



European
Commission



PROGRESS REPORT

On the implementation of the LGBTIQ Equality Strategy 2020-2025

*Justice
and Consumers*

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PROGRESS REPORT

**On the implementation
of the LGBTIQ
Equality Strategy
2020-2025**

EUROPEAN COMMISSION

Directorate-General for Justice and Consumers (DG JUST)

Directorate D: Equality and Non Discrimination

Unit D1: Non Discrimination: LGBTIQ, Age, Horizontal Matters

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FOREWORD

Earlier in its term, the European Commission adopted its first-ever LGBTIQ equality strategy. The strategy guides the work of the European Commission to see a European Union where sexual and gender diversity is celebrated as part of our collective richness.

The LGBTIQ equality strategy calls for a mid-term review of its implementation in 2023. Two and a half years since the adoption of the strategy, this first progress report summarises the actions taken by the European Union and serves as a basis for assessing the impact the strategy has had on the lives of LGBTIQ people in Europe and beyond. In addition, information provided by the Member States has made it possible to identify good practices that help realise the full potential of LGBTIQ people.

This report will inform discussions on the progress made so far and on what remains to be done for the successful implementation of the LGBTIQ equality strategy by 2025 to build a Union where LGBTIQ persons can be who they are and love who they want.



Helena Dalli
Commissioner for Equality

INTRODUCTION

On 12 November 2020, the European Commission adopted its first-ever LGBTIQ¹ equality strategy for 2020-2025 (referred to below as the ‘**LGBTIQ strategy**’)². It strives to build a ‘Union of Equality’ where diversity is promoted and protected, and where all people can love who they want to and be themselves, without risk of discrimination, exclusion, hatred or violence.

In 2019, a survey conducted by the EU Agency for Fundamental Rights (FRA) found that the perception of discrimination on grounds of sexual orientation, gender identity or expression and sex characteristics (SOGIESC) was increasing in the EU. Amongst the lesbian, gay, bisexual or trans people who responded, 43% said they felt discriminated against in 2019, as compared to 37% in 2012³.

The LGBTIQ strategy marked a new phase in the EU’s efforts to address the inequalities and challenges affecting LGBTIQ people, in order to move towards a ‘Union of Equality’. The LGBTIQ strategy sets out a series of measures to step up EU’s non-discrimination action, to mainstream LGBTIQ equality into all EU policies, legislation and funding programmes and to amplify the voices of LGBTIQ people. It also pays particular attention to the diversity of LGBTIQ people’s needs and to the most vulnerable, including those experiencing intersectional discrimination and trans, non-binary and intersex people. In addition, it aims to bring together EU Member States and stakeholders at all levels in a joint endeavour to address discrimination against LGBTIQ persons more effectively by 2025.

In recent years, the EU and the world have faced unprecedented challenges. The COVID-19 pandemic has given rise to an economic recession, increased stress levels, exacerbated risks of violence and mental health problems. The Russian war of aggression against Ukraine and skyrocketing energy prices further compounded these challenges. While those have had an impact on the general population, the toll taken has been particularly high for people in the most vulnerable situations, including some in the LGBTIQ community^{4,5}.

Hatred and anti-LGBTIQ narratives have widely spread in European societies. They target LGBTIQ people and human rights defenders, who are frequently exposed to hate, discrimination and exclusion. According to sources from non-governmental organisations, 15 trans- or gender diverse people were murdered in the European Union in 2021-2022⁶. Furthermore, in 2021, anti-LGBTIQ hate crimes were reported in almost every Member State⁷.

At the same time, a growing number of Member States are committing to LGBTIQ equality and equal opportunities in their quest to build more cohesive and resilient societies. National action

1. For the purposes of this report, LGBTIQ people are people: who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual); whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary); who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and whose identity does not fit into a binary classification of sexuality and/or gender (queer).
2. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Union of Equality: LGBTIQ Equality Strategy 2020 – 2025](#), 12 November 2020, COM (2020) 698 final.
3. EU Agency for Fundamental Rights (FRA), [A long way to go for LGBTI equality](#), Publication Office, 2020.
4. United Nations: Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, [Report on the impact of the COVID-19 pandemic on the human rights of LGBT persons](#), 28 July 2020.
5. De Groot, D., Del Monte, M., [Russia’s war on Ukraine: The situation of LGBTI people](#), May 2022.
6. According to Trans Murder Monitoring [2021](#) and [2022](#).
7. According to the ILGA Europe’s [Annual Review of the Human Rights Situation of LGBTI people in Europe and Central Asia](#).

plans focusing on LGBTIQ equality are no longer an exception. These complement EU action with national measures. More and more countries are introducing human rights-based legal gender recognition procedures and extending the scope of protection from discrimination to gender identity, gender expression and sex characteristics.

This progress report presents the implementation of the LGBTIQ strategy at EU level in the period up to February 2023, and reflects upon some developments at national level in text boxes throughout the document.

The report follows the structure of the LGBTIQ strategy and its four pillars:

1. tackling discrimination against LGBTIQ people;
2. ensuring LGBTIQ people's safety;
3. building LGBTIQ inclusive societies; and
4. leading the call for LGBTIQ equality around the world.

It presents all actions taken in the order in which they appeared in the LGBTIQ strategy to help the reader match them to Commission's objectives and deliverables.

The preparation of this report involved consultations with Member States participating in the LGBTIQ Equality Subgroup under the High-Level Group on Non-discrimination, Equality and Diversity⁸. Contributions from those Member States were used to provide a bird's-eye view of the policy direction and legislative changes concerning LGBTIQ rights and do not aim to provide an exhaustive account of the state of play. Preparations also involved exchanges with civil society organisations (CSOs).

8. The LGBTIQ Equality Subgroup is mainly composed of Government experts, nominated by Member States' governments. It supports and monitors progress in the protection of LGBTIQ people's rights in the Member States. See also: [LGBTIQ Equality Strategy 2020-2025 \(europa.eu\)](#).

1. Tackling discrimination against LGBTIQ people

EU legislation prohibits any discrimination based on sexual orientation in employment and occupation, including access to employment and vocational training⁹. Nonetheless, LGBTIQ persons still need to overcome barriers and prejudices to secure stable jobs. In 2019, one in 10 LGBTIQ people felt discriminated against when looking for work in the year before the FRA survey.

Reports also find that LGBTIQ people face discriminatory and often violent barriers hampering their full and equal enjoyment of the right to the highest attainable standard of physical and mental health¹⁰. During the reporting period, the following measures were taken to combat discrimination against LGBTIQ people.

Key achievements:

- proposals to strengthen the role of equality bodies adopted by the Commission in 2022^{11,12};
- Recommendation on pathways to school success adopted in 2022¹³;
- more than 100 projects focused on promoting LGBTIQ equality under the Erasmus+ and European Solidarity Corps programmes;
- publication of the Key Findings Report of the Survey on Sexual Orientation and Gender Identity by the European Agency for Asylum in 2022¹⁴.

1.1. Enforcing and improving legal protection against discrimination

In March 2021, the European Commission published a report¹⁵ on the application of the Racial Equality Directive and the Employment Equality Directive. The report pointed to a number of factors that contribute to the underreporting of discrimination: victims' fear of retaliation, low and diverging levels of compensation, lack of evidence, and insufficient awareness of rights and support mechanisms, which all result in underreporting of discrimination.

9. [Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation](#) (OJ L 303, 2.12.2000, p. 16).
10. United Nations: Human Rights Council, [The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#), 14 June 2022, A/HRC/50/27.
11. [Proposal for a directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU](#), 7 December 2022, COM(2022) 688 final.
12. [Proposal for a Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC](#), 7 December 2022, COM(2022) 689 final.
13. [Council Recommendation of 28 November 2022 on Pathways to School Success and replacing the Council Recommendation of 28 June 2011 on policies to reduce early school leaving \(Text with EEA relevance\) 2022/C 469/01](#).
14. European Union Agency for Asylum, [Survey on Sexual Orientation and Gender Identity. Key Findings Report](#), Publications Office, 2022.
15. [Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin \('the Racial Equality Directive'\) and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation \('the Employment Equality Directive'\)](#), 19 March 2021, COM(2021) 139 final.

The report was accompanied by a Commission staff working document on the implementation of the Commission recommendation on standards for equality bodies^{16,17}. This underlined that equality bodies have played a key role in promoting and enforcing equal treatment legislation.

Currently, under EU law, equality bodies have responsibilities relating to discrimination based on sex and racial or ethnic origin in specific areas. Coverage of other grounds is at the discretion of the Member States. The European Commission proposed binding standards for equality bodies on 7 December 2022 extending their remit to discrimination based on sexual orientation in the field of employment and occupation. The proposals aim to ensure that equality bodies can effectively contribute to the enforcement of the EU Equality Directives, offer a certain level of assistance to individuals and groups exposed to discrimination, and take action to promote equal treatment and the prevention of discrimination.

As part of the legislative developments, in April 2021, the Commission adopted a proposal for a regulation laying down harmonised rules on artificial intelligence (AI)¹⁸. It proposes new mandatory requirements for all high-risk AI systems to protect against discrimination, including on the ground of sexual orientation. It proposes measures such as risk assessment and management, including mandatory testing, data quality, documentation, accuracy, human oversight and post-market monitoring¹⁹.

The adoption into law of the proposed equal treatment directive²⁰ remains a priority for the Commission. By extending the scope of legal protection against discrimination on the basis of sexual orientation beyond the area of employment and occupation, the proposed directive would fill a major gap in EU legislation on non-discrimination. In December 2022, at the Employment, Social Policy, Health and Consumer Affairs Council, the Presidency presented a progress report about the proposed directive, in which it stressed the need for further work to reach the required unanimity in Council²¹.

The Commission supported an analysis of the extent to which trans, non-binary and intersex people are currently protected against discrimination in EU and national law. An article on this topic was published in October 2022 in the European equality law review²².

