

EU LGBTIQ Equality Strategy – First year implementation evaluation

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The first ever EU LGBTIQ Equality Strategy, adopted in November 2020, is a major step in the EU's overall commitment and detailed efforts to ensure the fundamental rights of LGBTIQ people and fight discrimination. Many people welcomed the strategy, including ILGA-Europe, who noted in their [press release](#) that it marks a 'qualitative shift from the European Commission towards playing its full role to defend and protect LGBTI rights in times of real backlash'.

It is an important part of the Union of Equality, set out by European Commission President Ursula von der Leyen. The strategies and structures put in place in the 2019-2024 European Commission to mainstream equality and tackle discrimination and inequality are key, not least in a time when the Covid-19 pandemic has further shed light on poverty and exclusion across the EU, and inequalities have been exacerbated. With this briefing, ILGA-Europe wants to set out five key points that have become clear in the first year of implementation of the EU LGBTIQ Equality Strategy. We have collected feedback from LGBTI organisations and activists from across Europe and organised a dedicated call to discuss our respective assessment of the first year of implementation with key European LGBTI networks, such as TGEU, OII Europe, IGLYO, and EL*C. In addition, the assessment was discussed in a meeting with DG Justice in September 2021 and the key points were shared following the meeting.

1. The EU LGBTIQ Equality Strategy gives an **important political signal and sets out the clear commitment of the whole European Commission**, across all Directorate-Generals, to include LGBTI rights in their work. The EU LGBTIQ Equality Strategy clearly supports the mainstreaming of LGBTI rights in the work of the European Commission, as well as the inclusion of LGBTI rights into other strategies, like for example the Children's Rights strategy.
2. In the first year of implementation of the strategy, important pieces of work have started, like the EC intersex study as well as preparatory work on legislation on parenthood recognition, and the extension of Eurocrimes. What is clear however, is that from the extensive list of activities in the strategy, mainly DG Justice driven activities have started. **A real push is needed to ensure other DGs pick up activities under the strategy to the same extent.**
3. In order to ensure the full implementation of all activities, what is needed is a **timeline for each activity, as well as the allocation of responsibility/resources across DGs**. Clear timelines and indicators have been set out for example in the Roma Strategy as well as Gender Action Plan. These good practises should be used as examples on how to further develop implementation and monitoring of the EU LGBTIQ Strategy (see also the [ILGA-Europe Rainbow Map's clear criteria for NAPs](#) to receive points: Detailed projects or initiatives within

the time span (timeline); Allocation of resources (financial or human resources); Clear responsibilities for proper implementation; Setup of monitoring procedure).

In order to ensure responsibility and accountability for the implementation of all activities, the main DG and unit responsible for the implementation of each activity should be named. In addition, a list with the Equality Coordinators per DG should be made public, to allow civil society to offer their expertise and create accountability.

4. An important added value of the EU LGBTIQ Equality Strategy is that it is comprehensive in naming areas of work and setting out activities, from legislative steps as well as working with Member States in areas where there is no clear EU competence, but extensive discrimination and human rights violations prevail across the EU. In order to organise good practice exchanges and cooperation between Member States in the areas named in the strategy (including legal gender recognition based on self-determination, banning conversion therapies and banning non-medically necessary interventions on intersex children), the EC has set up an LGBTI subgroup to the High-level group on non-discrimination. This is an important step in coordinating the work with Member States. However, currently the subgroup, unlike other fora the EC has been setting up for the implementation of key areas of work with Member States, is not structurally involving NGOs. **To ensure good cooperation, European LGBTI networks should be involved in an ongoing and structured manner in the LGBTI subgroup, as well as the list of participants and the agendas of the subgroup being made available.**

Good practice examples on ensuring cooperation between EU institutions, Member States and civil society are the High-level group on racism, xenophobia and other forms of discrimination, as well as the EU Homelessness Platform and the EU Disability Platform.

5. The strategy is very clear on being fully inclusive of all LGBTI people and sets out the clear political ambition to fully protect also trans, intersex and non-binary people. In implementing the different activities of the strategy, **the EC needs to live up to this political ambition and needs to challenge a very narrow understanding of the legal protection in the EU Treaty solely covering sexual orientation.** The Treaty reflects the state of the art of the time in which it was adopted, since then international human rights law and standards have clearly evolved to ensure the protection of trans, intersex and non-binary people. The EU needs to live up to these standards and not limit itself to the protection of sexual orientation only, but be fully inclusive of gender identity, gender expression and sex characteristics in all upcoming initiatives, including work on gender-based violence, to counter hate, as well as ensuring freedom of movement.

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