

LGBTI Enlargement Review 2026

ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (Regional); Aleanca, PINK Embassy (Albania); Sarajevo Open Centre (Bosnia and Herzegovina); Center for Social Group Development CSGD and Center for Equality and Liberty CEL (Kosovo); Equality Movement, Tbilisi Pride, Women’s Initiatives Supporting Group – WISG and Queer Initiative (Georgia); GENDERDOC-M Information Centre (Moldova); Association Spectra and Montenegrin LGBTIQ Association Queer Montenegro (Montenegro); Helsinki Committee for Human Rights, Queer Center Skopje and Coalition Margins (North Macedonia); Rainbow Ignite, Labris and Da se zna! (Serbia); SPoD, 17 May Association, UniKuir, Pembe Hayat and Kaos GL (Türkiye); Insight NGO, Gender Stream, Fulcrum UA and Sphere (Ukraine).

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Key messages 2026

[ILGA-Europe](#) together with [ERA – the LGBTI Rights Association for the Western Balkans and Turkey](#), present our 2026 LGBTI Enlargement Review – an annual report of the key LGBTI-related developments in the ten countries aspiring to join the EU – identifying priorities for actions to be taken by national governments and the EU for the protection and advancement of the human rights of LGBTI persons. The EU’s enlargement process has leverage and needs to be fully used to support the adoption of important legislation protecting the fundamental rights of LGBTI persons, as well as call out governments which advance laws that run contrary to the EU principles of fundamental rights, democracy and rule of law.

Last year’s LGBTI Enlargement Review had a special focus on the impact of the withdrawal of U.S funding on LGBTI organisations across the enlargement region. While the ripple-effects of the funding crisis are still being felt, with LGBTI organisations still suffering from severe shortages in funding, this year negative legislative developments have become a defining feature of the context in which LGBTI equality is being contested. Laws that criminalise, erase, and discriminate against LGBTI persons are multiplying. As such we have introduced sections in the chapters on **Albania, Georgia, Moldova, North Macedonia** and **Türkiye** regarding consistent and grave attempts (often successful) to roll back on rights and protections for LGBTI persons. These legislative rollbacks introduce discrimination and inequality in various areas, such as the right to freedom of assembly, the right to education, the right to healthcare, the right to freedom of expression, the right to freedom of association, as well as in the area of family and the right to human dignity. It is notable that this situation is now severe in half of the accession countries (5 out of 10 country chapters require this special focus).

While Serbia has not introduced any discriminatory laws withdrawing rights yet, we have introduced a section on the overall negative context of deterioration of democracy and human rights in the **Serbia** chapter, as this general deterioration has a significant impact on LGBTI persons, human rights defenders and organisations taking part in the fight for democracy. Additionally, **Ukraine** is currently in the process of drafting a new Civil Code, which, if adopted in the current form, would establish the most clear discrimination in law against same-sex couples across the entire European Union and its enlargement region, with the exception of Georgia, and would constitute a major step backwards as regards alignment of Ukraine’s legislation with the EU acquis, as well as compliance with fundamental rights and equality requirements under Chapter 23. In **Türkiye** we have seen in the last year an alarming escalation in the judicial harassment of LGBTI+ organisations and human rights defenders, with many on trial on trumped up charges of violating the law on associations or violating provisions against obscenity, including the closure decision against Genç LGBTI+ Association in December 2025. We have as a result focussed for the first time in the LGBTI Enlargement Review on prison conditions for LGBTI+ persons, as the targeting of LGBTI+ persons and human rights defenders increasingly leads to criminal penalties.

As these attacks on the fundamental rights of LGBTI persons become more severe and widespread, we once again reiterate our call on the EU to highlight fundamental rights and equality as core to the accession process, and prioritise working with authorities in each accession country to improve this situation through legislation and policy advancements and stress the importance of the fundamentals.

This year's LGBTI Enlargement Review reconfirms that legal recognition of same-sex couples and legal gender recognition (the procedure in which trans and intersex people can change their legal gender in identity documents) are top priorities across all ten accession countries. This is in regard to the need to properly implement or improve existing legislation and practice, continue the drafting and adoption process of bills, and to begin the drafting process of bills. These two priorities are of increasing significance as regards EU acquis, as the jurisprudence of the CJEU evolves (see November 2025 judgement in the *Trojan v Wojewoda Mazowiecki* case ([C-713/23](#)) regarding recognition of same-sex marriages; and regarding legal gender recognition see the March 2025 judgement in the *Deldits* case ([C-247/23](#)) and March 2026 judgement in the *Shipova* case ([C-43/24](#)).

Proper and inclusive practice and regulations regarding trans-specific healthcare is a priority repeated from previous years and highlighted in four of the country chapters this year. Alongside legal gender recognition, this priority aims to ensure equal access to healthcare and the right to dignity for trans and intersex persons.

Despite the accession region having relatively robust legislative protection against hatred and discrimination, some accession countries still do not cover all aggravated grounds for the protection of LGBTI persons (the grounds of sexual orientation, gender identity, gender expression and sex characteristics), and where these grounds are included, lack of implementation is frequently named as a key obstacle in ensuring protection from violence for LGBTI persons. This priority is highlighted in seven of the ten chapters, and includes the need to align hate crime and hate speech legislation both online and offline, in order to tackle the major problem of anti-LGBTI hatred and disinformation online. In the area of domestic violence, LGBTI organisations are calling for the recognition of and support for victims of same-sex intimate partner violence, who are often excluded in legislation and practice.

As discrimination and violence rises online, it spills into the real world. As a result, discrimination and hatred is more prevalent in society, including at schools. LGBTI organisations across the region have identified the right to education as a key priority this year. In particular the right to education without discrimination, and protection of all children from violence and bullying. Rollbacks in protections in this area are particularly alarming in **North Macedonia**. The EU should take a renewed stance in favour of international child rights standards regarding education and protection from violence in order to prevent further rollback on protections in the region and to ensure adoption of procedures such as staff training on LGBTI topics, and support for LGBTI children.

In October 2025 the Council of Europe's Committee of Ministers adopted the first Recommendation on equal rights for intersex persons ([CM/Rec\(2025\)](#)). This Recommendation contains clear guidelines for bringing about equality and preventing discrimination against intersex persons. It is essential for the EU to include this Recommendation in its accession framework and push for its implementation at the national level.

LGBTI organisations in the enlargement region call on the EU to continue support for the necessary reforms to bring national level protections for LGBTI persons in line with international and EU standards, and for the EU to step up its support. In particular we request the EU to be more explicit in its annual Enlargement Report on the need for the various priorities outlined in this LGBTI Enlargement

Review, call out non-implementation of existing legislation and court judgements, and reference the growing body of CJEU and ECtHR jurisprudence in support of legal advancements.

Most notably, in April 2026 the CJEU found in the European Commission’s infringement case against Hungary’s anti-LGBT propaganda law ([C-769/22](#)), that Hungary violated Article 2 of the Treaty of the European Union (TEU) and numerous EU laws, including Articles 1, 7, 8(2), 11 and 21 of the Charter of Fundamental Rights, recognising that the breaching of EU law was caused by a horizontal discrimination against LGBTI persons. Article 2 TEU is designed to defend EU values across the Union, and as such this judgement firmly states that anti-LGBTI laws are incompatible with the EU Treaty. Therefore the EU and its Delegations should carefully study this judgement and ensure that national governments are aware of these new standards, and make it clear that other laws and bills attempting to restrict rights and invisibilise LGBTI persons across the EU have no place in our Union. This is particularly relevant for tackling anti-LGBTI laws and bills reported on in the country chapters for Albania, Georgia, Moldova, Türkiye and Ukraine, and the removal of protections reported on in the country chapters for Bosnia & Herzegovina, Georgia and North Macedonia.

Country submissions

This year’s LGBTI Enlargement Review is divided into country chapters, consisting of the below headings. In order to understand the reality on the ground and more nuanced context, which often varies significantly from legislative frameworks, these headings are followed by a section linking readers to the respective country chapter of ILGA-Europe’s Annual Review.

- (Where relevant) Section on rollback on rights or negative legislative developments
- Main legislation/policy to be drafted/adopted to ensure non-discrimination and access to justice for LGBTI people (priorities for the coming year)
- Implementation of already-existing legislation/policy
- Legislation/policy in process
- Feedback on the European Commission’s 2025 Enlargement Report
- Recommendations to the EU
- Annex

Albania

Expert contributions provided by: Alliance Against Discrimination of LGBTI (Aleanca LGBTI) and PINK Embassy

Top priorities

Prevention of legislative regression

- Prevent regression of Law No. 64/2025 “On Gender Equality”

On 6 November 2025 Albania adopted Law No. 64/2025 “On Gender Equality” in line with EU acquis, despite intense anti-gender mobilisation of political and religious actors framing the reform as a threat to children and “family values”. Despite its adoption the anti-gender movement continues to oppose it, and have launched a number of initiatives seeking its withdrawal. It is essential that Albania prevents any regression of this Law, which is in line with international standards and EU acquis.

The current challenges to the law include:

- A Constitutional Court challenge registered on 5 January 2026 seeking suspension and annulment of the law;
- A referendum request aimed at repealing the law, approved by the Central Election Commission on 12 January 2026.

This referendum request simultaneously includes questions on several issues presented as being of “special importance”, advanced under the rationale of “family protection”, showing how the anti-gender movement uses their opposition to Law No. 64/2025 as an opportunity to further attack the LGBTI community. The questions include whether Albania should henceforth:

- Recognise only two genders;
- Recognise marriage exclusively between a man and a woman;
- Reserve a child’s right to be raised solely by a mother and a father;
- Restrict sexual education in schools and condition it upon absolute parental consent;
- Limit adoption exclusively to specific family categories;
- Criminalise certain sexual relations based on age;
- Impose broad prohibitions or restrictions on certain types of media and online content.

Although framed as matters of “special importance”, these topics relate directly to fundamental rights and freedoms, including private and family life, equality and non-discrimination, the rights of the child, education, and freedom of expression. Pursuant to Article 151(2) of the Constitution of the Republic of Albania, such matters cannot be subjected to a referendum, but are regulated through legislation and safeguarded through judicial and constitutional review. Despite this, the referendum request was approved. Such initiatives mirror anti-gender mobilisation trends seen across Central and Eastern Europe, where opposition to gender equality reforms is used to advance broader restrictions on women’s rights, LGBTI rights, freedom of expression and comprehensive sexuality education.

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people (priorities for the next year)

- The government should start drafting legal measures, such as registered partnership, to recognise and protect same-sex couples, as per the government’s commitment in the National LGBTI Action Plan.

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex couples, with two of the remaining five in the process of introducing such recognition). It has also been recognised that the absence of legal recognition creates barriers in practice regarding inheritance, pensions, healthcare decision-making, residence rights, family reunification, taxation and cross-border recognition of relationships.

The CJEU’s case law on this is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case ([C-713/23](#)) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

The Council of Europe has [found](#) that “it is undisputed that the relationship of a same-sex couple falls within the notion of “private life” as protected in article 8 of the European Convention on Human Rights (ECHR) and there is a large jurisprudence of the European Court of Human Rights (ECtHR) affirming this. In the 2023 case of [Fedotova and Others v. Russia](#) the ECtHR identified a general positive obligation for member states to provide a form of legal recognition for same-sex couples.

In 2023 the Committee on the Elimination of Discrimination against Women (CEDAW), in an urgent recommendation, [called](#) on Albania to recognise same-sex unions, marriages, and registered partnerships conducted under private international law. Despite the two years having passed, there is no progress on implementation of this recommendation.

- The government should start drafting a law that would enable quick, transparent and accessible legal gender recognition for trans people on the basis of self-determination in line with the LGBTI Action Plan as well as the WHO’s revision of ICD-11, which came into force in January 2022, and which depathologises trans identities in all areas of life.

Albania currently lacks any administrative or judicial procedure enabling trans persons to change their name and gender marker in official documents, leaving them in a situation of legal uncertainty and increasing their exposure to discrimination. In practice, the lack of legal gender recognition affects access to employment, education, healthcare, banking services, travel, housing, and interactions with police and other public authorities. A model LGR bill was drafted by PINK Embassy and shared with the parliament in 2018 and 2024, but the initiative was not taken up. PINK Embassy will resubmit their model bill in May 2026.

The EU’s case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another

Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including medical certification.

- The Ministry of Health and Social Protection should consult with civil society to improve implementation of the new protocol on trans-specific healthcare.

Although the Ministry of Health and Social Protection has developed a draft Medical Protocol on Hormonal Treatment for Trans People, the protocol has still not been formally adopted. In January 2026, Aleanca LGBT officially requested information regarding the status of the protocol and planned implementation steps, but no response has yet been provided by the Ministry. This protocol should include systematic training for endocrinologists, psychiatrists, family doctors, psychologists, nurses and administrative staff, as discrimination often occurs at the first point of contact with the healthcare system.

While the development of this protocol represents a significant milestone, it is essential to underscore that without having a law in place guaranteeing legal gender recognition, trans people remain at risk of discrimination in particular in cases where the gender marker in their ID documents do not match their external appearance. This can put them at risk of not only discrimination but also false claims of fraudulent activity, for example when trying to access banking services.

Implementation of already-existing legislation/policy

- Ensure proper implementation of the hate crime and hate speech legislation, and extend to cover online hate speech.

Albania’s hate crime and hate speech legislation includes aggravating grounds of sexual orientation and gender identity, which are welcomed by human rights defenders and civil society organisations. However, throughout the Albanian penal code the term 'homosexual' appears more than 21 times. This frequent mention creates a legal framework that categorises individuals based on their sexuality, inadvertently contributing to the perpetuation of their societal othering. These [legal clauses](#) recognize only minors as victims of sexual violence when stemming from either heterosexual or homosexual

relationships. They also extend recognition to women and girls in cases involving heterosexual relationships where the perpetrator is male, and to men and boys within same-sex relationships. However, these provisions overlook the broader reality that same-sex relationships encompass not just gay men, but also lesbian, bisexual, queer, and pansexual individuals. Additionally, the current law foresees a two year prison sentence for perpetrators, which results in reticence of judges handing down the sentence. It would be effective if the first penalty were to be a fine, particularly for non-violent hate speech offenses. This could allow for more nuanced responses to hate speech while still providing an effective deterrent.

Further measures are still needed to address online hate speech, incitement to discrimination and coordinated anti-LGBTI campaigns. Online anti-LGBTI rhetoric, disinformation and coordinated campaigns have intensified significantly during debates on legislation related to gender equality and protection against domestic violence.

The government has started drafting amendments to the Criminal Code to strengthen current provisions and resolve the abovementioned issues. The government has engaged with LGBTI organisations to consider adding the ground of gender expression, as well as covering SOGIGE grounds in the provisions related to online crimes. The next draft will be published in May 2026, with the legislation expected to be adopted by the end of the year.

It is paramount that these protective provisions are accompanied by official implementation guidelines and free legal aid for victims. Currently neither the Ministry of Justice, High Council of Justice nor High Prosecutor's Council have approved any guidelines on hate crimes against LGBTI persons, nor on protection of the victim's identity. There is no funding available or made available to LGBTI organisations to assist and support the community, and free legal aid is not accessible.

