Moments of LGBTI+ Victories and Struggles in Europe and the European Union – Past, Present, Future

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Produced for the European Parliament Liaison Office in Ireland.

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The report

This report was researched as part of the "LGBTI+ rights: What did the EU ever do for you?" event on Thursday 22 June 2023 at the Royal Irish Academy. Speaking at the event was Maria Walsh MEP and current vice president of the European Parliament's LGBTI Intergroup; Michael Cashman, former British MEP and founder of Stonewall who championed LGBTI+ rights in the European Parliament throughout his 15 years as an MEP; Cian O'Callaghan TD, and one of the three openly LGBTI+ TDs in Dáil Éireann (Ireland's lower house of parliament); Mayor Emma Murphy of South Dublin County Council, the first openly lesbian mayor in Ireland; Sara Philips, co-chair of Transgender Europe (TGEU). The event was chaired by Dr Gráinne Healy, former chair of Marriage Equality and co-director of the 2015 Yes Equality marriage referendum campaign. Barbara Nolan, Head of the European Commission Representation in Ireland, opened the event.

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Introduction

Just as Europe emerged from the shadow of its long past of war and conflict, so too did the modern march for LGBTI+ rights take its first cautious steps after World War II. And just as Europe began to build for itself a path of economic and political cooperation between its people, the hard path to secure LGBTI+ rights in what would become the EU began.

This report sets out to capture select contemporary moments of victories and struggles for LGBTI+ rights in Europe. The first chapter, The Past, looks at this journey starting in the 1790s until World War II, before moving onto more detailed overage of efforts across Europe to achieve progression in LGBTI+ rights from the 1940s through different sections until the 2010s.

The report primarily refers to events that relate to the European Union. However, some moments from the work of the Council of Europe, including some critical legal cases taken to the Council's European Court of Human Rights have been included, as they chart the progress of rights across the continent and have influenced some of the progress within the EU.

The second chapter, The Present, looks more closely through an EU lens to the efforts being made in the current 2019 – 2024 European Parliament legislative cycle on LGBTI+ issues. The third and final chapter, The Future, looks beyond the 2024 European Parliament elections on LGBTI+ issues. This chapter concludes with three tables which rank the 27 EU Member States, candidate and potential candidate countries for EU membership based on ILGA – Europe's Rainbow Europe Index from 2013 – 2023. It also includes ILGA – Europe's Rainbow Europe Map for 2023.

Further in Annex 1, selected text from European Commission reports that were published in 2022 on seven EU candidate countries, highlight the current situation relating to LGBTI+ rights. These include Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Türkiye.

A summary list of key EU laws and case law from the Court of Justice of the EU (European Union) and the European Court of Human Rights (Council of Europe) can be found after the Foreword.

Foreword

Ciarán O' Driscoll, European Movement Ireland

This year marks a number of important anniversaries for LGBTI+ people in Ireland: it is 50 years since Ireland joined what is now the European Union in 1973; it is 40 years since the first Pride parade took place on the island of Ireland in Dublin in 1983; and it is 30 years since homosexuality was decriminalised in Ireland in 1993. It is no coincidence that the movement for LGBTI+ equality in Ireland, and other European countries, came at a time of greater European integration.

However, at the centre of those movements over decades was the conviction of LGBTI+ people and their allies. Over years and decades, they worked so that they and their communities could live safe, and fulling lives, with full equality and rights, in the places that they cherish and call home. Across Europe, whether it be in the years of hope after World War II, or in optimism after the fall of the Berlin Wall, brave and determined Europeans treaded an often-hard journey time and again in order to reach that goal of dignity for their fellow LGBTI+ Europeans.

It was with that in mind, that a much broader context of European integration and LGBTI+ liberation was captured together in this report. It highlights that advances in European integration often would yield advances in LGBTI+ rights, such as with the 1997 Treaty of Amsterdam.

But just as there is a multi-speed EU, there is a multi-speed LGBTI+ Europe. Malign forces today are trying to undermine and roll back the rights and achievements that have been made for LGBTI+ people across the EU. From online disinformation or as a fallout of democratic backsliding, deep challenges remain for the rights of LGBTI+ Europeans.

However, by holding firm in ourselves the bravery, the determination and the persistence of our founding European LGBTI+ campaigners and activists, we will not be unseated, or silenced or stopped from taking our truthful place at the heart of Europe.

My thanks to Jeremy O'Sullivan, of the European Parliament Liaison Office in Ireland, and Brian Sheehan for putting his trust in me for this volume of work which became a source of great joy to research. And I hope that you, the reader, will find the journey that this report tells, one of moments of queer struggle and joy across Europe, to be valuable and insightful.

Summary of key laws and case law

LGBTI+ issues in EU Treaties

1957 – the Treaty of Rome establishes the European Economic Community. It was primarily focused on economic issues, such as discrimination in employment. The Treaty of Rome contained no 'bill of rights'.

1992 – the Treaty of Maastricht changes the European Economic Community to the European Union. It introduced the Treaty on the EU (TEU), which contains general provisions that define the EU. Article 3 states that the EU "shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child."

1997 – Irish politicians Ruairi Quinn (born 1946) of the Labour Party and John Bruton (born 1947) of Fine Gael are credited with ensuring the inclusion of anti-discrimination provisions in the Treaty of Amsterdam, which included sex or sexual orientation under Article 13. This provision has allowed the EU to introduce legislation on LGBTI+ rights.

2009 – the Treaty of Lisbon, is the latest revision the EU's founding 1956 Treaty of Rome. Now called the Treaty on the Functioning of the EU (TFEU), it contains specific provisions relating to the EU's policies and the institutions. It includes provisions that protect sexual orientation under Article 10 and the original Article 13 in the Treaty of Amsterdam appears under Article 19.

2009 – also with the Treaty of Lisbon, the Charter of Fundamental Rights of the EU gained legal status, making its provisions legally binding on EU Member States, such as Article 21 on "Non-discrimination" which includes sexual orientation.

LGBTI+ issues in EU Legislation

1975 – in February the EU adopted Directive 75/117/EEC "on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women", also known as the Equal Pay Directive.

1976 – in February the EU adopted the Equal Treatment Directive, Directive 76/207/EEC "on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions".

1978 – in December the EU adopted Directive 79/7/EEC "on the progressive implementation of the principle of equal treatment for men and women in matters of social security".

2000 - in June the EU adopted the Employment Equality Directive, formally known as Council Directive 2000/43/EC entitled "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin".

2000 - in November the EU adopted the Framework Equality Directive, formally known as Directive 2000/78/EC entitled "establishing a general framework for equal treatment in employment and occupation".

2004 – in April the EU adopted the Free Movement Directive, Directive 2004/38/EC, "on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States".

LGBTI+ issues in EU case law – European Court of Justice and after 2009 the Court of Justice of the EU.

1996 – in April, the Court ruled on *P v S and Cornwall County Council* (Case C-13/94).

1998 – in February, the Court ruled on *Lisa Jacqueline Grant v South-West Trains Ltd* (Case C-249/96).

2001 – in May, the Court on *D and Kingdom of Sweden v Council of the European Union* (Cases C-122/99 P and C-125/99 P).

2004 – in January, the Court ruled on *K.B. v. NHS Pensions Agency* (Case C-117/01).

2006 – in April, the Court ruled on *Sarah Margaret Richards v Secretary of State for Work and Pensions* (Case C-423/04).

2008 – in April, the Court ruled in *Tadao Maruko v. Versorgungsanstalt der Deutschen Bühnen* (Case C-267/06).

2011 – in May, the Court ruled on *Römer v Freie und Hansestadt Hamburg* (C-147/08).

2013 – in April, the Court ruled in *Asociaţia Accept v Consiliul Naţional pentru Combaterea Discriminării* (Case C-81/12).

2013 – in December, the Court ruled on *Frédéric Hay v. Crédit Agricole Mutuel De Charente-Maritime Et Des Deux-Sèvres* (Case C-267/12).

2014 – in December, the Court ruled on *A, B, C. v. Staatssecretaris van Veiligheid en Justitie* (joined cases C-148/13 to C.50/13).

2015 – in April, the Court ruled on *Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes and Etablissement français du sang* (C-528/13).

2016 – in November, the Court of Justice of the EU ruled on *David L. Parris v Trinity College Dublin and Others* (Higher Education Authority, the Department of Public Expenditure and Reform, the Department of Education and Skills) (Case C-443/15).

2018 – in January, the Court ruled on *F v Bevándorlási és Állampolgársági Hivatal* ("Office of Immigration and Nationality") (Case C-473/16).

2018 – in June the Court of Justice of the EU ruled on case *Relu Adrian Coman, Robert Clabourn Hamilton, Asociaţia Accept v Inspectoratul General pentru Imigrări, Ministerul Afacerilor Interne, intervener: Consiliul Naţional pentru Combaterea Discriminării* (Case C-673/16).

2018 – in June the Court of Justice of the EU ruled on *MB v. Secretary of State for Work and Pensions* (C-451/16).

2019 – in January the Court of Justice of the EU ruled on *E.B. v Versicherungsanstalt öffentlich Bediensteter BVA* (Case C-258/17).

2020 – in April, the Court ruled on *NH v Associazione Avvocatura per i diritti LGBTI - Rete Lenford* (Case C-507/18).

2021 – in December the Court ruled on *V.M.A. v Stolichna obshtina, rayon 'Pancharevo'* (C-490/20)/

Key European Court of Human Rights Case Law

1949 – the Council of Europe is formed. It's European Convention on Human Rights are upheld by the European Court of Human Rights. Ireland, along with 45 other countries on the continent of Europe are members of the Council of Europe. Separate from the EU, its court, the European Court of Human Rights, have had very important implications for LGBTI+ rights in Ireland.

1981 – in October the Court ruled on *Dudgeon v the United Kingdom*.

1988 – in October the Court ruled on *Norris v. Ireland*.

1993 – in April the Court ruled on *Modinos v. Cyprus*.

2013 – in November the Court ruled on Vallianatos v. Greece

2015 – in July the Court ruled on Oliari v. Italy.

1. The Past

1. *1790s – 1940s: the French Revolution to World War II*

1791 – the first western laws to decriminalise same-sex activity since classical antiquity were introduced in France with Article 330 of the French Penal Code. The belief was that private acts (such as blasphemy, witchcraft, etc.) by private individuals were not a matter for state intervention, including same-sex activity.

Same-sex activity became legal in Luxembourg (1794), Belgium (1795) and the Netherlands (1811).

1858 – in a reform of their penal code, Article 202 of the 1858 Ottoman Penal Code partially decriminalised same-sex relations throughout the Ottoman Empire. Similar to Article 330 of the French Penal Code, it allowed that private acts of same sex relations to take place.

1861 and 1885 – the legislation that criminalised sexual activity between men in Northern Ireland until June 1982, and in Ireland until June 1993 were passed - the Offences Against the Persons Act (1861) and Criminal Law Amendment Act (1885).

1870s to 1914 – during the commonly referred to as *La Belle Époque* ("The Beautiful Epoch"), queer culture grew in Paris, with the central districts of *Montmartre* and *Les Halles* featured a number of underground venues, such as salons, cafés and bars.

1871 – Sexual relations between men were criminalised in the German Criminal Code across the German Empire under Paragraph 175. It had largely been based on the Prussian model from 1794 and would not be repealed until March 1994.

1878 – closely following the Paragraph 175 of the German Criminal Code, the Hungarian Penal Code criminalised sexual relations between men with Paragraph 241. The terms used included "*természet elleni fajtalanság*" ("perversion against nature" or "unnatural fornication") and carried a sentence of one year in prison.

1890 – same-sex activity became legal in Italy.

1895 – a London jury found Oscar Wilde (1854 – 1900) guilty of violating Section 11 of the Criminal Law Amendment Act in May 1895 and he spent the next two years in Newgate Prison.

1896 – *Der Eigene* ("The Unique") began publication in Berlin by Adolf Brand (1874 – 1945). It was one of the first gay journals in the world and published through to 1932 until the National Socialist German Workers' Party rose to power in Germany.

1896 – Bulgaria's Penal Code came into force in May 1896, following its independence from the Ottoman Empire in 1878, which criminalised same sex relations.

1911 – Magnus Hirschfeld (1868 – 1935) opened the *Institut für Sexualwissenschaft* (Institute for Sexual Research) in July 1911 in Tiergarten, Berlin, the first in the world that pioneered modern gender-affirming healthcare. However, in May 1933 while Hirschfeld was in Switzerland on a global speaking tour, the *Institut* was attached. Staff were assaulted, while the library was looted and burned, including thousands of pieces of documentation, literature, and research. Hirschfeld would never return to Germany, but went into exile in France, first to Paris before moving to Nice, where he died and was buried there in 1935.

The island of Ireland was partitioned under the December 1920 Government of Ireland Act that created Northern Ireland and the December 1921 Anglo-Irish Treaty, which established the Irish Free State. Both jurisdictions inherited the Victorian-era legislation that criminalised same-sex activity, the Offences Against the Persons Act (1861) and Criminal Law Amendment Act (1885).

1933 – following the National Socialist German Workers' Party seizure of power in Germany in 1933, the regime prioritised the elimination of homosexuality in Germany and in annexed areas, such as Austria, the Czech lands, and Alsace–Lorraine. Clubs, organisations, and publications were forced to shut down or closed out of fear, while Paragraph 175 of the German Criminal Code from 1878 was revised in 1935 to make it easier to bring criminal charges. Some 50,000 people were charged, and thousands were imprisoned in concentration

camps, where homosexuals were identified by wearing a pink triangle. From the 1970s, the pink triangle would be adopted as an international symbol for LGBTI+ rights.

Same-sex activity became legal in Poland (1932), Denmark (1933) and Sweden (1944).

2. 1940s – 1960s: the first steps in European integration and European queer liberation.

1946 – the first session of the United Nations held in the Methodist Central Hall in London in January.

1947 – US General George C. Marshall announces the Marshall Plan in June. It sets out how the US would provide economic assistance to restore the economic infrastructure of post-World War II Europe.

1948 – in Denmark, *Kredsen af 1948* ("The Circle of 1948" – what is today LGBT Denmark) was founded by Axel Axgil (1915 – 2011) in Aalborg, together with Doris Pollas (born 1924) for homosexuals and bisexuals.

1948 to 1949 – the Berlin Blockade, the first major international crisis of the Cold War, took place from June 1948 until the following May.

1948 – the Organization for European Economic Cooperation (OEEC) is set up in Paris in April.

1949 – the North Atlantic Treaty Organisation (NATO) is founded in April in order to provide military and security opposition to the Soviet Union.

1950 – the Schuman Declaration was delivered on 9th May by Robert Schuman (1886 – 1963) Minister of Foreign Affairs of France in Paris, which proposed to place French and West German production of coal and steel under a single authority.

1951 – from the Schuman Declaration, the Treaty of Paris was signed by Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands in April 1951 which created the European Coal and Steel Community, that came into existence in July 1952.

1951 – in May representatives of groups from Denmark, Germany, Italy, the Netherlands, the UK and Switzerland met in Amsterdam to convene the International Committee for Sexual Equality (ICSE). It sent a telegram to the United Nations demanding that equal rights for homosexual minorities be based on the principles of the UN, the "findings of modern psychological, biological and medical research" and "mankind's greater awareness of social injustice".

