

# AQART

## THE ROMA LGBTIQ MINORITY AND ITS STATUS IN SELECTED EU COUNTRIES (CZ, SK AND HU)





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Dear Readers,

Beneath the stagnating social exclusion and poverty among Roma and the lingering xenophobia among the majority society at large lies the painful challenge of LGBTIQ Roma: an internally displaced minority within a minority. There are still a significant number of Roma for whom the LGBTIQ identity is totally unacceptable. In many cases, coming out as LGBTIQ is still punished by excommunication from both one's family and one's community. The way some members of Roma communities perceive LGBTIQ people does not differ vastly in the various parts of Europe where LGBTIQ Roma live.

ARA ART is the only non-profit organisation in the Czech Republic dedicated to Roma members of the LGBTIQ minority and their multiple discrimination. We have worked on this issue systematically since 2014, when we organised the first national workshop for LGBTIQ Roma. We were surprised by the high levels of interest; in many cases, we were shocked by the participants' personal testimonies. It was then that I realised that the problems faced by LGBTIQ Roma were so specific that tackling the topic at a pan-European level was a necessity. That is why we held the first ever international Roma LGBTIQ conference in 2015. Among its many outputs were the establishment of the International Roma LGBTIQ Platform and the Prague Declaration: a document defining the needs of the LGBTIQ Roma minority that have to be acknowledged at the level of both domestic and European Union policies.

However, our action could not wait: more and more LGBTIQ Roma had begun to approach us with various problems. Their issues related to understandable concerns about coming out; about bullying that they were subjected to not just on the basis of their ethnic origin, but also on the grounds of their sexual orientation; about physical violence; and about their subsequent excommunication from their family or even their community. Sadly, we were also approached by LGBTIQ Roma who contemplated suicide. For this reason, we set up an online counselling platform called Řeknu.to ("I'll Say it"), where our consultants offer support and counselling to several hundreds of LGBTIQ Roma a year. It is necessary to emphasise that none of these activities were financed from domestic sources of funding.

For several years, we repeatedly tried to obtain a grant from EU funding: we finally succeeded in doing so in 2019. It is thanks to this financial support that we have been able to produce an analytical report on the status of the LGBTIQ Roma minority from the perspective of state policies in three EU Member States: the Czech Republic, Hungary and Slovakia.

The document before you is the first of its kind in the EU and possibly globally. This analytical report is one of the final pieces of the jigsaw thanks to which we will be able to reinstitute dialogue with national institutions, for whom the problem does not exist unless it is based on and backed up by research and data.

I firmly believe this report will help us fill the vacuum that exists with respect to promoting the human rights of this overlooked community and that we will finally get to see the day when meeting the needs of LGBTIQ Roma is integrated into national policies, strategic documents and measures. Upre Roma!

David Tišer, ARA ART director



# EXECUTIVE SUMMARY

The present analytical report on the situation of LGBTIQ Roma is part of the project Roma LGBTIQ go visible: supporting activities for Roma LGBTIQ minority, implemented by ARA ART in conjunction with Quo Vadis and Diverse Youth Network, and funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

To the best of our knowledge, this is the first systematic research study of its kind within the European Union (EU) that provides not just theoretical, but also practical insight into multiple/intersectional discrimination with respect to the situation of LGBTIQ Roma from the perspective of public authorities and CSOs working in the field. Research in the three countries has found that there is both a conceptual and a legal vacuum with respect to multiple/intersectional discrimination: vacuums that exist against a backdrop of human rights protections for ethnic/racial and sexual/gender minorities being reversed, along with a general trend of weakening equality bodies. Importantly, however, some stakeholders have been able to find constructive solutions and there is some leeway for addressing cases of multiple/intersectional discrimination, including those concerning LGBTIQ Roma.

The analytical report consists of five parts. Part 1, Methodology, provides an outline of the methodological framework of the study, including how it was devised and why it was devised that way, response rates and their impact on the quality of the data collected, analysed and interpreted for each of the three countries. Part 2 describes the institutional context of multiple/intersectional discrimination with respect to equality bodies and other institutional watchdogs ensuring the implementation and upholding of equal treatment and non-discrimination as founding principles of the EU and in each of the three Member States. Part 3 offers key findings, emanating from the analysis and interpretation of the responses given by public authorities and CSOs, as well as from the desk research that complemented the data collection. This has been done as a general overview of the overall situation in the three countries under investigation, with emphasis put on realistic, feasible and constructive recommendations following each of the three key findings concerning multiple/intersectional discrimination, including in relation to the position of LGBTIQ Roma. Part 4 offers country-specific findings in each of the three countries. This entails a more detailed analysis and description of the overall socio-legal situation with respect to multiple/intersectional discrimination in each country as captured in the responses by public authorities and CSOs and emanating from the additional desk research. Having gone from more general findings in Part 3 to specific findings in Part 4, Part 5, looks at some common trends observed in the three countries thus far and speculates as to what they may mean for future developments regarding human rights, fundamental freedoms, non-discrimination and equality not only in the Visegrad Four (V4) region of which they are a part, but also within the wider EU.

The report concludes that given the backlash against equality, human rights, minority rights and gender discourses currently underway in the V4, the EU, and globally, as well as given the uncertainty of the global pandemic, forming intersectional alliances, using an intersectional approach and embedding intersectionality at the heart of national and transnational 'hard' and 'soft' law seem to be some of the possible and plausible solutions that would open avenues for participation and action across different demographic groups, regional areas, disciplines and issues.

# INTRODUCTION

This analytical report on the position of the Roma LGBTIQ community in selected EU countries (Czech Republic, Hungary and Slovakia) is one of the activities of the project 'Roma LGBTIQ go visible - supporting activities for the Roma LGBTIQ minority' funded by the European Commission's Rights, Equality and Citizenship Programme, which focuses on the multiple discrimination against this minority.

There is no doubt that the data on the status and situation of the Roma population in terms of respect for and protection of human rights at the EU and national level in recent decades have provided a much more holistic view than before, considering the heterogeneity of Roma. Nonetheless, there are still significant information gaps in relation to the LGBTIQ Roma community, which faces various forms of disadvantage, inequality and discrimination. The current level of knowledge not only weakens and often limits initiatives, activism, advocacy in the field of promoting and protecting the human rights of LGBTIQ Roma, but mainly marginalises the social importance of the LGBTIQ Roma community (thereafter LGBTIQ Roma) in their respective societies during professional discussions and public policy making.

Discrimination is one of the most common forms of human rights violations. The combination or concurrence of several grounds of discrimination multiplies the disadvantage and reinforces the vulnerability of such people. Through the interaction of several factors, they find themselves in specific, complex situations from both a legal and a socio-economic point of view. Social categories such as gender, race, ethnicity, religion, belief, disability, age or sexual orientation are often amplified in terms of their importance in the practical life of people from disadvantaged backgrounds through other unique factors such as cultural specifics. Therefore, in the case of LGBTIQ Roma, it is impossible to say whether or not they have the same opportunities and conditions to live a full-fledged, dignified life as others do at a personal, societal and professional level. The seriousness of multiple discrimination requires special attention, especially with regard to the effects of its impact.

In relation to multiple discrimination and LGBTIQ Roma, the period 2020-2021 can be described as ground-breaking. At the end of 2020, the European Commission presented the first ever EU Strategy for Equality between Lesbians, Gay, Bisexual, Transgender, Non-Binary, Intersex and Queer People (LGBTIQ).<sup>1</sup> The document states that discrimination is often multidimensional and only an intersectional<sup>2</sup> approach can pave the way to sustainable and respectful changes in society. The Strategy particularly emphasises intersectionality as a fundamental principle. Sexual orientation, gender identity/expression and/or sex characteristics will be considered alongside other personal characteristics or identities, such as sex, racial/ethnic origin, religion/belief, disability and age. This principle serves to explain the role that intersections play in individuals' experiences of discrimination and vulnerability. LGBTIQ women can experience discrimination both as women and LGBTIQ. LGBTIQ people with disabilities can face additional difficulties to obtain support and information, and to participate fully in the LGBTIQ community and society at large, because of a lack of accessibility, thus compounding their exclusion. LGBTIQ persons with disabilities need accessibility to information about support and rights in accessible and alternative formats, as well as accessibility of LGBTIQ spaces, places and support networks.



For members of the LGBTIQ Roma community, the wider spectrum and intersection of social categories create a particular vulnerability to disadvantage and discriminatory behaviour, or, more precisely, to neglecting the role of nationality and/or ethnicity. Although there are no representative surveys on multiple discrimination against Roma, European Union surveys conducted through the European Union Agency for Fundamental Rights (FRA) on minorities and discrimination targeting Roma provide a comprehensive picture not only of persistent barriers to access to education, employment and housing or health services, but also of experiences of discrimination. In the last survey from 2016, the aim was also to ascertain the overall incidence of discrimination by determining the proportion of Roma respondents who personally felt discriminated against due to skin colour, ethnic origin, religion or belief.<sup>3</sup> Findings on discrimination in the European Union are also provided by Eurobarometer data, last implemented in May 2019.

The Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation 2021/C 93/01<sup>4</sup> is also of considerable importance, emphasising the significance of recognising specific needs or the vulnerability of certain groups where, for the first time, LGBTIQ Roma are also explicitly mentioned. The Recommendation reflects on the urgency of tackling multiple discrimination.<sup>5</sup> In its recommendation to the Member States to adopt national strategic frameworks for Roma as part of their more general social inclusion policies aimed at improving the situation of the Roma, the Council calls, inter alia, for unified efforts to adopt and implement measures to promote equality and to effectively prevent and combat discrimination, anti-Roma racism and social and economic exclusion, as well as their root causes. This framework includes measures to fight multiple and structural<sup>6</sup> discrimination against Roma and, in particular, against Roma women, Roma youth, Roma children, LGBTIQ Roma, Roma senior citizens, Roma with disabilities, stateless Roma and EU-mobile Roma.

It is worth mentioning that the adoption and implementation of the national strategic frameworks for Roma is one of the basic conditions for the implementation mechanism of the EU cohesion policy in the 2021-2027 programming period, with each Member State ensuring that these basic conditions will be applied throughout that period. In this regard, emphasis will be placed on monitoring the implementation of the national Roma inclusion strategies at the level of their measures and established indicators. Specific measures concerning the LGBTIQ Roma community are defined only in the Czech Republic's national strategic framework, where they are anchored in the areas of non-discrimination, housing and health, as well as in the area of capacity and resources for implementing the strategy. In Slovakia, measures and activities will be the subject of action plans to be submitted to the Government of the Slovak Republic by the end of 2021.

In the context of the institutional protection of human rights, all three countries where the project 'Roma LGBTIQ go visible - supporting activities for the Roma LGBTIQ minority' is being implemented have ratified international human rights standards and, as members of international organisations, are committed to fulfilling many duties, i.e., the obligation to protect and fulfil human rights by implementing public policies and measures. This commitment entails establishing national institutions for the protection and fulfilment of human rights and ensuring their functioning. It has been formed in the institutional structure mainly under the influence of two separate systems. First, the United Nations has initiated the establishment of National Human Rights Institutions ("NHRIs") in accordance with the Paris Principles. Second, through its own directives, the European Union has created space for the establishment of institutions for equal treatment - the so-called National Equality Bodies.

The second part of this analytical report describes in more detail the mechanism of the institutional protection of human rights in the Czech Republic, Slovakia and Hungary. The report defines key findings and formulates recommendations that correspond to the existing international and EU obligations, as well as the current frameworks of national legal regulations, with an emphasis on multiple discrimination. These recommendations should be the subject of a wider debate at the national level in view of the dynamic evolution of the changes taking place in the context of each

country in relation to vulnerable groups, particularly Roma and the LGBTIQ minority. As part of the project, this space has been offered by means of follow-up activities: national round tables.

In terms of the intention and the task of providing more comprehensive information on the status of LGBTIQ Roma, the analytical team focused on obtaining information on the legal background regarding multiple/intersectional discrimination against LGBTIQ Roma and the forms of support and assistance provided to them in the area of human rights protections.

In addition to the introduction, this report contains the following part:

- 1. Methodology**
- 2. Institutional context of multiple/intersectional discrimination: equal treatment and non-discrimination**
- 3. Key findings**
- 4. Country-specific findings: LGBTIQ Roma, multiple/intersectional discrimination and number of cases**
- 5. Conclusion**

In addition to the research findings, the conclusions here consider the broader national and international framework of documents and point to a critical trends and risks in the field of human rights protection of the LGBTIQ Roma minority. This creates room for constructive discussions on the concrete steps that need to be taken in the area of legislative changes and with regard to the scope of the measures that will be implemented in the foreseeable future, not just because of the need to increase the protection of vulnerable persons, but also due to the need to ensure consistent application of and adherence to common values such as human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, to which all Member States of the European Union have voluntarily subscribed.

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<sup>1</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025_en)

<sup>2</sup> According to Article 10 of the Treaty on the Functioning of the European Union (TFEU), when ‘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 European Institute for Gender Equality defines ‘intersectionality’ as an ‘analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination’. This definition applies equally to any form of discrimination.

<sup>3</sup> <https://fra.europa.eu/en/publication/2016/second-european-union-minorities-and-discrimination-survey-roma-selected-findings>

<sup>4</sup> [https://eur-lex.europa.eu/legal-content/ENTXT/?uri=OJ%3AJOC\\_2021\\_093\\_R\\_0001&qid=1616142185824](https://eur-lex.europa.eu/legal-content/ENTXT/?uri=OJ%3AJOC_2021_093_R_0001&qid=1616142185824)

<sup>5</sup> The term ‘multiple discrimination’ is used as an overarching notion for all instances of discrimination on several grounds of discrimination and manifesting itself in two possible ways. These can take the form of ‘additive discrimination’, where discrimination takes place based on several grounds of discrimination operating separately, and that of ‘intersectional discrimination’, where two or more discrimination grounds operate and interact with each other in such a way that they are inseparable or inextricable. Tackling Multiple Discrimination. Practices, policies and laws. Report from the European Commission (2007). Multiple Discrimination in EU Law: Opportunities for Legal Responses to Intersectional Gender Discrimination. European Network of Legal Experts in the Field of Gender Equality. European Commission (2009).

<sup>6</sup> Systemic or structural discrimination is understood as being evident in the inequalities that result from legislation, policy and practice, not by intent but resulting from a range of institutional factors in the elaboration, implementation and review of legislation, policy and practice. ‘Roma and Traveller Inclusion: Towards a new EU Framework, Learning from the work of equality bodies,’ Equinet Perspective, June 2020

# 1. METHODOLOGY

The methodological team devised two separate online questionnaires: one for public authorities and one for civil society organisations (CSOs) in the Czech Republic, Slovakia and Hungary (see Appendix 1). Both questionnaires contained open-ended questions eliciting information regarding the definition of and legal provisions concerning multiple/intersectional discrimination, including those stemming from the three countries' membership of the European Union (EU) and the Council of Europe (CoE), as well as information regarding the situation of LGBTIQ Roma with respect to multiple/intersectional discrimination, including during the ongoing COVID-19 pandemic. Despite the project team's professional knowledge of the existence of a conceptual and legal vacuum with respect to multiple/intersectional discrimination, the objective was to allow for the possibility that in the three countries researched, there could have been policies or provisions in place regarding multiple/intersectional discrimination that also took into account the situation of LGBTIQ Roma and of which the analytical team were not aware.

In February 2021, an email with a link to the questionnaire was sent to 13 public authorities in the Czech Republic (CZ); 11 public authorities in Slovakia (SK); and 8 public authorities in Hungary (HU), all (see Appendix 2) identified by the national coordinators from the project partner organisations. A reminder to complete the survey was sent again at the beginning of March, followed by an email with a link to the survey sent in mid-March. In February 2021, an email with a link to the questionnaire was also sent to 35 Roma, pro-Roma, LGBTIQ and/or human rights non-governmental CSOs in CZ; 23 Roma, pro-Roma, LGBTIQ and/or human rights CSOs in SK; and 22 Roma, pro-Roma, LGBTIQ and/or human rights non-governmental CSOs in HU (see Appendix 3). A reminder to fill in the survey was sent again at the beginning of March 2021, followed up by an email with a link to the survey sent in mid-March.

A total of seven CSOs filled in the online questionnaire: five of them were Czech and two were leading Hungarian LGBTIQ CSOs, who sent detailed responses. One Slovak CSO addressed the questions in an in-depth semi-structured interview, which made it possible to gauge the questions and related topics more in detail, and another one emailed a very limited written reply. One Czech CSO emailed a short response, another Czech CSO emailed a more detailed response after being prompted by the analytical team: again, this method of data collection made it possible to gauge the questions and related topics more in detail, though not as well as in an interview. In total, the analytical team received input from 11 NGOs: a response rate of 13.75 percent. Some of the CSOs that the analytical team had contacted said their capacity was very limited due to the pandemic and as a result, they were unable to participate. The analytical team had no other means of obtaining a response from these organisations.

Only three Slovak public authorities filled in the questionnaire and one Hungarian public authority replied by email. Following the receipt of this very limited number of responses from the Slovak and Hungarian public authorities and none from the Czech public authorities, 13 freedom of information (FOI) requests were sent to the Czech authorities; eight FOI requests were sent to the Slovak public authorities; and six FOI requests were sent to the Hungarian public authorities.

Based on the Czech Ombudsman's response to the FOI request, two additional FOI requests were

sent to two other Czech public authorities. The Slovak Ombudsman deferred the FOI request and passed it on to four public authorities (see Appendix 2): the Slovak Ministry of Justice, the Slovak Government Plenipotentiary for Roma Communities, the Slovak National Centre for Human Rights and the President of the Slovak Police Force.

By May 2021, out of a total of the 27 public authorities contacted, the analytical team received 14 responses to the FOI requests: a response rate of 51.85 percent. Since, by law, public offices have to make the information they hold available, the responses to the FOI requests were much more thorough than the responses to the questionnaire, providing the analytical team with much better and more detailed insight. However, numerous public authorities such as, for example, the Office of the Czech Government or the Czech Prosecutor-General's Office never responded to the FOI request.

The lowest number of responses came from the Hungarian authorities. Only one authority, the Commissioner for Fundamental Rights (Ombudsman) emailed us a partial response to the questionnaire and provided more information concerning a case of discrimination against LGBTIQ Roma (for details, see section Country specific findings: Hungary) and a brochure on multiple discrimination produced by the Equal Treatment Authority in 2018, after being prompted by the analytical team. Another Hungarian authority, the Ministry of Foreign Affairs, informed us that they were not a "data controller". Even though the Hungarian authorities have provided the team with some insightful information concerning intersectional discrimination and the situation of LGBTIQ Roma, this lack of engagement in conjunction with Hungary's decreasing transparency has impacted on the quality of the country-specific findings. While it is fair to say that the ongoing pandemic may have played a role in this respect, the limited willingness to cooperate demonstrated by the Hungarian authorities, the vast majority of which failed to respond to the questionnaire and subsequently to the FOI request, seems to confirm the ongoing concern regarding Hungary's processes and procedures becoming less transparent, less democratic, and more authoritarian: a concern expressed consistently by the EU and other authorities monitoring democratic processes and the rule of law across Europe, including the CoE's European Commission for Democracy through Law<sup>7</sup> or the CoE's Commissioner for Human Rights.

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<sup>7</sup> <https://www.venice.coe.int/webforms/documents/?country=17&year=all>

# 2.

## INSTITUTIONAL CONTEXT OF MULTIPLE/ INTERSECTIONAL DISCRIMINATION: equal treatment and non-discrimination

The FOI response sent by the Czech Public Defender of Rights (Ombudsman, equality body), the deferral letter emailed by the Slovak Public Defender of Rights (Ombudsman), and the survey response by the Slovak National Centre for Human Rights (equality body) helped to clarify some of the differences between the Czech Republic, Slovakia (and Hungary) in terms of jurisdiction, legal powers and competences as to which body – i.e. the equality body – is responsible for enforcing the principles of equal treatment and the anti-discrimination legislation that transposes the Race Equality Directive 2000/43<sup>8</sup> and other relevant directives such as the Employment Equality Directive into the Czech, Slovak and Hungarian domestic law.<sup>9</sup> Equality bodies are public organisations that play a vital role with respect to the principle of non-discrimination: “assisting victims of discrimination, monitoring and reporting on discrimination issues, and contributing to an awareness of rights and a societal valuing of equality. They are legally required to do so in relation to one, some, or all of the grounds of discrimination covered by European Union (EU) law – gender, race and ethnicity, age, sexual orientation, religion or belief, and disability.”<sup>10</sup> It is important to remember that EU Member States exercise fairly broad discretion as to the type of bodies they establish to promote equal treatment. They may choose whether or not to create a single institution to handle all characteristics and all areas specified in their respective anti-discrimination legislations; or to divide these responsibilities between several equality bodies.

The desk research that has accompanied the data collection conducted for the purposes of this analytical report has revealed uncertain terrain that is susceptible to political will and change, to the ongoing rise of populism and extremism, as well as to the global backlash against equality, human rights, minority rights and gender discourses. Particularly across the Visegrad Four (V4) region, which consists of the three countries investigated in this report plus Poland, this backlash has taken on a specific form with an anti-LGBTIQ and anti-abortion focus. As for human/minority rights watchdogs, for instance, in the Czech Republic, in early 2020, the Parliament elected a divisive ombudsman who has made racist comments,<sup>11</sup> relativised or even denied LGBTIQ equality and rights<sup>12</sup> and mocked the United Nations.<sup>13</sup> Meanwhile, in Slovakia, the National Centre for Human Rights has long been criticised for lack of efficiency in fulfilling its tasks;<sup>14</sup> controversially, the Slovak Parliament refused to approve the Ombudsman’s annual report for 2019 due to her support for same-sex adoptions<sup>15</sup> and 2020;<sup>16</sup> and Hungary’s Equal Treatment Authority has been merged with the Ombudsman’s office (see below). In June 2021, Hungary passed a law (reminiscent of Section 28, enacted in Great Britain under Thatcher in 1988<sup>17</sup>) banning the dissemination of LGBTIQ-related content to young people under the age of 18. The Government then decided to call a referendum on this law.<sup>18</sup> The European Commission and the European Parliament have condemned, vehemently criticised and opposed both the anti-LGBT law and the proposed referendum resolutely.<sup>19</sup> According to the CoE’s Venice Commission, the Ninth Amendment to Hungary’s Fundamental Law should have had proper public consultation before its adoption in 2020. “This constitutional amendment should not be used as an opportunity to withdraw existing laws on the protection of individuals who are not heterosexuals, or to amend these laws to their disadvantage.”<sup>20</sup>

### CZECH REPUBLIC

In the Czech Republic, since 2001, the Public Defender of Rights (Ombudsman) has been investigating complaints about the administrative actions of public authorities and defending people in cases

of illegal or otherwise incorrect conduct or inaction by public administration authorities and other institutions. The Ombudsman is entitled to inspect official or judicial files, to ask the authorities for explanations and to carry out local investigations without notice. If maladministration or errors are found and the authorities provide no remedy, the Ombudsman may inform the supervising authority or the public. Since 2006, the Ombudsman has been acting as the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and as the national equality body responsible for equal treatment and protection against discrimination since 2009, when the Czech Government adopted its Anti-Discrimination Act. The Ombudsman exercises its competence and fulfils the legislative obligations stemming from Act No. 349/1999 Coll., on the Public Defender of Rights, as amended; and the right to equal treatment and protection from discrimination stemming from Act No. 198/2009 Coll., on Equal Treatment and Legal Means of Protection against Discrimination and on Amendments to Certain Acts (Anti-Discrimination Act). The Ombudsman is legally obligated to contribute to the enforcement of the right to equal treatment of all persons regardless of their race or ethnic origin, nationality, gender, sexual orientation, age, disability, religion, belief or worldview, through activities defined under provisions § 21b letter a) to d) of the Act on the Public Defender of Rights. Since 2011, the Ombudsman has been monitoring the detention of foreign nationals and the performance of administrative deportation; and since January 2018, the Ombudsman has performed the role of a monitoring body for the fulfilment of the rights enshrined in the Convention on the Rights of Persons with Disabilities and has also been assisting foreign nationals who are citizens of the European Union and live or work in the Czech Republic. However, as the Czech Ombudsman pointed out in his response to the FOI request, the institution is not entrusted with the systematic monitoring or evaluation of the Czech Republic's fulfilment of international and EU obligations with respect to anti-discrimination, non-discrimination or equal treatment. The only exception to this rule is the monitoring of the fulfilment of an international agreement pursuant to the provisions of Section 21c of the Act on the Public Defender of Rights, regarding people with disabilities.<sup>21</sup>

## **SLOVAKIA**

In Slovakia, the principle of non-discrimination is enshrined in Act No. 365/2004 Coll., on Equal Treatment in Certain Areas and on Protection against Discrimination and on the Amendment of Certain Acts (Anti-Discrimination Act). There are two institutions overseeing the fulfilment of the principles of non-discrimination, equal treatment, fundamental rights and freedoms: the Slovak Public Defender of Rights (Ombudsman) and the National Centre for Human Rights. While the former is established by Slovakia's Constitution,<sup>22</sup> the latter – Slovakia's equality body – is established by law<sup>23</sup> and designated for the promotion of equal treatment. The Centre is an independent, non-judicial body, subsidised mainly through the state budget, empowered to draft expert opinions on compliance with the principle of equal treatment and to educate the public. As part of its mandate, the Centre monitors and evaluates the country's observance of human rights and fundamental freedoms, breaches of rights, and compliance with equality and non-discrimination law. Other institutions responsible for monitoring and evaluating human rights include the Ombudsman, the Children's Commissioner, the Commissioner for the Physically Challenged, the Prosecutor's Office, and the Councils of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality.<sup>24</sup> The Slovak Government also establishes its advisory bodies that perform professional, coordination and consultative tasks. The government has established 15 advisory bodies; four of them are permanent advisory bodies, including the Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality, and the Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organisations. Government Plenipotentiaries, such as the Slovak Government Plenipotentiary for Roma communities, are also advisory bodies with no real competences or power. The Centre is obliged to conduct research and surveys for the purpose of providing data in the field of human rights and is tasked with collecting and providing information on racism, xenophobia and anti-Semitism, as well as with carrying out independent inquiries concerning discrimination. By law, the Centre publishes its findings in regular



reports, namely in its annual report on the observance of and respect for human rights, including the principle of equal treatment, in alternative reports, and in opinions issued for the United Nations or other stakeholders. It also provides help to victims of discrimination: to this end, it is required to secure legal aid for people affected by discrimination under the Anti-Discrimination Act and is empowered to represent the victims of discrimination in court.<sup>25</sup> It may also file an *actio popularis*. As the Centre is competent to act in cases of discrimination defined by the Anti-Discrimination Act, it works on all the grounds defined therein. For the purposes of this research, the Slovak National Centre for Human Rights completed the questionnaire sent to the public authorities. Despite having handled numerous cases of discrimination against Roma (N.B. in 2018, the office worked on 2,282 cases, many of which were discrimination cases),<sup>26</sup> the Slovak Public Defender of Rights (Ombudsman) stated it does not hold any information relevant to the topic of multiple/intersectional discrimination and LGBTIQ Roma and deferred the FOI request to other authorities.