16. Commission Staff Working Document, [Equality bodies and the implementation of the Commission Recommendation on standards for equality bodies. Accompanying the document Report from the Commission to the European Parliament and Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin \('the Racial Equality Directive'\) and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation \('the Employment Equality Directive'\)](#), 19 March 2021, SWD(2021) 63 final.
17. The bodies examined in the recommendation were those referred to as 'bodies for the promotion of equal treatment' (the 'equality bodies') in Article 13 of the Racial Equality Directive, Article 12 of Directive 2004/113/EC, Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.
18. [Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence \(artificial intelligence act\) and amending certain Union legislative acts](#), 21 April 2021, COM(2021) 206 final.
19. A recent [report](#) of the EU Agency for Fundamental Rights on the use of artificial intelligence in predictive policing and offensive speech detection provides the first available evidence on how biases develop. The analysis shows that speech algorithms include strong bias against people based on many different characteristics, such as ethnic origin, gender, religion and sexual orientation.
20. [Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#), 2 July 2008, COM(2008) 426 final.
21. [Progress report on a proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#), 16 November 2022, 13070/22.
22. Cannoot, P., Ganty, S., 'Protecting trans, non-binary and intersex persons against discrimination in EU law', [European equality law review](#), Issue 1 / 2022, Publications Office of the European Union, Luxembourg, 2022, pp. 37-55.

The Commission has stepped up its work on gathering evidence of practical barriers to full equality in employment and in other areas, such as health, education, and social protection. At present, there are few comprehensive cross-European studies on the socio-economic situation of intersex people in society. To fill this gap, the Commission has undertaken a study on the subject to provide a comprehensive analysis of the socio-economic situation and inclusion of intersex people in the EU and the possible correlation between their socio-economic situation, their health status, intersex genital mutilation (IGM) and the applicable legal framework. The results are expected in the first half of 2023.

Malta has an increasingly comprehensive legal and policy framework to protect LGBTIQ people from discrimination. Discrimination on the grounds of sexual orientation and gender identity is prohibited in the constitution. Statutory laws forbid any discrimination on the basis of sexual orientation, gender identity, gender expression and sex characteristics in the areas of employment and education²³.

In May 2021, the LGBTIQ Equality Subgroup was set up under the High-Level Group on Non-discrimination, Equality and Diversity to enhance implementation of the LGBTIQ strategy. The Subgroup is composed of governmental experts, nominated by Member States' governments, to support and monitor progress in the protection of LGBTIQ people's rights in the Member States. Twenty-five Member States²⁴ and Norway have joined the Subgroup. FRA contributes to its work, and the Subgroup cooperates with civil society and international organisations, such as the Organisation for Economic Cooperation and Development and the Council of Europe.

The objectives of the Subgroup encompass the exchange of best practices on legal protection against discrimination on the grounds of SOGIESC in various areas. The group has already convened seven times, discussing, for example, strengthening fact-based narratives about LGBTIQ people and collection of equality data. In April 2022, the Subgroup prepared guidelines for strategies and action plans to enhance LGBTIQ equality²⁵ and to support concrete action to protect the rights of LGBTIQ people across the EU Member States. These guidelines identify what LGBTIQ policies, strategies and action plans should cover in order to be useful and effective.

The Commission continued to monitor implementation of EU law in the Member States and initiated infringement procedures in cases where it considered that the fundamental rights of LGBTIQ people and the internal market rules have been violated²⁶. In July 2022, the Commission decided to refer Hungary to the Court of Justice of the EU over a law which it considers discriminatory on the grounds of sexual orientation and gender identity²⁷. The action was brought before the Court of Justice of the EU in December 2022²⁸.

23. According to ILGA Europe's [Rainbow Map](#), 23 Member States have equality legislation on sexual orientation going beyond employment, 21 cover gender identity in equality legislation and 8 do the same for sex characteristics.

24. These Member States are: Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden.

25. European Union: High-level Group on Non-discrimination, Equality and Diversity, LGBTIQ Equality Subgroup, [Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality](#), April 2022.

26. [Commission takes legal action for discrimination LGBTIQ \(europa.eu\)](#).

27. [Commission refers Hungary to the Court of Justice of the EU \(europa.eu\)](#).

28. Action brought on 19 December 2022, [European Commission v Hungary](#), C-769/22 (OJ C 54, 13.2.2023, p. 16–17).

1.2. Promoting inclusion and diversity in the workplace

The Commission has continued to promote diversity management through the EU Platform of Diversity Charters²⁹. In the last two and a half years, the number of signatories to the Charter has increased by more than 2000 and reached a further million European workers³⁰.

Through the annual European Diversity Month organised in May, the Commission encourages companies, cities and institutions to hold their own diversity events and initiatives during the month. Various entities submitted 345 events to the online map of events in 2022, of which 59 focused on LGBTIQ equality³¹.

In 2021, the Commission organised two workshops on the LGBTIQ strategy and trans and intersex inclusion for the Diversity Charters and their signatories. These offered a possibility to share good practices.

National authorities can use the European Social Fund (ESF+) to enhance the participation of LGBTIQ people in the labour market. In November 2022, the Commission organised a dedicated session for the Member States on funding opportunities for projects fostering LGBTIQ equality.

Enhancement of trans and intersex people's participation in the labour market was one of the main discussion points at the meeting of the LGBTIQ Equality Subgroup in November 2022. The session addressed the role of national action plans and other policies to overcome barriers in access to employment.

In March 2021, the Commission proposed a pay transparency directive³², which incorporates intersectional discrimination in the definition of discrimination under the directive. The directive will allow courts and other competent authorities to take due account of intersectional discrimination, in particular for substantive and procedural purposes. In December 2022, the co-legislators reached a provisional agreement on the directive³³.

Commitment to bringing about an inclusive and discrimination-free working environment is also reflected in the Commission's own internal actions. The Diversity and Inclusion Office, created in 2021 in the Directorate-General for Human Resources and Security, holds a regular dialogue with the Égalité staff association³⁴. One of the key actions taken was the update in December 2022 of the diversity and inclusion plan with a clear framework for the Commission's own human resources measures in 2023-2024. This action plan envisages targeted support and guidance for LGBTIQ staff, including counselling, legal and administrative support. Additionally, the Commission is promoting the use of gender-neutral language by participating in joint efforts to revise the interinstitutional style guidelines and raising awareness regarding inclusive language.

29. [EU Platform of Diversity Charters | European Commission \(europa.eu\)](#).

30. It is currently composed of 26 national diversity charters (all Member States except Malta) representing a network of around 14 400 organisations with over 17 million employees.

31. [Diversity activities across the EU - Promoting Diversity in the EU in 2022 \(eudiversity2022.eu\)](#).


32. [Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms](#), 4 March 2021, COM(2021) 93 final.

33. [Gender pay gap: deal reached on binding pay-transparency measures | News | European Parliament \(europa.eu\)](#).

34. Égalité is an association for LGBTI+ staff working within the EU institutions. It was set up in 1993 for the purpose of combating any form of discrimination based on sexual orientation, gender identity, gender expression or sex characteristics.

LGBTIQ Work Equality Alliance

LGBTIQ Work Equality Alliance is an EU-funded project to increase awareness and improve the skills of the employers and trade unions in Croatia and Slovenia to counter discrimination and harassment affecting LGBTIQ employees, provide support to LGBTIQ people and raise awareness of challenges they face through advancement of policies and programmes. The project involves developing tailor-made training for employers, awareness-raising campaign, community events and a conference.



The Italian National Office against Racial Discrimination signed an agreement with the Italian National Statistical Institute to produce a comprehensive information framework on *Access to the workplace, working conditions and discrimination at work for LGBT+ people and diversity management in Italian companies*. The project was divided into two macro-areas of activity that included the collection of information from the main stakeholders and employers, in particular companies (with 50 or more employees), and direct collection of information from LGBT+ people on discrimination at the workplace³⁵.

1.3. Combating inequality in education, health, culture and sport

In November 2022, the Council adopted a Recommendation on Pathways to School Success. The Recommendation aims at promoting better education outcomes for all learners, irrespective of their personal characteristics or family, cultural and socio-economic background. Its policy framework describes a systemic approach for improving success at school for all, which acknowledges the importance of preventing and combating discrimination. The Recommendation invites Member States to develop integrated and comprehensive strategies towards success at school, which should include prevention, intervention and compensation measures. In line with the new generation of EU equality strategies and inclusion policy frameworks, they should combine universal and/or individualised measures with targeted and/or individualised provisions for learners requiring additional attention and support in inclusive settings. As a preventive measure, schools, in a whole-school approach perspective, should embed school success for all and well-being (including bullying prevention, anti-discrimination, gender sensitivity and health issues) in school planning and governance processes, and encourage schools to design, monitor and evaluate specific inclusion and well-being plans.

An informal Commission expert group on supportive learning environments for groups at risk of underachievement and for supporting well-being at school³⁶ has been established and complements 'Pathways'. It will start its work in 2023. The group will forge policy recommendations and guidelines on promoting supporting learning environments, mental health and well-being, and preventing bullying and violence at school.

35. Istat, UNAR, [Diversity management for LGBT+ diversities in enterprises and desirable actions to improve inclusiveness at work](#), 2021.

36. [Register of Commission expert groups and other similar entities \(europa.eu\)](#).

To ensure safe and inclusive education for all children, young people and adults, the Commission fostered best practice exchanges between Member States and experts. As part of the European Education Area strategic framework³⁷, the Commission set up seven working groups. In 2022, the working group on equality and values focused its discussions on tackling discrimination in and through education. One of the sessions was dedicated to the challenges faced by LGBTIQ pupils. During the previous working group's term of office, the Commission published a 'thematic fiche' on education and LGBTIQ diversity³⁸ and produced a compendium of inspiring practices on inclusive and citizenship education, which also includes practices relevant for equality and inclusion of LGBTIQ pupils and educational staff³⁹.