1951 – same-sex activity became legal in Greece.

1952 – former American soldier Christine Jorgensen (1926 – 1989) became the first in the world to have successful gender reassignment surgery at *Rigshospitalet* ("Hospital of the Realm") in Copenhagen, Denmark.

1952 – in Sweden *Riksförbundet för sexuellt likaberättigande* ("the National Organization for Sexual Equality") was set up, which had originally been connected to *Kredsen af 1948* in Denmark.

1950s and 1960s: the Dutch charity *Cultuur en Ontspanningscentrum* (Centre for Culture and Leisure) was crucial in developing the gay subculture in Amsterdam.

1954 – after returning from the 1953 International Committee for Sexual Equality congress, Suzanne de Pues (1918 – 2007), who often went under the pseudonym Suzan Daniel, began setting up the *Brussels Centre Cultured Belge/Cultuurcentrum België* ("Culture Centre Belgium"). However, it quickly dissolved after its first public meeting in Brussels in July 1954.

1955 – in December Ireland is admitted to the United Nations.

1956 – in October to November a popular mass movement against the Communist regime took place in Hungary, where many calling for the introduction of multi-party democracy. The Hungarian Revolution lasted for 12 days before being brutally crushed by Soviet tanks and troops on November 4, where thousands were killed and wounded.

1957 – due to the success of the European Coal and Steel Community, further European integration in other economic areas took place through the European Economic Community. The same six Member States signed the Treaty of Rome in March 1957, which came into effect in January 1958.

As the Treaty of Rome was primarily focused on economic objectives for the European Economic Community, such as discrimination in the area of employment, it did not include provisions relating to fundamental rights or a 'bill of rights'.

However, it was the Council of Europe which dealt with this area. Founded in May 1949, the Council of Europe's European Convention on Human Rights gave effect to certain rights stated in the Universal Declaration of Human Rights, which was enforced by the European Court of Human Rights. The European Convention on Human Rights was brought into Irish domestic law through the European Convention on Human Rights Act 2003.

1957 – under the dictatorship of Francisco Franco (1892 – 1975), that lasted from 1939 to 1975, LGBTI+ people were often viciously persecuted in Spain. Despite this, counter cultural LGBTI+ scenes emerged from the 1960s in Barcelona, Sitges and Ibiza. For example, the nightclub and cabaret *El Comodín* ('The Joker') first opened its doors in Sitges in 1957.

1960 – following its independence from the UK in August 1960, Cyprus retained the same British legislation that criminalised same-sex relations in Ireland and Northern Ireland, such as Criminal Law Amendment Act (1885), as well as its own laws such as Articles 171 – 3 in Chapter 154 of the Criminal Code.

1961 – the Berlin Crisis began with the building of the Berlin Wall in August by the East Berlin authorities. Among heightened tensions, that October saw a dispute over the free movement of Allied personnel between East and West Berlin. A brief stand-off between US and Soviet tanks took place at Checkpoint Charlie on *Friedrichstraße* in central Berlin.

1961 – the first queer song to feature in the Eurovision Song Contest was "*Nous les amoureux*" ("We, the Lovers"). It won the 1961 contest in Cannes, France. It was performed by Jean-Claude Pascal (1917 – 1992) for Luxembourg, who later confirmed that it was about a homosexual relationship and the difficulties they face.

1961 – in July Ireland, and then in August, Denmark and the UK, apply to join the European Economic Community for the first time.

Same-sex activity became legal in Czechoslovakia (present day Czechia and Slovakia) and Hungary in 1962, in England and Wales in 1967, in Bulgaria and East Germany in 1968, and in West Germany in 1969.

1967 – in May Denmark, Ireland and the UK apply to join the European Economic Community for the second time.

1968 – Under the communist regime dictatorship of Nicolae Ceaușescu (1918 – 1989), Article 200 of the Penal Code of Romania was introduced that criminalised homosexual relationships.

1968 – over the course of several weeks in May, France was ingulfed in civil unrest, general strikes and occupations of universities and factories, bringing the country to a halt. The events of *Mai 68* grew out of sympathy for striking students at the University of Paris (now Paris Nanterre University) due to the government's heavy-handed response to student strikes. *Mai 68* helped inspire the creation of the *Le Front Homosexuel d'action Révolutionnaire* ("Homosexual Revolutionary Action Front"), which united thousands of supporters in the early 1970s.

1968 – in February *Psyke* is established in Finland as the first LGBTI+ organisation.

1969 – a raid by the New York Police Department at the Stonewall Inn in Greenwich Village on 28 June was resisted by its patrons and neighbourhood residents, resulting in a several nights of protests and clashes with the police in the area. While the riots did not start the LGBTI+ rights movement, it was a galvanizing force for LGBTI+ political activism that spread around the world in its wake, including Ireland and Europe.

1969 – the events of the "Battle of the Bogside" in Derry in August, and the following riots later that month in Belfast and elsewhere across Northern Ireland, were events that marked the deepening violence of the period known as the Troubles (1968 – 1998).

During the Troubles, gay "men were also vulnerable to blackmail from the police who sought to use them to inform on other members of the community. Despite the numerous raids, actual arrests for gross indecency were rare, but the relationship between the police and members of the LGB&T community was fundamentally strained."

3. 1970s – 1980s: Ireland begins its journey into Europe and the social movement towards LGBTI+ equality

For more information of on activism in Ireland, Patrick McDonagh's book "*Gay and Lesbian Activism in the Republic of Ireland, 1973-93*" (2023) explores this time period.

1970s – an annual picnic was held in Merrion Square in Dublin to raise awareness of the riots at the Stonewall Inn.

Same-sex activity became legal in Austria and Finland in 1971 and Malta in 1973.

1971 – in Italy the first homosexual organisation Fronte Unitario Omosessuale Rivoluzionario Italiano! ("Italian Revolutionary Homosexual Unitary Front") was founded, whose acronym was Fuori! ("Out!").

1972 - Sweden became the first country to offer free sex reassignment treatment.

1973 – Ireland joined the European Economic Community along with Denmark and the United Kingdom in January 1973. The total number of Member States is brought to nine.

1973 – in November, the Coleraine Conference on Sexual Freedom took place "which was labelled the first ever Irish gay conference."

1974 – The first Pride march on the island of Ireland took place on 27 June 1974, when 12 people marched from the Department of Justice on St. Stephen's Green to the British Embassy to protest the continued criminalisation of homosexuality under the Offences Against the Persons Act (1861) and Criminal Law Amendment Act (1885). It was organised by the Sexual Liberation Movement, a Dublin-based organisation that was founded in Trinity College Dublin in 1973.

Two key people involved in that first Pride march was Jeffery Dudgeon (born 1946) and David Norris (born 1944), whose cases at the European Court of Human Rights would see homosexuality decriminalised in Northern Ireland and Ireland.

1974 – in April the *Revolução dos Cravos* ("Carnation Revolution") took place in Lisbon, in which a military coup organised by left-wing Portuguese military officers, brought about the end of the *Estado Novo* ("New State") in Portugal, paving the way for the country to transition to democracy. Installed in 1933 and led by António Salazar (1889 – 1970), the conservative corporatist regime targeted and monitored LGBTI+ people in Portugal.

1974 – between July and August, due to inter-communal violence between the Greek and Turkish communities in Cyprus, and in response to a Greek military junta-sponsored coup d'état in July, Türkiye invaded and occupied Cyprus.

1974 – in July, due to pressure as a result of unfolding events in Cyprus, the military junta that seized power in Greece in April 1967 collapsed. The regime introduced restrictions on civil liberties, in which LGBTI+ people in Greece suffered harsh treatment. The collapse led to the *Metapolitefsi* ("regime change") to democracy and the establishment of the Third Hellenic Republic.

1975 – in February the EU adopted Directive 75/117/EEC "on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women", also known as the Equal Pay Directive. Article 1 states that "the principle of equal pay for men and women [is that] the same work or for work to which equal value if attributed, the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration."

1975 – in June Greece applies to join the European Economic Community.

1975 – in November Francisco Franco (1892 – 1975), the dictator who ruled Spain from 1939 after winning the *Guerra Civil Española* ("the Spanish Civil War") died, beginning *la Transición* ("the Transition") towards democracy in the form of constitutional monarchy under Juan Carlos I (born 1938). Under Franco's dictatorship, LGBTQ+ people were viciously persecuted, where homosexuality and LGBTI+ people were sent to internment camps, jailed, or were murdered.

1976 – in February the EU adopted the Equal Treatment Directive, Directive 76/207/EEC "on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions". This directive bans discrimination on the grounds of sex, particularly with reference to marital or family status in employment, including access to employment, promotion, vocational training and working conditions.

1976 – the Greek Homosexual Liberation Front began in Athens.

Same-sex activity became legal in Croatia and Slovenia in 1977, and Spain in 1979.

1977 – in March Portugal, and then Spain in June, applied to join the European Economic Community.

1977 – Ian Paisley (1926 – 2014), leader of the Democratic Unionist Party, began a "Save Ulster from Sodomy" political campaign to prevent the decriminalisation of homosexuality in Northern Ireland.

1978 – Initially called the International Gay Association, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) was founded in Coventry in the UK, with representatives attending from Australia, Britain, Denmark, France, Ireland (National Gay Federation), Northern Ireland (Northern Ireland Gay Rights Association), Italy, the Netherlands, Scotland, and the United States. "Its founders thought that European values had particular meaning for homosexuals and that European institutions (in particular, the Council of Europe) could, like the United Nations, help them win new rights by increasing pressure on the most recalcitrant states."

1978 – in December the EU adopted Directive 79/7/EEC "on the progressive implementation of the principle of equal treatment for men and women in matters of social security". It stated that "Article 4 forbids both direct and indirect discrimination, in particular with reference to family or marital status with respect to the scope of the schemes and the conditions for accessing them. It specifies that measures for the protection of women on the ground of maternity shall not be affected by the principle of equal treatment."

1979 – on St. Patrick's Day, the 17th of March, the Hirschfeld Centre, named after Magnus Hirschfeld (1868 – 1935) opened its doors at 10 Fownes Street, Temple Bar, Dublin. It was the headquarters for the National Gay Federation and Liberation for Irish Lesbians, the secretariat of the International Gay Association (later ILGA) and a support service for parents of homosexuals called Parents Enquiry. It had a disco (Flikkers), a cinema (Hirschfeld Biograph),

a café and a telephone service (Tel-A-Friend, which would become Switchboard). The Centre would close following a devasting fire in November 1987.

1979 – to commemorate ten years since the 1969 riots at the Stonewall Inn, the first Pride week took place in Ireland, from 25 June – 1 July. It was organised by the National Gay and Lesbian Federation, which sought to draw attention to the difficulty and oppression that members of the LGBTI+ community faced in Ireland.

1979 – in Vienna, Austria the *Homosexuelle Initiative Wien* ("Homosexual Initiative Vienna", or *HOSI Wien*) was established.

Same-sex activity became legal in Scotland in 1980, in Northern Ireland in 1982 as a result of the October 1981 ruling by the Council of Europe's European Court of Human Rights in *Dudgeon v the United Kingdom* – see below), and in Portugal in 1983.

1981 – Greece joined the European Economic Community, bringing the total number of Member States to 10.

1981 – The first Irish National Gay Conference was held in Cork in 1981, organised by the Cork Gay Collective, it brought together activists from Ireland, UK and USA. A series of workshops were held, and forty-nine motions were passed. "These motions set the agenda for LGBT activism in the coming decades in Ireland."

1981 – at the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) conference in Turin, *Homosexuelle Initiative (HOSI) Wien* proposed the establishment of the East European Information Pool (EEIP). *HOSI Wien* created the EEIP on behalf of ILGA and from 1982 facilitated regular, informal personal information exchanges between Austrian and East European activists. In November 1987 it organised a two-day conference in Budapest with 35 participants from Czechoslovakia, East Germany, Hungary, Poland, Yugoslavia, and some western countries.

1981 – in October the European Court of Human Rights ruled on the landmark case for LGBTI+ rights of *Dudgeon v the United Kingdom*. The person at the centre of this case was a gay man Jeffery Dudgeon (born 1946), who was a shipping clerk in Belfast, Northern Ireland.

He lodged an application with the then European Commission of Human Rights in May 1976, arguing that the laws regarding homosexuality in Northern Ireland, the Offences Against the Persons Act (1861) and Criminal Law Amendment Act (1885), breached Article 8 of the European Convention on Human Rights.

Previously, individuals did not have direct access to the European Court of Human Rights. Between 1954 – 1998, they had to apply to the Commission, and their case would be brought to the Court if it found their case to be well-founded. Protocol 11 to the European Convention on Human Rights abolished the Commission in 1998, it enlarged the Court, and allowed individuals to take cases directly to it.

In 1980 the Commission unanimously concluded there was a breach and passed the case to the European Court of Human Rights. The Court ruled that Jeffery Dudgeon has "suffered and continues to suffer an unjustified interference with his right to respect for his private life." The result of the ruling was the UK government introducing the Homosexual Offences (Northern Ireland) Order 1982 in October 1982, which brought the law in Northern Ireland in line with that in England, Wales and Scotland in decriminalising same-sex relations.

Jeffery Dudgeon, and the lawyer who played a leading role in preparing this case, Peter Ashman, had both been instrumental in the founding of the International Gay Association (later ILGA) in 1978.

1982 – the International Gay Association's (later ILGA) information secretariat moved from the Hirschfeld Centre in Temple Bar, Dublin to the *Riksförbundet för sexuellt likaberättigande* ("the National Organization for Sexual Equality") in Stockholm, Sweden.

1983 – first large scale Pride march took place in Ireland in March, when several hundred people marched from Liberty Hall in Dublin to Fairview Park. They marched to express their anger and desire for justice following the release of five men who brutally murdered Declan Flynn in a homophobic attach in Fairview Park on 10 September 1982.

1983 – in April, David Norris (born 1944) lost an appeal to the Irish Supreme Court. He sought a declaration that sections 61 and 62 of the Offences Against the Person Act (1861), and section 11 of the Criminal Law Amendment Act (1885), were inconsistent with the Irish Constitution. His lost a similar challenge at the High Court in 1980. An openly gay man, he had been an LGBTI+ activist in Ireland since the 1970s.

1983 – in June the National LGBT Federation organised the first Pride parade in Ireland, when around 200 people walked from St. Stephen's Green to the General Post Office on O' Connell Street.

1984 – the National Gay Federation began Ireland's first commercial lesbian and gay magazine, Out. "Distributed by Eason's, the magazine achieved more widespread penetration nation-wide than any previous gay publication." Nell McCafferty (born 1944), Walt Kilroy, Tonie Walsh (born 1960), Nuala O'Faoláin (1940 – 2008) and Thom McGinty (1952 – 1995) were among its regular contributors. It ran until 1988.

1984 – Croatian journalist Toni Marošević (1945 – 2013) created and hosted *Frigidna utičnica* ("The Frigid Socket"), the first and only radio show dedicated to homosexuality in Yugoslavia. It was broadcast from Zagreb on *Omladinski radio* ("Youth Radio", later Radio 101).