## HUNGARY

Until 31 December 2020, Hungary, too, had two institutions: the Equal Treatment Authority (ETA)<sup>27</sup> and the Commissioner for Fundamental Rights (Ombudsman).<sup>28</sup> The former was Hungary's equality body. Though the principle of non-discrimination is enshrined in the 2003 Act CXXV on Equal Treatment and the Promotion of Equal Opportunities, the cornerstone of the legislation is the general anti-discrimination clause of the Fundamental Law adopted in 2011. The 2003 law established the ETA – a body responsible for combating discrimination with respect to all grounds and in all sectors. ETA's activities and strategic litigation by CSOs have further raised awareness of the issue and the situation of the groups most exposed to discrimination. Since its inception in 2005, the ETA “handed down in politically sensitive cases some very important decisions protecting groups that can be regarded as particularly sensitive in Hungary today, such as the Roma or the LGBTQI community. By way of example, it ruled that the Budapest Mayor's Office had committed discrimination when it blocked its employees' access to LGBTQI-themed webpages or found the government-party led municipality of Miskolc in breach of the ETA when it eliminated the town's segregated Roma neighbourhood without taking any measures to protect the residents from homelessness.”<sup>29</sup> Last year, the Hungarian Parliament proposed merging the ETA with the Commissioner for Fundamental Rights, despite the fact that the latter's “re-accreditation as a Status A Institution by the UN Global Alliance of National Human Rights Institutions was deferred in October 2019.”<sup>30</sup> This massive reform of Hungary's national human rights infrastructure has been a cause of concern for the CoE's Human Rights Commissioner. The bill proposing to transfer the ETA's competences and duties to the Ombudsman as of 1 January 2021 was submitted in November 2020 by MP Vejkey (Fidesz Party), who is also the Parliamentary Committee of Justice Affairs president. The Justice Minister defended the proposal, claiming it will provide stronger constitutional guarantees.<sup>31</sup>

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<sup>8</sup> EU legislation in 2000 (through the Race Equality Directive) introduced a requirement to designate bodies for the promotion of equality. However, the Race Equality Directive and Gender Equality Directives introduced in the early 2000s do not provide detailed guidance and standards for the setting up and operations of equality bodies. 2018 saw remarkable developments on providing standards for equality bodies, both by the European Commission and the Council of Europe's ECRI (European Commission against Racism and Intolerance). These standards acknowledge and respond to the full diversity and complexity of equality bodies, with diverse types of mandates, sets of functions and competences and range of grounds covered being addressed. While not legally binding, they carry substantial political weight. <https://equineteurope.org/what-are-equality-bodies/standards-for-equality-bodies/>

<sup>9</sup> For example, <https://eur-lex.europa.eu/legal-content/CS/NIM/?uri=CELEX:32000L0078>; <https://eur-lex.europa.eu/legal-content/cs/NIM/?uri=CELEX:32006L0054>; <https://eur-lex.europa.eu/legal-content/CS/NIM/?uri=CELEX:32004L0113>; <https://eur-lex.europa.eu/legal-content/CS/NIM/?uri=CELEX:32010L0041>

<sup>10</sup> <https://equineteurope.org/what-are-equality-bodies/european-directory-of-equality-bodies/>

<sup>11</sup> <https://english.radio.cz/mps-vote-make-divisive-krecek-next-czech-ombudsman-8108154>; <https://globalvoices.org/2020/>

02/14/czech-parliament-elects-ombudsman-with-history-of-racial-discrimination/; Racial segregation as a solution to discrimination? This is not a joke, but a suggestion made by the ombudsman <https://denikn.cz/396672/rasova-segregace-jako-reseni-diskriminace-to-neni-vtip-ale-navrh-ombudsmana/?ref=list>

- <sup>12</sup> From deputy ombudsman seat to the forefront of the ombudsman's office <https://ct24.ceskatelevize.cz/domaci/3047327-z-kresla-zastupce-az-do-cela-uradu-stanislav-krecek-je-novym-ombudsmanem-o-funkci> Same-sex marriage and law <https://blog.aktualne.cz/blogy/stanislav-krecek.php?itemid=31219>; an anti-LGBT group held a seminar at the Ombudsman's premises on 21 September 2021 (the Ombudsman rents its premises for both commercial and non-commercial purposes) <https://alipro.cz/2021/08/27/katy-faust-v-cr/>
- <sup>13</sup> A public post on the Czech Ombudsman's personal Facebook page <https://www.facebook.com/stanislav.krecek.5/posts/10217094215667758>
- <sup>14</sup> Durbáková, V. 2020. Country report: Non-discrimination (Transposition and implementation at national level of Council Directives 2000/43 and 2000/78) Slovakia. European network of legal experts in gender equality and non-discrimination. <https://www.equalitylaw.eu/downloads/5261-slovakia-country-report-non-discrimination-2020-pdf-1-66-mb>; Durbáková, V., Holubová, B., Ivanco, Š., Liptáková, S. (2012), Searching for barriers in access to effective legal protection from discrimination, Košice: Poradňa pre občianske a ľudské práva, pp. 110-112. <https://www.poradna-prava.sk/sk/dokumenty/diskriminacia-na-slovensku-hladanie-barrier-v-pristupe-k-ucinnej-pravnej-ochrane-pred-diskriminaciou>; Concluding Observations of the Human Rights Committee from October 2016, (CCPR/C/SVK/CO/4), para. 8. [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSVK%2fCO%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSVK%2fCO%2f4&Lang=en)
- <sup>15</sup> <https://www.webnoviny.sk/vyrocná-správa-ombudsmanky-marie-patakyovej-parlamentom-nepresla-od-poslancov-si-vysluzila-kritiku-a-urazky/>
- <sup>16</sup> Out of the 117 MPs who voted, 58 voted for, nine against, 49 abstained, one did not vote and 33 were absent [www.pravnenoviny.sk/vyrocná-správa-verejnej-ochranky-neprav](http://www.pravnenoviny.sk/vyrocná-správa-verejnej-ochranky-neprav) [https://www.nrsr.sk/web/Default.aspx?sid=schodze%2Fhlasovanie%2Fhlasklub&ID=45836&fbclid=IwAR3Ruv1zOJHgfggdwJx2HJhL86\\_epEDJbCNyG8BIFZvrqk9xodR-ZwJZ61M](https://www.nrsr.sk/web/Default.aspx?sid=schodze%2Fhlasovanie%2Fhlasklub&ID=45836&fbclid=IwAR3Ruv1zOJHgfggdwJx2HJhL86_epEDJbCNyG8BIFZvrqk9xodR-ZwJZ61M)
- <sup>17</sup> Section 28 prevented local education authorities from "promoting homosexuality". It was repealed in 2000 in Scotland and in 2003 in England and Wales.
- <sup>18</sup> Orban referendum plan raises stakes in Hungary's LGBT row with EU <https://www.reuters.com/world/hungarys-pm-call-referendum-child-protection-issues-2021-07-21/>
- <sup>19</sup> European Parliament vehemently opposed to Hungarian anti-LGBTIQ law <https://www.europarl.europa.eu/news/en/press-room/20210701IPR07502/european-parliament-vehemently-opposed-to-hungarian-anti-lgbtqi-law>; 'A shame': Von der Leyen vows EU will fight Hungary's anti-LGBTQ+ bill <https://www.politico.eu/article/european-commission-legal-steps-hungarys-anti-lgbtq-law/>; Brussels withholds approval of Hungary's recovery plan <https://www.politico.eu/article/brussels-turns-down-hungarys-recovery-plan/>
- <sup>20</sup> CDL-AD(2021)029-e Hungary - Opinion on the constitutional amendments adopted by the Hungarian parliament in December 2020, adopted by the Venice Commission at its 127th Plenary Session (Venice and online, 2-3 July 2021) [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)029-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)029-e)
- <sup>21</sup> Response to the FOI request of 25 March 2021
- <sup>22</sup> Article 151a establishes the Public defender of rights as an independent body of the Slovak Republic which protects people's fundamental rights and freedoms in proceedings with public administration bodies and other bodies of public authority if their conduct, decision-making, or inaction, is in conflict with the principles of democracy, legal order and rule of law. The Public defender, which is included in the second section of the Constitution, operates alongside the Prosecution of the Slovak Republic. The Public defender was created by Constitutional Act. 90/2001 Coll., which amended and supplemented Act No. 460/1992 Coll. – The Constitution of the Slovak Republic. The constitutional regulation is further stipulated by Act No. 564/2001 Coll., on the Public Defender of Rights. <https://www.projustice.sk/ustavne-pravo/The-ombudsman-in-the-constitutional-system-of-the-Slovak-Republic>
- <sup>23</sup> Act No. 308/1993 on Establishing the Slovak National Centre for Human Rights, Sections 1 and 2(1)-(3).



<sup>24</sup> THE PUBLIC DEFENDER OF RIGHTS (Ombudsman) - The Institute is enshrined in the Constitution of the Slovak Republic (Article 151a). Another regulation is contained in a special law no. 564/2001 Coll., on the Public Defender of Rights, as amended. According to the Constitution of the Slovak Republic, his competence applies to public authorities and the scope of the ombudsman is in accordance with the Constitution over respect for fundamental rights and freedoms. COMMISSIONER FOR CHILDREN (Children Ombudsman) - the regulation is determined by Act no. 176/2015 Coll., on the Commissioner for Children and the Commissioner for Persons with Disabilities and on Amendments to Certain Acts, as amended, established to fulfil the obligations arising from the UN Convention on the Rights of the Child and the recommendations of the UN Committee on the Rights of the Child. COMMISSIONER FOR DISABLED PERSONS - the regulation is stipulated by Act no. 176/2015 Coll., on the Commissioner for Children and the Commissioner for Persons with Disabilities and on Amendments to Certain Acts. Prosecutor's Office of the Slovak Republic - In accordance with the Constitution (Article 149), the Prosecutor's Office of the Slovak Republic protects the rights and legally protected interests of natural and legal persons and the state and is therefore one of the law enforcement authorities.

<sup>25</sup> Act No. 308/1993 on Establishing the Slovak National Centre for Human Rights, Sections 1(2)-(4).

<sup>26</sup> "(...) this institution is the only one that speaks up about human rights violations in Slovakia, including with regard to Roma and LGBT persons or allegations of police violence. (...) ECRI is concerned that the Ombudsperson has come under attack, including by a member of government, with regard to her human rights protection work, which could undermine her independence. ECRI reiterates in this connection that this institution should not be subject to any interference by the State, political parties or other actors (...)." ECRI Report on the Slovak Republic (sixth monitoring cycle), December 2020, p. 10. <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>; Ombudsman's report points to Roma segregation in schools, The Slovak Spectator, August 2019, <https://spectator.sme.sk/c/20048023/ombudsmans-report-points-to-roma-segregation-in-schools.html>

<sup>27</sup> "It is an autonomous public administrative body with overall responsibility for ensuring compliance with the principle of equal treatment. The Equal Treatment Authority deals with discrimination based on any of the characteristics protected under the ETA, including age, disability, gender, racial or ethnic origin, religion or belief, sex and sexual orientation. The Authority is entrusted with all the powers required by the Racial Equality Directive." <https://www.equalitylaw.eu/downloads/5345-hungary-legislation-adopted-abolishing-the-equal-treatment-authority-and-transferring-its-tasks-to-the-ombudsman-126-kb>

<sup>28</sup> <https://www.ajbh.hu/web/ajbh-en/about-the-office>

<sup>29</sup> <https://www.equalitylaw.eu/downloads/5345-hungary-legislation-adopted-abolishing-the-equal-treatment-authority-and-transferring-its-tasks-to-the-ombudsman-126-kb>

<sup>30</sup> [https://www.coe.int/en/web/commissioner/-/commissioner-urges-hungary-s-parliament-to-postpone-the-vote-on-draft-bills-that-if-adopted-will-have-far-reaching-adverse-effects-on-human-rights-in-](https://www.coe.int/en/web/commissioner/-/commissioner-urges-hungary-s-parliament-to-postpone-the-vote-on-draft-bills-that-if-adopted-will-have-far-reaching-adverse-effects-on-human-rights-in)

<sup>31</sup> <https://hungarytoday.hu/equal-treatment-hungary-fundamental-rights-discrimination-office/>

# 3.

## KEY FINDINGS

The term “multiple/intersectional discrimination” is not recognised in transnational EU (hard) law (e.g., the Horizontal Directive proposed in 2008 seeking to equalise levels of protection across various equality grounds), nor is it recognised by national legislation in the Czech Republic, Slovakia or Hungary (for a more detailed discussion, see Country-specific findings below).

### KEY FINDING 1: LEGAL AND CONCEPTUAL VACUUM

The responses sent by the public authorities have confirmed that there is a conceptual and legal vacuum with respect to multiple/intersectional discrimination, albeit to a different degree. This is the case despite initiatives such as the Slovak equality body’s proposal to incorporate such a definition into Slovak domestic law, made continually for almost 10 years. In Hungary, under Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, before 1 January 2021, multiple discrimination was included among the types of discrimination (direct/indirect discrimination, harassment, segregation, and victimization). In the Czech Republic, provisions on multiple discrimination are completely absent from national legislation. This means that multiple discrimination is not expressly prohibited by law. Additionally, there is no case law dealing with multiple discrimination. However, as some experts have observed, “this does not mean that victims of multiple discrimination would not have rights to redress. In practice, they would have to claim discrimination for several reasons, which would not lead to any practical complications (as a single claim can still be raised).”<sup>32</sup> This vacuum leads to ambiguity when it comes to practical application of the law. It has also been argued that specific attention ought to be paid to cases where victims allege multiple discrimination, as such discrimination may impact society in more negative and harmful ways and lead to greater infringement of victims’ rights.<sup>33</sup>

This vacuum is reflected in the public authorities’ discourses on and approach to multiple/intersectional discrimination, which was apparent from the public authorities’ responses to the questionnaire and the FOI requests. Some authorities understood the legal and social scientific dimension of the term “multiple/intersectional discrimination” well, including the practical consequences of the lack of a legal definition within respective national law. For example, the Slovak Government Plenipotentiary for Roma Communities is an advisory body tasked with addressing Roma-related issues, implementing systemic measures to improve the position and integration of Roma as well as to prevent the social exclusion of Roma, and participating in the formulation, implementation and coordination of government and EU social cohesion and inclusion policies in the context of Europe 2020 and Agenda 2030. According to this body, as a result of this lack of a legal definition and conceptual anchoring, victims of multiple/intersectional discrimination may have difficulty in successfully bringing actions to court or to other complaint bodies. Therefore, in the case of LGBTIQ Roma who have experienced discrimination at the intersection of anti-Roma racism, homophobia and/or transphobia, if filing a lawsuit, the fact that they have to choose one ground of discrimination – for example, Roma ethnicity only – fails to capture the extent of the actual situation where the multiple/intersectional discrimination has occurred.

However, there were other public authorities who misunderstood the focus of this research on LGBTIQ Roma and misinterpreted it as being preferential treatment. Thus, not only did they show a lack of understanding of the concept of multiple/intersectional discrimination and the ways in which

multiple disadvantage impacts LGBTIQ Roma who experience discrimination at the intersection of ethnicity, sexuality and gender identity; they also reiterated some of the frequent, stereotypical, 'colour-blind' attitudes to Roma that are often displayed by public officials. When asked about the situation of Roma, they tend to claim that Roma are treated just like everyone else and refuse to discuss discrimination. For example, in their response to the FOI, the Czech State Institute of Public Health sent the following reply to a question concerning provisions with respect to specific groups such as LGBTIQ Roma who suffer multiple disadvantage and discrimination during the ongoing pandemic: "The State Institute of Public Health does not favour LGBTIQ Roma in response to the ongoing pandemic. In the ongoing pandemic, all citizens of the Czech Republic, without exception, have the same rights and obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms negotiated by the CoE, the Constitution of the Czech Republic and the Charter of Fundamental Rights and Freedoms and Act No. 198/2009 Coll., on Equal Treatment and Remedies for Protection against Discrimination and on the Amendment of Certain Acts (Anti-Discrimination Act)."

A somewhat similar response was sent by the Slovak Ministry of Justice: "The Slovak Republic has not taken any measures specifically targeted at LGBTIQ Roma. All measures taken by the Slovak Republic in relation to the ongoing COVID-19 pandemics concern the whole of society and all persons in the territory of the Slovak Republic."

While in theory all Czech and Slovak citizens have the same rights and obligations, these responses clearly fail to acknowledge the reality that not all citizens enjoy the same ability to exercise these rights. For example, compared to the situation of a non-Roma LGBTIQ person seeking housing, an LGBTIQ Roma person who has been made homeless by their family due to homophobia and/or transphobia is more likely to be exposed to COVID-19 and therefore more vulnerable. Such a person is much less likely to be able to find alternative accommodation due to anti-Roma discrimination on the housing market. This is something that institutions in the field of healthcare should be aware of and tackle through a multi-agency, multi-disciplinary approach.

**RECOMMENDATION:** Where public officials clearly show no understanding of equal treatment and discrimination, including multiple/intersectional discrimination, authorities should require all of their staff who are civil servants to attend relevant training on discrimination and equal treatment in order to equip them with an understanding of the issues involved.

## **KEY FINDING 2: POTENTIAL SCOPE FOR ADDRESSING MULTIPLE/INTERSECTIONAL DISCRIMINATION WITHIN THE CURRENT LEGAL PROVISIONS REGARDING NON-DISCRIMINATION/ANTI-DISCRIMINATION**

The data collection underpinning the research in the three countries has shown that, despite the aforementioned vacuum with respect to multiple/intersectional discrimination, there is still some leeway for addressing cases of multiple/intersectional discrimination, including those concerning LGBTIQ Roma. For example, in its response to the FOI request, the Slovak Ministry of Justice stated that "the current wording of the Anti-Discrimination Act in effect does not explicitly contain provisions concerning the concept of multiple discrimination, but at the same time its provisions do not preclude the occurrence of multiple discrimination."

The Office of the Hungarian Ombudsman sent the following response concerning a case from 2018, in which several young LGBTIQ Roma complained that they had not been allowed into an LGBTIQ-friendly bar because they were Roma.

"The issue of their sexual identity or orientation was not raised in the case, it was not invoked as a ground for discrimination, due to Roma ethnicity. Consequently, the case was not handled as multiple discrimination. The applicant - belonging to the Roma national minority - complained to

the authority that when he wanted to enter the nightclub which is the subject of the proceeding, with his friends, who were also of Roma origin, the security guard refused to allow them, claiming that they could only enter with a membership card. The applicant stated that he had visited the establishment several times before, but no membership card was required at that time, and there was no information on the nightclub's website on such a condition. According to the petitioner, he had been refused to enter the nightclub because of his Roma national minority status, which is a breach of the requirement of equal treatment. The authority held a hearing on the case, in which it heard the applicant's two friends and the security guard as witnesses. At the hearing, the parties reached an agreement in which the subject of the proceeding apologised to the applicant in case he had suffered any harm during his admission to the nightclub. The defendant also undertook to inform - with the participation of the applicant - the staff (including security guards) carrying out guest-related tasks at the nightclub operated by him about the legal obligation to comply with the requirement of equal treatment, and to raise their attention to the importance of respecting the human dignity of vulnerable groups by 1 April 2018. By a decision of January 2018, the authority approved the settlement (Final decision of 8 January 2018)."<sup>34</sup>

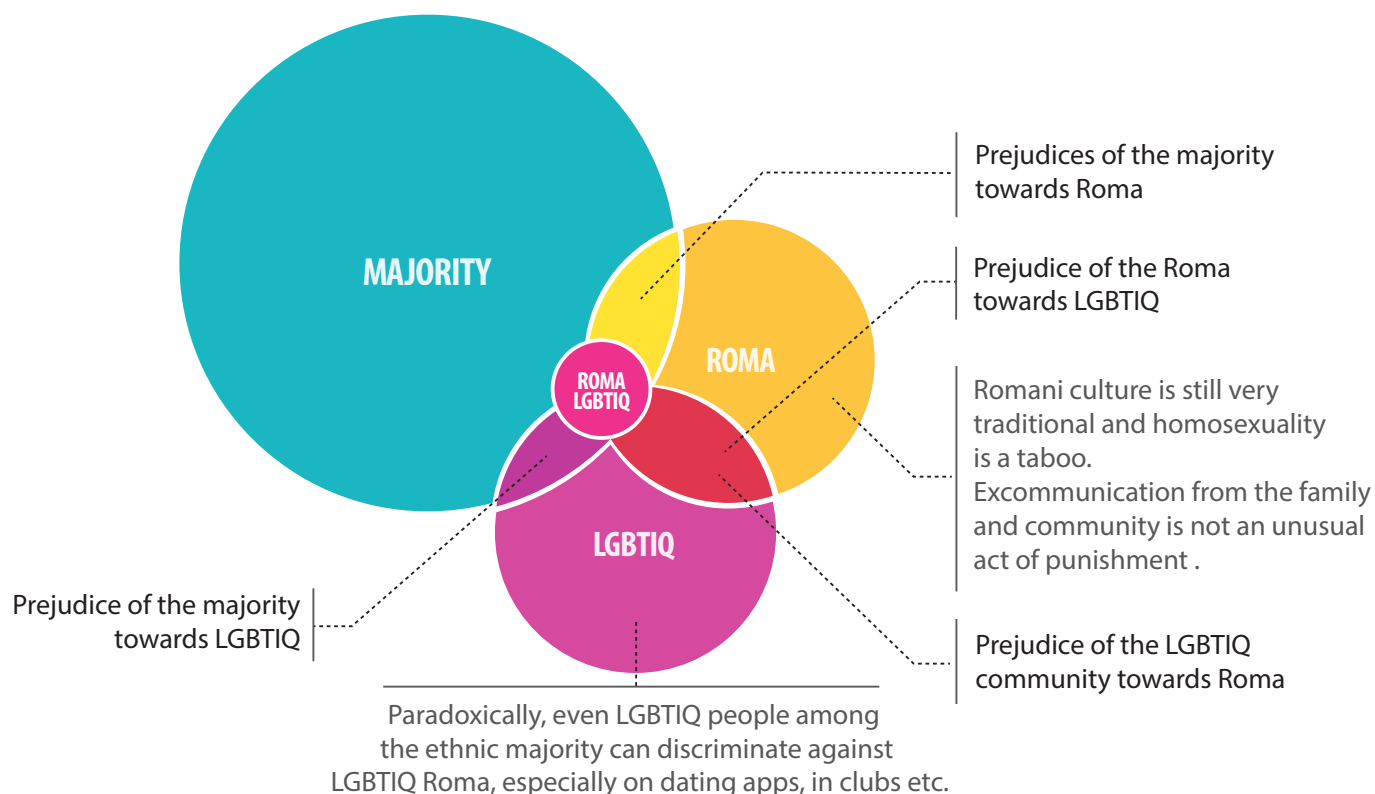
The analytical team asked for additional clarification regarding provisions of Hungarian law that make it possible to address cases of multiple/intersectional discrimination, which were referred to implicitly in the above text. In response, the Ombudsman's Office sent a summary of the administrative authority procedure under Act CXXV on Equal Treatment and the Promotion of Equal Opportunities and the text of a 2018 brochure on multiple discrimination case law produced and published by, as the Ombudsman's Office put it, "the then yet separately operating Equal Treatment Authority"<sup>35</sup> (the first explicit reference in their response to the fact that the two authorities were merged as of 1 January 2021).

The notion of there being room for addressing cases of multiple/intersectional discrimination, albeit on a different combination of grounds, is confirmed by a 2020 report on non-discrimination in Hungary for the European Commission, DG Justice and Consumers: "There are some cases in which the concept [of multiple discrimination] is applied (e.g., a company's remuneration policy based on presence at the workplace, thus putting women with children in a disproportionately disadvantaged situation compared to women and men without children and men with children, was deemed to be discriminatory on this basis)."<sup>36</sup> Given the recent problematic legislative overhaul, the rolling back of legal protections for sexual and gender minorities, as well as the lack of reference to multiple discrimination in Hungary's current legal provisions, another possible explanation is that the window of opportunity to embed multiple discrimination within Hungary's legal framework has definitely closed.

**RECOMMENDATION:** Where there is leeway to tackle multiple/intersectional discrimination by bringing cases to national equality bodies and/or litigating them in court, public authorities and law enforcement agencies working with third-sector public interest law organisations should initiate the appropriate procedures, make relevant complaints and, if possible, bring them to the European Court of Human Rights in order to establish case law.

### **KEY FINDING 3: CSOS: LIMITED OR NO AWARENESS, FUNDING AND SERVICE PROVISION TO LGBTIQ ROMA**

Throughout the Czech Republic, Slovakia and also to a certain extent in Hungary, where the government has made the situation of minority, women's and human right CSOs challenging, there are numerous national and local Roma and LGBTIQ organisations (see Part 1: Methodology and Appendix 3). From the responses to the online questionnaire received from the Roma and LGBTIQ CSOs in the three countries, it is clear that in each country, there are only a handful of organisations who understand multiple/intersectional discrimination and are aware of the specific nature of the issues experienced by LGBTIQ Roma at the intersection of anti-Roma racism, homophobia and/or transphobia, as illustrated by the following quote and the Venn diagram below.



**“This minority often experiences discrimination not only from the majority due to ethnic origin or sexual orientation, but also from Roma society, which is very traditional, conservative, and sees homosexuality as something unacceptable. Sometimes, LGBTIQ Roma are excommunicated by their family or the community; consequently, they find themselves homeless, alone, with no family or friends.”**

**ARA ART director**

The responses from all the Roma and LGBTIQ CSOs complement and confirm the project team’s prior expert knowledge regarding the overall lack of general awareness about multiple/intersectional discrimination and the lack of funding for and provision to LGBTIQ Roma. There is only one organisation in the Czech Republic and one in Hungary working specifically with LGBTIQ Roma: ARA ART and Diverse Youth Network, respectively. Since 2014, ARA ART has been doing systematic work with LGBTIQ Roma, but none of the many projects the organisation has implemented over the past seven years has been funded by the Czech Government or ministries. However, the organisation has been making a consistent effort to finance its domestic work with LGBTIQ Roma in the Czech Republic by fundraising at the international level and has succeeded in obtaining funding from international donors. In Slovakia, some work with LGBTIQ Roma is done by Quo Vadis; and some of the project work done by the Košice-based LGBTIQ community and counselling centre Prizma targets LGBTIQ Roma. The centre is operated by a Slovak CSO called Sampling, which employs a trans Roma social worker. Additionally, in Hungary, Budapest Pride and Háttér Society have initiatives focusing on LGBTIQ Roma. On a positive note, the few organisations referred to above that work with LGBTIQ Roma in the three countries understand intersectional/multiple discrimination and intersectionality both as a theoretical and a socio-legal concept.

