

1. Attitudes and perceptions

1.1. Lesbian, gay, bisexual and transgender persons

Lesbian, gay, bisexual and transgender (LGBT) persons are present in all Council of Europe member states. This heterogeneous group of persons is often stigmatised and faces homophobia, transphobia, discrimination and the fear of being rejected by family, relatives, friends and society at large due to their sexual orientation or gender identity. For this reason, LGBT persons may not be able to share this most intimate aspect of their private life with family, friends and colleagues.

While the “LGBT” label has been used as a self-designatory cluster to denote the group concerned in political and human rights discourse, in this report this collective designation is merely used as an umbrella term. It is important to note that many people considered as LGBT may individually not feel the need to identify themselves under this designation. Other people, including intersex persons or those who identify themselves as “queer”, may associate themselves with the LGBT community, which can then be collectively referred to as “LGBTIQ”. Yet others may point out that the human rights issues affecting lesbian, gay, bisexual and transgender persons respectively are significantly different for each sub-group concerned, despite the interconnected nature of the encountered discrimination, and would therefore require different approaches.

In the 1940s lesbian and gay persons in Europe began to meet collectively and set up groups and organisations representing them, sometimes at a time when homosexuality was still a criminal offence. The oldest still-existing organisations in Council of Europe member states were founded in 1946 (the Netherlands) and 1948 (Denmark). In the following decades, such groups and organisations were gradually established in many member states in Western Europe along with other social movements throughout the 1960s and 1970s. They also gradually started to address the demands of bisexual persons. The consolidation of many lesbian and gay organisations in Central and Eastern Europe followed after the political changes of the 1990s in that region. The International Lesbian and Gay Association (ILGA) was founded in 1978 and its European regional section (ILGA-Europe) representing lesbian, gay, bisexual, transgender and intersex persons was set up in 1996.

Groups and organisations representing transgender persons were set up at a later stage, with some of them founded in the 1990s and others in the new millennium. Transgender Europe (TGEU), an organisation building a European network of transgender groups and activists, has existed since 2005. In recent years, political advocacy on transgender human rights and community building of transgender persons have strengthened considerably, due to the consolidation of TGEU and other transgender groups, and because several LGB organisations have gradually started to address the human rights of transgender persons as well.

1.2. Criminalisation and medical classifications

The Committee of Ministers of the Council of Europe stated in 2010 that “lesbian, gay, bisexual and transgender persons have been for centuries and are still subjected to homophobia, transphobia and other forms of intolerance and discrimination even within their family – including criminalisation, marginalisation, social exclusion and violence – on grounds of sexual orientation or gender identity”.⁵ It should thus not come as a surprise that for a long time LGBT persons in many Council of Europe member states remained – and in some member states still are – invisible. Only in the second half of the last century – and with notable differences between the 47 countries – have LGBT persons and their organisations become more visible in society and participatory in human rights debates.

Two historical circumstances, one of a legal and the other of a medical nature, offer partial explanations for the invisibility of LGBT persons in society and the absence of sexual orientation and gender identity in relevant political and human rights debates. First, different forms of criminalisation of same-sex consensual sexual acts between adults – primarily between men, as women were often not considered in this context – have been found for shorter or longer periods in the criminal codes or legal traditions of nearly all Council of Europe member states.⁶ The first countries to decriminalise such acts did so in the 18th century while the last countries only did so at the beginning of the 21st century (see Table 1.1).⁷ Accession criteria to become a member state of the Council of Europe played a part in the process. In countries where homosexuality was criminalised it was often impossible to be openly gay or lesbian and to set up and register organisations advocating for the rights of this community.

No Council of Europe member state criminalises same-sex sexual acts as such any longer, even though there are still provisions in the criminal law of some Council of Europe member states which explicitly discriminate on the basis of

5. Committee of Ministers Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, adopted on 31 March 2010, preamble.

6. Waaldijk C., “Civil Developments: Patterns of Reform in the Legal Position of Same-sex Partners in Europe”, *Canadian Journal of Family Law*, 17(1) (2000), pp. 62-64. See also Foucault M., *The history of sexuality*, vol. 1 (An Introduction), 1976.

7. This table is based on the following sources: Leroy-Forgeot F., *Histoire juridique de l'homosexualité en Europe*, Paris: Presses Universitaires de France 1997; Graupner H., “Sexual Consent: The Criminal Law in Europe and Outside of Europe”, in H. Graupner and V. L. Bullough (eds), *Adolescence, Sexuality and the Criminal Law*, Haworth Press, New York, 2005, pp. 111-171; Waaldijk K., “Legal recognition of homosexual orientation in the countries of the world”, paper for the conference “The Global Arc of Justice – Sexual Orientation Law around the World” (Los Angeles, 11-14 March 2009); Ottosson, D., *State-sponsored Homophobia*, ILGA, Brussels, 2010. These sources contradict each other on some points, partly because the enactment of a law and its entry into force do not always take place in the same year. In some member states decriminalisation took part in different years in different parts of the country, and in a few other states different penal provisions were repealed in different years. Please note that national borders have changed over time and that some of the member states listed here can be considered as successors to earlier states existing in the corresponding geographical area. According to the Andorran authorities, same-sex consensual acts have never been criminalised in the country.

sexual orientation.⁸ The legacy of criminalisation and the fairly recent removal of criminalisation provisions in some member states have contributed to the stigma historically attached to homosexuality and attitudes towards LGBT persons which are, as this report will show, still negative in many regards. In fact, surveys demonstrate that in some member states the majority of the population may still believe that homosexuality is illegal. The United Nations Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health has stated that “criminalization may not be the sole reason behind stigma, but it certainly perpetuates it, through the reinforcement of existing prejudices and stereotypes”.⁹

The second historical factor lies in the medical field. LGBT persons were, and many still are, regarded as being ill or suffering from a disease. Only in 1990 did the World Health Organization (WHO) remove homosexuality from the *International Statistical Classification of Diseases and Related Health Problems* (ICD).¹⁰ The American Psychiatric Association removed homosexuality (which was defined as a mental disorder) from the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) in 1973.¹¹ Despite the removal of homosexuality from the list of diseases, this report has found evidence that in some member states of the Council of Europe health practitioners, official health policies and some textbooks in schools still apply these outdated classifications leading to factually incorrect information on homosexuality. This is compounded by the fact that public opinion in many member states considers homosexuality as a biological disorder or an illness that needs to be cured.

In a similar manner, systems for classifying mental disorders have a direct impact on the way transgender persons are perceived by society. The WHO lists transsexualism as a mental and behavioural disorder in the ICD.¹² Transgender persons are thus labelled as having a psychiatric pathologisation. The American Psychiatric Association¹³ includes the term “gender identity disorder” as a mental health disorder in its DSM and uses it to describe persons who experience significant gender dysphoria, that is, discontent with the biological sex they are born with. This report has identified serious obstacles for many transgender persons in accessing basic services, particularly health services, due to these classification systems and, more widely, in accessing their right to be legally recognised in their preferred gender.

8. For example, in Gibraltar (United Kingdom) an unequal age of consent for homosexual and heterosexual relationships is still applied. The issue has been brought to the attention of the Gibraltar Supreme Court. Article 347 of the Greek Penal Code incriminates contact “against nature” between males in certain situations.

9. Human Rights Council, “Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Anand Grover”, A/HRC/14/20, paragraph 22, 27 April 2010.

10. World Health Organization, *International Statistical Classification of Diseases and Related Health Problems*, 1990.

11. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (4th edn), 1994.

12. World Health Organization, *International Statistical Classification of Diseases and Related Health Problems*, Tenth Revision, Version for 2007.

13. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, Washington, DC (4th edn), 2000.

Table 1.1: Decriminalisation of same-sex consensual acts between adults

Country	Year of decriminalisation
Armenia	2003
Azerbaijan	2001
Georgia	2000
Cyprus	1998
Bosnia and Herzegovina	1998 [BiH] / 2000 [Rep. Srp.] 2001 [Brcko District]
“the former Yugoslav Republic of Macedonia”	1996
Romania	1996
Albania	1995
Moldova	1995
Serbia	1994
Ireland	1993
Lithuania	1993
Russian Federation	1993
Estonia	1992
Latvia	1992
Ukraine	1991
Liechtenstein	1989
Portugal	1945 / 1983
The United Kingdom	1967 [England+Wales] / 1981 [Scotland] / 1982 [Northern Ireland]
Spain	1822 / 1979
Croatia	1977
Montenegro	1977
Slovenia	1977
Malta	1973
Norway	1972
Austria	1971
Finland	1971
Germany	1968 [DDR] / 1969 [BRD]
Bulgaria	1968
Hungary	1962
Czech Republic	1962
Slovak Republic	1962
Greece	1951
Sweden	1944
Switzerland	1942
Iceland	1940
Denmark	1933
Poland	1932
Italy	1810 / 1890
San Marino	1865
Turkey	1858
The Netherlands	1811
Belgium	1794
Luxembourg	1794
Monaco	1793
France	1791
Andorra	–

The legacy of criminalisation and medical classifications naturally do not account for a full explanation for the longstanding invisibility of LGBT persons and the lack of discussion on sexual orientation and gender identity discrimination. Other factors, discussed below, have also played a major role. Yet the criminalising and medical discourses have directly influenced perceptions on the states' human rights obligations to address the discrimination of LGBT persons and combat homophobia and transphobia.