1984 – in March the European Parliament adopted a resolution on the rights of homosexuals in the workplace back in 1984. It stated, "that certain sections of society still maintain a discriminatory attitude towards homosexuals which may have serious consequences […] however, all countries are witnessing a change in attitude which has also prompted adjustments to the legislation on sexuality". The resolution also stated, "that social justice and

respect for the dignity and freedom of the individual are essential for democracy and for the construction of Europe".

1984 – following the second European Parliament elections in June 1984, Herman Verbeek (1936 – 2013) from the Netherlands was elected for the Political Party of Radicals. He was the first openly LGBTI+ MEP and served two terms in the European Parliament from 1984 – 1989 and 1989 – 1994.

1985 – in Poland under Operation Hyacinth, gay men were registered in a database, supposedly to prevent the spread of HIV, however, it often resulted in such men being blackmailed and forced to cooperate with the Communist regime in Poland.

1986 – Portugal and Spain join the European Economic Community, bringing the total number of Member States to 12.

1987 – the first lesbian group in Slovenia was set up called *Lezbična Lilit* ("Lesbian Lilith").

1987 – in April, Türkiye applied to join the European Economic Community.

1987 – in April the first Alternative Miss Ireland event took place in Sides nightclub on Dame Street, Dublin. The queer beauty pageant was held to raise money for Irish HIV/AIDS organisations. After a hiatus it returned in 1996 and took place annually until March 2012.

1988 – due to the public health crisis of AIDS, the Hungarian state recognised Homeros-Lambda National Association of Homosexuals. "This breakthrough occurred in part because of the political openness that accompanied Soviet-style *glasnost*, a development throughout the communist block that had particular effects in Hungary. It was due primarily, however, to official concerns about the spread of AIDS."

1988 – in February Gay Community News issued its first edition from the remains of the badly damaged Hirschfeld Centre. It has continued to publish since then, making it Ireland's longest established LGBTI+ publication. "The first issue flagged a story about three gay women

abseiling into the House of Lords to protest against Section 28 in the UK, a feature about cross dressing and an item on criminal law written by barrister Jim Treanor. The only professional journalist involved in Issue One was Walt Kilroy, who went on to become an RTÉ news reporter."

1988 – in October, after losing his appeal to the Irish Supreme Court in 1983, David Norris (born 1944), now a senator since April 1987, brought his case to the Council of Europe's European Court of Human Rights against Ireland, which he won. His legal counsel in the case was the future Irish President, Mary Robinson (born 1944). In giving its ruling on *Norris v. Ireland*, the Court cited its ruling of October 1981 in *Dudgeon v the United Kingdom* as it related to the same legislation in Northern Ireland.

It found that "the maintenance of the impugned legislation directly and continuously interferes with the private life of the Applicant via the threat of prosecution. Further, the Government's arguments that the law is justified fail. The Court has held that social legislation must be necessary in a democratic society and proportionate to the legitimate aim pursued. The Government failed to produce evidence showing why this legislation should remain in force, while the identical legislation in Dudgeon failed in the face of the Convention. The impugned legislation imposes harms upon certain people that far outweigh any potential social benefit. That certain people are offended by homosexuality is not sufficient grounds to maintain discriminatory laws."

The Court found that the criminalisation of private, consensual same-sex sexual activity in Ireland violated David Norris's right to privacy under Article 8(1) of the European Convention on Human Rights.

1988 – the first World AIDS Day takes place on 1 December.

1988 - Alecos Modinos (born 1933) a Greek – Cypriot gay rights activist, founded the first LGBTI+ activist group in Cyprus called the *Apeleftherotiko Kinima Omofilofilon* Kiprou ("Cypriot Gay Liberation Movement").

1989 – The Parliament of Denmark, the *Folketing*, passed the Registered Partnership Act introduced civil unions. Although it fell short of granting full equality, it was an important steppingstone.

1989 – After the European Parliament elections in June 1989, Liselotte (Lissy) Gröner (1954 – 2019) from Germany was elected for the Social Democratic Party, becoming just the second openly LGBTI+ MEP. She remained an MEP until the 2009 European Parliament elections having served four terms.

1989 – in July, Austria applies to join the European Economic Community.

1989 – Galway hosted its first Pride parade.

1989 – the European Parliament adopted a resolution on discrimination against trans people on 12 September, which called on Member States to take steps for the protection of trans people and to pass legislation to further this end.

1989 – the fall of the Berlin Wall on 9 November 1989 marked the symbolic moment of the end of Communism in Europe. Democratic elections had taken place in Hungary (March) and in Poland (June), while in November the Velvet Revolution (Czech: *Sametová revoluce*) or Gentle Revolution (Slovak: *Nežná revolúcia*) took place in Czechoslovakia.

At the time, the ILGA was endeavouring to make "lesbians and gays visible to these people who are steering the course of a New Europe and [force] them to define their position on issues concerning discrimination and oppression of lesbians and gay men".

4. 1990s – 2000s: A New Europe and the legacy of the Treaty of Amsterdam

1990 – the first LGBTI+ organisation in the Baltics was founded with the *Estonian Lesbian Union*, which later became *LesBi Union*. The *Estonian Gay League* was set up in 1992.

1990 – the *Movement for Equality and Homosexual Citizens* was set up in Czechoslovakia.

1990 – *Lamba*, a gay umbrella organisation, was legally registered in Poland. The word "lamba" was originally the 11th letter in the Greek alphabet (λ). From the 1970s, it has been adopted as an international symbol for LGBTI+ rights. It is believed that "no one seems to have a definitive answer about why the lambda was originally chosen as a gay symbol. Some suggest that it is simply the Greek lower-case letter "l" for liberation."

1990 – in July both Cyprus and Malta apply to join the European Economic Community.

1990 – on 3 October the "Unification Treaty" entered into force, dissolving the German Democratic Republic (East Germany) and integrating it into the re-established Federal Republic of Germany. Since 1991 Tag der deutschen Einheit ("Germany Unity Day") has been marked as a national holiday in Germany.

1991 – Belfast hosts its first Pride parade.

1991 – in July Sweden applied to join the European Economic Community.

1991 – the Constitution of the Republic of Bulgaria came into effect in July, where Article 46 defined marriage as between a man and a woman, therefore banning same-sex marriage.

1992 – in March Finland applied to join the European Economic Community.

1992 – the first Europride was held in London, and same-sex activity became legal in Estonia and Latvia.

1992 – the EU's Treaty of Maastricht introduced the Treaty on the EU (TEU), which contains general provisions that define the EU. It features Article 3 which states that "1. The Union's aim is to promote peace, its values and the well-being of its peoples" and "3. It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child."

1992 – the first Irish LGBTI+ float in a St. Patrick's Day Parade happened in Cork. "It was organised partly in response to the banning of ILGO (Irish Lesbian and Gay Organisation) from marching in St. Patrick's Day Parades in New York and Boston. It was also an opportunity for greater visibility for the Cork LGBT community. The Cork LGBT Float won a prize for the Best New Entry in the Cork St. Patrick's Day Parade that year."

1992 – in a referendum in October, with a turnout of 75.2%, the new Constitution of Lithuania was approved by 78.2% of voters. Article 38 defines marriage as between a man and a woman, depriving Lithuania of marriage equality.

1993 – the result of the 1988 ruling by the European Court of Human Rights in In Norris v. Ireland (10581/83), homosexuality was decriminalised in Ireland with the Criminal Law (Sexual Offences) 1993 Bill, following a sustained campaign by the Gay and Lesbian Equality Network (GLEN). It was proposed by then-Fianna Fáil TD and Minister for Justice Máire Geoghegan-Quinn (born 1950) and was passed into legislation on 24th June 1993. In this RTÉ Archives clip from Prime Time in April 1993, Senator David Norris spoke of how he "believes that he has a right to make a contribution to society and as such to be treated as an equal citizen describing the current law as, a violation of fundamental human rights."

1993 – the World Health Organization removed homosexuality from the list of mental illnesses.

Same-sex activity became legal in Lithuania in 1993 and Romania in 1996.

1994 – in March Hungary, and then Poland in April, applied to join the European Union.

1994 – the European Parliament adopts a Report by the Committee on Civil Liberties and Internal Affairs "on equal rights for homosexuals and lesbians in the EC". It states that "all citizens must be treated equally, irrespective of their sexual orientation", and "Considers that the European Community is under the obligation to apply the fundamental principle of equal treatment, irrespective of each individual's sexual orientation, in all legal provisions already adopted or which may be adopted in future".

1995 – the Lithuanian Gay League was established, the first LGBTQI+ organisation in Lithuania.

1995 - International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) receives its first major funding from the European Commission. Some €150,000 is used for a year-long project (Phare and Tacis Democracy Programme) that looked at lesbian and gay anti-discrimination in conjunction with the World Health Organisation. The funding supported groups in Riga, Tallinn, Vilnius, St. Petersburg and Moscow and included HIV/AIDS prevention work.

1995 – in January Austria, Finland and Sweden join the European Union, bringing the total number of Member States to 15.

1995 – a number of countries applied to join the European Union in 1995: Romania, Slovakia and Slovenia (June), Latvia (September), Estonia and Lithuania (November), Bulgaria (December).

1996 – in January Czechia applies to join the European Union.

1996 – Rosa Lëtzebuerg asbl was founded in Luxembourg and organised the first Pride there in 1999. They called it Gay Mat, a play on the Luxembourgish phrase of "Géi mat" ("come along").

1996 - International Lesbian, Gay, Bisexual, Trans and Intersex Association formed its European branch, ILGA-Europe.

1996 – *Accept* was established in Romania to advocate for the rights of LGBTI+ people in Romania.

1996 – in April, the Court of Justice of the EU gave its judgement in the case *P v S and Cornwall County Council* (Case C-13/94), the first time a case on LGBTI+ rights was heard in the EU's Court.

The case relates to an unnamed individual, P., who was a manager at an educational unit operated by Cornwall County Council. In April 1992, P., who was assigned male at birth, announced that she was going to undergo gender reassignment. During the summer of 1992, P. had surgical treatment while on sick leave, however, in September 1992, P. was dismissed and given three months' notice.

P. claimed that she had only begun to be discriminated against once her employer was told of her true sexual identity. She alleged that this, in itself, was discrimination on the grounds of sex. She argued that the Equal Treatment Directive's, Directive 76/207/EEC, purpose is to "lay down the principle of equal treatment of men and women in the field of employment". Therefore, there should be "no discrimination whatsoever on the grounds of sex". Further, she claimed that she was protected when she was a man and there is no reason why she should not continue to be protected as a woman.

The tribunal sought a preliminary ruling from the European Court of Justice (later the Court of Justice of the EU) on whether dismissal of a transsexual person for a reason related to a gender reassignment constitute a breach of the Equal Treatment Directive, Directive 76/207/EEC. And if the Directive which refers to discrimination on grounds of sex, prohibits treatment of an employee on the grounds of the employee's transsexual state.

The Court found that "the scope of the Directive also applies to discrimination based essentially, if not exclusively, on the sex of the person concerned. Where such discrimination arises, as in the present case, from the gender reassignment of the person concerned, he or she is treated unfavourably by comparison with persons of the sex to which he or she was deemed to be long before undergoing gender reassignment. To tolerate such discrimination would be tantamount, as regards such a 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. Therefore, dismissal of a transsexual for a reason related to a gender reassignment must be regarded as contrary to Article 5(1) of the Directive."

1997 – with a turnout of 42.8% in a referendum in May, a new Constitution of Poland was adopted with 54.3% in favour and 46.5% against. Article 18 prohibits marriage equality, stating that "marriage as a union of a man and a woman, family, motherhood and parenthood are under the protection and care of the Republic of Poland".

1997 – Irish politicians Ruairi Quinn (born 1946) of the Labour Party and John Bruton (born 1947) of Fine Gael are credited with ensuring the inclusion of anti-discrimination provisions in the Treaty of Amsterdam, which included sex or sexual orientation. The provisions under Article 13 were based around equality legislation that was being developed by Irish Government at the time, the Employment Equality Act (1998) and the Equal Status Act (2000).

The Treaty introduced Article 13, which covers discrimination on the grounds of sexual orientation, together with sex, racial or ethnic origin, religion, belief, disability, and age. It was the first time that any express reference to discrimination on grounds other than sex or nationality had appeared in the Treaties.

This provision has allowed the EU to introduce legislation on LGBTI+ rights. It is widely recognised that this important moment in LGBTI+ right in Europe was secured after years of important lobbying by the wide network of LGBTI+ activists and organisations across Europe.

The intergovernmental conference for the Treaty took place between June 1995 – June 1997, and was signed in Amsterdam in June 1997, and which came into force in May 1999. Ireland held a referendum on the Treaty in May 1998, with a turnout of 56.2%, a total of 61.7% of people supported the Treaty.

1997 – in October the ILGA-Europe Annual Conference takes place in London and is hosted by the National Lesbian and Gay Committee of UNISON.

1997 – the European Parliament's Intergroup on LGBT rights was established. The group, which includes MEPs from across the European Parliament's political groups, works to advance the rights of LGBTI+ people through its work and the EU.

1998 – in January ILGA-Europe gains consultative status at the Council of Europe.

1998 – Ireland introduces the Employment Equality Act, which prohibited discrimination in employment based on several grounds, including sexual orientation.

1998 – trans woman Dana International (born 1969) won the 1998 Eurovision Song Contest in Birmingham with the song "Diva" for Israel, the first trans person to perform in the contest.

1998 – Alecos Modinos (born 1933), a Greek – Cypriot gay rights activist who had set up Apeleftherotiko Kinima Omofilofilon Kiprou ("Cypriot Gay Liberation Movement") in 1988, challenged the Cyprus' 1960 Criminal Code that criminalised same sex relations in 1989. He filed an application to the Council of Europe's European Commission of Human Rights which referred his file to the European Court of Human Rights. In April 1993 the Court ruled in favour of him in Modinos v. Cyprus. As a result, the parliament of Cyprus, the House of Representatives, voted to decriminalise same sex relations in May 1998. Out of the 56 members of parliament, 11 walked out in protest to the vote.

1998 – in February, the EU's European Court of Justice (later the Court of Justice of the EU) ruled on *Lisa Jacqueline Grant v South-West Trains Ltd* (Case C-249/96), ruling against Grant. This was just the second case relating to LGBTI+ issues before the Court, since the April 1996 ruling in the case *P v S and Cornwall County Council* (Case C-13/94).

Lisa Grant, a lesbian woman, had been employed by South West Trains, in which her contract allowed spouses to receive travel concessions. However, South West Trains refused to grant the concession to her partner as "unmarried persons were only entitled to concessions if their partner was of the opposite sex."

She complained to the Southampton Industrial Tribunal that she had been discriminated against on the grounds of sex in contravention of the Equal Pay Act 1970 and the Equal Treatment Directive, Directive 76/207/EEC. The Tribunal was unsure as to whether the treatment complained of was discrimination on the basis of sex (as opposed to sexual orientation) and asked for a preliminary reference from the European Court of Justice. The Court ruled that "the refusal of the travel concessions to Ms Grant's partner did not amount to discrimination on the grounds of sex, as the rules concerning its grant applied equally to men and women."

1998 – in December the European Commission organised a conference in Vienna on "Article 13 Anti-discrimination: the way forward", bringing together representatives from Member States, statutory organisations and of social and human rights NGOs. The conference discussed the possible ways of implementing Article 13. It was also the occasion, when the Commission, through Social Affairs Commissioner Pádraig Flynn (born 1939), for the first time, announced its proposals for a three strand "package" to implement Article 13.

