sexual Orientation and Gender Identity*

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Report submitted by:

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World)<sup>1</sup>

With the support of:

ILGA Europe<sup>2</sup>

Transgender Europe (TGEU)<sup>3</sup>

Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD)

Global Unions LGBTI Workers Project<sup>4</sup>

Kampania Przeciw Homofobii | Campaign Against Homophobia (KPH)<sup>5</sup>

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<sup>1</sup> ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), <https://ilga.org>, established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations treaty bodies, special procedures and the Human Rights Council. It also produces research publications on social and legal situation of LGBTI persons. This includes [Annual Treaty Bodies Reports](#), [Treaty Bodies Strategic Litigation Toolkit](#), [Special Procedures Factsheets](#) and [ILGA World Database](#)

<sup>2</sup> [ILGA-Europe](#) are an independent, international non-governmental umbrella organisation uniting over 700 organisations from 54 countries across Europe and Central Asia

<sup>3</sup> [TGEU](#) is a membership-based organisation working to strengthen the rights and wellbeing of trans people in Europe and Central Asia

<sup>4</sup> Global Unions LGBTI Workers ([lgbtiworkers.org](http://lgbtiworkers.org)) is a project of the Council of Global Unions (CGU). The CGU represents 200 million workers in thousands of trade unions in all economic sectors and national trade union centres

<sup>5</sup> [Campaign Against Homophobia \(KPH\)](#) is one of the most effective organizations working for the LGBT+ community in Poland. We engage in political advocacy at both national and international levels, participate in legal proceedings, and support the LGBT+ movement. Since our establishment in 2001, KPH has had a clear goal - we want to build a Poland of equal rights, where respect and dignity are guaranteed to everyone regardless of sexual orientation, gender identity, and sex characteristics.

## Introduction

In Europe, despite significant advancements in promoting the human rights of LGBTI communities, there exists a troubling resistance that threatens the progress achieved by LGBTI and allied movements. Recent years have witnessed legislative and policy shifts at both national and subnational levels, posing challenges to the freedom of expression, association, and assembly for individuals within the spectrum of sexual and gender diversity. Notably, there has been a surge in attempts to pass anti-LGBTI laws, marking a concerning trend within the region.

This report examines legislative and policy restrictions on public discourse surrounding sexual and gender diversity, as well as LGBTI issues in the European region. The focus extends to limitations on the use of inclusive language within educational institutions. The analysis underscores how these measures directly impede the exercise of freedom of expression, association, and assembly, impacting not only LGBTI communities but also various other groups, including educators, students, and parents.

## Methodology

For the creation of this report, ILGA World conducted initial desk research using the ILGA World Database<sup>6</sup> to pinpoint current explicit and implicit legal impediments to freedom of expression and association in Europe. In addition, ILGA World collected information from various regional and country-level organizations such as TGEU, ILGA Europe, KPH, SPoD, and the Global Unions LGBTI Workers Project, that provided recent cases and examples about the exercise of freedom of expression, association, and assembly for LGBTI communities.

## Freedom of Expression pertaining to SOGIESC

### Anti-LGBTI initiatives

In several European nations, there have been legislative and political attempts to restrict or criminalize the so-called "propaganda of non-traditional sexual relations". Russia was the first country in Europe to introduce "propaganda" laws in several of its regions since 2006, and the first federal law was adopted in 2013. In 2022, Russia further restricted its "propaganda" ban, extending the alleged target audience from minors to all population. Besides this, Russia's anti-

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<sup>6</sup> ILGA World Database: [Jurisdictions profiles](#)

LGBTI policies have become systemic: in 2023, the Supreme Court declared the “international LGBT movement” as extremist. As an aggressive colonial power in the region, Russia’s systemic anti-LGBTI policies influence neighbouring states in Eastern Europe, Caucasus, and Central Asia, some of which have put forward similar legislative initiatives.<sup>7</sup>

Armenia experienced an attempt in 2013 to amend the Administrative Offences Code, aiming to impose fines for the "propaganda of non-traditional sexual relations."<sup>8</sup> However, this proposal was withdrawn.

Moldova witnessed local-level prohibitions on "propaganda of homosexuality" starting in 2012, though without accompanying sanctions. In 2013, a law addressing the distribution of public information promoting various non-traditional relations was enacted but subsequently repealed within the same year. Despite continued efforts, a 2016 draft bill targeting the propaganda of homosexual relations among minors did not materialize into law. Furthermore, in May 2022, Gagauzian authorities adopted a resolution banning the propaganda of homosexuality and Pride events in the territorial administrative unit<sup>9</sup>.