1.3. Attitudes towards LGBT persons

Attitudes towards LGBT persons are not homogeneous across Europe or within the member states. They range from very negative to very positive. Their articulation may vary depending on a specific subject matter (access to marriage for same-sex couples) or political context (at election time defending the human rights of LGBT persons may not be considered attractive by some politicians). European and national public opinion surveys and research have measured the attitudes of the general population towards LGBT persons. These European studies include the Eurobarometer¹⁴ as well as the European Values Study¹⁵ and the European Social Survey.¹⁶ Such studies have focused on questions related to whether gay men and lesbian women should be free to live their life as they wish, how people feel about having a gay or lesbian neighbour or whether a gay or lesbian person should hold the highest political office in the country.

European studies

Some differences between European attitude studies exist relating to the geographical focus: not all surveys include all Council of Europe member states. Secondly, the use of different methodologies is common: normally the focus is on lesbian and gay persons only rather than on bisexual and transgender persons. This often makes the figures incomparable. However, some overall patterns can be identified in these studies. For example, regarding opinions on the statement: "Gay men and lesbians should be free to live their own life as they wish", respondents in Sweden, the Netherlands and Denmark register the lowest levels of disagreement with the statement (about 10% of respondents disagreeing).¹⁷ In the same survey, respondents in Ukraine, Romania, Turkey and the Russian Federation give the highest rates of disagreement (about 70% of respondents disagreeing with the statement).

14. European Commission, Special Eurobarometer 296, "Discrimination in the European Union: Perceptions, Experiences and Attitudes", 2008; European Commission, Special Eurobarometer 317, "Discrimination in the EU", 2009.

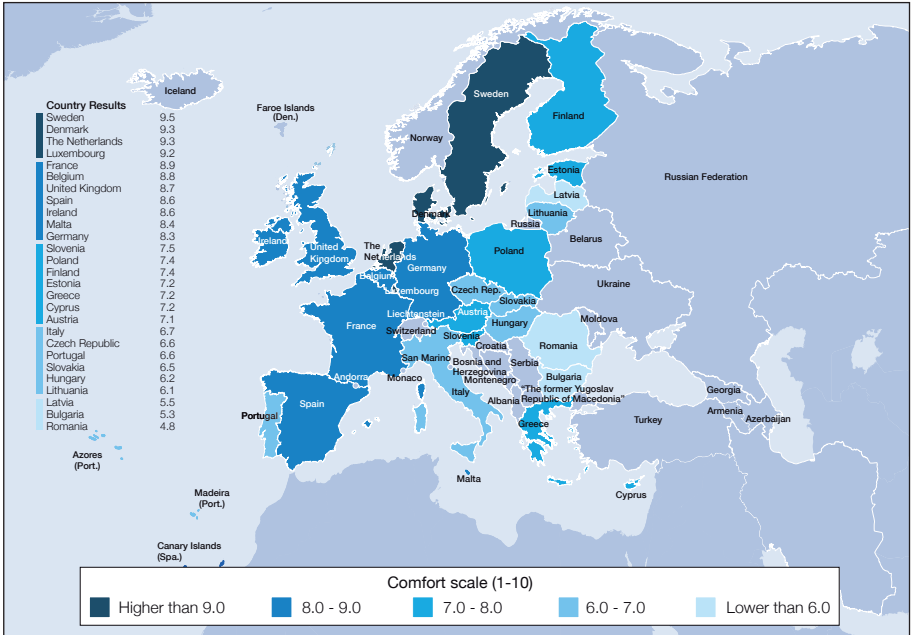
15. European Values Study, "How do Europeans think about life, family, work, religion, sex, politics, and society?".

16. European Social Survey, "Exploring Public Attitudes, Informing Public Policy. Selected Findings from the First Three Rounds", 2005.

17. European Social Survey, "Exploring Public Attitudes, Informing Public Policy. Selected Findings from the First Three Rounds", 2005, pp. 16-17.

Regarding opinions on the question “How would you personally feel about having a homosexual as a neighbour?” a 2008 report concluded that for the European Union member states “the average European is largely comfortable with the idea of having a homosexual person as a neighbour”.¹⁸ However, there are large differences between countries, with respondents in Sweden (9.5), the Netherlands and Denmark (9.3) being the most comfortable with this idea (see Map 1.1) on a 10-point “comfort scale”. Respondents in Romania (4.8), Bulgaria (5.3), Latvia (5.5) and Lithuania (6.1) are less comfortable. Other studies measuring attitudes and “social distance” found similar patterns.¹⁹

Map 1.1: “How would you personally feel about having a homosexual as a neighbour?”²⁰



As for the question whether a homosexual person should hold the highest political office in the country, it was found in 2008 that people in Sweden, Denmark and the Netherlands were the most positive while people in Bulgaria, Cyprus and Romania were the most negative.²¹ The question was repeated in 2009 and the most negative answers were found in Bulgaria, Romania and Turkey.²²

18. European Commission, Special Eurobarometer 296, “Discrimination in the European Union: Perceptions, Experiences and Attitudes”, 2008, p. 57.

19. European Commission, Special Eurobarometer 317, “Discrimination in the EU”, 2009; European Values Survey 1999/2000, pp. 85-91.

20. All maps in this report are for illustrative purposes only to indicate the countries covered by the report.

21. European Commission, Special Eurobarometer 296, “Discrimination in the European Union: Perceptions, Experiences and Attitudes”, 2008, p. 58.

22. European Commission, Special Eurobarometer 317, “Discrimination in the EU”, 2009, p. 91.

Analysing the socio-demographic and political profile of the respondents, the Eurobarometer found that men are usually more negative than women, older generations more negative than young, less-educated persons more negative than higher-educated, and persons with right-wing political views more negative than those with left-wing political views. A crucial factor contributing to more positive attitudes towards LGBT persons is to have them as friends or acquaintances. The Eurobarometer survey from 2008 shows a correlation between those respondents who have homosexual acquaintances themselves and a positive attitude towards having a homosexual person as a neighbour, or as a country leader.²³ The lowest proportion of people who state that they have homosexual acquaintances are found in Romania (3%), Latvia (6%) and Bulgaria (7%), whereas the highest proportion of people with homosexual acquaintances are found in the Netherlands (69%), Sweden (56%), Denmark, France and the United Kingdom (all 55%).

As the Eurobarometer concludes:

It is quite stunning how potent an influence diversity in one's social circle is upon attitudes to minorities. Being open-minded and having contact with minorities is the factor with the most positive influence on people's attitudes. When rating out of 10 how comfortable (with 10 being completely comfortable) they would feel with an LGBT person attaining the highest elected office in the land, those with LGBT friends gave an average rating of 8.5, while those without gave an average rating of 5.5 – a significantly lower rating. This sort of finding is now consistent across three waves of this Eurobarometer study and is, no doubt, going to continue being so.²⁴

This was also recognised by an expert in the Russian Federation: “Very few people in Russia have personal acquaintances with lesbian, gay or bisexual persons. Even fewer people know transgender persons, because it is a very new phenomenon in our society. People with personal relations with LGBT have a higher degree of tolerance.”²⁵

National surveys in Council of Europe member states

In many Council of Europe member states similar surveys have been conducted, again with different methodologies, focus and scope. Regarding survey results related to having a gay or lesbian neighbour, a Turkish survey from 2009²⁶ showed that 87% of the population did not want to have a gay or lesbian neighbour – the same figure is found in an Armenian survey from 2005.²⁷ A survey from Croatia in 2002 indicated that a little less than half of the people surveyed would not like a gay or lesbian person as a neighbour.²⁸

23. European Commission, Special Eurobarometer 296, “Discrimination in the European Union: Perceptions, Experiences and Attitudes”, 2008, Chapter 9, p. 53.

24. European Commission, Special Eurobarometer 317, “Discrimination in the EU”, 2009, p. 119.

25. National contribution (sociological report) on the Russian Federation, p. 7.

26. Esmer Y., “Radicalism and Extremism”, Bahcesehir University, 2009.

27. Carroll A. and Quinn S., “Forced out: LGBT people in Armenia”, ILGA-Europe/COC Netherlands, 2007, p. 34.

28. National contribution (sociological report) on Croatia, p. 5.

In 2007, in a survey held in “the former Yugoslav Republic of Macedonia”, 62% of those surveyed answered that it is “unacceptable to have neighbours who have sexual relations with people from the same sex”.²⁹

It should be kept in mind that the “neighbour” question is just one indicator of attitudes. Similar questions have been asked in relation to other contexts such as the workplace, education and personal acquaintances and friendships. A study in Cyprus, for example, found that respondents would be more uncomfortable with gay or lesbian persons teaching their child than if the person was a colleague or a neighbour.³⁰ In a study from Bosnia and Herzegovina, 71% of respondents believed that they would feel very uncomfortable in the company of a gay or lesbian person. Some 82% held negative opinions about gays and lesbians, although it is worth noting that the focus of the study was to register public opinions on homosexuality and prostitution.³¹ According to a Lithuanian study,³² 62% would not like to belong to any organisation with gay and lesbian members, 69% did not want gay or lesbian persons to work in schools and 50% objected to gay or lesbian persons working in the police force.

In Georgia 84% of respondents expressed negative attitudes towards homosexuality.³³ Significantly more positive figures are found in a survey from the Netherlands, according to which “the percentage of the population who can be characterised as ‘anti-gay’ fell from 15% in 2006 to 9% in 2009”.³⁴

Surveys related to transgender persons are rare. In only two member states did studies focus on attitudes towards transgender persons. A study in the United Kingdom concluded that discriminatory attitudes are particularly common in respect of transgender persons.³⁵ A study in Germany found that 45% agreed to the statement that they have no or little understanding of those who intend to or have changed their gender.³⁶

29. Coalition for Protection and Promotion of Sexual and Health Rights of Marginalised Communities, “Annual Report on sexual and health rights of marginalised communities”, 2009, p. 41.

