



European
Commission

Final Report 2015-2019

on the List of actions
to advance LGBTI equality

#EU4LGBTI

*Justice
and Consumers*



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Foreword

In 2015, the European Commission following a call by several Member States presented the *List of Actions to Advance LGBTI Equality*. This was the first ever Commission policy framework to specifically combat discrimination against lesbian, gay, bisexual, trans and intersex (LGBTI) people. The present report outlines the actions implemented in 2019 and reflects on the achievements, experiences and lessons learned from five years of dedicated policy work.

During these years, we have witnessed important steps forward regarding the rights of LGBTI people in the EU. A number of Member States recognise sexual orientation, gender identity, gender expression and sex characteristics as grounds that need protection against discrimination in all areas of life in their legislation. In addition, many have strengthened their legal recognition of same-gender couples, and some have introduced legal gender recognition procedures without any medical or other requirements.

In general, the situation for LGBTI people has improved, and many feel safe to openly express their sexuality and gender. Globally, the European Union is a front-runner on LGBTI equality and has become even more positive towards LGBTI equality. Indeed survey data show that 76% of respondents now believe that lesbian, gay, and bisexual people should have equal rights to heterosexual people. An increase of 5% when compared to 2015.

Nonetheless, according to a new dedicated LGBTI survey conducted in 2019 by the European Union Agency for Fundamental Rights, 42% of LGBTI people reportedly felt discriminated against in the year before the survey took place. A closely comparable survey in 2012 resulted in 37% of LGBT people reporting discrimination. And although on average the support for LGBTI equality in the EU went up with 5%, there were nevertheless nine Member States in which support went down.

More worryingly, we have recently witnessed within the EU anti-LGBTI incidents such as attacks on prides, the adoption of 'LGBTI ideology-free zone' declarations, fines for LGBTI-friendly advertisements and homophobic intimidations at carnival festivities. It can still be unsafe for LGBTI people to show affection when sitting in a café or walking hand-in-hand on the streets, to be open about their sexuality or gender among classmates and colleagues, or to simply be themselves without feeling threatened or being attacked.

Everybody in the European Union should feel safe and free to be themselves. This is in line with President von der Leyen's affirmation with her political guidelines, stating that "We need equality for all and equality in all of its senses".

I will work to see a European Union where sexual and gender diversity is celebrated as part of our collective richness, so that all people can be themselves without risk of violence, discrimination or exclusion. Therefore, my aim is to build on the success of the list of actions and to work hard to get the long overdue Equal Treatment Directive adopted. By the end of this year, I will also present an LGBTI+ strategy that will strengthen the Commission's and Member States' efforts to combat the discrimination of LGBTI+ people in the EU and beyond.

Introduction

In December 2015, the Commission presented the ‘List of actions to advance LGBTI equality’¹ to the Council and the European Parliament. This was its response to a European Parliament resolution² and a joint call from Member States to step up efforts to combat discrimination based on sexual orientation and gender identity. In its conclusions³ on LGBTI equality in June 2016, the Council called on the Commission to report on the implementation of the list of actions every year.

In February 2017, at a High-Level Ministerial Conference held under the Maltese Presidency of the EU, the Commission presented its first report covering 2016. A second report, covering 2017, was presented on 1 March 2018, Zero-Discrimination Day, at a meeting of the High-Level Group on Non-Discrimination, Equality and Diversity. A third report covering 2018 was presented at a meeting of the High-Level Group on Non-Discrimination, Equality and Diversity on 20 March 2019.



This fourth and final report summarises the measures taken by the Commission in 2019. Sections I - VI reflect the original list of actions, while section VII covers advancements made at the level of the Member States. In addition, a more extensive concluding section VIII is included that looks back at the progress made over the four years during which the Commission implemented the list of actions.

1 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality_en

2 <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0009+0+DOC+XML+V0//EN>

3 <https://www.consilium.europa.eu/en/press/press-releases/2016/06/16/epsco-conclusions-lgbti-equality/>

I.

Improving rights and ensuring legal protection of LGBTI people and their families in key areas of EU competence

The Commission continues to work with the Council presidencies to develop EU legislation so as to improve the lives of LGBTI people.

- **The proposed Equal Treatment Directive:** Adopting the horizontal Directive⁴, which would improve legal protection against discrimination for many lesbian, gay and bisexual people in the EU, remains a priority for the Commission. Accordingly, in 2019, the Commission continued to support the Council presidencies with the aim of reaching an agreement on it. The Finnish Presidency revived the discussions by organising a policy debate on non-discrimination at the Employment, Social Policy, Health and Consumer Affairs Council on 24 October 2019. The European Union Agency for Fundamental Rights, as well as Equinet and civil society organisations participated in the debate, which showed an overarching commitment of the Member States to fight discrimination as well as political support from many Member States for the Equal Treatment Directive. The debate also confirmed that unanimity has not yet been reached. There are concerns with regards to legal clarity, subsidiarity/proportionality and costs. Besides the proposed Equal Treatment Directive, existing EU equality legislation obliges the Member States to designate bodies responsible for promoting equal treatment on the grounds of racial origin and sex. On 18 and 19 June 2019, the European Commission organised together with Sweden a Good Practice Exchange Seminar within the High-Level Group on Non-discrimination, Equality and Diversity on how to best apply the 2018 Recommendation on standards for equality bodies.⁵ The Seminar identified directions for good practice for implementing certain parts of the Recommendation, including on the equality bodies' decision-making and advisory function, and also identified a will to pursue the further follow-up of the Recommendation.

- **Circulation of public documents:** On 16 February 2019, the regulation simplifying the circulation of certain public documents between EU Member States became applicable. The regulation aims to cut red tape and costs for citizens, including LGBTI citizens, who need to present to the authorities of a Member State a public document issued by the authorities of another Member State. For instance, the regulation helps same-sex couples to have public documents, such as a marriage certificate, accepted as

authentic in another Member State without the need for this document to bear an authentication stamp (the so-called apostille). However, the regulation does not provide for the recognition of the effects of the public documents, such as marriage certificates, presented in another Member State, which depends on the law of the receiving Member State. The regulation also introduces multilingual standard forms that citizens can request in order to avoid having to provide a translation of their public document. Since the regulation came into force, people, including LGBTI people, have been able to present public documents covered by the regulation without an authentication stamp and with their accompanying multilingual standard forms. Member State authorities have also started using the Internal Market Information System to check the authenticity of public documents when they have a doubt. The Commission and the Member States met within the Committee on Public Documents to discuss the application of the regulation. Discussions showed that Member State authorities are not yet fully familiar with the new provisions, so further training for authorities at national level is envisaged.

- **Property regimes of international couples:** On 29 January 2019, the regulations on the property regimes of international couples, including those that are in marriages and those in registered partnerships, came into force. These regulations aim to help couples to manage their property on a daily basis and to divide it in case of divorce or the death of one of their members. The regulations are gender neutral and thus apply to same-sex couples. The regulations were adopted under the procedure of enhanced cooperation and apply in 18 Member States (Sweden, Belgium, Greece, Croatia, Slovenia, Spain, France, Portugal, Italy, Malta, Luxembourg, Germany, Czechia, the Netherlands, Austria, Bulgaria, Finland and Cyprus). Since they came into force, the regulations have helped international couples to understand which law governs the management and division of their property and which court should resolve their disputes, and to have court decisions on property matters given in one Member State recognised and/or enforced in another Member State.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008PC0426&from=EN>

⁵ https://ec.europa.eu/info/sites/info/files/2_en_act_part1_v4.pdf

- **Asylum:** The reform of the Common European Asylum System (CEAS), proposed by the European Commission in 2016, which would improve the legal protection of applicants with special needs, including LGBTI applicants, was not concluded in 2019. The reform also needs to tackle the fact that, despite significantly increased cooperation at EU level, including as regards support from EU agencies, Member States' asylum, reception and return systems remain largely not harmonised. Pending this reform, recommendations are being developed with the help of the European Asylum Support Office (EASO) in order to support Member States to specifically take into consideration the fact that LGBTI applicants are more likely to have special reception needs. For instance, regarding reception facilities, or the need for medical and psychological treatment and care.

- **Media:** The Commission recognises the importance of encouraging and supporting an online culture that is inclusive and respectful of all EU citizens. Following the revision in 2018 of the Audiovisual Media Services Directive (AVMSD), all

people will be better protected from audiovisual content that incites hatred or violence, including on grounds of sexual orientation, whether online or on traditional TV. For instance, Member States have to ensure that video-sharing platforms take appropriate measures to protect users from such content. It is important to underline that the new obligations for these platforms do not constitute a limit to freedom of expression, as the envisaged measures do not require any prior general monitoring of content which would not comply with the E-commerce Directive. The AVMSD's provision on audiovisual commercial communications prohibiting any discrimination based on sexual orientation will also contribute to a fairer image of the LGBTI community. This standard will now apply to online video-sharing platforms when they commercialise advertising themselves. They will also have to include this standard in their terms and conditions so that it is respected by their users for the content they upload. The directive set 19 September 2020 as the deadline for transposition by the Member States.