The Roma communities living in the three countries investigated in this research are sizeable: it is reasonable to assume that LGBTIQ Roma represent 5-10 percent.<sup>37</sup> The literally non-existent service provision – and no allocation of funds from state budgets where there is provision to LGBTIQ Roma – paints a bleak picture indeed. Despite nationwide efforts made by the handful of organisations working with LGBTIQ Roma referred to above, the vast majority of which are based in capital and/or large metropolitan cities, it is hard for them to reach all LGBTIQ Roma, especially those living outside

the centre, on the periphery. This includes rural areas, socially excluded localities, ghettos and/or segregated Roma communities (for more details, see Part 4: Country-specific findings below).

In countries such as Hungary and Slovakia, some CSO respondents have reported homophobia and transphobia to be a prevalent attitude by civil servants administering applications for state/EU funding. Obtaining funding is hard, at times impossible, for LGBTIQ CSOs. The only sources of funding they can apply to are EEA and Norway Grants or independent donors and grant-making organisations such as the Open Society Foundations. Moreover, grassroots LGBTIQ organisations that work with LGBTIQ Roma tend to be unable to apply for funding from state/EU funding targeting Roma because of their size, their inability to meet the co-financing requirements, or because Roma are not their primary target group. Simultaneously, Roma organisations that do target Roma and are able to meet the co-financing criteria often do not work with LGBTIQ Roma as a specific target group. Practically speaking, this leaves most LGBTIQ Roma in a vacuum, unable to access the services that they need the most.

**RECOMMENDATION:** Resource issues notwithstanding, where CSOs working with LGBTIQ Roma have the capacity to deliver training on multiple/intersectional discrimination, this would be beneficial to those in need of such training. In today's ethnically diverse Europe, how LGBTIQ Roma experience multiple/intersectional discrimination is extremely relevant to how other groups with intersecting identities experience multiple disadvantage and inequality.

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<sup>32</sup> Jakub Tomšej. 2020. Country report: Non-discrimination (Transposition and implementation at national level of Council Directives 2000/43 and 2000/78) Czechia. European network of legal experts in gender equality and non-discrimination. <https://www.equalitylaw.eu/downloads/5225-czechia-country-report-non-discrimination-2020-1-44-mb>

<sup>33</sup> Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. 2016). Antidiskriminační zákon Komentář (Commentary on the Anti-Discrimination Act), Prague, C. H. Beck pp. 133, 137.

<sup>34</sup> Protected characteristic: membership of a national minority; Area of discrimination: goods and services; Type of discrimination: direct discrimination; Resolution on the approval of settlement (email of 6 April 2021)

<sup>35</sup> Email of 14 June 2021

<sup>36</sup> András Kádár. 2020. Country report: Non-discrimination (Transposition and implementation at national level of Council Directives 2000/43 and 2000/78) Hungary. European network of legal experts in gender equality and non-discrimination. (The report refers to Case No. EBH/130/2017 of the Equal Treatment Authority, 7 August 2017.) <https://www.equalitylaw.eu/downloads/5275-hungary-country-report-non-discrimination-2020-2-16-mb>

<sup>37</sup> Globally, 5 – 10 percent of any population is estimated to comprise LGBTIQ people [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)00013-1/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00013-1/fulltext)



# 4.

## COUNTRY-SPECIFIC FINDINGS:

### LGBTIQ Roma and multiple/intersectional discrimination

Part 4 focuses on each of the three countries investigated in the research underpinning this analytical report. While there are commonalities among them, there are also specificities and differences that need to be explored and fleshed out separately. This section discusses the number of cases of multiple/intersectional discrimination – where it was possible to establish them – as well as the responses from public authorities and CSOs.

#### CZECH REPUBLIC

According to the Czech Ministry of Justice, the issue of discrimination and related issues does not fall within its competence. Act No. 198/2009 Coll., on Equal Treatment and Legal Means of Protection against Discrimination and on Amendments to Certain Acts (Anti-Discrimination Act), falls within the competence of the Office of the Government of the Czech Republic and the Public Defender of Rights (the Ombudsman) in accordance with the provisions under Section 1, Paragraph 5 of Act No. 349/1999. Coll., on the Public Defender of Rights). As pointed out by the Ministry for Regional Development's Department of Social Inclusion, part of the country's commitments to the CoE includes the implementation of the European Convention on Human Rights and its Protocols, with the Justice Ministry being the central administrative body responsible for implementing decisions under these instruments. However, the Justice Ministry did not address that aspect of their work in their response.

According to the Ministry for Regional Development's Department of Social Inclusion, in the EU, the issue of discrimination is addressed by regulations that do not contain any specific provisions implicitly addressing multiple/intersectional discrimination. Such discrimination is prohibited if at least one ground, on the basis of which a person has been discriminated against, is prohibited; and if discrimination has occurred in one of the areas where EU law prohibits it.

The Ombudsman pointed out that his office is not a member of the Government, which is the highest central executive body in the Czech Republic. The Ombudsman is not entitled to express the opinion of the Czech Republic in this regard. The relevant authority is the Office of the Government of the Czech Republic whose task it is, among other things, to coordinate nationwide measures taken in response to the ongoing pandemic of COVID-19 in individual material areas of the exercise of state power, especially at the level of individual ministries. The Office of the Government of the Czech Republic did not respond to the FOI request. The Ombudsman is not responsible for ensuring the implementation of legislative or other obligations arising from the Czech Republic's membership in the European Union and international law; nor are they assigned responsibility for undertaking work in fulfilling legislative obligations in the field of anti-discrimination law. Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, only requires the Ombudsman to contribute to the enforcement of the right to equal treatment of all persons regardless of their race or ethnic origin, nationality, gender, sexual orientation, age, disability, religion, belief or worldview through activities defined under the provisions of § 21b letter a) to d) of the Act on the Public Defender of Rights. Moreover, according to the Ombudsman's office, the Ombudsman is not a body entrusted with the systematic monitoring or evaluation of the fulfilment of international and EU obligations in the field of anti-discrimination legislation. The only exception to this rule is the monitoring of the fulfilment of an international agreement pursuant to the provisions of Section 21c of the Act on the Public Defender of Rights, i.e., issues regarding people with disabilities.

The Ombudsman is not active in criminal proceedings and his powers do not extend to bodies active in criminal proceedings. This is explicitly stipulated by the provisions of Section 1, Paragraph 9 of the Act on the Public Defender of Rights. Therefore, the Ombudsman does not have access to information regarding the number of victims of multiple/intersectional discrimination who have turned to law enforcement agencies and other authorities. The analytical team contacted the responsible bodies: the Police of the Czech Republic and the Prosecutor-General's Office. The response to the FOI request sent by the Police of the Czech Republic provided little information, stating that they do not hold the requested information and that their crime statistics record the number of acts committed with a hateful pretext against specific groups, thus breaching Section 355 of Act No. 40/2009 Coll., the Criminal Code (these provisions were also mentioned by the Education Ministry). Roma and sexual and gender minorities are among those groups, but the Police does not record their intersection.

## **NUMBER OF CASES OF MULTIPLE/INTERSECTIONAL DISCRIMINATION**

Since 2017, ARA ART has provided 2,500 consultations to individuals who are LGBTIQ Roma, their families and their domestic partners from all over the Czech Republic and Slovakia, where the organisation set up a branch in 2020.

In response to the FOI request, the Ombudsman's office referred to two complaints regarding multiple/intersectional discrimination where the plaintiff claimed discrimination in a prison setting on the grounds of Roma ethnicity and sexual orientation. Additional desk research revealed that the Ombudsman had recorded cases of multiple/intersectional discrimination prior to 2020. In the 2019 annual report, there was a specific section on multiple discrimination (pp. 10-11). In 2019, the Ombudsman received 44 complaints relating to multiple discrimination, more than double compared to the 20 complaints received in the previous year. The most frequent combinations of discriminatory grounds were as follows: race/ethnic origin and another reason (15 cases); age and gender (6 cases) and age and disability (6 cases). The report did not specify if any of these cases involved LGBTIQ Roma. In 2020, the Ombudsman received 32 complaints regarding discrimination on the grounds of race and ethnic origin, 40 complaints regarding gender discrimination and 8 complaints regarding discrimination on the grounds of sexual orientation. In the most recent annual report, the recently-appointed Ombudsman did not report on cases of multiple discrimination.<sup>38</sup> The Ministry for Regional Development's Department of Social Inclusion (formerly the Office of the Czech Government Agency for Social Inclusion) reported that they did not manage to identify any cases of multiple/intersectional discrimination.

According to the Czech Police, in 2020, there were three cases of inciting hatred towards a group of people (or inciting restriction of their rights and freedoms); between 2014 and 2019, no cases of hate crime targeting sexual and gender minority groups were recorded. The Prosecutor-General's Office never responded to the FOI request. According to the Czech Justice Ministry, only data on lawsuits filed under the Anti-Discrimination Act and in relation to discrimination in the field of labour law are available in the overview of the statistics on the ministry's website. However, no data are available in relation to LGBTIQ people, Roma, or on multiple/intersectional discrimination against LGBTIQ Roma. The Health Ministry registered no written complaints concerning discrimination against LGBTIQ people or LGBTIQ Roma.

## **RESPONSES BY PUBLIC AUTHORITIES**

In response to the FOI request, the Ombudsman's office informed the analytical team that the office carries out systemic activities such as thematic research studies (see below), makes recommendations, provides methodological help and advice to victims of discrimination as to what steps to take, including filing lawsuits in conjunction with the public interest law organisation Pro bono alliance. It was brought to our attention that the Ombudsman has made two interventions that, taken together, may benefit LGBTIQ Roma indirectly. The first one (November 2020) regarded same-sex couples



and their inability to enter into registered partnership during lockdown (as opposed different-sex couples being able to enter into marriage); the other intervention (February 2021) related to the disproportionate impact of lockdown on socially disadvantaged school children, many of whom are Roma. The Ombudsman has also undertaken research studies on desegregation in education,<sup>39</sup> the situation of LGBTIQ people<sup>40</sup> and hate speech.<sup>41</sup> The Ombudsman cannot tackle hate speech at the criminal level and unless it is a manifestation of discrimination. So far, the Ombudsman has not specifically dealt with hate speech in connection with LGBTIQ Roma. Additionally, the Ombudsman does not undertake any systemic activities related to LGBTIQ Roma and does not plan to do so. However, if in the period 2021-2025 the Ombudsman receives complaints from persons alleging multiple/intersectional discrimination on the grounds of Roma origin and sexual orientation or gender identity, the Ombudsman will normally deal with them as required by the provisions of § 21b letter a) of the Act on the Public Defender of Rights.

Referring to the development of new policies and materials in their FOI response, the Health Ministry stated that “the above-mentioned principle of equal access to health care for all persons must be applied when creating new materials, including laws.” The ministry went on to say that “any new materials must not have a negative impact on the area of equality between women and men; any negative social impacts; or impact on the environment and the business environment in the Czech Republic” but failed to mention LGBTIQ Roma or measures taken to address multiple/intersectional disadvantage.

The Ministry of Education, Youth and Sport provides methodological support to schools and teachers, inter alia in the form of the methodological recommendations for primary prevention available on its website<sup>42</sup> and in particular the thematic annexes to this recommendation, i.e., Annex no. 8 (Homophobia), Annex no. 9 (Extremism, racism, xenophobia, anti-Semitism), Annex no. 18 (At-risk sexual behaviour) and Annex no. 19 (Belonging to subcultures). The thematic annex on homophobia contains some good information but is outdated. The thematic annex on extremism, racism, xenophobia and antisemitism makes no reference to anti-Roma racism and mentions Roma in a negative context only. The contact section is outdated as well. Compliance with the Framework Educational Programme for Primary Education is ensured by the Czech School Inspectorate.<sup>43</sup>

The above examples point to a lack of a coordinated approach to enforcing the principle of equal treatment and non-discrimination among the various agencies; and a lack of systemic measures taken to address multiple/intersectional discrimination.

## **RESPONSES BY CSOS**

As stated above (see Parts 1: Methodology and 3: Key findings), of the 35 Czech Roma, pro-Roma, LGBTIQ and/or human rights non-governmental CSOs contacted, a total of five CSOs filled in the online questionnaire. Four were LGBTIQ organisations and one was a Roma organisation. One Czech LGBTIQ CSO emailed a short response and another Roma CSO emailed a more detailed reply after being prompted.

The lead organisation implementing this project, ARA ART, is historically the first organisation Europe-wide to have recognised the specific needs of LGBTIQ Roma and have started working with LGBTIQ Roma systematically. ARA ART director describes the beginning of the organisation’s work as follows:

“The main reason why the founder, David Tišer, decided to establish ARA ART in October 2012 and do professional work concerning LGBTIQ Roma was because he had started negotiating with individual Roma organisations and asked them to start focusing on LGBTIQ Roma-related issues in their work. Though these were very liberal non-profit organisations, they did not want to concentrate on this topic out of fear that it would damage their reputation. In conservative Roma society, sexuality and related topics, including different sexual orientations, are still taboo issues. ARA ART, z.s. is

a non-profit organisation, the only organisation in the Czech Republic and Europe to work with the Roma LGBTIQ minority and the issue of multiple discrimination.”

ARA ART, z.s.

Four of the five CSOs that filled in the questionnaire had a good theoretical grasp of the concepts of multiple/intersectional discrimination, both in its social and legal sense and with regard to its absence from Czech law, as expressed by the following responses:

“Czech law yet to get to know this concept. It only recognises the state of facts within the discriminatory events, so while it does recognise the categories of sex or religion, it does not recognise gender identity nor sexuality. There is anti-discrimination law, but its form is minimal and requires amending.”

Queer Geography

“There is no specific definition of multiple/intersectional discrimination in Czech law. We are not aware of any legal provision or policy related to specifically tackling multiple/intersectional discrimination in Czechia.”

Charlie, z.s.

“There is an anti-discrimination law, however it has not been sufficiently implemented and in case of lawsuits about hate crimes the discriminatory nature is usually excluded.”

Society for Queer Memory

“We do not see a clear legal definition in the Czech legal system. Antidiscrimination law does not explicitly address multiple/intersectional discrimination. We think that the closest definition is that of FRA: ‘discrimination that takes place on the basis of several personal grounds or characteristics/identities, which operate and interact with each other at the same time in such a way as to be inseparable’.”

Life Together

ARA ART is the only organisation in the Czech Republic working directly with LGBTIQ Roma. Through the online counselling service reknu.to, ARA ART provides direct, individual support to as many as 500 people a year and organises workshops for them. The most frequent reasons for intervention are the following: ostracism and excommunication from the family or the whole community; bullying; social control; fear of coming out; a need to speak to someone. Recently, ARA ART has secured housing for a 21-year-old Roma man whose parents found out he was gay and kicked him out because they did not want a “faggot” in their house. He first attempted suicide when he was 10 years old because he was bullied and regularly verbally abused. As he has stated: “Roma are marginalised in Czech society. Gays are marginalised in Roma society.” ARA ART also provides methodological support to other organisations willing to support LGBTIQ Roma throughout Europe. ARA ART was the founding organisation of the International Roma LGBTIQ platform, with 30 members from all over the world. ARA ART, in conjunction with the International Roma LGBTIQ platform, strives to raise the awareness of key stakeholders regarding the situation of LGBTIQ Roma in other European countries, including in the Balkans. ARA ART also does advocacy work that aims to strengthen an EU-wide call for national Roma integration policies to reflect the needs of the vastly heterogeneous Roma groups and communities.

Even though the other respondents understood the concept of multiple/intersectional discrimination

well, none of the organisations include or work with LGBTIQ Roma directly and explicitly as a target group. The overall approach could be summarised by the following quote from Life Together's director: "LGBTIQ are not explicitly targeted in our activities. As an open institution, we welcome people from different identities in our organisation. Life Together has a name of a tolerant institution open to people with different specific needs. We respond as the situation demands. We do not exclude LGBTIQ Roma. When an individual or a group of LGBTIQ requests support, Life together is always there to support."

Some organisations include ethnic minorities, as illustrated by the following quotes:

"We are interested in providing information and helping with improving the situations of all LGBTIQ people, including Roma people, as well as other minorities, e.g., Vietnamese, etc."

Queer Geography

"Our target group is the general population with a particular focus on university students and the LGBTIQ population, and that includes LGBTIQ Roma, but at the moment we do not implement any activities or policies aimed at LGBTIQ Roma specifically."

Charlie, z.s.

"The Prague Pride festival works with and for a wide spectrum of LGBTIQ people. In our festival strategy, there are special provisions focusing on minorities in the LGBTIQ society. We do not name LGBTIQ Roma people specifically in our strategy or in the planning itself. For us, it is one of the core principles to include LGBTIQ topics and people no matter their ethnicity, nationality, gender, sexual orientation etc. One of our strategic partners is ARA ART, an organisation working mainly with Roma people and executing events covering Roma people's issues."

Prague Pride

Due to the nature of their work, Roma CSOs are generally well aware of the importance of diversity and inclusion. For instance, Life Together stresses "values of human dignity and acceptance of diversity. Regarding anti-Roma hate crime, the fact that we are a strong team of half Roma and half ethnic Czechs helps. We have trained police officers and management to see the Roma as citizens, as a community that also needs to be respectfully served. We have had seminars with doctors of gynaecology and obstetrics to be respectful of Roma mothers in their wards, the issue of sterilization, separate wards and the importance of informed consent. We have directly confronted right-wing extremists during their demonstrations against the Roma in the years 2009-10 etc. and also much earlier."

Some Roma CSOs may not be aware of or sensitised to the presence of homophobia and transphobia among their staff and the need to tackle it. Similarly, LGBTIQ CSOs may not always be aware of or sensitised to the presence of anti-Roma racism or racism in general and the need to tackle it through de-stigmatisation activities. For example, Prague Pride stated that they "do not have [their] strategy in such detail [and] have measures and policies combating any type of stereotypes and hate crimes." Queer Geography has said the following:

"We do not have a specific Roma-focused project, however, an overlapping project, which was part of the questionnaire 'Life and Health of LGBT+ people in Czechia', attempted to be sensitive toward ethnic diversity. We are yet to analyse and publish reports that may be informative about specific challenges in this community. I participate in governmental groups, support anti-discriminatory legislation and currently act as a partner in a project dedicated to improving the data collection

about the discrimination in LGBTIQ+ communities. It will be my priority to stress the importance of intersectional sensitivity.”

One of the two CSOs that responded by email – a Brno-based LGBTIQ organisations that has existed since the mid-1990s – stated that they were not aware of any LGBTIQ Roma among their members during the past 15 years. The case of another Brno-based organisation, the Association of Roma in Moravia (SRNM), indicates that particularly in large urban areas, Roma CSOs are aware of LGBTIQ Roma among their clients. However, the organisations may not “have registered any kind of demand for specific services, so there has been no effort to develop the SRNM’s service provision in this direction.” While, at face value, this may seem as a fundamental misunderstanding of the concept of “outreach” done by Roma or LGBTIQ CSOs, the situation is not so cut and dry. As a senior representative of SRNM explained, there are many aspects to this work, including the lack of funding for CSOs referred to above (and also reiterated by Slovak and Hungarian CSOs below):

“Certainly, this is also due to the fact that there is no offer of service provision from us. I can also imagine that gradually, in some shape or form that will not stigmatise the participants further, such a safe space for those who experience marginalisation or discrimination on multiple grounds could begin to work. We are under a lot of pressure just to keep afloat those services that we already have, though. This means that an actual, real development of services is an impossible dream for us. We manage to finance a start-up project in the short term but then we end up with the fact that the organisation must solve its existence and not its development. (...) Discrimination is such an unspoken and obvious part of our work, but we do not decipher further what type of discrimination it is, whether it is due to ethnicity, sexual orientation, etc. The services we offer are voluntary, based on the client’s proactive stance. We don’t force them to do anything, they have to want it themselves. (...) In the past, we had projects aimed at combating discrimination: all of our clients had experienced it, but when it came to concrete steps, no one wanted to get involved. For this reason, we no longer commit ourselves to projects addressing specific types of discrimination, but rather the consequences of discrimination. We help improve the client’s status through persistent work, motivation, support, etc. (...) Our client tends to be a mother who comes to solve issues for the whole family; that is usually not related to LGBTIQ issues. Some of our clients are LGBTIQ, we know about them. Some are open about who they are, our employees may notice it in others. At the end of the day, they try to solve the same issues as everyone else: that is why we do not focus on just sexual orientation.”<sup>44</sup>

The director of the Ostrava-based Roma organisation Life Together made a similar observation with respect to multiple/intersectional discrimination against LGBTIQ Roma. The organisation is open to LGBTIQ Roma and has in fact “helped a young lesbian couple with a child, who were registered partners and shared the same female surname, to find accommodation, which they needed urgently after they were denied room at a Christian asylum house. (...) At our drop-in centres for children and youth, we encourage sexual identity to be openly discussed. Children as young as 8 are curious about different identities... especially because they hear adults speaking negatively about them. In order to create an understanding and accepting environment, we have discussions with the children on sexual identities from as early as eight. (...) In 2020, we stood up for youth who were being forced to have their sex changed by operation so as to get a binary entry in their documents. There are also other issues like the limited names you can take after a sex change operation. We were moved by other stories of the youth who have had painful experiences from their Czech school. For example, a class-teacher had addressed a female-identifying student as a male. The teacher claimed that she would address the student otherwise only after she had gone through sex change surgery. (...) During the COVID-19 pandemic from March 2020 to present, we are one of the few organisations in the town of Ostrava that has been continuously active. We targeted all needy people. We now offer food aid twice a week to about a hundred individuals per month. For adults who are in quarantine, we provide free respirators. We also bring food aid to their doorstep, distribute face masks to children. At the beginning of the pandemic, when face masks were scarce and expensive, we stitched 3500

masks and distributed them in the Roma neighbourhoods of Ostrava. LGBTIQ persons can access these services.”

In the case of this particular CSO, which is a mid-size, well-funded local organisation, LGBTIQ Roma were not a target group, but benefited from the provision in the areas of housing, healthcare and education thanks to an inclusive, accepting and intersectional approach. However, with the exception of Life Together, none of the CSOs surveyed offered specific measures or provision to LGBTIQ Roma in relation to the ongoing COVID-19 pandemic or in the areas of housing, employment, healthcare or education.

The above examples are encouraging, given that a decade ago, topics related to LGBTIQ Roma tended to be avoided by Czech Roma CSOs. This is a significant, positive development that also means that it is possible that apart from the only LGBTIQ Roma organisation, ARA ART, among the Czech CSOs who did not participate in the research or did not respond to the questionnaire, there are other Roma grassroots CSOs that are already working with LGBTIQ Roma on an ad hoc basis and in an indirect, implicit way. Nonetheless, due to a lack of specific provision to LGBTIQ Roma, it is highly likely that the needs of the vast majority of Czech LGBTIQ Roma are not met, including in situations where LGBTIQ Roma need legal help because they have been the victims of multiple/intersectional discrimination.

As for participation in advisory bodies and other structures, ARA ART’s director participates in a number of Czech Government Councils and Committees (e.g., Office of the Czech Government Committee for Sexual Minorities, former member of the Government Council for Roma Community Affairs Rady) and contributes to government strategies on Roma and LGBTIQ people. Charlie z.s. reported that they are part of the Platform for Equality, Acceptance and Diversity (PROUD), Prague Pride, the Safe Space Alliance and the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Student Organisation (YGLIO); Queer Geography reported they are part of the National Working Group on Suicide Prevention, the Czech Government Council for Human Rights Working Group on Sexual Minorities, and the Inter-Ministerial Coordination Working Group on the National HIV/AIDS Programme in the Czech Republic. As a Life Together representative stated, there is “no cooperation on LGBTIQ. However, there is extensive cooperation with the deputy Ombudsperson, the Human Rights Commissioner, Czech parliamentarians and government figures on the issue of compensation for forcibly sterilised Roma women [and] inclusive education.”

With the exception of ARA ART, therefore, none of the other CSOs that participated in the research were part of advisory bodies or other structures of systematic cooperation such as government committees, councils or other platforms in relation to LGBTIQ Roma-related policies, measures or activities because such mechanisms do not exist. This means that due to a lack of LGBTIQ Roma-related policies and the overall absence of an intersectional approach, no mutual learning takes place: LGBTIQ CSOs participate in LGBTIQ advisory bodies and Roma CSOs in Roma advisory bodies only.

## **SLOVAKIA**

In Slovakia, the main legal regulation in the field of preventing and eliminating discrimination, in which the principles of non-discrimination and equal treatment are enshrined, is Anti-Discrimination Act No. 365/2004 Coll., on Equal Treatment in Certain Areas and on Protection against Discrimination and on Amendments to Certain Acts as amended. According to the Slovak Interior Ministry, the legislation does not recognise the concept of multiple/intersectional discrimination and there are no specific measures, provisions or obligations for the elimination of multiple/intersectional discrimination. Additionally, according to the Slovak Ministry of Justice, though the current wording of the Anti-Discrimination Act in effect does not explicitly contain provisions concerning the concept of multiple/intersectional discrimination, its provisions do not preclude recognition of the occurrence of multiple/



intersectional discrimination. According to the Office of the Plenipotentiary of the Government of Slovakia for Roma Communities, victims of multiple/intersectional discrimination may experience difficulty when bringing an action to a court or another complaint body. If a complaint is made, the plaintiff must choose one protected ground, which may not adequately capture their situation. Another challenge is that victims of multiple/intersectional discrimination who want to file legal action have to find a suitable comparator.

The Plenipotentiary for Roma communities fulfils her obligation to provide information to EU institutions and other international organisations and participates in the creation, implementation and coordination of Roma integration policies adopted on the basis of public policies and the recommendations of international organisations, as well as Slovakia's obligations arising from privileged treaties on human rights and fundamental freedoms. The Plenipotentiary is the only public office at the level of the national government with real expertise in the field of the inclusion of Roma and marginalised Roma communities; apart from the Ombudsman and the Slovak National Centre for Human Rights, it is the only advocacy and contact point that actively promotes and defends the rights of Roma (despite the existence of the Government Plenipotentiary for National Minorities). In real terms, though, the Plenipotentiary's Office has been under-resourced and has no real competences or power. Yet, ministries and public authorities with competences regularly delegate the agenda of multiple/intersectional discrimination and LGBTIQ Roma onto the Plenipotentiary.