Poland has been a battleground for legislative proposals aimed at restricting the rights of the LGBTI community. Draft anti-propaganda legislation emerged in 2017, seeking to ban LGBT people from the teaching profession, though the bill was never voted on<sup>10</sup>. Since 2019, numerous municipal authorities declared their territories as "LGBT-free zones," prompting international scrutiny and legal actions<sup>11</sup>.

Slovakia witnessed a legislative proposal in May 2022 seeking to prohibit the placement of symbols promoting any sexual orientation on public institutions, but the bill was dropped in October 2022 due to a lack of support<sup>12</sup>.

In Turkey, a proposed Constitution amendment bill aims to ban same-sex marriage, justified under the pretext of "protecting the family from deviants."<sup>13</sup> This legislative initiative underscores regressive attitudes towards LGBTQ+ rights and represents a significant setback for the community's pursuit of equality and recognition under the law.

These instances underscore the persistent challenges to freedom of expression and association faced by the LGBTI community across Europe, as legislative proposals and resolutions continue

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<sup>7</sup> Information provided by TGEU

<sup>8</sup> ILGA World Database <https://database.ilga.org/armenia-lgbti>

<sup>9</sup> ILGA World Database <https://database.ilga.org/moldova-lgbti>, Resolution

<sup>10</sup> ILGA World Database <https://database.ilga.org/poland-lgbti>

<sup>11</sup> Information provided by Kampania Przeciw Homofobii | Campaign Against Homophobia (KPH)

<sup>12</sup> Information provided by ILGA Europe

<sup>13</sup> Information provided by SPoD

to emerge, reflecting a complex landscape of legal and social attitudes toward sexual and gender diversity.

### **Propaganda to minors**

The issue of “propaganda to minors” concerning non-traditional sexual orientations has been a point of contention in several European countries, reflecting diverse legal approaches and societal attitudes. For instance, it was championed by Russia in its 2013 “propaganda” law,<sup>14</sup>

Armenia faced legislative developments in 2019 with the introduction of Bill KH-136, aiming to criminalize the promotion of non-traditional sexual orientations among individuals under the age of 16<sup>15</sup>.

In Belarus, the Law on the Protection of Children from Information Harmful to their Health and Development (Law No. 362-Z) passed in 2016 includes Article 37-1, prohibiting the dissemination of information that discredits the institution of family and marriage<sup>16</sup>. Reports in September and October 2023 indicated government preparations for a bill to ban propaganda on LGBT issues, paedophilia, and sex change. Concerns have been raised by local activists, anticipating potential “anti-LGBTI propaganda” legislation similar to Russia’s. Discussions on this bill are expected to commence in early 2024.<sup>17</sup>

Hungary witnessed the approval of the Law on tougher action against pedophile offenders in June 2021, which, among other provisions, prohibits the exhibition of content promoting or displaying gender nonconformity, gender reassignment, or homosexuality to anyone under 18 years<sup>18</sup>. Although no reported sanctions have been noted, Hungarian activists highlight a wave of self-censorship following the law’s implementation, impacting various forms of expression.

In Lithuania<sup>19</sup>, the anti-LGBTI propaganda provisions were introduced in 2009 through the Law on the Protection of Minors from the Harmful Effects of Public Information aiming to shield minors from information that denigrates family values, promotes a different concept of marriage and family formation from what is enshrined in the Constitution and the Civil Code. In 2022, the ECtHR ruled *Macatė v Lithuania*, Case 61435/19 that the law violates the

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<sup>14</sup> Information provided by TGEU

<sup>15</sup> ILGA World Database <https://database.ilga.org/armenia-lgbti>, Bill KH-136

<sup>16</sup> ILGA World Database <https://database.ilga.org/belarus-lgbti>, the Law on the Protection of Children from Information Harmful to their Health and Development (Law No. 362-Z)

<sup>17</sup> ILGA World Database <https://database.ilga.org/belarus-lgbti>. More information can be found here <https://euroradio.fm/ru/v-belarusi-gotovyat-zakon-chtoby-nakazyvat-za-propagandu-lgbt-i-chayldfri>

<sup>18</sup> Information provided by TGEU

<sup>19</sup> ILGA World Database <https://database.ilga.org/lithuania-lgbti>

European Convention on Human Rights<sup>20</sup>. Despite the judgment of the ECtHR, in 2023, a proposal to remove the law from the books failed and the law remains in operation<sup>21</sup>.i

In Romania, the Senate adopted an amendment to Law no. 272/2004 on the protection and promotion of the rights of the child to “protect the child against the dissemination by any means of content regarding the deviation from the sex established at birth or the popularisation of sex change or homosexuality”<sup>22</sup>. The bill is a replica of Hungary’s 2021 propaganda law and was tabled by the Hungarian Democratic Union of Romania (RMDSZ).