The EU strategy on the rights of the child⁴⁰, adopted in March 2021, highlights the particularly considerable risk of violence and harassment against LGBTIQ children. The strategy includes substantial references to LGBTIQ children and children of rainbow families and embraces intersectionality in all policy areas. It recommends that Member States provide proper support for children with specific vulnerabilities who suffer violence, and support for tackling violence in schools⁴¹.

The Commission has taken steps to address the gaps in research relevant to LGBTIQ people, especially in the field of health. Previous research evidenced significant health inequalities between the LGBTIQ community and other parts of the population⁴². Access to health and care services for vulnerable groups is a dedicated topic under the Horizon Europe' 2023-2024 work programme^{43,44}, with a budget of around EUR 30 million. Research should examine the barriers experienced by patients – including trans and intersex patients – with social, financial, or health vulnerabilities. The projects funded under this topic will support data collection and cost analyses of health needs and inequalities among vulnerable groups, involve them better in the design and implementation of innovative measures to meet health and care needs, and ultimately provide policymakers and healthcare providers with solutions to improve access to these services for affected groups, like the LGBTIQ community.

Through the EU4Health programme, the Commission funded projects for EU 3.5 million⁴⁵ to support integrated community healthcare and outreach services for hard-to-reach populations, including LGBTIQ people, and curb health-related inequalities with regard to the human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome, tuberculosis, viral hepatitis and sexually transmitted infections.

37. [Homepage | European Education Area \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic_education-area-2021-2024).

38. European Commission, Directorate-General for Education, Youth, Sport and Culture, Driel, B., *Education and LGBTIQ diversity: thematic fiche*, Publications Office, 2021.

39. European Commission, Directorate-General for Education, Youth, Sport and Culture, Donlevy, V., Staring, F., Battaglini, M., et al., *Compendium of inspiring practices on inclusive and citizenship education*, Publications Office, 2021.

40. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU strategy on the rights of the child*, 24 March 2021, COM(2021) 142 final.

41. A 2023 *report* of the Network of Experts working on the Social dimension of Education and Training (NESET), presents a scientific review of the prevalence and impact of violence against children (specifically, those forms that most affect school-aged children), and its relationship with educational opportunities and students' academic achievement. The report also presents educational programmes and actions that tackle various forms of violence against children and serve all children – including LGBTIQ children and youth or perceived as such – to grow up happy and healthy, and to develop to their full potential. Of these programmes and actions, the report indicates those which are supported by available evidence of social impact.

42. *Health4LGBTI: Reducing health inequalities experienced by LGBTI people*.

43. *Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013*, (OJ L 170, 12.5.2021, p. 1).

44. *Funding & tenders (europa.eu)*.

45. *Funding & tenders (europa.eu)*.

The **European Commission** supports France to prevent and treat sexually transmitted infections (STIs), in particular HIV and viral hepatitis. The programme aims to strengthen capacity to deploy and evaluate three pilot interventions for vulnerable populations. One of the pilots aims at setting up community-based sexual health centres in cities with high prevalence of HIV and STIs. The centres propose a ‘one stop shop’ model providing a comprehensive response adapted to the specific health needs of groups in vulnerable situations, including men having sex with men⁴⁶, trans, sex workers and users of psycho-active products (Chemsex). The project’s activities include expert advice on technical requirements and evaluation methods based on exchanges with and lessons from other Member States. As a result, innovative interventions to “test and treat” HIV and viral hepatitis for vulnerable populations are being implemented in four regions of France.

In the second half of 2020, the Commission set up a group working on mental health and COVID-19 as a special network on the EU health policy platform. All interested organisations could join to discuss and share information on COVID-19-related mental health issues, in particular, those of vulnerable groups at higher risk of mental health impact, including LGBTIQ people⁴⁷. In May 2021 and September 2022, the Commission organised conferences on mental health and the pandemic to draw conclusions from the global health crisis. The FRA’s bulletins^{48,49} and the 2021 Fundamental Rights Report⁵⁰ highlighted the impact of the pandemic on the LGBTIQ community and challenges that need to be tackled.

The Commission promotes the role of cultural expression in tackling discrimination. The Creative Europe programme⁵¹ encourages equality, diversity and participation throughout its funded actions.

Two inspiring examples are the Diversity Roadmap⁵², developed by the Live DMA network, making recommendations on diversity and equality in live music venues, clubs and festivals, and the Keychange programme⁵³, providing women and gender expansive participants with the skills and opportunities for career development.

46. According to UN AIDS gay men and other men who have sex with men are disproportionately impacted by HIV. Structural factors, such as stigma, discrimination and violence based on sexual orientation and gender identity, hinder the availability, access and uptake of HIV prevention, testing, treatment and care and support services. See more: [HIV and gay men and who have sex with other men — Human rights fact sheet series 2021 | UNAIDS](#).
47. For example, social distancing may be particularly difficult for those who have been rejected by their families, are not out with their families and are forced to be with them the whole time and/or are facing mental health issues. See also: [COVID-19-specific-impact-LGBTI-people-what-authorities-should-be-doing-mitigate-impact.pdf \(ilga-europe.org\)](#).
48. [Coronavirus pandemic in the EU - Fundamental Rights Implications - Bulletin 2 | European Union Agency for Fundamental Rights \(europa.eu\)](#).
49. [Coronavirus pandemic in the EU - Fundamental Rights Implications - Bulletin 3 | European Union Agency for Fundamental Rights \(europa.eu\)](#).
50. EU Agency for Fundamental Rights, *Fundamental Rights Report 2021*, Publications Office, 2021.
51. [Regulation \(EU\) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme \(2021 to 2027\) and repealing Regulation \(EU\) No 1295/2013](#) (OJ L 189, 28.5.2021, p. 34–60).
52. [Diversity Roadmap](#)
53. [Keychange](#)

The Commission has been working to make the two youth flagship programmes, Erasmus+ and European Solidarity Corps, more inclusive and open to people from disadvantaged backgrounds. The Erasmus+ and the European Solidarity Corps Programmes for 2021-2027⁵⁴ and the Erasmus+ and European Solidarity Corps inclusion and diversity strategy⁵⁵ all contain measures to encourage inclusion, such as flexible and accessible learning formats, substantive and financial support, training, and tailored outreach activities. In the years 2021-2022, the programmes supported more than 100 projects focused on promoting LGBTIQ equality with a total budget of more than EUR 74 million.

In 2022, the Commission adopted and signed two Arrangements for Cooperation with the Union of European Football Associations⁵⁶ and the European Olympic Committees⁵⁷. Both arrangements have among their objectives the fight against all forms of discrimination, including discrimination based on sexual orientation. Concrete cooperation between the Commission and these organisations helps to put into practice EU policy objectives, such as the promotion of an inclusive, value-based model of sport, human rights and gender equality.



Every two years, **Finland** conducts a national school health promotion study for three age groups: primary school (4th and 5th grade), secondary school (8th and 9th grade), and upper-secondary education (1st and 2nd year). The study includes questions on sexual orientation and gender identity and provides data on the welfare and health of LGBTI youth.



Denmark has made significant strides in furthering sex education in high schools. Starting from the 2023/2024 school year, sex education, including education on gender norms, sexuality, consent and gender will be part of the curriculum in high schools. In addition, as part of the Danish LGBT+ action plan for 2022-2025, sex education has been strengthened as a subject in the training of elementary school teachers.

54. [Commission Implementing Decision \(EU\) 2021/1877 of 22 October 2021 on the framework of inclusion measures of the Erasmus+ and European Solidarity Corps Programmes 2021-2027](#) (OJ L 378, 26.10.2021, p. 15–21).
55. [Implementation guidelines Erasmus+ and European Solidarity Corps Inclusion and Diversity Strategy](#), 29 April 2021.
56. [European Commission and UEFA sign third cooperation agreement | Sport \(europa.eu\)](#).
57. [Commission Decision of 20.1.2022 adopting the Arrangement for Cooperation between the European Commission and the European Olympic Committees \(EOC\)](#), 20 January 2022, C(2022) 257 final.

1.4. Upholding the rights of LGBTIQ migrants and applicants for international protection

In June 2022, the European Union Agency for Asylum (EUAA) published the key findings from the survey on sexual orientation and gender identity. The report compiles the main findings on national guidance and practices related to the asylum procedure for claims based on SOGIESC, with a particular focus on credibility assessment and qualification.

In 2022, the EUAA has started work on drafting a practical guidance on applicants with diverse SOGIESC. The work on the guidance is ongoing.

In addition, the EUAA incorporates LGBTIQ issues in the EUAA country of origin information (COI). COI gathers accurate, reliable and up-to-date information on non-EU countries where asylum applicants arrive from to support asylum and migration authorities in reaching accurate and fair decisions in asylum procedures, and to support policy making. In November 2021, the EUAA published an updated COI research guide on LGBTIQ⁵⁸, which should serve the needs of COI researchers, as well as asylum caseworkers conducting COI research on the situation of LGBTIQ persons in countries of origin. The annual reports of the Agency also address issues related to the reception and support needs of LGBTIQ applicants⁵⁹.

LGBTIQ applicants for international protection have specific needs which require proper procedures and practices. To guarantee adequate examination of applications for international protection from this group of applicants, the EUAA is developing a specific training module on applicants with diverse SOGIESC. The target groups for this training module are asylum and reception officials. The Commission will continue to work with the EUAA and the Member States to make sure that the necessary resources and expertise are available to ensure that vulnerable applicants are identified as soon as possible, referred for receiving adequate support and suitable reception conditions.

In September 2020, the Commission proposed the New Pact on Migration and Asylum⁶⁰ and related legislative proposals. The Pact, with the specific reception and procedural safeguards and guarantees for vulnerable applicants, including LGBTIQ applicants, is being negotiated.

