



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate D: Equality and Union citizenship  
**The Director**

Brussels  
JUST.D.1/FS

Dear Petitioners,

Thank you for your submissions addressed to the Vice-President of the European Commission, Věra Jourová. I was asked to reply on the Vice-President's behalf, as my directorate is responsible for anti-discrimination within the Commission services.

In your petition, you regret the alleged political pressure and negative comments from the Vice-President on the signatories of the Local Government Charter on the Rights of the Family<sup>1</sup>. You also point out that there should not be any suspension of EU funds received by Poland.

The Charter of Fundamental Rights of the European Union provides for the right to marry and the right to found a family in accordance with the national laws governing the exercise of these rights. At the same time, it prohibits any discrimination based on sexual orientation and sex and provides for the right to respect persons' private life. The Treaty on the European Union provides that the Union is founded on the values of, among others, respect for human dignity, equality and respect for human rights, including the rights of persons belonging to minorities.

More specifically, EU legislation provides for a right not to be discriminated against based on sexual orientation in the areas of employment, social security and access to and supply of goods and services<sup>2</sup>. The aforementioned directives have been transposed by all Member States, including Poland. Protection against discrimination based on sexual orientation is also provided in the Commission's proposal for an horizontal equal treatment directive, which is listed in the 2020 Commission Work Programme as one of the pending proposals on which the Commission expects the co-legislator to take swiftest

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<sup>1</sup> Polish municipalities and regions adopted resolutions opposing the so-called 'LGBT ideology' or declaring themselves to be free therefrom.

<sup>2</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation OJ L 303, of 02/12/2000, 16.; Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204, of 26/7/2006, 23.

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, OJ L 6, 10.1.1979, 24. Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services, OJ L 373, of 21/12/2004, 37.

action<sup>3</sup>. Finally, fundamental rights also have to be respected by Member States when they implement the European Structural and Investment Funds<sup>4</sup>.

In accordance with the above legal framework, the Commission strongly condemns any discrimination against LGBTI people and their fundamental rights. Any form of discrimination, intolerance or violence based on sexual orientation, gender identity or sex characteristics goes against the fundamental values on which the European Union is founded.

In order to combat discrimination of LGBTI people in the EU, the Commission has published the 'List of actions to advance LGBTI equality'. A final report on its implementation was issued on 15 May 2020<sup>5</sup>. Building on the List of actions, the Commission is also developing an LGBTI+ Equality Strategy that will be presented before the end of 2020.

Yours faithfully,

Irena MOOZOVA

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<sup>3</sup> Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008) 426 final

<sup>4</sup> Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds ('ESI Funds') [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0723\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0723(01)&from=EN)

<sup>5</sup> [https://ec.europa.eu/info/sites/info/files/report\\_list\\_of\\_actions\\_2015-19.pdf](https://ec.europa.eu/info/sites/info/files/report_list_of_actions_2015-19.pdf)