



# EUROPEAN UNION

## ACCESS TO GOODS AND SERVICES

In its [resolution](#) on the gender perspective in the COVID-19 crisis and post-crisis period, adopted on January 21, the European Parliament specifically stressed the impact the pandemic and the lockdown had on LGBTI people and emphasised the need for support services for LGBTQI+ persons, including mental health support, peer support groups and support services for victims of gender-based violence.

## ASYLUM

In July, the EASO [announced](#) its intention to develop a separate training module on SOGIESC in the asylum context, to be published in 2022.

In November, the EASO [published](#) an updated COI Research Guide on LGBTIQ people. The updated version includes guidance on gender identity, gender expression and sex characteristics for country of origin researchers.

There has been some progress at technical level both at Parliament and the Council, but no political agreement on key elements of the [EU Pact on Migration and Asylum](#) has been reached. The only exceptions are the [EU Blue Card Directive](#) and the [Regulation on EU Asylum Agency](#), which were adopted in October and December, respectively.

## BIAS-MOTIVATED SPEECH

In 2021, the sixth evaluation on the Code of Conduct was [published](#) and LinkedIn joined the Code of Conduct. In this monitoring cycle, sexual orientation along with xenophobia (including anti-migrant hatred) are the most commonly reported grounds of online hate speech (18.2% and 18% respectively) followed by anti-gypsyism (12.5%).

In 2021, the Victims' Rights Platform gathering EU level actors that will consult with the Victims' Rights Coordinator on implementation of the EU Victim's Rights Strategy was officially launched and [organised](#) a plenary meeting and several ad-hoc thematic meetings. ILGA-Europe are member of the Platform.

On 14 December, the European Parliament [adopted](#) its recommendations resolution to the Commission on combating gender-based violence: cyberviolence which explicitly includes 'all forms of gender-based violence', and calls for the EU to work on specific violence targeting LGBTI people and creating the legal base to tackle LGBTI phobic hate speech and hate crimes on EU level.

## BIAS-MOTIVATED VIOLENCE

In February, to implement its commitments under the Gender Equality Strategy and the LGBTIQ Equality Strategy, the Commission [launched](#) the 'Roadmap on Inception Impact Assessment on Gender-based and domestic violence' initiative, where it proposed three possible legislative and non-legislative options: no changes to the current legislative framework and application of various strategies; a recommendation on the prevention of harmful practises and scenario one; or a holistic legislative initiative on preventing and combating gender-based violence and domestic violence. The Communication on Violence against Women and Domestic Violence from the Commission is expected to be published in 2022.

In February, the Commission [launched](#) public consultation on the Roadmap to the initiative aiming to expand the list of EU crimes to include hate speech and hate crime. The main objective of the initiative is to have hate speech and hate crime identified as 'other areas of crime'. The Commission has proposed sex and sexual orientation as well as disability and age as grounds of hate crime and speech, in addition to those identified in the Framework Decision 2008/913/JHA. In December, the legal initiative to expand the list of EU crimes to include hate speech and hate crime was adopted by the Commission.



In March, the Working Group on Hate Crime Recording, Data Collection and Encouraging Reporting [published](#) ‘Key Guiding Principles (KGPs) on Encouraging Hate Crime Reporting: the Role of Law Enforcement and Relevant Authorities’. These KGPs were developed on the basis of evidence collected by the Fundamental Rights Agency from members of the Working Group. The key guiding principles were finalised following consultation with national authorities and other stakeholders, including CSOs that are members of the EU High Level Group.

On September 16th, the European Parliament [adopted](#) its recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU. Throughout the text, gender-based violence against LGBTI people is clearly included and the resolution calls on the EC to extend the list of Eurocrimes under Art.83 to enable including SOGIESC as grounds in any upcoming EU legislation combating hate and violence.

In October, the CJEU [published](#) its responses to the European Parliament’s inquiries on the EU’s accession to the Istanbul Convention.

## **BODILY INTEGRITY**

As set out in the EU LGBTIQ Equality Strategy, the EC started work on the first EU intersex study. The study will investigate the lived experience of intersex people and their parents within the EU, including exposure to non-vital medical interventions, discrimination, and social exclusion. The study is expected to be published at the end of 2022.

## **DATA COLLECTION**

On 30 September, the European Commission organised a Roundtable on Equality Data. Speaking at the event, Commissioner for Equality Helena Dalli stressed the need to collect equality data in order to help design anti-discrimination measures in EU Member States and Emanuele Baldacci, Director of Resources at Eurostat stressed the need to go beyond the six EU grounds of discrimination and collect data that could feed into other dimensions of equality and look at the cross-cutting and intersectional elements.