Commissioner Jourová (5th from the left),
President of Austria Alexander Van der Bellen (3rd from the left)
and Mayor of Vienna Michael Ludwig (Center) at the EuroPride.

II.

Strong monitoring and enforcement of existing rights of LGBTI people and their families under EU law

The Commission ensures through its monitoring and enforcement of EU legislation that issues related to sexual orientation and gender identity are taken into consideration during the transposition and implementation of EU legislation.

- **Gender equality legislation:** The Commission continued to monitor the correct implementation of the existing gender equality legislation, which bans discrimination based on the grounds of sex, as interpreted by the case law of the Court of Justice of the European Union (CJEU). According to the CJEU, the principle of gender equality also applies to discrimination arising from a person's gender reassignment.⁶ In 2019 no new cases related to transgender or intersex persons were dealt with by the Court.

- **The Victims' Rights Directive:** The Directive contains a general obligation to ensure that all victims are recognised and treated in a respectful, sensitive, professional and non-discriminatory manner that takes account of their specific needs. LGBTI people can be particularly vulnerable to crimes committed with a bias or discriminatory motive related to their personal characteristics. To determine victims' needs on an individual basis, all victims must receive a timely and individual assessment to identify specific protection needs. The Commission is continuously monitoring the state of implementation of the Victims' Rights Directive in the Member States with a view to publishing an implementation report in 2020. This assessment involves examining such matters as national definitions of 'family members' to whom certain victims' rights apply, including the right to support and protection. This definition should include unmarried partners and it should apply to same-sex couples, regardless of the national legislation.

The Commission continues its efforts to ensure full implementation of the EU rules on victims' rights. As of December 2019, the Commission has opened infringement proceedings for incomplete transposition of the Victims' Rights Directive against 25 Member States. On 6 November 2019, the Commission organised a high-level experts meeting on the future of victims' rights, which gathered MEPs, national experts on victims' rights and representatives of civil society. The Commission also makes funding available to public and private organisations to support enhancement of the rights of victims of crime through the Justice Programme 2014 – 2020 and

its calls for proposals under this. Under the 2019 call, the Commission is funding a project which aims to contribute to the reparation of anti-LGBTI hate crimes, by guaranteeing victims' rights, through the promotion of restorative justice⁷ in the EU.

- **Asylum:** The Commission continued to monitor the transposition and application of EU asylum legislation by the Member States, including on the reception of vulnerable applicants. The European Asylum Support Office (EASO) training tools and modules on sexual orientation and gender identity (SOGI) remain available. The Country of Origin Information Reports published regularly by EASO continued paying attention to the situation of LGBTI people in countries of origin. In addition, EASO has issued three Country Guidances (Afghanistan, Iraq and Nigeria) representing a joint assessment between EASO and the Member States of the situation in a particular country of origin. These all include a dedicated chapter on LGBTI people as a group to be considered at risk of persecution or serious harm in the country of origin.

In 2019, the EASO Vulnerability Experts Network (VEN) continued its work, which aims to address crosscutting issues and support measures for various types of vulnerable applicants, including LGBTI people, in a holistic manner. It specifically worked on the development of the EASO Practical Tool on Vulnerability Assessment, which will cover inter alia LGBTI-related aspects. The VEN working group met twice in Malta, in order to define scope, format and content of the tool. In addition, on 11 July 2019, EASO organised a thematic meeting on gender-related persecution. The meeting gathered around 35 specialised civil society organisations (CSOs), and among the topics discussed in detail were harmful traditional practices as ground for asylum and reception conditions for LGBTI applicants.

6 See for example, cases C-13/94 P v S and Cornwall County Council, of 30 April 1996 and C-423/04, Richards v Secretary for Work and Pensions, of 27 April 2006.

7 In the Victims' Rights Directive restorative justice is defined as 'any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party'.

- **Free movement and cross border issues:** The follow-up of the Coman judgment⁸ was discussed at a meeting of the Member States' experts on free movement that took place on 13 May 2019. As preparation for the meeting, Member States were invited to provide information regarding the steps taken, if necessary, to comply with the judgement. According to the information received, the Member States considered that no change of legislation was required but that changes in their administrative practices were needed. In addition, the Commission requested a study from the Network of Academics on EU citizenship that includes developments linked to the Coman judgement in the Member States. The study will look at the possible developments since the Coman judgment in the Member States that do not provide any legal status for same-sex couples. It will refer to either legislative amendments or developments through case law. It is expected to point out remaining issues, such as the scope of the application of the Coman judgment, as well as remaining obstacles, such as in relation to transcriptions into national law of certificates of marriage and registered partnership.

In 2019, the Commission received several complaints about obstacles to free movement targeting LGBTI couples and families. The Commission entered into dialogue with the relevant

Member States in order to remove these obstacles. The complaints concern mainly residence rights for same-sex partners and the recognition of birth certificates of children born of same-sex couples in another Member State (with consequences on acquisition of nationality and/or the name of the child). As regards the recognition of the name of a child of a same sex couple: the Commission is in discussion with one Member State in view of obtaining adjustments to its legislation. The required amendments have been identified, but the relevant procedures are still to be launched. This issue arises when a Member State recognises only one of the two same-sex parents of a child born in another Member State. The family name of the child will then be the name of the recognised parent while in the Member State of birth, the child must bear the name of both parents if they are both recognised as such.

- **Employment:** The Commission continues to monitor the correct implementation of the Employment Equality Directive (Directive 2000/78) in the Member States. It closely follows relevant preliminary cases including case C-507/18 relating to a public announcement by a senior lawyer in Italy that he would not recruit homosexuals in his law firm. The Commission has started preparations for the third report on the application of the employment and race equality directives which is scheduled for the beginning of 2021. It is foreseen to actively involve Member States, civil society and all stakeholders concerned, including the FRA and social partners. A related questionnaire to the Member States was sent on 25 February 2020. The Commission has also launched, in May 2019, an information campaign⁹. The campaign has two strands: a general one raising awareness of the public of existing rules, rights and obligations in the non-discrimination area (including sexual orientation and the other grounds covered by the various directives), and a targeted one addressing employers and disability.



⁸ Judgment in Case C-673/16

⁹ <https://ec.europa.eu/social/EUvsDiscrimination>

III.

Reaching citizens, fostering diversity and non-discrimination

The Commission aims to improve the social acceptance of LGBTI people through awareness raising activities, and by setting the right example as an organisation.

- **Reaching citizens:** It has become a tradition for the Commission to mark the International Day Against Homophobia and Transphobia (IDAHOT, 17 May) with a strong symbolic statement in favour of LGBTI equality by illuminating its headquarters, the Berlaymont building, in the colours of the rainbow flag. In May 2019, the Commission participated to the IDAHOT Forum in Oslo organised by the Norwegian government and organised an event with stakeholders in Warsaw to mark the day. In the same month, staff of the EU institutions participated to the Belgian Pride. In early June, the Commission participated to the human rights conference of the Baltic Pride in Vilnius, Lithuania. In mid-June, the Commission was actively involved in the EuroPride in Vienna; it took part in the human rights conference and was clearly visible with its own float during the pride parade. The Commissioner for Justice, Consumers and Gender Equality, Věra Jourová, addressed the crowd at the Rathaus platz after the parade to stress the Commission's commitment to advancing LGBTI equality. The President of Austria, Alexander Van der Bellen, also addressed the crowd and was the first president of a country hosting the pride to do so.

A new awareness raising video¹⁰ was disseminated through social media. The video focused on the importance of supporting your friends when they are coming out. In addition, the #EU4LGBTI toolkit remained available for use by Commission representations and extra 'give-aways' like bracelets, removable tattoos, and pins were added. The five video testimonies, one for every letter of L-G-B-T-I, and the 'EUandME' video were also available. Many representations used all the available materials to mark IDAHOT and the national prides, and when meeting with stakeholders.

- **Fostering diversity and non-discrimination within the Commission:** In May 2019, the Commission organised an internal event (more than 120 participants) to mark the IDAHOT day. Throughout the year, the Commission's internal LGBTI contact point has actively participated in relevant networking events, conferences and meetings in order to obtain

appropriate human resources diversity and anti-discrimination policy contacts in the European private and public sectors to make effective LGBTI human resources related comparisons with other employers. The contact point has followed closely and intervened in several cases, offering practical support and advice to colleagues and/or their dependants on administrative information and medical reimbursements related to transgender equality. Furthermore, an amendment to the Commission Decision on Leave was tabled in order to formally include a new special leave 'to welcome a new-born into the household'. By codifying an existing practice, the revised decision will ensure, among others, legal certainty and equality for all staff members concerned, including LGBTI staff. This revised decision has been adopted on 16 March 2020 and will ensure that same-sex couples and opposite-sex couples receive equal amounts of leave when they welcome a new-born.