The Commission endeavours to achieve synergy in the implementation of the LGBTIQ strategy and the EU action plan on integration and inclusion⁶¹. The Commission supports the Urban Agenda Partnership on the Inclusion of Migrants and Refugees⁶². In 2022, the Partnership organised study visits in Berlin, Amsterdam and Antwerp and an expert group meeting in Mechelen. In February 2023, it issued 15 recommendations for cities and regions on how to best deal with issues related to LGBTIQ migrants to enhance their inclusion into

58. European Union Agency for Asylum, [COI Research Guide on LGBTIQ](#), 2021.

59. European Agency for Asylum, [Annual Report 2022](#), Publications Office, 2022.

60. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum](#), 23 September 2020, COM(2020) 609 final.

61. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Action plan on Integration and Inclusion 2021-2027](#), 24 November 2020, COM(2020) 758 final.

62. [Partnership on the Inclusion of Migrants and Refugees](#).

society⁶³. Furthermore, the Expert Group on the views of migrants in the field of migration, asylum and integration could also be consulted on matters relating to the needs of LGBTIQ migrants to amplify interconnections between the strategies.



The development of the **Irish** LGBTI+ Inclusion Strategy⁶⁴ was underpinned by a robust consultation process, which took place between October 2018 and February 2019. Specific workshop sessions were organised also for applicants for international protection, migrants, and refugees to ensure that the voices of the more marginalised members of the LGBTI+ community were adequately heard. As a part of the Strategy, the Irish government committed (i) to develop a broad LGBTI+ policy, including a transgender accommodation policy, to promote equality, take account of self-determined identity and to ensure that the safety and wellbeing of all residents is promoted; (ii) to finalise and adopt the national standards for accommodation offered to people in the protection process; (iii) to continue to work with the United Nations High Commissioner for Refugees to monitor/review the handling of applications relating to sexual orientation and/or gender identity within the International Protection Process, and ensure updated LGBTI+ cultural competence training is rolled out to staff working within the International Protection Office.

63. Urban Agenda for the European Union on the Inclusion of Migrants and Refugees, [LGBTQI+ Migrants and Inclusion: Lessons learned from the Expert Meeting in Mechelen](#), 2022.
 64. [Government of Ireland, National LGBTI+ Inclusion Strategy 2019-2021](#).

2. Ensuring LGBTIQ people's safety

In recent years, hate speech and hate crime targeting LGBTIQ persons and organisations supporting LGBTIQ rights have increased globally, including across the European Union.

According to the findings of the 2019 FRA survey, 11% of LGBTI respondents in the EU were physically or sexually assaulted in the 5 years before the survey. Trans and intersex respondents experienced attacks at up to twice the rate of the rest of the LGBTIQ community. At the same time, hate speech against LGBTIQ people remains prevalent on social platforms. Despite a slight decrease in reported hate speech based on sexual orientation by less than 3 percentage points, the results of the seventh evaluation of the code of conduct on countering illegal hate speech online⁶⁵ reveal that sexual orientation is still the third most reported category of hate speech (15.5%).

Among their negative consequences, hate crime, hate speech and violence can lead to physical injuries, psychological trauma, emotional impact (anger, self-blame, fear of being open about one's identity) and financial costs (damaged property, moving home, missing work)⁶⁶. At the same time, it remains widely unreported⁶⁷. During the reporting period, the following measures were taken to ensure LGBTIQ people's safety.

Key achievements:

- Commission proposal for the Council to extend the current list of 'EU crimes' under Article 83 (1) of the Treaty on the Functioning of the EU to cover hate speech and crime in 2021⁶⁸;
- publication of the seventh evaluation of the code of conduct on countering illegal hate speech in 2022;
- launch of an EU-wide victims' rights campaign in 2023⁶⁹.

2.1. Reinforcing legal protection for LGBTIQ people against hate crime, hate speech and violence

In December 2021, the Commission adopted a Communication, accompanied by a draft Council decision to extend the current list of 'EU crimes' under Article 83(1) of the Treaty on the Functioning of the European Union (TFEU) to cover hate speech and crime. Once the Council decision is adopted by Member States, the Commission will be able to propose secondary legislation to require Member States to criminalise other forms of hate speech and hate crime than the ones currently laid down in the Framework Decision on combating racism and xenophobia⁷⁰.

65. [The EU code of conduct on countering illegal hate speech online \(europa.eu\)](#).

66. Galop, *Impact of hate crime on LGBT+ people*.

67. According to the 2019 FRA survey, among the LGBTI respondents who had been victims of physical or sexual attacks as a result of being LGBTI, only 21 % of respondents reported such incidents to the police or any of the other organisations listed in the survey. Among those aged 55 years or over, 35% reported prejudice-motivated violent incidents, twice the rate for younger cohorts (15%).

68. [Communication from the Commission to the European Parliament and the Council. A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime](#), 9 December 2021, COM(2021) 777 final.

69. [Home | Victims Rights \(europa.eu\)](#).

70. [The Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law](#) (OJ L 328, 6.12.2008, p. 55).

In March 2022, the Commission put forward a proposal for a directive on violence against women⁷¹. The proposal refers to the specific obligation of Member States to take into consideration the increased risk of violence faced by victims with intersectional discrimination. It acknowledges that LGBTIQ women are at a heightened risk of experiencing gender-based violence.

The Commission has been focusing on creating dialogue and exchanges of good practices among Member States. The High-Level Group on combating hate speech and hate crime⁷² provides a forum for national authorities, international organisations and civil society. The work has focused on better support for victims, stepping up prevention of hate crime training for law enforcement, encouraging hate crime reporting and data collection, and on cooperation between law enforcement and CSOs on combating hate crime.

In June 2022, the Commission organised a joint session of the High-Level Group and the LGBTIQ Equality Subgroup focused on tackling anti-LGBTIQ hate crime and hate speech in the EU. In 2023, the Commission will also provide EUR 1.2 million for a dedicated joint project with the Council of Europe on combating anti-LGBTIQ violence and hate speech, and strengthening awareness-raising and fact-based narratives about LGBTIQ people.

14 Member States have laws that give some degree of protection against hate speech or hate crimes based on sexual orientation or gender identity. Only three have so far extended the scope of the legislation to include intersex people⁷³.

2.2. Strengthening measures to combat anti-LGBTIQ online hate speech and disinformation

The EU has taken steps to ensure a safer online environment by approving the Digital Services Act (DSA), which entered into force on 16 November 2022⁷⁴. The DSA protects the digital space from the spread of illegal content and ensures the protection of users' fundamental rights. For example, the regulation imposes certain limits on the presentation of advertising and on the use of sensitive personal data for targeted advertising, including sexual orientation.

The Commission is monitoring the implementation of the EU code of conduct on countering illegal hate speech online in collaboration with a network of organisations located in different EU countries. In 2022, two new platforms (Rakuten Viber and Twitch) announced their participation in the code of conduct. The Commission is considering revising the code of conduct to enhance its added value after the entry into force of the DSA.

71. [Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence](#), 8 March 2022, COM(2022) 105 final.

72. The EU High Level Group on combating racism, xenophobia and other forms of intolerance, set up in 2016, was renamed to High Level Group on combating hate speech and hate crime to reflect its current scope of action, i.e. tackling hate crime and hate speech manifesting in different forms, beyond racist and xenophobic motives as covered by the Framework Decision on combating racism and xenophobia. The change has taken effect as of 1st January 2022.

73. Denmark, Greece and Malta. See also: [Rainbow Europe \(rainbow-europe.org\)](#).

74. [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC \(Digital Services Act\)](#) (OJ L 277, 27.10.2022, p. 1–102).

Correct national implementation and rigorous application of the revised Audiovisual Media Services Directive (AVMSD)⁷⁵ remains a priority for the Commission⁷⁶. In February 2023, the Commission adopted media literacy guidelines⁷⁷. The AVMSD requires video-sharing platforms to put in place effective media literacy measures and tools and to raise users' awareness of those measures and tools. Together with the European Regulators Group for Audiovisual Media Services, the Commission has developed a media literacy toolbox to ensure effective and practical application of that requirement⁷⁸.

In 2020, the Commission adopted the European democracy action plan⁷⁹. The plan emphasises the need for proactive steps to counter anti-democratic attacks and hate speech that seeks to deter people, including LGBTIQ people, from being politically active. In November 2021, the Commission proposed a regulation on transparency of political advertising⁸⁰. The initiative provides specific additional personal data protections for individuals relating to the targeting and amplification of political advertising⁸¹, and supports the fundamental right to be informed in an objective, transparent and pluralistic way. This right extends to policies affecting or of specific interest to LGBTIQ people. Inclusive political participation and the exchange of practices to support it are also a regular subject for discussion in the European Cooperation Network on Elections.

Another measure aimed at upholding the right to objective and non-biased information about the LGBTIQ community is the Commission's package on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('strategic lawsuits against public participations' or SLAPPs), put forward in April 2022⁸². The package aims to ensure that human rights defenders, including LGBTIQ human rights defenders, can participate actively in public life without fear of intimidation. The Commission Recommendation, which is already applicable, invites Member States to address SLAPPs through awareness-raising campaigns combating negative attitudes, stereotypes and prejudices.

75. [Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services](#) (OJ L 95, 15.4.2010, p. 1–24) as amended by [Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services \(Audiovisual Media Services Directive\) in view of changing market realities](#) (OJ L 303, 28.11.2018, p. 69–92).
76. The Directive strengthens protection against content that incites to hatred or violence and bans audiovisual commercial communications that include or promote any discrimination, including on the grounds of sex and sexual orientation.
77. [Communication from the Commission Guidelines pursuant to Article 33a\(3\) of the Audiovisual Media Services Directive on the scope of Member States' reports concerning measures for the promotion and development of media literacy skills 2023/C 66/02](#), 21 February 2023, C(2023) 1105 final.
78. European Regulators Group for Audiovisual Media Services, Action Group on Media Literacy, *ERGA Media Literacy Report. Recommendations for key principles, best practices and a Media Literacy Toolbox for Video-sharing Platforms*, 2021.
79. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. On the European democracy action plan](#), 3 December 2020, COM(2020) 790 final.
80. [Proposal for a Regulation of the European Parliament and of the Council on the transparency and targeting of political advertising](#), 25 November 2021, COM(2021) 731 final.
81. Targeting or amplification techniques should be understood as techniques that are used either to address a tailored political advertisement only to a specific person or group of persons or to increase the circulation, reach or visibility of a political advertisement. Given the power and the potential for misuse of personal data for targeting, including through microtargeting and other advanced techniques, such techniques may present particular threats to legitimate public interests, such as fairness, equal opportunities and transparency in the electoral process and the fundamental right to be informed in an objective, transparent and pluralistic way.
82. [Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings \("Strategic lawsuits against public participation"\)](#), 27 April 2022, COM(2022) 177 final and [Commission Recommendation \(EU\) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings \('Strategic lawsuits against public participation'\)](#) (OJ L 138, 17.5.2022, p. 30 – 44).