Albania still lacks systematic and publicly available data collection on hate crimes and hate speech based on sexual orientation, gender identity, gender expression and sex characteristics. Better disaggregated data collection by police, prosecutors, courts and equality bodies is needed to understand the scale of the problem and ensure accountability.

- Inclusion of LBQ women in Albania's Domestic Violence legislation.

Although in January 2026 Albania adopted Law No. 11/2026 'On Prevention and Protection from Violence against Women and Domestic Violence', which includes provisions addressing certain forms of online violence and cyber harassment, the domestic violence framework remains largely built around a heterosexual understanding of family and intimate partner violence. In August 2025 research published by ERA, drawn from the "Analysis on Gender Equality and Prevention of Violence against LBQ Women in Albania, Bosnia and Herzegovina, Kosovo and Serbia," highlights that LBQ women face daily threats of violence and discrimination in Albania. Same-sex intimate partner violence is not legally recognized, meaning LBQ survivors cannot access protection orders, are excluded from state-funded shelters, referral mechanisms and support services, and remain invisible in national data systems.¹

¹ <https://lgbti-era.org/publications/research-report-analysis-on-gender-equality-and-prevention-of-violence-against-lesbian-bisexual-and-queer-lbq-women-in-albania-bosnia-and-herzegovina-kosovo-and-serbia/>

- Improve Albania’s system of reception of LGBTI asylum-seekers, within the framework of the new EU4MIGRATION project.

The EU4MIGRATION project launched in June 2025 represents an opportunity for updating Albania’s practice of receiving LGBTI asylum seekers. Currently Albania’s asylum law includes LGBTI persons as a “special category” for protection, however, there are no protocols for implementing this. As a result, LGBTI organisations and lawyers have needed to intervene to assist LGBTI asylum seekers in receiving adequate protection. The police and authorities dealing with asylum lack basic training on human rights and diversity, including the issues LGBTI persons face. The financial support provided by EU4MIGRATION should therefore also support mandatory training for border police, asylum officials, interpreters, social workers and reception centre staff on SOGIESC issues and the specific vulnerabilities of LGBTI asylum seekers. The funds should also go towards providing safe facilities for LGBTI asylum seekers, as if they are placed with other asylum seekers from their country of origin they are exposed to violence, harassment and outing. In addition, the creation of a protocol for receiving and hosting LGBTI asylum seekers should be developed.

- Ensure proper implementation of the LGBTI-related provisions of Law No. 18/2017 on the rights and protection of children in Albania, and improve the anti-bullying framework in schools.

Law No. 18/2017 on the rights and protection of children in Albania guarantees the right to education without discrimination, including discrimination on grounds of sexual orientation, gender identity, sex and gender. It also provides for protection from violence and bullying, with a specific reference to addressing bullying against LGBTI children. Standard procedures should be put in place to protect all children against bullying, as well as procedures to ensure that all teachers, school management, psychologists and safety officers are trained on LGBTI topics and the needs of LGBTI children and young people. Mechanisms should be established for children and young people to report LGBTI-phobic bullying, and support services should be provided.

Feedback on the European Commission’s 2025 Enlargement Report

- The European Commission’s 2025 Enlargement Report on Albania has correctly assessed the framework for respect of human rights of LGBTI persons as incomplete, highlighting the absence of civil cohabitation recognition and other gaps such as the weak implementation of LGBTI-relevant strategies and action plans.

Recommendations to the EU

- The EU should treat the constitutional challenge to Law 64/2025 “On Gender Equality” and the ongoing referendum initiative to repeal the law as material enlargement-relevant developments; monitor proceedings and engage systematically with Albanian institutions to safeguard international standards;
- Implementation of EU4MIGRATION in Albania should also include requiring Albania to improve their reception and hosting of LGBTI asylum seekers, in line with EU and international standards;
- The EU should encourage Albania to adopt legal provisions that enable an accessible, transparent, and administrative procedure for legal gender recognition based on self-

determination, relying on the recent CJEU case law evolution to explain the development of this standard so that Albania is brought up to date;

- The EU should encourage Albania to adopt legal provisions recognising same-sex couples, in line with evolving EU jurisprudence and European standards;
- The EU should continue to support efforts aimed at enforcing existing anti-discrimination and hate crime legislation. This includes advocating for effective investigations and prosecutions, and ensuring that victims of SOGIESC-based violence receive protection, redress, and support services;
- The EU should support Albania in developing inclusive data collection practices to better understand the lived experiences of LGBTI individuals. Integrating SOGIESC indicators into national statistics and policy evaluations would allow for evidence-based programming and service delivery;
- The EU is encouraged to continue using clear, specific, and inclusive language in its policy and progress reporting, avoiding general references. Direct mention of LGBTI or the grounds of sexual orientation, gender identity, gender expression and sex characteristics (SOGIGESC) fosters visibility, accountability, and more targeted action at both the national and EU levels.

Annex – Albania’s Annual Review chapter

ILGA-Europe’s Annual Review documents progress and trends regarding the human rights situation of LGBTI people. It allows policy makers and institutions to gain a deeper understanding of the reality on the ground for LGBTI people and civil society, which often differs significantly from legislative frameworks.

You can find the Albania chapter [here](#), which covers the period of January-December 2025.

Bosnia & Herzegovina

Expert contributions provided by: Sarajevo Open Centre, Tuzla Open Centre

Top priorities

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people (priorities for the next year)

- The Federation, Republika Srpska and Brčko District should draft a law to ensure legal gender recognition based on self-determination, in accordance with CJEU and ECtHR jurisprudence and the WHO's revision of [ICD-11](#), which came into force in January 2022, and which depathologises trans identities in all areas of life.

The EU's case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to "develop quick, transparent and accessible procedures, based on self-determination". The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including medical certification.

Adoption of legal gender recognition in line with these standards would help BiH achieve condition number 13² of the 14 [conditions](#), set by the European Commission, which the country needs to fulfil in order to achieve EU candidate status.

Currently the process of accessing legal gender recognition in Bosnia & Herzegovina (BiH) [lacks](#) clarity and is difficult to access. In order to change one's sex marker in personal documents and to receive a Unique Identification Number, full surgical transition is [required](#). The LGBTI Action Plan 2021-2024 commits all Ministries of Health to analysing and promoting administrative and medical aspects of gender reassignment, including identifying obstacles and proposing solutions to these obstacles.³

However, the Federal Ministry of Health is [blocking](#) the process on improving legal gender recognition provisions in the Federation of Bosnia and Herzegovina (FBiH), even though they have received nine letters about this from various governmental institutions. Their refusal to define the medical aspect of the transition process for the draft law or for any bylaws on this issue is in direct contradiction to their duties under the Action Plan and was reported on in our last two submissions to the European Commission's consultation, making this year the third consecutive year of this problem.

On 9 February 2026, the Council of Ministers of BiH adopted the second report on the implementation of the LGBTI Action Plan, covering the reporting period of January-December 2024. The report noted a stagnation in the implementation of the Action Plan. There were no improvements on legal gender recognition and medical aspects of gender reassignment.

- Republika Srpska and Brčko District should initiate processes for the drafting of legislative solutions for the recognition of same-sex partnerships, in order to provide same-sex couples with equal treatment on this issue countrywide.

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex couples, with two of the remaining five in the process of introducing such recognition). In addition, the CJEU case law is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case ([C-713/23](#)) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

The Council of Europe has [found](#) that "it is undisputed that the relationship of a same-sex couple falls within the notion of "private life" as protected in article 8 of the European Convention on Human Rights (ECHR) and there is a large jurisprudence of the European Court of Human Rights (ECtHR)

² (13) Improve the protection and inclusion of vulnerable groups, in particular persons with disabilities, children, LGBTIQ persons, members of the Roma community, detainees, migrants and asylum seekers, as well as displaced persons and refugees in line with the objective of closure of Annex VII of the Dayton Peace Agreement.

³ See Activity 2.2 of the LGBTI Action Plan, available at: <https://soc.ba/site/wp-content/uploads/2022/10/AP-LGBTI-ENG-FINAL-2750-4243-3030.1.pdf> page 20.

affirming this. In the *Schalk and Kopf* (2010)⁴ and *Vallianatos* (2013)⁵ cases, the ECtHR further held that the relationship of a same-sex couple living in a stable de facto partnership also falls within the notion of “family life” pursuant to article 8.

Implementation of already-existing legislation/policy

- LGBTI civil society has been calling for at least 10 years for the governments of the Federation of BiH, and Republika Srpska to amend their criminal codes to cover the ground of sex characteristics (SC) as an aggravating factor in hate crimes, for Brčko District to amend their criminal code to cover the grounds of sexual orientation and gender identity (SOGI) as an aggravating factor in hate crimes, and for the hate speech laws of the Federation to be amended to include SOGI as is the case already with Brčko District and Republika Srpska.

On 26 March 2025 the National Assembly of Republika Srpska adopted amendments to replace the term “gender identity” with the more ambiguous term “other personal characteristic” in the Criminal Code, despite broad international opposition to the changes (see last year’s written contribution).

In June 2025, the Federation of Bosnia and Herzegovina amended its Criminal Code, narrowing the definition of “close person” in laws protecting individuals from violence to include only partners of the opposite sex. This change was introduced in response to unfounded claims that the previous gender-neutral definition could lead to the legal recognition of same-sex couples.

- The respective governments should improve the implementation of laws tackling hate crime and hate speech against LGBT people by:
 - Improving the capacities of the prosecutorial and judicial system to adequately recognise, treat and sanction hate crime and hate speech, including the effective use of the aggravating grounds of SOGI, through trainings on incitement to hatred and violence against LGBTI people and on tackling LGBTI-phobia in the institutions;
 - Improving the monitoring of hate crimes and hate speech by relevant authorities, and supporting LGBTI people to report, in accordance with the instruction January 2025 instruction of the High Judicial and Prosecutorial Council of Bosnia-Herzegovina to introduce technical improvements in the online systems for collecting data on hate crime and hate speech including on the aggravating grounds of SOGI;
 - Ensuring public officials are sanctioned and publicly condemned when they use hate speech or discriminatory speech about LGBTI people;
 - Systematically collecting data on hate crimes based on gender and SOGI.

Ensuring all LGBTI people are protected by Bosnia & Herzegovina’s hate crime and hate speech laws, and that these laws are properly implemented, will help Bosnia & Herzegovina achieve condition

⁴ CASE OF SCHALK AND KOPF v. AUSTRIA: <https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%222870457%22%5D%2C%22itemid%22:%5B%22001-99605%22%5D%7D>

⁵ CASE OF VALLIANATOS AND OTHERS v. GREECE <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-128294%22%5D%7D>

number 13⁶ of the 14 [conditions](#) set by the European Commission which the country needs to fulfil in order to achieve EU candidate status.

- Ensure the consistent implementation of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, which recognises sexual orientation, gender identity, and sex characteristics as protected grounds.

Currently the implementation of this law is [inconsistent](#) at the entity, district, and canton levels, which have yet to align with state level legislation.

- Strengthen the independence, effectiveness, timeliness and public visibility of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina.

It has become concerning that the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina has had limited engagement and been publicly silent in relation to some of the most prominent attacks on LGBTI activists in recent years. The Institution has also been reluctant to initiate the drafting of a new special report on the human rights of LGBTI persons in the country. LGBTI organisations recommend the Institution to take a more proactive approach to serious and systemic human rights violations, to issue clear and well-substantiated opinions, to have stronger public communication, and implement more effective follow-up mechanisms to ensure the implementation of its recommendations by the competent authorities.

Legislation/policy in process

- The Federation of Bosnia and Herzegovina should draft a Law on same-sex partnership for the Federation.

In June 2025 the government finally appointed all members of the Inter-Ministerial Working Group that would draft the law, after 2 years of [blocking](#) by the Federal Ministry of Health. In October 2025 the Working Group started drafting the bill. Sarajevo Open Centre is a member of the Working Group. While the bill is not yet finalised, the commencement of the Working Group is a positive development.

In Bosnia and Herzegovina, LBQ women experience gender-based violence in a legal landscape that ignores their specific realities. According to ERA's [policy brief](#), although the country includes sexual orientation and gender identity in anti-discrimination laws, the legal definition of domestic violence does not recognise same-sex intimate partner violence. Survivors in same-sex relationships cannot access protective measures such as restraining orders or shelters because their relationships are not legally acknowledged. Institutional silence and stigma further reinforce underreporting. Bosnia and Herzegovina must amend domestic violence laws and protocols at the entity level to explicitly recognize same-sex intimate partner violence, ensuring that restraining orders are accessible regardless of relationship status. Protocols for safe, confidential referrals between public institutions and civil society organizations should also be developed.

⁶ (13) Improve the protection and inclusion of vulnerable groups, in particular persons with disabilities, children, LGBTIQ persons, members of the Roma community, detainees, migrants and asylum seekers, as well as displaced persons and refugees in line with the objective of closure of Annex VII of the Dayton Peace Agreement.

- Amend and harmonise freedom of assembly laws with the 2020 Brčko District law to make application equal across the country and to ensure harmonization with international and European standards, in particular grounds for restriction and responsibility of organisers as [highlighted](#) by the European Commission.

Twelve laws on freedom of assembly exist in Bosnia and Herzegovina due to the complex constitutional state system. The Brčko District law and laws in some of the Federation cantons are in line with international and European standards, however, the laws in the cantons of Tuzla, Sarajevo and Herzegovina-neretva, as well as Republika Srpska need to be amended.

For several years there have been irregularities from authorities and police when LGBTI people exercised their right to freedom of assembly at the annual Sarajevo Pride parade. Authorities continued to [make](#) burdensome administrative requirements, and in 2022 Pride organisers were [met](#) with hostile attitudes from authorities. In 2021 the city and canton of Sarajevo covered the cost of additional security for the first time, which [continued](#) in 2022 and 2023. However, this financial support was thanks to the goodwill of local politicians rather than the letter of the law, which is not a sustainable solution. The law must be amended.

The current draft Law on Public Assemblies of Tuzla Canton contains a number of provisions that are not in line with international and EU standards, and therefore create similar restrictions as the law in Sarajevo Canton, leading to issues in organising Tuzla Pride. Tuzla Open Centre submitted amendments to rectify this during the public consultation but since then the draft has stalled, with the final text not yet sent for adoption.