### **Restrictions within the Educational sector**

In April 2023, the Bulgarian Socialist Party (BSP) initiated the registration of a referendum in the National Assembly aiming to prohibit the teaching and promotion of "gender ideology" in schools<sup>23</sup>. In November 2023, the Bulgarian Parliament discussed amendments to the Child Protection Act, sponsored by the populist party ITN and supported by the BSP, intending to restrict the discussion of gender reassignment and gender identity in educational settings. These amendments, including provisions for financial penalties, failed to pass<sup>24</sup>.

Hungary took a different approach in 2018 by issuing Decree No. 188/2018 to ban the Gender Studies master’s degree program, limiting academic exploration of gender-related topics<sup>25</sup>.

In Lithuania, a proposed bill (Bill No. XIVP-3103(2)) in September 2023 sought to ban sex education in schools and was explicitly aimed at curtailing "LGBT organizations" educational efforts. However, it was rejected by the Seimas in October 2023<sup>26</sup>.

Moldova experienced a legislative push against "LGBT propaganda in schools" by the Parliamentary Bloc of Communists and Socialists (BCS) in November 2022. This move followed the launch of the "LGBT Children in Your School" campaign, the first awareness initiative regarding LGBT+ children's rights in education<sup>27</sup>. Despite initial attempts to ban related trainings and campaigns in the Autonomous district of Gagauzia, the National Parliament voted against the bill in February 2023<sup>28</sup>.

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<sup>20</sup> Information provided by ILGA Europe

<sup>21</sup> Information provided by TGEU

<sup>22</sup> Information provided by ILGA Europe

<sup>23</sup> The proposed definition of "gender ideology" by the BSP representative has stirred debate. The referendum, upon registration, requires a collection of 200,000 signatures within three months for parliamentary consideration. ILGA World Database <https://database.ilga.org/bulgaria-lgbti>

<sup>24</sup> ILGA World Database <https://database.ilga.org/bulgaria-lgbti>

<sup>25</sup> ILGA World Database <https://database.ilga.org/hungary-lgbti>, Decree No. 188/2018 (X.12)

<sup>26</sup> ILGA World Database <https://database.ilga.org/lithuania-lgbti>

<sup>27</sup> ILGA World Database <https://database.ilga.org/moldova-lgbti>

<sup>28</sup> ILGA World Database <https://database.ilga.org/moldova-lgbti>

In Poland, a draft anti-propaganda legislation in March 2017 aimed to ban LGBT people from the teaching profession. Although never voted on, in August 2023, the Sejm passed the Education Law Reform Bill prohibiting "activities of associations and other organizations promoting issues related to the sexualization of children" in kindergarten and primary school. The term "sexualization of children" has been used in Polish debates to refer to comprehensive sexuality education and diversity education. The Senate rejected this bill in September 2023<sup>29</sup>.

Romania's Bill No. B68 strengthens prohibitions on educational institutions, obligating them to exclude information promoting homosexuality from their educational programs<sup>30</sup>. In Slovakia, a rejected bill in December 2022 sought to amend the Law on Education, banning the presentation and teaching of sexuality promoting homosexuality, change of sex, or deviation from gender identity determined at birth<sup>31</sup>.

### **Display or dissemination of LGBTI materials**

In Hungary, the implementation of Decree No. 473 (2021) in August 2021 marked a significant move to restrict the display of homosexuality or any "deviation of sex identity at birth" in shop windows. This decree not only prohibited the visibility of such content but also mandated that products depicting these themes be sold separately and in opaque packaging<sup>32</sup>. The ramifications of this legislation became apparent in August 2023 when the screening of the Barbie movie was banned without an official explanation. Media reports hinted at concerns over the movie allegedly promoting "homosexuality and feminism."<sup>33</sup>

In Russia, under Russian "extremism" law, any support or even mention of an organisation named "extremist" can be considered a criminal offence. Following the Court's ruling, wearing a pride symbol or mentioning LGBTI issues on social media can be punished by up to 4 years in jail. As of the writing of this report, there have been 3 known LGBTI-related cases and sentences under charges of extremism: two cases against bloggers who previously posted pictures of rainbow flags online (sentenced to minor fines) and one against a woman who wore rainbow earrings (sentenced to 5 days of detainment). The emerging court practice shows a clear pattern of enforcing total censorship on LGBTI topics and symbols (or anything that is perceived as such)<sup>34</sup>. Besides this, the ruling targets ordinary people living in Russia in an unprecedented way. It does not only endanger organisations or visible activists but also any trans or LGB person, their family members and allies. For instance, a Legal Gender Recognition

