Supporting the development, implementation and monitoring of national LGBTIQ equality strategies and action plans

High-Level Group on non-discrimination, equality and diversity

LGBTIQ Equality Subgroup

European Commission

Justice and Consumers

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Background and purpose

Equality and non-discrimination are core values and fundamental rights in the EU, enshrined in Article 2 of the Treaty on the European Union, Article 10 of the Treaty on the Functioning of the European Union and Article 21 of the Charter of Fundamental Rights of the European Union. Nevertheless, EU-wide survey data, regularly collected by the European Union Agency for Fundamental Rights (FRA)[1] and through the Eurobarometer[2], illustrate the extent and nature of the discrimination, violence and harassment experienced by LGBTIQ people across the EU.

On 12 November 2020, the European Commission adopted its first-ever LGBTIQ equality strategy[3]. The strategy marked a new phase in the EU efforts to advance LGBTIQ equality in Europe. The strategy encourages Member States to develop their own national action plans on LGBTIQ equality (LGBTIQ NAPs). The objective is to step up protection against anti-LGBTIQ discrimination, to ensure follow-up at the national level of the objectives and actions set out in this strategy and to complement them with measures to advance LGBTIQ equality in areas of Member State competence.

To support Member States in their efforts, in May 2021, the LGBTIQ equality subgroup was set up under the High-Level Group on non-discrimination, equality and diversity. The subgroup is composed of experts, nominated by Member States' governments, to support and monitor progress in protecting the rights of LGBTIQ people in the Member States. The FRA contributes to its work, and the subgroup cooperates with civil society and international organisations, such as the OECD and the Council of Europe.

The LGBTIQ equality subgroup prepared the guidelines for strategies and action plans to enhance LGBTIQ equality[4] to support Member States' efforts to affirm LGBTIQ equality in a strategic and evidence-based manner. These guidelines identify what LGBTIQ policies, strategies and action plans should cover in order to be useful and effective.

Drawing on these guidelines, on the EU Anti-racism Action Plan's Monitoring Checklist and Reporting Tool[5] and on the Council of Europe's work on national LGBTIQ action plans[6], the following monitoring checklist has been prepared. It aims to support Member States in identifying those aspects and concrete elements, which tend to influence the development and implementation of comprehensive, effective and sustainable LGBTIQ NAPs. The monitoring checklist is complemented by a list of guiding questions, to further operationalise its different elements. The annex on terminology attached to this

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[1] https://fra.europa.eu/en/publication/2024/lgbtiq-crossroads-progress-and-challenges
[2] https://europa.eu/eurobarometer/surveys/detail/2972
[3] https://commission.europa.eu/document/download/5100c375-87e8-40e3-85b5-1adc5f556d6d_en?filename=lgbtiq_strategy_2020-2025_en.pdf
[4] https://commission.europa.eu/system/files/2022-09/guidelines_for_strategies_and_action_plans_to_enhance_lgbtiq_equality_2022final16_05.pdf
[5] https://commission.europa.eu/system/files/2023-02/NAPAR%20Monitoring%20Checklist%20and%20Reporting%20Tool_PUBLICATION.pdf
[6] See, in particular, Council of Europe, National action plans as effective tools to promote and protect the human rights of LGBTI people (2016).

document lists the main concepts used in the checklist – drawing on definitions in EU law or adopted by international treaty and expert bodies.

The monitoring checklist was developed by the LGBTIQ Equality Subgroup, with the support of the FRA, and endorsed by the High-Level Group on Equality, Non-discrimination and Diversity. It is addressed mainly to national authorities responsible for developing, implementing and monitoring LGBTIQ NAPs, or tasked to do so.

The Subgroup encourages Member States to use this monitoring checklist - when relevant to their national context - to facilitate and inform (1) their national efforts to develop, implement and monitor a LGBTIQ NAP; and (2) actions to advance LGBTIQ equality at the regional and local levels. This would ensure better coordination across all levels of governance, forming a comprehensive response to preventing and tackling discrimination against LGBTIQ people.

National Action Plans and integrated measures

A dedicated LGBTIQ NAP sets out the Member State's measures to combat discrimination against LGBTIQ people and promote equality, in line with its obligations under EU and international law. Research suggests that the development and adoption of such action plans do matter in promotion of LGBTIQ equality[7]. It is recommended that Member States should develop a stand-alone LGBTIQ NAP, while integrated measures on combating discrimination against LGBTIQ people can also in some cases form an integral part of more general national equality or human rights action plans or other relevant instruments, which might be relevant for an intersectional approach.