Recommendations to the EU

- Encourage the completion by the Federal Working Group of the drafting of the law on same-sex partnerships, with the widest possible range of rights to bring about equality for all couples. The bill should be published with a clear timeline for adoption;
- Encourage the government to start the process for legally recognising same-sex couples in Republika Srpska and Brčko District, as is happening in the Federation;
- Advise and support the Federal Ministry of Health to review, evaluate and align legal gender recognition procedures and related medical requirements with European and international human rights standards, ensuring that they are accessible, transparent and based on the principles of self-determination, dignity and bodily autonomy of transgender persons;
- Insist on and support the Federation of Bosnia and Herzegovina and the state-level authorities in adopting and aligning their legal frameworks on hate speech with European and international standards, ensuring comprehensive and consistent protection across a broader range of prohibited grounds, including sexual orientation, gender identity and sex characteristics, as well as effective implementation and enforcement across all levels of governance;
- Continue to support the advancement and alignment of freedom of assembly laws across BiH in line with European and international standards, using the 2020 Brčko District law as a best practice example;
- Call for the strengthening of the independence, effectiveness, timeliness and public visibility of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina, as per the abovementioned suggestions;

- Continue to monitor implementation of laws related to fundamental rights and democracy, speaking out strongly in case of non-implementation or undue delays;
- Continue and enhance funding for human rights related projects and programmes, in accordance with the EU's Action Plan for Human Rights and Democracy and Gender Action Plan III, which are designed to also cover LGBTI people and civil society. Ensure that funding goes to LGBTI organisations. Strong support is needed for projects and programmes countering anti-human rights and anti-gender actors in BiH;
- Make stronger statements and recommendations to the government and institutions, both publicly and in bilateral dialogues, on how to improve the protection and advancement of the human rights of LGBTI people, including condemning strongly and publicly any anti-human rights, anti-democratic, anti-gender and anti-rule of law developments;
- Insist on combating discrimination against LGBTI persons in the negotiating process, through enabling adoption of the registered partnership bill and legal gender recognition aligned with human rights standards for trans people.

Annex – Bosnia & Herzegovina's Annual Review chapter

ILGA-Europe's Annual Review documents progress and trends regarding the human rights situation of LGBTI people. It allows policy makers and institutions to gain a deeper understanding of the reality on the ground for LGBTI people and civil society, which often differs significantly from legislative frameworks.

You can find the Bosnia & Herzegovina chapter [here](#), which covers the period of January-December 2025.

Georgia

Expert contributions provided by: Equality Movement, Tbilisi Pride, Women’s Initiatives Supporting Group (WISG), Queer Initiative

Top priorities

Main legislation/policy to be repealed to improve human rights and democracy for LGBTI persons in Georgia

- Law on “Protection of Family Values and Minors”

On 17 September 2024 the Georgian Parliament adopted the Law on the “[Protection of Family Values and Minors](#)”, which came into force in December 2024. The anti-LGBTI legislation specifically targets the LGBTI community with a large number of amendments to 18 existing laws. It claims to “combat LGBT propaganda” and “protect children and family values”. Its provisions include:

- Criminalisation of any kind of medical intervention to change sex, such as hormone therapy
- A ban on advertising, broadcasting, public demonstrations or information in all educational institutions regarding LGBTI content;
- A ban on legal gender recognition
- A ban on adoption or fostering by LGBTI persons
- A ban on any legal recognition of same-sex couples
- Exempts employers from anti-discrimination obligations related to respecting a person's gender identity.
- It also amends the Criminal Code, which includes fines and prison sentences for breaching some of the new provisions, including 1-4 years’ imprisonment for medical personnel providing trans-specific healthcare.

Although the law has not yet been actively enforced - the bylaws have not been issued and nobody has been fined, its chilling effect is already evident. Local LGBTI community organizations report that even before the law’s enactment on 2 December 2024, key professional groups had already started to adopt self-censorship practices.

The law has also contributed to a growing number of hate crimes and discrimination based on sexual orientation and gender identity. As documented by the Equality Movement, due to the increasing sense of impunity in society, individuals who previously refrained from bullying, discriminating against, or oppressing LGBTI people out of fear of legal consequences have begun to act openly, resulting in the escalation and diversification of violent behaviours. In addition, the rise in homophobic intimidation and respective legislative changes has led to a severe deterioration in the community’s overall mental health, [resulting](#) in a sharp increase in the demand for psycho-social support services.

The law has also intensified widespread social and economic vulnerability of the LGBTI community. Anonymous sources report cases such as a dismissal of transgender individuals from workplaces due to their gender identity, as well as violations of academic freedom, including the rejection of theses focusing on LGBTI topics by supervisors and universities.

On 6 March 2025 The Committee of Ministers of the Council of Europe issued an [interim resolution](#) regarding the (non-)implementation of ‘Identoba and Others group v. Georgia’ in which it deplored the adoption of the Law on “Protecting Family Values and Minors”, which raises serious concerns about Georgia’s compliance with the judgement, not least for its ban on LGBTI public assemblies. The resolution calls for the repeal of the Law.

In July 2025, the European Commission sent [correspondence](#) to Georgian Dream representatives warning that visa-free travel for Georgian citizens may be suspended if the country does not meet key recommendations, including those related to safeguarding human rights. The letter included eight recommendations, one of which explicitly referred to repealing the Law on Protection of Family Values and Minors and asked for the rights of LGBTI persons to be fully upheld.

- Foreign Agent Registration Act

A new Foreign Agent Law, entitled “[Foreign Agents Registration Act](#)” was [adopted](#) on 1 April 2025, and took effect on 31 May 2025. It is modelled after the U.S. Foreign Agents Registration Act (FARA), however, unlike its U.S. counterpart, the Georgian version is specifically designed to target independent CSOs and media entities. The law requires that any individual or organisation deemed to act in the interest of a foreign entity — including those receiving foreign funding, and at the same time engaging in broadly defined “political activities” — register as “agents of a foreign principal”. The law imposes penalties of substantial fines or imprisonment, for both organisations and individuals, for non-compliance. The FARA was intended to replace the ‘Law on Transparency of Foreign Influence’ adopted in 2024. However, the law was not repealed and therefore remains in effect as a mechanism that can be used to target and pressure organisations that have rejected the “agent” designation and boycotted its requirements.

- Amendments to the Law on Grants

In April 2025 amendments to the Law on Grants were [adopted](#). The new provisions introduced a mandatory requirement for donors to obtain governmental approval before issuing a grant in the country. According to the law, non-compliance is punishable for recipients of “unauthorized” grants with penalties amounting to twice the value of the funds received. The Anti-Corruption Bureau (ACB) was designated as the responsible body for monitoring compliance. Beginning in September 2025, the ACB initiated a series of [enforcement measures](#) against dozens of civil society organizations (CSOs) operating in the country. In November 2025, a decision was made to [abolish](#) the Bureau and transfer its functions to the State Audit Office, effective 2 March 2026.

In June 2025, another round of amendments was [made](#) to the Law on Grants, according to which activities such as signing an ordinary service contract to share knowledge and/or technical assistance are to be treated as equivalent to issuing a grant. These amendments have effectively suspended all the fundraising endeavours of international donors and have significantly reduced the pool of professionals who can support the LGBTI community. The Law on Grants was then further [restricted](#) in March 2026, expanding the concept of “grant” and requiring governmental approval for its use by recipients in activities related to domestic or foreign politics or those “serving foreign interests”. Non-compliance may result in criminal liability.

- Amendments to the Law on Gender Equality

On 2 April 2025, [amendments](#) to the Law on Gender Equality came into effect, which eliminated the term “gender” from approximately 15 existing laws, replacing “gender equality” with “equality between women and men,” and removing the concept of “gender identity” from legal texts. Based on the recent modifications, the law has been renamed after the ‘Law on Equality between Women and Men’.

Accordingly, the Law on the Elimination of All Forms of Discrimination and the Criminal Code were also [amended](#) with “gender identity” being removed from the list of protected grounds, and the Permanent Parliamentary Council for Gender Equality, as well as similar mechanisms in autonomous republics and municipalities, was formally dissolved. The Georgian Dream party [justified](#) the initiation of these amendments by claiming that the term “gender” had been purposely introduced into Georgian legislation under foreign influence as a “reflection of the global processes”.

- Resulting problems with mechanisms protecting LGBTI persons from violence

In addition to the new legislation which removes protections for LGBTI persons, administrative issues such as delays in launching investigations, granting victims the status of ‘aggrieved party’, or properly qualifying criminal cases, combined with the lack of sensitivity and awareness among police officers, prosecutors, and investigators, results in a mismatch between official statistics and reality when it comes to the effective prevention and investigation of hate crimes against LGBTI persons. This mismatch is compounded by LGBTI individuals refraining from reporting due to distrust and fear of being discriminated against, ignored or even targeted by police.

Human rights protection mechanisms, including in the Ministry of Internal Affairs and Public Defender’s Office, have been negatively impacted by a concerning level of institutional desensitisation, politicisation, and large-scale replacement of personnel. This has led to significant weakening of overall qualifications, and decisions being driven by political will rather than legal standards.

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI persons

- Following the December 2022 ECtHR positive judgement in *A.D. and others v. Georgia*,⁷ in which Georgia was found in violation of Article 8 ECHR (right to private life) owing to an unclear legal framework concerning LGR and inconsistent interpretation of relevant provisions by domestic courts, we call on Georgian authorities to work with LGBTI civil society to put in place a clear legal framework allowing for quick, transparent & accessible procedures for legal gender recognition on the basis of self-determination and in line with the WHO’s revision of [ICD-11](#), which came into force in January 2022, and which depathologises trans identities in all areas of life.

The EU’s case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another

⁷ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-221237%22%5D%7D>

Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. In particular, the case *A.D. and others v. Georgia*, decided in March 2023, found that Georgia is violating Article 8 of the Convention for not having a regulatory framework for legal gender recognition. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements such as surgical interventions or requiring medical certification.

Regarding the implementation of ECtHR case *A.D. and others v. Georgia* from 2023, in September 2025 the Council of Europe’s Committee of Ministers adopted their [decision](#) on the (non-) implementation of *A.D. and others v Georgia*, and implored Georgia to:

- Lift the current ban on LGR introduced by the Law on “Protecting Family Values and Minors”;
- Introduce legislation regulating the conditions and procedures for legal gender recognition in line with the Convention and the Court’s case-law;
- Ensure, as far as possible, that national authorities directly apply the relevant Convention standards in their practice, pending the adoption of a clear legal framework enabling transgender persons to benefit from quick, transparent and accessible procedures for changing their sex/gender marker in their official identification documents;
- Implement the individual measures for the applicants.

Additional concerns

Bill restricting freedom of expression for LGBTI persons and organisations

In April 2025, the Georgian Parliament [received](#) a legislative proposal aimed at restricting LGBTI symbolism. The initiative [came](#) from the international association “Protect Your Homeland,” which called for urgent adoption of a law banning LGBTI marches in Georgia and prohibiting the display of rainbow clothing in public gathering spaces. According to the Parliament’s Bureau, the Human Rights and Civil Integration Committee was assigned to study the proposal and report back to the Bureau.

National Human Rights Strategy

The National Strategy for the Protection of Human Rights of Georgia for 2022-2030, adopted in 2023, and the respective Human Rights Action Plan for 2024-2026, ignores the LGBTI community and contains no entry points for addressing SOGIESC-based discrimination and/or violence.

Emigration of LGBTI persons

In 2025, internal civil society data underscored that emigration among LGBTI people in Georgia continued to be a growing and persistent concern. Community-based organisations reported a recurring, “wave-like” pattern in requests for relocation or international protection support, consistent with trends observed in the previous years. There have been spikes of emigration of LGBTI people which have corresponded with the adoption of the aforementioned main restrictive laws and the murder of Kesaria Abramidze. In addition, the consistent anti-LGBTI rhetoric from the government and hostile environment contribute to the reasons for LGBTI people emigrating.

However, there is an ongoing concern that some EU countries classify Georgia as a ‘safe country’.

Feedback on the European Commission’s 2025 Enlargement Report

- LGBTI civil society commend the European Commission’s 2025 report as having provided a good overview of the general situation of LGBTI persons in Georgia, while also addressing deteriorations, with a particular emphasis on negative legislative changes.

Recommendations to the EU

- The EU should continue its outspoken support to the demonstrations in support of a democratic Georgia and continue to call for the repeal of the “Law on Transparency of Foreign Influence”, the “Foreign Agents Registration Act”, and amendments to the “Law on Grants of Georgia”;
- The EU should call for the repeal of the Law on “Protecting Family Values and Minors” and amendments to the “Law on Gender Equality”;
- The EU should call on its Member States to ensure proper assessment of applications of LGBTI human rights defenders and LGBTI asylum seekers coming from Georgia according to the deteriorated situation for LGBTI persons in Georgia, especially given the current designation by some EU Member States of Georgia as a ‘safe country’. In this regard, the EU should encourage its Member States be guided by the [EUAA Practical Guide on applicants with diverse sexual orientations, gender identities, gender expressions and sex characteristics](#);
- The EU should refer to the [EU Georgia-Association Action Plan 2021-2027](#), and align the LGBTI related priorities with those of the Enlargement process for Georgia;
- The EU should focus on broad benefits of EU accession when communicating in public, in particular highlighting social protection support and efforts to combat poverty;
- The EU should prioritise fighting violent extremism in Georgia.

Annex – Further reading

ILGA-Europe’s Annual Review documents progress and trends regarding the human rights situation of LGBTI people. It allows policymakers and institutions to gain a deeper understanding of the reality on the ground for LGBTI people and civil society, which often differs significantly from legislative



frameworks. You can find the Georgia chapter [here](#), which covers the period from January to December 2025.

We also point you to the [shadow report for Georgia's fourth Universal Periodic Review submitted jointly by ILGA World, Women's Initiatives Supporting Group \(WISG\), Tbilisi Pride, and Equality Movement \(EM\)](#). The report assessed the situation of human rights for LGBTI people in Georgia between 2021 and 2025, highlighting systematic rollbacks of rights, increasing state-sponsored hostility, and growing exclusion from public life. It also noted that progress on gender equality had been undermined, with measures to promote women's political participation revoked and gender-based violence, particularly by law enforcement, going unpunished, sustaining a climate of impunity.

Kosovo

Expert contributions by: CEL and CSGD

Top priorities

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people

- The government should include same-sex marriage in the Civil Code in line with Kosovo's Constitution, specifically Article 37 which states the following:

“Based on free will, everyone enjoys the right to marry and the right to have a family as provided by law (...) Marriage and divorce are regulated by law and are based on the equality of spouses.”

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex couples, with two of the remaining five in the process of introducing such recognition). In addition, the CJEU case law is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case (C-713/23) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

The Council of Europe has found that “it is undisputed that the relationship of a same-sex couple falls within the notion of “private life” as protected in article 8 of the European Convention on Human Rights (ECHR) and there is a large jurisprudence of the European Court of Human Rights (ECtHR) affirming this. In the *Schalk and Kopf* (2010)⁸ and *Vallianatos* (2013)⁹ cases, the ECtHR further held that the relationship of a same-sex couple living in a stable de facto partnership also falls within the notion of “family life” pursuant to article 8.

The Civil Code progress remains stalled this year, due to institutional deadlock following the February 2025 elections.

- The government should adopt a law that would enable quick, transparent and accessible legal gender recognition for trans people on the basis of self-determination and in line with the WHO's revision of ICD-11, which came into force in January 2022, and which depathologises trans identities in all areas of life.

The EU's case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case C-394/23) of January 2025, *Mirin* (Case C-4/23) of October 2024, *Deldits* (Case C-247/23) of 13

⁸ CASE OF SCHALK AND KOPF v. AUSTRIA: <https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%222870457%22%2C%22itemid%22:%5B%222001-99605%22%5D%7D>

⁹ CASE OF VALLIANATOS AND OTHERS v. GREECE <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%222001-128294%22%5D%7D>

March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called, in its Resolution 2048, on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including medical certification.