The Slovak National Centre for Human Rights, the Slovak Republic's Equality Body, stated that discrimination against LGBTIQ people on the grounds of sexuality is practically absent from the complaints it receives, identifies or monitors. According to the Centre, this is even more so in relation to the specific intersection of ethnicity, sexuality and gender identity experienced by LGBTIQ Roma. Generally, LGBTIQ civil rights have seen very slow progress in Slovakia and do not have the necessary support: an example is the recent legislative proposal to ban gender reassignment.<sup>45</sup>

In terms of implementing the principles of equal treatment and non-discrimination, according to the National Centre for Human Rights, the legal instruments and policies that are in place mainly concern, tackle and monitor gender equality, especially within the labour market, for which the Slovak Ministry of Labour is responsible. They include the National Strategy for the Protection and Promotion of Human Rights in the Slovak Republic, adopted by a government resolution in 2015, as well as several other documents produced by the Slovak National Centre for Human Rights that raise awareness about multiple/intersectional discrimination, with an emphasis on the following intersections: gender-age, gender-ethnicity, age-social background, disability-age combinations. Clearly, none of these include sexuality, gender identity or the specific intersection of ethnicity, sexuality and gender identity embodied and experienced by LGBTIQ Roma.

According to the Slovak Ministry of Justice, with effect from 1 January 2017 (and subsequently also from 1 January 2018), Act No. 300/2015 Coll., the Criminal Code, as amended, has specified the definition of the so-called "special motivation" on the basis of which a criminal offense may be committed. A special motivation then forms part of the qualification of the factual basis of a crime. Thus, special motivation includes committing a hate crime against a group of persons or an individual for their actual or alleged membership of a race, nation, nationality, ethnic group, or for their actual or alleged origin, colour, sex, sexual orientation, political belief or religion (Section 140e of the Criminal Code). Committing a criminal offense on this basis is the criminal offense of extremism in accordance with the provisions of the Criminal Code (Section 140a of the Criminal Code). The Criminal Code also contains a specific criminal offense referred to in Section 424,<sup>46</sup> namely, the criminal offense of incitement to national, racial and ethnic hatred. This crime, as well as the crime committed for the aforementioned special motivation, is one of the crimes of extremism (see Section 140a of the Criminal Code).

## NUMBER OF CASES OF MULTIPLE/INTERSECTIONAL DISCRIMINATION

The Justice Ministry has not registered any cases in the courts of the Slovak Republic in which special motivation in relation to sexual orientation was part of the charges. The Slovak National Centre for Human Rights stated that it has no evidence of cases of multiple/intersectional discrimination against LGBTIQ Roma. According to the Centre, multiple/intersectional discrimination has been a topic of activities undertaken by some LGBTIQ NGOs only in general way. It was impossible to ascertain the number of cases of multiple/intersectional discrimination, including cases of multiple/intersectional discrimination against LGBTIQ Roma, through desk research from other sources as none of the documents that are published publicly (for example, by the Ombudsman and other authorities) refer to them. None of the other authorities who completed the questionnaire or sent their response to the FOI request were aware of any cases of multiple/intersectional discrimination, including cases of multiple/intersectional discrimination against LGBTIQ Roma. This could be explained by a lack of monitoring and evaluation mechanisms. In fact, most public authorities and institutions that completed the questionnaire or responded to the FOI request were not aware of any such systemic monitoring or evaluation. However, a CSO representative informed us that he was aware that one of their trans Roma clients has been discriminated against on the grounds of ethnicity and gender identity. Additionally, when organising the first Košice Pride event in 2013, the owner of a gay club informed the CSO representative he would not let Roma in.

## RESPONSES BY PUBLIC AUTHORITIES

The three public authorities that filled in the questionnaire (the Slovak National Centre for Human Rights, the Institute for Labour and Family Research and the Slovak Government Plenipotentiary for Roma Communities), as well as the three public authorities that sent a response to the FOI request (the Ministry of Justice, the Ministry of the Interior and the Ministry of Education, Science, Research and Sport) demonstrated a good understanding of the concept of multiple/intersectional discrimination as well as comprehension of the practical consequences of the lack of a definition for this concept within the Anti-Discrimination Act or in Slovakia's legal framework in general. However, as discussed above in Part 3: Key findings, the response by the Justice Ministry failed to acknowledge that although all Slovak citizens have the same rights and obligations, their ability to exercise these rights and their access to them are not the same. Multiple/intersectional disadvantage and discrimination play a pivotal role here. This suggests that while some authorities may be familiar with the term, they may not necessarily be able to understand its dynamics or apply it in practice.

At the policy level, in the Action Plan of the Slovak Roma Integration Strategy for the years 2017-2020, a global non-discrimination goal – i.e., to increase the effectiveness of the protection of Roma from discrimination and unequal treatment – was set in the areas of non-discrimination and approaches towards the majority society (the Initiative of Roma Integration through Communication). Specifically, the following measures related to LGBTIQ Roma: Measure 3.3. (Prevention of multiple discrimination against Roma) and Activity 3.3.2 (Support for NGO activities in the field of prevention and elimination of multiple discrimination against Roma, including targeted programmes for women, young people, seniors, people with disabilities, LGBTI and other groups from marginalised Roma communities exposed to the risk of multiple discrimination). The responsible entities were the Slovak Ministry of Labour, Social Affairs and Family and the Ministry of Justice; the measurable indicator against which the effectiveness of the policy was assessed was the number of projects aimed at eliminating multiple discrimination against Roma that have been financed and implemented and the number of project participants. The indicative allocation for the period of 3 years was EUR 400,000 from the Justice Ministry's budget. The Ministry of Labour, Social Affairs and Family did not specify its own allocation, but was committed to funding activities through demand-oriented calls for proposals from the Human Resources Operational Programme from the European Social Fund (ESF). As part of its monitoring for 2020, the Justice Ministry stated that it supported a total of four projects aimed at addressing multiple discrimination against Roma and raising public awareness of the issue of discrimination against marginalised Roma communities. However, the Ministry of Labour, Social Affairs and Family did not fulfil its task.

Very importantly, the Slovak Interior Ministry has produced its Strategy for Combating Radicalisation and Extremism until 2024, which the Slovak Government adopted on 13 January 2021 in its Decision no. 22/2021. This is a key document that defines the Slovak Republic's priorities in the area of combating extremism, which, within the context of the Slovak Republic, unequivocally encompasses expressions of extremism and expressions of hate targeting Roma, as well as anti-Roma racism, which the Strategy clearly defines. Additionally, the Interior Ministry, through the Department of Crime Prevention of the Office of the Interior Minister, has set up information offices for victims of crimes in every regional city. The services offered focus on five target groups: senior victims, victims of violent crime, victims of hate crime and extremism, victims of trafficking in human beings (THB) and young victims. The information offices offer information, psycho-social help and legal direction and support. In Slovakia, this is the first time that systemic services for victims of crimes have been established within the competence of the ministry in conjunction with partners. The objective is to set up and provide services in places accessible and known to the public. Since beginning in 2018, we have been aware of one client who is registered as a victim of hate crime/extremism (in the Košice region).

Within its competence,<sup>47</sup> the Justice Ministry provides subsidies for the promotion, support and protection of human rights and freedoms and for the prevention of all forms of discrimination, racism, xenophobia, antisemitism and other manifestations of intolerance. As part of this provision, it also awards subsidies for projects aimed at counselling and raising awareness of the human rights of LGBTIQ people annually. The evaluation of grant applications submitted for 2021 is currently underway. Supported projects for previous years can be found on the website of the Justice Ministry.<sup>48</sup>

The Slovak National Centre for Human Rights cooperates with LGBTIQ CSOs and with Roma CSOs through workshops, media activities and meetings. According to the Centre, these events include questions of multiple/intersectional discrimination to a certain extent. However, none of the CSOs focus exclusively on LGBTIQ Roma-related policies or activities. The Centre recognises and supports the need to improve the legal position of LGBTIQ people (through, for example, same-sex marriage, gender reassignment surgery and so on). In recent years, though, there has been no progress with specific results in these areas. The Centre therefore raises awareness about the vulnerability of these and other people who are marginalised and discriminated against, conducts hundreds of educational activities targeting the police, labour inspectorates and other state bodies, and educates thousands of students and teachers across Slovakia.

In the legal regulations falling within the competence of the Slovak Ministry of Education, Science, Research and Sport, the prohibition of discrimination is contained in the basic educational regulation: Act No. 245/2008, Coll., on Upbringing and Education (School Act) and on Amendments to Certain Acts. Prevention of discrimination is also related to the Ministry's commitment to develop a strategy for inclusive education, an essential part of which is also a commitment to Roma. According to the Education Ministry, the area of desegregation of the school system is also a priority topic.

## **RESPONSES BY CSOS**

As stated in Parts 1.: Methodology and 3.: Key findings, of the 23 Slovak Roma, pro-Roma, LGBTIQ and/or human rights CSOs contacted, none completed the questionnaire. One Slovak CSO addressed the questions in an in-depth interview and another one, the Skalica-based Roma Advocacy and Research Centre, emailed a very limited written reply stating they were aware of LGBTIQ Roma in their region (i.e., western Slovakia, on the Czech/Slovak border) but have never researched the barriers that LGBTIQ Roma experience in relation to multiple/intersectional discrimination. The analytical team chose to include the response since it is most likely indicative of the situation elsewhere in Slovakia.



The Slovak project partner Quo Vadis describes the organisation's work as follows:

“Quo Vadis, o.z. has been doing long-term work on issues relating to human rights, the status of Roma women, sexual and reproductive rights (and violations) and healthcare, obstacles to Roma women's participation, the impact of gender stereotypes and gender equality. In our work on gender and sexuality in education through accredited and extracurricular programmes, we work with young people, schoolteachers, CSO representatives and other youth workers in the region. We emphasise the importance of including these topics in school curricula and the role of emotional intelligence as an approach and a tool to strengthen young people's empathy in discussions about LGBTIQ. Our goal is to raise awareness about the issue that LGBTIQ people face and the impact of multiple discriminations on LGBTIQ people in Roma communities. Through our work, we have contributed to improving collaboration between primary school teachers, community social workers and psychological counsellors and solved cases of bullying and exclusion from groups of primary school students due to sexuality and ethnicity. (...) Our participation in the project is an opportunity to open the topic of LGBTIQ Roma with the public in order to foster a more positive environment in the community and outside of it, as well as to contribute to an increased acceptance of LGBTIQ Roma. At the same time, through this project, we have an opportunity to formulate recommendations for incorporation into Slovak legislation and to stimulate social change through systematically coordinated advocacy.”

Quo Vadis chairwoman

Quo Vadis has worked with Roma women and men who have been discriminated against or even expelled from their communities due to bias against their sexual orientation. At one of their events, the organisation's representatives witnessed a Roma woman's coming out, its negative impact, and her subsequent withdrawal from the community. When trying to help the woman, they found out that none of the CSOs in the region work with LGBTIQ Roma and that the topic is overlooked nationally, too. Just as with violations of Roma women's rights, the problems faced by LGBTIQ Roma have no solutions, due to the absence of institutional help or a support network that would reflect the specific needs of Roma from marginalised communities who face relatively higher levels of discrimination, homophobia, society-wide unacceptance, vulnerability and stigmatisation at the same time. The organisation found a sublease and a job for this particular Roma lesbian woman. Today, she lives alone with no contact with her partner, who returned to her own community since as a couple, they had faced hateful comments from non-Roma as well. As Quo Vadis director puts it:

“The topic of LGBTIQ Roma remains a taboo not only socially, but also politically; as a result, LGBTIQ Roma are excluded from inclusion policies and measures. The above story confirms our belief that the issue of LGBTIQ Roma needs to be addressed and given more attention. This concerns not only measures to help LGBTIQ Roma but also, more generally, to strengthen systemic measures fostering equality and respect for LGBTIQ people.”

Sapling, the CSO that was interviewed by the analytical team, is a Slovak LGBTIQ organisation that was established in 2012. According to Sapling's director, its core activities are threefold: the organisation offers educational projects and programmes through international training; runs the Košice -based community and counselling centre Prizma; and organises Košice Pride. Prizma, which has operated since 2018, targets LGBTIQ Roma explicitly and directly, including through the work of their community social worker who is a Roma trans man. Just like Prizma's other community social workers and counsellors, he offers counselling in areas such as trans healthcare to clients irrespective of their ethnicity. This includes clients who identify as trans Roma. Prizma also has other openly Roma members working in a number of LGBTIQ community groups. All the staff members and volunteers work towards building an environment that is inclusive and accepting of LGBTIQ Roma, including through implementing and actively enforcing the principles of combating anti-Roma racism. For instance, if, during a community meeting or counselling group, an LGBTIQ non-Roma

makes anti-Roma racist comments, that fact is immediately brought to the responsible person's attention. If the racial slur "Gypsy/Cigan" is used, the person who has used it is told why it is not okay to use this word. According to the director of Saplinq, "in Slovakia, there is a historical background and cultural milieu of anti-Roma racism that is even stronger in the East. Many people, including LGBTIQ people, come into contact with Roma from marginalised communities. Just like homophobia, anti-Roma racism occurs by default: consequently, many people don't realise that the word 'Gypsy' is racist."

All spaces at Prizma are conceived of as safe, inclusive and intersectional. Consequently, if a non-Roma person has difficulty understanding racism theoretically or at the level of their personal values, the Roma community social worker, together with another community social worker (who is also their life partner) are able to demonstrate an intersectional approach applied as "a lived practice" and give them a practical explanation. They may say, for instance, "Look, my partner is Roma and he considers the G-word a racial slur." Prizma is the only LGBTIQ space in Košice – there is not even a gay bar there – and its clients have a choice as to whether or not they want to be part of that space by adhering to its principles. Compared to their Czech counterparts, Saplinq's de-stigmatisation, anti-racist policies, and activities pro-actively implemented in the setting of an LGBTIQ organisation seem much more evolved: something that other LGBTIQ CSOs could, and in fact should, learn from.

The interview with the director of Saplinq/Prizma was conducted during lockdown in March 2021<sup>49</sup> when Prizma was the only counselling centre for LGBTIQ people in the whole of Slovakia, as the other centre in Bratislava was closed. "We are absolutely overwhelmed. We have people on waiting lists. Our priority is to provide counselling services and we don't have the capacity to focus on other activities such as advocacy, publishing and so on." This also concerns the organisation's lack of involvement in national advisory bodies and other structures. It is hoped that the project, as part of which this research has been conducted, will be a means to initiating such involvement and cooperation in an intersectional approach and the sharing of information and good practice among the different stakeholders active in the field of LGBTIQ Roma rights. This is of particular importance given the large volume of EU funds aimed at activities targeting Roma and the fact that even though there are many Roma CSOs throughout Slovakia, very few of them target or work with LGBTIQ Roma.

Another aspect of the ongoing COVID-19 pandemic and lockdown has been its impact on LGBTIQ Roma and the work Prizma does with their LGBTIQ Roma clients:

"Most of our Roma clients are not from excluded locations and I don't think that their situation during the pandemic is worse than that of non-Roma. It's bad for everyone. If an LGBTIQ Roma person lives in families where they haven't been able to come out of the closet or their family doesn't accept them, their stress levels are increased. We have a Roma client who is transitioning and is at a loss as to how to provide for his family as a man. This is linked not only to his ethnicity but also to his gender identity. However, even if they already live by themselves, they need assistance. Before the pandemic, Prizma offered community services and self-help groups that helped them to come to terms with all manner of negative emotions and so on. Lockdown restrictions and the inability to undertake these activities has had a huge impact. Also, you really can't provide good quality psychological counselling online and this applies to everyone irrespective of their ethnicity."

In terms of attitudes, beliefs and values, according to the director of Saplinq/Prizma, compared to the more favourable situation of LGBTIQ people in the Czech Republic, "at many levels of the state and public administration in Slovakia, many people are homophobic to different degrees, ranging from passive to active homophobia, and therefore their attitudes are manifest in various policies. For instance, the latest Census 2021 did not take into account the existence of LGBTIQ people and no one finds that fact strange or unacceptable. This cascades to the level of the state where, over the past 30 years, the political representation either ignored these issues without moving them

either forward or backward, or we have had Christian conservative governments that have tried to move the topic backward. That's why it doesn't even occur to anyone that there should be specific funding calls for LGBTIQ people: there are none." These accounts by the Sapling/Prizma director indicate that homophobia and anti-Roma racism are institutionalised at all levels. It is very alarming and extremely worrying that publicly homophobic stances by political representatives and officials are reflected at the level of decision-making regarding funding allocation, as well as concrete tools or measures such as the Census.

Despite the invaluable and quite unique work that Sapling/Prizma do, they face a lack of sustainability of their projects and programmes, which means it is impossible for them to provide services in the long run. Partially, this has to do with the nature of funding available to them and the lack of national or European Union multi-year, core funding. Some of their funding is annual, such as an annual Justice Ministry grant, which is always uncertain until the last moment. Other types of funding such as EU funding, specifically from the ESF, administered nationally by individual Member States, and other funding administered centrally by the EU are often hard to apply for and at times unattainable. The organisation is able to tap into other sources of funding, such as Erasmus Plus, OSIFE grants or EEA Grants, but this does not solve the issues at hand. As for funding for Roma, according to the director of Sapling/Prizma, "it is a different but interesting topic because, from my viewpoint as a fundraiser, there is a lot of money going towards Roma, but the application processes are complex, especially the schemes and structures of the EU funds. Many organisations find it difficult to navigate them. Since we are not primarily a Roma organisation, I wouldn't want to apply for the funding just because it's there. I don't think I would like it if a straight organisation got funding intended for LGBTIQ people just because it's available."

These observations echo some of the issues discussed by the SRNM representative in the previous section concerning Czech CSOs' very limited ability to do development work and certain types of other medium- or long-term work because they constantly struggle for survival and are unable to generate surplus funding. As a result, they have to prioritise those types of service provision that they can fundraise for, ensuring that the organisation can keep running. Additionally, when it comes to fundraising, small or mid-size organisations working on intersectional issues, such as the Czech CSO ARA ART or the Slovak CSO Sapling, seem to be disadvantaged by virtue of their size and being intersectional: they are too small to be able to obtain large national subsidies or EU grants and do not work on one issue (Roma, LGBTIQ) exclusively.

As for participation in advisory bodies and other structures, the chairwoman of Quo Vadis participates in numerous committees, councils, associations and experimental groups, for instance, the Committee on Gender Equality at the Ministry of Labour, Social Affairs and Family. Thus, the organisation has an opportunity to contribute directly to the drafting of strategic plans, provide comments on policy documents and suggest measures and recommendations for legislative amendments.

## HUNGARY

The Hungarian non-discrimination regulation (as enshrined in the 2003 Act CXXV on Equal Treatment and the Promotion of Equal Opportunities) has been expanded beyond the minimum requirements of the relevant European Union directives. It specifies a total of 20 protected characteristics, prohibiting discrimination in all five of the areas – employment, goods and services, healthcare, education and housing – on the grounds of any of the 20 protected characteristics specified in the law. The protected characteristics listed in the Act are as follows:

- a) sex,
- b) race,
- c) colour,
- d) nationality,
- e) membership of a national minority,

- f) language,
- g) disability,
- h) state of health,
- i) religion or belief,
- j) political or other opinion,
- k) family status,
- l) motherhood (pregnancy) or fatherhood,
- m) sexual orientation,
- n) gender identity,
- o) age,
- p) social origin,
- q) property,
- r) part-time or fixed-term nature of the occupational relationship or other employment-related relationship,
- s) membership in a representative organisation,
- t) any other status, characteristic, or attribute (...) can be considered as protected which are not included in the statutory list of protected characteristics, but they are similar to them in nature.<sup>50</sup>

The protection provided by the Equal Treatment Act is amplified by the Civil Code, which lists the right to non-discrimination as an ‘inherent right’ (i.e., a right that is inalienably attached to the human personality) and prescribes specific sanctions for the infringement of such a right (e.g., damages, public apology). It is also amplified by a number of other laws (e.g., the law on consumer protection). The principle of equal treatment is violated, i.e., discrimination occurs, if a person or group suffers a disadvantage as a result of any of their protected characteristics. The exact definition of discrimination and the scope of protected characteristics are defined by Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities. The types of discrimination include direct discrimination, indirect discrimination, harassment, segregation, and victimisation. Before 1 January 2021, multiple discrimination was included among the above types of discrimination, too.

As noted by Al-Kurdi (2020)<sup>51</sup> in connection with an incident that occurred during the 2011 Budapest Pride event, involving three Roma trans women, “at the surface, Hungarian equal treatment legislation provides favorable legal environment for bringing forward claims of intersectional discrimination. (...) The publicly available case database of the [Equal Treatment] Authority containing summaries of select cases the Authority deems interesting includes a filter for multiple discrimination, although it returns no results. A more careful analysis of the cases shows that there have been several cases where the Authority found multiple discrimination, but most cases concerned closely related grounds of discrimination. (...) Multiple discrimination involving race/ethnicity and financial situation appears only in one case... (pp 9-10).”

## **NUMBER OF CASES OF MULTIPLE/INTERSECTIONAL DISCRIMINATION**

As discussed above in Key finding 2, the Equal Treatment Authority (ETA) intervened in the case of several young LGBTIQ Roma who complained that they had not been allowed into an LGBTIQ-friendly bar because they were Roma. However, since the issue of their sexual orientation was not raised in the case, it was not invoked as a ground for discrimination, but Roma ethnicity was. Consequently, the case was not handled as one of multiple discrimination.

According to a CSO representative, since there are no domestic policies on multiple/intersectional discrimination, cases involving multiple/intersectional discrimination are not monitored or evaluated. As communicated by the same person, “through our legal aid service, we are aware of one discrimination case reported to the Equal Treatment Authority (Roma trans people discriminated against at a gay bar, i.e., the 2011 case referred to by Al-Kurdi), one court case (a Roma gay man and his male partner harassed in a workplace), and one reported to the police (Roma gay men attacked

after the Pride March) that had clear intersectional aspect to them.”<sup>52</sup> It is evident that there are more cases of multiple/intersectional discrimination against LGBTIQ Roma that have been reported to and handled by Hungarian law enforcement agencies or other institutions. It is also reasonable to assume that the number of unreported cases is even higher.

## RESPONSES BY PUBLIC AUTHORITIES

Since no other Hungarian public authority responded to the questionnaire or the FOI request, it was impossible to ascertain how many cases of multiple/intersectional discrimination have been reported or to obtain information concerning the activities, policies and measures in the field of multiple/intersectional discrimination from other sources or online as no such information is publicly available. As discussed in Part 1: Methodology, the lack of participation by the Hungarian authorities may be explained by Hungary’s processes and procedures becoming less transparent, less democratic and more authoritarian.

Interestingly but – given the larger developments – perhaps unsurprisingly, until 31 December 2020, the ETA listed multiple discrimination among the different types of discrimination (i.e. direct, indirect, multiple discrimination). The ETA produced a brochure on multiple discrimination case law in 2018. However, according to the CSO representative, “neither the police, nor the Equal Treatment Authority reports about cases of discrimination/hate crimes in a way that would allow for the identification of cases of discrimination against LGBTIQ Roma.” Additionally, since “there are no LGBTIQ Roma-related policies, so neither our organisation, nor others are cooperating on this issue with public bodies. In general, there is a minimal level of cooperation with public bodies, as the current political climate in the country is openly homophobic and transphobic. There is a cooperation of fluctuating intensity with the police on hate crimes that affects both LGBTQI and Roma people.”

As for advisory boards and other institutional structures and means of cooperation, the response by the same CSO representative points to the existence of several mechanisms: “In principle there is an LGBT Working Group within the Human Rights Roundtable set up by the Government. It meets at least twice a year, but the recommendations put forward in the Working Group are hardly ever implemented. We participated through the Hungarian LGBT Alliance in the Equal Opportunities Working Group of the Budapest Integrated Urban Development Planning Process in 2020 and will likely join the Equal Opportunities Thematic Civil Society Working Group to be set up later this year in Budapest.”

It is apparent from the wording of the summary of the administrative authority procedure under Act CXXV on Equal Treatment and the Promotion of Equal Opportunities that since the abolition of the ETA in December 2020/January 2021, the term multiple discrimination no longer features in this procedure (though the term still features in the 2018 ETA brochure). Until 31 December 2020, the ETA’s scope of authority extended to all protected characteristics and areas listed by Act CXXV. The ETA was able to examine whether a petitioner’s right to equal treatment has been violated in any of the five areas and on the grounds of any of the 20 protected characteristics as specified in the act.<sup>53</sup> As of 1 January 2021, it has been the task of the Commissioner for Fundamental Rights (Ombudsman) to proceed within the framework of an administrative authority procedure in cases specified by Act CXXV of 2003, in line with the relevant procedural rules.<sup>54</sup>

The analytical team did not receive any additional information from other Hungarian public authorities. However, based on the information made available by the Ombudsman’s office and other information concerning the latest developments that is publicly available, as well as the official stances by EU and CoE institutions that have been widely publicised, it is no exaggeration to say that the weakening of human rights guarantees and protections for LGBTIQ people, the weakening of the Ombudsman’s Office through the disbanding of the highly effective ETA, as well the removal of multiple discrimination from the explicit wording of the official documents used by the Ombudsman



are signals indicating that indeed, Hungary is steering away from the EU and CoE's democratic principles and human rights standards.

## RESPONSES BY CSOS

As stated in Parts 1. Methodology and 3. Key findings, of the 22 Roma, pro-Roma, LGBTIQ and/or human rights non-governmental CSOs, only two LGBTIQ organisations responded to the questionnaire: Budapest Pride and Háttér Society. The Hungarian project partner, Diverse Youth Network, describes its own work as follows:

“Diverse Youth Network builds connections between people and communities to articulate diversity and versatility and to inspire co-operation and joint initiatives among youth. Over the past two years, more than 500 people, including LGBTIQ Roma, participated in the first LGBTQ+ Days in Pécs. We implemented the first LGBTQ+ Roma forum in Pécs, carried out a number of international youth exchanges, which include the topics of Roma and LGBTQ, and helped youth from ethnic groups and LGBTQ people to cooperate. On the occasion of the World Anti-Racist Day, we organised an event called “From Hate Speech to Genocide”: the topic of double discrimination against LGBTIQ Roma was included in the programme.”