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<sup>29</sup> ILGA World Database <https://database.ilga.org/poland-lgbti>

<sup>30</sup> ILGA World Database <https://database.ilga.org/romania-lgbti>, Bill No. B68

<sup>31</sup> ILGA World Database <https://database.ilga.org/slovakia-lgbti>

<sup>32</sup> Information provided by ILGA Europe

<sup>33</sup> ILGA World Database <https://database.ilga.org/hungary-lgbti>

<sup>34</sup> Information provided by ILGA Europe

(LGR) ban makes it impossible for trans people to express their gender freely for being outed and harassed. It also invites coercion on grounds of the perceived sexual orientation, gender identity or gender expression of a person<sup>35</sup>.

In Turkey, the suppression of LGBTI materials extended beyond legislation. In December 2021, the Supreme Council of Radio and Television (RTÜK) fined Netflix for content in the film "Donde caben dos," citing representations of "incest, homosexuality, and partner swapping."<sup>36</sup> Furthermore, the arrest of journalists, including an AFP representative, while documenting banned Pride gatherings in Istanbul in June 2022, highlighted the restrictive atmosphere surrounding LGBTI issues<sup>37</sup>.

## **Freedom of Association and Freedom of Peaceful Assembly**

### **Foreign funding restrictions**

In Azerbaijan, regulatory changes in February 2016 empowered the government to conduct regular or extraordinary inspections of NGOs, particularly those receiving foreign funding. The Rules for Studying the Activities of NGOs granted broad authority, with authorization procedures for NGOs and their donors, introducing uncertainty and potential interference<sup>38</sup>.

Bulgaria faced a challenge in July 2020 with a proposed bill targeting NGOs receiving foreign funding. It mandated swift declaration and disclosure for NGOs receiving over 1,000 Bulgarian leva from foreign sources, subjecting them to additional governmental inspections. Non-compliance, including failure to declare, could lead to sanctions or dissolution. The bill is still pending, creating anticipation in the NGO sector<sup>39</sup>.

**See more in Annex.**

### **Discrimination from authorities when organising/approving public assemblies including COVID-19 restrictions**

During the COVID-19 pandemic, authorities in several countries used the health crisis as a pretext to restrict, cancel or ban LGBTI Pride marches. Romanian LGBTI groups faced discrimination in 2021, with authorities attempting to restrict Pride marches, imposing fines on organizers while allowing other gatherings without penalties. LGBTI organizations in Romania challenged these restrictions legally. In 2022, the Bucharest Court of Appeal annulled

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<sup>35</sup> Information provided by TGEU

<sup>36</sup> Information provided by Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD)

<sup>37</sup> Information provided by Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD)

<sup>38</sup> ILGA World Database <https://database.ilga.org/azerbaijan-lgbti>

<sup>39</sup> ILGA World Database <https://database.ilga.org/bulgaria-lgbti>

government restrictions on public gatherings, but attacks on participants occurred during last Pride<sup>40</sup>.

In Bosnia and Herzegovina (BiH) in 2020, the Sarajevo Pride was cancelled due to COVID-19, with organizers facing challenges, including self-funded security measures<sup>41</sup>.

In France, the government attempted to ban public gatherings, including Pride marches, during the pandemic, but the Supreme Court upheld the right to assembly for political events<sup>42</sup>.

Lithuania's Kaunas Pride faced initial permit refusal, overturned by a court ruling, leading to a successful event with police intervention against counter-demonstrations<sup>43</sup>.

Georgia witnessed a far-right extremist group proposing a bill in 2022 to amend laws, aiming to ban public gatherings promoting sexual orientation or conflicting with religious beliefs, imposing fines or imprisonment for violations. Annual LGBTI Pride event was cancelled in summer 2023 and participants were evacuated by the police after hundreds of counter-protesters stormed the site<sup>44</sup>.

Overall, discriminatory practices, misuse of COVID-19 restrictions, and differential treatment of LGBTQI+ events persist across these countries, prompting legal challenges and highlighting the need for equal protection of assembly rights.

### **Attacks on participants of LGBTI themed events**

In several European countries, LGBTI events have faced violent attacks, often with inadequate law enforcement follow-up and a lack of specific inclusion of SOGIESC in hate crime laws<sup>45</sup>.

In Azerbaijan in 2020, the Women's Day rally prompted widespread hate speech, resulting in the detention of at least 10 participants<sup>46</sup>. Ukraine experienced neo-Nazi attacks on a Pride event in Odesa in 2020, with disturbances and violence continuing in 2021, including an assault on an LGBTI film screening and a counter-demonstration against an LGBTQ+ rave<sup>47</sup>.