Kosovo currently does not have specific laws regulating legal gender recognition. Therefore, the current procedure involves a lengthy court process, such as the case of [Blert Morina - A.nr. 1822.2018](#) (Basic Court of Pristina, Administrative Department).

The government has drafted a Draft Law on Civil Status, which would introduce regulations in line with international standards for legal gender recognition, including abolishing mandatory sterilisation and other compulsory medical treatments. However, the bill has yet to be voted by the parliament, and has been stalled at this stage since 2023. Since elections took place in February 2025, the government will now need to restart the process of submitting the bill to Parliament. However, the institutional deadlock is delaying this important step.

- The government should amend the Criminal Code to include protection against online harassment and threats.

These amendments should include protections based on existing grounds of discrimination for LGBTI persons (so on grounds of sexual orientation, gender identity, gender expression and sex characteristics) as well as gender (thereby criminalising gender-based online violence). Throughout 2025 bias-motivated speech against LGBTI persons [remained](#) widespread, particularly during election periods and on social media. Hate speech was often disseminated by public figures, political actors, and media outlets, including online.

- Improve protection from gender-based violence.

In August 2025 ERA published a new [report](#) on Gender Equality and Prevention of Violence against Lesbian, Bisexual and Queer (LBQ) Women in Albania, Bosnia and Herzegovina, Kosovo and Serbia. The report recommends the following to better protect LBQ women in Kosovo from gender-based violence:

- Legal Reform: Protective measures, including protection orders, must be made immediately accessible to same-sex victims of intimate-partner violence (IPV) regardless of marital status. The Criminal Code and Law on Domestic Violence must be amended to properly classify same-sex IPV, family rejection, and psychological abuse as hate crimes and domestic violence.
- Inclusive Services & Pathways: Mainstream shelters must establish anti-discrimination protocols, safety measures, and staff training on SOGIESC issues. Furthermore, secret survivor-oriented pathways must be developed between civil society organizations, police, and social services to enable reporting without the disclosure of identities.
- Data Collection: gender-based violence data collection forms must be modified to include voluntary fields for sexual orientation, gender identity, and relationship type information.
- Improve healthcare for LGBTI persons.

There remain a number of important changes required to improve healthcare for LGBTI persons:

- Adoption of a protocol enabling and regulation trans-specific healthcare;
- Banning of non-consensual medical interventions on intersex persons, as recommended in the October 2025 Council of Europe [Committee of Ministers Recommendation](#) on equal rights for intersex persons, CM/Rec(2025);
- Strengthening of victim's support and improving inclusiveness, to support LGBTI CSOs which are currently filling service gaps of health, psychosocial and legal support for LGBTI victims;
- Banning of all so-called "conversion practices";
- Mandatory training for police, judges, prosecutors, and healthcare workers focusing on trauma-informed practice must be integrated into core public institution curricula.

Implementation of already-existing legislation/policy

- The government needs to properly implement its hate crime, hate speech and anti-discrimination legislation, which cover the grounds of sexual orientation and gender identity.

The broader Law on Protection from Discrimination remains weak in practice due to an absence of secondary legislation regarding penalty mechanisms, leading to widespread impunity. Additionally, while the Criminal Code includes hate crime provisions, they are largely non-functional because police and prosecutors consistently fail to record and apply aggravating circumstances for bias-motivated attacks.

In 2025, cases of violence against LGBTI persons continued to be [reported](#), including physical attacks, threats, and harassment. Underreporting remained a serious issue due to fear of secondary victimisation and lack of confidence in law enforcement.

Feedback on the European Commission's 2025 report

- The European Commission has correctly indicated that Kosovo's framework for protection of and equality for LGBTI persons is insufficient, with lack of movement on adopting legal gender recognition nor legal recognition of same-sex couples;
- The Commission has noted the lack of a formal LGBTI Strategy or Action Plan;
- The Commission's report substantively documents the "governance bottleneck" affecting all policy fields, including rights-related legislation such as the Civil Code and Law on Civil Status Documents. This acknowledgement is important.

Recommendations to the EU

- The EU should continue to support Kosovo in advancing key legislation to ensure family rights for LGBTI persons and access to legal gender recognition, taking into account the recent CJEU jurisprudence that is advancing EU acquis on both these topics;
- The EU should encourage state justice providers in all instances to ensure access to justice for LGBTI persons, particularly in cases of SOGIESC-based discrimination, hate speech, and hate crimes;
- The EU should insist on the drafting of formal LGBTI strategy and action plan by Kosovo, taking into account the priorities drafted by civil society organisations in their model Action Plan 2024-2026.

Annex – Kosovo's Annual Review chapter

ILGA-Europe's Annual Review documents progress and trends regarding the human rights situation of LGBTI people. It allows policy makers and institutions to gain a deeper understanding of the reality on the ground for LGBTI people and civil society, which often differs significantly from legislative frameworks.

You can find the Kosovo chapter [here](#), which covers the period of January-December 2025.

Moldova

Expert contributions provided by: GENDERDOC-M Information Centre

Negative trends in the last year

Anti-LGBTI bills and legislation

Despite the successes of Moldovan authorities to combat various elements of Russian influence, including disinformation, shrinking civic space and anti-human rights initiatives, opposition parties in Moldova continue to regularly submit bills aimed at limiting rights and protection for LGBTI persons.

In March 2025, Vladimir Odnostalko, a deputy from the Bloc of Communists and Socialists, proposed draft amendments to the Law on the Protection of Children from Harmful Information. The proposal aimed to ban so-called “LGBT propaganda” and pornography in media accessible to children. It was [rejected](#) later that month.

In April, the authorities in Moldova’s Transnistrian region advanced a draft law aimed at banning the so-called propaganda of non-traditional values among both adults and children. In July, the Supreme Council adopted the law in final reading. It was subsequently signed by the region’s self-declared President and entered into force following official publication. The law amends seven existing laws to prohibit the dissemination of content related to “non-traditional sexual relations”, gender reassignment, and the choice not to have children. It introduces administrative penalties, including fines and the suspension of operations for legal entities.

In May, the Party of Socialists of the Republic of Moldova [announced](#) its intention to pursue legislation banning LGBTI marches and introducing criminal liability for so-called “LGBTI propaganda” directed at minors.

Following this, Chisinau Mayor Ion Ceban publicly opposed LGBTI marches and what he described as propaganda in the capital. He announced an order against so-called LGBT propaganda in educational institutions, while the Chisinau Municipal Council later adopted a decision [restricting](#) public meetings on so-called sensitive topics, including sexual orientation and gender identity. Genderdoc-M announced its intention to file a [complaint](#) with the Equality Council, while the People’s Advocate [condemned](#) the measures as an unjustified interference with freedom of expression and peaceful assembly. Activist Vasile Micleuşanu filed a police complaint invoking criminal law provisions on violations of equal rights. Police confirmed that they were reviewing the complaint.

In June, the opposition parliamentary group Pobeda (Victory) [submitted](#) a draft law seeking to protect what it described as the family and moral foundations of Moldovan society by restricting the activities of LGBTI people, notably banning so-called “LGBT propaganda” in schools, the media, and public events, ban adoption by LGBTI people and to ban assemblies, marches, and parades that “promote non-traditional family relations”.

Crucially, on 21 April 2026, a ground breaking CJEU judgement (Case [C-769/22](#)) found Hungary in violation of Article 2 of the Treaty of the European Union (TEU) and numerous EU laws for its “anti-LGBT propaganda” law adopted in 2021. The Court found that the “anti-LGBT propaganda” law

“infringes the rights of non-cisgender persons, including transgender persons, or non-heterosexual persons, as well as the values of respect for human dignity, equality and respect for human rights, including the rights of persons belonging to minorities within the meaning of Article 2, such that it is contrary to the very identity of the Union as a common legal order in a society characterised by pluralism”. As a result, any laws banning so-called “LGBT propaganda” run contrary to Article 2 TEU – any aspiring EU Member State must adhere to this new area of EU acquis.

Attempts to ban Chisinau Pride

Among these anti-LGBTI initiatives is also the attempt to ban Chisinau Pride, in keeping with abovementioned legislative initiatives. In June, Moldova Pride took place in Chisinau amid significant political opposition and attempts to [restrict](#) the event. Ahead of the march, Chisinau Mayor Ion Ceban signed an order opposing the organisation of the Pride event, effectively banning the planned march scheduled for June.

The national government subsequently demanded that the municipal authorities reverse the ban, arguing that it violated constitutional guarantees of freedom of assembly and expression. The State Chancellery issued a formal notification asserting that prohibiting the parade constituted an infringement of constitutional rights.

Mayor Ceban rejected the demand, framing it as political pressure from the ruling PAS party. Despite these developments, the Pride march went ahead. Following the event, police [fined](#) the organisers 1,500 lei (approximately €80) for blocking the road without authorisation. On the same day, a counter-demonstration branded as a “Family March,” organised by the Party of Socialists of the Republic of Moldova (PSRM) under the leadership of former President Igor Dodon, took place in Chisinau.

Top priorities for the coming year

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people

- The government should work on a law that would enable quick, transparent and accessible legal gender recognition for trans people on the basis of self-determination and in line with the WHO’s revision of ICD-11, which came into force in January 2022, and which depathologises trans identities in all areas of life. Currently the only available process in Moldova is pathologized (requires a medical certificate) and requires the decision of the court.

The government drafted [amendment](#) to the Law on Civil Status Documents, that would have enabled changes to names and gender markers, was excluded from the final version of the Law which was adopted in July. Therefore the government should now draft a law that would improve Moldova’s legal gender recognition system, in line with international standards.

The EU’s case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also

ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including medical certification.

- In order to reduce discrimination and violence against LGBTI children, and to ensure quality and inclusive education for all children, the government needs to adopt the Coalition for Inclusion and Non-Discrimination’s proposed amendments to the Contravention Code, in order to ensure effective protection against bullying, mobbing, and discrimination. These changes are essential for aligning national legislation with international standards and creating a safer, fairer, and more inclusive society for all citizens.
- The government should start discussions with civil society on the future drafting of a same-sex partnership law to give legal recognition to same-sex couples, in order to ensure all couples are treated equally.

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex couples, with two of the remaining five in the process of introducing such recognition). In addition, the CJEU case law is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case ([C-713/23](#)) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

The Council of Europe has [found](#) that “it is undisputed that the relationship of a same-sex couple falls within the notion of “private life” as protected in article 8 of the European Convention on Human Rights (ECHR) and there is a large jurisprudence of the European Court of Human Rights (ECtHR) affirming this. In the *Schalk and Kopf* (2010)¹⁰ and *Vallianatos* (2013)¹¹ cases, the ECtHR further held

¹⁰ CASE OF SCHALK AND KOPF v. AUSTRIA:

<https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%222870457%22%2C%22itemid%22:%5B%22001-99605%22%5D%7D>

¹¹ CASE OF VALLIANATOS AND OTHERS v. GREECE <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-128294%22%5D%7D>

that the relationship of a same-sex couple living in a stable de facto partnership also falls within the notion of “family life” pursuant to article 8.

In January 2023 the European Court of Human Rights in *Fedotova v. Russia*¹² affirmed that the lack of legal recognition for same-sex couples is a violation of the right to private and family life (Article 8 of the ECHR). In June 2023, the People’s Advocate, Moldova’s NHRI, [said](#) the state will have to find a solution to comply with the ECtHR ruling.

Currently in Moldova, same-sex couples do not have the same rights as different-sex couples, as their relationship is not legally recognised. In addition, same-sex couples, in which one partner is a third country national, do not enjoy the same rights as different-sex couples, who can marry and enjoy the right to family-based residency. Although other temporary stay grounds formally exist, such as work, study or volunteering, these routes are restrictive, conditional and not equally accessible in practice. The third country partner in a same-sex couple can only stay in Moldova for three months, after which they either need to leave Moldova or apply for international protection. This discrimination remains pertinent in the context of the war in Ukraine, where many same-sex couples, where one of the partners comes from Ukraine, Belarus or Russia, are denied equal treatment, rights and benefits that different-sex couples enjoy.

Feedback on the European Commission’s 2025 Enlargement Report

- As the European Commission’s 2025 Enlargement Report already notes, LGBTI persons in Moldova continue to face discrimination, hostile rhetoric, targeted disinformation and attempts to restrict freedom of assembly;
- The Report correctly reflects the attempted ban of Pride by the Chişinău Municipal Council, the multiplication of online disinformation campaigns targeting the LGBTI community, and the continuing role of some political and religious actors in fuelling hostility;
- Future reports should continue to address anti-LGBTI developments not only as human rights concerns, but also as issues linked to democratic standards, rule of law and resilience to malign influence.

Recommendations to the EU

- Support Moldovan authorities in tackling disinformation against LGBTI persons, and in highlighting that anti-LGBTI initiatives, laws and restrictions run contrary to EU acquis and EU values, and rather follow the example of Russia;
- Make clear that Pride marches form part of the right to freedom of assembly for all persons, and that restrictions on this right run contrary to EU acquis and international fundamental rights standards;
- Support LGBTI civil society in calling for the drafting of a law that would enable quick, transparent and accessible legal gender recognition, and support the adoption of the draft law for the prevention of bullying, in addition to measures to tackle anti-LGBTI discrimination in schools;
- Include LGBTI civil society in consultations and calls for proposals for actions under the EU’s [Human Rights and Democracy Action Plan](#), which specifically commits to tackling

¹² CASE OF FEDOTOVA V. RUSSIA: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-13353%22%7D>

discrimination and violence against LGBTI people, and to promoting quality and affordable healthcare and education for LGBTI people;

- Include LGBTI civil society in consultations and calls for proposals for actions under the EU's [Gender Action Plan III](#), which states that it should be read in conjunction with the LGBTIQ Equality Strategy, and highlights LGBTI women as a group at high risk of gender-based violence and domestic violence;
- Include LGBTI topics in files related to not only human rights, but also democracy, rule of law and combating disinformation, misinformation and FIMI.

Annex – Moldova's Annual Review chapter

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You can find the Moldova chapter [here](#), which covers the period of January-December 2025.

Montenegro

Expert contributions provided by: Association Spectra, Montenegrin LGBTIQ Association Queer Montenegro

Top priorities

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people (priorities for the next year)

- Present to parliament the draft law on legal gender recognition based on self-determination, in accordance with CJEU and ECtHR jurisprudence, recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT), and the new ICD-11 of the World Health Organisation, which depathologises trans identities in all areas of life.

The EU's case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

In January 2026 Montenegro adopted the Program for the Accession of Montenegro to the European Union for the period 2026-2027, which reaffirms the adoption of the Law on Legal Recognition of Gender Identity on the basis of self-determination is among the priority measures for closing of chapter 23. With this program, Montenegro committed itself to the adoption of the law on self-determination by the end of the second quarter and to the beginning of its implementation in the third quarter of the current year.

However, despite broad support from various domestic and international actors, despite the bill long being finalised and ready for adoption, the government continues to refuse to send it to Parliament. This is after repeatedly including the bill as one of the conditions for finalising Chapter 23. This represents not only a further continuation of direct violation of human rights and freedoms, but also a gross deviation from the obligations that Montenegro itself undertook within the accession process, but also by agreeing to be part of the international public legal order.