¹⁰ <https://audiovisual.ec.europa.eu/en/video/I-179040>

IV.

Supporting key actors responsible to promote and advance equal rights for LGBTI people in the EU

The Commission supports Member States, civil society and businesses in their efforts to combat discrimination and advance LGBTI equality.

• **Non-discrimination:** The Commissioner for Justice, Consumers and Gender Equality, Věra Jourová, presented the third annual report on the list of actions at the meeting of the High-Level Group on Non-Discrimination, Equality and Diversity held on 20 March 2019. On 23 and 24 September 2019, the Commission, together with the Finnish Presidency of the Council of the European Union, organised the conference 'Advancing LGBTI equality in the EU: from 2020 and beyond'. The purpose of the two-day event was to take stock of achievements made under the 'List of actions to advance LGBTI equality' and to discuss how to advance LGBTI equality in the years to come. At the conference, Commissioner Jourová warned that hatred against the LGBTI community was being exported into Europe, fuelled by old biases and the fear of losing traditional values. She highlighted key features of the list of actions, and stressed in particular the importance of ensuring legal protection, campaigning against prejudice, empowering equality bodies, using a smart combination of tools and working with relevant stakeholders. Dedicated workshops were organised to address the following topics:

- Hate crime and hate speech against LGBTI people
- Intersectionality and multiple discrimination
- Discrimination against transgender and intersex people
- LGBTI human rights in enlargement, neighbourhood and third countries
- LGBTI people and their families in cross-border situations
- The status of LGBTI civil society in the EU
- Access to education, health and employment for LGBTI people
- LGBTI asylum seekers

Commissioner Jourová briefed ministers and disseminated an information note¹¹ on the conference during the Employment, Social Policy, Health and Consumer Affairs Council on 24 October 2019.

Commissioner Jourová at the conference 'Advancing LGBTI equality in the EU: from 2020 and beyond'.



• **Hate crime and hate speech:** Through the High-Level Group on combating racism, xenophobia and other forms of intolerance¹², the Commission continued to support national authorities' efforts to improve responses to hate crime and hate speech, including of homophobic and transphobic nature. In 2019, the group agreed to create two additional working groups to assist national authorities implementing existing guidance in the area of hate crime training and support for hate crime victims. Moreover, based on the good progress made towards improving national methodologies for recording and collecting data on hate crimes, the FRA will continue its work with Member States through a new working group on hate crime recording, data collection and encouraging reporting. The group will aim to support Member States in improving their hate crime recording and data collection, including by developing tools and guidance, providing assistance to encourage reporting and strengthening cooperation in the reporting of such crimes.

The Code of Conduct agreed in May 2016 with leading IT companies continued to show progress in terms of countering the spread of illegal hate speech online, including of a homophobic and transphobic nature. Evaluations on the implementation of the code show that on average around 70% of the

¹¹ <https://data.consilium.europa.eu/doc/document/ST-13238-2019-INIT/en/pdf>

¹² https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025

content is removed and the large majority (nearly 90%) of the notifications are reviewed within the 24h time prescribed by the Code. The code has become an industry standard, as proven by the decision in 2018 and 2019 by Instagram, Google+, Snapchat, and Dailymotion to join the code, which now covers approximately 86% of the market share of online platforms in Europe. On 8 April 2019, the High-Level Expert Group on Artificial Intelligence presented Ethics Guidelines for Trustworthy Artificial Intelligence, for which fundamental rights, and particularly non-discrimination, form an important basis.

- **Education and Erasmus+:** The Commission has been active in the follow-up to the Paris Declaration of 2015 and the 2018 Council Recommendation on promoting common values, inclusive education and the European dimension of teaching. Some 200 projects dealing with LGBTI equality have so far been supported by Erasmus+. 36 new projects were started in 2019: six of them are large cooperation partnerships in schools and adult education and two are collaborative partnerships in sport. 17 of these projects extend their activities to non-EU countries. In the framework of Education and Training 2020, the working group on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education has held several successful peer-learning seminars involving Member State experts, national civil society organisations and international organisations such as ILGA Europe and IGLYO. In November 2019, the working group discussed issues related to LGBTI equality in education showcasing the actions of some Member States in this area (e.g. France). The working group will continue its activities with the active participation of civil society organisations.

- **Rights, Equality and Citizenship (REC) Programme:** Three networks promoting LGBTI equality received operating grants for a total amount of €1.6 million in 2019: ILGA-Europe (European Region of the International Lesbian,

Gay, Bisexual, Trans and Intersex Association), IGLYO (International Lesbian Gay Bisexual Transgender and Queer Youth and Student Organisation), and Transgender Europe. The Commission awarded action grants to be co-financed through the Rights, Equality and Citizenship programme to six projects focusing on advancing LGBTI equality. Civil society organisations in 14 Member States receive co-funding through these projects for a total amount of €1.7 million. More information on the projects is provided in Annex I.

- **Supporting businesses and inclusive workplaces:** The Commission promotes the inclusion of LGBTI people in the workplace by supporting the voluntary initiatives of Diversity Charters through an EU platform.¹³ In 2019, two new charters were launched in Latvia and Greece, bringing the total number of diversity charters in the EU to 24. More than 10,000 organisations covering over 15.3 million employees in the EU have now signed the 24 charters. They include companies, NGOs and public bodies. The EU Platform of Diversity Charters organised a seminar with the charters and their signatories on ‘LGBTI Inclusive Workplaces’ with panel discussions and testimonies to share good practices and learn from each other. In 2019, several charters also organised their own events and developed guides for employers dedicated to LGBTI inclusion. In Austria an LGBTIQ*-Advisory Board exists as part of the Viennese Chamber of Commerce, and Austrian charter members were



¹³ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/tackling-discrimination/diversity-management_en

involved in ‘the pink economic factor’ event. In Finland, a guide called ‘Rainbow people in working life and as costumers’ with practical tips for employers and service providers was developed. Finally, in Lithuania, for the first time, members of the Lithuanian diversity charter declared public support for the Baltic Pride. The charter took part in the March for Equality and supported Pride Week events.

- **Health:** The INTEGRATE¹⁴ joint action has focused on increasing integrated early diagnosis and linkage to prevention and care in EU countries for people from vulnerable groups (including LGBTI people) with HIV, viral hepatitis, tuberculosis and sexually transmitted infections (STIs). The 36-month project has 29 partners from 15 countries across Europe, 13 of which are EU Member States. In 2019, Croatian partner organisations took part in the spring testing week targeting men who have sex with men (MSM). Partners in Italy started piloting the availability of HIV self-tests and the usability of these tests among LGBTI people.

A pilot project in Spain started working on carrying out HIV testing for MSM, who report that they have taken part in sexual activity under the influence of drugs.

In 2017-2019, LGBTI people were represented by ILGA Europe in the now closed EU HIV/AIDS, Viral Hepatitis and Tuberculosis Civil Society Forum (CSF). The CSF was an informal consultation body on policy implementation for representatives of national health authorities in the EU, selected neighbouring non-EU countries and the Commission. The last meeting took place in June 2019. Since then, civil society organisations can contribute to policy discussions through the EU Health Policy Platform.¹⁵

The Commission closely followed the World Health Organisation’s process to complete the 11th Revision of the International Classification of Diseases (ICD-11) which was endorsed by WHO Member States on 25 May 2019 and will come into effect on 1 January 2022. ICD-11 reclassifies the former ‘gender identity disorder’ diagnosis as ‘gender incongruence’.

Participants of the conference ‘Advancing LGBTI equality in the EU: from 2020 and beyond’ highlight ‘Bi Visibility Day’.



14 https://webgate.ec.europa.eu/chafea_pdb/health/projects/761319/summary

15 <https://webgate.ec.europa.eu/hpfi/>

V.

Figures and facts for policy makers on LGBTI challenges in the EU: data collection and research activities

In 2019, the Commission took a number of measures to improve available figures and facts on LGBTI equality.