Diverse Youth Network Deputy Director

For Diverse Youth Network, it is very important to include gender and LGBTIQ as topics in their Roma programme. At their LGBTIQ Roma training and LGBTIQ Roma Forum, Diverse Youth Network initiates and holds discussions about the situation of Roma, LGBTIQ and LGBTIQ Roma with Hungarian politicians. The organisation cooperates with other NGOs such as Háttér Society, Phiren Amencia, UCCU, Budapest Pride and informal LGBTQ communities in other rural towns (for example, Szeged, Kecskemét, Debrecen). In September 2021, they organised a festival called “Freedom of My Identity Human Rights”, which included several events on LGBTIQ Roma. The last event of the festival was the first rural Pécs Pride 2021, which put a lot of emphasis on LGBTQ Roma.

Budapest Pride define themselves as a feminist and anti-racist organisation:

“We collaborate with as many Roma LGBTIQ activists as we can in order to increase the visibility and reach of their projects. It is important for us that we implement intersectional feminist aspects into our day-to-day operation. We believe that to achieve changes in society, first we have to implement those changes inside our group. We have moderation policies that aim to balance out society's imbalances regarding how much space people take up in terms of their socialisation and sense of entitlement. We constantly work on this by giving each other feedback and attending group monthly supervision sessions. We always have at least two spokespersons and our rule is that they have to be LGBTIQ and they cannot be both male. We have a ‘pyramid-system’ in which people who represent multiple minority groups are the ones who represent the organisation. Also, when putting together panels or public events, we pay close attention to the gender ratio. We have a strict ‘nothing about us without us’ rule, so whenever we organise an event about a topic, we make sure that at least one or more representatives of the group the event is about are taking part in the panel.”

Budapest Pride representative

Háttér Society is a mainstream LGBTIQ organisation, the oldest and largest in Hungary:

“Our core services (Information and Counselling Hotline, Personal Counselling, Legal Aid, HIV/AIDS Prevention, community meetings for rainbow families, parents and family members of LGBTIQ people, people living with HIV) are available to any members of the LGBTIQ community, including LGBTIQ Roma. All services monitor the number of clients that identify as Roma, and our anonymous evaluation forms include questions on Roma origin to monitor satisfaction with our services. Some of our larger surveys also include questions on the respondent's Roma origin to make the situation and/

or responses by Roma comparable with non-Roma. All hotline operators and counsellors receive induction training on the intersectional nature of identity. In 2015 a separate training session was devoted to LGBTIQ Roma-related issues. In 2019 we launched a campaign to encourage LGBTIQ Roma to fill out the FRA's second LGBTI survey. In 2015, the Hungarian LGBT Alliance that we are members of organised a roundtable on LGBTIQ Roma together with the Hungarian Academy of Sciences' Institute of Minority Studies. In 2018 Háttér Society co-organised and partly sponsored the Roma float at the annual Pride March; in 2019 our board member gave a speech on the float. In 2017-2018 we organised the participation of several Hungarian LGBTQI Roma in international training sessions on community building. In 2018 we mentored and collaborated with three fellows of the OSF Community Youth Fellowships on Roma LGBTIQA intersectionality, and delivered training sessions for Roma high school students and LGBTIQ Roma university students. We have delivered several training sessions on LGBTIQ rights for European Roma Rights Centre (ERRC) interns and summer school participants. We actively cooperate with Roma organisations in various coalitions including the Working Group Against Hate Crimes, the Children's Rights Civil Coalition, and the Diversity Education Working Group. We provide our services without discrimination. Háttér prepares reports about the implementation of CM/Rec(2010)5<sup>55</sup> every 4-5 years in line with the CoE review. Both reports<sup>56</sup> submitted so far included a chapter on multiple discrimination."

Háttér Society representative

Both CSOs who completed the questionnaire demonstrated a solid understanding of multiple/intersectional discrimination, as well as comprehension of the fact that neither Hungarian nor international law defines it. As the same representative of Háttér Society, which also provides legal aid to clients,<sup>57</sup> pointed out, this is "discrimination where more than one axis of inequality plays a role and can be subdivided into serial, additive and compound discrimination". He went on to state that "there is no comprehensive legal provision in Hungary specifically targeting multiple/intersectional discrimination. Strictly speaking, we do not know of any EU or CoE legal provision either, only a number of soft law/policy documents (CM/Rec(2010)5, EU LGBTIQ Strategy, EU Roma strategy etc., but there are no Hungarian policy documents on LGBTIQ inclusion. Additionally, strategies on Roma, social inclusion, youth, disability, gender, etc., do not mention LGBTIQ people, sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC). There is a notion of disadvantaged and multiply disadvantaged students in the field of education and social policy, but this covers only the intersection between class, ethnicity and family status."

Budapest Pride organises events that raise awareness and visibility of the LGBTIQ Roma community, for example a flash mob of a Roma gay wedding, roundtable talks with Roma LGBTIQ activists, and screenings of Roma LGBTIQ movies such as "Roma Boys". The 2021 Budapest Pride Festival recently featured Joci Márton's LGBTIQ Roma photographic exhibition "Owning the Game". While, due to the nature of its work, Budapest Pride concentrates chiefly on cultural activities, Háttér Society's focus is on the legal situation of, provision to and awareness about LGBTIQ people in Hungary, as well as access to justice. Háttér Society cooperates with Roma CSOs to tackle school bullying; offers trainings for HR professionals and other employees with a focus on LGBTQI inclusion that also mentions intersectional discrimination, with LGBTIQ Roma "living library" books as part of such trainings; and implements a training and awareness raising project on LGBTQI health targeting healthcare providers. Importantly, the organisation offers legal aid to Roma LGBTQI victims of workplace discrimination and harassment, and could also offer legal aid to Roma LGBTQI victims of school discrimination or bullying and discrimination in healthcare and housing.

To date, a number of research studies (Kurtic 2013; Fremlova and Georgescu 2014; Baker 2015; Mátéo 2015; Fremlova and McGarry 2018; Fremlova 2018; Fremlova 2019; Fremlova 2021) have referred to the issue of anti-Roma racist prejudice targeting LGBTIQ Roma. In fact, anti-Roma prejudice, lack of understanding and, at times, outright rejection of LGBTIQ Roma by LGBTIQ non-Roma have been

key factors shaping the social and political mobilisation of the LGBTIQ Roma movement over the past decade. Importantly, the issue of LGBTIQ people's attitudes towards Roma, and more precisely, of anti-Roma racism among LGBTIQ non-Roma, came up in the responses by both CSOs. Budapest Pride referred to it explicitly in the following statement: "We try to tackle racism among the LGBTIQ community and raise awareness of the fact that people who are members of multiple minority groups face specific challenges and their voices need to be heard." Háttér Society reported that their "most recent strategic plan contains a horizontal strategic priority to increase the visibility of disadvantaged groups within the LGBTQI community, reduce stereotypes and prejudice against such groups within the LGBTQI community, train our staff and volunteers about the specific needs of those groups and help the self-organisation of such groups. LGBTQI Roma are mentioned within this strategic priority. Our 2010 survey in the LGBTIQ community included several questions on the attitudes of LGBTIQ people towards Roma people."

In mid-2019, Háttér Society launched a community campaign against hate speech and hate crime, calling on members of the Hungarian LGBTIQ community to share their stories of homophobic and transphobic abuse, highlighting the high incidence of hate crime. The organisation subcontracted the campaign's video production. One of the videos was made by a well-known gay youtuber who restaged the injuries he had suffered in a homophobic assault around 2005. He alleged that the attackers had been Roma. The video got about 20,000 views online and became the subject of criticism and objections from some LGBTIQ Roma who experience the intersection of anti-Roma racism, homophobia and transphobia. A number of allies and organisations, including Diverse Youth Network and Budapest Pride, also criticised the video for stoking anti-Roma racist sentiments among LGBTIQ non-Roma, which, in their view, demonstrated the absence of an intersectional approach, as well as a lack of understanding of the multiple/intersectional discrimination that LGBTIQ Roma experience. Later, the video was deleted from Háttér's Facebook page, although not from YouTube, and the deletion sparked a wave of hate speech against Roma.

The above information regarding the society-wide presence of anti-Roma racism has particular relevance to the Hungarian context but is also indicative of the overall societal climate in the Czech Republic, Slovakia – as also pointed out by the director of Saplinq/Prizma – as well as the whole V4 region. It is clear that given the increasing social polarisation driven by global populism, we cannot underestimate the vital role, responsibility and accountability of CSOs as proxies and links bridging gaps between individuals, communities, organisations and public institutions.

Over the past four years, Hungary's civil society, universities and media have been experiencing what is probably the most significant affront on democracy and freedom, including free speech, since the collapse of Communism in 1989. Various members of academia and civil society have found themselves on lists of "enemies of the state". The Central European University and organisations such as the ERRC and Open Society Foundations have had to relocate to Vienna, Brussels and Berlin, respectively. At the time of finalising this report in the second half of 2021, Hungary has recently pulled out of the EEA and Norway Grants scheme. This confirms what both Háttér Society and Budapest Pride have stated: as there is no state funding available for CSOs that work with sexual, gender and ethnic minorities, most of their funding comes from the European Commission (Háttér Society), international foundations such as Open Society Foundations (Budapest Pride) and foreign public bodies such as the German or US Embassies (Budapest Pride). This, among other things, illustrates the precarious and highly hostile climate in which Hungarian CSOs working with Roma, LGBTIQ, as well as LGBTIQ Roma have been functioning.



- <sup>38</sup> Defender of Rights (Ombudsman) (2020), Annual Report on the protection against discrimination in 2019), [https://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyrocni\\_zpravy/VZ\\_DIS\\_2019\\_CZ.pdf](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocni_zpravy/VZ_DIS_2019_CZ.pdf). Defender of Rights (Ombudsman) (2021), Annual Report on the protection against discrimination in 2020, [https://www.ochrance.cz/dokument/2020/vy\\_roc\\_ni\\_zpra\\_va\\_2020.pdf](https://www.ochrance.cz/dokument/2020/vy_roc_ni_zpra_va_2020.pdf)
- <sup>39</sup> [https://www.ochrance.cz/uploads-import/ESO/86-2017-DIS-VB-Doporuceni\\_desezegace.pdf](https://www.ochrance.cz/uploads-import/ESO/86-2017-DIS-VB-Doporuceni_desezegace.pdf)
- <sup>40</sup> [https://test.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyzkum/Vyzkum-LGBT.pdf](https://test.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum-LGBT.pdf), [https://www.ochrance.cz/uploads-import/ESO/69-2019-DIS-JMK-vyzkum\\_obecni\\_bydleni.pdf](https://www.ochrance.cz/uploads-import/ESO/69-2019-DIS-JMK-vyzkum_obecni_bydleni.pdf)
- <sup>41</sup> [https://www.ochrance.cz/uploads-import/ESO/47-2019-DIS-PZ-Vyzkumna\\_zprava.pdf](https://www.ochrance.cz/uploads-import/ESO/47-2019-DIS-PZ-Vyzkumna_zprava.pdf), <https://www.ochrance.cz/uploads-import/ESO/67-2018-DIS-JV-doporuceni.pdf>
- <sup>42</sup> <https://www.msmt.cz/vzdelavani/socialni-programy/metodicke-dokumenty-doporuceni-a-pokyny>
- <sup>43</sup> [https://www.csicr.cz/cz/Otevreny-urad/Otevrena-data/Inspekci-zpravy-\(datova-sada\)](https://www.csicr.cz/cz/Otevreny-urad/Otevrena-data/Inspekci-zpravy-(datova-sada))
- <sup>44</sup> Email of 9 March 2021
- <sup>45</sup> [https://www.euractiv.com/section/politics/short\\_news/slovak-parliament-discusses-proposal-to-ban-gender-reassignment-surgery](https://www.euractiv.com/section/politics/short_news/slovak-parliament-discusses-proposal-to-ban-gender-reassignment-surgery)
- <sup>46</sup> This offense is committed by “a person who publicly incites violence or hatred against a group of persons or individuals because of their actual or alleged membership of a race, nation, nationality, ethnic group, or their actual or alleged origin, skin colour, sexual orientation, religion, or because they are non-religious, or who publicly incites restriction of their rights and freedoms” (Section 424 para. 1 of the Criminal Code).
- <sup>47</sup> In accordance with Act No. 302/2016 Coll., on the provision of subsidies and on the amendment of Act No. 545/2010 Coll., on the provision of subsidies within the competence of the Ministry of Foreign Affairs of the Slovak Republic and on the amendment to Act No. 617/2007 Coll., on Official Development Aid, and on the amendment to Act No. 575/2001 Coll., on the organisation of government activities and the organisation of the central state administration, as amended by Act No. 287/2012 Coll.
- <sup>48</sup> <https://www.justice.gov.sk/Stranky/Ministerstvo/Dotacie/Archiv-dotacie-LP.aspx>
- <sup>49</sup> Interview conducted on 5 March 2021
- <sup>50</sup> The Ombudsman’s summary of the administrative procedure under the Act CXXV of 2003 on equal treatment and the promotion of equal opportunities.
- <sup>51</sup> Al-Kurdi, A. (2020) “The Most Grotesque Incident”: Ethnicity, class and gender identity in an equal treatment case in Hungary.
- <sup>52</sup> Questionnaire response by Tamas Dombos of 8 March 2021, clarified by email on 30 September 2021
- <sup>53</sup> Equal Treatment Authority’s 2018 brochure on multiple discrimination case law, p. 15
- <sup>54</sup> Ibid., p. 1
- <sup>55</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805cf40a](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a)
- <sup>56</sup> [https://en.hatter.hu/publications?&field\\_kulcsszavak\\_target\\_id\\_selective=2695](https://en.hatter.hu/publications?&field_kulcsszavak_target_id_selective=2695)
- <sup>57</sup> According to Al-Kurdi (2020), one legal barrier to bringing cases of intersectional discrimination is a provision introduced in the Equal Treatment Act in 2011. CSOs planning to represent victims of discrimination are required to have a precise mention in their statutes of the protected characteristic(s) they wish to litigate (Section 3. e). Al-Kurdi opines that this provision may result in CSOs’ inability to bring actions, unless they list in their statutes all grounds of discrimination potentially intersecting (pp 10-11)."
- <sup>58</sup> <http://diverseyouthnetwork.eu/2019/09/nyilt-level-a-hatter-tarsasagnak/>; <https://budapestpride.hu/hirek/pusztai-oliver-igy-gyuloltok-ti-videojarol>

- <sup>59</sup> <https://www.dw.com/en/hungary-george-soros-open-society-foundations-to-move-from-hungary-to-germany/a-43787319>; <https://www.insidehighered.com/quicktakes/2018/10/17/hungary-officially-ends-gender-studies-programs>
- <sup>60</sup> <https://www.washingtonpost.com/news/worldviews/wp/2018/05/15/two-hundred-names-appeared-on-an-enemies-list-in-hungary-thousands-more-asked-to-join/>
- <sup>61</sup> [https://www.regjeringen.no/en/aktuelt/hungary\\_grants/id2866532/](https://www.regjeringen.no/en/aktuelt/hungary_grants/id2866532/)

# 5. CONCLUSION

Parts 2-4 of the present report have provided insight in relation to the most recent developments regarding multiple/intersectional discrimination and the situation of LGBTIQ Roma in the Czech Republic, Slovakia and Hungary. While Part 3 discussed key general findings from the three countries, Part 4 fleshed out specific findings for each of the three countries. We have seen that the recent social and political developments in the Czech Republic, Slovakia and Hungary are country-specific; however, some common trends can be identified, for example:

- to different degrees, across the three countries – and effectively the whole V4 block – a backlash against human rights, women’s rights and minority discourse has been chipping away at legal protections for ethnic, sexual and gender minorities;
- the backlash has contributed to the weakening of equality bodies and other public watchdogs ensuring the enforcement and implementation of the principles of equal treatment and non-discrimination;
- in the very specific case of Hungary, following the “merger” of the ETA with the Ombudsman, the term multiple/intersectional discrimination no longer features in Hungary’s anti-discrimination legislation. Similarly, multiple/intersectional discrimination has disappeared from the diction of the Czech Ombudsman’s annual report (despite written assurances from the Ombudsman’s Office that the Ombudsman will deal with complaints or motions from individuals alleging multiple discrimination on the grounds of Roma origin and sexual orientation and/or gender identity);
- small or mid-size CSOs working on intersectional issues are disadvantaged: they do not work exclusively on one issue (Roma, LGBTIQ) and are often too small to be able to meet the co-financing criterion when applying for large grants from EU funding or national subsidies. Additionally, there is limited or almost no funding for LGBTIQ issues;
- LGBTIQ Roma represent a particularly vulnerable group, especially during the COVID-19 pandemic, due to experiencing multiple disadvantage and discrimination at the intersection of anti-Roma racism, homophobia and transphobia. However, national healthcare systems and the majority of CSOs do not take into account the specific needs of LGBTIQ Roma.

Given these general trends, it is to be expected that governments will continue to make the work of CSOs increasingly more challenging. It seems inevitable that CSOs will have to reconsider and adjust the single-axis approach they have tended to employ so far and come up with creative and constructive solutions. In these highly uncertain, pandemic-ridden times, forming intersectional alliances and using an intersectional approach seems to be a possible, plausible solution, opening avenues for participation and action across different demographic groups, regional areas, disciplines and issues such as, for instance, labour power, voting power, political and economic participation (or lack thereof) or marginalisation. It is important to enrich single-axis, Roma- or LGBTIQ-only social policies and legal provisions with an intersectional approach and to embed intersectionality at the heart of national and transnational “hard” EU law, such as through the still-unadopted Horizontal Directive proposed in 2018 that seeks to equalise levels of protection across various equality

grounds. It remains to be seen whether the impact of “soft” law, such as the EU Anti-Racism Action Plan 2020-2025, the new EU Roma Strategic Framework, the first-ever Strategy on LGBTIQ Equality in the EU, all launched by the European Commission in September, October and November 2020, respectively, and the Council of the EU

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<sup>62</sup> A Draft Law Prohibiting Intersectional Discrimination Discussed by the Romanian Parliament. <https://www.hdl.fi/en/blog/a-draft-law-prohibiting-intersectional-discrimination-discussed-by-the-romanian-parliament/>

<sup>63</sup> The EU Anti-racism Action Plan 2020-2025. [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en)

<sup>64</sup> The new EU Roma strategic framework for equality, inclusion and participation. [https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package\\_en?fbclid=IwAR3R\\_mphgmwvp38GhF41A9S2zRGdhEJ1h6Pxc63zJaAD11J3UY5qCqq5Ds](https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en?fbclid=IwAR3R_mphgmwvp38GhF41A9S2zRGdhEJ1h6Pxc63zJaAD11J3UY5qCqq5Ds)

<sup>65</sup> Union of Equality: The Commission presents its first-ever strategy on LGBTIQ equality in the EU. 12 November 2020. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_2068?fbclid=IwAR2yGQMtPaxcYVmm644ZQyrLbzM\\_-NCFXzqMPesbOkC1gr1xXaEj4aFoGAQ](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2068?fbclid=IwAR2yGQMtPaxcYVmm644ZQyrLbzM_-NCFXzqMPesbOkC1gr1xXaEj4aFoGAQ)

<sup>66</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021H0319\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021H0319(01)&from=EN)



# APPENDIX 1:

## Questionnaire for public administration officials

The survey is undertaken for the purposes of an analytical report on the situation of LGBTIQ Roma in CZ, SK and HU. The research is being conducted by the Czech organisation ARA ART in conjunction with the Slovak organisation Quo Vadis and the Hungarian organisation Diverse Youth Network as part of the project 'Roma LGBTIQ go visible: supporting activities for Roma LGBTIQ minority', funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

Name, position, institution, country

Email

**Q 1:** How do you understand the term 'multiple/intersectional discrimination'?

**Q 2:** Which legal definition informs your understanding of multiple/intersectional discrimination? How is the definition incorporated into your country's domestic law, if at all?

**Q 3:** What legal provisions and other measures and policies related to tackling multiple/intersectional discrimination are you aware of that are currently implemented in your country in line with your legal obligation as a European Union and Council of Europe Member State?

**Q 4:** How is the implementation of these legal obligations monitored and evaluated?

**Q 5:** In the period 2015-2020, how many cases of multiple, or intersectional discrimination against LGBTIQ Roma have been reported to the equality body and law enforcement agencies?

**Q 6:** Specifically, which LGBTIQ-related legislation with a focus on Roma has been adopted by your country?

**Q 6a:** What policies, activities and other measures do you implement to combat anti-Romani racist, homophobic and transphobic stereotypes and hate crime targeting LGBTIQ Roma?

**Q 7:** Specifically, which LGBTIQ Roma-related measures are being implemented by your country in the following areas: education? Please specify

**Q 7a:** employment? Please specify

**Q 7b:** healthcare? Please specify

**Q 7c:** housing? Please specify

**Q 8:** Which specific measures are being implemented by your country in response to the ongoing COVID-19 pandemic to support LGBTIQ Roma?

**Q 9:** Which instruments do you use to involve civil society organisations in LGBTIQ Roma-related policies and activities?

**Q 9a:** If your institution allocates subsidies, how is this taken into consideration by your subsidy allocation policies?

**Q 9b:** How much (in EUR, HUF, CZK) do you allocate to these policies and activities per year?

**Q 10:** What additional short-term LGBTIQ Roma-related measures and policies are envisaged by the end of 2021?

**Q 10 a:** What additional medium-term LGBTIQ Roma-related measures and policies are envisaged by the end of 2025?

**Q 10b:** What additional long-term LGBTIQ Roma-related measures and policies are envisaged by the end of 2030?

If you have additional comments, please include them here.

## QUESTIONNAIRE FOR CIVIL SOCIETY ORGANISATIONS

The aim of this survey designed specifically for civil society organisations is to ascertain the situation of lesbian, gay, bi, trans, intersex and queer (LGBTIQ) Roma in CZ, SK and HU and the extent of service provision with respect to current legal and other provisions regarding multiple/intersectional discrimination

The survey is undertaken for the purposes of an analytical report on the situation of LGBTIQ Roma in CZ, SK and HU. The research is being conducted by the Czech organisation ARA ART in conjunction with the Slovak organisation Quo Vadis and the Hungarian organisation Diverse Youth Network as part of the project 'Roma LGBTIQ go visible: supporting activities for Roma LGBTIQ minority', funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

Name, position, organisation, country (please, include as much information as possible relevant to your experience of working on the topic of multiple/intersectional discrimination and LGBTIQ Roma)

Email

**Q 1:** How do you understand the term 'multiple/intersectional discrimination'?

**Q 2:** Which legal definition informs your understanding of multiple/intersectional discrimination? How is the definition incorporated into your country's domestic law, if at all?

**Q 3:** What legal provisions and other policies related to tackling multiple/intersectional discrimination are you aware of that are currently implemented in your country in line with your legal obligation as a European Union and Council of Europe Member State?

**Q 4:** How is the implementation of these legal obligations monitored and evaluated? Do you participate in the monitoring/evaluation activities and if so, how is your feedback implemented?



**Q 5:** In the period 2014-2020, how many cases of multiple/intersectional discrimination against LGBTIQ Roma are you aware of that have been reported to the equality body and law enforcement agencies?

**Q 6:** Are LGBTIQ Roma among your target groups? If so, what LGBTIQ Roma-related activities or policies does your organisation implement?

**Q 6a:** What is the nature of those activities or policies: short-term, medium-term or long-term?

**Q 6b:** Which of those activities or policies are specifically dedicated to the destigmatisation of LGBTIQ Roma?

**Q 6c:** What policies, activities and other measures do you implement to combat anti-Romani racist, homophobic and transphobic stereotypes and hate crime targeting LGBTIQ Roma?

**Q 6d:** If you do not include LGBTIQ Roma among your target groups, please specify why.

**Q 7:** Which of the following areas do the LGBTIQ Roma-related activities and policies implemented by your organisation target: education? Please specify

**Q 7a:** employment? Please specify

**Q 7b:** healthcare? Please specify

**Q 7c:** housing? Please specify

**Q 7d:** What other services such as counselling, consultations, life coaching etc. does your organisation offer to LGBTIQ Roma?

**Q 8:** Which specific measures are being implemented by your organisation in response to the ongoing COVID-19 pandemic to support LGBTIQ Roma?

**Q 9:** To what extent do public administration institutions involve you and other civil society organisations in LGBTIQ Roma-related policies, measures and activities and cooperation on them?

**Q 9a:** Which instruments do they use to involve you (for example, subsidy allocation policies)?

**Q 9b:** How much (in EUR, HUF, CZK) do they allocate to your organisation for LGBTIQ Roma-related policies, measures and activities per year? What other resources do they allocate to you? Please specify.

**Q 9c:** What other financial or other resources, for instance grants from corporate companies or independent non-governmental donors, do you receive? Please specify.

**Q 10:** What structure of systematic cooperation (e.g., government committees, councils and other platforms) is your organisation part of? Or what other form of cooperation does your involvement take (e.g., ad hoc/one-off examples of cooperation)? Please specify.

If you have additional comments, please include them here.