Currently in Montenegro legal gender recognition is available, but based on mandatory sterilisation, both to minors and adults. Adoption of this Law would abolish the inhumane practice of forced sterilisation, and the outdated practice of pathologisation as a prerequisite for realising this basic human right, in accordance with the 2018 update of ICD-11 of the World Health Organisation, which depathologised trans identities in all areas of life.

The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. In particular it calls for the abolition of the legal requirements of sterilisation and other compulsory medical treatments to access legal gender recognition. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including sterilisation and medical certification.

- Adopt the draft law on Gender Equality

From December 2025-March 2026 the Ministry of Human and Minority Rights ran a public consultation to inform the new [draft law on Gender Equality](#). According to the official consultation report, the Government Work Programme for 2026 foresees adoption of the bill in Q2 2026.

In the accessible official materials, the proposed law would significantly broaden the scope of protection by covering equal treatment regardless of sex and/or sex characteristics, gender, gender identity, gender expression, and sexual orientation, and by defining concepts including gender identity, gender-based violence, and gender-based digital violence. It also places new obligations on public authorities and other covered entities to integrate a gender perspective into decision-making, designate gender-equality focal points, use gender-sensitive language, and collect sex-disaggregated data. The proposal foresees punitive measures for non-compliance in the form of fines.

The Ministry of Finance’s opinion of 25 February 2026 on the proposal indicates that the bill has moved beyond the consultation phase, but also raised implementation concerns, notably that no budget funds had been planned for establishing a new Agency for Gender Equality, and suggested assigning those competences within existing institutional structures unless financing is secured.

- Conduct a comprehensive analysis related to so-called “conversion therapy” practices and propose legislative changes which would fully penalise these kinds of human rights abuses.

No comprehensive analysis related to so-called “conversion therapy” practices has been conducted in Montenegro to date. Likewise, no legislative changes have been proposed or adopted to fully penalise these forms of human rights abuses, despite the harmful impact such practices have on LGBTI individuals.

- Increase capacities of the Ministry of Human and Minority Rights for the coordination and implementation and monitoring of the LGBTI Strategy.

Despite the adoption of the Strategy 2024–2028, the Ministry continues to face significant limitations in terms of human and financial resources, which poses a serious challenge to the effective

implementation and monitoring of the Strategy's measures. Despite the Ministry of Human and Minority Rights remaining the only ministry in the country that is publicly vocal and consistently engaged on LGBTI issues, it is increasingly passive, and much of the funding for implementing the Strategy is being channelled to dubious self-employment organisations which do not have expertise on LGBTI human rights, while LGBTI organisations find it harder to operate for this purpose and in this context.

Implementation of already-existing legislation/policy

- Properly implement the same-sex partnership law.

Following the landmark adoption of same-sex partnership legislation in Montenegro in 2020, there have been several registrations of same-sex partnerships since July 2021. However, despite this initial progress, approximately 20 by-laws still require harmonisation and adoption for full implementation.

In November 2025, Montenegrin institutions met in Podgorica to review progress on harmonising national legislation with the law, five years after its adoption. Despite the law's entry into force, full alignment across sectoral legislation remains incomplete, particularly in areas such as social security, taxation, and administrative procedures, limiting the practical enjoyment of rights by same-sex couples. The meeting, organised under the joint EU–Council of Europe action Combating Hatred and Intolerance in Montenegro, brought together representatives of relevant ministries to assess progress since July, identify remaining gaps, and outline next steps. Participants agreed to continue regular coordination, with a follow-up session scheduled for March 2026.

- Improve implementation of laws tackling hate crime and hate speech by improving the capacities of the prosecutorial and judicial system to adequately recognize, treat and sanction hate crime and hate speech, including effective use of aggravating grounds of sexual orientation and gender identity.

Hate speech, both online and offline, should be dealt with by the police and relevant courts as defined by the Law on prohibition of discrimination, which is the legal basis for implementing hate speech statutes. However, the current practice is that all such cases are qualified under the Law on public order and peace, as disturbance of the public peace or a similar misdemeanour, rather than hate speech.

Relevant institutions should improve monitoring of hate crime and hate speech, and support LGBTI people to report. It is also important to ensure public officials are sanctioned and publicly condemned when they use hate speech or discriminatory speech.

- Ensure proper implementation of the newly-adopted Law on Protection of Equality and Prohibition of Discrimination.

Law no. 2/2026 on Protection of Equality and Prohibition of Discrimination was adopted on 31 December 2025, and is welcomed by LGBTI human rights organisations. It defines discrimination broadly as any less favourable treatment based on an actual or presumed protected ground and expressly covers, inter alia, sex or sex adjustment and/or sex characteristics, gender or gender identity, sexual orientation, genetic characteristics, disability, age, marital or family status, life partnership, political affiliation, and other personal characteristics. The Protector of Human Rights and Freedoms retains broad anti-discrimination powers, including receiving and handling complaints, informing

complainants about their rights and available judicial and other remedies, conducting conciliation, and initiating or intervening in court proceedings in appropriate cases. This law is particularly significant because it provides the overarching equality framework that reinforces labour-law protection across public and private life.

- Implement guidelines on LGBTIQ+ topics for primary and secondary school teachers.

In April 2026, the Centre for Civic Education published [guidelines on LGBTIQ+ topics for primary and secondary school teachers](#) to help schools prevent homophobia, transphobia, discrimination, and peer violence. A wide network of civil society organisations and human rights activists later condemned public attacks on the guide, stressing that it was falsely portrayed and that such narratives further stigmatise LGBTIQ+ youth. This case highlights how resistance to inclusive educational tools undermines children’s right to safe education and raises concerns about Montenegro’s alignment with EU standards on non-discrimination, inclusion, and child protection. It is paramount that the government leads by example and ensures implementation of guidelines on LGBTIQ+ topics for primary and secondary school teachers, in order to reduce discrimination and bullying in schools and ensure the right to education for all pupils.

Feedback on the European Commission’s 2025 report

- The report correctly highlights that Montenegro has not yet adopted the Draft Law on Legal Recognition of Gender Identity based on self-determination, despite completing prior legislative steps and consultations with the European Commission;
- The report also highlights that the Law on Prohibition of Discrimination and the Law on Life Partnership of Persons of the Same Sex remain pending full implementation, with delays exceeding five years in some cases.

Recommendations to the EU

- The European Commission and EU Delegation should be explicit about the fact that the adoption of the draft law on legal gender recognition is an immediately achievable step that brings Montenegro closer to adhering to the requirements set for the closing of Chapter 23, in accordance with the recommendations of the interim benchmark assessment report, as it would contribute to equality and non-discrimination for trans persons and bring Montenegro’s current legal gender recognition framework in line with European and international standards, including respecting the jurisprudence of the CJEU and ECtHR, and various UN recommendations. The Commission and EU Delegation should point out that this is a commitment of the Montenegrin government in its Action Plan and Program for Accession regarding Chapter 23. It is crucial for the European Commission to highlight this as a priority in the negotiations and its public communications;
- Support the adoption of the draft law on Gender Equality in its current form, as it meets international human rights standards as regards inclusive gender equality;
- Reinstate funding for LGBTI and gender related topics, in accordance with the EU’s GAP III and Action Plan for Human Rights and Democracy. Currently no LGBTI project receives direct EU funding. Certain funds have been allocated for LGBTI projects through two large EU grants, but LGBTI organisations receive this funding only via partnerships or subgranting, which results in them receiving only a small fraction of these funds;

- Make stronger statements and recommendations to the government and institutions on how to improve the protection and advancement of the human rights of LGBTI people, including condemning strongly and publicly any anti-human rights, anti-democratic and anti-rule of law developments;
- Continue to encourage the Government and Parliament of Montenegro, as well as all institutions and decision makers, to fully harmonise the legal system and align all legislation with the same-sex partnership law.

Annex – Montenegro’s Annual Review chapter

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North Macedonia

Expert contributions provided by: Helsinki Committee for Human Rights, Queer Center Skopje, Coalition Margins

Rollback on rights

As reported last year, amendments to the Laws on Primary and Secondary Education, which entered into force on 11 January 2025, explicitly removed "gender," "sexual orientation," and "gender identity" as protected grounds against discrimination in education. This legislative rollback is considered a major step backwards that directly contradicts North Macedonia's existing Law on Prevention and Protection against Discrimination (LPPD), severely weakening institutional safeguards against peer violence and exclusion for LGBTI students.

In April 2025, a proposal by MPs from the ruling party VMRO amended the Law on Primary Education again, limiting the scope of protection against discrimination in the LPPD to only six discriminatory grounds recognised in the Constitution. Additionally, the provisions on providing SRHR information to pupils were removed. The MPs and their initiative received open support from anti-rights and anti-gender groups.¹³

These are the same groups which celebrated the withdrawal of amendments to the Civil Registry Law which would have enabled legal gender recognition (see more below),¹⁴ and also conduct regular meetings with VMRO MPs. The Minister of Education and Science, in her statement, openly admitted that she and the political party she represents are "consulting with the concerned parents whose children are not safe in schools and do not want them to be indoctrinated" (referring to information on LGBTI topics and comprehensive sexuality education).¹⁵ The Prime Minister continuously issues statements on his efforts to integrate content in schools' curricula limiting the definition of family to traditional nuclear family models in order to save the nation from extinction.¹⁶ He clearly states that the current Government abandons the gender politics introduced by the previous Government and "we are now pursuing a clear sex policy, which is what is contained in the legal amendments for primary and secondary education".¹⁷ Additionally, this regression - specifically the deletion of anti-discrimination grounds relating to sexual and reproductive health, sexual orientation and gender

¹³ Letter of support from the Coalition for protection of children, accessible at:

https://www.zadecata.org/post/pismo-so-poddrska-do-antonijo-milososki?fbclid=IwY2xjawLco21leHRuA2FlbQlxMABicmlkETFhaWVQRnNoRzh0TEFmU0gyAR5jABt09UZvg3q7lpB0b3klxGtiwOAYkVYCAzEvRE-LmKL83eLwV1TJISfPBw_aem_pg5jBE1SjtahmxMvQ5H5A

¹⁴ Coalition for protection of children. More at: <https://www.zadecata.org/post/pobeda-makedoncite-obedineto-se-sprotivstavija-na-radikalnata-rodova-ideologija>

¹⁵ The Minister of Education and Science addressed a National Forum for Cooperation with Civil Societies. More at: <https://civicamobilitas.mk/vesti-mk/pozitivnite-opshtestveni-promeni-se-mozhni-preku-sorabotkata-na-vladata-i-gragjanskite-organizacii/>

¹⁶ The Prime Minister's statement in the media. More at: <https://www.sitel.com.mk/mickoski-se-razbira-dekajie-nema-danok-za-nemazheni-i-nezheneti-no-nie-tivko-ischeznuvame-i-toa>

¹⁷ The Prime Minister's statement in the media. More at: https://strumicadenes.mk/opstini/strumica/mitskoski-ja-napushtame-rodovata-politika-od-minatata-vlada-i-sega-vodime-polova-postojat-samo-majka-i-tatko-gi-povikuvam-mladite-da-formiraat-mnogudetni-semejstva/?fbclid=IwY2xjawLcp_1leHRuA2FlbQlxMQBicmlkETFreWxTb2pZczA2OVdpT3ZZAR6uVa8MzIz6odqTx1dSSn-XI7OrcHUUpMmODoS-e8DrY4_pxoeEyl_5D6Rkuw_aem_mFkw4a7N8QTGnk8aWeNDuQ

identity (SOGI), and gender equality, also negatively impacted the changes in the Law on Textbooks and the Bylaw of the Law on Primary Education, which governs the handling of violence, discrimination, and bullying in primary schools. All of these changes were carried out with no open public debate and no dialogue with civil society organisations nor professionals who work in this area. Developments in 2025 should also be read against patterns already visible in 2024, when anti-gender actors contributed to the cancellation or displacement of LGBTI-related academic and civic events and to attacks on queer cultural expression, foreshadowing the narrowing of public space seen more clearly in 2025.

Anti-gender movement actors

These regressive changes have been promoted by a strong anti-gender movement¹⁸, gendered disinformation¹⁹, and institutionalisation of anti-gender politics²⁰ where political actors are also anti-gender actors, which we reported on in last year's report. On 1 October 2025 a new international initiative was launched in Ohrid, North Macedonia. The initiative is called "Moms for Freedom World" and was created by the conservative U.S organisation "Moms for America". "Moms for Freedom World" receives state media coverage and is platformed and thus legitimised during governmental and Presidential events.²¹ The initiative frames itself around supporting and elevating mothers, but promotes traditional gender roles and conservative family structures. Organised anti-gender actors have not only opposed equality reforms in public discourse, but have also shaped the political climate in which rollback of rights became possible, particularly through pressure campaigns targeting education, civil society, and public institutions. It is important for the EU to name these actors in its analysis.

Top priorities

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people (priorities for the next year)

- The government should reintroduce the draft amendments to the Civil Registry Law to Parliament in order to implement legal gender recognition on the basis of self-determination and in line with the WHO's revision of ICD-11, which came into force in January 2022, and which depathologises trans identities in all areas of life. This would also achieve the implementation of the 2019 ECtHR decision of X v. North Macedonia, which is under enhanced

¹⁸ Coalition Margins (2026) "The Old New: Anti-Gender Mobilizations in North Macedonia", accessible at: https://link.springer.com/chapter/10.1007/978-3-031-92413-2_6

¹⁹ IM@.mk (2025) "Anti-Gender Propaganda and FIMI in North Macedonia: Disinformation and Demonization // Part I: 'Holy Alliance' between Russian Propaganda & MOC", accessible at: <https://ima.mk/en/2025/12/22/anti-gender-propaganda-and-fimi-in-north-macedonia-disinformation-and-demonization-part-i-holy-alliance-between-russian-propaganda-moc/>

²⁰ Dimitrievski, Angel (2025) "The Anti-Gender Movement as a Threat to Democracy in the Western Balkans", accessible at: <https://www.gmfus.org/sites/default/files/2025-06/The%20Anti%20Gender%20Movement%20as%20a%20Threat%20to%20Democracy%20in%20the%20Western%20Balkans.pdf>

²¹ Moms for America (2025), "Moms for America to Hold Press Conference Announcing Launch of International Mom Movement", accessible at: <https://www.momsforamerica.us/newsroom/moms-for-america-to-hold-press-conference-announcing-launch-of-international-mom-movement>. More on Moms for Freedom World at: <https://www.momsforfreedom.world/>

supervision by the Committee of Ministers,²² and which civil society and international institutions have been calling for over the past years, and bring legislation in line with recent CJEU jurisprudence.

In 2025 there remained no progress towards regulating legal gender recognition in the country. Requests still depend on arbitrary decision-making processes, which see lengthy delays, approximately 10-15 months. Following the establishment of a new State Commission (as a second instance organ to decide in LGR cases) in November 2024, there has been no decision on the merits, and LGR has not been approved in a single case since then. This changed practice of the State Commission shows that the legislative gaps continue to leave applicants in a situation of distressing uncertainty vis-à-vis their private life and the recognition of their identity – a situation identical to that of the applicant in the 2019 ECtHR judgment. Therefore, it is necessary to adopt an explicit legal framework to ensure legal gender recognition is quick, transparent, accessible, and not subject to arbitrary decision-making.