- **Eurobarometer:** On 23 September 2019, at the occasion of the conference ‘Advancing LGBTI equality in the EU: from 2020 and beyond’, the Commission presented the results of the Special Eurobarometer ‘Discrimination in the EU’. This included detailed data from the Member States on the social acceptance of LGBTI people and perceptions on discrimination based on sexual orientation, gender identity and sex characteristics¹⁶. According to the Eurobarometer, 76% of EU citizens now support LGBTI equality, compared to 71% in 2015. Nevertheless, in nine Member States this figure went down. Regarding transgender and intersex people, 59% of EU citizens agree that people should be able to change their civil documents to match their inner gender identity, and 46% believe that a third gender option like X or O should be available in public documents like passports and birth certificates. 71% of citizens agree that school lessons and material should include information regarding diversity in terms of sexual orientation, gender identity and/or sex characteristics.

- **FRA LGBTI Survey:** In May 2019, the European Union Agency for Fundamental Rights (FRA) launched an EU-wide LGBTI survey¹⁷, seven years after the first one. The survey collected information on experiences of discrimination and hate crime as well as the views of and challenges faced by lesbian, gay, bisexual, transgender and, for the first time, intersex people across the EU, North Macedonia and Serbia. The 2019 survey aims to assist the EU and Member States in their efforts to further strengthen legal and policy frameworks protecting the fundamental rights of LGBTI people. Comparing results with those from the previous survey will help to assess the effectiveness of policies and measures to combat discrimination and victimisation, and to promote equal participation in society.

- **Transgender people in the EU:** In 2019, the Commission ordered a study on the position of transgender people in the EU¹⁸. The study focusses on the social demographic and social economic position of transgender people in the EU and how inclusive legal gender recognition policy measures and practices across the

EU affect that position. It is based on a literature study, interviews with over 150 transgender people, an online consultation, quantitative analysis of existing data and an analysis of legal gender recognition legislation in the EU. TransgenderNI, ILGA Europe, Transgender Europe, FRA and independent experts have been part of the steering committee for the study.

- **Leave policies for non-traditional families:** On 12 August 2019, the Commission published a policy memo¹⁹ on leave policies and practice for non-traditional families. The memo provides an overview of the extent to which non-traditional families are taken into account by Member States in developing family leave policies. It provides an introduction to the access that parents in adoptive families, reconstituted families (families with step-parents and step-children), and families with same-sex parents have to different types of family leave.

- **Cross-border situations:** The Commission conducted a mapping of studies on the difficulties for LGBTI people in cross-border situations in the EU. The report²⁰ maps existing studies and research conducted so far by researchers and scholars working in this field in the EU.

- **Health research and data:** The European Surveys and Training to Improve MSM²¹ Community Health (ESTICOM) project conducted two online surveys to improve understanding of the behaviour of men who have sex with men (EMIS²²) and of the Community Healthcare Workers in contact with them (ECHOES²³). It published a comprehensive analysis of results in August 2019. In addition, it developed a specific training course for community healthcare workers working with men who have sex with men. A pilot training programme was carried out to test and evaluate the training material in different contexts and environments and help communities to plan, prepare and run national pilot trainings in their countries. In total, 19 national pilot trainings were conducted for community healthcare workers from 29 EU/EEA and neighbouring countries (including Russia). The training modules are available online²⁴ in 10 languages²⁵.

¹⁶ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/eurobarometer-social-acceptance-lgbti-people-eu-2019_en

¹⁷ <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

¹⁸ https://ec.europa.eu/info/publications/studies-and-research-lgbti-equality_en

¹⁹ <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8239&furtherPubs=yes>

²⁰ https://ec.europa.eu/info/publications/studies-and-research-lgbti-equality_en

²¹ Men who have sex with men.

²² <https://www.ecdc.europa.eu/en/publications-data/emis-2017-european-men-who-have-sex-men-internet-survey>

²³ https://www.esticom.eu/Webs/ESTICOM/EN/echoes/survey-report/survey-report-node.html?jsessionId=2A54A13E08BB225A3C22C80DE7B6AC12.1_cid363

²⁴ <https://www.msm-trainings.org>

²⁵ German, English, French, Greek, Spanish, Italian, Polish, Portuguese, Romanian and Russian

VI.

External action: LGBTI Equality in Enlargement, Neighbourhood and Third countries

Besides advancing LGBTI equality within the EU, the list of actions also commits the Commission to taking action internationally and advancing LGBTI equality worldwide.

- **Enlargement and European neighbourhood countries:** Non-discrimination, including on the grounds of sexual orientation and gender identity, is a priority in the EU's enlargement policy, including in the context of accession negotiations and the stabilisation and association process. The Commission issued its latest assessment on the rights of LGBTI people in each enlargement country in May 2019 as part of the enlargement package country reports. In the margins of the conference on 'Advancing LGBTI equality in the EU: from 2020 and beyond', a joint European Commission-World Bank roundtable was held on 23 September 2019 to strengthen LGBTI inclusion in the Western Balkans. This meeting brought together government representatives from Kosovo, Montenegro, North Macedonia, and Serbia, as well as LGBTI civil society organisations from the region and other development partners. The EU also provided support to the regional LGBTI Equal Rights Association for Western Balkans and Turkey (ERA) conference that took place on 7-9 November 2019 in Albania.

For countries under the European Neighbourhood Policy, in 2019 the EU addressed the rights of LGBTI people in political and human rights dialogues. Throughout 2019, meetings with CSOs working to promote the rights of LGBTI people took place at the EU's headquarters and its delegations in both southern and eastern neighbourhood countries. EU financial assistance continued to support CSOs to combat discrimination, including against LGBTI people, and to protect and support the work of LGBTI human rights defenders. The EU specifically funded a regional LGBTI conference on 27-29 September 2019, gathering activists and civil society organisations from the broader Middle East and North Africa regions, and international donors.

- **Non-EU countries:** Through a combination of political and human rights dialogues, awareness-raising activities, and financial assistance the EU continued to implement the 'EU Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons'²⁶ in 2019. The EU has continued to promote the principles of equality and non-discrimination in UN forums by using the mandates focusing on violence and discrimination to

support UN work in this area. A specific side-event to the Commission on the Status of Women (CSW) on the equality of transgender people was organised in March. A Declaration by the High Representative/Vice President, Federica Mogherini, made on behalf of the European Union, was issued on 17 May 2019 and all EU delegations were encouraged to mark the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) publicly. Around 50 EU delegations raised the rainbow flag to draw the attention of policymakers, opinion leaders, social movements, the general public and media to the violence and discrimination experienced by LGBTI people internationally. The Commission also participated in the "Free To Be Me" Facebook live event organised with ILGA Europe and Synergia to celebrate IDAHOT. In addition, the Commission gave extra support to the ILGA Europe Annual LGBTI Conference, which took place in Prague in October 2019, by bringing LGBTI human rights defenders from outside the EU to the conference, mainly from the Caucasus and Central Asia. On 24 and 25 October 2019, a seminar to promote LGBTI human rights was organised in Taipei, bringing together more than 150 government officials and civil society representatives from more than 30 countries in the region. The EU has voiced concerns in relation to violence against LGBTI people most recently through a statement by the spokesperson on the sentencing of five men to caning in Malaysia on 11 November 2019.

The EU believes in promoting stronger partnerships with local organisations working on the human rights of LGBTI people by hosting debates/seminars and by endorsing cultural events, conferences and social projects. During 2019, the EU continued to be among the world's top 5 donors of support to LGBTI civil society organisations. In 2018, Lot 1 of the European Instrument for Democracy and Human Rights (EIDHR) Global Call for Proposals was dedicated to supporting LGBTI human rights defenders and their organisations working in areas where LGBTI people are most at risk of discrimination. The evaluation of project proposals took place in 2019; five projects covering all parts of the world were selected for a total contribution of €8.7 million.

26 <http://data.consilium.europa.eu/doc/document/ST-11492-2013-INIT/en/pdf>

VII.

Advancements at the level of the Member States

As a number of actions have an impact at Member State level, a table is included with information on the following 15 questions:

1. Does the Member State participate in the enhanced cooperation on the two regulations on property regimes of international couples?
2. Is there a Diversity Charter in the Member State?
3. Did the Commission awarded funding in 2019 to a Rights, Equality and Citizenship (REC) programme project in the Member State to combat discrimination, hatred and intolerance against LGBTI people?
4. Has in the Member State an Erasmus+ project been granted funding in 2019 to combat discrimination of LGBTI people and promote tolerance?
5. Did the Member State attend the exchange on good practices on equality bodies in 2019?
6. Does the Member State have a specific LGBTI action plan/policy that is being implemented? Either as a stand-alone action plan/policy, or as a significant part of a broader non-discrimination action plan/policy?
7. Did a meeting at the political level (minister or state secretary) between the government and main CSOs combating the discrimination against LGBTI people take place in 2019?
8. Did the Member State financially support one of the main CSOs in the country to combat the discrimination of LGBTI people in 2019?
9. Does the Member State have an (in)formal regular (at least once a year) meeting between at least three ministries (can be at policy officers level) to effectively coordinate LGBTI policies in the government?
10. Is the Member State a member of the European Governmental LGBTI focal points network?
11. Is the Member State a member of the intergovernmental Equal Rights Coalition (ERC) that is active at the global level?
12. Is **sexual orientation** covered as a grounds for discrimination in national equality legislation protecting against discrimination outside the area of employment? This could be in (one of) the following areas: education, goods and services, social protection and/or social advantages.
13. Is **gender identity** covered as an explicitly mentioned grounds for discrimination in national equality legislation protecting against discrimination? This could be in (one of) the following areas: employment, education, goods and services, social protection and/or social advantages.
14. Is **sex characteristics** covered as an explicitly mentioned grounds for discrimination in national equality legislation protecting against discrimination? This could be in (one of) the following areas: employment, education, goods and services, social protection and/or social advantages.
15. Does a binary gender recognition procedure exists in the Member State, without medical requirements (sterilisation or surgery) or the need for a medical diagnosis?