30. Cyprus College Research Center, “Attitudes and Perceptions of the Public towards Homosexuality”, 2006.

31. Prism Research, “Researching Public Opinion about Homosexuality and Prostitution”, Sarajevo, 2005, cited in Durkovic S., “The Invisible Q?: Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina”, p. 19.

32. The Market and Opinion Research Centre Vilmarus Ltd, “Discrimination against Various Social Groups in Lithuania”, 2006, also quoted in: European Union Agency for Fundamental Human Rights, “Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the European Union Member States: Part II – The Social Situation”, 2009, p. 34.

33. Quinn S., “Forced Out: LGBT People in Georgia”, ILGA-Europe/COC Netherlands, 2007, p. 26.

34. Keuzenkamp S., “Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland”, Sociaal en Cultureel Planbureau, The Hague, 2010.

35. Bromley C., Curtice J. and Given L., “Attitudes to discrimination in Scotland: 2006, Scottish Social Attitudes Survey”, Scottish Government Social Research, Edinburgh, 2007, p. ix.

36. Federal Anti-Discrimination Agency, Benachteiligung von Trans Personen, insbesondere im Arbeitsleben, Berlin, 2010, p. 62.

1.4. Perceptions of the nation, religion and traditional values

Despite differences between member states in their populations' attitudes towards LGBT persons, there are similarities across member states as regards the perceptions underpinning such attitudes. The first set of perceptions relates to the nation, religion and traditional values on gender roles, sexuality and the family.

In some member states, being gay or lesbian is viewed as a “betrayal” of national values and unity. Such arguments may be grounded on a specific understanding of the nation or the state which aims to preserve the homogeneity of the nation. For example, an interlocutor from the authorities explained that in Armenia being homosexual is often seen as disloyal to the traditional values of the Armenian people.³⁷ In other countries, LGBT persons may also be seen as damaging the unity and moral order of the country. With reference to the organisation of an LGBT Pride parade in the Russian Federation, the Moscow Patriarchate was quoted as stating that it “infringes on our multi-ethnic nation’s moral norms, on public order, and in the long run – on people’s future. ... If people refuse to procreate, the nation degrades. So the gay propaganda ultimately aims at ruining our nation.”³⁸ In a study from Bosnia and Herzegovina 77% of respondents believed that accepting homosexuality would be detrimental for the country.³⁹ In a Serbian study, half of the respondents thought that homosexuality was dangerous to society, and that state institutions should work to prevent homosexuality.⁴⁰

In other member states certain political groups use the “national values” argument in the promotion of respect for LGBT persons as a marker of tolerance inherent in their national culture. They stress that their national culture is fundamentally different from the national cultures of immigrant communities. For example, in Denmark, Germany and the Netherlands attitudes of immigrant and in particular Muslim communities are portrayed by some political groups as anti-western.⁴¹ This has generated debates on what is termed “homo-nationalism” as pointed out by Judith Butler: “We all have noticed that gay, bisexual, lesbian, trans and queer people can be instrumentalised by those who want to wage wars, i.e. cultural wars against migrants by means of

37. National contribution (sociological report) on Armenia, p. 5.

38. Moscow Patriarchate Department of External Church Relations, quoted by Interfax, “Stop gay propaganda in Russia – Moscow Patriarchate”, 23 May 2007.

39. Prism Research, “Researching Public Opinion about Homosexuality and Prostitution”, Sarajevo, 2005, cited in Durkovic S., “The Invisible Q?: Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina”, p. 19.

40. Gay Straight Alliance, “Prejudices Exposed – Homophobia in Serbia”. Public opinion research report on LGBT population, 2008, research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID), February-March 2008, p. 5.

41. Drud-Jensen M. T. and Knudsen S. P., “Ondt i røven. Folk der har ondt i røven over bøsser – bøsser der har ondt i røven over folk”, Copenhagen: Høst & Søn, 2005; Simon B. (2007) *Einstellungen zur Homosexualität: Ausprägungen und sozialpsychologische Korrelate bei Jugendlichen mit und ohne Migrationshintergrund*, Christian-Albrechts-Universität, Kiel; Mepschen P. “Sex and the Other – Homosexuality and Islam in Dutch public discourse”, University of Amsterdam (Master’s thesis), 2008.

forced islamophobia. ... Currently, many European governments claim that our gay, lesbian, queer rights must be protected and we are made to believe that the new hatred of immigrants is necessary to protect us.”⁴² Ideas of the nation can thus be used to embrace LGBT persons or be used to dissociate them from others, be it the national majority or immigrant populations.

Second, negative attitudes towards LGBT persons are also shaped by religious beliefs, such as that LGBT persons are sinful and acting against religious teaching. Such arguments draw upon a particular interpretation of religion to support the view that LGBT persons are detrimental to religion or religious believers. This report found many examples of such statements by influential religious leaders, as well as opinion leaders. In 2010, before a debate in the Parliamentary Assembly of the Council of Europe on a report focusing on LGBT human rights, different religious communities in Georgia collaboratively protested about “abnormalities, such as homosexuality, bisexuality and other sexual perversions, that are considered not only by Christianity but also by all other traditional religions as the greatest sin, causing degeneration and physical and mental illnesses”.⁴³ However, while many religious leaders brand homosexuality as immoral and issue warnings of a demographic threat, others, like Archbishop Desmond Tutu, have highlighted that combating discrimination against LGBT persons is a matter of ordinary justice: “We struggled against apartheid in South Africa because we were being blamed and made to suffer for something we could do nothing about. It is the same with homosexuality.”⁴⁴

Third, traditional values can relate to notions of gender and the family: LGBT persons are then seen as transgressing the normative perceptions and boundaries of what it entails to be a “man” or a “woman”. This is considered to be provocative and unacceptable. Various stakeholders from, among others, Albania, Italy, Georgia, Greece, Montenegro and Ukraine pointed out that in their societies patriarchal values, including concepts about masculinity and femininity, were strong.⁴⁵ Transgender persons are particularly affected by such values, in the sense that transgender persons are not always identifiable as either male or female. They face negative attitudes, ridicule and outright rejection in public. Traditional notions of gender can also relate to the concept of the family in the sense that LGBT persons are perceived as a threat to heterosexual families.

42. Butler J., “I must Distance Myself From This Complicity with Racism”, Civil Courage Refusal Speech, Christopher Street Day, Berlin, 19 June 2010. Speech made by the author when she refused to accept a Civil Courage Prize.

43. Joint written statement by the Patriarch of the Georgian Orthodox Church, the Ambassador Extraordinary and Plenipotentiary of the Holy See to Georgia, Head of the Georgian Eparchy of the Armenian Apostolic Church, Acting Chief Rabbi of Georgia and the Plenipotentiary Representative of the Caucasian Muslims’ Organisation in Georgia, 29 January 2010.

44. Baird V., Tutu D. and Perry G., *Sex, Love and Homophobia*, Amnesty International, 2004.

45. National contribution (sociological report) on Georgia, p. 5; National contribution (sociological report) on Montenegro, p. 5; “Ukrainian Homosexuals and Society: A Reciprocity – Review of the situation: society, authorities and politicians, mass-media, legal issues, gay-community”, Kiev, 2007, p. 67.

1.5. Perceptions of LGBT persons' visibility and use of public space

Another set of perceptions relate to notions of what constitutes the private and the public space. Acts perceived as uneventful and unassuming for heterosexual couples (for example, holding hands, kissing or talking about their private life) may often be perceived as provocative and offensive when done by LGBT persons. Some representatives of national human rights structures in member states lent a degree of understanding to such attitudes by expressing views that there should not necessarily be public venues, such as clubs and bars, for LGBT persons, or that resistance against public LGBT manifestations was understandable because they were merely displays of sexual, intimate or private matters.⁴⁶ A Lithuanian Member of Parliament has also stated: "I am not against gays, but I wish they would not demonstrate their views."⁴⁷

Several surveys show that people believe that LGBT persons should not be visible in public, but rather be discreet or confine themselves to the private sphere. For example, according to a study from the Netherlands, 40% of the population find it objectionable if two men kiss in public and 27% feel the same if two women kiss each other. People are much less troubled by a heterosexual couple kissing in public, with 13% taking exception to this. One in three people in the Netherlands find it less problematic if a man and a woman walk hand in hand compared with when two men do the same.⁴⁸ A study in Germany shows similar results.⁴⁹

Where LGB persons may have the possibility to choose to be invisible, transgender persons may have the opposite problem. Owing to often long gender reassignment treatment, transgender persons may fall out of the normative perception of what "men" and "women" should look like, which may lead to ridicule and rejection in public. This may also happen during simple everyday occurrences such as not being addressed with the right personal pronoun in shops or banks or when transgender persons use the toilet which fits their gender identity. The lack of positive role models of transgender persons in society further increases the negative attitudes towards this group.

Harsh reactions against LGBT persons are not least seen in relation to the public presence of LGBT persons, for example during Pride parades. Fierce reactions against public LGBT demonstrations in many member states show that homophobic and transphobic expressions are particularly accentuated when LGBT persons are visible in public – either as individuals or as

46. National contribution (sociological report) on Azerbaijan, p. 7; National contribution (sociological report) on Ukraine, p. 6.

47. Lithuanian tabloid *LT* (13 February 2007) quoted in Terškinas A., "Not Private Enough? Homophobic and Injurious Speech in the Lithuanian Media", LGL, Vilnius, 2008, p. 10.

48. Keuzenkamp S., "Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland", Sociaal en Cultureel Planbureau, The Hague, 2010, pp. 355-56.