Regardless of the form in which such measures are set out, several criteria need to be met for the LGBTIQ NAP to be fit for purpose, in line with the guidelines for strategies and action plans to enhance LGBTIQ equality.

LGBTIQ NAPs or integrated measures against discrimination, should:

- be in line with, and guided by, the EU and international legal and policy framework (guideline 3);
- be comprehensive in scope (guidelines 2 and 3), including reflections on policy and legal areas set out in the EU LGBTIQ equality strategy;
- set clear, ambitious and measurable priorities (guidelines 3 and 6), complemented with specific actions and programmes;
- apply a participatory approach, including the active engagement of civil society (guidelines 3, 4 and 5);
- be evidence-based, informed by, and based on reliable and robust equality data (guidelines 1 and 6);
- include proper monitoring and evaluation mechanisms (guideline 6);
- adopt an intersectional perspective, paying particular attention to the most vulnerable within the LGBTIQ community (guidelines 1, 2 and 4);

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[7] See, in particular, OECD, Over the Rainbow? The Road to LGBTI Inclusion (2020).

- be accompanied by the necessary time, human and financial resources for their implementation (guideline 6);
- be well communicated to civil society and the general public (guidelines 1 and 4).

Member States are encouraged to apply the full set of common guiding principles in the preparation and development of their LGBTIQ NAPs as well as in their implementation, monitoring and evaluation.

National Action Plans monitoring checklist

In order to help Member States developing meaningful and effective LGBTIQ NAPs and/or integrated measures on combating discrimination against LGBTIQ people, the monitoring checklist proposes a series of indicative common features, presented in the table below in dark green. Moreover, as the situation of LGBTIQ people varies considerably from one Member State to the other, the monitoring checklist proposes additional and more targeted commitments, presented in the table below in light green. This recognises the diversity of situations in Member States and allows for a common but differentiated approach. In line with the Guidelines, the monitoring checklist provides a specific attention to LGBTIQ people experiencing intersecting discriminations, including LBTIQ women, LGBTIQ children and young people, LGBTIQ people with disabilities, older LGBTIQ people and those with migrant background, as well as trans and intersex people.

1. Preparation and development

Topic		Question	Y/N/N.A.
Guideline 5	Definition of responsibilities and timeline	Were the allocation of responsibilities and timeline for the LGBTIQ NAP's development clearly defined?	
Guideline 5	Designation/establishment of a dedicated LGBTIQ NAP governmental body/function/focal point[8]	Is there a body/function/focal point (hereinafter referred to as "body") tasked to prepare and develop the LGBTIQ NAP?	
		Is there a clearly defined mandate and set of responsibilities to ensure accountability and effectiveness of this body in the preparation and development of the LGBTIQ NAP?	

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[8] A governmental body/function/focal point within the government is responsible for leading the preparation and development of the NAP, including carrying out a baseline study, mapping relevant law, policy and funding, and conducting a needs assessment for equality data. For inspiration, see the OHCHR's Practical guide on developing national action plans against racial discrimination, pp. 67-68

		Does this body assure a mechanism for cooperation and coordination between relevant stakeholders for the preparation and development of the LGBTIQ NAP?	
		Is the formal participation of affected communities and their representative organisations ensured in the preparation and development of the LGBTIQ NAP through the advisory and coordination mechanism?	
		Does the advisory and coordination mechanism build on lessons learned from the development and implementation of previous LGBTIQ NAP or similar measures?	
Guideline 3	**Mapping of existing law, policy and funding, as well as relevant recommendations by treaty and expert bodies**	Were national law, policy and funding, and relevant measures at national, regional or local level mapped out?	
		Were relevant EU frameworks and strategies mapped out?	
		Were relevant recommendations by the EU Institutions and by international treaty and expert bodies (i.e. the OECD, the Council of Europe, etc.) mapped out?	
		Are concrete measures provided for to ensure the appropriate integration of these recommendations?	
Guideline 5	**Mapping of and cooperation with relevant institutions**	Were all areas and levels of administration/governance relevant for the design and implementation of the LGBTIQ NAP mapped out?	
		Were institutional structures/actors, public bodies, national human rights bodies[9], social partners and other public stakeholders relevant for the design and implementation of the LGBTIQ NAP mapped out?	

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[9] 'National human rights bodies' means equality bodies (EBs), national human rights institutions (NHRIs) and ombuds institutions.