A form of civil partnership was introduced in the Netherlands in 1998 and in France in 1999, known as pacte civil de solidarité, PACS ("civil solidarity pact").

1999 - *Labrisz Lesbian Association* was founded in Budapest, Hungary.

2000 – in April ILGA-Europe submitted a grant application to the EU under the call for proposals VP/2000/004 "support for the co-ordination activities of organisations operating at European level and active in fighting discrimination". In the Activity Report of the ILGA-Europe Executive Board 1999/2000, such funding "are designed to cover core funding of European networks fighting against discrimination on the grounds listed in Article 13" of the Treaty of Amsterdam.

In August ILGA-Europe received notification that the application had been successful. The core funding, which would begin on 1st December 2000, would allow for an office space in Brussels (which opened in February 2001), office equipment, two employees (a full-time information officer and a part-time administrator), an annual conference, a two-day policy meeting, four board meetings, travel expenses to meetings in Brussels and Strasbourg, and publication of an ILGA-Europe leaflet, a quarterly newsletter, and the annual report. The European Commission grant (€216,000) covered 80% of the project budget, while ILGA-Europe would have to raise the remaining 20% (€54,000) in cash.

The EU funding for ILGA-Europe continues to this day, with it now representing more than 700 LGBTI+ member organisations across Europe and Central Asia.

2000 – due to Article 12 of the Treaty of Amsterdam, the EU introduced two landmark pieces of anti-discrimination legislation.

In June the EU adopted the Employment Equality Directive, formally known as Council Directive 2000/43/EC entitled "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin". Its aim "is to implement the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the labour market. It sets out a framework for the prohibition of discrimination on these grounds and establishes a uniform minimum level of protection within the European Union for people who have suffered such discrimination."

In November the EU adopted the Framework Equality Directive, formally known as Directive 2000/78/EC entitled "establishing a general framework for equal treatment in employment and occupation". This Directive prohibits employment discrimination on the grounds of religion or belief, disability, age or sexual orientation. Article 2 prohibits both direct and indirect discrimination and defines harassment as amounting to discrimination. Articles 4-6 provide for exceptions to the principle of equal treatment. Other key provisions of the directive include shifting of the burden of proof and the prohibition of victimisation.

A form of civil partnership was introduced in Belgium in 2000 and Portugal in 2001.

2001 – the Netherlands becomes the first country in the world to introduce marriage equality.

2001 – as part of its accession process to join the EU, Romania repeals Article 200 of the Penal Code, introduced in 1968, that criminalised homosexual relationships.

2001 – in May the European Court of Justice (later the Court of Justice of the EU) ruled on *D and Kingdom of Sweden v Council of the European Union* (Cases C-122/99 P and C-125/99 P). This was the third case brought before the Court that relates to LGBTI+ issues, which ruled against D.

D., who is from Sweden, has been in a registered partnership with another person from Sweden since June 1995. In September 1996, he requested that the Council of the EU should treat his status as a registered partner as equivalent to marriage in order for him to be entitled to the household allowance. The Council of the EU had refused this request in November 1996 "on the grounds that the relevant provision of the Staff Regulations did not allow a registered partnership to be treated as equivalent to marriage."

D. appealed to the Court of First Instance in October 1997, which was supported by the Swedish government. However, this appeal was dismissed by the Court of First Instance. In April 1999, both D. and the Swedish government appealed that judgement, registered under numbers C-122/99 P and C-125/99 P. In May 2001, the European Court of Justice ruled that equal treatment can apply where situations are comparable, but not in this case due to the diversity of EU Member State laws regarding same-sex partnerships.

2003 – the European Convention of Human Rights Act 2003 was passed by the House of the Oireachtas (Irish houses of parliament), which gave effect to the European Convention on Human Rights in Irish law.

2003 – Belgium introduces marriage equality.

2003 – in February Croatia applies to join the European Union.

2003 – the 10th Europride took place in Manchester, United Kingdom.

2004 – in May, Cyprus, Czechia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia joined the European Union, bringing the number of Member States to 25.

As Ireland then held its sixth Presidency of the Council of the EU, it held a national 'Day of Welcomes' with a ceremony at Áras an Uachtaráin with the leaders of the 25 EU Member States. President Mary McAleese (born 1951) spoke of how "our continent is ancient; our Union is young - we are still only at the start of its possibilities. Its potential is limitless. We will build its prosperity with our hands, its peace with our hearts."

The celebrations included Irish poet Seamus Heaney (1939 – 2013) reading a poem, Beacons at Bealtaine, which had been commissioned for the occasion: "So on a day when newcomers appear. Let it be a homecoming and let us speak." Other performances included piper Liam Óg O'Flynn (1945 – 2018) and harpist Teresa O'Donnell.

2004 – Luxembourg introduces a form of civil partnership.

2004 – in January the Court of Justice of the EU delivered a ruling on case *K.B. v. NHS Pensions Agency* (Case C-117/01).

K.B., was a female former employee of the National Health Service in the UK, and R was a transsexual man, where both were in a committed long-term relationship. However, R. was not entitled to receive K.B.'s NHS pension as a spouse in the event of R.'s death, as under UK legislation transsexuals are prohibited from marrying people of their opposite acquired sex. As a result, R. was not considered K.B's spouse. K.B maintained that this was discriminatory based on sex, and in violation of Directive 75/117/EEC, among other EU laws.

Initially unsuccessful before the Employment Tribunal and the Employment Appeal Tribunal, the UK Court of Appeal sought a preliminary ruling from the Court of Justice of the EU. The European Court of Justice ruled that EU law on sex discrimination prohibits legislation that prevents a transsexual person from achieving the marital status necessary for them to be eligible for their partner's employee benefits.

2004 – in April the EU adopted the Free Movement Directive, Directive 2004/38/EC, "on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States". It extends the right to the freedom of movement, under certain conditions, to the family members of EU citizens, such as their spouses and children, even if they are not themselves EU citizens, including rainbow families.

2004 – in March North Macedonia applied to join the European Union.

2005 – Spain introduces marriage equality.

A form of civil partnership was introduced in Czechia and Slovenia in 2006.

2006 – in January the European Parliament passes a resolution on homophobia in Europe: "Calls on Member States to ensure that LGBT people are protected from homophobic hate speech and violence and ensure that same-sex partners enjoy the same respect, dignity and protection as the rest of society".

2006 – the Saeima, the parliament of Latvia, amends the Constitution of Latvia to define marriage as between a man and a woman, depriving Latvia of marriage equality.

2006 – in April the European Court of Justice (later the Court of Justice of the EU) ruled in *Sarah Margaret Richards v Secretary of State for Work and Pensions* (Case C-423/04), ruling for Richards.

Sarah Richard was born in 1942 and was assigned male at birth. In May 2001, she underwent gender reassignment surgery to become a woman. In February 2002 she applied for a retirement pension to be paid from her 60th birthday. The application that was refused as "it had been made more than four months before the applicant reached 65, which is the pensionable age for men in the United Kingdom."

She appealed to the Social Security Appeal Tribunal, relying only on domestic UK law, an appeal that was dismissed. On further appeal to the Social Security Commissioner, she "argued that the denial of her pension at the age at which any other woman would be eligible for a pension amounted to unlawful discrimination contrary to Directive 79/7/EEC."

A preliminary ruling was sought from the European Court of Justice to find out does Directive 79/7 "prohibit the refusal of a retirement pension to a male-to-female transsexual until she reaches the age of 65 [if she] would have been entitled to such a pension at the age of 60 had she been held to be a woman as a matter of national law?" And "if so, from what date should the Court's ruling on question 1 have effect?"

The Court ruled that “it is contrary to Art.4(1) of Council Directive 79/7 to refuse to grant a retirement pension before the age of 65 to a post-operative male-to-female transsexual where that person would have been entitled to a pension at the age of 60 had she been regarded as a woman as a matter of national law.” And on the second question, it stated that “it is not necessary to limit the temporal effects of a judgment to that effect.”

2006 – in July EU adopted the "Recast Directive" (2006/54/EC)11, “on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)”. It consolidated existing provisions on the implementation of the principle of equal treatment between women and men. Recital 3 of the Directive’s Preamble introduced an explicit reference in relation to discrimination based on "gender reassignment" for the first time in EU law.

2007 – Bulgaria and Romania join the European Union, bringing the number of Member States to 27.

2007 – Transgender Europe (TGEU) was established. They state on their website that “TGEU envisions a world free from discrimination where gender diversity is celebrated, where trans people are valued, and where trans movements are self-aware, intersectional, and evolving to meet the needs of a diverse and resilient community.”

2007 – in March, the EU’s Fundamental Rights Agency was established to support the implementation of the Charter of Fundamental Rights of the EU. It describes itself as “the independent centre of reference and excellence for promoting and protecting human rights in the EU. We help make Europe a better place to live and work. We help defend the fundamental rights of all people living in the EU.”

2007 – in April the European Parliament passes a resolution on homophobia stating that “the European Union is first and foremost a community of values, with respect for human rights

and fundamental freedoms, democracy and the rule of law, equality and non-discrimination among its most cherished values."

Further, "the EU institutions and Member States have a duty to ensure that the human rights of people living in Europe are respected, protected and promoted, as provided for by the ECHR, the Charter of Fundamental Rights of the European Union, Article 6 of the TEU, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin(5) and Council Directive 2000/78/EC 2008".

2007 – Limerick hosts its first Pride parade.

2008 – in May the *Memorial to Homosexuals Persecuted Under Nazism* was opened in Tiergarten, Berlin, in the same area of the city where Magnus Hirschfeld (1868 – 1935) opened the *Institut für Sexualwissenschaft* (Institute for Sexual Research) in July 1911.

The memorial is intended to honour the homosexual victims of National Socialist German Workers' Party and at the same time "set a constant sign against intolerance, hostility and exclusion towards gays and lesbians". It was designed by Michael Elmgreen (from Denmark) and Ingar Dragset (from Norway).

2008 – in April the European Court of Justice (late the Court of Justice of the EU) ruled in *Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen* (Case C-267/06).

From August 2001 – September 2017 in Germany, the *Lebenspartnerschaftsgesetz,* LPartG ("Civil Partnership Act") enabled two people of the same sex to establish a civil partnership. In Germany, theatres are required to take out an old-age pension and a survivor's pension for artists they engage with, on a 50/50 basis. This insurance scheme was administered by the *Versorgungsanstalt der Deutschen Bühnen*, VddB ("the German Theatre Pension Institution").

Tadao Makuro's partner had worked as a theatre costume designer and had been affiliated to the VddB continuously since September 1959, and paid contributions between September 1975 – September 1991. He passed away in January 2005.

Tadao Makuro was refused a survivor's pension because he was not married to his partner and was not a "widower". In its ruling the Court considered Directive 2000/78/EC, which includes a right not to be discriminated against on the grounds of sexual orientation.

The Court ruled that refusing to grant a pension to a couple that is not married, despite the same-sex couple have entered a registered union which carried with it the same effects, is discrimination based on sexual orientation, contrary to Article 2 of Directive 2000/78/EC. Therefore, Tadao Makuro was entitled to receive his partner's survivor's pension.

2008 – in June, the National Lesbian and Gay Federation handed over responsibility of the Irish Queer Archive to the National Library of Ireland. The collection involves over 250,000 pieces including magazine and printed items, films, letters, audiovisual material, photographs, flyers, posts, badges and other items.

2008 – in December Montenegro and Serbia applied to join the European Union.

2009 – in April Albania applied to join the EU.

2009 – in September the first GALAS takes place in Dublin. Organised by the National Gay and Lesbian Federation, it honours LGBTI+ people and organisations in Ireland for their contributions to Irish society.

2009 – with the entry into force of the Treaty of Lisbon in December, the latest revision the EU's founding 1956 Treaty of Rome came into effect. Now called the Treaty on the Functioning of the EU (TFEU), it contains specific provisions relating to the EU's policies and the institutions.

It includes Article 10 which states that "In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation." The original Article 13 in the Treaty of Amsterdam appeared under Article 19.

2009 – also with the entry into force of the Treaty of Lisbon, the Charter of Fundamental Rights of the EU gained legal status, making its provisions legally binding on EU Member States. Although agreed in December 2000 its legal status was uncertain as it did not have full legal status. It enshrines certain political, social, and economic rights for people in the EU.

Article 21 for "Non-discrimination" states that: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion, or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited."

2010 – Derry hosts its first Pride parade.

A form of civil partnership was introduced in Hungary in 2009 and Austria in 2010.

Marriage equality is introduced in Sweden in 2009 and Portugal in 2010.

5. 2010s: Victories and Challenges

2010 – Ireland introduces civil partnerships with the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*. While it provided equivalent rights and responsibilities to married couples in almost all areas and was an important steppingstone for marriage equality in Ireland, it did not change the law on issues relating to children, such as guardianship or adoption.

2010 – National Lesbian and Gay Federation becomes a member of the EU's Fundamental Rights Platform, which has been established by the EU's Fundamental Rights Agency (FRA).

2011 – after the February 2011 general election in Ireland, the first openly LGBTI+ TDs are elected to Dáil Éireann: from Fine Gael Jerry Buttimer (born 1967) was elected in Cork South-Central, and from the Labour Party, John Lyons (born 1977) and Dominic Hannigan (born 1965) were elected in Dublin North-West and Meath East, respectively.

2011 – in May, the Court of Justice of the EU ruled on *Römer v Freie und Hansestadt Hamburg* (C-147/08), ruling for Römer.

Jürgen Römer had been employed in the *Freie und Hansestadt Hamburg* ("Free and Hanseatic City of Hamburg") in Germany as an administrator from 1950, until he became incapacitated for work in May 1990. He had been in a same-sex relationship since 1969 with his partner, Mr. U, as a registered life partnership. Both had entered into a civil partnership in accordance with German law in February 2001. Jürgen Römer informed his former employer of this by letter in October 2001.

Following this, he requested a recalculation of his supplementary retirement pension, due to the more favourable tax category that married pensioners benefited from. The recalculation would have resulted in an extra DEM 590 (€302) per month.

However, in December 2001 his former employer refused his request as "only married, not permanently separated, pensioners and pensioners entitled to claim child benefit or an equivalent benefit" were entitled.

Jürgen Römer argued that he is entitled to be treated as a married pensioner, a right which was the result of Directive 2000/78/EC. He brought a case before the *Arbeitsgericht Hamburg* (Hamburg Labour Court), who referred the case to the Court of Justice of the EU "concerning the interpretation of the general principles and provisions of European Union law on discrimination on grounds of sexual orientation in employment and occupation."

The Court ruled that supplementary retirement pensions fall within the scope of Directive 2000/78/EC. It argued that registered life partnerships in Germany "provides that life partners have duties towards each other to support and care for one another and to contribute adequately to the common needs of the partnership by their work and from their property, as is the case between spouses during their life together."

Therefore, according to the Court, the same obligations are found in registered life partners and married spouses. The Court ruled that same-sex couples must have access to all the employment benefits for married couples.

2011 – Elio Di Rupo (born 1951) was Prime Minister of Belgium from December 2011 – October 2014, becoming the first openly LGBTI+ leader of an EU Member State.