2.3. Reporting of anti-LGBTIQ hate crime and exchanges of good practices

Work with the Member States has continued to ensure full and correct implementation of the Victims' Rights Directive⁸³. The Commission has evaluated implementation of the Directive⁸⁴ and is preparing a revision of the Directive as part of the EU strategy on victims' rights (2020-2025)⁸⁵.

In addition, the Commission has been raising awareness of victims' rights through an EU-wide communication campaign launched in January 2023. The campaign mentions anti-LGBTIQ hate crime as one of the types of crimes to be tackled. It is aimed at recognising and supporting victims of crimes and their family and friends (people aged between 18 and 30).

Several working groups have been set up under the High-Level Group on combating hate speech and hate crime⁸⁶. The working group on hate crime training for law enforcement, set up in 2020, has been focusing on LGBTIQ-phobic hate crime training. In 2022, the High-Level Group endorsed specific guidance on strategic approaches to embedding hate crime training in national training⁸⁷.

The working group on hate crime reporting, recording and data collection, coordinated by FRA, developed key guiding principles on encouraging hate crime reporting⁸⁸, endorsed by the High-Level Group on combating racism, xenophobia and other forms of intolerance, and collated a compendium of practices for combating hate crime across the EU⁸⁹.

Equally under the High-Level Group on combating hate speech and hate crime, a dedicated working group led by the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights was created in 2022 to enhance national authorities' capacity to assist and support victims of hate crime, including victims of LGBTIQ-phobia.

From 2022, the Commission launched the 'partnership initiatives', which covers the work of all working groups under the High-Level Group and supports the national implementation of recommendations, standards and guidance produced at EU and international level. In the same year, the High-Level Group endorsed key guiding principles on cooperation between civil society organisations and law enforcement in the areas of hate crime reporting, training and victim support⁹⁰.

83. [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#) (OJ L 315, 14.11.2012, p. 57-73).

84. Commission Staff Working Document, [Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#), 28 June 2022, SWD(2022) 179 final.

85. [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Strategy on victims' rights \(2020-2025\)](#), 24 June 2020, COM(2020) 258 final.

86. [Combating hate speech and hate crime \(europa.eu\)](#).

87. EU High Level Group on combating hate speech and hate crime, [Strategic approaches to embedding hate crime and hate speech training in national training programmes for law enforcement: a compass](#), 2022.

88. High Level Group on combating racism, xenophobia and other forms of intolerance, [Key guiding principles on encouraging reporting of hate crime](#), March 2021.

89. [Compendium of practices on hate crime | European Union Agency for Fundamental Rights \(europa.eu\)](#).

90. EU High Level Group on combating hate speech and hate crime, [Key guiding principles on cooperation between law enforcement authorities and civil society organisations](#), 2022.



Portugal has implemented various measures to support victims of crimes and increase reporting of hate crimes against LGBTIQ+ persons. The country has three LGBTIQ+-specific response mechanisms to help victims of violence. In addition, it opened a specialised emergency service for LGBTIQ+ people who are victims of violence. Since 2021, Portugal has been offering a ‘safe apartment’ to the LGBTIQ+ victims of domestic violence to promote and encourage their empowerment. In 2022, it launched training for law enforcement authorities on policing hate crimes against LGBTIQ+ persons.

2.4. Protecting and promoting LGBTIQ people’s bodily and mental health

Both the LGBTIQ strategy and the gender equality strategy categorise forced abortion, forced sterilisation and other harmful practices against women and girls as forms of gender-based violence and serious violations of women’s and children’s rights. The Commission fosters Member States’ exchange of good practice on ending harmful practices, for example, through LGBTIQ Equality Subgroup meetings.



In 2021, **Greece** announced a national LGBTIQ+ equality strategy. One year later, the country removed questions related to sexual orientation from the country’s blood donor history questionnaire, banned conversion practices for minors, and outlawed non-vital surgery and medical intervention on intersex children and adolescents without their personal and fully informed consent⁹¹.

91. According to [Intersex Greece](#), Greece became fourth Member State in the EU to ban IGM (after Malta, Portugal and Germany).

3. Building LGBTIQ inclusive societies

The Court of Justice of the European Union reaffirmed that, for the purposes of the exercise of the rights derived from EU law, and in particular EU free movement rights, EU Member States are required to recognise parenthood established in another EU Member State. This is in accordance with the right to respect for private and family life under Article 7 of the Charter of Fundamental Rights of the EU ('the Charter') and the rights of the child under Article 24 of the Charter. In the context of free movement, the Court particularly stressed the importance of the right to have the child's best interests taken into account as a primary consideration in all actions relating to children, and the child's right to maintain a personal relationship and regular, direct contact with both their parents⁹².

Despite this, rainbow families still encounter practical difficulties when crossing the EU's internal borders. Trans, intersex and non-binary people often remain unrecognised by law or in practice.

During the reporting period, the following measures were taken to achieve societal acceptance of LGBTIQ people.

Key achievements:

- fostering good practice exchange on setting up accessible legal gender recognition legislation and procedures at national level;
- raising awareness on the need for LGBTIQ equality and non-discrimination, in particular around the International Day Against Homophobia, Transphobia and Biphobia;
- funding opportunities for initiatives aimed at advancing the rights of LGBTIQ people under the 'Citizens, Equality, Rights and Values' (CERV) programme, including new funding opportunities for small and grassroots organisations.

3.1. Ensuring rights for LGBTIQ people in cross-border situations

The Commission has maintained dialogues with the Member States on implementation of the *Coman*⁹³ judgment, as well as the recent *V.M.A* and *K.S*⁹⁴ judgments, in which the CJEU required Member States to recognise marriage and parenthood of same-gender couples for the purposes of exercising rights derived from EU law.

92. Judgement of the Court of Justice of 14 December 2021, *V.M.A. v Stolichna obshtina, rayon „Pancharevo“*, C-490/20, ECLI:EU:C:2021:1008, paragraph 59.

93. Judgement of the Court of Justice of 5 June 2018, *Relu Adrian Coman and Others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*, C-673/16, ECLI:EU:C:2018:385.

94. Order of the Court of Justice of 24 June 2022, *Rzecznik Praw Obywatelskich v K.S. and Others*, C-2/21, ECLI:EU:C:2022:502.

3.2. Improving the legal protection for rainbow families in cross-border situations

In her 2020 State of the Union speech, Commission President von der Leyen stated that ‘If you are parent in one country, you are parent in every country’. With this statement, the President referred to the need to ensure that parenthood established in one Member State is recognised in all other Member States.

In December 2022, the Commission adopted a proposal for a regulation harmonising the Member States’ rules of private international law relating to parenthood⁹⁵. The proposal has the best interests and rights of the child as its primary consideration. Its objective is to facilitate recognition in a Member State of parenthood established in another Member State so that children can benefit from the rights derived from parenthood under national law, such as succession rights, maintenance rights, custody rights or the right to have any of their parents act as their legal representative in another Member State (for example, for schooling or health matters).

The proposal covers the recognition of the parenthood of all children, irrespective of how they were conceived or born, and irrespective of their type of family. The proposal covers the recognition of the parenthood of a child adopted domestically in a Member State and the recognition of the parenthood of a child with same-gender parents. Legislative negotiations in the Council are ongoing.



In October 2022, **Slovenia** passed an amendment to the Slovenian Family Code allowing same-gender couples to marry and adopt children. The changes are an important step towards full equality of same-gender couples and strengthen the protection of their private and family life.

3.3. Improving the recognition of trans and non-binary identities, and intersex people

In November 2022, the Commission organised another meeting of the LGBTIQ Equality Subgroup around the topic of accessible legal gender recognition legislation based on the principle of self-determination. This topic was selected in line with the Subgroup’s priorities, agreed on with the Member States. A wide range of civil society and intergovernmental organisations (Council of Europe) participated in the meeting.

In many cases existing legal frameworks have a negative impact on the living situation and legal certainty of trans, intersex and non-binary people. Some Member States are currently working on improvements to legal gender recognition rules⁹⁶.

95. [Proposal for a Council Regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood](#), 7 December 2022, COM(2022) 695 final.

96. According to ILGA Europe’s [Rainbow Map](#), 11 Member States provide for a gender recognition procedure without medical requirements. These Member States are: Belgium, Denmark, Germany, Ireland, Greece, France, Luxembourg, Malta, Netherlands, Austria and Portugal.



In 2023, the **Croatian** government's Office for Human Rights and Rights of National Minorities, in collaboration with the Ministry of Health, will form a working group for removing obstacles and improving the realisation of the rights of transgender people. The working group will analyse obstacles faced by transgender persons and put forward recommendations and measures to improve their situation in Croatia.

3.4. Fostering an enabling environment for civil society

In December 2022, the Commission released an annual report on the application of the Charter focusing on civic space and its role in protecting and promoting fundamental rights under the Charter⁹⁷. The report recognises the need to step up the work towards an enabling and empowering civic space through measures tailored to the specific characteristics of CSOs and rights defenders. It acknowledges that LGBTIQ organisations are particularly affected by attacks that limit their 'safe space'⁹⁸. In addition, the consequences of the COVID-19 pandemic still negatively affect the work of the non-governmental organisations and inhibit the creation of a sustainable civil society space. The global health crisis heightened problems the organisations had already been struggling before, such as limited human and financial resources, increasing uncertainty and disproportionate workload.