The results for questions 1 - 5 are based on information gathered internally by the Commission, while the results for questions 6 - 11 are based on reporting by individual Member States. The results for questions 11 - 15 are based on information provided by the independent European network of legal experts in gender equality and non-discrimination.

As the table shows, the Commission's actions have had an effect in most Member States. A total of 18

Member States have joined the enhanced cooperation on property regimes of international couples, while 17 took part in the good practice exchange on multiple discrimination. Twenty-four now have a Diversity Charter to encourage businesses to advance equality. In 2019, the Commission awarded funding through the 'Rights, Equality and Citizenship' programme to projects advancing LGBTI equality covering 14 Member States. Through the Erasmus+ programme, the Commission awarded funding to projects in 28 Member States.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Participates in cooperation on property regimes	Diversity Charter exists	Rights, Equality and Citizenship project has been awarded in 2019	Erasmus+ project has been awarded in 2019	Participated in exchange on good practices on equality on equality bodies	LGBTI equality action plan/policy	Met with LGBTI CSOs at the political level in 2019	Financially supported LGBTI CSOs in 2019	Coordination meeting between ministries in the government to advance LGBTI equality took place	Member of the European Governmental LGBTI focal points network	Member of the Equal Rights Coalition at global level	Sexual orientation is a ground covered beyond the area of employment in equality legislation	Gender identity covered in equality legislation	Sex characteristics covered in equality legislation	A binary gender recognition procedure without medical requirements exists
EU MS															
BE	●	●	●	●	●	●	●	●	●	●	●	●	●		●
BG	●		●	●								●			
CZ	●	●		●	●		●			●	●	●	●		
DK		●		●		●	●	●	●	●	●	●			●
DE	●	●		●		●	●	●		●	●	●			
EE		●		●	●		●	●		●	●	●			
IE		●		●		●	●	●	●	●	●	●			●
EL	●	●	●	●	●	●	●	●	●	●	●	●		●	●
ES	●	●	●	●			●	●	●	●	●	●			
FR	●	●	●	●		●	●	●	●	●	●	●	●	●	●
HR	●	●		●	●		●	●	●	●		●			
IT	●	●		●		●	●	●	●	●	●				
CY	●		●	●		●	●	●	●	●					
LV		●	●	●						●		●			
LT		●	●	●	●		●	●	●	●	●	●			●
LU	●	●		●		●	●	●	●	●	●	●			
HU		●		●	●		●	●	●	●		●			
MT	●		●	●	●	●	●	●	●	●	●	●	●	●	●
NL	●	●		●	●	●	●	●	●	●	●	●	●	●	●
AT	●	●		●	●		●	●	●	●	●	●			
PL		●		●	●					●					
PT	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
RO		●	●	●								●			
SI	●	●		●	●		●			●	●	●	●	●	
SK		●		●	●		●	●	●	●	●	●	●	●	
FI	●	●		●	●		●	●	●	●	●	●	●	●	
SE	●	●		●	●		●	●	●	●	●	●	●	●	
Total EU 27	18	24	14	27	16	13	23	20	19	21	19	23	13	7	9
UK*				●	●	●	●	●	●	●	●	●			
Other															
NO						●	●	●	●	●	●	●			●

* The United Kingdom left the European Union on 31 January 2020.

Most Member States are implementing policies to advance LGBTI equality. Fourteen Member States reported having a specific action plan/policy to combat the discrimination of LGBTI people. Twenty-four reported having a political level dialogue with representatives of the LGBTI community and 21 reported having given financial support to CSOs that combat discrimination against LGBTI people. A total of 20 Member States reported having an internal coordination meeting with different responsible ministries to coordinate LGBTI equality policies inside the government. Twenty-two Member States reported being a member of the European Governmental LGBTI focal points network, while 20 reported being a member of the Equal Rights Coalition.

In 24 Member States, the national equality and non-discrimination legislation to protect against discrimination based on sexual orientation goes beyond the area of employment as required by EU law. 13 Member States explicitly mention gender identity as grounds for discrimination in their equality legislation, while another 7 Member States also explicitly mention sex characteristics in their legislation. Finally, nine Member States have a binary gender recognition procedure that includes no medical requirements such as sterilisation or surgery or the need for a medical diagnosis.

VIII.

Achievements and reflections on implementing the list of actions

Reflections on the results of the Eurobarometer and the second FRA LGBTI survey show that the perceptions on LGBTI equality and the discrimination LGBTI people experience vary widely across the EU. According to the Eurobarometer, the support in the EU for LGBTI equality increased from on average 71% of EU citizens in 2015 to 76% in 2019. However, the support ranges from 31% of citizens in Slovakia to 98% in Sweden. The above also means that 1 in 4 citizens in the EU still do not fully support equality regardless of a person's sexual orientation, gender identity or sex characteristics, and that in some Member States, even 2 out of 3 citizens do not fully support equality. In addition, according to the FRA LGBTI survey, 42% of LGBTI persons²⁷ in the EU felt discriminated against in the year before the survey took place in at least one area of life. The differences between the Member States range from 31% in Finland to 55% in Lithuania.

Overall, LGBTI people seem to report lower levels of discrimination in Member States where the support for LGBTI equality is higher and where stronger legal protection and enforcement exists. Nevertheless, also in Member States where the support for LGBTI equality is high, 1 in 3 LGBTI individuals report to have been discriminated against in the year before the survey took place, which shows that discrimination is an EU wide problem. The 'List of actions to advance LGBTI equality', presented in December 2015, was the first policy by the Commission to specifically address this problem. The below section provides a reflection on what has been achieved since it was presented and looks at possible directions to combat the discrimination of LGBTI people in the future.

1. Improving rights and ensuring legal protection

Over the past years, the Commission worked closely with the Member States in order to support the adoption of key legislation for LGBTI people at EU level. An important achievement was the adoption in 2018 of the revised Audiovisual Media Services Directive (AVMSD), which stepped up the fight against hate speech against LGBTI people by including a ban to incitement to hatred and hate crime, including on the grounds of sexual orientation.

Another achievement is related to reducing the difficulties that citizens, including LGBTI citizens, face when exercising their right to free movement. The EU adopted regulations simplifying the circulation of public documents and on the property regimes of international couples that also apply to same-sex couples. Despite this progress, this does not mean that all Member States now recognise same-sex marriage or registered partnership records from other Member States. LGBTI people still face a legal patchwork regarding the recognition of their public documents, and this might influence their choices of where to live, study and work in the EU.

Finally, in many Member States, sexual orientation, gender identity and sex characteristics are grounds of discrimination that are not yet covered in all areas of legislation, such as education, social protection and access to goods and services, to protect against discrimination. Regarding sexual orientation, the Commission specifically aimed to address this gap by its continuous support to Member States to adopt the proposal for a horizontal Equal Treatment Directive. However, despite intense efforts by the Commission, unanimous agreement has not yet been reached.

2. Monitoring and enforcement of existing rights

As part of the list of actions the Commission has closely monitored the rights of LGBTI people and their families under EU law in areas such as asylum, gender equality, employment, victims' rights, and free movement, and supported the correct implementation and application by the Member States of it. Existing rights have also been clarified and safeguarded by the Court of Justice of the European Union (CJEU), in particular through its case law. In recent years, the Court confirmed once more that gender reassignment²⁸ falls under the scope of EU gender equality legislation, and it clarified how expert reports on the sexual orientation of an asylum seeker can be used, while ensuring that the asylum seeker's fundamental rights are respected²⁹. In addition, in the 'Coman case'³⁰ the Court clarified that the term 'spouse' used in the Free Movement Directive also applies to a person of the same sex as the EU citizen to whom he or she is married.

²⁷ From 15 years old and above in the EU 28.