2012 – on 1 January the new constitution of Hungary (the Fundamental Law of Hungary) entered into force, after being adopted by its parliament (the Country Assembly) in April 2011. It bans same sex marriage, and does not protect people from discrimination on the grounds of age or sexual orientation.

2012 – in October the EU adopted the Victim's Rights Directive, Directive 2012/29/EU entitled "establishing minimum standards on the rights, support and protection of victims of crime". It creates a set of binding rights for victims and clear obligations on EU countries to ensure they

are put into practice, which include victims of crime relating to gender expression, gender identity, and sexual orientation.

2012 – Poland introduces a form of unregistered cohabitation.

Marriage equality is introduced in Denmark in 2012, France in 2013, and Luxembourg in 2015.

2013 – Croatia joins the European Union in January, bringing the number of Member States to 28.

2013 – in April the Court of Justice of the EU rule in *Asociația Accept v Consiliul Național pentru Combaterea Discriminării* (Case C-81/12).

In Romania, *Asociația Accept* ("Accept Association") is a non-governmental organization, which promotes and protects LGBTI+ rights in Romania. It lodged a complaint to the *Consiliul Național pentru Combaterea Discriminării* ("National Council for Combatting Discrimination" CNCD) in March 2010 against *SC Fotbal Club Steaua București*'s owner since 2003, Gigi Becali (born 1958).

Asociația Accept argued that the principle of equal treatment was breached in recruitment matters, as a result of Gigi Becali's public statements in 2010 that he would never hire a homosexual football player. *Asociația Accept* claimed that his football club did not distance itself from his statements.

The *CNCD* disagreed with *Asociația Accept*'s argument, where Gigi Becali's statements were made by someone not responsible for recruitment. *Asociația Accept* appealed this decision to the *Curtea de Apel București* (Court of Appeal) which requested a preliminary ruling to the Court of Justice of the EU.

In its ruling, the Court found "that homophobic statements by the *patron* of a professional football club may shift the burden of proof on to the club to prove that it does not have a discriminatory recruitment policy. The appearance of discrimination on grounds of sexual

orientation may be refuted by a body of consistent evidence." The Court argued that Directive 2000/78/EC "applies to situations such as those on which the dispute in the main proceedings before the Court of Appeal is based."

2013 – in May, the EU's Fundamental Rights Agency, publishes the results of an EU-wide survey on the lived experience of being LGBT. The survey followed a 2009 report on discrimination on the grounds of sexual orientation and gender identity. The survey reported significant levels of discrimination at work, harassment and violence.

2013 – the 20th Europride took place in Marseille, France in July.

2013 – Xavier Bettel (born 1973) became Prime Minister of Luxembourg in December 2013, becoming the second openly LGBTI+ leader of an EU Member State.

2013 – in December with a turnout of 37.8% in Croatia, 66.2% of people voted in a referendum to define marriage as between a man and a woman in their constitution, depriving people in Croatia of marriage equality.

2013 – in December the Court of Justice of the EU ruled on *Frédéric Hay v. Crédit Agricole Mutuel De Charente-Maritime Et Des Deux-Sèvres* (Case C-267/12), ruling for Hay.

In 2007 Frédéric Hay entered a *pacte civil de solidarité*, PACS ("civil solidarity pact") with another man. He applied to his employer, *Crédit Agricole Mutuel de Charente-Maritime et des Deux-Sèvres* (a French financial institution), for 10 days of special leave and a salary marriage bonus, which married couples are entitled to. His employer refused his application, as such benefits were only entitled to married couples, not those who entered a PACS.

He brought a case before the *Conseil de prud'hommes de Saintes* ("Employment Tribunal of Saintes") who rejected his claim. In an appeal to the *Cour de cassation* ("Court of Cassation"), it sought a preliminary ruling from the Court of Justice of the EU on Article 2(2)(b) of Directive 2000/78/EC.

It asked if "the refusal to grant benefits awarded to married employees under a national collective labour agreement to an employee in a same-sex civil partnership constitute discrimination based on sexual orientation when persons of the same sex cannot marry one another?"

The Court found that PACS "enable persons of the same sex to organise their lives together by committing to providing material aid and assistance to each other" and it places "the couple contracting it within a specific legal framework entailing rights and obligations in respect of each other and third parties."

Further, the Court stated, "that in the specific context of benefits such as days of special paid leave or marriage bonus, persons who cannot marry but only enter into a PACS with one another are in a comparable situation to those who can marry." The Court ruled that under EU law, it is not allowed to not grant a person in a same-sex partnership the benefits that are given to married employees, such as those related to this case.

2014 – a law is passed through Slovenia's parliament (the National Council) that defines marriage between a man and a woman. It passed through the parliament with 102 MPs voting in favour of it and 18 against.

2014 – Conchita Wurst, the drag persona of openly gay Thomas Neuwirth (born 1998), won the 2014 Eurovision Song Contest in Copenhagen with the song "Rise Like A Phoenix" for Austria.

2014 – Turkish Cyprus decriminalises same-sex relations, one of the last territories in Europe to do so.

2014 – December the Court of Justice of the EU ruled on *A, B, C. v. Staatssecretaris van Veiligheid en Justitie* (joined cases C-148/13 to C.50/13), ruling for A,B,C.

Three non-EU people applied for asylum in the Netherlands, claiming that they feared persecution as they were homosexuals. All three cases were rejected first by the

Staatssecretaris van Veiligheid en Justitie (“Ministry of Justice and Security”) and later by the *Rechtbank's-Gravenhage* (“Court of Justice The Hague”. *Gravenhage*, the official name of The Hague, translates to "the count's hedge"). Officials argued that their statements proving their sexuality were deemed “vague, implausible and lacked credibility.”

An appeal through the *Raad van State* (“Council of State”) argued that “in light of the [Charter of Fundamental Rights of the EU], certain limitations were placed on national authorities when verifying the sexual orientation of an applicant.”

It asked the Court of Justice of the EU what limits does Article 4 of Council Directive 2004/83/EC and Articles 3 and 7 of the EU Charter of Fundamental Rights “impose on the method of assessing the credibility of a declared sexual orientation and are those limits different from the limits which apply to assessment of the credibility of the other grounds of persecution”.

Adopted by the EU in April 2004, Council Directive 2004/83/EC sets the “minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted”.

The Court found that “the methods used by the competent authorities to assess the statements and the evidence submitted in support of applications for asylum must be consistent with the EU law and, in particular, the fundamental rights guaranteed by the Charter, such as the right to respect for human dignity and the right to respect for private and family life.”

“Furthermore, the assessment must be made on an individual basis and must take account of the individual situation and personal circumstances of the applicant (including factors such as background, gender and age) in order for it to be determined whether the acts to which the applicant has been or could be exposed would amount to persecution or serious harm.”

A form of civil partnership was introduced in Croatia in 2014, and Greece and Malta in 2015.

In the case of Greece, it amended its 2008 Partnership Act to include same-sex couples after the November 2013 judgment of the Council of Europe's European Court of Human Rights in Vallianatos v. Greece. Law no. 3719/2008, entitled "Reforms concerning the family, children and society" introduced an official form of partnership for unmarried couples called a "civil union", which was restricted to different-sex couples, excluding same-sex couples from its scope. The Court found that the Greek government "had not offered convincing and weighty reasons capable of justifying the exclusion of same-sex couples from the scope of Law no. 3719/2008."

2015 – Transgender Europe (TGEU) received core funding from the EU's Rights, Equality and Citizenship Programme 2014 – 2020.

2015 – a referendum in Slovakia to introduce a constitutional ban on same-sex marriage was not valid, as 21.4% of the electorate turned out, below the 50% threshold that was needed. The results from the referendum in February found that 94.5% of people who voted supported a ban on same-sex marriage.

2015 – April the Court of Justice of the EU ruled on *Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes and Etablissement français du sang* (C-528/13).

The case arises from Geoffrey Léger, a homosexual man, was prevented from donating blood by a physician as he had same-sex relations. In response to the human immunodeficiency virus (HIV) epidemic, France had banned gay and bisexual men from donating blood in 1983, which was reaffirmed again in 2009. This law ended in November 2015.

The 2009 legislation transposes the March 2004 Directive 2004/33/EC on regarding "certain technical requirements for blood and blood components". The Directive lists deferral eligibility criteria for blood donors, which lists "persons whose sexual behaviour puts them at high risk of acquiring severe infectious diseases that can be transmitted by blood."

Geoffrey Léger brough a case to the Administrative Court in Strasbourg, stating that the permanent ban on blood donations for men who have same-sex relations with men (MSM) was incompatible with Directive 2004/33/EC. The Administrative Court referred the issue as a preliminary question to the Court of Justice of the EU.

The Court found "that it is for the Administrative Court to determine whether there is a high risk of transmitting severe infectious diseases by blood when a man has had sexual relations with another man, taking into account current medical, scientific, and epidemiological knowledge. If it is determined that such a risk is reasonably present, the Administrative Court must determine whether, and under what conditions, a permanent deferral from blood donation is compatible with fundamental EU rights."

"The Court ruled that, in order for the permanent deferral to be compatible with fundamental EU rights, it must be determined that men who have sex with men have a higher risk of acquiring severe infectious diseases and that there are no effective techniques for detecting those diseases, or, alternatively, that there are no less onerous methods than permanent deferral for ensuring a high level of health protection for the recipients of the donated blood."

2015 – in April the *Children and Family Relationships Act 2015* was signed into law in Ireland. "It aims to reform family law in a way that is inclusive of, and sensitive to, the reality of contemporary family life in Ireland. It attempts to better reflect this reality by meeting the needs of children living in diverse family types."

"The commencement of Parts 2 and 3 [which took place in May 2020] will clarify the legal position of all parties involved in a Donor Assisted Human Reproduction procedure carried out in accordance with the Act. In particular, this will clarify the legal position and legal parentage of children born from such procedures. These provisions apply to opposite sex couples, female same-sex couples and single women undergoing a Donor Assisted Human Reproduction procedure."

2015 – after the February 2011 general election, Fine Gael and the Labour Party included in their Programme for Government, a commitment to establish a Constitutional Convention to examine potential changes on specified issues, including "Provision for the legalisation of same-sex marriage".

In April 2013 the members of the Constitutional Convention voted by 79% to recommend that the Irish Constitution be amended to allow for same-sex marriage. The *Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015* was debated in the Dáil and passed through the House of the Oireachtas (Irish houses of parliament) in March 2015, paving the way for the referendum to take place on Friday 22 May 2015. The following day, it was announced that with a turnout of 60.5%, Ireland became the first country in the world to approve marriage equality by referendum, with 62% of people voting yes for marriage equality.

The courtyard of Dublin Castle was open to the public and the media, where the results were broadcasted around the world to an ecstatic and emotional crowd. A joyous celebratory atmosphere prevailed throughout the day at Dublin Castle and in the surrounding area of Dame Street, Parliament Street, Exchange Street, across Grattan Bridge to Capel Street. Celebrations and street parties took place in many venues around Ireland.

2015 – in July, the Gender Recognition Act was passed in Ireland. Dr Lydia Foy became the first person to be legal recognised by the Act. She has publicly lived as a woman since 1991 and in 1993 applied to the office of the Registrar General for a new birth certificate to reflect her gender. This was refused, which began her long legal journey for this recognition, where her legal cases in Ireland helped bring about the Act. A critically important part of her case was the adoption into Irish law the European Convention of Human Rights Act 2003, which gave effect to the European Convention on Human Rights in Irish law.

2015 – in December a referendum in Slovenia to allow for same-sex marriage was defeated. With a turnout of 36.3%, a total of 36.4% of voters supported introducing same-sex marriage, while 63.5% did not support its introduction.

2016 – Malta introduced bans on conversion therapy.

2016 – in February Bosnia and Herzegovina applies to join the European Union.

A form of civil partnership was introduced in Estonia and Italy in 2016.

In the case of Italy, it introduced Law, Number 76 "Regulation of same-sex civil unions and cohabitation discipline" after the 2016 judgement of the European Court of Human Rights in Oliari v. Italy. Here, three couples living in stable same-sex relationships were not allowed to publish marriage banns as the Italian Civil Code states that spouses had to be of the opposite sex. The Court found that the Italian government "had failed to fulfil its obligation to ensure that the applicants had available a specific legal framework providing for the recognition and protection of their union."

2016 – in November the Court of Justice of the EU ruled on *David L. Parris v Trinity College Dublin and Others* (Higher Education Authority, the Department of Public Expenditure and Reform, the Department of Education and Skills) (Case C-443/15), ruling against Parris.

Dr David Parris (born 1946) requested that his same-sex partner would be entitled to receive a survivor's pension on his death. A dual British and Irish citizen, he had lived with his same-sex partner for over 30 years. Both he and his partner entered a civil partnership in the UK on 21 April 2009, his 63rd birthday, which was recognised in Ireland in January 2011. Civil partnerships in the UK were introduced in December 2005, while same-sex marriage was introduced in March 2014. They both married in the UK in January 2015.

Dr Parris was a non-contributory member of Trinity College Dublin's pension Scheme and drew a pension under the Scheme after he took early retirement in December 2010. Rule 5 of the

Scheme stated that a member's surviving spouse or civil partner would receive two-thirds of contributions from that pension if the member passed away.

However, it only applied if the marriage or civil partnership began before the member was 60 years of age. After 60 years of age, the survivor's pension only lasted for five years at a reduced amount. As Dr Parris was 63 years of age when he began his civil partnership, his partner would only receive the reduced benefit.

He applied to have his partner's right to a full survivor's pension recognised, which was rejected by Trinity College Dublin and at the Equality Tribunal. Subsequently, he brought his claim to the Labour Court, arguing that he had been discriminated against by his age and sexual orientation, specifically under Directive 2000/78/EC, who referred questions to the Court of Justice of the EU for a preliminary ruling.

The Court found that Rule 5 did create a difference in treatment that was directly based on age as it "thus treats members who marry or enter into a civil partnership after their 60th birthday less favourably than those who marry or enter into a civil partnership before reaching the age of 60". The Court ruled that the contested Rule 5 does not directly discrimination on the ground of sexual orientation, as it does not refer directly to the Dr Parris' sexual orientation.

In 2017 marriage equality is introduced in Malta, Germany, and Finland.

2017 – a number of regions in Spain introduced conversion therapy bans, such as Madrid, Valencia, Andalusia and Aragon.

2017 – Leo Varadkar (born 1979) became Taoiseach of Ireland in June 2017, and again in December 2022, becoming the third openly LGBTI+ leader of an EU Member State.

2018 – in January the Court of Justice of the EU rule in *F v Bevándorlási és Állampolgársági Hivatal* ("Office of Immigration and Nationality") (Case C-473/16), ruling for F.

In April 2015, a Nigerian person, F., was claiming asylum in Hungary as he feared persecution in Nigeria due to being homosexual. That October, his application was rejected by authorities as it was not possible to confirm his sexual orientation. He brought a case before the *Szegedi Közigazgatási és Munkaügyi Bíróság* (Administrative and Labour Court of Szeged), arguing that the psychological tests used by officials breached his fundamental rights. The Court sought assistance from the Court of Justice of the EU.

The Court "ruled that expert reports enabling the national authorities to better assess an application for international protection must be consistent with the fundamental rights guaranteed by the Charter of Fundamental Rights of the European Union, such as the right to respect for human dignity and the right to respect for private and family life."