To raise awareness on the need for LGBTIQ equality and non-discrimination, the Commission ran a campaign on the Charter of Fundamental Rights from December 2021 to November 2022. One focus for the campaign was the principle of non-discrimination, with specific materials developed on non-discrimination based on sexual orientation⁹⁹.

To show the EU's solidarity with the LGBTIQ community and its commitment to the implementation of the LGBTIQ strategy, in recent years, the headquarters of the Commission and the European External Action Service (EEAS) buildings have been lit up in the colours of the rainbow flag. Commission Representations in the EU Member States are also promoting diversity and LGBTIQ rights, planning activities throughout the year and in particular around the International Day Against Homophobia and Transphobia and Biphobia. In 2022, the Commission organised and participated in accompanying events, which primarily focused on the situation of LGBTIQ refugees in the context of the Russian war of aggression in Ukraine.

Through the CERV programme, the Commission provided funding for initiatives to advance the rights of LGBTIQ people and combat harmful practices against LGBTIQ persons. In 2021-2022, under the CERV programme's EQUAL call, the Commission awarded EUR 2 million to 12 projects to promote the rights of LGBTIQ people. EU funding also went to several projects addressing discrimination and violence from an intersectional perspective (LGBTIQ and other grounds of hatred).

97. European Union, European Commission: [Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A thriving civic space for upholding fundamental rights in the EU 2022 Annual Report on the Application of the EU Charter of Fundamental Rights](#), 6 December 2022, COM(2022) 716 final.

98. [2022 Rule of Law Report](#) also recognises that in some Member States civil society organisations continue to face challenges. It points out, among other things, that in Slovakia public subsidies schemes continue to exclude organisations working on issues related to gender equality and LGBTIQ rights and in Hungary organisations representing the LGBTIQ community report being targeted by smear campaigns launched by the government.

99. [#RightHereRightNow \(europa.eu\)](#).

kNOwHATE

The kNOwHATE project, funded under CERV, aims to consolidate knowledge and design tools to detect, monitor and prevent online hate speech against vulnerable communities. It attempts to analyse content and propagation of online hate speech (and counter speech) in user generated content (e.g. tweets) in Portugal, create models for its automatic detection, and to offer culturally sensitive and tailored guidelines and tools for effective detection, prevention and countering narratives to be used by individuals, civil society organisations, and policy makers.

Transilience

The project, funded under CERV, aims to increase the mental well-being of trans youth. It also intends to increase awareness, knowledge and skills for strengthening resilience among relevant professionals and trans people themselves. The project will develop five modules on strengthening resilience and community building. In addition, Transilience aims to reach a broad community of (healthcare) professionals and trans people in the EU indirectly, e.g., via the dissemination of 20 digital stories and the spreading of good practices through workshops and seminars.

In 2023-2024, the Commission will increase its funding under CERV for fighting discrimination against LGBTIQ people and promoting LGBTIQ equality. EUR 3 million will be allocated to projects specifically benefiting the LGBTIQ community, which represents an increase of 50% with respect to 2021-2022¹⁰⁰. Further to the report on the application of the Charter, in 2023-2024, the Commission will be making EUR 32 million available in two calls for proposals to promote civil society organisations' awareness of capacity building and implementation of the Charter. This will cover proposals aimed at protecting LGBTIQ rights through strategic litigation and fighting anti-LGBTIQ hate crime and hate speech¹⁰¹.

Rainbow Justice¹⁰²

The Rainbow Justice project, funded under CERV, seeks to boost two Bulgarian and Romanian organisations' LGBTIQ legal programmes and their strategic litigation for LGBTIQ rights under the Charter. The project intends to monitor and encourage the implementation of the rights of LGBTIQ people and their families under the Charter, build a network of stakeholders to identify and flag strategic cases that can advance LGBTIQ rights, and raise awareness among LGBTIQ people about their rights under the Charter and relevant decisions of the Court of Justice of the European Union.

100. [Annex to the Commission Implementing Decision on the financing of the Citizens, Equality, Rights and Values programme and the adoption of the work programme for 2023-2024](#), C(2022) 8588 final, 1 December 2022.

101. [Search Funding & Tenders \(europa.eu\)](#).

102. [Funding & tenders \(europa.eu\)](#).

The Commission is also providing funding under the Justice programme to facilitate effective and non-discriminatory access to justice for all, including by electronic means (e-Justice), by promoting efficient civil and criminal procedures and by supporting the rights of all crime victims with a special focus on the most vulnerable ones. At the same time, under the Justice programme, the Commission supports the effective and consistent application of EU law by providing funding for training of justice professionals in civil law, criminal law and fundamental rights (such as non-discrimination). This support helps to strengthen legal protection for LGBTIQ people against hate crime, hate speech and violence.

Besides project-based funding, the Commission concluded four-year framework agreements with European LGBTIQ umbrella organisations for 2021-2024¹⁰³. In the first two years of implementation of the LGBTIQ strategy, these partners received financial support of almost EUR 8 million. Among these organisations, some have been identified as intermediaries. In this role, LGBTIQ organisations can provide financial support (almost EUR 1 million in 2023) directly to their local and regional member organisations¹⁰⁴, which might not have the capacity to access EU funding directly.

The Commission has also started to provide funding under CERV for small and grassroots organisations via other larger intermediary organisations. In 2021-2022, 16 intermediary consortia were provided with EUR 51 million, most of which will be disbursed to local organisations, including to LGBTIQ advocacy and support groups. In 2023, a new call for proposals with increased funding will be published to continue supporting grassroots organisations via intermediaries.

To monitor implementation of the LGBTIQ strategy, the Commission initiated annual roundtables with civil society organisations to discuss progress. The meetings took place in September 2021 and November 2022. Alongside targeted consultations, civil society was invited to participate in the meetings of the High-Level Group on combating hate speech and hate crime and the LGBTIQ Equality Subgroup under the High-Level Group on Non-discrimination, Equality and Diversity.

The organisations taking part in the last roundtable acknowledged the positive impact of EU funding in enabling them to participate actively in EU policymaking, strengthen structures and capacities, and consolidate their financial and organisational sustainability. They considered that project-based funding opportunities should in the future integrate intersectional aspects into the funding priorities and expand the types of activities covered.

The organisations consulted through the annual roundtable welcomed the new opportunity to directly re-grant EU funding to small and grassroots organisations working on the ground. However, they communicated that complex funding rules and procedures still seem to constitute a substantial obstacle to local and national organisations wishing to apply for EU funds. Civil society stakeholders drew attention to the need for more flexible EU spending rules that would enable them to respond better to crises such as Russia's war of aggression against Ukraine.

In general, civil society organisations were concerned about the spread of anti-human-rights and anti-gender narratives. This corresponds with the findings of the European External

103. EuroCentralAsian Lesbian Community (EL*C), Organisation Intersex International Europe (OII Europe), Europe Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe), The International Lesbian, Gay, Bisexual, Transgender and Queer Youth and Student Organisation (ILGYO), Transgender Europe (TGEU).

104. Of which there are over 600.

Action Service's East Stratcom taskforce. The 'threatened values' narrative¹⁰⁵ identified by the taskforce covers a wide range of topics, and is typically used to challenge progressive attitudes on the rights of women, ethnic and religious minorities and LGBTIQ groups, among others. This narrative is thought to be contributing to the rise in violent offline and online attacks and is especially harmful to the most vulnerable groups.



Luxembourg has been funding a non-governmental organisation to operate an information and counselling centre for LGBTIQ+ people since 2002. **Estonia** provides structural funding to civil society organisations on a three-year basis. Funds have been awarded to the joint partnership of the Estonian LGBT Union and Estonian Human Rights Centre. **Lithuania** has allocated budget funds for civil society projects, including LGBT+ projects under its action plan for non-discrimination. It also provides structural funding opportunities for LGBT+ organisations in the country.



In 2021, **Spain** set up the LGBTI Participation Council, composed of the ministerial departments dealing with LGBTI rights, autonomous communities, city councils and representatives of civil society (NGOs, diversity departments of universities, trade unions, and business organisations). The Council aims to set up a formal framework for dialogue between public authorities and civil society on LGBTI issues. It divided its work across different working groups, which prepare proposals, and carry out relevant studies for policy development.

105. [Key Narratives in Pro-Kremlin Disinformation Part 2: The 'Threatened Values' - EUvsDisinfo](#).

4. Leading the call for LGBTIQ equality around the world

In various parts of the world, LGBTIQ people continue to experience serious rights violations and abuses, including persecution, incarceration or even murder or the death penalty. During the reporting period, the following measures were taken to affirm the EU's global leadership in protecting the universality and indivisibility of human rights for all, including LGBTIQ people.

Key achievements:

- launch of an EEAS Agenda for Diversity and Inclusion in 2023¹⁰⁶;
- financial support for LGBTIQ human rights defenders under the Instrument for Pre-Accession Assistance (IPA) and the Neighbourhood, Development and International Cooperation Instrument (NDICI).

4.1. Strengthening the EU's engagement on LGBTIQ issues in all its external relations

The EU remains active in multilateral forums, and has continued to promote the rights of LGBTIQ persons in the United Nations (UN) system. The EU participates in the UN's LGBTI Core Group and addresses all forms of intolerance and discrimination in the OSCE and the Council of Europe. The EU has constructively engaged with UN special procedures of the Human Rights Council, and specifically with the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. In particular, during the Human Rights Council sessions the EU intervened with statements in interactive dialogues with the Independent Expert.

In 2020-2021, the human rights of LGBTIQ persons were raised in human rights dialogues with countries in all regions, many of which were chaired by the EU Special Representative for Human Rights, Eamon Gilmore. They were also raised in dialogues with partner countries benefiting from the EU's Generalised System of Preferences and the EBA (Everything but Arms scheme).