49. Institut für interdisziplinäre Konflikt und Gewaltforschung, "Indikatoren des Syndroms Gruppenbezogene Menschenfeindlichkeit im Vergleich", 2006, p. 17.

groups claiming their right to freedom of assembly. The visibility of LGBT persons and the public character of such events appear to increase the level of general reactions and expression of attitudes in both negative and positive terms.

1.6. Media

The media have a significant influence on, and to some extent mirror, public opinion and attitudes in society. In a majority of member states, among others in the United Kingdom, Denmark, Luxembourg, Portugal and Germany, reports from LGBT organisations and surveys⁵⁰ show that LGBT issues lack presence in the media and that the media, to varying degrees, simplify, sensationalise and stereotype LGBT persons and the issues crucial for them. A Slovenian study⁵¹ carried out a comprehensive analysis of the Slovenian print media from 1970 to 2000, in which five dominant categories of LGB images were identified:

- stereotyping – relying on rigid gender schemes presenting gay men as effeminate and lesbian women as masculine;
- medicalisation – consigning homosexuality to the medical and psychiatric spheres and searching for causes;
- sexualisation – reducing homosexuality to a question of sex;
- secrecy – making homosexuality appear as concealed and related to shame and regret;
- normalisation – making homosexuals appear as heterosexuals in order to make homosexuality less threatening and politicised.

A study in the United Kingdom called negative and inaccurate representations of transgender persons “an endemic problem, leading to considerable suffering on the part of transgender persons”.⁵² It also suggested that such representations inspired at least some verbal and physical abuse against transgender persons. Transgender persons face the problem of “medicalisation of identity” and the medical labels applied to them, not only by the medical profession and public officials but also by society at large. A study from

50. Stonewall, “Written Out: The Scottish Press’ Portrayal of Lesbian, Gay, Bisexual and Transgender People”, Scotland, 2007; FRA national contribution (sociological report) on Luxembourg, p. 8; FRA national contribution (sociological report) on Denmark, p. 10; FRA national contribution (sociological report) on Portugal, pp. 8-9; Walters S. D., “Take my Domestic Partner, Please: Gays and Marriage in the Era of the Visible”, 2001, in Bernstein M. and Reimann R. (eds), *Queer families, Queer Politics: Challenging Culture and the State*, Columbia UP, New York, pp. 338-57.

51. Kuhar R., *Media Representations of Homosexuality: An Analysis of the Print Media in Slovenia, 1970-2000*, Mediawatch: Ljubljana, 2003, p. 7, also quoted in European Union Agency for Fundamental Human Rights, “Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the European Union Member States: Part II – The Social Situation”, 2009, p. 92.

52. Trans Media Watch, “How Transgender People Experience the Media. Conclusions from Research November 2009-February 2010”, 2010, p. 11.

Belgium⁵³ found hardly any media focus on transgender issues apart from a sensationalist or medical perspective. Evidence showing that lesbian, bisexual and transgender persons are more invisible than gay men in the media has been reported in many member states, including Austria, the Czech Republic, Portugal, Slovenia, Sweden and the United Kingdom.⁵⁴

A particular problem is homophobic and transphobic discourse in the media. This has been identified as a problem in many member states, including in Bosnia and Herzegovina, Italy, Poland and Latvia.⁵⁵ Incidents have been reported in studies from Lithuania, Germany, Scotland (United Kingdom) and “the former Yugoslav Republic of Macedonia”. Some studies, such as one in Bosnia and Herzegovina, go as far as to conclude that the media are perceived “as the most public promoter of homophobia, also by using language of hate”.⁵⁶ The media as an active player in the creation of negative perceptions of LGBT people was also found in an analysis of the Russian media.⁵⁷

On the positive side, some studies demonstrate that there is an increased presence and a more nuanced presentation of LGBT persons in the media in some member states. A study in the Czech Republic found that “while in the first half of the 1990s negative stereotyping, sexualisation and comedic or criminal contexts were dominant factors in LGBT representation”, coverage of LGBT persons in the media increasingly improved afterwards.⁵⁸ A study on media representations of LGBT persons in “the former Yugoslav Republic of Macedonia” also found that even though the media still, to some extent, portray LGBT persons in an excessively sexualised manner, the situation has changed drastically in the period 2000-2009, influenced by the emergence of new media and LGBT activism.⁵⁹ In a Spanish⁶⁰ study some objective and balanced coverage of LGBT topics in the media has been reported. In Lithuania, a LGBT organisation worked closely with the media to provide

53. FRA national contribution (sociological report) on Belgium, p. 9.

54. FRA national contribution (sociological report) on Czech Republic, p. 9; FRA national contribution (sociological report) on Austria, p. 9; FRA national contribution (sociological report) on Portugal, pp. 8-9; FRA national contribution (sociological report) on Slovenia, p. 9; FRA national contribution (sociological report) on Sweden, p. 10; FRA national contribution (sociological report) on the United Kingdom, p. 11.

55. National contribution (sociological report) on Bosnia and Herzegovina, pp. 12-13; FRA national contribution (sociological report) on Latvia, p. 12; FRA national contribution (sociological report) on Poland, p. 10; FRA national contribution (sociological report) on Italy, p. 11.

56. Organization Q, “The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina”, Sarajevo, 2008, p. 50.

57. Moscow Helsinki Group, “Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation”, 2009, pp. 52-57.

58. Working Group on the Issues of Sexual Minorities of the Minister for Human Rights and National Minorities, “Analysis of the Situation of the Lesbian, Gay, Bisexual and Transgender Minority in the Czech Republic”, Government of Czech Republic, 2007, pp. 49-51, also quoted in European Union Agency for Fundamental Human Rights, “Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the European Union Member States: Part II – The Social Situation”, 2009, p. 93.

59. Dimitrov S., “Sexualities in Transition: Discourses, Power and Sexual Minorities in Transitional Macedonia”, Euro-Balkan – Institute for Humanities and Social Science research, Skopje, 2009, p. 88.

60. FRA national contribution (sociological report) on Spain, p. 9.

journalists with training and tools to improve reporting on LGBT issues.⁶¹ Some improved media coverage on LGBT issues has also been reported by NGOs in Albania, Croatia, Moldova, Montenegro, Serbia and Turkey though serious problems remain.

The presence of positive role models in the media was highlighted by many interlocutors as being of paramount importance for the visibility of LGBT persons. Role models could include openly LGBT artists, opinion leaders, sportspersons or politicians. Other good practices can also be reported in this field. In 2005 in the Russian Federation, the Institute of Press Development organised two educational seminars for journalists in St Petersburg. The seminars served the purpose of dismantling myths and stereotypes about LGBT persons, and they allowed journalists to ask questions to representatives of the LGBT community.⁶² NGOs in other member states have also conducted such workshops for journalists. Another good practice is reported about the broadcaster Channel 4 in the United Kingdom which actively monitors how the channel portrays ethnic minority groups, gays and lesbians, people with disabilities, and other groups. For that purpose, it conducts ongoing audience reputation tracking surveys and commissioned a study in 2009 on viewers' perceptions of the representation and portrayal of lesbian women and gay men.⁶³

61. Lithuanian Gay League, "A Media for Diversity: LGBT in the News – A Guide for Better Reporting".

62. Sabynaeva M., "Lesbians, Gays, Journalists: In Search for Mutual Understanding", November 2005.

63. Channel Four Television Corporation, "Report and Financial Statements 2009", 2010, p. 50.

2. Legal standards and their implementation

2.1. Introduction

In debates on the human rights of LGBT persons it is sometimes assumed that the protection of the human rights of lesbian, gay, bisexual and transgender people amounts to introducing new rights or “special” rights. This line of thinking is misleading, as international human rights law clearly recognises that all human beings, irrespective of their sexual orientation or gender identity, are entitled to all rights and freedoms deriving from the inherent dignity of the human person without discrimination. Legislative and judicial developments in the last decades have led to the consistent interpretation that sexual orientation and gender identity are recognised as prohibited grounds of discrimination under major human rights treaties and conventions, including the UN International Covenants and the European Convention on Human Rights. This chapter outlines the agreed universal standards from the perspective of non-discrimination followed by a summary of the relevant national legal frameworks. The implementation of the legal standards by national structures for promoting equality and the means of national policy initiatives is also highlighted.

2.2. International and European standards

UN instruments

The principles of equality in dignity and rights and non-discrimination are fundamental elements of international human rights law. These principles are enshrined in the Universal Declaration of Human Rights and reiterated as legally binding obligations in the UN International Covenants. Thus, Article 2(1) of the International Covenant of Civil and Political Rights (ICCPR) and Article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) oblige states to ensure the enjoyment of human rights without any discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The principle of non-discrimination before the law is laid down in Article 26 of the ICCPR and prohibits discrimination on the same grounds listed in Article 2(1) of the ICCPR.

Although sexual orientation and gender identity are not expressly mentioned as prohibited grounds of discrimination, the respective treaty bodies have interpreted the covenants in their case law⁶⁴ or in a general comment as including sexual orientation and gender identity within the scope of the open-ended lists of grounds. Indeed, in its General Comment No. 20, the UN

64. UN Human Rights Committee, *Toonen v. Australia*, Communication No. 488/1992 30, March 1994, CCPR/C/50/D/488/1992, paragraph 8.7; UN Human Rights Committee, *Young v. Australia*, Communication No. 941/2000, 6 August 2003, CCPR/C/78/D/941/2000; UN Human Rights Committee, *X v. Colombia*, Communication No. 1361/2005, 14 May 2007, CCPR/C/89/D/1361/2005.