		Are concrete measures provided for to enable the meaningful participation of the mapped institutions?	
Guideline 5	**Mapping of and cooperation with relevant Civil Society Organisations (CSOs) and representatives of affected communities**	Were LGBTIQ civil society organisations mapped out, including those led by and/or focused on LGBTIQ people of communities in a vulnerable position, and/or experiencing intersectional discrimination?	
		Were efforts made towards reaching out to organisations outside the capital and/or major cities/towns?	
		Are concrete measures provided for to enable the meaningful participation of the mapped CSOs?	
Guideline 1	**Use of equality data to inform the development and scope of the LGBTIQ NAP**	Did equality data and other research evidence and other relevant data inform the development and the scope of the LGBTIQ NAP[10]?	
		Was a needs assessment[11] of users and potential users of equality data carried out to support the development and the scope of the LGBTIQ NAP?	
		Were existing data sources that provide disaggregated information on LGBTIQ people[12] mapped out and possible gaps identified?	
		Did the data specifically map the lived experiences of LGBTIQ people of communities in a vulnerable position, and/or experiencing intersectional discrimination?	

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[10] According to the first guideline for strategies and action plans to enhance LGBTIQ equality, "it is important to have an empirically accurate, reliable and precise picture of the inclusion of LGBTIQ people in society. The fact-based observation of the situation helps to trace both successes and potential gaps in protection. A proper overview lays the foundation for effective actions and measures to improve the situation where needed. This requests the availability and regular collection of segregated equality data. Fact-based communication may contribute to improve the social acceptance of LGBTIQ people".

[11] A needs assessment of users and potential users of equality data should help to identify the type of equality data needed for both evidence-based policy making and monitoring the state of equality and human rights. For further info, see the Guidance note on the collection and use of data for LGBTIQ equality.

[12] These may include population censuses, administrative registers, household and individual surveys, victimisation surveys, attitude surveys/barometer surveys, complaints data, criminal justice data, data on hate speech, data on hate crime, discrimination testing, other research (specify), qualitative research studies, CSO data, data from international organisations or FRA data.

Guideline 5	**Public consultation**	Was a public consultation held during the LGBTIQ NAP's development?	
		Were the affected communities and their representing organisations consulted, especially those led by and/or focused on communities in a vulnerable position, and on LGBTIQ people experiencing intersectional discrimination? Was there a budget allocated to ensure their meaningful participation?	
		Were the results of the public consultation incorporated into the final LGBTIQ NAP?	
Guideline 6	**Secure funding**	Does the LGBTIQ NAP have an allocated budget?	
		In the context of the LGBTIQ NAP, have you provided sufficient human and financial resources to bodies tasked with specific deliverables and activities set out in the LGBTIQ NAP?	
Guidelines 3 and 6	**Comprehensive scope (clear, ambitious and measurable priorities) of the LGBTIQ NAP**	Does the LGBTIQ NAP use or refer to existing definitions of different manifestations of discrimination? If no definitions are available in national or EU law, does the LGBTIQ NAP provide for this?	
		Does the scope of the LGBTIQ NAP cover all areas outlined in the European Commission's LGBTIQ equality strategy?	
		Does the LGBTIQ NAP provide for the collection and use of equality data on sexual orientation, gender identity/expression and sex characteristics?	
		Are actions planned in the NAP to fill any identified data gaps, in particular with the aim to understand the experiences of LGBTIQ people of communities in a vulnerable position, and/or experiencing intersectional discrimination?	
		Does the LGBTIQ NAP set out priorities/objectives and indicators/targets?	
		Does the LGBTIQ NAP include or apply an intersectional approach and ensure coherence with other equality NAPs, if any?	

Guidelines 1 and 4	Public launch / communication / awareness raising	Was the LGBTIQ for the NAP launched/adopted publicly? Was its launch/adoption announced/ accompanied by any communication activities or events[13]?	
		Did the communication strategy address potential backlash or opposition to the LGBTIQ NAP, and include measures to mitigate negative responses and ensure constructive dialogue?	
		Were the channels and platforms used to promote the LGBTIQ NAP's public launch chosen to effectively reach diverse audiences and engage stakeholders?	

2. Implementation

	Topic	Question	Y/N/N.A.
Guideline 5	Presence of an implementation agenda	Were the allocation of responsibilities and timeline for the LGBTIQ NAP's implementation clearly defined?	
Guidelines 3, 4 and 5	Continuous supervision of the implementation by the coordination mechanism	Is continuous engagement with the affected communities and their representative organisations ensured through the coordination mechanism?	
Guideline 5	Implementation of the LGBTIQ NAP at regional and local level	Does the LGBTIQ NAP require action and/or include measures/activities to be implemented at regional/local level?	
Guideline 6	Implementation oversight/progress reporting on the LGBTIQ NAP's implementation	Does the LGBTIQ NAP set out and require regular reporting on the progress made with the measures it sets out?	