In 2021 and 2022, the EU widely disseminated the Declaration of the EU High Representative for Foreign Affairs and Security Policy / Vice-President of the Commission on behalf of the EU on the International Day Against Homophobia, Transphobia and Biphobia¹⁰⁷ through bilateral and multilateral EU delegations. On that day, EU delegations across all regions raised the rainbow flag. In addition, the EU delegations convened seminars and conferences and engaged in social media campaigns. All activities were tailored to the local context and developed with LGBTIQ activists.

106. [Diversity and inclusion agenda in the EEAS 2023-2025 | EEAS Website \(europa.eu\)](https://eeas.europa.eu/diversity-and-inclusion).

107. [International Day Against Homophobia, Transphobia and Biphobia, 17 May 2022: Declaration by the High Representative on behalf of the European Union - Consilium \(europa.eu\)](https://eeas.europa.eu/declaration-against-homophobia-transphobia-and-biphobia).

In **China**, the Diversity Week, a local initiative jointly prepared with Member States, enabled outreach to local audiences. In **Geneva**, the EU delegation joined the ‘Diplomats for Equality’ social media campaign, and participated actively in pride month campaign.

The EU has been promoting the rights of LGBTIQ persons in candidate countries and potential candidates for EU accession through political and policy dialogue. Human rights issues are systematically raised in sectorial meetings under the Enlargement policy, and on an ad hoc basis in response to specific incidents such as instances of violence or hate speech against LGBTIQ persons.

The EU provides technical and financial assistance to tackle violence, hatred and discrimination against LGBTIQ people in candidate countries and potential candidates for EU accession. The joint work with the Council of Europe through the 2019-2022 Horizontal Facility for the Western Balkans and Türkiye (Horizontal Facility II) has led to various successes in the region, such as the adoption of a civil partnerships regime for same-sex couples in Montenegro, or the recent adoption of national LGBTI action plans by Albania and Bosnia and Herzegovina. Through the dedicated section on the rights of LGBTIQ persons in the annual enlargement package reports¹⁰⁸, the Commission continues to monitor the situation of LGBTIQ people in the Western Balkans and Türkiye.

The EU supports civil society organisations and human rights defenders in their efforts to protect and advance the rights of LGBTIQ persons. It does this through funding under the IPA and the thematic programme on human rights and democracy associated with the NDICI instrument.

In particular, EUR 15 million has been earmarked for the promotion of equality, inclusion and diversity under the 2022-2024 thematic programme on human rights and democracy¹⁰⁹. Furthermore, the Commission provided EUR 1.5 million in support for civil society organisations protecting the rights of LGBTIQ persons in Djibouti, Pakistan, and Timor-Leste under the European Instrument for Democracy and Human Rights (EIDHR) – Country Based Support Scheme.

The EU continues to offer a rapid response mechanism to protect individual LGBTIQ rights defenders at risk. Between January 2020 and December 2022, approximately 850 LGBTIQ rights defenders received support from the EU Human Rights Defenders Mechanism managed by the Protect Defenders Facility¹¹⁰ via the EIDHR¹¹¹ (e.g. emergency grants, temporary relocation, capacity building and training). Moreover, in 2022, the EU allocated small emergency grants to LGBTIQ rights defenders under the EU Emergency Fund for Human Rights Defenders at Risk.

The EU mainstreams LGBTIQ equality into its humanitarian action. Via its own humanitarian gender and age marker, the EU ensures that EU humanitarian assistance and protection is tailored to the needs of different gender groups, including LGBTIQ people, and in line with

108. [2022 Enlargement package \(europa.eu\)](#).

109. [Commission implementing decision of 25.7.2022 on the financing of the multiannual action plan for the thematic programme on human rights and democracy for 2022-2024](#), 25 July 2022, C(2022) 5452 final.

110. It is a consortium of twelve international non-governmental organisations working in the field of protection for human rights defenders at risk.

111. As of 2022, the thematic programme on human rights and democracy of the NDICI instrument.

humanitarian principles, including the principle of impartiality (non-discrimination). In addition, the EU funds projects aimed at LGBTIQ persons and have funded safe protection projects and services targeting LGBTIQ people in Türkiye and Bangladesh.

The EU has integrated an intersectional dimension to the EU's 2021-2025 gender action plan tackling gender equality and women's empowerment into its EU external action (GAP III)¹¹², adopted in November 2020. In addition to calling for a gender-equal world, GAP III underlines its complementarity with the LGBTIQ strategy. In February 2023, the EEAS launched an agenda for diversity and inclusion, bringing together in one document the different equality frameworks, including the LGBTIQ strategy. With the implementation of the 'agenda', the EEAS aims to further strengthen existing mechanisms and enhance the awareness and skills of staff when it comes to diversity and inclusion. This should result in the greater mainstreaming of equality, diversity and inclusion throughout its internal and external actions.



In March 2021, the Federal Government of **Germany** adopted an LGBTI inclusion concept for foreign policy and development cooperation. The overarching goal is to support human rights work of civil society for LGBTI people. To this end, the federal government strengthens civil society organisations, including through financial support measures, support for dialogue formats and public solidarity with persons who advocate for non-discrimination of LGBTI people. In January 2022, the federal government appointed the first-ever Commissioner for the Acceptance of Sexual and Gender Diversity¹¹³. He will coordinate implementation of the first national action plan 'Living queer', adopted in November 2022¹¹⁴ at federal level in Germany. Also in 2022, Germany has assumed the co-chair of the Equal Rights Coalition.

4.2. Impact of the Russian war of aggression against Ukraine

The EU and its citizens stand in full solidarity with Ukraine and its people. The EU has taken concrete measures to support Ukraine and its neighbouring countries that are providing protection for people fleeing the Russian aggression.

The EU has redirected funding to strengthen civil society in Ukraine and to finance projects on human rights. Since the start of the Russian invasion, Ukrainian civil society organisations (including LGBTIQ activists and organisations) have a more direct and faster way of accessing EU funds under the thematic programme on human rights and democracy and thematic programme on civil society organisations of the NDICI instrument.

FRA's field mission to the EU-Ukrainian border revealed an increased risk of human trafficking, particularly for women and children. Various reports warn that people in vulnerable situations are often at heightened risk of falling victim to sexual and gender-based violence (SGBV), abuse, exploitation, and neglect. The Agency advised relevant authorities to make additional efforts

112. [Joint communication to the European Parliament and the Council. EU Gender Action Plan \(GAP\) III – an ambitious agenda for gender equality and women's empowerment in EU external action](#), 25 November 2022, JOIN(2020) 17 final.

113. [BMFSFJ - Queer-Beauftragter der Bundesregierung](#).

114. [German national action plan 'Living queer'](#).

to inform displaced persons entering the EU, especially at the border crossing points (BCPs), in simple language, about the risks of trafficking.

The Commission's 'Safe homes' guidance¹¹⁵, drawing attention to the needs of particularly vulnerable groups, including LGBTIQ people, is aimed at supporting Member States, regional and local authorities, and civil society organisations with private housing initiatives. The Urban Agenda Partnership on the Integration and Inclusion of Migrants and Refugees held an initiative for the inclusion of LGBTIQ migrants and organised two study visits in Berlin and Amsterdam, at which issues encountered by LGBTIQ persons fleeing from Ukraine were discussed.

Furthermore, the EU is funding United Nations Population Fund (UNFPA) (EUR 1.5 million) with humanitarian funding to provide access to sexual and reproductive health response services, including lifesaving medical care. Under the EU-funded intervention, UNFPA provides dignity kits, gender-based violence awareness-raising materials, and specialised services for survivors of SGBV, including post-rape treatment¹¹⁶.

With EU funding UNFPA also aims to ensure that LGBTIQ communities are reached with relevant awareness campaigns and complaint mechanisms incorporating specific information for these communities.

The results of the FRA's online survey on persons displaced from Ukraine¹¹⁷ show that LGBTIQ persons are more exposed than others to severe hardship during the journey from Ukraine and emotional abuse. LGBTIQ respondents also have on average worse emotional well-being than non-LGBTIQ respondents in the majority of included indicators. One of the action grants awarded under the EU4Health Programme in 2022 supports the mental health of displaced people from Ukraine and gives special attention to vulnerable groups, including LGBTIQ people.

According to information collected by the Office of the Council of Europe's Commissioner for Human Rights, local and international LGBTIQ NGOs played an essential role in addressing the specific needs of LGBTIQ people arriving from Ukraine in neighbouring countries¹¹⁸. Civil society organisations mobilised materials and financial support for LGBTIQ people fleeing Russian aggression against Ukraine. Examples include emergency support systems in countries neighbouring to Ukraine, round-the-clock phone helplines, safe houses, the relocation of hundreds of community members and deliveries of humanitarian aid.

The Russian war of aggression in Ukraine left trans and intersex people in particularly vulnerable situations. LGBTIQ NGOs and groups did their utmost to preserve access to transition-related treatment and medical care within Ukraine and in surrounding countries. Civil society in the EU also carried out wide campaigns to disseminate vital information to those leaving Ukraine.

Evidence from FRA points to instances of unequal treatment of LGBTIQ people by other residents in initial reception centres in one EU Member State, with some NGOs playing a key role in creating a safe place for LGBTIQ persons, offering temporary and short-term accommodation assistance¹¹⁹.

115. [Safe homes guidance \(europa.eu\)](https://europa.eu).

116. The International Red Cross Red Crescent Movement, Norwegian Red Cross, ["That never happens here": Sexual and gender-based violence against men, boys and including LGBTIQ+ people in humanitarian settings](#), 2022.

117. EU Agency for Fundamental Rights (FRA), [Fleeing Ukraine: Displaced people's experiences in the EU](#), Publication Office, 2023.

118. [LGBTI people affected by the war in Ukraine need protection - Commissioner for Human Rights \(coe.int\)](#).