Committee on Economic, Social and Cultural Rights explains that the “States Parties should ensure that a person’s sexual orientation is not a barrier to realising Covenant rights, for example, in accessing survivor’s pension rights. In addition, gender identity is recognised as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace.”⁶⁵

The principle of non-discrimination is also part of more specialised UN human rights conventions. The UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW) contains a non-discrimination clause⁶⁶ and the Committee on the Elimination of Discrimination Against Women has clarified in a general recommendation that “discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. ... States Parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned.”⁶⁷ Similarly, Article 2 of the UN Convention on the Rights of the Child (CRC) constitutes a general non-discrimination provision for the enjoyment of the rights protected under the convention. In a general comment, the Committee on the Rights of the Child referred specifically to sexual orientation as a prohibited ground of discrimination, albeit not gender identity.⁶⁸

Several UN special rapporteurs have applied the international standards in raising serious human rights concerns about the treatment of LGBT persons. They include the Special Rapporteur on the Right to Freedom of Opinion and Expression,⁶⁹ the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health,⁷⁰ the Special Rapporteur on the Right to Education,⁷¹ the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living⁷²

65. UN Committee on Economic, Social and Cultural Rights, General Comment No. 20 on Non-Discrimination in relation to Economic, Social and Cultural Rights, 2009, paragraph 32.

66. Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 2.

67. General Recommendation No. 28 on the core obligations of states parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/2010/47/GC.2, paragraph 18.

68. UN Committee on the Rights of the Child, General Comment No. 4, 2003, paragraph 6.

69. United Nations, “Report of the Special Rapporteur on the Right to Freedom of Opinion and Expression, Ambeyi Ligabo, Addendum: Mission to Columbia”, E/CN.4/2005/64/Add.3 of 26 November 2004, paragraph 75.

70. United Nations, “The Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health – Report of the Special Rapporteur, Paul Hunt”, E/CN.4/2004/49, paragraph 24; Human Rights Council, “Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Anand Grover”, A/HRC/14/20, paragraph 9, 27 April 2010.

71. United Nations, Commission on Human Rights, “Economic, Social and Cultural Rights, Girls’ Right to Education, Report Submitted by the Special Rapporteur on the Right to Education, Mr V. Muñoz Villalobos”, 8 February 2006, paragraph 113; United Nations, “Report of the United Nations Special Rapporteur on the Right to Education”, A/65/162, 23 July 2010, paragraph 23.

72. UN Economic and Social Council, “Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari”, E/CN.4/2004/48, 8 March 2004, paragraph 49.

and the Special Rapporteur on the Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁷³

Council of Europe instruments

All member states of the Council of Europe are parties to the European Convention on Human Rights. The Convention provides an open-ended list of grounds in Article 14 on the prohibition of discrimination, which are repeated in Protocol No. 12 to the Convention on the general prohibition of discrimination. The Protocol has a wider scope of application than Article 14 since its scope of application is not limited to the rights and freedoms set out in the Convention itself. Neither Article 14 nor the Protocol specifically mentions sexual orientation or gender identity as prohibited discrimination grounds but the commentary on the provisions of the said Protocol stipulates that the list of non-discrimination grounds is not exhaustive.⁷⁴

The European Court of Human Rights confirmed in 1999 that sexual orientation is a discrimination ground covered by Article 14 of the Convention.⁷⁵ Similarly, in 2010, the Court explicitly mentioned transsexuality⁷⁶ – albeit not gender identity – as a prohibited ground of discrimination under Article 14 of the Convention although this could have been adduced from its earlier rulings as well.⁷⁷ The Court has issued several landmark judgments on alleged discrimination on grounds of sexual orientation in which Article 14 has been invoked in conjunction with substantive articles of the Convention, in particular Article 8 on the right to respect for private and family life. In these cases, the Court has severely limited the margin of appreciation of states stressing that differences in treatment related to this ground require particularly weighty reasons to be legitimate under the Convention.⁷⁸

The principle of non-discrimination can also be found in more specialised Council of Europe conventions. On 7 April 2011, the Committee of Ministers adopted the Convention on preventing and combating

73. “Report of the United Nations Special Rapporteur on the Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, UN Doc. A/56/156, 3 July 2001, paragraph 22; UN General Assembly, UN Doc. A/59/324, 1 September 2004, paragraph 39.

74. Explanatory report to Protocol No. 12 to the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, which entered into force on 1 April 2005, ETS No. 177.

75. See European Court of Human Rights, *Mouta v. Portugal*, Application No. 33290/96, judgment of 21 December 1999. However, as early as 1981 the Court had found in *Dudgeon v. United Kingdom*, Application No. 7525/76, that discrimination in the criminal law regarding consenting relations between same-sex adults in private was contrary to the right to respect for private life in Article 8 ECHR.

76. European Court of Human Rights, *P.V. v. Spain*, Application No. 35159/09, judgment of 30 November 2010, paragraph 30. In the specific case no violation of the provision was found. Judgment not final.

77. See for example European Court of Human Rights, *Christine Goodwin v. United Kingdom*, Application No. 28957/95, judgment of 11 July 2002.

78. European Court of Human Rights, *Karner v. Austria*, Application No. 40016/98, judgment of 24 July 2003, paragraph 37, *E. B. v. France*, Application No. 43546/02, judgment of 22 January 2008, paragraph 91 and *Schalk and Kopf v. Austria*, Application No. 30141/04, judgment of 24 June 2010, paragraph 97.

violence against women and domestic violence.⁷⁹ This convention is the first legally binding instrument in the world creating a comprehensive legal framework to prevent violence and to protect victims. The non-discrimination article of the convention includes the grounds of sexual orientation and gender identity thereby making it the first international treaty to include explicitly both sexual orientation and gender identity as prohibited grounds of discrimination.

Another binding Council of Europe instrument, the revised European Social Charter, includes an open-ended non-discrimination provision in Article E with reference to the enjoyment of the rights set out in the charter. Although sexual orientation and gender identity are not directly mentioned among the prohibited grounds of discrimination, in 2009, the European Committee of Social Rights affirmed that “educational materials [should] not reinforce demeaning stereotypes and perpetuate forms of prejudice which contribute to the social exclusion, embedded discrimination and denial of human dignity often experienced by historically marginalised groups such as persons of non-heterosexual orientation”.⁸⁰

In 2010, the Council of Europe Committee of Ministers adopted a Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity.⁸¹ The recommendation invites the member states to ensure that the stipulated principles and measures are applied in national legislation, policies and practices relevant to the protection of the human rights of LGBT persons. The recommendation covers a wide range of areas including hate crime, freedoms of association, expression and peaceful assembly, respect for family life and private life, employment, education, health, housing, sports, asylum, national human rights structures and discrimination on multiple grounds. While it is not a legally binding instrument, all Council of Europe member states should implement this recommendation. The Parliamentary Assembly of the Council of Europe also adopted resolutions and recommendations on the subject.⁸²

79. The convention was opened for signature in Istanbul on 11 May 2011 (CETS No. 210).

80. See European Committee of Social Rights, *International Centre for the Legal Protection of Human Rights (Interights) v. Croatia* – Collective Complaint No. 45/2007, decision of 30 March 2009, paragraphs 60–61.

81. See Committee of Ministers Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity – Explanatory Memorandum to the Recommendation, CM(2010)4 add3 rev2E, 29 March 2010.

82. Recommendation 1915 (2010) of the Parliamentary Assembly on Discrimination on the basis of sexual orientation and gender identity; Resolution 1728 (2010) of the Parliamentary Assembly on Discrimination on the basis of sexual orientation and gender identity; Recommendation 1635 (2003) of the Parliamentary Assembly on Lesbians and gays in sport; Recommendation 1474 (2000) of the Parliamentary Assembly on situation of lesbians and gays in Council of Europe member states; Recommendation 1470 (2000) of the Parliamentary Assembly on Situation of gays and lesbians and their partners in respect of asylum and immigration in the member states of the Council of Europe; Recommendation 1117 (1989) of the Parliamentary Assembly on the condition of transsexuals; Recommendation 924 (1981) of the Parliamentary Assembly on Discrimination against homosexuals; Resolution 756 (1981) of the Parliamentary Assembly on discrimination against homosexuals.

European Union instruments

Currently, 27 member states of the Council of Europe are also members of the European Union. The general principle of equal treatment between men and women was introduced into European Union law in 1957 by the Treaty Establishing the European Economic Community (the Treaty of Rome). The Treaty of Amsterdam (1997) and the Treaty of Lisbon (2007) further strengthened the equal treatment principle by allowing European Union measures to combat discrimination on several grounds, including sexual orientation albeit not gender identity. The Treaty on European Union (TEU) as modified by the Lisbon Treaty affirms the centrality of “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”⁸³ as a fundamental principle of the Union. These values are also deemed essential for a society in which non-discrimination prevails. Accordingly, the Lisbon Treaty renders the principle of non-discrimination into a horizontal clause which should apply in the implementation of the entire text of the treaty.

The Charter of Fundamental Rights of the European Union includes a general non-discrimination provision in Article 21.1 of the charter that also mentions sexual orientation among the prohibited grounds of discrimination.⁸⁴ Gender identity is not explicitly mentioned but since the list of grounds is not exhaustive it is open for the inclusion of other grounds that give rise to differential treatment. Moreover, the scope of the ground of “sex” in the Charter of Fundamental Rights should be applied in conformity with the jurisprudence of the Court of Justice of the European Union on that ground.