# APPENDIX 2:

## List of public authorities

### CZECH REPUBLIC

No.	Name	E-mail address	E-mail send	Survey complete	FOI
1.	Ministerstvo spravedlnosti ČR Mgr. Marie Benešová (ministryně)	sm@msp.justice.cz kvz@msp.justice.cz ministryne@msp.justice.cz	✓ ✓		✓
2.	Ministerstvo zdravotnictví ČR Doc. MUDr. Jan Blatný, Ph.D. (ministr)	ministr@mzcr.cz	✓ ✓		✓
3.	Ministerstvo práce a sociálních věcí Dipl.-Pol. Jana Maláčová, MSc. (ministryně)	ministryne@mpsv.cz	✓ ✓		✓
4.	Ministerstvo kultury ČR PhDr. Lubomír Zaorálek (ministr)	lubomir.zaoralek@mkcr.cz	✓ ✓		✓
5.	MŠMT ČR Robert Plaga (ministr)	ministr@msmt.cz	✓ ✓		✓
6.	Zmocněnkyně vlády pro lidská práva Helena Válková	posta@vlada.cz	✓ ✓		✓
7.	Veřejný ochránce práv JUDr. Stanislav Křeček	miroslav.pridal@ochrance.cz pavel.porizek@ochrance.cz	✓ ✓		✓
8.	Agentura pro sociální začleňování Mgr. David Beňák, Ph.D. DiS	David.Benak@mmr.cz jana.horackova@mmr.cz	✓ ✓		✓
9.	Státní zdravotní ústav MUDr Marie Nejedlyá	marie.nejedla@szu.cz	✓ ✓		✓
10.	Rada vlády pro záležitosti romské menšiny PhDr. Bc. Martin Kocanda, Ph.D.	kocanda.martin@vlada.cz barsova.andrea@vlada.cz duna.zdenek@vlada.cz baumova.katerina@vlada.cz	✓ ✓		✓
11.	Rada vlády pro rovnost žen a mužů Marta Smolíková	predsedkyne@czlobby.cz	✓ ✓		✓
12.	Národní institut dalšího vzdělávání	grenarova@nidv.cz	✓ ✓		✓
13.	Výbor pro vzdělávání Romů	martin.kaleja@fvp.slu.cz	✓ ✓		✓
14.	Policie ČR				
15.	Nejvyšší státní zastupitelství				

## SLOVAKIA

No.	Name	E-mail address	E-mail send	Survey complete	FOI
1.	Ministerstvo školstva, vedy, výskumu a športu SR Igor Urbančík (generálny tajomník SÚ, člen výboru práva LGBTI)	kancelaria.gtsu@minedu.sk	✓ ✓		✓
2.	Ministerstvo práce, sociálnych vecí a rodiny SR Barbora Bujarová (hlavná manažérka) (Milan Krajniak, minister práce, soc. Vecí a rodiny)	barbora.burajova@kmc.gov.sk minister@employment.gov.sk	✓	✓	
3.	Ministerstvo zahraničných a európskych záležitostí SR JUDr. Barbara Illková, PhD. (generálna riaditeľka sekcie člen LGBTI výboru)	barbara.illkova@mzv.sk	✓ ✓		
4.	Ministerstvo spravodlivosti SR - Výbor pre práva LGBTI osôb na MS SR Ministerstvo spravodlivosti SR - Odbor ľudských práv	maria.kolikova@justice.sk marian.filcik@justice.sk	✓ ✓		✓
5.	Ministerstvo zdravotníctva SR MUDr. Peter Stachura, Dr. med., MBA (štátny tajomník člen LGBTI výboru)	office@health.gov.sk	✓ ✓		✓
6.	Ministerstvo kultúry SR Radoslav Kutaš (štátny tajomník, člen výboru pre práva LGBTI osôb)	kst@culture.gov.sk	✓ ✓		✓
7.	Verejná ochrankyňa práv prof. JUDr. Mária Patakyová, PhD.	sekretariat@vop.gov.sk	✓ ✓		✓
8.	Úrad splnomocnenkyne vlády SR pre rómske komunity Michal Šlachta (koordinátor pre médiá a prácu s mládežou)	michal.slachta@minv.sk	✓ ✓	✓	
9.	Slovenské národné stredisko pre ľudské práva PhDr. Silvia Porubánová (výkonná riaditeľka)	info@snslp.sk	✓ ✓	✓	
10.	Zdravé regióny Tatiana Hrustič	info@zdraveregiony.eu	✓ ✓		✓
11.	Metodicko-pedagogické centrum	sekretariat.gr@mpc-edu.sk	✓ ✓		✓
12.	Policejní prezidium SK				
13.	Ministerstvo vnútra SK				✓

## HUNGARY

No.	Name	E-mail address	E-mail send	Survey complete	FOI
1.	Emberi Erőforrások Minisztériuma Prof. Dr. Kásler Miklós	integritas@emmi.gov.hu ugyfelszolgalat@emmi.gov.hu	✓ ✓		✓
2.	Alapvető Jogok Biztosának Hivatala	hungarian.ombudsman @ajbh.hu	✓ ✓	✓ e-mail	✓
3.	Igazságügyi Minisztérium	sajto@im.gov.hu	✓ ✓		
4.	Innovációs és Technológiai Minisztérium	sajto@itm.gov.hu	✓ ✓		✓
5.	Kisebbségkutató Intézet Demeter Andrea	kisebbsegkutato@tk.hu	✓ ✓	✓ e-mail	✓
6.	Romológia és Nevelésszociológia Tanszék PTE	btkinfo@pte.hu	✓ ✓		✓
7.	Nemzeti Művelődési Intézet	titkarsag@nmi.hu	✓ ✓		
8.	Ministry of Foreign Affairs and Trade	sajto@mfa.gov.hu			✓

## FOI REPLIES

No.	Name	Reference number	Form	Status
1.	Veřejný ochránce práv ČR	K106 19/2021	letter	replied
2.	Státní zdravotní ústav	SZU/03909/2021	letter	deferred
3.	Ministerstvo spravedlnosti ČR	MSP-324/2021-OSV-OSV	e-mail	replied
4.	MŠMT	MSMT-9000/2021-3	letter	deferred
5.	MZ ČR	MZDR 12346/2021-3/MIN/KAN	letter	not FOI
6.	MFA Hungary			N/A
7.	VOP SK	2122/2021/KVOP	e-mail	passed on
8.	MPC SK	GR 19016/2021	letter	rejected
9.	MIN EDU SK		letter	replied
10.	MMR CZ Agentura pro sociální začleňování		letter	replied
11.	Ministerstvo spravedlnosti SK	182/2021-142-I	both	replied
12.	Ministerstvo vnitra SK	KM-TO-2021/00226-007	letter	replied
13.	Ministerstvo vnitra SK	KM-TO-2021/002427	as	above
14.	Police ČR	PPR-15553/ČJ-2021-990810	letter	replied

# A

## PPENDIX 3:

### List of civil society organisations

#### CZECH REPUBLIC

No.	Name	E-mail address	E-mail send	Survey done
1.	Prague Pride, z.s. Czeslaw Walek	czeslaw@praguepride.com	✓ ✓	
2.	Proud Adéla Horáková	info@proud.cz	✓ ✓	
3.	Logos Tomáš I. Fenix (předseda)	logos@logoscr.cz	✓ ✓	
4.	STUD, z.s. Marek Christ (předseda)	marek.christ@stud.cz	✓ ✓	✓ e-mail
5.	Transparent	info@transparentprague.cz	✓ ✓	
6.	Charlie, z.s. Hana Soudková (prezidentka)	soudkovahana@gmail.com	✓ ✓	✓
7.	Společnost pro queer paměť, z. s.	ladislav.zikmundlender@gmail.com	✓ ✓	✓
8.	Jihočeská Lambda	jihoceska.lambda@volny.cz	✓ ✓	
9.	OLLOVE, z.s. Ondřej Moučka (předseda)	ondrej.moucka@ollove.cz	✓ ✓	✓ e-mail
10.	Amnesty International Linda Sokačová (ředitelka)	linda.sokacova@amnesty.cz	✓ ✓	
11.	Český helsinský výbor Mgr. et Mgr. Lucie Rybová (ředitelka)	lucie.rybova@helcom.cz	✓ ✓	
12.	Člověk v tísni Šimon Pánek (ředitel)	simon.panek@clovekvtsni.cz	✓ ✓	
13.	Demas Sabina Malcová (ředitelka)	info@demas.cz	✓ ✓	
14.	Liga lidských práv Dan Petruška (předseda)	dpetruska@llp.cz	✓ ✓	
15.	Poradna pro občanství/občanská a lidská práva	poradna@poradna-prava.cz	✓ ✓	
16.	Otevřená společnost Marta Smolíková (ředitelka)	marta.smolikova@osops.cz	✓ ✓	
17.	IQ Roma servis Petr Máčal (ředitel)	petr.macal@iqrs.cz	✓ ✓	
18.	Romodrom Nikola Taragoš (ředitel)	taragos@romodrom.cz	✓ ✓	
19.	Vzájemné soužití Sri Kumar Vishwanathan	vishwanathan.kumar@gmail.com	✓ ✓	✓
20.	Romské středisko DROM Miroslav Zima	miroslav.zima@drom.cz	✓ ✓	

No.	Name	E-mail address	E-mail send	Survey done
21.	Společenství Romů na Moravě Bc. Jana Vejplachová	vejplachova@srnm.cz	✓ ✓	✓ e-mail
22.	Pilsen Pride	pilsenpride.official@gmail.com	✓ ✓	
23.	Ostravský Pride	ostravsky.pride@gmail.com	✓ ✓	
24.	Romano Jasnica	romano.j@seznam.cz	✓ ✓	
25.	Slovo 21	slovo21@centrum.cz	✓ ✓	
26.	Queer Geography RNDr. Michal Pitonák PhD	info@queergeography.cz	✓ ✓	✓
27.	Holky v Brně	holkyvbrne@gmail.com	✓ ✓	
28.	Mezipatra	info@mezipatra.cz	✓ ✓	
29.	Muzeum romské kultury	horvathova@rommuz.cz	✓ ✓	
30.	Charita.cz	sekretariat@charita.cz	✓ ✓	
31.	Dům zahraniční spolupráce	martina.horvathova@dzs.cz	✓ ✓	
32.	IPSI	martin.simacek@socialniinkluzie.cz	✓ ✓	
33.	COSIV Lucie Macku, Klára Simáková, Laurenciková	klara.laurencikova@cosiv.cz	✓ ✓	
34.	Anna Šabatová	anna.sabatova@gmail.com		

## SLOVAKIA

No.	Name	E-mail address	E-mail send	Survey done
1.	Hnutie za rovnoprávnosť homosexuálnych občanov GANYMEDES, o. z.	ganymedes@atlas.sk	✓ ✓	
2.	Iniciatíva INAKOSŤ, o. z. Mgr. Martin Macko (riaditeľ)	inakost@inakost.sk	✓ ✓	
3.	TransFúzia, o. z. Roman Kollárik (predseda združenia)	transfuzia@gmail.com	✓ ✓	
4.	SAPLINQ, o. z., Róbert Furiel (riaditeľ)	info@saplinq.org	✓ ✓	interview
5.	NADÁCIA PONTIS, n. o. Lenka SUROTHAK (riaditeľka)	pontis@nadaciapontis.sk	✓ ✓	
6.	DÚHOVÝ PRIDE, o. z. Diana Pruchnerovičová (predsedkyňa)	info@duhovypride.sk	✓ ✓	
7.	PRIESTOR PRIJATIA, o. z. Mário Paroha (predseda - štatutár)	priestorprijatia@gmail.com	✓ ✓	



No.	Name	E-mail address	E-mail send	Survey done
8.	ODYSEUS, o. z. Mgr. Dominika Jašková (riaditeľka, štatutár)	jasekova@ozodyseus.sk	✓ ✓	
9.	OBČAN, DEMOKRACIA A ZODPOVEDNOSŤ, o. z. Šarlota Pufflerová (výkonná riaditeľka ODZ)	odz@odz.sk sekretariat @odz.sk	✓ ✓	
10.	PRIZMA - Komunitné a poradenské centrum pre LGBTI ľudí, Róbert Furiel (riaditeľ)	info@prizma-kosice.sk	✓ ✓	interview
11.	QUEERWORLDS, n. o. Martin Kubinec (predseda združenia)	queergayworlds@gmail.com	✓ ✓	
12.	eduRoma Vladimír Rafael (štatutárny zástupca)	info@eduroma.sk	✓ ✓	
13.	Rómske advokačné a výskumné centrum Zuzana Havírová (predsedníčka)	ravs.skalice@gmail.com havir.zuzana@gmail.com	✓ ✓	✓ e-mail
14.	Nádej deťom - o.z	info@nadejdetom.sk	✓ ✓	
15.	Komunitné centrum menších Adrián Berky (štatutár)	janette.knapekova @gmail.com	✓ ✓	
16.	Poradňa pre občianske a ľudské práva	poradna@poradna-prava.sk	✓ ✓	
17.	Človek v ohrození	info@clovekvohrozeni.sk	✓ ✓	
18.	QUEERSLOVAKIA - časopis Mgr. Roman Samotný (vydavateľ)	info@queerslovakia.sk	✓ ✓	
19.	Centre for the Research of Ethnicity and Culture	kriglerova@cvek.sk	✓ ✓	
20.	Slovak Governance Institute	sgi@governance.sk	✓ ✓	
21.	Nadacia otvorenej spoločnosti	osf@osf.sk	✓ ✓	
22.	REF Slovakia	refslovakia @romaeducationfund.org	✓ ✓	

## HUNGARY

No.	Name	E-mail address	E-mail send	Survey done
1.	Prizma Közösség	kapcsolat@prizma.lgbt	✓ ✓	
2.	Háttér Társaság	hatter@hatter.hu, tdombos @hatter.hu	✓ ✓	✓
3.	Szimpozion Egyesület	info@szimpozion.hu	✓ ✓	
4.	Labrisz Leszbikus Egyesület	labrisz@labrisz.hu	✓ ✓	
5.	Budapest Pride Viktória Radványi	viktoriaradvanyi @budapestpride.hu	✓ ✓	✓ e+q
6.	Szegedi LMBTQ Közösségért	info@szegedilmbt.hu	✓ ✓	

## HUNGARY

No.	Name	E-mail address	E-mail send	Survey done
7.	Amnesty International	office@amnesty.hu	✓ ✓	
8.	Keresztények a melegéért	info@kermel.hu	✓ ✓	
9.	DebrecenPride	debrecenpride@gmail.com	✓ ✓	
10.	TASZ	tasz@tasz.hu	✓ ✓	
11.	Közélet iskolája	kozeletiskolaja@gmail.com	✓ ✓	
12.	Charme Hungary Dance club	charmehungary.tancklub@gmail.com	✓ ✓	
13.	Magyar aszexuális közösség	aszexhun@gmail.com	✓ ✓	
14.	Mozaik Közösség	mozaik.honlap@gmail.com	✓ ✓	
15.	Emberség Erejével	emberseg.erejevel@gmail.com	✓	✓ e-mail
16.	Támogató Szülők Csoportja	lmbtqi.tamogatoszulok@gmail.com	✓ ✓	
17.	TV Baxtale/QRTV/Joci, Bogi, Judit, Niki, Laci	laszlo.farkas@qrtv.eu	✓ ✓	
18.	Romani studies program CEU	romanistudies@ceu.edu	✓ ✓	
19.	Romani design	info@romani.hu	✓ ✓	
20.	Roma Education Fund	mpecak@romaeducationfund.org	✓ ✓	
21.	Humen	zsolt.erdei@humenmedia.com	✓ ✓	

\* The numbers for each of the 3 countries quoted in the report include the lead organisation in CZ and partner organisations in SK and HU

# A

## PPENDIX 4:

### Interviews with Roma LGBTIQ

**I currently live and work in the Central Bohemia region. I am 30 years old and I am employed. I come from a mixed Roma – Non-Roma background, but I identify as Roma and Czech. In terms of sexual orientation and gender identity, I identify as a heterosexual male. I guess I have known since kindergarten that I was born wrong, that I wanted to be a boy, and I said it at home when I was about 13.**

I started seeing a sexologist when I was 17. And I started the transformation when I was 21 years old. The first person I confided in was a friend of mine who lived down the street from me. When I was that 13 years old, I told my mom and she said she knew, and then we did not talk about it for a few years. Then I started dating girls, so they started to take it that I was going to be a lesbian. They coped with it quite well. Then at 17, I came up with the idea that I felt like a boy and that I wanted to be a boy and that it did not suit me the way it was, that I was not happy, that it was not right. My parents were shocked that I wanted to deal with it, but they were not shocked that I felt that way. I had short hair, they dressed me like a boy. Because I did not want to go to kindergarten or school when I had a dress on. They used to buy me boy toys for Christmas. Compared to my sister, it was a significant difference. I think that was how my parents perceived it, that they had two little girls, but each one was different, and that I would not be like a typical little girl. So I do not think there was that much of a shock there, but I think it was more of a shock that I wanted to address it and that it could actually be addressed. They may have not been thinking of it that way at all, that something like that could be done with a human being. Our relationship with parents improved especially when I went through that transition. As a girl, I never got along with my mom, when I put it that way. We have a better relationship as son and mother than daughter and mother. Surprisingly, the Roma part of the family (on the father's side) took it better than the Czech part. The Roma part of the family was not as shocked by it as the grandmother part of my mother's family, who looked at it as if they were wondering what people would say about it. It was not so much that it bothered her, but what the people around her would say about it. I reckoned that nobody would actually understand it. Besides my friend I have already mentioned, there were more friends who knew about it. But they took it rather as a fashion fad. Because at that time it actually came about when some literature, movies, series started to become available. Suddenly it came up here. It helped me understand who I am. This period helped me a lot. And they took it to mean that I wanted to be interesting. Everyone knew I was into girls, but they took it that way – the friend I told first (she was quite a few years older) told me, for example, that I would grow out of it, that it was just a period, that I was looking for myself. Nobody condemned me for that, rather they were probably waiting to see how it would turn out.

The view of the LGBT+ community in general is completely accepted and normal by my friends. However, at work, for example, they do not know about me, so I cannot fully gauge their opinion on this subject. But there were people at my former job or school who had a problem with it. I know whom I can tell and whom I cannot tell, or for whom it is completely unnecessary. They may not have anything against these people, but if they knew about me, it would change their opinion of me and our relationship dramatically. And because it is not important for that person to know that about me, they simply do not. Although that person might not condemn me, as they understand that in other

people, but they might start to look at me differently. There is not always a reason for a person at work to know that. I have not quite had that experience where there was a negative reaction from my work environment, for example, to the LGBT+ community, but when something was in the media, for example, a story was published, or a famous personality had a sex change, those people did not have a completely good reaction to it. From this I am able to deduce, what these people would probably think of me if they knew.

My personal experience with discrimination are more related to my different sexual orientation and gender identity. It was more visible than being Roma, or half Roma, because it stood out more, that national identity, whether one is Roma, Czech, Vietnamese ... that different sexual orientation and gender identity, that one is going to change, is more visible. It is a bigger issue for ostracising people than being Roma, because there are a lot more of Roma people than transsexuals, or at the time when I was dealing with it, that was the case. So it was always about who I was, that I was going to change, and it was not until I got to the point where I was suddenly a man that I started noticing those other perceptions and those other factors, that other people were looking at me differently without knowing it from me. By last name, or that I am darker. It was only then that I began to perceive that second level of discrimination. Maybe it had been there before as well, I just did not see it that way because that identity, when one is changing, is bigger for people. It is noticeable and it is a bigger shock than someone being darker, or being called this or that. Now the discrimination because of being Roma is prevalent, because being LGBT is unrecognisable. Of course, whoever knows that about me, can make a nice connection and can work with both. One social category has always been more predominant. This has been most often manifested in partner relationships and in relationships with men. Men like to override transgender men. To them, as if we are not men, we will always be less for them. Even though some of us have it all behind us, some of them still do not accept it. So I have encountered this as well. Then I encountered that when a woman had to choose between me and a bio-man and she chose me, the bio-man had a very hard time with it. Such humiliation that a woman would choose me over him. Then of course in that relationship you have to explain a lot too, I have also been rejected by a woman because not everybody fully understands. Naming it is one thing, but at the time when I was dealing with it a lot, a lot of people were confusing the terms, for example, that a transsexual is a hermaphrodite. She thought I had both sexes, and then she was shocked that it was not like that. That was the biggest bump as far as the sexual relationship was concerned. When she was brought to reality just before something was about to happen. Even when I had told her and I thought she understood, she actually understood only afterwards. It also happened to me that at the time I was transitioning (at that time I was living in the town where I had grown up as a girl), people made a deal, I had a date with a girl, who I did not know knew me, or had found out about me from someone. She made a deal with her boyfriend and that is how they made fun of me. When someone wants to humiliate you, that is exactly the weapon, and it can be double, when one does not work, they use the other (Roma ethnicity).

I had been dressing up as a boy since kindergarten, so I was laughed at in elementary school. It was not exactly bullying, but I had conflicts with teachers more often than with students. For example, I did not want to wear a bra, my gym teacher corresponded with my mom in the student book. She blamed her as a mother for not buying it for me, she thought that was why I did not have it. She wrote her to buy it for me and my mom in turn responded somehow. She also went personally to the school and discussed it with the teacher, that what she dared to me. Those teachers made it clear that I did not fit in, that I was not doing my part. It was more on their part than on the part of the pupils in that elementary school. In secondary school, it was hell on the part of my classmates. I had a class teacher to whom I told this and the poor guy did not know how to process it, how to work with that information, what to do, how to treat me. We had to go to a school psychologist because it was a shock to the teacher, he did not know it, but he did not want to hurt me somehow. Classmates in the secondary school were nasty, it was just one big problem there. Most of the time, the identity prevailed or predominated, because they perceived that I was only playing it. You just say you do

not choose your last name, what family you are born into and all that. However, this they took to be my invention, which they would not support as a fashion trend. So they clearly wanted to show me where my place was, where I belonged, that they would not suffer this. This whole stage affected my life, I wanted to kill myself, I was addicted to drugs. For a few years I pushed drugs into myself, which I combined with alcohol, so that I would not see the reality that was happening around me, and especially that I was physically turning into woman and that it could not be stopped. I started drugs already in elementary school, it was very early. I was in psychiatric treatment twice, once just because of my addiction to medication, and then because of a suicide attempt. It was the time when my parents realised that I had to change physically, because I did not want to live like that and I was not going to. During that period, when I was in psychiatry for 2 months, they told the whole family for me. They told everyone what it was actually doing to me, that I was able to hurt myself like this, and that they had to help me as a family. They gave them time to absorb it and when I came back, they all already knew and obviously had dealt with it themselves somehow. When I came back, everyone started treating me normally, like I actually wanted to be treated. I personally did not seek any help, it was through my parents. I was seeing a psychiatrist, taking antidepressants. We went to a child psychiatrist already when I was about 14 because I did not want to go to school. One reason why I got bad grades in elementary school was that, for example, I did not want to raise my hand to be called out with that name and answer the material I actually knew. So that I would not have to humiliate myself like that, I pretended that I did not know, so that I would not be called out, so that I would not have to speak in the feminine gender, so that I would not have to listen to that name. I just ignored the school. Even though I had that knowledge and they studied with me at home, I did not say it in school anyway, because I would have had to present myself in that way. My bad grades actually stemmed from that, I was fidgety, unfocused. I was seeing a child psychiatrist, taking antidepressants. I said this to the psychiatrist, so she told my parents that it would be a slightly different problem that she could not help me with. When I was 17, we went to this sexologist. She explained it to my parents, especially to my mother, because she had blamed herself for several years that she had given birth to me like that, that it had been her fault as a mother. So it was explained to her medically, that it actually happens already at the stage of pregnancy and that it cannot be controlled. I think this also helped her cope with it better, that it had just happened and there had been nothing she could have done about it. I too had a period, several years, when I blamed my mother for this. These visits helped not only me, but also my parents. The sexologist talked both to me and to them together.

When I moved to the big city and was looking for a job, I actually felt for the first time that my last name was blatant and that some people had problem with it. Either they did not respond to my applications, or they heard me on the phone and that was the end of it. Finding an apartment was also a pretty big deal, and if it had not been for the people in our circle who knew us and did not throw you in that box, we would not even have accommodation. This is unfortunately where it brings such negative experience – in the field of employment and housing. Also at work, in the work team, although I am now in a position where they will not tell me because I am their boss, but if I were a normal worker at their level, they would let me know that I am Roma. I have always had it at work that as a Roma you have to work 200%. The others can work 70% and still be good. But once you let up, they are already into you, that there is something wrong with you. You have to keep pushing to the limit all the time and keep convincing them that where you are, that you are up to it, that you deserve it. And the others just do not have it that way. I have always been the only Roma in my work team and now I am for the first time in a team where there are more of us and it is more comfortable. I see that when something happens we stand together and they stand together even if there are more of them. But the fact that you are no longer alone there. Of course, they certainly have the feeling that I favour my Roma colleagues, I think this is how they perceive it. I do not work like that, but I guess that is how they perceive it. Because of that gender identity, it often happens that we talk about children, for example, and they do not know about me, they start asking why I do not have children. I say we do not want children yet, even if it is not true, but I do not want to talk to them about it. This is a topic I encounter especially in the Roma community, because if you do not have a child,

you are written off. You are useless because the child is the most precious thing. From my partner's family, for example, these questions are very common. Why do you not have children? If you have problems, why not go another way? When they do not know what the reason is, you have to be able to deal with it somehow, to sort it out in yourself, that if I was with anybody, it is always me who the problem is, that it just does not work for me.

If I could go back in time, I would certainly do a lot of things differently. When you start with the transformation, you actually see only what you do not want in yourself and that you want it differently. But you do not realise many normal things that will come afterwards. No doctor or family can prepare you for the normal life that everyone around you is living and that will come afterwards. However, it is actually much more difficult because you live in a certain bubble, that you burst yourself, because you want, you want to come out of that shell, you want to become a man or a woman. However, no one will teach you how to live with it, because you are not brought up that way. Nobody raised me as a boy. I had to figure out a lot of things on my own, about how to behave or how to behave as a man. Not only in terms of opinion, but also in terms of attitude, especially in the Roma community where the male role is clear. Outside of making babies, you make money and take care of your family. And these are things, situations that nobody has prepared me for. I think that in the future, I do not know if doctors, but through some organisation, help should be provided to better prepare these people for what awaits them afterwards. Everybody is always dealing with the present, that they feel sick, that they want to change it. However, the mere fact that they cut something off and sew something on is not happiness. And you will figure that out only once it has already happened to you. What comes next. Because then you are dealing with housing, work, partner, you want to live somehow, you want to be happy, healthy, you want to do something. And then you find out you cannot. To get ready for that normal life, I missed that terribly, and I had to try a lot of things and figure it out, and those experiences hurt quite a bit. Often it also delays. If they figure it out in childhood, I do not know if it is entirely possible, but ... like changing that upbringing when they know it is going to be a boy. I do not know, it would just need some education in the family as well, for example, within the doctor's office. They bought me toys, dressed me up as a boy, but that is the visual aspect, nobody raised me as a boy. I did not build with my father, I did not hammer nails, I did not drill, I did not fix the car. If I had grown up as a boy, I am sure my father would have taught me all this technical stuff. As an adult, I have my family and I miss these things terribly, because no one taught me. One has a certain distorted idea of how great everything is going to be, what it is going to look like. It is helped quite a bit by American TV series that distort it. Then the reality comes and you have a problem, you are afraid of dating, for example, and I will not mention the intimate life. These are the blocks you carry with yourself. It takes years of work to eliminate these things. There is no such help at all in our Czech health care system or in the social sphere. Many health professionals in our Czech health care system do not even know what transsexuality is. One lady doctor asked me not to leave the room and scare the patients. So probably no help within the care can be expected. On the other hand, obviously some things have changed during that period. However, training health workers would certainly help to let them know that there are people like that, because many do not have a clue. Waking up after surgery and seeing a nurse standing over me looking down my pants because she is curious about what I have got in there, that is like ... sensitivity, empathy, awareness, because they have no clue.