"Accordingly, certain forms of expert reports may prove useful for the assessment of the facts and circumstances set out in the application and may be prepared without prejudicing the fundamental rights of the asylum seeker. However, a determining authority cannot base its decision solely on the conclusions of an expert's report and cannot be bound by the report's conclusion."

2018 – on June 19 Taoiseach Leo Varadkar gave an apology to people who were convicted of engaging in consensual same-sex activity under the legislation which had been repealed in June 1993. The motion behind the apology had been tabled by Senator Ged Nash (born 1975) and received all-party support in Dáil Éireann. Addressing Dáil Éireann, Taoiseach Leo Varadkar thanked the people who "helped change minds and change laws" and said these people "fought for me before I did so myself".

2018 – in June the Court of Justice of the EU ruled on *MB v. Secretary of State for Work and Pensions* (C-451/16).

EU Directive 79/7/EEC prohibits discrimination on grounds of sex with respect to State benefits, including old age and retirement pensions. That Directive provides for an exception

to that prohibition, allowing Member States to exclude from its scope the determination of pensionable age for the purpose of granting old age and retirement pensions. The UK has exercised that right of derogation, as a result of which the pensionable age for a woman born before 6 April 1950 is 60 and that for a man born before 6 December 1953 is 65 years of age.

The person at the centre of this case, MB, was assigned as a male at birth in 1948, and married a woman in 1974. MB began to live as a woman in 1991 and underwent sex reassignment surgery in 1995. However, she does not hold a certificate that fully recognises her change of gender, as due to UK legislation in order to receive that certificate, the marriage must be annulled. Both MB and her wife remained married for religious reasons.

MB turned 60 in 2008 and applied for a retirement British state pension. That application was rejected as in the absence of that gender recognition certificate, "she could not be treated as a woman for the purpose of determining her statutory pensionable age." She challenged that decision to the UK Supreme Court, claiming "that the provision stating that she must not be married constitutes discrimination prohibited by EU law".

She referenced Directive 79/7/EEC, which "prohibits discrimination on grounds of sex with respect to State benefits, including old age and retirement pensions." The UK Supreme Court has asked the Court of Justice of the EU if such a situation is compatible with the Directive. The Court found that "although EU law does not detract from the competence of the Member States in matters of civil status and legal recognition of the change of a person's gender, Member States must, when exercising that competence, comply with EU law and, in particular, with the provisions relating to the principle of non-discrimination."

2018 – John Blair (born 1966) of the Alliance Party of Northern Ireland, became the first openly LGBTI+ Member of the Northern Ireland Assembly when he was co-opted to replace David Ford (born 1951) for South Antrim.

2018 – in June the Court of Justice of the EU ruled on case *Relu Adrian Coman, Robert Clabourn Hamilton, Asociaţia Accept v Inspectoratul General pentru Imigrări, Ministerul Afacerilor Interne, intervener: Consiliul Naţional pentru Combaterea Discriminării* (Case C-673/16), ruling for Coman and Hamilton.

In 2010, Adrian Coman from Romania married Claibourn Robert Hamilton, from the US, in Belgium where same-sex marriages have been legal since 2003. When the couple wanted to move to Romania after living in the US, Hamilton was denied a residency permit in 2013. Coman challenged this, first in the Court of First Instance, and then the Constitutional Court asked for a preliminary ruling from the Court of Justice of the EU in November 2016.

The Court ruled in Coman's favour, stating that if an EU citizen moves to another EU Member State for genuine residence, and is married lawfully in another Member States to a non-EU person, that new host Member State cannot refuse the right of residency of that non-EU person. Even on the basis that the host Member State does not recognise same-sex marriages.

2018 – in August late at night, Molotov cocktails were hurled against the office building of the Lithuanian Gay League.

2018 – Romania held a referendum changing Article 48 of the Constitution of Romania to define marriage as between a man and a woman. The October referendum was not valid, as the 21.1% turnout was below the 30% threshold. A total of 93.4% of those who voted supported the measure.

2018 – Slovakia introduces a form of unregistered cohabitation.

2. The Present

6. 2019 – 2024: Determination through Difficulties

Marriage equality is introduced in Austria in 2019 and in Northern Ireland with the *Northern Ireland (Executive Formation etc) Act* in 2020.

2019 – Lyra McKee (1990 – 2019) journalist and lesbian, who was originally from Belfast in Northern Ireland, was fatally shot during rioting in the Creggan area of Derry in April 2019. She had written for several publications about the consequences of the Troubles.

2019 – the openly bisexual singer Duncan Laurence (born 1994) won the 2019 Eurovision Song Contest in Tel Aviv with the song "Arcade" for the Netherlands in May. Assi Azar (born 1979), an openly gay man, took part in hosting the Eurovision.

2019 – Maria Walsh (born 1987), a lesbian, was elected for Fine Gael as an MEP for the Midlands–North-West constituency at the May European Parliament elections.

2019 – after the May European Parliament elections, just under 160 MEPs joined the European Parliament Intergroup on LGBTI Rights. Intergroups are a forum for informal exchanges of views on specific issues across different political groups, and for contact between member and civil society. This is the largest of the European Parliament's 27 Intergroups.

2019 – councillors in Świdnicki county, south-west of Warsaw in central Poland, adopted a declaration "Świdnicki County Free from LGBT ideology", the first of over 100 cities and municipalities that adopted "LGBT-free zone" declarations. This was done in opposition to the mayor of Warsaw Rafał Trzaskowski (born 1972) signing the Warsaw LGBT Declaration and introduced the Warsaw LGBT+ Charter, which outlines guidelines for Warsaw City Hall to improve conditions for LGBT+ people in the city.

2019 – in November the Irish Government launches that LGBTI+ Inclusion Strategy 2019 – 2021 which pursued actions for "A safe, fair and inclusive Ireland where people are supported to flourish and to live inclusive, healthy and fulfilling lives, whatever their sexual orientation, gender identity or expression, or sex characteristics."

2020 – in January the United Kingdom formally leaves the European Union, bringing the number of Member States to 27. With a turnout of 72.2%, the country had voted to leave the European Union by 51.8% to 48.1% in a referendum in June 2016.

2020 – in April the European Court of Justice gave a judgement on *NH v Associazione Avvocatura per i diritti LGBTI - Rete Lenford* (Case C-507/18).

NH is a senior lawyer associated with an Italian law firm, stated in a radio interview that he would never hire a gay person at his law firm. At the time of the radio interview, there was no recruitment procedure open at his law firm.

In response, *Associazione Avvocatura per i diritti LGBTI – Rete Lenford*, an Italian association of lawyers that defends the rights of LGBTI persons in court, brought a case against NH before the *Tribunale di Bergamo* ("Court of Bergamo"). The groups argued that NH's comments "amounted to discrimination on the grounds of sexual orientation and thus were contrary to the Italian legislation (Legislative Decree No 2164) which implemented Directive 2000/78/EC". NH's appeal to the *Corte d'appello di Brescia* ("Court of Appeal of Brescia") was dismissed.

However, at the Corte suprema di cassazione ("Supreme Court of Cassation") referred a preliminary ruling to the Court of Justice of the EU. It asked if the proceedings of the case fell within the scope of Directive 2000/78/EC, if there was a clash between the Directive 2000/78/EC and freedom of expression which is protected in the EU Charter on Fundamental Rights, and finally if the group were able to bring such judicial proceedings in order to enforce Directive 2000/78/EC.

On the first issue, the Court referenced its April 2013 ruling in *Asociaţia Accept v Consiliul Naţional pentru Combaterea Discriminării* (Case C-81/12). It recalled "that in cases where homophobic statements are made when there is no current or planned recruitment procedure, the situation can still fall within the material scope of Directive 2000/78".

On the second issue, the Court argued "that the limitations on the freedom of expression which ensue from the prohibition laid down in the Directive are justified as they […] safeguard the principle of equal treatment in employment and occupation and the attainment of a high level of employment and social protection."

And in the final issue, the Court ruled, as it had ruled in *Asociaţia Accept*, "Member States can grant the right to associations with a legitimate interest in ensuring compliance with the Directive to bring proceedings to enforce the obligations resulting therefrom without acting in the name of a specific complainant or in the absence of an identifiable complainant."

2020 – in May the EU's Fundamental Rights Agency published the findings of their second survey of almost 140,000 LGBTI+ participants in the EU, North Macedonia, and Serbia. Entitled "A long way to go for LGBTI equality", the "results show little progress" has been made in recent years regarding LGBTI+ equality. It found that "everyday discrimination persists", such as at school, cafés, restaurants, bars, and nightclubs, and in the socio-economic area when looking for housing, seeking employment or facing discriminatory treatment at work, accessing healthcare or social services, and in shops.

2020 – in July the European Commission rejected funding grants for six Polish towns under a citizens' program for twin municipalities, due to their decision to their "LGBT-free zone" declarations. Helena Dalli (born 1962), the European Commissioner for Equality, has said that "human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, are fundamental EU values […] these principles must be applied transversally to all EU funding."

2020 – in September during her annual State of the EU address to MEPs in the European Parliament, President of the European Commission Ursula von der Leyen stated that "being yourself is not your ideology. It's your identity. And no one can ever take it away. So, I want to be crystal clear – LGBTQI-free zones are humanity free zones. And they have no place in our Union. And to make sure that we support the whole community, the Commission will soon put forward a strategy to strengthen LGBTQI rights. As part of this, I will also push for mutual recognition of family relations in the EU. If you are parent in one country, you are parent in every country."

2020 – in October the Twinning Committee in Fermoy, Cork ended its twinning relationship with Nowa Dęba in Poland following its "LGBT-free zone" declaration.

2020 – in October, the European Parliament adopted a resolution on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights that calls for any EU rule of law procedures to include the violation of fundamental rights as set out in the Treaties, including LGBTI+ rights. It was adopted by 521 MEPs (75%) out of the 694 who voted.

2020 – in November the European Commission adopted on 12 November 2020 its first ever LGBTIQ Equality Strategy, which covers the period 2020 – 2025. It sets out targeted action under four pillars: tackling discrimination against LGBTI+ people; ensuring LGBTI+ people's safety; building inclusive LGBTI+ societies; and leading the call for LGBT+I equalities around the world.

2020 – in December the parliament in Hungary, the National Assembly, the Fidesz – Hungarian Civic Alliance introduced a new law to amend the country's constitution, the Fundamental Law of Hungary. It defines family as "based on marriage and the parent-child relation. The mother is a woman, the father a man." It also states that parents raise children in a conservative spirit. Further, "Hungary defends the right of children to identify with their birth gender and ensures their upbringing based on our nation's constitutional identity and values based on our Christian culture," it says.

2021 – in January the European Parliament passed a resolution on the gender perspective in the COVID-19 crisis and post-crisis period. It specifically highlighted the impact the pandemic and lockdowns had on LGBTI+ people. It was adopted by 395 MEPs (57%) of out the 696 who voted.

2021 – in January the Saeima, the parliament of Latvia, voted 47 – 25 for an amendment to the Constitution of Latvia stating that a family unit consists of a marriage between a woman and a man. Section 110 now reads: "The state protects and supports marriage – a union between a man and a woman, a family based on marriage, blood relation or adoption, the rights of parents and a child, including the right to grow up in a family based on a mother (woman) and father (man)."

2021 – in January the European Parliament adopted a resolution on the access to decent and affordable housing for all in the EU. The resolution specifically mentioned the overrepresentation of LGBTI+ people experiencing homelessness or being affected by the housing crisis. The resolution invites the European Commission to create means for better data collection, to foster research, and to facilitate the exchange of practices between Member States on tackling the problem of LGBTI+ homelessness.

2021 – in March the European Parliament passed a resolution declaring the EU as an LGBTI+ Freedom Zone, by 517 MEPs (78%) of the 660 who voted.

2021 – Victoria De Angelis (born 2000) who is bisexual and Ethan Torchio (born 2000) who defines himself as "sexually free" are both members of *Måneskin*, who won the 2021 Eurovision Song Contest in Rotterdam with the song "*Zitti e buoni*" for Italy. Nikkie de Jager (born 1994), who took part in hosting the Eurovision, was the first transgender person to host the contest.

2021 – in June the Commons Provisions Regulation was adopted for cohesion policy funds for 2021 – 2027. It allows for the EU to ensure that the distribution of EU funds adheres to EU law. The Regulation includes rules that seek to ensure respect for fundamental rights in the implementation of the funds, which includes LGBTI+ rights.

2021 – in July, Act LXXIX of 2021 came into force in Hungary. It introduced "tougher action against paedophile offenders and amending certain laws to protect children". The ruling Fidesz – Hungarian Civic Alliance of Prime Minister Viktor Orbán (born 1963) introduced several amendments. As a result, the legislation prohibits "content portraying homosexuality and gender-reassignment from being made available to minors". It prohibits homosexuality and gender-reassignment from being "promoted" in sex educations classes. The Act also amended the Business Advertising Law and the Media Law, which categorised content featuring LGBTI+ people as Category V (not recommended for minors), meaning LGBTI+ people can only be shown after 11pm.

2021 – in September the European Parliament adopted its recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) Treaty on the Functioning of the EU. The resolution calls on the European Commission to extend the list of Eurocrimes under Article 83 to enable including sexual orientation, gender identity, gender expression and sex characteristics as grounds in any upcoming EU legislation combating hate and violence.

2021 – in December, the Court of Justice of the EU issued a landmark judgement regarding Rainbow Families, referring to Article 7 and 24 of the Charter of Fundamental Rights of the EU in *V.M.A. v Stolichna obshtina, rayon 'Pancharevo'* (C-490/20).

The Court ruled that a child and its same-sex parents must be recognised as a family, and that the child should be issued a Bulgarian passport. Further, that family should enjoy the EU's freedom of movement in all EU Member States, as if one EU Member States recognizes a child's parental relationship, then all EU Member States should do the same.

The case involves a same-sex couple from Bulgaria and Gibraltar who live in Spain, and their daughter Sara who was born in Spain in 2019. As neither parent are Spanish citizens, Sara could not become a Spanish citizen, further, British citizenship cannot be passed on from someone from Gibraltar. The parents subsequent request for Bulgarian citizenship was rejected as same-sex marriages and partnerships are not recognized there. As a result, Sara was deprived of Bulgarian and EU citizenship, and could not leave Spain.

2021 – in December France introduces a ban on conversion therapy.

2022 – Latvia introduces a form of civil partnership.

2022 – in February Ukraine applied to join the European Union as a result of Russia's invasion of the country.

2022 – following Russia's invasion of Ukraine, the Temporary Protection Directive (TPD) was triggered by the Council of the EU. While it offers quick and effective assistance to people fleeing the war in Ukraine, there are many legal uncertainties as to its interaction with both national laws and the EU asylum legislation, in particular for LGBTI+ people.

2022 – in March both Georgia and Moldovia apply to join the European Union.

2022 – in March the European Commission published proposals for a Directive on combating violence against women and domestic violence, which includes sexual orientation and gender identity and is overall inclusive of violence against LBTI+ people.

2022 – in April the European Commission published legislative proposal to tackle Strategic Lawsuits Against Public Participation (SLAPPs). These lawsuits often chill free speech and healthy debate by targeting those who communicate with their government or speak out on issues of public interest.