119. FRA, [The war in Ukraine — Fundamental rights implications within the EU, Bulletin 1](#) (May 2022) and FRA, [The Russian war of aggression against Ukraine — The broad fundamental rights impact in the EU, Bulletin 2](#) (October 2022).

■ 5. Delivering on the strategy: Making full use of EU initiatives

The LGBTIQ strategy combines targeted measures with enhanced equality mainstreaming. During the reporting period, the Commission made use of a wide range of internal and external EU policies and funding programmes to combat discrimination against LGBTIQ people.

The Commission uses all available instruments to achieve the objective of a Union of equality. In the Commission formed in 2019, President von der Leyen made equality a separate portfolio allocated to one dedicated Commissioner, and set up a Task Force on Equality. The Task Force, a one-of-a-kind structure, is made up of officials at senior and expert level from each of the Commission's departments and the EEAS. It has a key role in ensuring that equality considerations, including those concerning LGBTIQ people, are integrated into EU policies, legislation, and funding programmes, from their design to their implementation. The Task Force takes an intersectional approach to equality mainstreaming to ensure that the different aspects of people's personal characteristics or identities are duly considered.

To support the equality mainstreaming efforts and build capacity, the Task Force compiled an equality mainstreaming toolbox, an internal capacity-building tool which provides Commission staff with practical information about equality and equality mainstreaming. Training on equality mainstreaming is also regularly offered through courses on all grounds protected against discrimination (gender, racial or ethnic origin, age, disability, sexual orientation, religion or belief).

The Commission has been checking that Member States manage EU funds in compliance with the Charter, as required by a horizontal 'enabling condition'. Enabling conditions are prerequisites which Member States must fulfil to ensure the effective and efficient implementation of the shared management funds under the Common Provisions Regulation (CPR)¹²⁰. Member States must continue to meet enabling conditions throughout the programming period. No relevant expenditure can be reimbursed by the Commission until the applicable enabling conditions are fulfilled. The enabling condition on the Charter means that all Member States have to put in place effective mechanisms to ensure that implementation of the programmes complies with the Charter in order to access reimbursement from the shared management funds. Member States are also required to have in place reporting arrangements and complaint mechanisms regarding cases of non-compliance of operations supported by the Funds.

The Commission's assessment is that all Member States have such effective mechanisms, except Poland and Hungary for the CPR Funds, and Cyprus for the Asylum, Migration and Integration Fund (AMIF) and the Border Management and Visa Instrument. Some of these Member States, for instance Poland for the CPR Funds and Cyprus for the AMIF, have indicated themselves that they do not yet fulfil the enabling condition on the Charter.

The Commission stepped up its efforts to gather detailed intersectional data under the management of the High-Level Group on Non-discrimination, Equality and Diversity. In 2021, the Subgroup on equality data published a guidance note on the collection and use of equality

120. [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](#) (OJ L 231, 30.6.2021, p. 159–706).

data based on racial or ethnic origin, encouraging analysis of intersectional inequalities, including sexual orientation and gender identity¹²¹. The Commission is drafting a guidance on the collection and use of data for LGBTIQ equality that will also take into account asexual and aromantic people¹²². The roundtable on equality data, mentioned in the LGBTIQ strategy, took place in September 2021.

The Commission cooperates closely with FRA when planning and organising meetings of the Subgroup on equality data under the High-Level Group on Non-discrimination, Equality and Diversity. The European Institute for Gender Equality (EIGE) follows and participates in relevant meetings, and provides comments from the intersectional perspective.

Both agencies continuously contribute to the collection of reliable and comparable equality data and apply their expertise to support design and implementation of data-collection in the Member States. FRA's 2021 survey on Roma in 10 European countries includes information on experiences of discrimination based on sexual orientation and gender identity¹²³. The 'Our data is your ally' web page provides an overview of substantive data on experiences of the LGBTIQ youth to assist human rights campaigners¹²⁴. EIGE has used the results of FRA's LGBTI survey to enrich the intersecting inequality analysis in EIGE's reports, in particular the gender equality index for 2021 and 2022.

As part of the pledge to foster fairer and more inclusive societies in Europe, in 2022, the Commission launched the European capitals of inclusion and diversity award. The first winners¹²⁵ of the award were announced in April 2022. The call for applications for the second edition of the awards ended in February 2023 and one award will be given for LGBTIQ equality initiatives.

The Commission is a participatory observer in the European Governmental LGBTI Focal Points Network (EFPN)¹²⁶ steered by the Council of Europe. This enables it to forge synergies between the work of the network and the LGBTIQ Equality Subgroup. In addition, 20 Member States belong to the international Equal Rights Coalition¹²⁷.



In **Slovakia**, the Committee for the Rights of LGBTI Persons is a body under the government's advisory Council for Human Rights, National Minorities and Gender Equality. The Committee brings together people from relevant ministries and civil society representatives, and makes proposals to the Council on how to improve the rights of LGBTI persons.

121. High Level Group on Non-discrimination, Equality and Diversity: Subgroup on equality data, [Guidance note on the collection and use of equality data based on racial or ethnic origin](#), Publication Office, 2021.

122. Asexuality refers to the lack of sexual attraction to others, or a low interest in sexual activity. Some people consider asexuality to be their sexual orientation, and others describe it as an absence of sexual orientation. Asexuality is an umbrella term that includes a wide spectrum of asexual sub-identities, such as demisexual, grey-Ace, queer platonic, and many others. It is common for asexual people to have romantic (but not sexual) attractions to others.

123. Fundamental Rights Agency, [Roma in 10 European countries. Main results](#), Publication Office, 2022.

124. [Our Data Is Your Ally | European Union Agency for Fundamental Rights \(europa.eu\)](#).

125. These were: Cologne (Germany), Gothenburg (Sweden), Barcelona (Spain), Koprivnica (Croatia), Ingelheim am Rhein (Germany), Antequera (Spain), Andalucia (Spain), Gardinari (Romania).

126. 24 Member States are member of the EFPN: Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden.

127. Belgium, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Lithuania, Luxembourg, Malta, Netherlands, Austria, Portugal, Slovenia, Finland, Sweden.



Co-funded by the Rights, Equality and Citizenship (REC) programme, 'Improving equality data collection in Belgium'¹²⁸ was a **Belgian** project, carried out in partnership by the equality body Unia and the Equal Opportunities Administration of the Federal State Secretary for Equal Opportunities. Unia published an inventory of existing equality data in Belgium and a report with lessons learned and recommendations on the collection and processing of equality data, including LGBTIQ+ data. The project will be continued for other grounds of discrimination.



Sweden has an LGBTIQ strategy that sets out the long-term structure and goals for LGBTIQ equality in the country. The structure consists of eight focus areas and 12 public authorities that have been appointed as LGBTIQ strategic authorities. They are tasked with promoting LGBTIQ equality and integrating it into their respective day-to-day work. They also form a network for co-ordination and co-operation. As this structure has increased in size over the years, the government has recently appointed Sweden's Public Health Agency to survey, provide knowledge support, coordinate and report back to government.

128. [Data on \(in\)equality & discrimination in Belgium: results of the project 'Improving equality data collection in Belgium' \(2021\) | Unia.](#)

■ 6. Developments at national level

Prior to the meeting of the LGBTIQ Equality Subgroup in November 2022, the Commission disseminated a survey among members of the Subgroup to self-assess progress in implementing the LGBTIQ strategy and guidelines on national LGBTIQ strategies. The areas examined included: progress on collection of disaggregated, comparable equality data; factual and non-stereotypical awareness raising about LGBTIQ people; national plans; structures; funding for mainstreaming LGBTIQ equality; and Member States' external action. Responses were received from 18 Member States.

Based on the responses received, it can be noted that a growing number of Member States have adopted national LGBTIQ action plans or strategies – as suggested in both the LGBTIQ strategy and the guidelines for strategies and action plans to enhance LGBTIQ equality. Meanwhile, several existing strategies and action plans are being evaluated and Member States are preparing for the adoption of renewed LGBTIQ policy documents. National action plans usually commit to the mainstreaming of equality in all areas, including employment, education, and health. Only a few Member States have in place a permanent governmental LGBTIQ coordination structure bringing together all relevant policy areas and levels of governance, whereas others designate either separate commissioners or bodies for LGBTIQ equality or have no coordination structures.

Following the analysis of the replies to the survey, it appears that although many Member States have carried out studies, the overall datasets are rather fragmented and not comparable. This means that they only concern certain areas of life and in many cases are not repeated.

Over the reporting period, most Member States organised awareness raising and information distribution about LGBTIQ people. Among the Member States which replied to the survey, three approaches can be distinguished. Most frequently, Member States have opted for dissemination of videos in new and traditional media. Other two examples include training for employees and health professionals and websites aimed at the LGBTIQ community.

CONCLUSIONS

The adoption of the 2020-2025 LGBTIQ equality strategy was a positive breakthrough for the promotion of the LGBTIQ rights in the European Union and beyond. The LGBTIQ strategy is one of the tools for bolstering cross-sectoral and cross-departmental commitment to LGBTIQ equality. The overwhelming majority of the measures contained in the LGBTIQ strategy have either been delivered or are being implemented.

The LGBTIQ strategy contributed to the creation of new platforms for constructive discussions with Member States and helped deepen their interest in policies to advance LGBTIQ equality. Notably, the LGBTIQ strategy helped bring together a wide range of players that likely would not have been able to meet otherwise.

The main objective of the LGBTIQ strategy is the mainstreaming of equality into all EU policies, legislation, and funding programmes, including gender identity or expression and sex characteristics. The LGBTIQ strategy continued to promote an intersectional approach and attention to most vulnerable groups, such as LGBTIQ women, LGBTIQ children and youth, and trans, intersex and non-binary people.

The LGBTIQ strategy calls for regular monitoring of the measures it contains and a mid-term review of implementation. The information gathered in this progress report and the accompanying discussions will feed into that process and contribute to the assessment of the impact of the LGBTIQ strategy on the situation of LGBTIQ people in Europe.

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