²⁸ Case C-451/16, MB v Secretary of State for Work and Pensions, of 26 June 2018, and earlier cases C-13/94 P v S and Cornwall County Council, of 30 April 1996 and C-423/04, Richards v Secretary for Work and Pensions, of 27 April 2006.

²⁹ Case C-473/16, F v Bevándorlási és Állampolgársági Hivatal.

³⁰ Case C-673/16, Coman and Others, of 5 June 2018.

Correct implementation and strong monitoring and enforcement of existing legislation is as important as adopting new legislation to improve the rights of LGBTI people under EU law. The European Commission will continue to be the Guardian of the Treaties with the help of ‘watch dogs’ in the field, such as civil society organisations, equality bodies, and other stakeholders to ensure EU law is applied equally to all, including LGBTI people.

3. Reaching citizens and fostering diversity and non-discrimination

As part of the list of actions, the Commission developed a communication campaign to improve the social acceptance of LGBTI people, to combat negative stereotypes, and to raise awareness about the rights of LGBTI people. Major achievements include the yearly EU-level awareness raising activities that include the lightening of the Berlaymont building in the colours of the rainbow flag, the organisation of LGBTI-events in the Member States, the participation to prides, and the development of videos and their active promotion on social media³¹ in Member States with lower levels of social acceptance of LGBTI people. The ‘Excellence in communications’ award that the Commission received from the European Ombudsman for its ‘#EU4LGBTI toolkit’ was an acknowledgement of the Commission’s dedication to raise awareness on this topic. Finally, the Commission also set an example as an employer by adopting the Communication on Diversity and Inclusion that included specific actions to address LGBTI equality.

Reaching citizens, and entering into dialogue with those who are less supportive to the rights of LGBTI people is needed to further increase support for LGBTI equality. It is therefore important to continue raising awareness about the real meaning of equality and the right not to be discriminated. In the coming years it will be important to build on the above communication actions and specifically reach those groups in society where support for equality in general, and LGBTI equality specifically, is the lowest.

4. Supporting key actors: Member States, civil society and businesses

The Commission cannot combat discrimination alone. As part of the list of actions it actively supported the Member States, civil society organisations (CSOs) and businesses to effectively combat discrimination, hate speech and hate crime. The Commission supported

the Member States through a number of high-level groups, by organising good practices exchanges, and by sharing knowledge and conducting research. CSOs were supported at EU level and at the national level through the Rights, Equality and Citizenship programme to combat the discrimination of LGBTI people. European LGBTI civil society organisations annually received an estimated €1.6 million in operating grants. Through project grants, annually, on average €2.1 million was awarded to civil society organisations at the national level. In addition, over 200 projects dealing with LGBTI equality have been supported by the Erasmus+ programme. To foster diversity at the workplace the Commission has supported the development of Diversity Charters, which now have been established in 24 Member States, compared to 15 in 2015. In 2017, 27% of the companies that signed a charter reported to focus on sexual orientation in their diversity initiatives, which was 11 percentage points higher than in 2013.

The European Commission will continue to work closely with all stakeholders. It will strengthen cooperation with Member States and encourage them to strengthen their policies and legislation to combat the discrimination of LGBTI people. It will continue supporting civil society organisations so that they can keep working in an enabling environment in which they can contribute to legislative proposals and policy developments, and have adequate financial support to ensure continuity of their operations. Finally, the Commission will continue to work with the private sector to foster diversity management and make sure that the workplace remains inclusive for all.

5. Figures and facts

The development of figures and facts was an important part of the list of actions to support evidence-based policy making to advance LGBTI equality. Over the years, the Commission and the FRA carried out a substantial number of studies and surveys to improve the available data and research on LGBTI equality. These studies and surveys focused on the general population’s views on LGBTI equality³², on experienced discrimination by LGBTI people³³, on the rights of transgender and intersex people³⁴, bullying in education³⁵, discrimination in healthcare³⁶ and many other topics. However, the Eurobarometer on Discrimination and the FRA LGBTI survey are currently the only surveys that ensure a vast amount of data on LGBTI equality that is comparable over time and between the Member States. It is important that these types of surveys are continued and that data on LGBTI equality is collected at regular intervals.

31 https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=605456

32 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/eurobarometer-social-acceptance-lgbti-people-eu-2019_en

33 <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

34 https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=638586

35 https://insetweb.eu/wp-content/uploads/2019/06/NESET-II_Bullying-Report.pdf

36 https://ec.europa.eu/health/social_determinants/projects/ep_funded_projects_en#fragment2

The Commission established a subgroup to the High-Level Group on Non-Discrimination, Equality and Diversity to support Member States to improve their equality data collection, including on LGBTI equality. However, due to the persistent sensitivity, background questions on an individual's sexual orientation, gender identity and sex characteristics are usually not mainstreamed in surveys on other topics than equality, while it is most often not perceived to be sensitive to ask respondents to surveys about their gender, ethnicity, social status or other background characteristics. Less data on LGBTI people remains therefore available compared to some other groups in society. In the future, Member States need to be supported to improve their equality data collection in such a way that LGBTI related questions can be mainstreamed in other surveys, methodologies are being aligned and their use coordinated so that more data becomes available and better comparable. These developments need to be supported, while fully taking into account the need to protect the privacy of all individuals taking part in surveys and studies.

6. External action

As part of the list of actions, the Commission and EEAS implemented the guidelines³⁷ to promote and protect the human rights of LGBTI people in enlargement, neighbourhood and third countries. The EU advocated for the rights of LGBTI people in multilateral forums like the United Nations and in political and human rights dialogues with non-EU countries. Reporting on threats against LGBTI people has been improved through the inclusion of non-discrimination as a component of the human rights and democracy strategies, and an assessment of the rights of LGBTI people has been part of the enlargement package country reports. LGBTI human rights defenders were supported through the European Instrument for Democracy and Human Rights.

Nevertheless, internationally the picture of developments in improving the rights of LGBTI people varies. While we often see progress in the countries where LGBTI equality is not criminalised, for instance by the introduction of non-discrimination legislation and legal recognition for same-sex couples, the number of countries that criminalise same-sex activities is not substantially decreasing. A number of grave abuses of the human rights of LGBTI people have taken place in recent years, with the events in Chechnya as horrible example of how quickly the living circumstances for LGBTI people can deteriorate. The publication of the list of actions meant an improvement of the EU's internal-external policy coherence, which consequently led to a strengthened credibility of the EU's message worldwide to protect the human rights of LGBTI

people. The continuation of strong internal and external policies in the coming years will remain crucial for the EU to play a leadership role worldwide and to decrease the number of countries that criminalise LGBTI people and violate their human rights.

Looking forward

The year 2019, as closing year of the list of actions, signalled the moment to start looking forward to discuss possible directions to effectively combat the discrimination of LGBTI people in the future. In her political guidelines³⁸, President von der Leyen stressed the importance of equality. She aspires 'living in a society where you can be who you are, live where you like, love who you want and aim as high as you want', and noted that 'a prosperous and social Europe depends on us all. We need equality for all and equality in all of its senses.' She appointed a first ever Commissioner for Equality with the task to strengthen Europe's commitment to inclusion and equality in all of its senses and created a Task Force for equality to support this work.

The conference 'Advancing LGBTI equality in the EU: from 2020 and beyond', represented the starting point for discussions with Member States, Members of the European Parliament, civil society organisations, academics and other stakeholders. Many participants agreed that there is a need for an EU wide strategy to advance LGBTI equality. In this context, the Commission Work Programme that was adopted on 29 January 2020 includes the development of a dedicated strategy that shall aim to combat the discrimination of LGBTI people in the EU. The Commission will build on the outcomes of the conference, the results of the Eurobarometer, and on the second FRA LGBTI survey to develop the strategy.

A new strategy should aim to further improve the social acceptance of LGBTI people and decrease the level of discrimination they experience. The Commission is currently reflecting on how to develop the strategy, but a number of important points for consideration based on the work with the list of actions can be outlined as follows:

- The Commission should aim to increase the engagement of the Member States, while fully respecting their competences and taking into account differences with regard to their legal instruments to combat discrimination. As part of the strategy, the Commission should foster mutual exchange between the Member States to develop measures to ensure LGBTI equality.

³⁷ https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137584.pdf

³⁸ https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

- Participation of civil society organisations should constitute a pillar of the strategy. Cooperation with civil society organisations is important to improve policies and legislation and to support developments in the Member States. The Commission should encourage Member States to engage in regular dialogue with national civil society organisations at the political level.

- To increase the support for LGBTI equality, awareness raising activities should focus specifically on those groups in society that are indifferent towards it. These groups need to be reached with an inclusive message that shows that equality is not a zero-sum game. Nobody loses out when everyone can enjoy the same rights in the same way. Equality is for all, and innovative ideas need to be developed to get that message across.