2022 – in a spotlight report from the European Parliament on "Specific risks facing Ukrainian LGBTI people in times of conflict", "a combination of xenophobia and anti-LGBTI positions may have particularly severe impacts on the LGBTI community during hostilities. ILGA-Europe stressed that existing discrimination and violence against LGBTI people may be aggravated during armed conflicts, and new challenges may arise. For instance, trans and intersex people in Ukraine do not have identification documents with gender markers matching their gender identity; and they may lose access to hormone replacement therapy or other medical treatments." While there is "concerns about the 'additional dangers' faced by LGBTI people seeking protection from the conflict in Ukraine. ERC stressed that displaced LGBTI people are often marginalised and may even be excluded from evacuation and emergency responses."

2022 – in July the European Commission referred Hungary to the Court of Justice of the EU over Hungary's Child Protection Law which, directly discriminate against LGBTI+ people and breach a number of EU laws.

2022 – in July the European Commission published its annual Rule of Law report, which contained a much higher number of references to LGBTI-related rule of law breaches in the EU.

2022 – in August Malachai (Mal) O'Hara (born 1979) became the first LGBTI+ leader of a political party in Northern Ireland, becoming leader of the Green Party Northern Ireland.

2022 – in September the European Parliament adopted a resolution on LGBTI+ rights in the EU, where it strongly condemning the rise in hate and violence against LGBTI+ people across the EU.

2022 – on 12 October two young people, Matúš Horváth and Juraj Vankulič, were murdered and another injured in Bratislava, Slovakia outside the well-known gay bar *Tepláreň*, one of the very few LGBTI+ spots in the city. Two days later, organised by the *Inakosť* ('Otherness'), some 20,000 people marched from *Tepláreň* to the Slovak National Uprising Square in support of LGBTI+ right. President Zuzana Čaputová (born 1973) and Prime Minister Eduard Heger (born 1976) addressed the crowd in support of LGBTI+ rights. In a gesture of solidarity, the Presidential Palace flew the rainbow flag alongside the Slovak and EU flags.

On 20 October the European Parliament adopted the resolution the "Growing hate crimes against LGBTIQ people across Europe in light of the recent homophobic murder in Slovakia" by 447 MEPs (78% of those voting).

2022 – in December the European Commission published proposals for new rules for the recognition of parenthood between Member States, which includes LGBTI+ people.

2022 – in December Kosovo applied to join the European Union.

2022 – in December the design was revealed for Ireland's first national HIV/AIDS monument, which is to be installed in the People's Park in the Phoenix Park in 2023. Anaisa Franco and Michael R. DiCarlo's winning proposal, Embraced Loop, "is a concept that uses an abstraction form of the infamous red ribbon to create a parametric shape, with the rope loop closing to create a sense of embrace and solidarity." The monument "aims to both remember and pay tribute to the lives lost, while also showing solidarity to those living with the virus today. Caregivers, medical professionals, and support systems are also to be honoured through the piece."

2023 – same-sex marriage became legal in Slovenia in January. Although a February 2015 referendum voted against same-sex marriage, in June 2022 the Constitutional Court of Slovenia ruled that the statutory definition of marriage between a husband and a wife is unconstitutional. Legislation to implement this ruling by the parliament (the National Assembly) was voted through by 51–24 in October 2022.

2023 – in March, Ireland joins the European Commission's July 2022 referral of Hungary to the Court of Justice of the EU over its Child Protection Law. Tánaiste Micheál Martin said that "this law represents a flagrant form of discrimination based on sexual orientation, gender identity and expression. Fundamentally, it is at odds with the core values of the EU and our national interests in protecting the rights of LGBTI+ persons."

2023 – in March, an application by the parents of Sara for a Bulgarian birth certificate was rejected by the Bulgarian Supreme Administrative Court, despite the ruling from the Court of Justice of the EU.

2023 – in April, Queen's Film Theatre at Queen's University Belfast screen the documentary "Lyra", which looks at the life of Lyra McKee (1990 – 2019) journalist and lesbian, was originally from Belfast in Northern Ireland, was fatally shot during rioting in the Creggan area of Derry in April 2019.

2023 – in May the 2023 Rainbow Europe Map from ILGA – Europe is published. It highlights how "despite intense anti-LGBTI attacks in several countries, equality is still advancing across Europe." "While the public discourse is becoming more polarised and violent, particularly against trans people, political determination to advance LGBTI rights is paying off. The largest gains on the map are for countries that introduced legal gender recognition using a self-determination model. Over the past 12 months bans on intersex genital mutilation (IGM) are also bringing countries up in the ranking." Out of the total of around 50 European countries in it, Ireland is placed 14th in 2023.

2023 – in June, the European Parliament passed a resolution regarding deterioration of the rule of law and fundamental rights in Hungary. MEPs highlighted the misuse of whistleblower protection to undermine LGBTIQ+ rights and freedom of expression. MEPs also raised concerns around Hungary taking up the six-month rotating Presidency of the Council of the EU in July 2024. It was adopted by 442 MEPs (71%) out of the 619 who voted.

The Council of the EU involves relevant EU Member States government ministers meeting in ten 'configurations' relating to their departmental responsibilities. For example, there is the Foreign Affairs Council, the Economic and Financial Affairs Council and the Environment Council. Ministers meet to amendment legislation and debate political issues. The Presidency of the Council of the EU involves a Member States government minister chairing each of the configurations for six months.

The Presidency determines its agendas, sets the work programme and facilitates dialogue both at Council of the EU meetings and with other EU institutions, such as the European Parliament and the European Commission.

Upcoming rotating Presidencies of the Council of the EU:

July 2023 – Spain

January 2024 – Belgium

July 2024 – Hungary

January 2025 – Poland

July 2025 – Denmark

January 2026 – Cyprus

Ireland will hold the Presidency from July – December 2026 for the 8th time. Ireland has held it in 1975, 1979, 1984, 1990, 1996, 2003 and in 2013.

2023 – on 20th June, the *Riigikogu* (*riigi* "of the state", and *kogu* "assembly"), the parliament of Estonia, voted by 55 in favor to 34 against to introduce marriage equality in the county. "This is a decision that does not take anything away from anyone but gives something important to many," Estonian Prime Minister Kaja Kallas (born 1977) said after the vote.

2023 – the island of Ireland now hosts many Pride events and queer cultural events throughout the year: The Outing Festival (February), Bear Feile (March), Pride of the Deise – Waterford (May), Wexford – Pride in the Park (May), International Dublin Gay Theatre Festival (May), Mayo Pride (June), Inishowen Pride (June), Tipperary Pride (June), Omagh Pride (June), Dungarvan Pride (June), Dublin Pride (June), Navan Pride (June), Carlow Pride (July), Limerick Pride (July), Kingdom Pride – Kerry (July), Belfast Pride (July), Trans and Intersex Pride Dublin (July), Drogheda Pride (July), Cork Pride (July), GAZE International LGBTQ+ Film Festival (August), Galway (August), Foyle Pride (August), and Waterford Pride (August).

2024 – the 10th European Parliament elections with take place in Ireland and across the EU in June.

2024 – the 30th Europride will take place in Thessaloniki, Greece in June. The city had been selected to host it in 2020, but it was not held due to the Covid-19 pandemic.

3. The Future

7. Beyond the 2024 European Parliament Elections

As this chronological snapshot of developments and challenges to LGBTI+ rights in the EU have highlighted, the process to achieving LGBTI+ equality remains far from incomplete across the EU. With some Member States achieving higher standards of rights and protections compared to others, it is clear that there continues to be a multi-speed Europe in LGBTI+ rights.

The table below isolates the 27 Member States of the EU from 2013 – 2023 from ILGA – Europe's Rainbow Europe. It showcases the often-stark differences between Member States on LGBTI+ rights, including with significant gaps in some countries that have previously made strong progress. Nonetheless, ILGA – Europe's 2023 Rainbow Europe highlights that 12 of the EU's 27 Member States noted increases in LGBTI+ rights.

In the case of Ireland, while climbing in ILGA – Europe's Rainbow Europe Map in the early 2010s, due to the introduction of marriage equality, the Children and Family Relationships Act and Gender Recognition Act in 2015, it has remained static in that ranking. However, recent legislative announcements will have a positive effect on Ireland's future ranking and broader LGBTI+ rights.

For example, in July 2022 Minister for Children, Disability, Equality and Integration, Roderic O'Gorman (born 1981) announced that research into conversion therapy was being conducted by a team from the School of Nursing and Midwifery, Trinity College Dublin. The findings of that research were published in February 2023, "An Exploration of Conversion Therapy Practices in Ireland".

The research has informed legislation that will prohibit the practice of conversion therapy in Ireland, that is the Prohibition of Conversion Practices Bill. On 20th June 2023 Minister Roderic O' Gorman updated the Irish Government on the Bill, where the cabinet approved its progression.

In October 2022 Minister for Justice Helen McEntee (born 1986) of Fine Gael published Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022. The protected characteristics in the new legislation include gender, sex characteristics and sexual orientation. As of June 2023, it was at the second stage in Seanad Éireann (Irish senate).

Minister Helen McEntee, in her speech to Seanad Éireann on 13th June 2023 on the Bill made specific reference to LGBTI+ people. She spoke of how "June is Pride Month, and it comes just after an appalling attack against a young member of the LGBT+ community in my own county. Last year saw similar horrendous acts in Sligo, Dublin and Cork. Targeting of immigrants, people with disabilities and members of the Traveller community, because of who they are, is shockingly and tragically frequent."

She stated that "particular attention has been given to the persons, or groups of persons, designated under the protected characteristics as set out in Section 3 of the Bill. These are race; colour; nationality; religion; national or ethnic origin; descent; gender; sex characteristics; sexual orientation; and disability."

"The meaning of 'gender' as a protected characteristic in the Bill expressly provides for gender expression or identity in order to include transgender and non-binary persons. This is in in line with international good practice and was a strong recommendation from stakeholders. Similarly, the addition of "sex characteristics" and "descent" as protected characteristics was to ensure that the Bill is as inclusive as possible; to include intersex persons and people of Jewish descent or mixed race, further to recommendations from minority communities."

These announcements are two of the three key recommendations produced for ILGA – Europe's 2023 Rainbow Europe Map, "in order to improve the legal and policy situation of LGBTI people in Ireland". The third was to "implement mandatory fully LGBT+ inclusive education curriculum in all schools regardless of 'ethos', in particular but not limited to relationships and sexuality education."

As the June 2024 European Parliament elections draw closer, LGBTI+ issues will feature in the campaigns. It is expected that many far-right political parties and groups during the campaign will continue to view LGBTI+ rights as imposition on European values. They will claim that they are defending traditional family values against same-sex couples and transgender people, they will continue to oppose Pride parades take place and will continue to campaign against anti-homophobia education in our schools.

However, it will be through the important work of organisations such as ILGA – Europe, that LGBTI+ issues will continue to be upheld in the new European Parliament and the EU after the election in 2024. For the May 2019 European Parliament elections ILGA – Europe issued a ComeOut pledge for candidates to declare their support for prevention of discrimination based on sexual orientation, gender identity and gender expression.

"Human rights – in particular, those of LGBTI people – are facing a forceful challenge. The time for an EU that defends its own values is now. ILGA-Europe seeks to unite the voices of fellow civil society organisations, activists and the public at large in our call for a Europe that defends all human rights."

Key LGBTI+ issues for the new European Parliament will include:

- Halting the democratic backsliding within the EU, which continues to impact negatively on LGBTI+ people across the EU.
- Extending anti-discrimination and hate crime legislation based on sexual orientation and gender identity and sex characteristics at the EU level.
- Ensure the freedom of movement for LGBTI+ people and their families, as recent Court of Justice of the EU case law has highlighted.
- Advancing the protection of transgender and intersex people and their rights.
- Protecting asylum seekers and migration based on sexual orientation, gender identity and sex characteristics.
- A renewed EU LGBTI+ Equality Strategy with strong commitments and an institutional structure to oversee implementation.

Table 1 – ranking of the 27 EU Member State based on ILGA – Europe's Rainbow Europe: 2013 – 2023

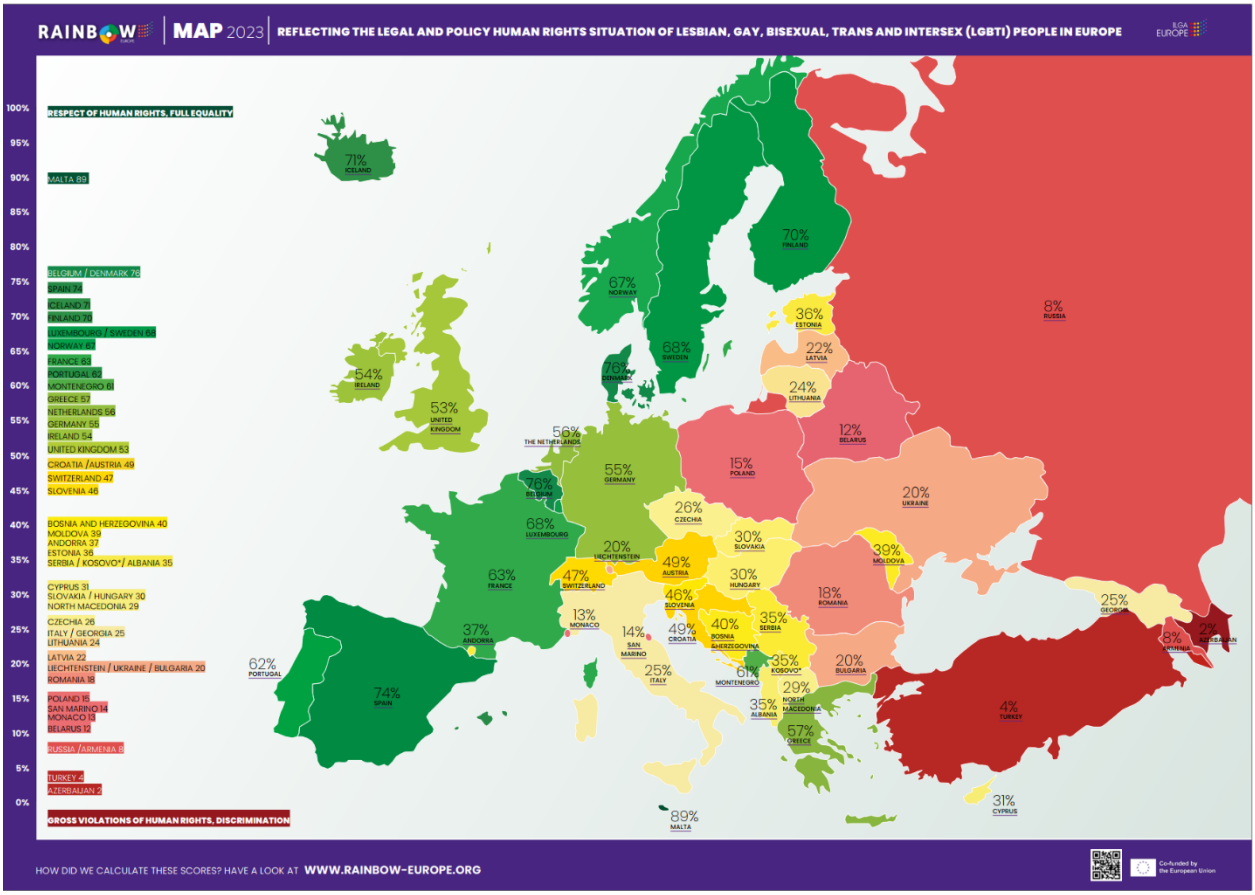
	Member State	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Change 2023 vs. 2022
1	Malta	35	57	77	88	88	91	90	89	94	92	89	-3
2	Belgium	67	78	83	82	72	79	73	73	74	72	76	4
3	Denmark	57	60	68	71	68	68	68	68	64	74	76	2
4	Spain	65	73	69	70	67	67	61	67	65	62	74	12
5	Finland	47	45	62	67	68	73	69	66	65	60	70	10
6	Luxembourg	28	28	43	50	46	47	70	73	72	68	68	0
7	Sweden	65	65	72	65	60	60	62	63	65	68	68	0
8	France	64	64	65	67	71	73	63	56	57	64	63	-1
9	Portugal	65	67	67	70	69	69	66	66	68	62	62	0
10	Greece	28	31	39	58	47	52	49	48	47	52	57	5
11	Netherlands	60	70	69	66	64	60	50	62	61	56	56	0
12	Germany	54	56	56	55	54	59	47	51	52	53	55	2
13	Ireland	36	34	40	55	52	52	47	52	53	53	54	1
14	Austria	43	52	52	62	56	56	50	50	50	48	49	1
15	Croatia	48	56	71	67	62	51	47	46	46	45	49	4
	EU Average	41	44	47	49	47	49	45	46	46	47	48	1
16	Slovenia	35	35	32	32	44	48	40	42	42	42	46	4
17	Estonia	29	35	34	36	33	39	35	38	38	36	36	0
18	Cyprus	20	20	18	32	29	29	23	31	31	31	31	0
19	Hungary	55	54	35	51	45	56	41	33	33	30	30	0
20	Slovakia	27	31	29	29	28	29	30	30	30	34	30	-4
21	Czechia	35	35	35	32	29	29	26	26	26	26	26	0
22	Italy	19	25	22	20	27	27	22	23	22	25	25	0
23	Lithuania	21	22	19	18	17	21	23	23	23	35	24	-11
24	Latvia	20	20	18	17	17	16	17	17	17	22	22	0
25	Bulgaria	18	30	27	24	23	24	20	20	20	18	20	2
26	Romania	31	28	28	23	21	21	21	19	19	18	18	0
27	Poland	22	28	26	18	18	18	18	16	13	13	15	2