The EU's case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including medical certification.

- The government should start discussions with civil society on the drafting of a same-sex partnership law to give legal recognition to same-sex couples, in order to ensure all couples are treated equally.

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex

²² X v. THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (*Application no. 29683/16*)

couples, with two of the remaining five in the process of introducing such recognition). In addition, the CJEU case law is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case (C-713/23) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

The Council of Europe has [found](#) that “it is undisputed that the relationship of a same-sex couple falls within the notion of “private life” as protected in article 8 of the European Convention on Human Rights (ECHR) and there is a large jurisprudence of the European Court of Human Rights (ECtHR) affirming this. In the *Schalk and Kopf* (2010)²³ and *Vallianatos* (2013)²⁴ cases, the ECtHR further held that the relationship of a same-sex couple living in a stable de facto partnership also falls within the notion of “family life” pursuant to article 8.

- The government should draft and adopt a national LGBTIQ equality strategy/action plan in consultation with civil society organisations.

Implementation of already-existing legislation/policy

- Improve the implementation of the hate crime and anti-discrimination laws.

Implementation of hate crime and anti-discrimination laws continues to be seriously flawed. The government must prioritise effective investigation and prosecution of hate crime and discrimination incidents.

The European Commission’s 2025 report notes that there have been “no updates on investigations into decade-old attacks on the LGBTIQ Support Centre or vandalism and threats against LGBTIQ organisations and activists”. Additionally, ILGA-Europe’s Annual Review 2026 [reports](#) multiple instances of bias-motivated violence between June and July “coinciding most often with Pride-related activities,” including a crowd attack on the LGBTI Support Centre and an attempted arson. Activists have been calling for years for proper implementation of the hate crime and anti-discrimination laws, which include the grounds of sexual orientation and gender identity, therefore these bias-motives should be applied consistently and without undue delay. The hate speech legislation currently lacks these grounds and should be brought in line with the hate crime and anti-discrimination legislation. Implementation failures are not abstract: there have been no meaningful updates on older attacks, while later 2025 developments included serious physical violence and an attempted arson linked to Pride-related hostility, criminalisation of solidarity by attacking allies, and underscoring the persistence of insecurity for LGBTI persons and organisations.

In addition, the urgency of discrimination against LGBTI persons is stated by the World Bank Group, in their Country Partnership Framework for the Republic of North Macedonia 2024-2028.²⁵ The World

²³ CASE OF SCHALK AND KOPF v. AUSTRIA:

<https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%22870457%22%5D%2C%22itemid%22:%5B%22001-99605%22%5D%7D>

²⁴ CASE OF VALLIANATOS AND OTHERS v. GREECE <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-128294%22%5D%7D>

²⁵ World Bank Group (2023), Country Partnership Framework for the Republic of North Macedonia 2024-2028, accessible at:

Bank Group states that “Discrimination based on sexual orientation, gender identity, expression, and sex characteristics (SOGIESC) is prevalent” (see p. 16 para. 17). They also report that “North Macedonia loses over 0.5% percent of GDP due to SOGIESC-based exclusion in the labor market” (p. 16 footnote 8).

- The government should grant financial autonomy to the Commission on Prevention and Protection against Discrimination (CPPD) and the Ombudsman’s office in order to ensure their proper functioning.

In its latest follow-up report [ECRI concluded](#) that its priority recommendation to grant financial autonomy to the CPPD and the Ombudsman’s office has not been implemented. This absence of financial autonomy persists, which is particularly concerning for the Ombudsman's office, where the budget is insufficient and only 85 of 183 staff positions are filled. In light of ECRI's conclusions, national authorities must urgently grant the necessary financial autonomy to the equality bodies so they can utilize their budgets without Ministry of Finance approval.

The National Network against Discrimination [reacted](#) to Parliament's ongoing politicisation of the CPPD, warning that it undermines the independence and credibility of the country’s key equality body. The disregard for established procedures and exclusion of qualified civil society candidates raises [concerns](#) about transparency, equal participation, and institutional integrity, weakening public trust and effective anti-discrimination protection in a way that is relevant to EU rule of law standards. Anti-gender mobilisation has also contributed to shrinking civic, academic and cultural space, including pressure on public events, attacks on activists and experts, and intimidation affecting organisations and individuals working on LGBTI and gender equality issues.

Feedback on the European Commission’s 2025 Enlargement Report

- The European Commission states that the 21 June 2025 LGBTI Pride parade in Skopje took place without incidents. At the same time, ILGA-Europe’s Annual Review [reports](#) multiple instances of bias-motivated violence between June and July “coinciding most often with Pride-related activities,” including a crowd attack on the LGBTI Support Centre and an attempted arson (with ILGA-Europe noting police investigation findings);
- Structurally, the Commission reiterates that North Macedonia has taken no steps to implement the 2019 ECtHR judgment on legal gender recognition, does not recognise same-sex partnerships, and still lacks a national LGBTI strategy/action plan. The Commission also records that USAID funding cuts risk weakening LGBTI programming;
- The Commission reports persistent hate speech on social media and provides quantified CSO reporting of alleged hate speech cases;
- The LGBTI paragraph notes that LGBTI legal protection needs improvement, but it should be more explicit and capture more holistically the important systemic dysfunction when it comes to protection of LGBTI persons;
- While the report captures some of the main rollbacks on rights, it does not name the anti-gender actors responsible for much of this. The next reports should name the anti-gender actors, their methods, as well as their infiltration into politics and position of power;

<https://documents1.worldbank.org/curated/en/099545005232438196/pdf/IDU1512c5b351d13314bc61af1e10a09cf66e734.pdf>

- As regards post-September 2025 accountability, the report under-captures later-in-2025 developments, including serious physical attacks and an attempted arson. These developments reinforce the need for stronger follow-up monitoring and pressure on investigations and prosecutions.

Recommendations to the EU

- The progress reports by the EU need to contain clear, tangible, and action-oriented recommendations in order for the state to fully implement key legislation and to clarify more accurately the areas in which the state needs to progress;
- The EU needs to apply pressure and seek accountability from state justice providers in all instances to ensure access to justice for LGBTI people and particularly in cases of discrimination, hate speech, and hate crimes;
- The EU should support LGBTI civil society in ensuring the reintroduction of the amendments to the Civil Code that would introduce legal gender recognition in line with international standards, the 2019 decision of the ECtHR, and CJEU jurisprudence;
- The EU should push for North Macedonia to come in line with EU acquis as regards the legal recognition of same-sex partnerships, including ECtHR and CJEU jurisprudence (in particular the 2018 Coman and 2025 Trojan CJEU judgements);
- The EU should press for the independence, merit-based appointment, and full financial autonomy of the Commission for Prevention and Protection against Discrimination and the Ombudsman, and monitor any further politicisation of equality bodies as part of rule of law conditionality;
- The EU should explicitly treat anti-gender mobilisation and shrinking civic space as a rule of law and accession governance issue, including where it affects equality legislation, education policy, public consultation, and the safety of human rights defenders and civil society organisations;
- In the context of funding cuts and diversion of U.S funding to anti-rights groups, the EU should support continuity of community services and protection mechanisms run by LGBTI organisations for the LGBTI community;
- The EU must urge the state to safeguard existing gender equality and anti-discrimination protections, address the safety of human rights defenders, ensuring that no acquired rights or equality provisions are weakened through non-transparent legislative procedures. All legal reforms must be subject to inclusive public consultation, grounded in international human rights standards, and include meaningful civil society engagement at all stages.

Annex – North Macedonia’s Annual Review chapter

ILGA-Europe’s Annual Review documents progress and trends regarding the human rights situation of LGBTI people. It allows policy makers and institutions to gain a deeper understanding of the reality on the ground for LGBTI people and civil society, which often differs significantly from legislative frameworks.

You can find the North Macedonia chapter [here](#) which covers the period of January-December 2025.

Serbia

Expert contributions provided by: Labris, Rainbow Ignite, Da se zna!

Overall environment

The broader civic space climate is deteriorating, with intensified verbal attacks and smear campaigns against civil society. The environment as regards rights and protection of LGBTI persons is characterised by stalled legislative progress (there have been no developments on same-sex partnerships or a dedicated legal gender recognition since last year) and implementation gaps on hate crime and discrimination. This institutional hostility is further cemented by President Vučić, who has publicly and repeatedly vowed to veto any same-sex partnership law, effectively blocking progress. Throughout 2025, hate speech by politicians and religious officials - particularly from the Serbian Orthodox Church - remained unpunished, as reported by [Human Rights Watch](#) and by [Rainbow Ignite](#), which further documented similar institutional tolerance for homophobic discourse and the normalisation of anti-LGBTI rhetoric in media and politics.

Crucially, two years after ECRI's 6th-cycle report, Serbia has completely failed to implement its core recommendations: adopting a same-sex partnership law (ECRI §30) and commissioning a comprehensive hate speech study (ECRI §45). Despite government claims in February 2025 that a draft same-sex partnership law exists and an EU IPA-funded hate speech analysis is planned, neither step has been implemented. While opposition MP Jelene Jerinić introduced a civil-partnership bill in November 2025, the Speaker of Parliament refused to place it on the agenda.

Top priorities

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people (priorities for the next year)

- The government should begin drafting a law that would enable quick, transparent and accessible legal gender recognition for trans people on the basis of self-determination and in line with the WHO's revision of ICD-11, which came into force in January 2022, and which depathologises trans identities in all areas of life.

Currently in Serbia, it is possible to change one's gender marker via the Law on birth registry, however, currently trans people are still pathologized and must undergo one year of hormonal treatment. Serbia's new Strategy on Prevention and Protection against Discrimination and its related Action Plan specifically mentions the drafting of a legal gender recognition law. Thus, the state needs to act upon it and establish a working group in which trans people and civil society are represented.

The EU's case law has been steadily evolving on the matter, with positive judgements in cases *Mousse* (Case [C-394/23](#)) of January 2025, *Mirin* (Case [C-4/23](#)) of October 2024, *Deldits* (Case [C-247/23](#)) of 13 March 2025, and *Shipova* (Case [C-43/24](#)) of March 2026. In the most recent judgement in the *Shipova* case from March 2026, the Court ruled that Member State legislation which does not permit legal gender recognition of nationals who exercised their right to move and reside freely in another Member State is contrary to EU law on freedom of movement (Article 21 TFEU and Article 4(3) of Directive 2004/38/EC) read in light of Article 7 of the Charter of Fundamental Rights. The Court also ruled that "to tolerate discrimination based on the difference between biological sex and gender

identity would be tantamount, as regards a transgender person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard".

On 21 April 2026, in a ground breaking CJEU judgement (Case [C-769/22](#)) the Court found Hungary in violation of Article 2 TEU, on the basis of discrimination against non-cisgender persons – including transgender persons – and non-heterosexual persons. This marks the first CJEU jurisprudence regarding the breach of EU values and adds to the aforementioned CJEU jurisprudence regarding protection from discrimination against trans persons, elevating it to Treaty-level.

The Parliamentary Assembly of the Council of Europe (PACE) has [called on its member states](#) to “develop quick, transparent and accessible procedures, based on self-determination”. The European Court of Human Rights (ECtHR) has considerable jurisprudence finding that the absence of a regulatory framework for legal gender recognition is a violation of Article 8 of the Convention. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also [recommended](#) that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements, including medical certification.

- End discriminatory practices against intersex people and adopt measures to end pathologisation of sex characteristics, by adopting the recommendations contained in the the October 2025 Council of Europe [Committee of Ministers Recommendation](#) on equal rights for intersex persons, CM/Rec(2025).

Intersex genital mutilation is still performed in Serbia and there are no internal or external protocols regarding this. Banning of non-consensual medical interventions on intersex persons has been recommended in the October 2025 Council of Europe [Committee of Ministers Recommendation](#) on equal rights for intersex persons, CM/Rec(2025).

Implementation of already-existing legislation/policy

- The government needs to properly implement the laws protecting LGBTI people from discrimination, hate crime and hate speech, including the usage of Article 54a of the Criminal Law in the indictments.

Currently Serbia’s anti-discrimination law covers grounds of sexual orientation, gender identity and sex characteristics (SOGIESC). Its hate crime law covers grounds of sexual orientation and gender identity, and its hate speech law covers the ground of sexual orientation. It is important that these laws are fully implemented, and eventually amended to cover all LGBTI people.

Data from the Serbia ECRI contribution document reveals a sharp rise in hate speech and violence, and a general increase in hostility towards the LGBTI population. Monitoring by the organization *Da se zna!* [recorded](#) 110 hate incidents in 2025.

The trial of Ognjen Dabetić, suspected of the murder of Noa Milivojev in July 2023, is still ongoing. He confessed to the murder when he was arrested but denied it during the trial. The hearing of witnesses is underway.

In June 2024 the European Commission on Racism and Intolerance (ECRI) published its sixth cycle monitoring [report](#) on Serbia, and listed as a top priority for recommendation “that the authorities commission a comprehensive study on the different forms of hate speech in Serbia, their sources and impact on target groups with the aim of developing and implementing measures to prevent and eliminate these phenomena. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.”

To fulfil this recommendation Serbia must strengthen effective hate crime and hate speech prevention. Serbia has committed to the financing and completion of an independent, multidisciplinary study on hate speech (planned under EU IPA 2025–2027) by Q4 2026 or mid-2027. The results must be used to adopt an immediate action plan, including media guidelines, school curricula on diversity, and stricter enforcement of the Criminal Code.

In addition, according to [ERA’s Research Report on GBV against LBQ women](#) and accompanying policy brief with recommendations to national institutions, Serbia must urgently amend domestic violence laws to include same-sex intimate partner violence, implement inclusive intake procedures across all shelters, formally prohibit conversion practices with oversight by independent bodies, and integrate LBQ-specific indicators into national gender-based violence data collection. Currently, according to the research, LBQ women are expelled from shelters upon disclosing their identity, there is no recognition of same-sex partner intimate partner violence, and conversion practices are still recommended by different actors.

Legislation/policy in process

- The government should amend the draft law on registered partnership to include the [recommendations](#) made by civil society and the Council of Europe, before being presented to parliament for voting.

The draft law has been stalled since 2021. Its current version creates a different legal framework for same-sex couples, which does not provide them with equality as regards legally recognised partnerships. A September 2025 bill, proposed by the Green-Left Front (ZLF), which aligns better with international human rights standards and provides more equality for same-sex couples, has yet to be taken up by the government.

In March 2025 the Minister for Family Care and Demography, Jelena Žarić Kovačević, [announced](#) that the current process of amending the Family Law does not envisage expanding the right to marry to same-sex couples (Article 3 currently restrict marriage to being between a man and a woman). The amendments do not even envisage any kind of legal recognition of same-sex couples, therefore the Family Law will continue to discriminate against same-sex couples and run contrary to EU acquis and international standards.

In June 2024 the European Commission on Racism and Intolerance (ECRI) published its sixth cycle monitoring [report](#) on Serbia, in which it recommended as a priority recommendation that “that the authorities build on the progress made in the elaboration of a draft law on same-sex partnerships in recent years and that they submit such a draft law to the National Assembly without undue delay, following meaningful consultations with relevant civil society actors.” The government must therefore finalise, publicly release, and submit the draft partnership law to the National Assembly by mid-end 2026. This must include at least two rounds of meaningful, formal consultations with LGBTI NGOs to

ensure the text covers inheritance, pensions, hospital visits, and taxation. However, to date, the government has not proceeded with this.