What you admire about those men in the process of transformation, the muscles, the masculinity, the look all at once just are not there. It takes a lot of drudgery and a lot sooner. Even if you have just had all the operations, even if it is not compulsory and not everyone must do it, sexually you are not a full man and you have to cope with that and you have to find a partner who will accept that. And not everybody is lucky for that either. And I know a lot of people who suddenly fall into far greater depression afterwards. Because they are who they wanted to be, but society has not accepted them anyway, their family has rejected them, their friends have rejected them, they are actually just surviving at work because they are working in order to exist somehow – to have an economic



background. They have no one and are actually alone. They hit the social bottom. They have a job, they have an apartment, but they are afraid to date. They do not know how to make contact and how to tell that potential partner. In a Roma family, if a partner told it... she does not want to expose to it in her family either, because she knows that family, because she knows, for example, what the family has made of the fact that her cousin is gay. I cannot imagine what they would do to her if she brought such a partner home. So she will rather write it off at the beginning for her own safety and also for the sake of preserving family relationships, she just will not do it. There is probably not much that can be done about that.

**I was born in Budapest, I'm 25 years old, I'm Roma, I'm also gay. I've recently graduated from CEU and been offered a job. It took a few months to get the job after that, and I've had to move abroad. It's nice, it's a totally different atmosphere. I miss Hungary, though. The bureaucracy here is different than in Hungary and it can be difficult.**

I'm Rumungro, Hungarian Roma ethnicity, and I'm a woman. I identify as gay/lesbian. Sometimes I like the term "gay" more. It's not as harsh as "lesbian". At school, I identified as such, but I didn't really come out to the whole school. I told my classmates with whom I had a better connection. During my studies, I was working in student jobs and internships, in quite a few places in Hungary. I've never really had a proper workplace so I haven't come out at work yet. However, I don't know if I would, actually. I'm an introvert, so I don't have a big personality. I just like to talk with people more privately, not in a big audience. In Hungary, first of all, I think the issue is more about being Roma. Being gay is more personal.

I've always had the Roma community behind me because I have been a part of Roma NGOs since I was a high school student. I have always had this community, and maybe this is why I didn't really care about opinions in the workplace or at school. However, it was really common in school for people to say negative things about Roma, they used 'Cigan' [Gypsy] as a swear word, using it publicly among themselves for bad things. Actually, they didn't always know if I was Roma. I think it also happens with other Roma in Hungary: if you don't tell them that you're Roma, then they don't recognise you as one because you're working, or you're at university, and they think you're not Roma then. Sometimes I spoke up, but when I did, they just didn't care. I wasn't worth it.

I have a few non-Roma friends, but they're not in the same circle that much. I really liked the Roma NGOs and their activities, and I also liked the CEU, where I got to know Romani classmates, which was new for me. I was more busy being with them. At primary school, I think I had two Roma classmates, but they didn't say they were Roma. I was the only one who said it about myself. Also, in high school, I had one classmate who was Roma. He was known as Roma, but he was sometimes used as a bad example. In my BA studies, I didn't have any Roma classmates either. When I finally started having Roma classmates at the CEU, it was great, I loved it.

When I was around 17, I already knew I was gay. Actually, my brother is gay, so I think he had a rougher journey, because he's older than me. He was the first to come out, when he was 14. I think my parents reacted worse to him. I came out when I was 22, with my first relationship. Looking back, it was quite funny. I told them because my girlfriend lived [abroad], so I travelled a lot to see her. My mother didn't know why I was going there and then, I finally told her "because my girlfriend lives there". My father was in the background, he didn't say anything and then my mother said "I don't have a normal child". It's funny, though, because my other sister is not gay. I think it was worse for her. I really understood that it was strange for them, but it took them some time and now they are okay with it. They knew my ex-girlfriend and they know my current girlfriend. It's totally fine. My current girlfriend is Roma. She was out from the beginning when she was 14 or 15, so her parents knew every girlfriend of hers. They knew it from the beginning, so they had the time to process it. She also had a gay brother but her brother is younger than her. It's okay, really. When we are in Hungary, we

always visit our families and we're totally comfortable there.

Because I've never been out publicly, in my professional life, I've never felt discrimination because of my sexuality. Strangers don't know I am gay. However, I have been discriminated against because of my ethnicity: ethnic discrimination in Hungary is really common. I remember that when my siblings, my cousins and I wanted to go to parties, some places wouldn't let us in. They said our clothes weren't okay, but then in other places nobody objected to those same clothes, so it happens. Also, with healthcare, when I go to my gynaecologist, they always assume that I want to get pregnant, or they're surprised that I don't want to get pregnant, or that I'm not pregnant yet. In shops, they always follow us. There were some times when my ex-girlfriend and I went shopping, and if we left without buying something, the security guards checked my bag but they didn't check hers because she was white. It always happens, I think the Roma have gotten used to it in Hungary. It bothers us, though.

I think the worst is when you're personally feeling uncomfortable because maybe in your workplace, or in your school, they're talking about Roma, about racist things, and they don't recognise this is bad. I think that's the worst part. In high school, I was not out at all. It was difficult for me to even realise "okay, I'm gay". In school, people really used "gay" as a swear word, just like "Roma". Teenagers talked about how disgusting it is to be gay. The teachers said that they wouldn't support gay marriage, or gays having kids. They wouldn't say it directly, though. A teacher I knew from my old school has Facebook, and now he's sharing his thoughts about this whole "gay agenda" thing. When I was there, he was okay, but now he's sharing his anti-gay thoughts and he's still a teacher. He probably feels he can say what he wants because "it's just an opinion".

I'm thinking about the adoption laws. They've changed it in Hungary recently that now, you can't really adopt any more if you're gay. Also, IVF is not possible if you're not married or if you're 35, I believe. Where you feel that you are Roma and lesbian or Roma and gay is in healthcare. For example, where it's about fertility and also, I know a lot of Roma gay guys who have to go for tests and doctors always say harsh things to them. I think it's actually harder for gay guys and Roma gay guys in particular. Healthcare services make assumptions about your sexuality and your ethnicity. When you're a young girl, a gynaecologist may ask if you're a virgin. Later they assume that you've already had vaginal intercourse and penetration. When they treat you, there are certain things that would be painful if you're not used to penetration, and they do not assume it will be painful. It was upsetting for me when I was receiving healthcare, I didn't feel like they cared, but I didn't feel like the law could change it or help me.

Being Roma and gay has certainly impacted my life. When I was in high school, I was struggling with my identity. It was hard because I'm also fat. So, I was ashamed of a lot of things and then also because of my ethnicity and my sexuality. I was bullied in high school, but nothing that serious, just name-calling for being both Roma and fat. Hungarian public high schools have a lot more things they have to cope with than dealing with bullying. The first two years of high school were harder than the last two years. What I really think helps people is the sense of community. In the Roma NGOs and the Roma community you can actually talk with somebody who understands your struggles, who has the same issues: that really made my identity stronger. In the first Roma NGOs I spent time in, I was first being mentored. Actually, my mentor was gay. He was my brother's boyfriend. In that NGO, they already had publicly out gay members. So I felt safe there even though I didn't come out till I was 22, 23.

In any group, there are always some people who don't like it that you're Roma. At university, I studied sociology. I thought my classmates would actually understand what ethnicity is, what being Roma is, and that they wouldn't be racist. I was mistaken. Even though I had some wonderful conversations there with my Hungarian classmates, there was always a person who said "no, Roma are like this", and that I should also understand his side, and not just think about "how I am".

I was not publicly out before my first girlfriend. When I finished high school, I already had a strong Roma identity, but my sexual identity was not that strong yet. So I was thinking about sexuality a lot, where I should put myself on the spectrum. I felt I shouldn't say anything about myself until I was sure about what I am. I felt unsure of my sexuality. It really helped when I got into CEU and I saw that everybody is open about identity, you don't have to hide anything. Also, in that year, I got a girlfriend. So that was a time when I felt like I'm okay, that I don't need to change. Now it certainly feels like I'm not welcome in my homeland. Actually, I think people may even be better now, though, or maybe I just feel like I don't care about their opinions. However, I'm happy that my family accepted us, so I can be there with my girlfriend. I'm happy that her family also accepted us. I'm happy with my friends. The problem in Hungary is that if you think about the future, we don't really see how to solve it without it costing a lot of energy and a lot of pain, I think. It's just sad that you have to leave your family and friends there.

**I'm 36 years old and I identify as a queer Roma woman. I'm not "full Roma", if such a category even exists. My relationship to that is always difficult. My mother is Roma and my father is an ethnic Hungarian. I come from Debrecen, which is the second-largest city in Hungary. However, I have been living in Budapest for a long time, since I came here for university. So yeah, I consider myself a Budapest citizen in a way.**

I've always felt like a bit of an outsider from any kind of community I've encountered. I feel like an outsider from the Roma community because I'm not that much visibly Roma. A lot of people don't consider me a "true" Roma. Also, I am an outsider from the Hungarian community because of my Roma heritage, and I am also an outsider from the LGBT community because I used to identify as bisexual rather than queer for a long time. The LGBT community has not been super welcoming towards bi women, or women in general. Over the past two years, since I moved back, I think I have found a community that accepts me. There is a growing number of Roma LGBTQ activists. This is the first time I'm finding myself at ease within a community, and my identity has also been shifting organically throughout. When I was 20, I think I didn't even identify back then as bi, but more like questioning, on the questioning side. Then when I was going into my thirties, it was becoming clearer and clearer that I don't fit the pattern of hetero boundaries anymore. I was not super outspoken about my identities before. I was always working in the background, so to speak, at organisations. I was in manager positions. I was not like an 'activist' activist, but ever since the political changes in Hungary, I have thought it's important to step out in a way, and to also be kind of like a reference point for other people as well, so they can also see a Roma bi woman or queer woman. I think it's a lot more important right now than it used to be. So that also kind of contributed to my evolving identity, in a way.

My family doesn't know that I'm queer. I've never come out to my family. I've never lived together with someone. I think that's the reason why as well, because I only had, like, one longer relationship, which was with a man. I have never had a longer, lasting relationship with a woman. I've never had to come out, in a way. I was dating for a longer term, but it never came to that point that I had to come out. However, if I had to come out, I think I only have my mother, in my family, I think she would be accepting. It wouldn't be an issue with her at all. In a way, though, she is putting some pressure on me about getting married, finding the "right guy" and this kind of stuff. So of course, there is that pressure. However, I think she would come to terms with it if I came out as a bisexual or queer. She's very much LGBTQ supportive, and to some extent also political as well. On her Facebook page she's speaking about such things. I don't think that it would be an issue.

Based just on my experience at the high school I went to, I would have never come out there. It was very much queer-phobic and LGBTIQ-phobic. It was one of the most prestigious high schools in the whole region. When I got to university, basically it became a non-issue. We had queer classmates

and I don't think that they even suffered from microaggression, so definitely there is a different vibe in big cities, like more openness and more visibility. I think visibility brings openness with it: the greater the visibility, a lot of times in big cities, the larger the acceptance as well. That was my experience from university on, at least in my bubble. It's a bubble of those who have graduated from university. I also went to ELTE to study archaeology there. That is a pretty conservative faculty, to say the least, in terms of the teachers. The ELTE Archaeology Faculty and History Faculty are famous for being the basis of neo-Nazi parties or Jobbik, for instance. You could definitely feel that people are not super-accepting in terms of sexual diversity or LGBTI stuff. I was not very open about my identity there.

As for my current employer, they are very aware of LGBT issues, they treat a lot of LGBT clients because LGBT people are quite overrepresented among asylum seekers, those who flee their country. There is organisational awareness as well, and definitely the principles of non-discrimination are honored. It's a very safe place to be for me, too.

I've never actually [experienced] any major [instances of discrimination] that would qualify as a hate crime based on my queer identity or bi identity. There has been a lot of microaggression, of course, in the different circles I have been part of, but nothing that would constitute like a hate crime or an assault or something like that. However, I have been targeted on the street twice for being Roma. Other people were there as well. Both incidents were, in a way, sexist, misogynist hate crimes as well, because I was singled out and called a slut. Those two instances I remember. Otherwise, discriminatory incidents have happened to me that were more nuanced, in a way. When I was at school, for instance, and my mother, who was visibly Roma, showed up, some kids behind our back would call her slurs and stuff like that. I have been lucky enough to experience just two incidents that were quite physical in their nature. One time I went to the police station the next day and asked if there were security cameras at the place where it happened, because I knew that the district had installed security cameras. The police said the cameras don't record anything, they're just there. If someone sees that, then they act upon it. After that, I didn't file a report or anything because I thought there wouldn't be any evidence.

The Hungarian Equal Treatment Act is quite a comprehensive one, so I think it's pretty good that we have it, but the implementation is lacking. There are very few cases that get to the equal treatment authority from the total number of hate crimes, hate motivated acts suspected to occur. I think it's about the awareness of people regarding how to use that instrument. Also, it's the infrastructure that is lagging behind. For instance, the police in my case did not encourage me to report what happened, they did not inform me what the next step of filing a report would be. I think that is very generally the case as well. I'm sure you're aware that sometimes this act has also used "in reverse", alleging that Hungarians were the supposed victims of a crime when there was a physical atrocity. There is a different awareness between the minorities compared to the majority population as well. In a couple of instances, people belonging to the majority population used this law based on belonging to the Hungarian ethnicity.

I think I have become more visible in Hungary since I moved back in 2018. I've also become more vocal about intersectional Roma LGBT feminist issues. So that's the angle to my activism right now. I think it's a generational issue as well, so the visibility of Roma LGBTQ people, of Roma women, has changed a lot in the past four or five years. As the younger generation has taken the stage, in a way, then all these issues of intersectionality, the situation of Roma women, the situation of young people, have been pushed more to the forefront, in a way. Just like with my personal story, I think it also has to do with politics. The more repression there is, the more visibility a group tries to claim, in a way, like the LGBTIQ Roma collective we created one and a half years ago. I think there hasn't been a lot of improvement in this field: it has to do with that as well. A lot of people came to the forefront who had not been there previously. Roma politics, in a way, have been dominated by men in Hungary and still are. Roma women have been barely in the limelight. I think that has been happening over

the past four or five years. I think it's becoming more and more like solidarity, connecting the dots. In Hungary, both [Roma and LGBT people] have been heavily attacked in the past 10 years, whether by governmental discourse about Roma people or direct attacks on LGBT communities, I think there is a growing solidarity, and there is a growing number of groups who are very much trying to confront governmental policies and discourses, and this is, in a way, uniting them. If we talk about LGBT and the Roma movement, it is uniting the two movements. I very much find that there is, for instance, from the LGBT movement side, much more willingness to incorporate the demands and issues of LGBT Roma, of LGBT people or of Roma people in general. That's what I've been observing as well. Thankfully this is something that is happening.

I think intersectionality is something that has picked up in the past four or five years, both in the media and in the work of organisations, and I'm mainly talking about LGBT and feminist organisations. I think the Roma movement has been very much into intersectionality for a long time. They just might not have described it as intersectional work. I think if a movement is anti-poverty, then by definition it is becoming intersectional. The Roma movement has always been so much poverty-oriented. Like those groups who face intersectional discrimination, they definitely face poverty and precarity as well. As I see the Roma movement, it has always been in support of people with disabilities, single women, or women who are victims of violence. There was never much talk about how intersectional the movement is, but it just like silently did the intersectional work, and on the other side, the LGBTQ movement and the feminist movement did the work too. I think they are beginning to discover these issues and they have not necessarily had a track record of attending to the needs of the most vulnerable in the community. In a way it's like two different trajectories for coming to the point of intersectionality. However, from the LGBTQ movement and also from the feminist movement, I have seen a lot of progress in the past couple of years. How they are shaping the discourse around these issues is very much present, I believe.

I have worked with many trans Roma. After university, I was working for the Association for Sex Workers' Rights. Actually, that is where I met a lot of trans Roma people, LGBT people, and LGBT Roma people as well. That kind of like developed a sensitivity in me around their issues, which were quite dire issues. A lot of them struggled to find stable housing. A lot of them contracted HIV and struggled to find health care. I was not a case worker, but I was aware of their daily issues, and I also tried to involve them in community activities.

As far as I know and hear from the [Hungarian trans Roma] community, their situation is pretty much dire. The community has been increasingly targeted in the past couple of years, following the negative legislation changes. That is the big picture, and I think it's also getting harder and harder to access housing, so that's a major issue. I think discrimination levels in employment, for instance, are kind of like remaining the same, I would say, which is also very much affecting the community. That's why a lot of people end up in sex work, because they are rejected from other jobs. However, it's also true that I have been seeing the people who have it the worst, basically. There might be other segments of the trans Roma community who don't struggle as much as these people. Generally, though, this is what I've heard. Health care has also been an issue that we have been trying to work on. Our clients used to be really fearful of visiting any kind of state-run facility. So, for instance, what we did is we connected them with our own gynaecologist and urologist so they could go and seek consultation from friendly professionals, medical professionals. There is a lot of fear of the medical establishment within the community. I think that when it comes to passing, the less money you have, the less likely you are to pass as well. So that is also a factor, because you are not able to afford modification surgeries and hormones. A lot of women that I met self-injected silicone, for instance. So that is a big issue. Basically, they still haven't gotten to that point in discussing intersectionality with LGBT organisations, mainly, they barely speak about this issue or have any outreach to these people. I think it's pretty much a blind spot. Trans Roma sex workers, trans sex workers. No one is kind of like providing support to them.



I think that LGBTIQ organisations should prioritise this group, they should reach out to them, involve them, offer services that are community run. I don't see that this is their priority. I think that would be the first step. For instance, I had a lot of Roma gay men among my clientele when I was working at that organisation, and they were very precarious. They were offering services for a very low price. They had very low health awareness and some of them were also HIV positive. No one, like literally no one besides our organisation, provided things like free condoms. I think this is a huge issue. It's a structural issue because organisations like Hatter are financing themselves from big European consortia projects that don't really allow for service delivery to trans Roma. With this government, it's getting harder and harder to get any money for harm reduction, outreach work, HIV-related work, because basically all the funding was cut by the present government in these areas. That's why, maybe on the metaphorical level, it is a priority, but they don't have the means to set up these services. If you want to bring cases like, let's say, a Roma trans men sex worker or like someone with this many layers of intersecting oppression, I think you really need to work with that person and gain their trust beforehand. This is what services are crucial for. I remember from my practice at the sex worker organisation that sometimes you were seeing someone for two years, and only then was the trust established, and only then could we negotiate suing a municipality together. If you don't have these services that are vital for the people, then you wouldn't be able to bring cases of intersectional discrimination. This is what is absolutely missing in Hungary. I don't see Hatter services that much now because I'm not super involved. This is definitely what we see, though: that there are no grassroots community-led services which would allow people to open up, to share their stories, to hear from each other: "Yeah, I also sued that municipality and I succeeded. I sued or I filed a police report against an assailant and, yeah, I got some compensation." If there is no community around you, then you are not inspired to stand up for yourself, in a way, with the support of an organisation. That's what I would like to see in Hungary.

Trans Roma sex workers are also absolutely aware of the stigma that they have. They know about the sex workers' stigma. They know about the stigma of being Roma, of being transgender. In a way, they want to avoid being revictimized again by the court system, by the health care system. They are pushed into complete hiding, in a way. They weigh whether it's worth pursuing something further. I think that they justifiably think "No, it's not really worth it," and probably they are right about that, because I've seen cases like that go to court, with Roma sex workers: they were handled as Roma sex workers by the justice system. In most cases, only the most courageous people, those with the loudest cry for dignity, were the ones who pushed these cases. I think what would really help is if all the different feminist, LGBT, and Roma organisations really created a task force where they turned their eyes towards these groups that are not being reached by any of these organisations so they can come up with a strategy to at least do some minor actions when it comes to the rights violations of sex workers or the inaccessibility of care for Roma women. I think mapping the issues that none of these movements is speaking about would be a very good first step. Basically, coming up with fundraiser campaigns, or campaigns not relying on state funding or any other funding, but reshuffling budgets in a way so that there is the small budget that is needed to go out to the cruising area where Roma gay men are or stuff like that. I think that would be tremendously helpful. However, I still feel that these issues are very much taboo issues, and no one really dares to go into these issues because it's not a super popular thing to talk about Roma, or Roma trans sex workers and so forth. That's why they are remaining in the shadows, in a way. Also, the issues that these people have, the deep poverty, the lack of access to education, the tremendous issues are very, very hard to solve. That's also why I think no one dares to touch upon this subject because they know, let's say, trafficking victims, Romani trafficking victims, among whom we find women and men as well. It's such a super-politicised issue that you would need to have the cooperation from the police, who are not really cooperating. It's also related to criminal activities, which prevents you from engaging, as does the drug consumption. The situation of drug users is, in a way, similar. In Hungary, that's a huge issue, especially in segregated settlements. Not that many speak out about these issues, I think, and



sometimes strategically, because they don't want to direct the attention there, they want to keep it somewhere else.

There is no research about homelessness and LGBTIQ Roma. However, I've met a lot of people amongst the LGBTQ Roma who had very, very precarious housing situations. It's definitely a huge issue. I don't know exact numbers, but since Covid, since the 2008 financial crisis, there are more and more homeless people, and as many as the eye can see. There are also people who have very unstable accommodation options. They move from one residential hotel to the next. They are always moving. Those people are also calculated in the number of homeless people, which is constantly growing.

I will leave the country in the next year if Orban wins. I will leave the country soon. It's very hard to be here, not just as an activist, but also merely as a queer person going through all of this. That's not easy. I mean, just the discourse that is very negative towards LGBT people impacts me mentally, of course. Just this daily amount of LGBT-related news, hate speech, and slurs. I haven't received any personal attacks or anything of that sort because, as I said, I live in my bubble and Budapest is a bubble. Let's hope it's going to come to a stop next year, that's our hope for next year.

**I live in the region of Bratislava (Slovakia). I am 30 years old and I am employed full time, but I am also a full time student at university, as the coronavirus allows it now. I consider myself to be both Roma and Slovak, so I also stated this in the census (meaning the population and housing census), and in terms of sexual orientation, I am homosexual and my gender identity is cisgender male, i.e. my gender matches my sex.**

I was actually certain that I was attracted to boys rather than girls at a young age, by the time I was maybe six or seven years old. So those childhood loves were boyish, but they were only in my mind. Back then I used to think that this was common, and I did not worry about it because I thought it was normal. I did not put any label on it, whether it was normal or "abnormal". But then one day my mom noticed it and told me that boys like girls and girls like boys. After that I knew it wasn't really okay, and since we were raised Catholic-Evangelical – in the Christian way, because my mom is Evangelical and my dad is Catholic, even though they don't go to church – there are certain values, so it was considered something quite wrong. By the time I was sixteen, I was sure it was that way, and I had already had my first sexual experience with a man, so I came out and told my mom I was gay. My mother reacted very neutrally, and she did not actually say much about it; but my father reacted by rejecting me. He had also had similar tendencies before, where he had spoken of me as not being his son. But this already went in such a way that since that time, he reproached my mother, saying that I was her son and not his. The situation escalated, and there was aggression and swearing. 'Faggot' was considered a nice way to address me. At that time I had three boyhood friends within my wider neighbourhood who had been the closest to me up until then. And when they found this out about me, they stopped talking to me altogether. One of them joked that he was gay too, but he was explicitly making fun of me. So I lost these friends. But then I found a friend who was also gay, even though he never said so. I knew it and so did he. We had fun together, but not romantically. I was always bullied in elementary school. But for different reasons. For being poor. I was a dirty gypsy to them. They called me that many times - that is, they did not use the word Roma.

During that coming out, I left the house voluntarily - involuntarily. I found a part-time job and started working. My father told me to give him all the money I made, and that if I didn't, then I could get out. He actually gave me a choice; I had to leave. I do not know if it was due to coming out, but it was such a strange coincidence what happened. So I left. I was living in a secondary school dormitory at the time, but I could not stay there at the weekends. So I asked my grandmother if I could stay with her at the weekends. My grandmother and I did not have a good relationship at all, but I had no choice. So she let me sleep in her kitchen, and I really only slept there since I worked on the weekends. This is

how I spent my four years in secondary school. But there I had already come out. I was treated very positively there. It was actually the best time of my life. Everybody was very tolerant of this fact, and nobody made fun of it. But maybe it was due to the fact that I was studying cosmetology - make-up artistry - and that was a field which stereotypically attracts more girls, so it was probably natural for them that it attracted more homosexuals. So a kind of protective bubble formed around me. I told my grandmother I was gay after about a year. We did not have a good relationship. Overall, we did not talk much. But by being there more often, we naturally became closer. Two uncles also lived there. It is a family house. I think I told all three of them at dinner. My grandmother took it very badly, and the only one who took it very positively was one of my two uncles, who was very open-minded about it, and still is. My grandmother took it quite tragically, she cried afterwards. She did not put up with it for long. Even though I had a boyfriend during that period, she referred to him as my friend, and it went on like this for a long time. Only recently, after all those years, she asked me if I had a boyfriend. But because of her advanced age of over 70, I did not blame her for reacting that way. For her it was something new, and one is afraid of course; maybe she had a different idea about it. And now it's great; we do not discuss it at all anymore, I am just her grandson to her.

Nothing has changed in my relationship with my father yet. I think my mom is settled with it, but she reacts very strangely, in such a neutral way, as if she did not want to talk about it too much. Within my extended Roma family, most people condemn me for being gay. They say it is a sin. Even my grandfather told me I was a faggot whore. They are very religious. They have such a special church – the Apostolic Church. They have their own Bible – an offshoot of the Christian church. So they are guided by that. Most of this family does not talk to me at all, and they despise me. The only one of that extended family who has accepted me is my godmother. She has two sons. They are both homosexuals. She has already experienced this. The others have a very negative perception of me and actually of both cousins as well. It is because of their religious beliefs; sometimes they say God considers it a sin. But I think that many times it is just an excuse. I feel that there is quite a lot of sexism and gender discrimination in our country, especially against the female gender. In our country, the woman has a specific position. There are certain things that are simply only done by a woman, because that is the way it is. Males have a dominant position in our country. They see me, as a homosexual, as a failure of the masculine gender; in their eyes I put myself in the submissive role of a woman. To put it grandly, they think I choose some “easier path”, because I just cannot be a man. They perceive it this way because they do not understand it. My godmother's mother tried to ease the tension in the family. Although she was of the older generation, by having two gay grandsons, she had accepted it. She was trying to talk to the whole family and especially to my father. But I do not know if she succeeded. She died years ago and it has been downhill ever since. No one will remember that she actually stood up for us. She was the only person who stood up for me on this. I considered her a very close person, even closer than my biological grandmothers. In my eyes she was a great altruist. As a sick old woman, she stood up to my father when he started slapping and beating me for supposedly slandering him in front of a neighbour. I was running around the kitchen. That was the first time I experienced someone standing up for me. She was an uneducated woman from the academic point of view. She had attended only 5 grades of elementary school, but she had a big heart.