Table 2 – rankings of Candidate Countries and Potential Candidate Countries for EU Membership based on ILGA – Europe's Rainbow Europe: 2013 – 2023

	Candidate Countries for EU Membership	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Change 2023 vs. 2022
1	Montenegro	27	47	46	45	39	38	36	62	63	63	61	-2
2	Bosnia & Herzegovina	20	20	29	29	31	31	31	37	40	38	40	2
3	Moldova	10	17	16	14	13	13	14	19	20	21	39	18
4	Albania	38	38	42	34	33	33	31	31	33	32	35	3
5	Serbia	25	30	29	32	30	30	28	33	33	37	35	-2
	Average	20	24	25	24	24	24	22	29	30	30	33	3
6	North Macedonia	13	13	13	16	16	14	11	25	27	27	29	2
7	Ukraine	12	12	10	13	19	21	22	22	18	19	20	1
8	Türkiye	14	14	12	9	9	9	5	4	4	4	4	0
	Average	20	24	25	24	24	24	22	29	30	30	33	3

	Potential Candidate Countries for EU Membership	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Change 2023 vs. 2022
1	Georgia	21	26	36	30	26	26	30	30	27	25	25	0
2	Kosovo	14	17	18	32	30	33	28	35	35	35	35	0
	Average	18	22	27	31	28	30	29	33	31	30	30	0

ILGA – Europe's [Rainbow Europe Map from 2023]



Annex 1 – European Commission Enlargement 2022 Reports focus on LGBTI+ issues: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Türkiye.

"Today, the European Commission adopted its 2022 Enlargement Package, providing a detailed assessment of the state of play and the progress made by the Western Balkans and Türkiye on their respective paths towards the European Union, with a particular focus on implementing fundamental reforms, as well as clear guidance on the reform priorities ahead." Below contains copied select extracts from the October 2022 European Commission Enlargement reports on these eight EU candidate countries.

Albania

European Commission's Albania Report 2022 – with 35%, Albania is ranked joint 23rd in ILGA-Europe's 2023 Rainbow Europe Map with Kosovo and Serbia.

In Albanian society, discrimination against lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons is still very prevalent, especially as regards access to healthcare, education, justice, employment and housing. Members of the LGBTIQ community continue to experience physical aggression and hate speech, particularly in social media. Albania does not have legislation recognising civil cohabitation or same-sex marriage, which would require amendments to the family code.

In November 2021, the new national action plan for LGBTIQ persons (2021-2027) was approved, based on an inclusive and participatory consultation process. It is essential that the plan is adequately financed and that political will for its enforcement is demonstrated to make up for the deficiencies in implementing the previous plan. The new action plan includes various measures to fight discrimination, improve access to services and to approve the legal gender recognition law. In 2021, police officers, prosecutors and gender focal points in line

ministries continued to receive training on preventing discrimination on the basis of sexual orientation and gender identity. The shelter for LGBTIQ persons continued to provide care, support and advocacy to homeless LGBTIQ individuals. State funding continues to cover only 40% of the shelter's budget and the fact that it remains very dependent on donors creates uncertainty for the continuation of services.

Among other initiatives, the tenth Tirana Pride was organised on 21 May but public awareness and acceptance of LGBTIQ persons remain low, particularly in rural areas. Hate speech and discriminatory language in the media, especially online, and from politicians and criminal offences and discrimination against members of the trans-community remain a problem. In 2021, the CPD handled four cases of hate speech against the LGBTIQ community. According to CSOs' data, only 7.1% of people in the LBGTIQ community reported incidents of 36 discriminations, of which 5.8% were reported to the police. Of the total number referred cases, only 20.3% were resolved.

Bosnia and Herzegovina

European Commission's Bosnia and Herzegovina Report 2022 – with 40%, Bosnia and Herzegovina is ranked 19th in ILGA-Europe's 2023 Rainbow Europe Map.

In July 2022, the Council of Ministers adopted the action plan on the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons which had been developed in 2020. Active and persistent engagement is needed in order to achieve its objectives. While legislation is harmonised and includes provision on hate crimes on grounds of sexual orientation and gender identity, the effective application of the criminal code provisions through prosecution of hate crimes and hate speech against LGBTIQ persons remains insufficient. Same-sex couples' social and economic rights, including the right to a family life, are not recognised.

The report identifying the necessary legislative amendments to address this issue is still pending adoption by the Federation entity government since April 2021. The social inclusion of intersex and transgender persons, who are particularly marginalised, has yet to improve. In April 2022, the Municipal Court in Sarajevo issued a first instance judgement recognising for the first time a violation of the antidiscrimination law against LGBTIQ persons in a case concerning online hate speech by an elected cantonal representative. The third Sarajevo Pride march took place on 25 June 2022. The Sarajevo Open Centre documented 14 hate incidents against LGBTIQ persons in 2021, including cases of domestic violence.

Kosovo

European Commission's Kosovo Report 2022 – with 35%, Kosovo is ranked joint 23rd in ILGA-Europe's 2023 Rainbow Europe Map with Albania and Serbia.

On the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons, the Constitution protects against discrimination based on sexual orientation or gender. Nevertheless, public awareness on the rights of the LGBTIQ persons and their acceptance remains low. The draft Civil Code, which includes provisions for civil partnerships for same-sex partners, was not approved by the Assembly. The discussions on the Civil Code gave rise to use of homophobic language, including from MPs and the Chairperson of the Committee on Human Rights, Gender Equality and Missing Persons. This has exacerbated the discrimination and 39 prejudice toward LGBTIQ persons.

During the pandemic, the number of LGBTIQ individuals seeking psychological support increased, both online and in-person. All social services are offered by NGOs, which also report an increase in domestic violence cases towards LGBTIQ persons. The process of building a shelter by the municipality of Pristina for LGBTIQ people who are survivors of domestic violence or became homeless due to family rejection is still underway. As for the legal gender

recognition, the government accepted a concept document on Civil Status law, incorporating suggestions of civil society. New procedures need to be quick, transparent, and accessible. Further training for law enforcement agents is needed, especially with regard to transgender rights, qualification of hate crimes, and secondary victimisation.

Montenegro

European Commission's Montenegro Report 2022 – with 61%, Montenegro is ranked 10th in ILGA-Europe's 2023 Rainbow Europe Map.

The reporting period was marked by high societal polarisation and division. The most vulnerable groups in society (including Roma and Egyptians, persons with disabilities, LGBTIQ persons) were increasingly subjected to discrimination, hate speech and hate crimes. The increase in hate speech persists, particularly against women in politics. There is an urgent need to eradicate all forms of discrimination by using legal protection mechanisms and to address deeply rooted societal behaviours that degrade and discriminate against women, resulting in instances of gender-based violence.

North Macedonia

European Commission's North Macedonia Report 2022 – with 29%, Albania is ranked 26th in ILGA-Europe's 2023 Rainbow Europe Map.

The promotion of equality and the condemnation of hate speech, hate crime, discrimination, and intolerance against lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) should be systematic. Despite having a legal framework that protects against discrimination and hate crime on the grounds of sexual orientation and gender identity, the implementing these laws remains challenging.

Several politicians have made homophobic and discriminatory statements. Investigations into the attacks in 2012, 2013 and 2014 on the LGBTIQ support centre have not progressed. In November 2021, the office of an LGBTIQ organisation in Tetovo was vandalised and activists received death threats. The absence of systematic data collection on hate crimes based on sexual orientation and gender identity and their ineffective follow-up by the authorities remains a serious issue. Hate crime cases are registered in the civil society database leading to reports.

Action is needed to increase the capacity and awareness of law enforcement officers and legal professionals to effectively prevent and prosecute all instances of violence, hate crimes and hate speech. There was no progress made to remove of the negative stereotypes and hate speech toward LGBTIQ people in textbooks, or to adopt the national action plan for LGBTIQ for 2021-2025. In June 2021, the authorities facilitated the successful organisation of the Pride Parade, attended by the President of North Macedonia and a number of ministers. Hate speech and derogatory terms for LGBTIQ persons continue to be prevalent in the online space. Serious efforts are needed to protect and ensure people can exercise their LGBTIQ rights.

Serbia

European Commission's Serbia Report 2022 – with 35%, Serbia is ranked joint 23rd in ILGA-Europe's 2023 Rainbow Europe Map with Albania and Kosovo.

No progress was made towards alignment of the 2016 amendments to the Criminal Code relating to prohibition and punishment of criminal racial acts with the EU acquis. Hate speech, threats and violence continued to target human rights defenders and lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons. The Commissioner for Equality reported

cases of attacks and threats against migrants organised by extremist and far-right groups, as well as attacks based on hatred and ethnic identity.

As regards the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons, in September 2022, Europride was hosted for a first time in the Western Balkans, after Belgrade had successfully applied in 2019, supported by an endorsement letter of the Prime Minister on behalf of the government. The Europride route was banned, and the holding of the march was uncertain until the very last moment. The authorities claimed safety concerns related to threats by extreme right groups as the basis for their decision. An anti-Europride and, anti-Western demonstration was also banned. Finally a march, via a shorter route took place on 17 September 2022, without major incidents. A high number of law enforcement officers protected it, nevertheless, some instances of violence against the participants were reported.

The period prior to the march was marked by legal and political uncertainty. The communication of the authorities was contradictory, with high level announcements that the march would be banned altogether and a subsequent ban issued by the Ministry of the Interior on the route of the march. While the authorities maintained contacts with the organisers to find a solution, they remained non-committal about the parade going ahead with an official permit.

There were no developments regarding the draft law on same-sex partnerships, initiated by the Ministry of Human and Minority Rights and Social Dialogue, nor on the Ombudsman's recommendation to regulate legal gender recognition, as already planned in the previous antidiscrimination strategy. Difficulties remain, especially in smaller municipalities, in implementing the amendments to the Law on birth registry, which enable data on gender changes to be entered into the registry. The implementation of hate crime legislation, including on grounds of sexual orientation, remains inadequate. Centralised official data on

hate crimes broken down by bias motivation is still lacking. Due to lack of trust in institutions, cases of violence and discrimination towards LGBTIQ persons are often unreported. Transgender persons are particularly vulnerable to violence, abuse and discrimination. Intersex persons remain invisible both socially and legally. The lack of adequate mental health services for LGBTIQ persons became particularly visible during the COVID - 19 pandemic and is still a concern.

Türkiye

European Commission's Türkiye Report 2022 – with just 4%, Türkiye is ranked 38th (second last) in ILGA-Europe's 2023 Rainbow Europe Map.

The rights of the most disadvantaged groups and people belonging to minorities need better protection. Roma people remained largely excluded from formal work and their living conditions deteriorated severely. Gender-based violence, discrimination, and hate speech against minorities (in particular against lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons are still a matter of serious concern.

A powerful and diverse civil society, which is a crucial part of a democratic system, should not be targeted and restricted in its functioning by the government and state institutions. Civil society organisations in Türkiye continued to make crucial contributions on key issues of the country, notably in the areas of education, women's rights, rights for LGBTIQ persons, rights of persons belonging to minorities, freedom of religion and belief, anti-discrimination, and awareness raising regarding ethnic and social tolerance, monitoring hate crimes and support for refugees.

Stigmatisation, hate speech and discriminatory discourse targeting LGBTIQ civil society organisations and persons remained very strong. International non-governmental organisations, including those providing humanitarian aid to refugees, continued to face

difficulties in their work in Türkiye. No effective domestic remedy was provided for the confiscation of assets from civil society organisations closed by emergency decrees.

The lack of protection for the fundamental rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons continued to raise serious concerns. The current legislation does not cover hate speech and hate crimes based on sexual orientation or gender 43 identity. Hate speech and smear campaigns by elected or appointed state officials and media against the LGBTIQ community increased. Discrimination, intimidation, and violence against the LGBTIQ community continued. Hate speech and crimes against LGBTIQ persons were not effectively prosecuted. A number of court cases, focusing on cases where LGBTIQ persons were murdered are still pending. There was a worrying increase in attacks against LGBTIQ persons. Access to gender reassignment surgery and to health and social services remain problematic for trans persons. LGBTIQ prisoners reportedly suffer from discrimination and solitary confinement. LGBTIQ activities and pride parades were banned or prevented by the police in several provinces. The Constitutional Court ruled that a local court's rejection of a transwoman's request to change her name violated her right to private life. The court case against Middle East Technical University (METU) students who took part in a pride gathering on the university campus in May 2019 ended in the acquittal of all defendants in October 2021. The case is now pending before the Regional Court of Appeals. The court case against the LGBTIQ Assemblies that joined the 2021 İstanbul Pride March ended in the acquittal of all eight activists in February 2022. The court case against the Ankara Bar Association, for criticising the Diyanet's President's homophobic speech, continues.

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