Croatia in 2021 witnessed the tearing down, stealing, or burning of rainbow flags in Zagreb, with participants at Zagreb Pride facing physical assaults by extremists<sup>48</sup>. France reported attacks on trans women by TERF activists at Paris Pride in 2021<sup>49</sup>. In Greece, both verbal and

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<sup>40</sup> Information provided by ILGA Europe

<sup>41</sup> Information provided by ILGA Europe

<sup>42</sup> Information provided by ILGA Europe

<sup>43</sup> Information provided by ILGA Europe

<sup>44</sup> Information provided by TGEU

<sup>45</sup> Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC)

<sup>46</sup> Information provided by ILGA Europe

<sup>47</sup> Information provided by ILGA Europe

<sup>48</sup> Information provided by ILGA Europe

<sup>49</sup> Information provided by ILGA Europe



physical anti-LGBT attacks occurred during the Athens and Thessaloniki Pride Parades in 2021 and persisted in 2022 during the first Pride march in Rodos, where individuals with neo-Nazi symbols threatened participants<sup>50</sup>.

Serbia faced a violent attack on seven Albanian activists after EuroPride in 2022, with police initially refusing to intervene<sup>51</sup>. Finland and Norway encountered violence during Pride events in 2022, including the detonation of homemade bombs at Pride locations and a terrorist attack outside Oslo's queer bar, killing two people<sup>52</sup>.

Switzerland in 2022 saw a neo-Nazi group physically attacking a Drag Story Time event for children<sup>53</sup>. Ireland reported transphobic attacks after Dublin Pride in 2022<sup>54</sup>. In Italy, participants were harassed and assaulted in Bari, Torino, and Naples following Pride marches in 2022<sup>55</sup>.

Slovenia in 2023 witnessed physical and verbal assaults on Ljubljana Pride participants, with police often refusing to react or investigate<sup>56</sup>. Germany reported several homophobic attacks during the Berlin Pride in 2023, and in Austria, a planned violent attack against the Vienna Pride was foiled by the police<sup>57</sup>. These incidents highlight ongoing challenges to LGBTI safety and the urgent need for improved legal protections.

### **Issues regarding the rights at the workplace and freedom of association**

In numerous countries with ratified human rights instruments and seemingly protective legislation for freedom of association and assembly, non-state actors frequently violate these rights, often with impunity.

This includes intimidation, coercion, and violence, adversely affecting workers, especially those vulnerable to exploitation, violence, and abuse—such as women, migrants, and LGBTI individuals. Since April 2022, the Belarusian government has engaged in a systematic pattern of repression of the independent trade unions in the country and trade union leaders have been imprisoned<sup>58</sup>.

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<sup>50</sup> Information provided by ILGA Europe

<sup>51</sup> Information provided by ILGA Europe

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<sup>57</sup> Information provided by ILGA Europe

<sup>58</sup> Information provided by the Global Unions LGBTI Workers Project

In Serbia and Georgia, union-busting tactics by employers, including targeting and dismissing union leaders, undermine freedom of association<sup>59</sup>. Additionally, far-right groups in both countries interfere with Pride parades and festivals, often without police intervention, exacerbating the challenges faced by marginalized communities.

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<sup>59</sup> Information provided by the Global Unions LGBTI Workers Project

## ANNEX

### Freedom of Association and Freedom of Peaceful Assembly

#### Foreign funding restrictions

- Hungary adopted the Law on the Transparency of Foreign Aided Organizations in June 2017, requiring registration and funding source disclosure for organizations receiving over €24,000 from overseas donors<sup>60</sup>. The law aimed to prevent foreign influence on Hungary's political and economic interests.
- Poland, in August 2020, proposed a bill on NGO financing transparency. NGOs receiving at least 10% of funding from abroad would need to declare sources in a public register, with additional obligations for those receiving 30% or more. Non-compliance could result in fines or NGO status revocation, reflecting a stringent stance on foreign-funded entities<sup>61</sup>.

#### Difficulties to register an organisation

- In Belarus, unregistered associations are prohibited. Attempts to register LGBTI+ groups have been unsuccessful, and activists have faced harassment by State officials after submitting their registration application<sup>62</sup>.

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<sup>60</sup> ILGA World Database <https://database.ilga.org/hungary-lgbti>

<sup>61</sup> ILGA World Database <https://database.ilga.org/poland-lgbti>

<sup>62</sup> ILGA World Database <https://database.ilga.org/belarus-lgbti>