I am not an only child. I have siblings, but they are all younger than me. When I left home, my younger sister was only 10 years old and she did not understand much, and the other child was only a baby. After I left, another boy was born, so there are four of us, but we have big differences among us, not only in terms of age. Since we did not grow up together, there are even more differences. We are siblings only on paper.

No one in my family is the type that would understand the LGBT+ issue, even those who are cool with it; for example, my godmother is cool with it, but she cannot talk about such things. I do not know how to say it; even those who are cool with it have in the back of their minds that maybe it is

not normal. Sometimes it feels that way. The prevailing tendency is homophobic, or homo-negative. It is quite common that we are labelled as faggots; even my godmother was reproached of giving birth to faggots when they once had a fight. I do not know what the hatred stems from, though. From my point of view it is so hypocritical when they as Christians preach love of your neighbour and then they treat it like that, but I guess they have to identify sin first on that value ladder and if there is a sin, then it does not apply I guess.

The wider environment in which I live is not as inhospitable as my closer circles. But it is a consequence of the fact that I live a pretty lonely life. None of my relatives are related to me, and the two cousins who are also homosexuals, one lives in Prague and one in Nové Mesto nad Váhom; we are not in touch with each other – those relationships are also all kinds of things. So I do not have, like, any family. And that affects my mental health as well. I have been treated for depression for many years – anxiety disorder. In the broader neighbourhood, I am such person, that I cannot keep it a secret. It is not that I immediately say that I am gay when introducing myself, but when the topic comes up, for example, that we are talking about partners, or that I want to mention something from the past (what I experienced with my male ex-partner), I will not say that it was my female partner, that is against me. That is when the neighbourhood finds out I am gay. I have also encountered a tendency for people to want to convert me. For example, my colleague XY told me a story of a transgender man, who had been cured of this and that, and is now woman again, and that this is similar. But she has the same view on depression, that I can get out of it, I just have to think positively. It is such limited thinking. When it is in the workplace, it is a bit challenging. I did not want to make her feel bad, but when we were collaborating on something and she was bringing this in and she kept bringing in subliminal messages like maybe I was going to be a girl, that nothing is carved in stone... it is annoying that she keeps mentioning it all the time. So this kind of thing happens. The particular workplace is mostly very accepting, and the school (the university where I am currently studying) are generally very open-minded people. There are also some teachers – I think two of them are homosexual and it is known about them and nobody cares about it.

My experience of multiple discrimination has been primarily that I am of generational poverty i.e. the economic factor. I lived in the village at first, and we moved to the city in 4th grade. There the bullying started because of being poor. You could see it and smell it, then the ethnic factor came in, because they found out I was Roma. It was not visible, but they found out that I have a Roma father and that I live on a street where Roma people live. Sexual orientation as a factor in multiple discrimination came later. In elementary school, the reasons, that I came from a poor family and that I was Roma, were the most dominant. It was challenging. If you met a Roma girl, who was from a better-off family, she would tell you that she did well at the school. Many times we met and talked and she had a completely different story with the same school. As a Roma girl, she also experienced discrimination, but it was not as bad as in my case, where the poverty added a lot. It was not only from the side of classmates or older pupils, but also from the side of teachers. I felt like it was approved of by the teachers. Either they had no attitude and left it as it was, or they actively cooperated with the bullying – they were literally making fun for the other kids.

After finishing elementary school, I had taken turns about four secondary schools before I found this way out of there. The bullying in those other secondary schools continued and sometimes it was even worse, it was so dramatic that I would run out of the classroom crying or escape the school through the window, I just did not want to go there. My mom was even in jail for three months because I had been absent too many times. But my parents actually did not want me to go to that school. They thought that, when I had come out of the elementary school, I finished the compulsory 10 years of attendance, but I had not finished it yet. I still had one more year of compulsory study. I had to go out to get wood and process it, things like that, and I was needed at home, and there was no money as well. At that time I was studying to be cook – waiter and every other week we had to pay 200 crowns, and we did not have the money, so they did not send me to school and that is

how the absence originated. And this period, when I was changing these schools, was so difficult. Only then, at the secondary school, where I graduated, they fully accepted my sexual orientation. At least I had that feeling. At first, they did not know that I came from Roma background, but I made no secret about it. That is my trait again, I probably would not even forgive myself. But they accepted it perfectly fine. I felt like those labels played no part at all. None of them. It was about what kind of person I was, how I treated them, and in school, just like the others, it was important how I perform. That is why I consider it the best period of my life. Although it was difficult because I had to have at least two or three part-time jobs to make a living. But the pressure I had before was not there. It was something amazing.

I find the nuclear family and elementary school to be the most challenging and difficult environments. I suffered double discrimination in that school. When I made that coming out as an eighth – ninth-grader, I antagonised the home environment, I felt inhospitable both there and there. That was the hardest time. I wanted to commit suicide and not once. That is when some depressive feelings came up for me. It was difficult because I did not find support anywhere, I was going from one inhospitable environment to another. When I was talking about the teacher bullying, the parents did not attend the parents' associations. I do not blame them, but it is just the fact that they did not see the point in education. By not attending, they may have created such illusion for teachers and for all those people that they could do whatever they wanted, because they did not see anybody behind me. And so I felt like those teachers were kind of using me as a punching bag. They knew they could get away with it, that no one would come and stand up for me. This period was probably the most difficult. I felt all the signs of discrimination, and nowhere did I find any peace, any calm.

I did not know that what I was experiencing is called toxic stress. A psychologist told me afterwards. Even during that period in that good secondary school, I was experiencing stress, but not that kind of stress, but just how to make a living and stuff. Actually, that is where it first manifested itself, by me getting duodenal ulcer disease. I did not know what was wrong with me, suddenly I was just passing out. Once I was taken by ambulance and they told me what was wrong with me and that it was of psychosomatic nature, that it was caused by stress and psychological setting. I did not feel like I was stressed, you get used to that stress and it really impacted the body and resulted in that hormones stopped being produced properly in brain. Then later on I got depressed and it affected my whole life actually to this day. I cannot imagine what it would be like if I did not have depression. I think, even if I did not have it, it greatly affected my life in a negative way, unfortunately. I have some childhood traumas. I have this deeply ingrained feeling of fighting the feeling of inferiority for a long time, and I still struggle with it a little bit. It makes me such a terrible people pleaser. I am working with it now. I was able to do anything somebody told me to do, just so he or she left me alone. As if I wanted to be liked by everybody, so that people like me. It is obviously due to a lack of love. I am trying to build relationships but at the same time I am not succeeding because I am scared. It is very complicated. I cannot crack it, I am still going to therapy, but I seem to be giving up. I cannot describe exactly what is going on. They told me that I might have some traumas that I did not know about, and that they would start to reveal themselves gradually. It also affects my search for romantic relationships. And unfortunately this is a persistent problem. I can be very attached to my partner and that is not exactly healthy. It is because that family was a little absent, so I am probably making up for it. I try to be aware of all this and work consciously, it takes practice.

Apparently I was lucky that I was interested in it myself, nobody recommended special counselling to me. I used to wake up not wanting to open my eyes, not wanting to live. Everything was grey. I did not even experience sadness, as if I was only an empty shell. I found information that it was depression. I went to a general practitioner quite scared because depression was never addressed in our practice. Only fools went to psychiatrists or psychologists. This was still a little bit in me. I was in the mindset that maybe it was not even a disease, that I just could not handle my life, that I was weak. After 5 minutes she told me I needed to see a psychiatrist and she diagnosed me with moderate depression with anxiety disorder. I started taking antidepressants and such medications. The first

2 weeks were terrible. It was part of the treatment that the brain was getting used to it. I still had that feeling that I did not want to live, but I already knew that I was in treatment and that it was normal. The doctor warned me before, so when you have that information, you perceive that it is actually natural. So I endured it and then it started to get better, I started to feel normal. I actually sought help myself.

It would have helped me a lot when I was growing up and it was very bad in my family and in school. It was very strange that from the state level, from the level of teachers, there was no one, not a single person with expertise in this area. There was a large percentage of poor and Roma children and there was nobody there to make any intervention, to intervene. And it could have completely turned my life around. This is something that I think should be watched. I am studying education now and I am disappointed of how teachers are educated. It is not sufficient. It can easily happen that a teacher who gets into schools, who has gone through the entire master's degree, specifically at the University of Trnava, can be a Nazi, or a racist, can be a homophobe. There is absolutely no regard for this. It does not matter at all. They do not teach the values we should profess as teachers. It is a profession that does not require a lot of attention; empathy, for example, is not taught. Although it is difficult, it can be done e.g. in psychology faculties it is taught. In our school, it has not been discussed even once. I find it strange. We train educators, who are oriented towards the educational component and the educational component is completely lacking. We do not learn to see children as individuals at all. This is the key issue and I think I and other children would have been spared such an ordeal.

**I was born in the Trenčín region where I currently live. I stayed with my parents during the whole process. I am 25 years old and I am employed. It is 100% true that I consider myself Slovak, but also Roma, but I look at it through the eyes of exceptionality. I have always considered and perceived myself as a woman. In my opinion, when a person is born in another body, they know it from a young age and then as they grow older, they remember what they did when they were young.**

All I remember is that when I was about 5 – 6 years old, I put on a girl's dress, high boots and ran around the yard in them. I have always been drawn to wearing feminine clothes, when I think back I have never played with cars in my life. It was strange to me, but when I wanted dolls, I had a room full of them. It has been practically dragging on with me since I was a little girl, so my mother noticed when I was seven or eight years old that when we went to the store, for example, I did not stop at the cars, but at the barbie dolls. This was close to my heart. They already knew what was going on and what awaited them. When I was about nine, ten years old, of course I did not know that there was any hormone treatment and that I could make my dream come true. I figured it out when I was about fifteen, sixteen years old. It was only then that I started to address it somehow. I sat down with my mom and we started talking. She already knew what was going on. I had wigs in my room, women's stuff. My father has always been against this, against gays, transgender women, just against everybody. But I think he only changed his mind about it when he found out he had a daughter like that. My dad is the type that just listens and watches. If someone from outside told him something, he would probably react differently now. When they told him to be proud of me for having such a daughter and then he came home and told that my mom too, I felt he was satisfied. I think that thanks to this first-hand experience his view of the LGBT+ community has changed. I have had a strong supportive background in my family since a young age. Dad has always been a little different in this. He was interested in his children, but I cannot say that I have a father who talks openly or naturally with his children about their problems. He loves his kids, he adores them, but he is just a closed type, I guess he was taught to be that way. Both my parents are Roma. My mom has been a great support for which I am grateful to God. She accompanied me to doctors and medical examinations, supporting me through it all. And just like my mother, my sister and my siblings supported me in this as well. I am the youngest, my oldest sister is 35. It is hard to remember who was the very first person I confided to about feeling like a woman trapped in a man's body. But it was probably one of my



female friends. I had several friends, but it was definitely one of them. I still remember her telling me not to care about my surroundings and to go for it. But from the family environment, my mom was the first, so was my sister and other siblings, but my mom led the way among them.

There were very few people in my circle who judged me for the way I was. Over time, as I was going through the process of change, when they saw me, they changed their minds. One is not responsible for how one is born. Some transgender women have less estrogen and it shows. And she can do X things to herself, but you can still see it. I was lucky enough to have a neighbourhood that identified with that. Of course, no one is going to tell you something nasty outright. I guess I was really lucky and I am grateful for that. However, it was not like that from the beginning. Already when I was in elementary school, I used to go around with make up like a formula, to put it in layman's terms. I was judged, ridiculed and all sorts of things back then. But at the stage when my appearance aligned with my gender identity, there was a change. It was different. The neighbourhood I am in is very diverse, but I cannot say that they do not accept me.

As I said, I went to school with make up, despite being a boy at that time. The fact that I was a Roma woman supported it even more. My classmates – white people – thought that they were something more and that they could dare even more because I was Roma. The fact that I was different escalated the feeling of power, that they could dare more to me. Clearly, it was no big deal in that school. It was an ordeal. My mom went to school many times because at home I complained of ridicule. In my opinion, if it was a white child, no one would have been provoking like that. It was mainly because I was wearing make up. The principal of the school had my mother summoned. When my mother came to school, the principal told her that she did not like me coming to school with make up, and that it bothered her. My mother only told her that she would not discuss that with her, that she would address it medically, that she would bring a doctor's report on it. That actually started the whole story. The doctor told her back then (I remember it like now) that she had only been waiting for her to come in with this. The doctor had known me since I was a little girl, my mom used to tell her about these dolls and dresses and all that. The doctor gave a written statement to the school principal. They should let me do it, because if they forbid it, they will not do themselves much good, I will either stop doing it over time, or I will stick with it. Thank goodness I stuck with it. With some teachers it was still felt, the looks, the behaviour, because it was non-standard for a boy to wear make up or dress like a girl. There was such a sense of arrogance. They had to get used to it. In hindsight, some teachers tried to defuse tensions or resolve various issues. After elementary school I wanted to study hairdressing. I passed the entrance exams. However, at the time, my appearance was pretty effeminate. I did not want to take away from making up, because that would not have been me anymore. And when I thought about everything I had gone through in elementary school and everything I would have to go through in secondary school. My psyche would not have handled it. I knew people around me who could not have handled it mentally and hurt themselves. They took their lives, I did not want to take that risk. I did not want it to hurt me that much, so I gave up and did not continue my studies in secondary school. The secondary school was obviously bigger, it was in the city, I know it would have been ...

The other experience was related to the period when I was applying for a job. I was the only Roma. I passed both the interview and the tests, but I did not succeed. I think my ethnicity played a role in that, but also the fact that I am part of the LGBT+ community.

My decision to fulfil my dream, to be a woman, has not influenced my male and female friends much, because those who were close to me before my transition are still close to me now. Nor has there been any significant change in the family. Many look at me with admiration that I made this decision. Rather, it was about the psyche. It was a burden for me to handle. I was dealing with it alone, nights after nights crying, depressed. I wondered if I could do it, if it would be the way I wanted it to be. You cannot really describe it unless you go through it yourself. My biggest fear was whether I would



complete that femininity by getting lost in the crowd. Not to stand out, not to draw attention to myself. I was very worried, scared about my partner relationship. Whether I would be happy in life partner-wise. Whether I would be accepted in such things. I knew that going into it, and I definitely wanted to go into it from the beginning, I started to realise all those things it was going to hit. And as for that partner-wise life – boyfriend and all that, here the psyche was shaken the most.

I went through the whole mentally stressful process basically on my own. I only sought out a specialist when I started hormonal treatment, I sought that specialist out for approval of this treatment. I guess you could say I am proud of myself, because mentally I had to tidy it all in my head. So that everything is alright, so that everything is OK. I was and I am especially proud because I was able to escape negative or bad things. Neither drugs, nor suicide attempt touched me. I have always tried to look ahead. It is about my life, my future. I was aware that if I took just one step forward I would not back out. And I am not the kind of person that in five years, boom, I am backing out. I do not even want to think about it. It is all about the psyche. If it is mentally well arranged, then... But I will come back to my parents. It is also about support from parents. What I am talking about is about me, but I cannot imagine that it would have been difficult for my parents to bear. That would not have helped my psyche at all, that would have been much stronger coffee.

I have always felt that it was not my fault or my parents' fault. It is nobody's fault how I was born and that I am different. Because my mother is Roma, she has never told me, but you could see that she suffered when she saw me making up, dressing up in a girl's dress. It bothered her that her daughter had not been born. But I have never heard such reproaches from her own lips. In my opinion, she would have been more suffered, if she had condemned me. She would have blamed herself more for this. This way she actually does have the daughter. Although we are a Roma family, we avoided pressure from the extended family to give me up. I have always felt like I do have parents and they have always shown me that I belong to them, even though I looked the way I looked. I am also in contact with my extended family. Thankfully, nothing has changed in our relationship.

In my partner relationships, the fact that I am Roma has often complicated the relationship. Non-Roma transgender women, in my opinion, do not face such problems. It has always been that way and probably always will be. Although origin has not always been the only reason. It is different. It is taboo, it is unknown. Those who have never met such a woman, it is different. But those who are experienced, they know what to expect and know what they want. For me, it was more at the beginning and it shook my psyche quite a lot back then. I practically figured it out at the time, that if someone wanted to date, they had to know what they were going into, and they had to have some experience, and I was not interested in figuring it out somehow at the time, because I am not a guinea pig. One learns from one's mistakes.

For me the whole process started from about 15 – 16 years old, at 17 I started taking hormones. But that journey was much more difficult. To get to those doctors, psychologist, psychiatrist, sexologist. It was not easy at all, even financially. It has been going on all the time with me, there is always room for improvement. After about a year of hormone treatment and everything else, I noticed, and this was a positive thing for me, that people walked past me and did not notice me, I just fit in. I did not stand out. Then I started to make up more extravagantly, I wanted to emphasise my femininity and by doing that started to attract attention.

Sure, there are always curious people around me, even if they hear it in my voice, for example, so they ask. I try to approach it in such a way that if it is a natural curiosity, that is, not a provocation, then of course I tell them that I am a transgender woman. I try to take it humanely, as long as one asks about it normally. My message is that everyone is special, and in the case of us, transgender people, we are even more special. We should not condemn each other. You need to go for your goal, not to be influenced

by some haters, or to address some comments. You have to go for your dream and it will reflect in the next life, it will be more satisfying.

**I am 24 years old, I live in the Bratislava region. I am studying at university as a full-time student. As a family, i.e. my parents and siblings, we still function bilingually; my dad speaks rather Slovak and my mum Hungarian, we switch from Slovak to Hungarian and vice versa. It has always been important for me to be in public as a Slovak, Hungarian and Roma. Both parents are Roma – my mother is a Hungarian-speaking Roma.**

In terms of national identity, it is a bit more complicated, but I identify with all three. I am gay, man. I guess somehow you know from a young age whom you are inclined towards. I identified with it internally and therefore accepted it in myself when I was about 18 years old. I said OK, this is how I work and this is me. And then somehow it was made official about 2 years ago when I confessed to my parents. They kind of knew and I think they were waiting for me to tell them, to confide in them. We never dealt with it at home, we did not make a big deal out of it. What I see as totally cool is that they are totally OK with it at home. It was very simple. One day I was coming back from a university dorm. I was studying for my bachelor's degree at the time. We were sitting at home with my mom before lunch. My mom says, please why do you not tell me if you have a girlfriend or a boyfriend. Mom just went on it like this. And my reaction was – mom I will tell you when I have a boyfriend. And my dad is totally cool with it as well. I was 22 years old at the time. The family environment is very supportive, my parents trust me a lot. I have been working on myself all my life. My parents have been identified with this since I was a teenager. They were just waiting for the boy to spill the beans already, so there was not even any concern or fear on their part. It was completely natural. Nothing has changed at all in our previous relationship. If one is a member of a multiple minority, I think it is interesting. The very first people I confided in were my friends from university. They are long-time friends, who I sat down with right after I started my 1st year of bachelor's studies, and they were the first people I confided in. By studying at an international university, that makes no secret of being one of the most liberal universities, it was very positive for me. A transgender teacher – professor – came to the first lecture. It was a complete shock for me. Nobody needed to deal with that. I had transgender classmates, too. The environment was such that one had no need to hide it or somehow deal with it. As for my extended family, I do not feel the need to address that with my grandparents because there would definitely be some disagreement, I think my grandparents are a bit more conservative. They may know or suspect it, but I have no need to discuss it with them. I have this hunch that my parents are sort of discussing it with my grandparents behind my back, that if it happened to come to that ... but personally, my grandparents do not confront me about it. Everyone else in the extended family, aunts, uncles, cousins ... they are all cool with it, they are all open about it, we totally work together. And I am not the only one with a different sexual orientation in our family. I have gay cousins, too. In my family and broader social environment, being different, having a different sexual orientation, is simply accepted. No one has any need to discuss it. In fact, there was never a situation in elementary or secondary school where there was a reason to discuss it with each other. Until university. It was not because I felt the need to keep it a secret or not talk about it, but there was no space to talk, interest or time to talk about it. There was no impulse in elementary or secondary school to pursue it, or I did not see any negative reaction in that group either. Maybe it was also because I was the leader, the role model in that group of kids. They saw in me the one who would hold them up, push them, motivate them. Maybe that was the reason. Due to the fact that I have not actually encountered any negative reaction to my ethnicity or sexual orientation, I have no problem talking about it now, pointing out the hardships that we need to address in this topic.

It is probably important what we mean by multiple discrimination. When I go to Kaufland in sweatpants and sneakers to buy rolls, the attitude of the saleswoman is different than when I go to buy those rolls in a suit from work (because I am currently working part-time). I have not yet been in a situation where I was disadvantaged because I am both Roma and gay, but so far it has mainly been that ethnicity

that has prevailed. I have always perceived it in terms of that ethnicity, that it was recognisable that I was Roma (even by my surname). However, it is quite clear, this is how it works, that even the Roma LGBT+ minority is not perceived as fully equal in the majoritarian LGBT+ minority.

Thankfully, I have never had to go through any complicated pathologies or depression or anxiety. I did not deal with it in myself, as if I deliberately did not want to admit it to myself. But over time, it made me personally see the reality, that it would be like this. I was definitely going through some strong moments inside, dealing with it was quite difficult – denial. But fortunately I was spared feelings of depression or other psychological problems.

I have to conceptualise my life through that ethnicity rather than through other categories, including other sexual orientation, because I do not see any problem with being a member of a sexual minority. It is like when I arrive at the workplace in the hospital and at the change of service there is a parent standing in front of me who sees that I have darker skin, darker hair and thinks, who is this foreigner or Roma. Even in partner relationships it is important to give that person space, to check what kind of person they are, that they know what they are talking about, that they have some kind of social status. What I see in this is that the person needs time to validate the other person. I see the barrier mainly through the ethnic side, that is where it manifests itself the most. As if people need to “tick me off” for being equal to them. If the “ticking off” happens at all. My experience of unequal treatment has been linked to the fact that I am Roma. I do not know if it is because other sexual orientation is less visible or not visible at all. Maybe it is also about personality. I am a non-confrontational type. The ethnic block is what I have encountered the most. But I experienced bullying neither in elementary, nor in secondary school, for example. Maybe it was also due to the fact that I grew up in a town where they knew my family intimately. My dad has a construction company, we had good relationships there, teachers knew my parents, so I came to school with such a good background. There were other Roma who attended both elementary and secondary school, I was not the only one, but the percentage was minimal.

## The Roma LGBTIQ Minority and its Status in Selected EU Countries (CZ, SK and HU)

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**DIVERSE  
YOUTH  
NETWORK**



ARA ART, z.s. is a non-government organization that connects people, art, action, and belief in a continuous activity - ARTIVISM. Dealing with artistic creation and organizing cultural events with a social dimension and overlap. In addition to general cultural and social activities, a unique topic of ARA ART is the Roma LGBT + minority and the issue of so-called multiple discrimination.

## SHRNUTÍ

Tato analytická zpráva o situaci LGBTIQ Romů je součástí projektu Roma LGBTIQ go visible: supporting activities for Roma LGBTIQ minority (Zvyšování viditelnosti LGBTIQ Romů: podpůrné aktivity pro romskou LGBTIQ menšinu), který je realizován organizací ARA ART ve spolupráci s Quo Vadis a Diverse Youth Network s podporou programu Evropské unie Práva, rovnost a občanství (2014–2020).

Pokud je nám známo, jedná se o první systematickou výzkumnou studii svého druhu v rámci EU, která poskytuje nejenom teoretické, ale také praktické informace o vícenásobné/intersekcionalní diskriminaci coby sociálně-právním jevu s ohledem na situaci LGBTIQ Romů z pohledu veřejné správy a organizací občanské společnosti aktivních v této oblasti. Výzkum realizovaný ve třech zemích zjistil, že zde existuje koncepční i právní vakuum z hlediska vícenásobné/intersekcionalní diskriminace, ke které dochází v kontextu omezování ochrany lidských práv pro etnické/rasové a sexuální/genderové menšiny i z hlediska celkového trendu oslabování orgánů dohlížejících na rovnost. Je ale důležité, že někteří aktéři jsou schopni nacházet konstruktivní řešení a že zde i tak existuje určitý manévrovací prostor pro případy vícenásobné/intersekcionalní diskriminace, což zahrnuje i LGBTIQ Romy.

Analytická zpráva má pět částí. 1. část, Metodologie, nabízí přehled metodologického rámce studie včetně toho, jaký je její koncept a proč byl stanoven právě takto, a zmiňuje počet odpovědí a jejich dopad na kvalitu dat, která byla pro každou ze tří zemí nasbírána, zanalyzována a interpretována. 2. část popisuje institucionální kontext vícenásobné/intersekcionalní diskriminace s ohledem na orgány zodpovědné za rovnost a další institucionální dohledové orgány, které zajišťují provádění a dodržování rovného zacházení a nediskriminace coby zakládajících principů Evropské unie (EU) i v rámci každého ze tří členských států. Ve 3. části jsou představena klíčová zjištění vyplývající z analýzy a interpretace odpovědí veřejných orgánů a organizací občanské společnosti i z rešerše, která sběr dat doplnila. Tato část je realizována coby obecný přehled celkové situace ve třech zkoumaných zemích s důrazem na realistická, proveditelná a konstruktivní doporučení v návaznosti na každé ze tří hlavních zjištění týkajících se vícenásobné/intersekcionalní diskriminace, a to včetně té týkající se LGBTIQ Romů. 4. část nabízí zjištění specifická pro každou ze tří zapojených zemí. To zahrnuje podrobnější analýzu a popis celkové sociálně-právní situace z hlediska vícenásobné/intersekcionalní diskriminace v každé zemi tak, jak je zachycena v odpovědích orgánů veřejné správy a organizací občanské společnosti i jak vyplynula z další rešerše. Poté, co studie přešla od obecných zjištění ve 3. části ke konkrétním závěrům ve 4. části, následuje závěrečná 5. část, která se zaměřuje na společné trendy, které byly zatím zjištěny ve všech třech zemích, a spekuluje, co by mohly znamenat pro budoucí rozvoj v oblasti lidských práv, základních svobod, nediskriminace a rovnosti nejenom v zemích Visegrádské čtyřky (V4), ale také v širší EU.

Zpráva dochází k závěru, že vzhledem k určitému názorovému obratu v tématech rovnosti, lidských práv, práv menšin a genderového diskurzu, který v poslední době pozorujeme v zemích V4, EU i globálně, a vzhledem k nejistotě způsobené pandemií, se jako možné a realistické řešení jeví utváření intersekcionalních spojení s použitím intersekcionalního přístupu a zakotvení intersekcionality v srdci mezinárodního „tvrdého“ a „měkkého“ práva. To by zároveň otevřelo možnosti pro účast a aktivní zapojení napříč různými demografickými skupinami, regiony, obory i tématy.



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