The list of actions was appreciated by many stakeholders and seen as an important step forward, because it was the first Commission policy specifically focusing on advancing LGBTI equality. The new strategy should build on the achievements of the list of actions and should further facilitate cooperation with Member States, the European Parliament and civil society organisations.

Annex I: Projects awarded and supported through the Rights, Equality and Citizenship programme and Erasmus+ programme in 2019

Rights, Equality and Citizenship programme projects awarded in 2019:

In 2019, the following projects were awarded through the Rights, Equality and Citizenship programme to combat the discrimination of LGBTI people:

WORKPLACE WELL-BEING AND RISK ASSESSMENT FOR LGBTI EMPLOYEES	
Coordinator: CAVARIA VZW (BE)	
Participants: BE, PT, BG	
<p>The project deals with the wellbeing and discrimination of employees that are LGBTI. Most people, including LGBTI people, spend quite a lot of their adult life at the workplace. The European Union issued legislation to ensure that workers' health and safety is taken care of. In the directive on health and safety in the workplace, health is seen as a broad concept that includes stress and well-being related to specific risks. Research has shown that LGBTI people face specific risks in the workplace such as discrimination and intolerance that influence their well-being. These risks are related to their sexual and gender identity. There is however an aspect clearly missing. Up until now diversity management in the workplace has been a voluntary act, mainly taken up by large multinationals or governmental organizations. However, if you take the approach of safety and health at work as it has been</p>	<p>taken up in European legislation and you recognize that LGBTI people are a group at specific risks, it is necessary for every employer to take this issue seriously. And so there is a clear need for: 1) Tackling discrimination and health risks for employees that are LGBTI. 2) Awareness raising of employers on the Council Directive 89/391/EEC, Safety and Health and diversity management benefits and business risks related to the mental health and well-being of employees. 3) Instruments that assist employers and prevention workers in assessing the risks for the well-being of LGBTI employees and implementing the directive on Safety and Health. 4) A toolbox customized specifically for employers and prevention workers identifying and collecting best practices on preventing risks by creating inclusive workplaces.</p>
Implementation period: 01-10-2019 - 30-09-2021	
Total grant: 249 780.80 EUR	
TRANSFORM: RAISING STANDARDS OF HEALTH CARE SERVICE PROVISION FOR LGBTIQ PEOPLE	
Coordinator: Ministry for European Affairs and Equality (MT)	
Participants: MT, BE	
<p>The objectives of the project are to:</p> <ul style="list-style-type: none"> - Ensure LGBTIQ persons enjoy equal access to health services by enhancing the capacity of those involved in mainstream healthcare provision - Enhance the capacity of health practitioners to meet the specific health needs of trans persons - Provide resources that inform LGBTIQ patients of their rights and raise awareness on health risks and signpost healthcare services as being LGBTIQ inclusive <p>To achieve the objectives the following activities will be implemented:</p> <ul style="list-style-type: none"> - Train-the-trainer course on LGBTIQ issues for managers and practice nurses - Training to health practitioners on mitigating health inequalities experienced by LGBTIQ persons - Equal access to healthcare through capacity building 	<ul style="list-style-type: none"> - of GPs for trans patients - Specialised training for emergency staff in dealing with trans patients - Sensitivity training on LGBTIQ issues to reception staff of healthcare sector - Adapt and domestically publish https://transgenderzorg.be/ as a reference point on trans healthcare - Exchange of good practices in trans-specific healthcare between the multidisciplinary team (MDT) of the Gender Wellbeing Clinic (GWC) and the Gender Team (GT) of Ghent University Hospital (GUH) - Signpost healthcare services as inclusive spaces for LGBTIQ persons - Raise awareness on available health services and health risks experienced by LGBTIQ persons
Implementation period: 01-11-2019 - 31-10-2021	
Total grant: 197 233.52 EUR	

ENDSOGIDISC

Coordinator: COUNCIL OF EUROPE (FR)

Participants: FR, LT, RO, IT

The project will combat discrimination on the grounds of sexual orientation and gender identity in Italy, Lithuania and Romania through three specific objectives:

1. Improved legal framework in line with the Council of Europe and European Union standards;
2. Strengthened capacity to implement European and national standards;
3. Increased awareness on the negative impact of rights violations experienced by LGBTI persons.

The expected results include:

- Gaps will be identified in national legal framework on non-discrimination of LGBTI persons
- National stakeholders identify priority areas
- Draft provisions are elaborated reflecting CoE and EU standards

- Knowledge of participants on regional human rights standards is improved and skills are strengthened
- National authorities and civil society from 3 countries exchange on challenges and good practices
- Population is aware of negative impact of human rights violations of LGBTI persons

The following number of persons are expected to benefit from the project:

At least the 6% self-identified LGBT persons in the EU (Dalia Research, 2016 survey), translating to 3,636,000 in Italy, 1,183,000 in Romania, and 169,000 in Lithuania; representatives of national authorities and legal professionals, approx. 200; members of the general public, approx. 180,000

Implementation period: 01-08-2019 – 31-01-2021

Total grant: 232 508.42 EUR

Kick-off meeting of project 'R.I.S.E.'



RAISING AWARENESS FOR INCLUSIVE SOCIETIES TO EMBRACE RAINBOW FAMILIES IN EUROPE (R.I.S.E)

Coordinator: LIETUVOS GEJU LYGA ASOCIACIJA (LT)

Participants: LT, LV, PL, RO, BG, SK

The R.I.S.E project has emerged from the partners' drive to (1) challenge de-facto recognition of LGBT families' rights in Lithuania, Latvia, Poland, Romania, Bulgaria and Slovakia through promoting diversity and improving social acceptance of LGBT families and (2) to ensure the full enjoyment of rights to respect for family life and freedom of movement within the EU of LGBT citizens, by increasing civic understanding on consequences of existing national legislation in socio-economic conditions and quality of life of same sex couples.

The expected results are:

- Increased awareness on non-discriminatory portrayal of LGBT families among the general population;
- Improved knowledge of government stakeholders on quality of life of LGBT families;
- Strengthened LGBT people on the right to respect for family life and free movement for LGBTI families;
- Increased support from the LGBTI community and allies on same-sex couple issues.

Implementation period: 02-09-2019 – 01-09-2021

Total grant: 248 175.33 EUR

RAINBOW SHIELD: ENHANCING THE LEGAL PROTECTION OF LGBTI PEOPLE IN BULGARIA

Coordinator: MLADJKA LGBT ORGANIZACIJA DEYSTVIE (BG)

Participants: BG, RO, BE

The Rainbow Shield project aims to enhance the legal protection of LGBTI people in Bulgaria. The specific objectives of the project are:

- To expand the scope of legal practitioners prepared to deal with LGBTI cases and enhance their expertise in doing so;
- To provide possibilities for effective handling of discrimination and other LGBTI rights violations in a holistic way, including legal advice, litigation, psychological support and media preparation;
- To raise awareness among the LGBTI community about possibilities for legal protection in cases of

discrimination and other violations of their rights and increase cases of reporting;

- To test and disseminate best practices of civil society organisations of enhancing legal protection of LGBTI people around Europe.

The activities included are trainings and networking among legal practitioners, an international study visit, the launch and running of a holistic legal program, a campaign within the LGBTI community, the training of LGBTI community leaders, community events, and an international conference

Implementation period: 01-08-2019 - 31-07-2021

Total grant: 115 821.08 EUR

BRINKITON

Coordinator: RESURSEN TSENTSAR BILITIS (BG)

Participants: BG

The overall aim of the project is to improve the social acceptance of LGBTI people in Bulgaria. The specific objectives are:

- To identify and analyse the trends and societal perceptions regarding LGBTI people by conducting research.
- To build the capacity of the LGBTI movement for strategic planning by exchanging knowledge with EU experts in the field.
- To develop the first LGBTI Strategic Framework and Action Plan in Bulgaria.
- To empower the LGBTI community and its allies and mobilise support for change.

Expected results are:

- The trends and societal perceptions regarding LGBTI people are researched and identified;
- The capacity of the LGBTI movement for strategic planning development has been increased;
- Design and development of the first LGBTI Strategic Framework and Action Plan in Bulgaria to fight against discrimination and to promote equality and diversity in society;
- The members of the LGBTI community and its allies are mobilized and empowered;
- Contributed to the implementation of the LGBTI List of Actions, more specifically Action 4 and Action 5.

Implementation period: 01-07-2019 - 30-06-2021

Total grant: 165 152.36 EUR



Kick-off meeting of project 'Transform'.