Currently European statistics on population (ESOP) do not collect statistics on respondents’ sexual orientation, gender identity or sex characteristics. At the end of September the EC opened the consultation on how to make ESOP more inclusive, an opportunity to push for the inclusion of SOGIESC in the statistics.

On 6 October, the European Parliament adopted its [resolution](#) on the impact of intimate partner violence and custody rights on women and children, highlighting the rise in domestic violence against LGBTI people during COVID-19 lockdowns and calling on the Commission and Member States “to ensure that data are disaggregated by sexual orientation, gender identity, sex characteristics (...) to ensure that the experiences of women in all their diversity are captured.”

## **EMPLOYMENT**

On 10 February, the European Parliament adopted a [resolution](#) on reducing inequalities with a special focus on in-work poverty, which specifically refers to LBT women as an at-risk group.

On 10 June, the European Commission hosted a workshop on trans and intersex persons’ access to the workplace and exposure to workplace exclusion, directed at businesses as part of European Diversity Month programming.

## **EQUALITY AND NON-DISCRIMINATION**

In March, the meeting of the Employment, Social Policy, Health and Consumer Affairs Council configuration (EPSCO), included a discussion on the EU LGBTIQ Equality Strategy, with a focus on socio-economic inequality and LGBTI people experiencing homelessness.



On 11 March, the European Parliament adopted a [resolution](#) declaring the EU an LGBTIQ freedom zone. The resolution condemned the fact that in Poland regions had adopted LGBT free zone resolutions, as well as other persisting LGBTI rights violations in some EU member states.

On 14 September, the European Parliament adopted its [resolution](#) on LGBTIQ rights in the EU, welcoming the EU LGBTIQ Strategy, strongly supporting the EC's objective to propose legislation in several areas of protecting LGBTI rights and condemning where Member States have not been respecting EU law and CJEU judgements as regards LGBTI rights.

On 27 September, DG Justice organised a meeting with selected stakeholders to evaluate the first year of implementation of the EU LGBTIQ Strategy.

Following the adoption of the Commons Provisions Regulation ([CPR](#)) for the cohesion policy funds for the spending cycle 2021–2027 in June, the EU began to become more rigorous in its oversight of the use of its funds, to ensure the distribution abides by EU law and the rules of their implementation. The CPR includes rules that aim at ensuring respect for fundamental rights in the implementation of the funds, including LGBTI rights. These rules kick-in at different stages of the spending cycle and relate to different mechanics underpinning the use of the funds.

## FAMILY

On 14 December, the Court of Justice of the EU (CJEU) [ruled](#) in the case of *V.M.A. v Stolichna obshtina*, that a child and its same-sex parents must be recognised as a family, the child should be issued a Bulgarian passport, and the family should have free movement in all Member States of the European Union. The same-sex couple had been refused a birth certificate in Bulgaria for their newborn daughter and claimed the Bulgarian authorities are violating the rights of a European citizen on the grounds of sexual orientation, namely to free movement, and to private and family life. The Advocate General, in its opinion in April, already found largely a breach of the fundamental principles of the EU.

Following the European Commission President's [statement](#) that a parent in one country is a parent in every country, the EC is preparing legislation regarding parenthood recognition across the EU (expected to be published in the second half of 2022). In order to prepare the legislation, the EC in 2021 set up an expert group to support the development of the proposal, as well as launched a public consultation. A stakeholder consultation took place on December 14th.

On 22 March, the European Parliament's Petition Committee organised a hearing on petitions regarding the free movement of Rainbow Families, at which also the EP study on obstacles to the free movement of rainbow families in the EU was presented.

The EU Child Rights Strategy was launched in March. The Strategy is inclusive of LGBTI rights, linking the strategy to the EU LGBTIQ Equality Strategy. In its [resolution](#) on children's rights in view of the EU Strategy on the rights of the child, the European Parliament called for an intersectional approach in implementation of the strategy and to ensure full consistency with the objectives and proposals in the EU LGBTIQ Equality strategy (amongst others).

## FOREIGN POLICY

In its [resolution](#) on human rights and democracy in the world and the European Union's policy on the matter – annual report 2019 (adopted 20 January), the European Parliament uses strong language to condemn a list of ongoing violations of LGBTI rights across the world and call on EU and member states to use all tools available to combat these human rights violations. The EP also explicitly calls on EU and member states to include the needs of LGBTI people when promoting gender equality and SRHR globally.



The EU has accepted Uzbekistan as a beneficiary country of the special incentive arrangement for sustainable development and good governance (GSP+) under the unilateral Generalised Scheme of Preferences (GSP). The EU started applying preferential tariffs for products imported from Uzbekistan under this arrangement from 10 April onwards .