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex couples, with two of the remaining five in the process of introducing such recognition). In addition, the CJEU case law is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case ([C-713/23](#)) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

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Feedback on the European Commission’s 2025 report

- The European Commission’s report notes a significant reduction in CSO activities linked to the withdrawal of U.S. funding, affecting legal and psycho-social support to LGBTIQ persons;
- The report explicitly links external funding changes to domestic service capacity: it reports that the withdrawal of U.S. funding led to a “significant reduction” of CSO activities, including legal and psycho-social support for LGBTIQ persons;
- The broader civic-space climate is correctly framed as deteriorating: the Commission records intensified verbal attacks and smear campaigns against rule of law CSOs, including by high-level officials, and notes the government’s caretaker period as part of political instability context;
- The Commission’s report provides unusually (and very welcome) direct linkage between funding shocks and LGBTI support capacity (a useful diagnostic for donors). It also clearly records the core policy gaps: the absence of developments on same-sex partnerships and legal gender recognition regulation, and persistent implementation deficits;
- The report would benefit from covering more of the developments related to LGBTI persons, in particular the topics raised in this submission. More of this content should be taken into consideration as an indicator of the country’s democratic situation;
- Furthermore, future reporting must explicitly track the unmet ECRI §30 and §45 recommendations, calling out the discrepancy between the government’s written claims of

²⁶ CASE OF SCHALK AND KOPF v. AUSTRIA:

<https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%222870457%22%2C%22itemid%22:%5B%22001-99605%22%5D%7D>

²⁷ CASE OF VALLIANATOS AND OTHERS v. GREECE <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-128294%22%5D%7D>

planned drafts/studies and the complete lack of verifiable parliamentary or institutional execution.

Recommendations to the EU

- Show public support for the popular protests against government corruption, which call for Serbia to abide by international and EU anti-corruption standards;
- The progress reports by the EU need to contain clear, tangible, and action-oriented recommendations in order for the state to fully implement key legislation and to clarify more accurately the areas in which the state needs to progress;
- The EU needs to support the need for proper implementation of laws that protect LGBTI people from discrimination and hatred, and the adoption of the law on same-sex partnerships and a law enabling legal gender recognition, in line with evolving CJEU jurisprudence;
- The EU should continue to treat LGBTI legal reforms as part of Fundamentals conditionality by pressing for measurable progress on the structural files explicitly flagged by the Commission. Specifically, the EU must demand a clear legislative timetable for the submission of the partnership law by the end of 2026, and the finalisation of the IPA-funded hate speech research by mid-2027;
- The EU should also insist on institutional transparency, requiring the Serbian government to provide regular updates to civil society via the societal dialogue mechanism regarding these delayed reforms. Finally, EU instruments should prioritise direct, flexible support to LGBTI organisations, including funding for the long-term operation of CSOs offering crisis services and legal aid, given the documented service-capacity drop.

Annex – Serbia’s Annual Review chapter

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Türkiye

Expert contributions provided by: SPoD, 17 May Association, UniKuir, Pembe Hayat and Kaos GL

Anti-LGBTI legislative developments

On 27 February 2025, a draft governmental bill was leaked to the media. The bill intends to amend Türkiye's Criminal and Civil Codes, making it almost impossible to access legal gender recognition and trans-specific healthcare. The amendments introduce criminal penalties for those who support gender diversity or same-sex relationships, including anyone promoting views that challenge traditional gender norms or officiating same-sex ceremonies. The proposed measures mirror anti-LGBTI+ laws in Russia, Georgia and Hungary. The further restrictions on accessing legal gender recognition include:

- Increasing the age of eligibility from 18 to 21.
- Reintroducing mandatory sterilisation (a provision previously annulled by the Constitutional Court and found to violate the European Convention on Human Rights by the European Court of Human Rights (ECtHR)).
- Introducing a lengthier approval process, requiring an official medical board report to be issued by a "full-fledged training and research hospital designated by the Ministry of Health as a result of four evaluations to be made at least three months apart" (previously, it was to be obtained from a training and research hospital). With no maximum duration set, this could potentially allow indefinite delays.

The proposed criminal sanctions include:

- 3-7 years' imprisonment and a judicial fine of 1,000-10,000 days for anyone who performs gender reassignment surgery contrary to the new provisions, with the recipient of the surgery facing 1-3 years' imprisonment.
- 1-3 years' imprisonment for "any person who publicly encourages, praises or promotes attitudes and behaviours contrary to innate biological sex and public morality".
- 1.5-4 years' imprisonment for "persons of the same sex [who] perform an engagement or marriage ceremony".

These new legislative restrictions will further limit the already inaccessible process of legal gender recognition and access to trans-specific healthcare in Türkiye (see ILGA-Europe's previous [statement](#) on this),²⁸ making legal and medical transition nearly impossible. The proposal for criminal sanctions against anyone who "publicly encourages, praises or promotes attitudes and behaviours contrary to innate biological sex and public morality" will impact individuals wishing to dress or be addressed in a way different from their sex assigned at birth. It will also target any debate, awareness-raising, or portrayal of topics challenging gender binarism, affecting LGBTI+ people, LGBTI+ civil society organisations (CSOs), journalists, and other organisations or individuals advocating for freedom of expression. Notably, this amendment places anyone expressing themselves in a manner deemed

²⁸ Following the new process for accessing trans-specific healthcare, Pink Life gathered data which shows that only 62% of surveyed trans people continue being able to access their hormone replacement treatment, with 66% reporting a negative impact on their education and career and 77% stating that it introduces an additional financial burden. The regulation creates a significant risk of forced de-transitioning and serious health consequences, and deepening poverty for trans persons.

contrary to “innate biological sex” at risk. The vague wording of the law leaves it open to interpretation, creating the possibility for prosecution beyond the LGBTI+ community, impacting broader civil liberties.

On 21 April 2025, government coalition party, HÜDAPAR, [submitted](#) a bill to Parliament which amends the Criminal Code, the Criminal Procedure Code (CMK) and the Radio and Television Authority Law. The proposed amendments are:

- A person who engages in public sexual intercourse shall be punished with imprisonment from 2-8 years. A person who publicly engages in acts of public indecency or exhibitionism shall be punished with imprisonment from 1-2 years. If the aforementioned acts are committed between persons of the same biological sex, the punishment shall be doubled. Normally, only a prosecutor can order detention, so this is an exception. For example, if someone reads a press statement and the police claim the words amount to "indecent acts," the police officer could order their detention right away.
- 3-5 years' imprisonment for a person who encourages, promotes, disseminates, or propagates sexual relations or behaviours between persons of the same biological sex in any way. If this crime is committed through any written, visual, auditory, classical, or digital communication and information channels, the punishment shall be increased by half. If the crime outlined in the fourth paragraph is committed within the activities of a legal entity, security measures specific to legal entities shall be applied.
- 1-3 years' imprisonment for “A person who carries out a marriage by concealing their biological sex”.
- It is forbidden to encourage, promote, or propagate sexual relations or sexual behaviours between persons of the same biological sex. Programs that promote pressures against women or exploit women shall not be broadcast.
- With the change to the third paragraph of Article 100 of the CMK, the offense of "indecent acts" is added to the list of serious crimes ("catalogue crimes"). This means that even if the usual legal reasons for detention (like risk of fleeing or hiding evidence) do not exist, a judge could still order detention during the investigation. Normally, detention is only allowed if there is a strong reason to believe someone will flee, hide evidence, or pressure witnesses, but with this change, people can be detained just because they are accused of "indecent acts," even if these risks are not present.

Interchanging provisions of the above-mentioned bills have been reported by pro-government media in September 2025 and in February 2026 as being part of the draft 11th and 12th Judicial Packages respectively, however, neither draft eventually included these provisions. The government continues to announce its intention to adopt anti-LGBTI+ legislation, therefore the EU should remain vigilant.

In June 2025, the Ministry of Health, through the Turkish Medicines and Medical Devices Agency, issued a [directive](#) to provincial health authorities introducing a minimum age of 21 for access to hormone treatment in the context of gender affirmation. The directive, titled “Abuse of Gender Hormone Medications,” restricted the prescription of testosterone, GnRH analogues, and oestrogen-only medications for individuals under the age of 21. This measure goes beyond existing provisions of the Civil Code, which set the minimum age for eligibility for gender-affirming surgery at 18.

For more information regarding the legal gender recognition process in Türkiye please refer to the accompanying briefing.

Main challenges facing LGBTI+ civil society

Freedom of assembly

2025 was the eleventh consecutive year [since 2015](#) that LGBTI+ people have been subjected to blanket bans and restrictions on Pride events. The excessive use of force deployed during the police interventions violates the right to peaceful assembly, which is protected under domestic law and international laws, including the European Convention on Human Rights (ECHR), to which Türkiye is a party. 2025 showed a new level of targeting, with authorities detaining people on suspicion alone. The criminalisation of Pride has grown more aggressive, and now also includes legal escalations, such as travel bans and judicial referrals.

The 13th METU Pride took place on 22 May, and was met with a heavy police and riot control presence. Private security also attempted to block the march. Nobody was detained. On the same day Hacettepe Pride was targeted by the university's private security unit. While the police did not allow the march, students managed to make their press statement despite the obstacles.

On 22 June Ankara Pride was held. Despite attempts to block the march, activists read their statement and dispersed peacefully. On the same day Trans Pride Istanbul was held. Although multiple city districts were blocked off and gatherings banned, activists marched in Acıbadem. Police later violently dispersed the group and detained 46 people.

From 27-29 June the 13th İzmir LGBTI+ Pride Week and its events were banned for three days by the İzmir Governor's Office on the grounds of protecting public morality and security. Despite the unlawful ban, Pride March participants gathered and managed to march for a short time but were forced to disperse without reading their press statement due to police threats of detention.

Istanbul Pride was held on 29 June. 53 people were detained as they attempted to march. Detainees included lawyers and journalists. Arrests occurred not just at the protest site, but even in unrelated locations. Five LGBTI activists were detained while eating at a restaurant kilometres away. Police used violence against participants, including against a member of parliament. Activists Hivda Selen, Sinem Çelebi and Doğan Nur were among those [arbitrarily detained](#) on the day of the Istanbul Pride march on baseless charges related to peaceful assembly. They were held in pre-trial detention from 30 June until their release (Doğan Nur released 30 July 2025 and Hivda Selen and Sinem Çelebi released 8 August). Doğan Nur received a travel ban.

In late October, the Çanakkale Governorship [banned](#) the Kuir-Feminist Forum organised by Çanakkale Pride and imposed a two-day prohibition on public activities, explicitly referencing LGBTI events. In Istanbul on 25 November at the demonstration to mark the Day for the Elimination of Violence Against Women On 8 March 2026, women and LGBTI+ individuals across Türkiye marked International Women's Day with widespread protests, despite heavy police presence and attempts to suppress participation—particularly targeting LGBTI+ visibility. Despite the march taking place peacefully, police detained over 200 participants.

In July 2025 defendants charged for participating in the 2022 METU Pride, 2022 Istanbul Pride and 2024 Istanbul Pride were acquitted. In October 2025, two activists charged after the 2024 Trans Pride

march were also acquitted. In December 2025, the first [hearing](#) took place in the case against trans activist Iris Mozalar, one of 112 people detained during the Feminist Night March 2025 in Istanbul. She was charged under Law No. 2911 on Meetings and Demonstrations. The court postponed the case to June 2026.

Misuse of “obscenity” charges to target LGBTI+ rights organisations and human rights defenders

Last year the Presidency of Religious Affairs unveiled a [Four-Year Strategic Plan](#) that designates LGBTI identities as “gender-based deviant ideologies that threaten the family.” As part of the Plan, a budget of 2 million TL (54,000 Euro) was allocated to fund a campaign against LGBTI-related activities (thereby including actions of LGBTI civil society). In March 2024, Fatih Erbakan, the President of the New Welfare Party, [vowed to close 17 LGBTI associations](#), emphasising his commitment to preventing what he described as “LGBTI perversion”.

In 2025 and 2026 this intention has taken the form of targeting LGBTI+ associations for closure, and accusing LGBTI+ human rights defenders of violating Article 226 of the Turkish Penal Code (TCK) which defines “obscenity”. TCK 226 stands out in Türkiye as a regulation that restricts freedom of association, expression, and life of LGBTI+ individuals and lacks legal predictability. TCK 226 does not provide a clear definition of obscenity; the scope and limits of the concept are largely determined by judicial decisions. This situation increases legal uncertainty, opening the door to arbitrary interpretations by the judiciary that are highly compliant with the conservative political line of the ruling power.

This Article has been used in a number of recent cases targeting LGBTI+ rights defenders, specifically:

- The conviction of trans activist and LGBTI+ rights defender Janset Kalan in December 2024, who was sentenced to imprisonment and a fine for “obscenity” due to a photograph showing her legs and cleavage, published on a social media account that did not belong to her;
- The closure order against Genç LGBTI+ Association in December 2025. Activists submitted for appeal on 17 March 2026;
- The subsequent criminal case now opened against 11 people, including members of Genç LGBTI+’s executive board and supervisory board on charges of violating the law on associations. The first trial took place on 8 April 2026 and the next will be on 14 October 2026;
- The criminal case opened against LGBTI+ rights defender Defne Güzel, Chair of the board of May 17 Association, in February 2026. Defne is being [held accountable](#) for other people’s social media posts which use the #MyIntersexStory tag. The first case hearing will be on 12 May 2026;
- The ongoing dissolution case against the Tarlabası Community Center (TCC) for their LGBTI+ inclusive gender equality work with women and children. Similar to Genç LGBTI+, the chairperson of TCC faced a criminal investigation for obscenity that was eventually closed, but she is currently on trial for violating the law on associations. The next hearing in the case will be 16 September 2026.

Trans women are frequently summoned for questioning and prosecuted by law enforcement agencies on charges of obscenity based on their social media posts. There are over a hundred cases opened against trans women alone in Ankara. The Article is also used to arrest sex workers and to censor digital platforms, media, music, performing arts and publishing (please refer to the accompanying briefing note on Article 226 TCK, and to previous submissions to this consultation regarding censorship).

Further targeting of LGBTI+ human rights defenders

On 18 February 2025, journalist and Editor-in-Chief of KaosGL.org, a news portal dedicated to LGBTI+ issues, Yıldız Tar, was arrested and accused of “membership in a terrorist organisation”. They were arrested alongside several journalists, activists (including Erkin, a trans activist), artists, and opposition MPs, amounting to 52 arrests that day. Erkin has been acquitted, but the case against Yıldız is ongoing. The next hearing for Yıldız is scheduled for 24 June 2026.

In August 2025 Enes Hocaoğulları was arrested due to a speech he made in his capacity as a Council of Europe Youth Delegate for Türkiye, condemning state response to protests. He was held in pre-trial detention for a month, and was eventually acquitted in February 2026.