The European Union has also introduced specific equal treatment directives. Currently, combating discrimination on grounds of sexual orientation under European Union law is limited to the field of employment only.⁸⁵ The question of extending the material scope of the principle of equal treatment between persons irrespective of sexual orientation beyond employment is being examined by the Council of the European Union with reference to a Commission proposal for a so-called “horizontal” equal treatment directive.⁸⁶

Gender identity is not explicitly recognised as a prohibited ground of discrimination in the European Union directives. However, the Court of Justice of the European Union has applied the ground of sex to extend equal treatment guarantees to cover, at least partially, the discrimination experienced

83. European Union, Consolidated Version of the Treaty on European Union, OJ C115/13, Article 2, 9 May 2008.

84. Charter of Fundamental Rights of the European Union, adopted in 2000, OJ C 83/02, 30 March 2010.

85. European Union, Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation, 2000, OJ 2000 L 303. See also Court of Justice of the European Union, C-267/06, *Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen Vd dB*, judgment of 1 April 2008, paragraph 65, ECR I-1757.

86. European Union, Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM/2008/0426 final – 2008/0140 (CNS), 2 July 2008.

by transgender persons. In the case of *P. v. S. and Cornwall County Council* from 1996, the Court of Justice stated that the principle of equal treatment “must extend to discrimination arising from gender reassignment, which is based, essentially if not exclusively, on the sex of the person concerned, since to dismiss a person on the ground that he or she intends to undergo, or has undergone, gender reassignment is to treat him or her unfavourably by comparison with persons of the sex to which he or she was deemed to belong before that operation”.⁸⁷ This was confirmed by two other decisions of the Court of Justice.⁸⁸ In line with this jurisprudence, the Council of the European Union has stated that discrimination arising from gender reassignment is also protected under the scope of the European Union Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services.⁸⁹ The Gender Recast Directive of 2006 became the first European Union Directive which also refers to persons intending to undergo or having undergone gender reassignment.⁹⁰

Whereas European Union law thus protects this segment of the transgender community under the ground of “sex”, European Union law does not explicitly cover the right to equal treatment of transgender people who have not undergone and do not intend to undergo gender reassignment surgery. In June 2010, the European Parliament called upon the European Commission to ensure that future European Union gender equality initiatives address this gap.⁹¹ The European Commission has decided to examine “specific issues pertaining to sex discrimination in relation to gender identity” in the framework of the European Union’s Strategy for equality between women and men 2010-2015.⁹²

Yogyakarta Principles

The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, adopted in 2006 by a group of human rights experts, promote the implementation of already existing obligations under international human rights law in relation to LGBT persons. As such, they propose baseline standards for the protection and

87. Court of Justice of the European Union, C-13/94, *P. v. S. and Cornwall County Council*, judgment of 30 April 1996, paragraphs 21-22.

88. Court of Justice of the European Union, C-117/01, *K.B. v. National Health Service Pensions Agency, Secretary of State for Health*, judgment of 7 January 2004, C-423/04, *Sarah Margaret Richards v. Secretary of State for Work and Pensions*, judgment of 27 April 2006.

89. 2606th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumers Affairs) held in Luxembourg on 4 October 2004, Minutes, Doc. No. 13369/04 of 27 October 2004, p. 7.

90. European Union, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) OJ L 204, 26 June 2006 pp. 23-36. Recital No. 3.

91. European Parliament Resolution of 17 June 2010 on assessment of the results of the 2006-2010 Roadmap for Equality between women and men, and forward-looking recommendations.

92. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Strategy for equality between women and men 2010-2015, paragraph 6.2.

promotion of the full enjoyment of all human rights irrespective of sexual orientation and gender identity. Several states, including the Czech Republic, Denmark, Finland, Iceland, Norway, Sweden and Switzerland, have endorsed the Principles or referred to them in their statements at the United Nations Human Rights Council. Other countries endorsed the principles at the executive level (Germany, the Netherlands, Spain and the United Kingdom) or the legislative level (Belgium).⁹³

2.3. National standards

Non-discrimination legislation at the national level has developed at great speed during recent decades. Most member states of the Council of Europe have now adopted non-discrimination legislation. In some countries this is a recent phenomenon while in others national non-discrimination legislation has already been subject to frequent amendments and improvements.

A great number of member states have chosen to introduce a comprehensive prohibition against discrimination. Comprehensive non-discrimination legislation refers to non-discrimination legislation which covers several grounds of discrimination (for example sex or gender, race, religion or belief, age, disability, sexual orientation, gender identity or other status) and provides protection against discrimination on these grounds in several different fields (for example employment, access to goods and services, education, social security and health care). For the purposes of this chapter, national non-discrimination legislation is described as comprehensive when more grounds than sex and race are covered and when the material scope is extended beyond the fields of employment and access to goods and services. Comprehensive non-discrimination legislation can be distinguished from non-discrimination legislation which is specific to a particular field, such as non-discrimination legislation which only applies in the field of employment. This will be referred to in this chapter as sectoral non-discrimination legislation. Third, specialised legislation in different fields may also include non-discrimination provisions, although such legislation does not directly amount to non-discrimination legislation.

Comprehensive non-discrimination legislation

Twenty member states have enacted comprehensive non-discrimination legislation which explicitly includes sexual orientation among the prohibited grounds of discrimination. This is the case in Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Germany, Hungary, Iceland, Ireland, Montenegro, the Netherlands, Norway, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

93. Eitelbrick P. L. and Zerán A. T., *The Impact of the Yogyakarta Principles on International Human Rights Law Development. A Study of November 2007 – June 2010*, Final Report, 2010, p. 12.

Nine member states (Albania, Croatia, the Czech Republic, Germany, Hungary, Montenegro, Serbia, Sweden and the United Kingdom) have included gender identity explicitly in comprehensive non-discrimination legislation. However, no standard wording is currently followed to cover gender identity in these member states, which may imply significant differences as to the legal scope of these terms.⁹⁴ At least 11 member states treat discrimination on grounds of gender identity or gender reassignment as a form of sex or gender discrimination in comprehensive non-discrimination legislation (Andorra, Austria, Belgium, Denmark, Finland, France, Ireland, the Netherlands, Norway, Slovakia and Switzerland), while Sweden⁹⁵ has chosen a multiple formulation to describe the applicable ground. In the remaining 27 member states the situation regarding coverage of transgender persons under comprehensive non-discrimination legislation is unclear. These 27 member states include many European Union member states which, under European Union law, should provide protection against discrimination in the fields of employment and access to and supply of goods and services to a person who intends to undergo or has undergone gender reassignment as a form of sex or gender discrimination. However, the FRA has pointed out that the Gender Recast Directive has not yet led to a clear picture regarding the explicit coverage of transgender persons within the realm of non-discrimination legislation in these European Union member states.⁹⁶

Finally, it should be noted that in member states where sexual orientation or gender identity are not explicitly mentioned as prohibited grounds in comprehensive non-discrimination legislation, these grounds may still be covered under “other status” (non-exhaustive list of grounds), possibly explicitly recognised through case law. However, in many other countries this is not clear because case law on discrimination on grounds of sexual orientation and gender identity is scarce.

Sectoral non-discrimination legislation

Several member states which have not enacted comprehensive non-discrimination legislation which prohibits discrimination on the grounds of sexual orientation have enacted sectoral non-discrimination legislation which provides protection on the ground of sexual orientation in the fields of employment and/or access to goods and services. Sexual orientation is an

94. Instead of “gender identity” the legislation in these nine member states may refer to “gender expression”, “gender identification”, “transgender identity”, “gender change”, “gender reassignment” or “sexual identity”. In Spain, the Constitutional Court established that gender identity is to be read in among the prohibited grounds of discrimination. See European Union Agency for Fundamental Rights, “Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity: 2010 Update – Comparative Legal Analysis”, Vienna, 2010, pp. 21-23.

95. Legislation in Sweden prohibits discrimination on grounds of “transgender identity and expression” and also recognises discrimination of transsexual persons under the ground of “sex”.

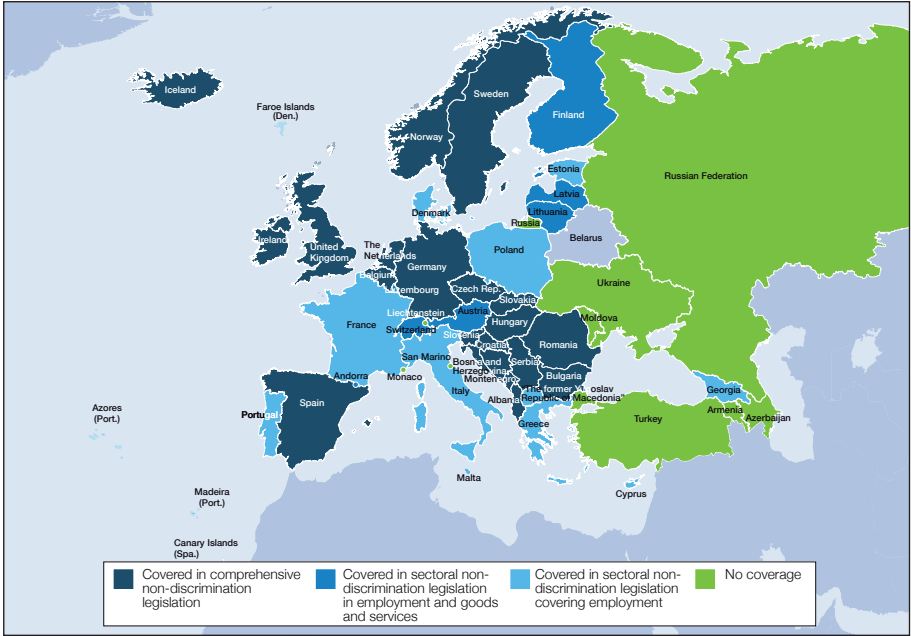
96. European Union Agency for Fundamental Rights, “Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. 2010 Update-Comparative Legal Analysis”, 2010, pp. 21-22.

explicitly prohibited ground of discrimination in sectoral non-discrimination legislation in the fields of employment and access to goods and services in seven member states (Andorra, Austria, Finland, Latvia, Lithuania, Luxembourg and Switzerland). Sexual orientation is an explicitly prohibited ground of discrimination in sectoral non-discrimination legislation in the area of employment, but not with respect to access to goods and services, in 11 member states: Cyprus, Denmark, Estonia, France, Georgia, Greece, Italy, Malta, Poland, Portugal and “the former Yugoslav Republic of Macedonia”.⁹⁷

The total number of member states which include sexual orientation either under comprehensive or sectoral non-discrimination legislation is thus 38 (see Map 2.1). Nine member states (Armenia, Azerbaijan, Liechtenstein, Moldova, Monaco, Russian Federation, San Marino, Turkey and Ukraine) have neither sectoral nor comprehensive non-discrimination legislation covering sexual orientation.

