



European Union

ACCESS TO GOODS AND SERVICES

The [EU LGBTIQ Equality Strategy \(2020-2025\)](#), adopted in November, reaffirms the European Commission's (EC) commitment to ensure EU-wide protection against discrimination by working towards the adoption of the horizontal non-discrimination directive, and initiating an exchange of good practices on protection from discrimination on grounds of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in Member States.

ASYLUM

On 23 September, the EC [published](#) its proposal for a New Pact on Migration and Asylum, which include revisions to the Reception Conditions Directive, the Qualification Directive and the Return Directive.

As part of its efforts to improve implementation of EU asylum policies relating to LGBTI people, the European Asylum Support Office (EASO) organised two online webinars on identification, outreach and reception of LGBTI applicants for members of the Vulnerable Expert Network, bringing together civil society, experts and Member states.

As part of the [EU LGBTIQ Equality Strategy \(2020-2025\)](#), the EC commits to organising good practice exchange between Member States in the area of asylum, focusing on safe reception, protection standards and assessment of applications of LGBTIQ refugees, and for EASO to improve training for protection officers and interpreters on assessment.

BIAS-MOTIVATED SPEECH

On 22 June, the EC [published](#) the results of its fifth evaluation of the voluntary '[Code of Conduct on countering illegal hate speech online](#)', including hate speech targeting people on grounds of sexual orientation and gender identity (SOGI) on Facebook, Twitter, YouTube, Instagram and Jeuxvideo.com. Hate speech targeting sexual orientation was most commonly reported (33.1%) and had risen compared to 15.6% reported in 2019. In September, the EC expanded the scope of the Code of Conduct to include TikTok.

In December, the Commission [proposed](#) an ambitious set of new rules for the digital space, including social media, online marketplaces and other online platforms that operate in the EU: the [Digital Services Act](#) and the [Digital Markets Act](#). Under the Digital Services Act, EU citizens will be able to notify illegal content, including hate speech, that they encounter and contest the decisions made by online platforms when their content is removed.

In the frame of the [EU LGBTIQ Equality Strategy](#), the EC committed to putting forward a proposal to extend the list of EU crimes to cover hate crimes and hate speech on the grounds of sexual orientation, work on the Digital Service Act and the full implementation of the Audiovisual Media Services Directive and the EU strategy on victim's rights, as well as funding opportunities in the area.

BIAS-MOTIVATED VIOLENCE

On 24 June, the EC published the [EU Strategy on victims' rights \(2020-2025\)](#). The strategy includes specific measures on advancing protection of LGBTI victims of crime, such as training of law enforcement, awareness raising for victims of crime, and the creation of rainbow desks at police stations. The Strategy also sets out the creation of the Victims' Rights Platform.

On 8 October, the European Parliament [adopted](#) a resolution on the rule of law and fundamental rights in Bulgaria, condemning acts of hate speech against the LGBTI community and calling on the Bulgarian authorities to amend the *Protection against Discrimination Act* to explicitly include gender identity as a ground of discrimination, as well as amend the current Criminal Code to encompass hate crimes and hate speech on SOGIESC grounds.

BODILY INTEGRITY

For the first time, the EU collected large-scale data on intersex people via the EU Agency for Fundamental Rights (FRA). [Published](#) in the EU LGBTI II survey (see under **Data collection**), the data set included responses from 1,519 intersex people across 30 countries.



In November, the [EU LGBTIQ Equality Strategy](#) made focused commitments to the advancement of the rights of intersex people, including commitments to conduct intersex-specific research and to develop an EU-wide harmful practices framework which includes intersex genital mutilation.

DATA COLLECTION

On 14 May, the EU Agency for Fundamental Rights (FRA) [published](#) the results of the EU LGBTI II survey. The survey of 140,000 lesbian, gay, bisexual, trans and intersex (LGBTI) people reveals that, overall, more LGBTI people felt discriminated against in the previous year (43%), compared to when the first survey was taken in 2012 (37%). The survey included data on socio-economic inequality, LGBTI homelessness and included intersex in the survey.

DIVERSITY

On 17 September, the European Parliament [adopted](#) a resolution on the implementation of National Roma Integration Strategies: Combating Negative Attitudes Towards People with Romani Background in Europe. The resolution calls on the EC and Member States to take action regarding the situation and the rights of individuals at the intersections of discrimination grounds in the EU, and specially names LGBTI people in this context.

In November, the German EU Presidency organised a conference on "[Intersectionality and LGBTI Policies in Europe](#)", focusing on lesbian visibility, the rights of rainbow families, intersectionality, and the EU LGBTIQ Equality Strategy.

EDUCATION

As part of the [EU LGBTIQ Equality Strategy](#), the EC announced to setting up of an expert group on gender stereotypes and bullying, regarding education. In September, the EC also [committed](#) to develop a European Education Area (EEA), which includes a section on "inclusive education and gender equality", using the language of people "in all their diversity".

EMPLOYMENT

In a judgement delivered on 23 April, the European Court of Justice (CJEU) [held](#) that statements made by a lawyer during a radio programme in Italy, saying he would never recruit a "homosexual" or wish to use the services of such persons, fall within the material scope of EU Directive 2000/78, establishing a general framework for equal treatment in employment and occupation ('the anti-discrimination directive') (Case C-507/18). The case was brought by Rete Lenford Avvocatura Per I Diritti LGBT (Lawyers For LGBT Rights), and in the judgement the Court noted that the lawyer's statements may fall within the ambit of the anti-discrimination directive, even if no recruitment procedure had been opened or planned at the time when the statements were made, where the link between the statements and the conditions for access to employment is not hypothetical.