On 19 May, the EU External Action Service organised a meeting for its staff to discuss the situation of LGBTI rights in Europe and globally to mark IDAHOBIT day. ILGA-Europe was invited to present the main findings of the 2021 Rainbow Map. The meeting was online and was attended by EEAS staff and delegation staff from many countries.

## HEALTH

On 10 May, the European Commission and DG-SANTÉ hosted a High-Level European Conference on the mental health impact of COVID-19, including a strong focus on LGBTI people.

On 20 May, the European Parliament adopted a [resolution](#) on accelerating progress and tackling inequalities towards ending AIDS as a public health threat by 2030, calling on EEA, EC and member states to make full use of all programmes to combat HIV and to specifically support services responsive to the needs of key populations and other priority populations facing unique challenges in accessing HIV services, including by providing youth-friendly sexual and reproductive health services for young people.

The European Commission [held a public consultation](#) on the revision of its Directive on blood, tissue and cell donation, and specifically sought input from LGBTI civil society in the discussions.

## HOUSING

On January 21, the European Parliament adopted a [resolution](#) on access to decent and affordable housing for all. The resolution highlights the fact that LGBTI people are overrepresented amongst people experiencing homelessness or being affected by the housing crisis, and invites the Commission to create tools for enhanced data collection, to foster research across the EU, and facilitate good practice exchanges on tackling the problem of LGBTIQ homelessness between Member States.

On 21 June, the European Platform on Combating Homelessness was launched by the European Commission and the Portuguese EU Presidency. In the launch session, a number of speakers referred to the high number of LGBTI people experiencing homelessness and the need for the Platform to specifically look at the needs and situation of LGBTI homeless people.

## HUMAN RIGHTS DEFENDERS

The European Commission set up an Expert Group on Strategic Lawsuits Against Public Participation (SLAPPs), which is helping the EC to prepare legislation providing protection from such lawsuits. Four meetings were held in 2021. A legislative proposal is expected for March 2022.

On November 11, The European Parliament adopted its resolution on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society, specifically naming the targeted attacks against LGBTI human rights defenders and calling on the EC to include these attacks in all their work going forward.

In December, the EC launched a new funding call under the [Citizens, Equality, Rights and Values Programme \(CERV\)](#), with the objective to protect, promote and raise awareness of EU fundamental rights and values by supporting local, regional and/or national civil society organisations (CSOs) and increasing their capacity, including through providing them with financial support (regranting), with an overall budget of 50 million euro for a three-year period.



## INSTITUTIONAL SUPPORT

In the framework of the implementation of the EU LGBTIQ Equality Strategy (2020–2025), the European Commission's (EC) set up a LGBTI subgroup of the EU High-level group on Non-discrimination and started working on guidelines for the groups work, focusing on 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. First conversations have also started on how to engage European LGBTI organisations in the work of the subgroup.

On 12 May, the Portuguese EU Presidency organised a conference to mark IDAHOBIT Day.

## INTERSECTIONALITY

On January 21, the European Parliament voted to include sex workers in the EU Strategy for Gender Equality, urging the European Commission to establish a concrete framework for the rights and protection of sex workers. In its resolution of 21 January on the EU Strategy for Gender Equality, the European Parliament calls on the EC to develop guidelines to ensure an intersectional approach for the implementation of the strategy, and explicitly calls on the EC to close the gap on protection on the ground of gender identity in the light of the rise in hate against trans people.

On 10 March, the European Parliament adopted its resolution on the implementation of Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation in light of the UNCRPD. The resolution mainstreams LGBTI rights throughout, highlights specifically higher rates of LGBTI PwD being discriminated against in employment, being bullied, abused and forcefully outed, and calls for disaggregated data collection, including SOGIESC.

On 19 March, the European Commission organised the first EU Anti-Racism Summit, and the meeting of the Subgroup on National Implementation of EU Anti-Racism Action Plans.

In January, the European Commission published the Green Paper on Ageing, in which LGBTIQ older people are recognised as having a specific vulnerability.

## POLICE AND LAW ENFORCEMENT

On 23 June, to improve the understanding of and the response by law enforcement officers dealing with victims of hate crimes, in particular of those motivated by SOGIESC, CEPOL organised a webinar on hate crime against members of the LGBTQ community.

## SEXUAL AND REPRODUCTIVE RIGHTS

On 24 June, the European Parliament adopted its resolution on the situation of sexual and reproductive health and rights (SRHR) in the EU. The resolution calls for inclusive SRHR and sex education including SOGIESC, to make trans-specific healthcare accessible and reimbursed across the EU, reaffirms its call to ban non-medically necessary surgeries and treatment on intersex infants and children, calls for banning sterilisation requirements for LGR across the EU and instead full respect trans peoples' right to self-determination, and uses trans inclusive language in all paragraphs regarding SRHR and pregnancy.