Although gender identity or gender reassignment does not appear to be expressly mentioned in sectoral non-discrimination legislation in member states, this ground may still be covered under “other status” (non-exhaustive list of grounds) or under the “sex” or “gender” ground.

Map 2.1: Non-discrimination legislation covering sexual orientation



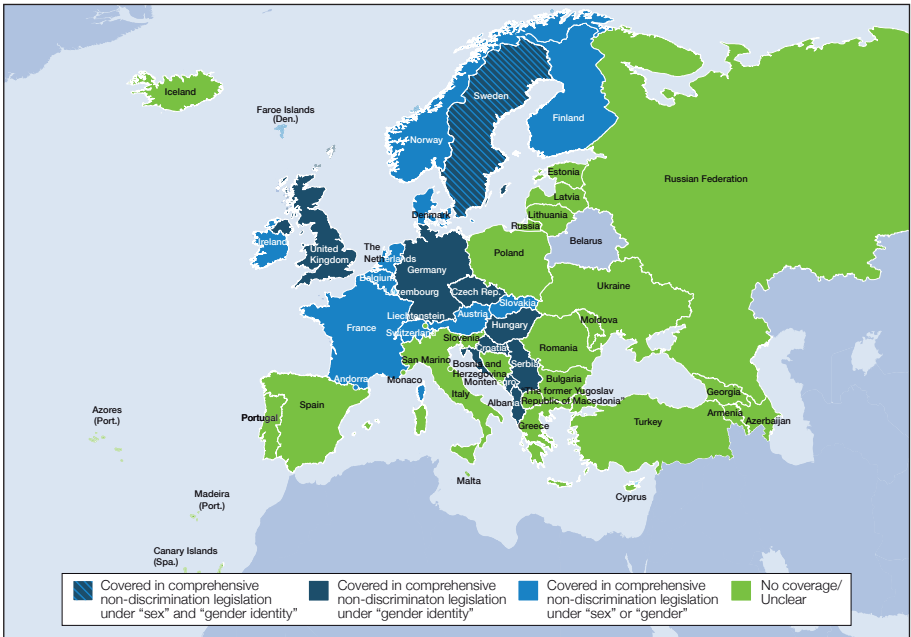
97. Portugal explicitly mentions sexual orientation as a prohibited ground of discrimination in the constitution, Article 13.2.

In at least 20 member states comprehensive or sectoral non-discrimination legislation thus covers transgender persons either on the ground of “sex” or on the ground of “gender identity” albeit in no standard wording (see Map 2.2). For the remaining member states the non-discrimination legislation or its implementation is unclear on this point.

Specialised legislation with a non-discrimination provision

Finally, several member states have specialised legislation in different fields, which includes non-discrimination provisions prohibiting discrimination on the ground of sexual orientation or gender identity. By way of example, in Georgia, the Law on the Rights of the Patient (Article 6) as well as the Law on the Protection of Health (Article 6) explicitly prohibit discrimination due to sexual orientation.⁹⁸ In addition to the comprehensive Anti-Discrimination Law, adopted in March 2009, the Serbian Parliament has adopted four laws which specifically ban discrimination based on sexual orientation: the Labour Law, the Law on Higher Education, the Law on Public Information and the Law on Broadcasting.⁹⁹ Norway has several specific acts in the field of housing: the Tenancy Act, the Housing Association Act, and the Residential Building Association Act all prohibit discrimination on the basis of sexual orientation and gender when renting out or selling residences.¹⁰⁰

Map 2.2: Non-discrimination legislation covering transgender persons



98. National contribution (legal report) on Georgia, p. 5.

99. National contribution (legal report) on Serbia, p. 3.

100. National contribution (legal report) on Norway, p. 4.

Data on cases of discrimination on grounds of sexual orientation or gender identity

Despite the adoption of non-discrimination legislation in many Council of Europe member states, it has been difficult to identify comprehensive data on the application of such laws. This report identified a number of court cases related to alleged discrimination of LGBT persons either under non-discrimination legislation or other legal provisions as well as complaints submitted to national structures promoting equality. Such information on sexual orientation or gender identity discrimination has been identified in 31 member states in the period 2004 to 2010: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Malta, Moldova, the Netherlands, Norway, Poland, Romania, the Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.¹⁰¹ Cases reported by NGOs (but not officially reported by the victim to national structures promoting equality or court) are not included in this list of countries.

Statistics are often not available or not disaggregated by area of discrimination or on the prohibited ground. The lack of information on case law related to discrimination on grounds of sexual orientation or gender identity in the remaining 16 member states may partly be ascribed to the fact that the laws are relatively new for some member states. Other reasons reported by interlocutors include the widespread anti-LGBT public discourse; a lack of awareness raising and training of officials in the area of non-discrimination and the lack of trust in authorities and the judiciary by LGBT victims of discrimination. Moreover, LGBT victims of discrimination often do not want to run the risk of exposure brought about by reporting a case to relevant authorities.

2.4. National structures for promoting equality

National structures for promoting equality are bodies created by statute to promote equality and combat discrimination at member state level. They are usually established under non-discrimination legislation and should carry out their functions independently of all stakeholders, including the state. There is a broad diversity of national structures for promoting equality across the member states. This diversity is particularly evident in the legal structure of the bodies, in the range of grounds that they cover, in the nature of the functions and powers accorded to the bodies, and in the scale of operations of the bodies. Some of these structures are referred to as national equality bodies, others are ombudsmen or national human rights institutions.

There are two broad types of national structures for promoting equality. There are quasi-judicial type bodies which predominantly operate to investigate, hear or mediate, and make findings in relation to claims of discrimination. There are also promotional type bodies that predominantly operate to provide assistance to individuals experiencing discrimination and to implement a broader range

101. (FRA) national contributions (legal reports) contain annexes with descriptions on court cases identified in the member states.

of awareness-raising initiatives, survey work and activities supporting good practice. Some national structures have the characteristics of both types.

Within the Council of Europe, the European Commission against Racism and Intolerance (ECRI) has called on national authorities to set up specific national bodies to combat racism, xenophobia, anti-Semitism and other forms of intolerance. ECRI Policy Recommendations No. 2 and No. 7 set out basic principles as guidelines for the establishment and operation of such bodies which should be set up on a constitutional or statutory basis.¹⁰² The Commissioner for Human Rights has issued an Opinion on National Structures for Promoting Equality which gives guidance to member states on enacting comprehensive equal treatment legislation and setting up independent bodies for promoting equality.¹⁰³

Under European Union law, three equality directives (the Race Equality Directive, the Gender Goods and Services Directive and the Gender Recast Directive) require member states of the European Union to establish or designate a body or bodies for the promotion of equal treatment on the grounds of racial or ethnic origin and gender. Although the European Union provisions for establishing equality bodies are limited to race, ethnic origin and gender, several European Union and other member states have enacted non-discrimination legislation and established national structures for promoting equality that clearly go beyond the minimum requirements stipulated by European Union legislation. In practice, most equality bodies set up through the implementation of European Union equality directives also cover either all or some of the grounds stipulated in the Employment Equality Directive, including sexual orientation and in some cases gender identity as well.

Equality bodies in 21 European Union countries are vested with the mandate to receive complaints of discrimination on many grounds, including on the grounds of sexual orientation: Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal¹⁰⁴, Romania, Slovakia, Slovenia, Sweden and the United Kingdom. The other six European Union member states do not have any equality body formally competent to address discrimination on grounds of sexual orientation (the Czech Republic, Finland, Italy, Malta,¹⁰⁵ Poland and Spain). However, in four of these, another national human rights structure promoting equality (for example, an ombudsman institution)

102. European Commission against Racism and Intolerance, General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level, adopted on 13 June 1997, CRI(97)36; and General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, adopted on 13 December 2002, CRI(2003)8.

103. Commissioner for Human Rights, “Opinion on National Structures for Promoting Equality”, CommDH(2011)2.

104. In Portugal, the Commission for Citizenship and Gender Equality is the co-ordinating body for implementation of the *National Plan for Equality: Gender, Citizenship and Non-Discrimination 2011-13*. Relevant references are found on pp. 2, 308 and 314-15 of this plan.

105. However, in Malta the National Commission for the Promotion of Equality (NCPE) has initiated a qualitative study on discrimination experienced by LGBT persons.

competent to receive complaints about discrimination on grounds of sexual orientation is in place (the Czech Republic, Finland, Poland and Spain).