STRENGTHENING LGBTQI+'S VOICE IN POLITICS

Coordinator: KENTRO MERIMNAS OIKOGENEIAS KAI PAIDIOU (EL)

Participants: EL, IT, CY

The objectives of the project are:

- Contribute to the inclusion of LGBTQI+ people in political decision-making processes in Greece, Cyprus, Italy

Specific:

- Co-creation of a shared vision regarding LGBTQI+ inclusion in politics
- Increase LGBTQI+'s participation in political decision-making
- Create and strengthen national/international networks for LGBTQI+ individuals interested in participating in the political decision making processes
- Raise awareness about misconceptions regarding LGBTQI+ rights, LGBTQI+ experiences of discrimination and the importance of including minorities in political decision-making processes

- Create an action plan for policy change for an LGBTQI+ inclusive society

The expected results are:

- Enhanced participation of the LGBTQI+ community in political decision making
- Increased engagement of relevant political decision making actors for the establishment of LGBTQI+ rights
- Empowered LGBTQI+ individuals to participate in political decision-making processes
- Increased awareness of LGBTQI+ rights and the importance of including minorities, such as the LGBTQI+ community, in the political discourse
- Increased awareness amongst relevant stakeholders and civil society of gender equality issues

Implementation period: 01-11-2019 - 31-10-2021

Total grant: 239 947.93 EUR

OPEN DOORS: PROMOTING INCLUSIVE AND COMPETENT HEALTH CARE FOR LGBTI PEOPLE

Coordinator: HATTER TARSASAG (HU)

Participants: BG, IT, ES, PL

The objectives of the project are:

- Reducing discrimination against LGBTI people in the field of health
- Increasing the number of health professionals providing inclusive and competent health care for LGBTI people
- Raising awareness among health professionals on the needs of the LGBTI community
- Raising awareness in the LGBTI community on discrimination in healthcare
- Foster cooperation between LGBTI NGOs, professional organizations and medical universities

The expected results are:

- More data on knowledge and the attitudes of health care professionals
- More health professionals providing inclusive and competent health care for LGBTI people
- LGBTI people more aware of their rights and empowered to report discrimination
- Training materials for health professionals and students at medical universities for long term use

Implementation period: 01-09-2019 - 31-08-2021

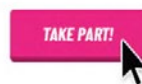
Total grant: 249 878.00 EUR



Working in healthcare?

Share your opinion on LGBTI people!

OPEN DOORS



Erasmus+ projects supported in 2019:

In 2019, in total 36 new projects on LGBTI equality were initiated with support from the Erasmus+ programme. As an example, a number of these projects is being described below:

PLEASE TALK PEACEFULLY

Coordinator: NGO MONDO - EE

Participants: EE, SI, PL

The project serves as a capacity-building tool for the participating organizations, as the current consortium comprises of partners that bring their various skills and experience together to support learning and skill-sharing. The expertise of the youth workers connected with the organisations will increase - by the end of the project - with knowledge about human rights and human rights education, and concrete tools of non-violent communication and solution focused therapy to use in their everyday work.

The project aims to spread the skills further by developing an e-course and audio-visual materials about human rights, human rights education, non-violent communication and solution focused approach, which will improve the quality of youth work profession in general and make these topics more available for the people working with young people.

Implementation period: 01-09-2019 - 31-05-2021

Total grant: 824 713 EUR

LGBT AT SCHOOL

Coordinator: Instituto Educación Secundaria La Rosaleda- ES

Participants: BE, DE, RO

The project is divided into different topics that will be led by different partners. The current LGBT framework will be compared with earlier years and conclusions will be obtained about the work that remains to be done. A part led by the German partner will be devoted to LGBT and 20th century Art. Despite the persecution suffered by this group, we cannot really understand 20th century art without the contribution of LGBT people, and pop and art have contributed to free gender expression. Visiting the Gay Museum will give visibility

to LGBT and their contribution to our culture. The Romanian partner will concentrate on 'What is it like to be a minority?' The activities will promote tolerance with the aim to enhance empathy and prevent bullying so that schools will not be perceived as an unfriendly place. Finally, the project will study new models of families. The Belgian partner, from the second country recognizing same sex marriage, will look towards the future and organise meetings with the EU Institutions on this topic and the project.

Implementation period: 01-09-2019 - 31-05-2021

Total grant: 104 738 EUR

INCLUSION AND PARTICIPATION OF TRANS COMMUNITIES IN SEXUAL HEALTH EDUCATION

Coordinator: TransInterQueer e.V., DE

Participants: EE, FR, SR

The objectives are to improve knowledge, counselling skills, and addressing users' and staffers' needs regarding competent information on trans sexual health. The partner organisations will sharpen knowledge on approaches to improve health care quality for trans individuals, and their ability to apply this knowledge in their work by learning new strategies, methodologies and exchanging with partners working in geographically different, but similar fields. The project will build capacities by visiting organisations involved

in sexual health and/or discuss with trans community members in public events the current state of sexual health care provisions in their region. Examples of good practice, like the very rare existing material, will be translated into participating countries' languages or be revised and made applicable for the specific regional contexts. An online tool will be developed offering a variety of materials for trans-inclusive sexual health education, from different regions and in different languages.

Implementation period: 25-11-2019 - 24-09-2021

Total grant: 476 251 EUR

DEVELOPING A CULTURALLY COMPETENT AND COMPASSIONATE LGBT+ CURRICULUM IN HEALTH AND SOCIAL CARE EDUCATION

Coordinator: Middlesex University Higher Education Corporation - UK

Participants: DE, DK, ES, IT, CY, RO

The project aims to enable teacher/trainers of theory and practice to enhance their skills regarding LGBT+ issues and develop teaching tools to support the inclusion of LGBT+ issues within health and social care curricula. The newly culturally competent and compassionate LGBT+ curriculum will be delivered through a MOOC which is aimed at health and social care teachers/trainers, workers, professionals and learners across Europe and worldwide. The project will start with a needs assessment of teachers/trainers and learners in terms of LGBT+ teaching and learning practice. The project will also explore and take into account National and international policies

and guidelines when developing the learning/teaching resources and the online MOOC course. The MOOC is an innovative training model based on "Culturally Competent Compassion" (CCC). It provides a logical and easy to follow structure based on its four constructs "Culturally Aware and Compassionate Learning", "Culturally Knowledgeable and Compassionate Learning", "Culturally Sensitive and Compassionate Learning", "Culturally Competent and Compassionate Learning". The MOOC offers an innovative approach to learning and in this project a better opportunity to raise awareness about LGBT+ issues at regional, European and international level.

Implementation period: 01-09-2019 - 31-08-2021

Total grant: 267 998 EUR

BUILDING CAPACITIES TO PREVENT AND RESPOND TO ANY FORM OF VIOLENCE AGAINST THE LGBTQI+ COMMUNITY IN HIGHER EDUCATION INSTITUTIONS IN EUROPE

Coordinator: Universitat Rovira i Virgili - ES

Participants: IT, CY, PL

The project aims to map the existing actions and resources in higher education institutions, to create a European network for the exchange of practices related to the inclusion of the LGBTQI+ community, and to design and develop a digital training course aimed at building capacities among different agents regarding the prevention of any form of homophobic and transphobic violence or discrimination. The project will contribute to build capacities among the higher education institutions involved, regarding the protection, support and prevention of any form of violence faced by the LGBTQI+ community, from the

training and exchange of practices, and will foster the design and further implementation of protocols that allow more effective forms of action, thus contributing to the creation of more inclusive higher educational institutions. Likewise, the planned activities will favour the effective collaboration between diverse educational and social stakeholders, fostering a closer connection between higher education institutions and their surrounding communities. Ultimately, the project aims to give a boost to universities to become inclusive communities that guarantee LGBTQI+ students' learning and development.

Implementation period: 01-10-2019 - 30-09-2021

Total grant: 103 316 EUR

YOUTH DIALOGUE FOR CHANGE

Coordinator: Stichting art.1 - NL

Participants: AL, MK, SR, XK

The project aims to promote the active participation of young people in democratic life and foster debate around the major issues affecting LGBT youth. Specifically, our activities aim to bring young people and decision makers into discussion to help develop policies in the youth sector. We believe that it is of utter importance to equip youth in the Western Balkan region with tools to express oneself openly on issues related to basic European principles (human rights,

inclusion, gender equity) and express ideas, initiatives and projects to decision makers. Participation in cultural projects will enable young artists and activist to express themselves and convey their messages to decision-makers in the seminar activities. Artivism (Art/Activism) will be used as a non-violent method to change mentalities, cut through divides, and confront major and divisive social issues on gender equality and social inclusion of LGBTQ minority groups.

Implementation period: 01-08-2019 - 30-06-2020

Total grant: 36 635 EUR

More information:

ec.europa.eu/lgbti

https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/list-actions-advance-lgbti-equality_en

Helena Dalli

Commissioner for Justice, Consumers
and Gender Equality



Directorate General for Justice and Consumers