Situation of LGBTI+ persons in prisons

Given the rapid increase of criminalisation of LGBTI+ persons and rights defenders, LGBTI+ civil society has started to prioritise advocacy on prison conditions for LGBTI+ persons. LGBTI+ prisoners are subjected to intense violence, ill-treatment, and discrimination through hate speech by other prisoners and prison staff (prison guards, gendarmerie).

Prisons, in an effort to protect LGBTI+ prisoners from potential violence, harassment, and rape by other inmates, often place them in solitary confinement or special wards, resulting in *de facto isolation*, which is extremely psychologically damaging. According to CISST's 2023 data, 80% of LGBTI+ prisoners are held in solitary confinement and deprived of many social rights. In 2009, the European Court of Human Rights (ECHR) ruled that the prohibition of torture (Article 3 of the ECHR) and the prohibition of discrimination (Article 14 of the ECHR) were violated due to a gay prisoner being held in solitary confinement for more than eight months. Despite this ruling, the practice of solitary confinement continues.

Six LGBTI+ prisoners currently held in Aksaray T-Type Prison have faced systematic discrimination, ill-treatment, and unlawful practices, and have been held in solitary confinement for a long time. While other prisoners have access to fresh air for six hours a day, these prisoners are only allowed outside for one hour. One of the prisoners, EK, has begun a hunger strike in protest against this isolation. The most tragic and current example of *de facto* isolation and systematic discrimination is the suspicious death of trans male prisoner Poyraz in Sincan Prison on 1 December 2025.

Transgender prisoners face obstacles in accessing hormone therapy and gender reassignment surgery. The issue of serious discrimination in accessing healthcare for gay and transgender prisoners at Metris No. 2 Closed Penitentiary, where a prisoner with high blood pressure was denied access to the infirmary doctor and some prisoners were denied their medication, has been brought to the attention of Parliament. There have been cases where prisoners were not even taken to the infirmary under the pretext of disciplinary punishments (including a cancer patient, RD, at Aksaray T-Type Prison). Pink Life has raised concerns about the lack of transparency and the need for proper procedures regarding transgender prisoners' regular access to hormone replacement therapy, gender transition processes, and whether there is a standard procedure for accessing such healthcare services, by submitting a request for information to the Ministry of Justice.

Please refer to the accompanying briefing on prison conditions for further information.

Feedback on the European Commission's 2025 Enlargement Report

- The European Commission's clear recommendation to Türkiye to tackle discrimination against LGBTI+ persons is welcome, but the Commission should also make clear recommendations addressing the key issues raised in this submission.

Recommendations to the EU

- Urge the Turkish authorities to start working on changes to the healthcare system that would allow trans persons to access healthcare in hospitals in all areas of the country; call for trans prisoners to also have access to trans-specific healthcare, and for the healthcare needs of all LGBTI+ prisoners to be responded to;
- Condemn draft anti-LGBTI+ provisions and call for their removal from draft legislative proposals;
- Explicitly raise in its dialogue with Türkiye the discriminatory use of Article 226 of the Criminal Code to target LGBTI+ organisations, LGBTI+ human rights defenders, trans persons and sex workers; call for the abolishing of the crime of "obscenity" from Article 226 or for a revision in line with international standards, focusing solely on protecting children from pornographic content, using concrete and measurable criteria;
- Treat the closure of Genç LGBTİ+ as a prominent example of the erosion of the rule of law and a violation of the right to freedoms of association and expression;
- Designate Türkiye as an unsafe country for LGBTI+ refugees;
- Exert diplomatic pressure on Türkiye to end the discriminatory ban on Pride marches and allow the free expression of LGBTI+ individuals;
- Call Türkiye to end the abuse of Law No. 2911 Law on Meetings and Demonstrations, which is currently being used to arbitrarily detain (often with excessive police force) and charge LGBTI+ people for participating in public events, or for holding rainbow flags in the public space;
- Call for an end to de facto isolation practices on LGBTI+ persons in prisons and for accommodation arrangements to be made taking into account the prisoners' opinions and consent, ensuring their safety while not increasing their social isolation;
- Call for unlawful strip searches of LGBTI+ detainees and prisoners to be abolished; body searches must be conducted in accordance with legal regulations, in a non-humiliating manner, and with respect for the prisoner's choice;
- Call for prison facility personnel to receive mandatory and comprehensive training on homophobia, transphobia, gender identity, and sexual orientation. Effective and swift administrative/criminal investigations must be initiated against personnel who engage in discrimination, violence, and ill-treatment, and the policy of impunity must end.

Annex – Türkiye's Annual Review chapter

ILGA-Europe's Annual Review documents progress and trends regarding the human rights situation of LGBTI people. It allows policy makers and institutions to gain a deeper understanding of the reality on the ground for LGBTI people and civil society, which often differs significantly from legislative frameworks.

You can find the Türkiye chapter [here](#), which covers the period of January-December 2025.

Ukraine

Expert contributions provided by: Insight NGO, Gender Stream, Fulcrum UA, Sphere

Top priorities

Main legislation/policy to be drafted/adopted to ensure non-discrimination/access to justice for LGBTI people (priorities for the next year)

- The Parliament should adopt Draft Law No. 12252, enabling legal recognition of same-sex relationships, with rights similar or equivalent to marriage, in order to legally recognize family ties of LGBTI people.

In July 2025, the Desniansky District Court of Kyiv issued a landmark ruling officially recognising a same-sex couple as a family under Ukrainian law. In September, the Kyiv Court of Appeal upheld this landmark decision, recognising same-sex couples as families and rejecting appeals based on "traditional family values." A conservative group called Vsi Razom appealed the ruling. The case was ultimately brought before the Supreme Court, which rejected the appeal and confirmed the original judgment in February 2026.

Legal recognition of same-sex couples is an equality principle and implementation of EU law that is applied by almost every EU Member State (22 of the 27 Member States legally recognize same-sex couples, with two of the remaining five in the process of introducing such recognition). In addition, the CJEU case law is evolving. Notably, in the *Trojan v Wojewoda Mazowiecki* case (C-713/23) of 25 November 2025, the Court found that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State under Article 20 and 21(1) TFEU read in light of Articles 7 and 21(1) of the Charter of Fundamental Rights for the couple to pursue the family life created in the host Member State. Refusing to do so constitutes a discrimination based on sexual orientation.

The Council of Europe has [found](#) that "it is undisputed that the relationship of a same-sex couple falls within the notion of "private life" as protected in article 8 of the European Convention on Human Rights (ECHR) and there is a large jurisprudence of the European Court of Human Rights (ECtHR) affirming this. In the *Schalk and Kopf* (2010)²⁹ and *Vallianatos* (2013)³⁰ cases, the ECtHR further held that the relationship of a same-sex couple living in a stable de facto partnership also falls within the notion of "family life" pursuant to article 8.

Most notably, in the 2023 judgement in the case of *Maymulakhin and Markiv v. Ukraine*, the ECtHR [found](#) violation of Article 14 ECHR in conjunction with Article 8, for Ukraine's lack of legal recognition for same-sex couples. The court also confirmed Ukraine's obligation to amend its own legislation to address the problem. The Ukrainian Ministry of Justice interprets the decision as a necessity to accept same-sex registered partnerships.

²⁹ CASE OF SCHALK AND KOPF v. AUSTRIA:

<https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%22870457%22%2C%22itemid%22:%5B%22001-99605%22%5D%7D>

³⁰ CASE OF VALLIANATOS AND OTHERS v. GREECE <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-128294%22%5D%7D>

Draft laws No. 12252 and 9103 remain stalled in the Verkhovna Rada, despite repeated commitments by Ukraine to adopt a law legally recognising all couples as part of its EU accession process.

Despite the rapidly evolving jurisprudence resulting in new national and EU standards, the Speaker of the Ukrainian Parliament Ruslan Stefanchuk, registered a new Civil Code for parliamentary consideration, which will incorporate and entirely replace the Family Code. This draft not only fails to provide recognition for same-sex couples — it explicitly excludes them by defining "de facto family unions" as exclusively partnerships between persons of the opposite sex.

Furthermore, the draft automatically invalidates marriages involving persons who have legally changed their gender, thereby creating legal uncertainty for transgender people and their partners, and running counter to the significant case law of the ECtHR, which calls for the removal of abusive requirements linked to legal gender recognition.

Despite the submission of two civil partnership bills (9103, 12252) to the Ukrainian Parliament and the incorporation of their provisions into proposed amendments submitted to Parliament Speaker Ruslan Stefanchuk, none of these initiatives have been taken forward, and the Civil Code is now continuing through the adoption process in its current form.

The draft not only erases the recent and ground-breaking Ukrainian case law recognising same-sex partners as being in de facto marital-type relationships — it goes even further by denying them any recognition as a family. This would leave same-sex partners with no legal avenue to have their actual situation recognised or to obtain even minimal protections. It could also create legal obstacles for same-sex relatives living together as a family. The draft additionally would negatively impact press freedom, women's and children's rights, and the legal foundations that civil society organisations depend on to operate.

It represents the most restrictive legal framework for same-sex couples across the entire European Union and its enlargement region, with the exception of Georgia (which adopted a package of anti-LGBTI laws in 2024 as part of a deliberate move to distance itself from the EU accession process). The draft represents a significant step backwards for Ukraine in terms of aligning its legislation with the EU acquis, as well as compliance with fundamental rights and equality requirements under Chapter 23. On 13 March 2026 the Ministry of Justice issued an [opinion](#) criticising the draft Civil Code for failing to meet Ukraine's international obligations regarding LGBTI rights. In particular, the Ministry noted that the proposed approach does not take into account the position of the Supreme Court, the case-law of the European Court of Human Rights, and Ukraine's European integration obligations. This concerns the need to establish a legal framework for the proper recognition and protection of same-sex couples in accordance with international standards.

The Ministry further emphasised that the general legal principles of such regulation should be embedded in the draft Civil Code. The absence of this fundamental basis effectively nullifies related legislative initiatives (bills No. 9103 and No. 12252) and makes it impossible to implement the relevant Roadmap commitments, distancing national legislation from modern legal standards and European Union policies. Nevertheless, on 28 April 2026 the Verkhovna Rada passed the bill in a first reading. LGBTI organisations and their allies are protesting the bill on IDAHOBIT on 17 May.

- Adopt draft law 13597 to protect people from violence based on grounds of race, skin colour, political, religious and other beliefs, sex, age, disability, health status, ethnic, national and

social origin, citizenship, family and property status, sexual orientation, gender identity, place of residence, language, or other grounds.

The government's 2023-2027 Human Rights Strategy and Action Plan committed to criminalise hate crimes on grounds of sexual orientation and gender identity (SOGI), among other protected grounds. All accession countries to the EU, with the exception of Turkey, have adopted hate crime legislation with sexual orientation and gender identity as protected grounds, including recent candidate Moldova and prospective candidate Georgia.

Hate crime legislation which includes aggravated grounds addressing the particular targeting of a group or individual based on bias or prejudice is a key requirement for building a legal framework which tackles discrimination and upholds fundamental rights. As a result, it is an important milestone for a prospective EU Member State to achieve in the process of aligning its legislation with EU acquis. It would also bring Ukraine in line with the case law of the ECtHR, which has long demonstrated that Council of Europe Member States should adopt SOGI-inclusive hate crime laws in order to comply with the European Convention on Human Rights.³¹

In July 2025, the Parliament (Verkhovna Rada) withdrew Bill No. 5488 following the resignation of Prime Minister Denys Shmyhal's government. In August 2025, the government introduced a [bill](#) aimed at strengthening legal protections against discrimination, hate crimes, and hate speech, explicitly including sexual orientation and gender identity. The initiative forms part of Ukraine's commitments under its Association Agreement with the European Union. Registered as draft law [No. 13597](#), "On Amendments to the Code of Administrative Offenses and the Criminal Code of Ukraine to Combat Manifestations of Discrimination," the bill seeks to enhance accountability for hate motivated crimes and expand the legal tools available to combat discrimination. The draft legislation introduces criminal liability for acts of discrimination and broadens the list of protected groups as existing laws often classify hate motivated crimes as administrative offenses or simple "hooliganism," allowing perpetrators, including those committing violence against activists, to avoid meaningful criminal responsibility.

In December 2024, the Verkhovna Rada [adopted](#) Bill 11456, amending Ukraine's law "On Free Legal Aid" to include victims of hate crimes based on factors like race, religion, and disability but notably [excluding](#) sexual orientation and gender identity. Despite [appeals](#) from Gender Stream and other human rights organisations to address this omission, the bill, criticised for neglecting protection for LGBTI persons and violating European Commission recommendations, was adopted in just 13 minutes. The government [claims](#) that the law aligns with EU acquis and norms, quoting the Committee of Ministers of the Council of Europe's Recommendation CM/Rec(2024)4 on combating hate crime and the Istanbul Convention. However, both these documents contain the protected grounds of SOGI, but law 11456 does not. In fact, of all the grounds, SOGI were the only ones omitted, meaning that the law is not in line with these standards. This must be rectified so that the law covers LGBT victims of hate crimes.

- Currently Ukraine's [national recovery plan](#) does not contain any projects that would address the needs and issues LGBTI people are facing in Ukraine as a result of the war. The government

³¹ See, for example, ECtHR cases related to sexual orientation which resulted in the requirement to adopt hate crime legislation including sexual orientation as a protected ground:
https://www.echr.coe.int/documents/d/echr/fs_sexual_orientation_eng

should set up working groups to professionally develop such a plan, which should conduct a needs assessment of the LGBTI community in Ukraine. LGBTI civil society should form part of this working group and be regularly consulted for the development and eventual implementation of the plan.

Feedback on the European Commission’s 2025 Enlargement Report

- The 2025 report provides a balanced and objective assessment of the human rights situation in Ukraine, specifically regarding the rights of LGBTI persons and recognition of same-sex couples. Crucially the report highlighted the ECtHR *Maymulakhin and Markiv v. Ukraine* case, reinforcing the legal duty of the state to recognise same-sex couples. The report also highlights the need for Ukraine to fulfil its Roadmap commitments, specifically the urgent adoption of registered partnerships and hate crime legislation as essential components of the EU integration process.

Recommendations to the EU

- Call on the Verkhovna Rada to amend the draft Civil Code to incorporate provisions enabling the legal recognition of same-sex couples, in line with the Supreme Court judgement, EU and ECtHR jurisprudence and EU *acquis* - an option to do so is to incorporate the relevant provisions of Draft laws 12252 and 9103;
- Call on the Verkhovna Rada to adopt Draft law 13597 criminalising hate crime, with clear language including the grounds of sexual orientation and gender identity, in order to protect LGBT people;
- Ensure that LGBTI civil society are consulted throughout the process of the implementation of “RebuildUkraine”, in particular as regards respect for fundamental rights and rule of law, as well as non-discriminatory distribution and use of EU funds;
- Encourage the Ukrainian government to include earmarks on projects that would address the needs of LGBTI people within its national recovery plan, as LGBTI people have specific needs resulting from the war;
- The EU Delegation should consult with LGBTI civil society in the preparation of the annual Enlargement Progress report, as well as other relevant programmes related to fundamental rights and democracy, such as the Gender Action Plan III and the Human Rights and Democracy Action Plan.

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