As regards the ground of gender identity, the situation is quite varied. At least four equality bodies (Hungary, Slovakia, Sweden and the United Kingdom) have an explicit mandate to cover gender identity as a ground of discrimination. The Commission for Citizenship and Gender Equality in Portugal has also recently started to incorporate issues of gender identity in its activities. In many other countries gender identity may be covered, at least partially, through the ground of sex or gender in line with European Union law. In some countries gender identity may also be addressed among the unspecified grounds of open-ended lists of discrimination grounds in national equal treatment legislation. In a survey on national equality bodies conducted by the European Network of Equality Bodies (Equinet) in 2009, some 25% of the bodies reported that they, in one way or another, actually received and treated complaints related to discrimination on the ground of gender identity.¹⁰⁶ Under European Union law, more equality bodies should join to carry out such work.

In other member states of the Council of Europe there may be different bodies dealing with different grounds of discrimination or bodies with separate functions respecting a division into promotional and quasi-judicial functions. Many of these institutions are ombudsman bodies or national human rights institutions with the mandate to protect and promote human rights, including non-discrimination, with reference to the Paris Principles.¹⁰⁷ Some of them also deal with issues or incidents related to sexual orientation and gender identity.

For example in Croatia, the Office of the People's Ombudsman and the Ombudsperson for Gender Equality are mandated to receive complaints on the grounds of sexual orientation and gender identity under the non-discrimination legislation. In Norway, the Equality and Anti-Discrimination Ombud has the power both to promote equality in society and to enforce non-discrimination legislation, including by treating individual complaints within and outside the labour market with regard to a wide range of discrimination grounds. Sexual orientation is covered as an explicit discrimination ground, whereas gender identity is currently addressed through the ground of gender.

Adoption of new non-discrimination legislation in some member states means that new equality bodies are in the process of being established with a mandate to enforce and monitor the implementation of the legislation. These include the Commissioner for Protection against Discrimination in Albania and the Commissioner for Protection from Discrimination in Serbia. Both of them have an explicit mandate to address discrimination on the grounds of sexual orientation and gender identity.

106. Equinet, "Making Equality Legislation work for Trans people", 2010, p. 7.

107. Principles relating to the Status of National Institutions (the Paris Principles), UN General Assembly Resolution 48/134 of 20 December 1993.

National structures for promoting equality possess great potential for dealing with complaints on grounds of sexual orientation and gender identity as well as promoting the enjoyment of human rights by LGBT persons more generally. However, awareness of these possibilities should be enhanced among LGBT communities as well as within national structures themselves. The Human Rights Defender of Armenia, for example, noted that his office receives a large number of complaints about discrimination from minorities but has not registered any from LGBT persons. He concludes that this “is the best proof that the problem is bigger than assumed and well hidden”.¹⁰⁸

Many LGBT NGOs interviewed for this study expressed the view that national structures were not sufficiently active in this field. Although an increasing number of equality bodies, ombudsmen and national human rights institutions appear to work on questions related to sexual orientation and homophobia, even more efforts are needed to initiate work to address discrimination on grounds of gender identity.

2.5. National policy initiatives

Action plans and policy initiatives

Some member states have chosen to integrate the human rights of LGBT persons into general national action plans for human rights and equality. For example in Sweden, the *National Action Plan for Human Rights 2006-2009*¹⁰⁹ included 135 measures, some of which focused on promoting the enjoyment of human rights by LGBT persons. In Portugal, the National Plan for Equality for the first time has a chapter on sexual orientation and gender identity.¹¹⁰

Other member states have set up specific national policies or action plans to improve the human rights situation of LGBT persons in their countries. Such initiatives were identified in Norway,¹¹¹ Belgium¹¹² and the Netherlands.¹¹³ In the Netherlands, the policy plan “Simply Gay” constitutes a national action plan encompassing 60 different measures, including 24 projects sponsored or implemented by various government departments. This “mainstreaming” approach aims to ensure that LGBT human rights are taken into account when drafting general equality and human rights policies.

Public policies are also developed and implemented by local or regional authorities. The city councils of Cologne, Turin and Barcelona have developed policies focused on fighting homophobia and transphobia under

108. National contribution (sociological report) on Armenia, p. 11.

109. Swedish Government Communication 2005/06:95.

110. National Plan for Equality: Gender, Citizenship and Non-Discrimination 2011-13, Lisbon, 2011, pp. 314-15.

111. Norwegian Ministry of Children and Equality, “The Norwegian Government’s action plan – Improving quality of life among lesbians, gays, bisexuals, and transgender persons, 2009-2012”, Oslo, 2008.

112. LGBT Policy in Flanders – a brief introduction, Flemish Government, Brussels, 2010.

113. Emancipatienota ‘Gewoon homo zijn’, Parliamentary Papers II 2007-2008, 27017, No. 3.

the project Against Homophobia European local Administration Devices (AHEAD). The objective of this project is the preparation of a White Book that collects recommendations and good practices to foster local public policies aimed at fighting discrimination on grounds of sexual orientation and gender identity. Similar local or regional policies have also been developed in Berlin, Ghent, Antwerp, and Dumfries and Galloway.¹¹⁴ In the Netherlands, national government funding is provided through a national expertise centre, which assists civil servants in 18 municipalities to devise policies which aim to improve attitudes towards LGBT people.

Policy initiatives should ideally have a solid knowledge base. A few examples of research commissioned by public authorities in Council of Europe member states were identified during the study. In the Netherlands, research in different subject areas is commissioned to centres of expertise.¹¹⁵ Two surveys about safety at schools for LGB persons were also conducted by the Netherlands Inspectorate of Schools.¹¹⁶ In Belgium, the Flemish Policy Research Centre on Equal Opportunities carries out scientific research on equal opportunities issues, which includes a specific line of research on LGBT persons. The University of Ghent and the Flemish authorities' Equal Opportunities Assistance Centre have carried out a study into the school careers of LGB persons.¹¹⁷ In Italy in 2008 the Minister of Equal Opportunities signed an agreement with the National Statistics Office to carry out the first multipurpose survey regarding "Discrimination on the grounds of sexual orientation, identity and ethnicity".¹¹⁸

Governments may also rely on research conducted in co-operation with national structures for promoting equality and develop specific activities based on the outcome of such research. For example, in the United Kingdom the Scottish Government and the Equality and Human Rights Commission have commissioned a discrimination module as part of the Scottish Social Attitudes Survey, which is conducted every four years. The survey includes questions on attitudes towards lesbian, gay and bisexual people and, since 2006, transgender people.¹¹⁹ In Germany the Federal

114. "Building a Network – Roundtable of Local Focal Points LGBT Equality Policies – Rainbow cities", The Hague, 27 October 2010.

115. Research is, for example, conducted in the area of family law (annual statistics about registered partnerships and civil marriages of same-sex couples) collected by the National Statistics Institute, CBS; the Annual National Monitor of criminal cases of discrimination against LGBT persons reported to the Police; further research conducted by the Netherlands Institute for Social Research, SCP and the Netherlands Centre for Social Development, MOVISIE.

116. Netherlands Inspectorate of Schools, *Weerbaar en divers, Onderzoek naar seksuele diversiteit en seksuele weerbaarheid in het onderwijs*. Anders zijn is van iedereen, 26 February 2009.

117. Dewaele, Cox, Van Houtte & Vincke, *De schoolloopbaan van holebi- en heterojongeren*. Steunpunt Gelijkekansenbeleid, University Antwerp – University Hasselt, University Ghent. Antwerp, 2008.

118. FRA national contribution (legal report) on Italy, p. 6.

119. Bromley C., Curtice J. and Given L., "Equalities: Research Findings No.1/2007: Attitudes to Discrimination in Scotland 2006: Scottish Social Attitudes Survey", Scottish Centre for Social Research, 2007, Edinburgh; Ormston R., McConville S and Reid S., "Scottish Social Attitudes 2010", Scottish Centre for Social Research, 2010, Edinburgh.

Anti-Discrimination Agency published research on discrimination against transgender people in working life.¹²⁰

Co-ordination and consultation structures

Some member states have set up specific co-ordination and consultation structures within their national administrations regarding LGBT-related policy and legislative initiatives. In Estonia, the Gender Equality Department of the Ministry of Social Affairs has, since 2009, consulted with different LGBT organisations and worked on increasing competence in the field. In Poland, the Department for Women, Family and Counteracting Discrimination of the Polish Ministry of Labour and Social Policy set up an Advisory Committee which included experts on the issue of discrimination on the grounds of sexual orientation.¹²¹

In Ukraine, the Ministry of the Interior has set up public councils in all regions of the country, in which representatives from civil society and local police officers discuss relevant human rights. The Ukrainian NGO Our World was a member of such a council in the Kiev district, and the NGO For Equal Rights was a member in the Kherson district.¹²² Interdepartmental structures were also identified in the Netherlands (“LGBT interdepartmental working group”) and the Czech Republic, where a Committee for Sexual Minorities continues the work of a previous working group which made a detailed analysis of the situation of lesbian, gay, bisexual and transgender minorities.¹²³

Co-ordination and consultations on national LGBT policies between many member states of the Council of Europe also take place in the European Network of Governmental LGBT Focal Points, which has included government representatives from 23 member states.

120. Federal Anti-Discrimination Agency, *Benachteiligung von Trans Personen, insbesondere im Arbeitsleben*, Berlin, 2010.

121. FRA national contribution (legal report) on Poland, p. 84.

122. National contribution on Ukraine (sociological report), p. 8-9.

123. Working Group on the Issues of Sexual Minorities of the Minister for Human Rights and National Minorities, “Analysis of the Situation of the Lesbian, Gay, Bisexual and Transgender Minorities in the Czech Republic”, 2007.