The [EU LGBTIQ Equality Strategy](#) sets out a number of initiatives to fight discrimination in employment, including gathering data on discrimination in access to the labour market, particularly for trans and intersex people, and guidance to Member States on the issue; the implementation report on the Employment Equality Directive; and possible following legislative proposals to tackle discrimination in the labour market on SOGI.

ENLARGEMENT

On 5 February, the European Commission [adopted](#) the 2020 Communication "*Enhancing the accession process – A credible EU perspective for the Western Balkans*". In March, the European Council decided to open accession negotiations with North Macedonia and Albania. The EC accession progress continues to be an important driver for progress on LGBTI equality in the region.





The European Commission's [Enlargement Progress Report 2020](#), published in October and covering 2019, recommended a number of steps regarding the improvement of LGBTI rights across the region of the Western Balkans, focusing on combatting hate-crime and hate-speech, especially against trans people, improving legal protection against discrimination, and the lack of legal gender recognition procedures and the invisibility of intersex people. The EC continued to highlight the very serious situation for LGBTI people in Turkey, citing the restrictions on LGBTI NGOs, violence targeted at LGBTI organisations, smear campaigns and hate speech by political and religious leaders, as well as the ongoing need to lift blanket bans on LGBTI events, adopt an anti-discrimination law that is inclusive of SOGI, and amend the hate-crime law to include SOGI. It also noted that Turkey has an extremely high murder rate of trans people.

EQUALITY AND NON-DISCRIMINATION

In March, EC Vice-President Jourova and Commissioner Dalli held a meeting with representatives of LGBTI organisations in Europe to assess the impact of the COVID-19 pandemic on the LGBTI community and LGBTI rights in the EU, in preparation for the EU LGBTIQ Strategy.

On 5 March, the EC adopted the [Gender Equality Strategy 2020-2025](#). The Strategy sets out to protect and advance the rights of “women and girls in all their diversity” and specific actions. “In all their diversity” is explicitly defined in the Strategy to refer to people regardless of their “sex, gender identity, gender expression, or sex characteristics”.

In June, the EC's Directorate General (DG) for Employment and DG Regional Development wrote a letter to five regional Polish governments regarding their use of cohesion funds as regions which adopted Family Charters, which discriminate against LGBTI people and their families.

On 28 July, EC Commissioner Dalli announced the decision to stop funding applications of six Polish municipalities and cities who had applied for the twinning programme of the Europe for Citizens project, because they had adopted Family Rights Charters.

On 17 September, the EP [adopted](#) a resolution that names the ongoing discrimination against LGBTI people in Poland and condemns the arrests of Polish LGBTI human rights activists as well as the so-called ‘LGBT-free zones’. It calls on the Council and the Commission to use the Rule of law procedure under Article 7(1) TEU to its full potential by also addressing violations of fundamental rights including LGBTI rights.

In October, the European Parliament [adopted](#) a resolution on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights that calls for the systematic inclusion of violations of fundamental rights as set out in the Treaties, including LGBTI rights, into any rule of law procedures on EU level.

On 26 November, the European Parliament [adopted](#) a resolution on the situation of Fundamental Rights in the European Union for the years 2018 – 2019, addressing anti-LGBTI hate speech and hate crimes, as well as the shrinking space for human rights defenders and civil society. It also recalls that vulnerable groups of prisoners, including LGBTI prisoners, have special needs that need to be taken into account.

On 3 December, coinciding with the EU Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) meeting, 16 Member States came together upon the invitation of the Luxembourg minister for Family and Integration, to publicly [welcome](#) the EU LGBTIQ Equality Strategy.

FAMILY

In her state of the Union address in September in the European Parliament, EC President Ursula von der Leyen clearly [committed](#) to put forward legislation to ensure mutual recognition between EU Member States on parental relations. The commitment was included in the [EU LGBTIQ Strategy](#), and a legislative proposal was announced for 2022.





"If you are parent in one country, you are parent in every country." - Ursula von der Leyen, EC President, State of the Union Address

FOREIGN POLICY

On 25 November, the EU adopted the [Gender Action Plan III](#) – putting women and girls' rights at the heart of the global recovery for a gender-equal world. The Plan commits to an intersectional approach and states that it should be read in conjunction with the new EU LGBTIQ Equality Strategy. Its initiatives will be open to organisations and projects working at the cross section of LGBTIQ rights and women's rights, in order to protect LGBTIQ women in external relations.

HEALTH

In the frame of the [EU LGBTIQ Equality Strategy](#), the EC sets out to support intersectional research, including on health as well as encouraging member states to organise trainings for healthcare professionals in the care needs of LGBTIQ people, as well as ensuring mainstreaming of LGBTIQ rights in all health portfolios, like for example the [RU Beating Cancer Plan](#).

On 26 November, the European Parliament [adopted](#) a resolution on the de facto ban on the right to abortion in Poland. The text includes a specific mention of trans and non-binary people amongst most vulnerable groups disproportionately affected by limits and barriers in accessing sexual and reproductive rights.

LEGAL GENDER RECOGNITION

In August, the EC published the study [Legal gender recognition \(LGR\) in the EU](#). The study examines the relationship between the existence of LGR measures and the wellbeing of transgender people, as well as their socio-demographic and socio-economic position in society. The study recommends, among other things, that Member States implement fully human rights-compliant LGR mechanisms to ensure the protection of human rights of trans people.