[13] These may include press releases, a launch with representation at ministerial level, coverage by the major news outlets or information events, campaigns, etc. beyond the launch.

	Topic	Question	Y/N/N.A.
Guideline 6	**Monitoring of outcomes during the implementation of the LGBTIQ NAP**	Are any indications of positive outcomes/effects already appearing during the implementation of the LGBTIQ NAP?	
		Was the input of the affected communities and their representative organisations, as well as that of national human rights bodies, taken into account?	
Guidelines 1 and 4	**Visibility and communication activities**	Have you organised visibility and/or dissemination or capacity building activities[14] or other events as part of the implementation of the LGBTIQ NAP?	
		Are concrete measures provided for to make the LGBTIQ NAP accessible to LGBTIQ persons experiencing intersectional discrimination?	

3. Monitoring and evaluation

	Topic	Question	Y/N/N.A.
Guideline 6	**Evaluation of the implementation and impact of the LGBTIQ NAP**	Does the LGBTIQ NAP set out and require mid-term evaluation of its implementation?	
		Were the affected communities and their representing organisations involved in the mid-term evaluation, especially those led by and/or focused on communities in a vulnerable position, and on LGBTIQ people experiencing intersectional discrimination?	
		Is there a procedure to adjust and/or redefine the LGBTIQ NAP's goals and measures on the basis of the results of the mid-term evaluation, as well as of implementation challenges or emerging needs?	
		Does the LGBTIQ NAP set out and require a final evaluation of its implementation?	
		Were the affected communities and their representing organisations appropriately involved in the final evaluation, especially those led by and/or focused on communities in a vulnerable position, and on LGBTIQ people experiencing intersectional discrimination?	

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[14] These may include campaigns, competitions, conferences, exhibitions, roundtables, or trainings on specific age groups (such as children, young people and elderly people) and those experiencing intersectional discrimination.

		Has the LGBTIQ NAP's impact been measured?	
		Are concrete measures provided for to follow-up on the evaluation's results, including through the possible development of a successor NAP?	
Guideline 6	**Designation/establishment of an independent mechanism responsible for the monitoring and evaluation of the LGBTIQ NAP**	Does the LGBTIQ NAP set out the designation/establishment of a mechanism responsible for its monitoring and evaluation?	
		If so, is the monitoring and evaluation mechanism independent?	
		Has the monitoring and evaluation mechanism been provided with sufficient human and financial resources to monitor and evaluate the LGBTIQ NAP?	
		Were the affected communities and their representative organisations included as members or contributed to the work of the monitoring and evaluation mechanism, especially those led by and/or focused on communities in a vulnerable position, and on LGBTIQ people experiencing intersectional discrimination?	
		Is this mechanism also responsible for the monitoring and evaluation of the other national equality NAPs, if any?	
Guideline 6	**Data and indicators for the evaluation and monitoring of the LGBTIQ NAP**	Is the monitoring and evaluation of the LGBTIQ NAP based on equality data and other research evidence?	
		Does these data and other research evidence reflect the experiences of LGBTIQ people of all communities, and/or experiencing intersectional discrimination?	
		Are monitoring activities based on indicators? If so, are they human rights based[15]?	

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[15] OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation, 2012

		Are qualitative factors, e.g. whether the LGBTIQ NAP took into account and addressed the needs of LGBTIQ people of all communities, and/or experiencing intersectional discrimination?	
Guideline 6	**Reporting on the results of the evaluation and monitoring of the LGBTIQ NAP**	Is reporting of the results of the monitoring and evaluation of the LGBTIQ NAP planned?	
		Are the results of the evaluation publicly available?	
		Are the results of the evaluation widely disseminated?	

Annex – terminology

This annex lists the main concepts used in the document, drawing on the Guidance note on the collection and use of data for LGBTIQ equality[16] produced by the Subgroup on Equality Data of the High-Level Group on Non-Discrimination, Equality and Diversity and on definitions anchored in EU law or adopted by international treaty and expert bodies.

Equality data: the European handbook on equality data, and the guidelines on improving the collection and use of equality data define 'equality data' as any piece of information that is useful for the purposes of describing, analysing, reasoning about or making decisions on the state of equality. The information may be quantitative or qualitative. It could include aggregate data that reflect inequalities or their causes or effects in societies[17].

Gender "shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men"[18]. It is 'a multidimensional construct that links gender identity (a core element of a person's individual sense of self), gender expression, and social and cultural expectations about status, characteristics, and behaviour that are associated with sex traits[20].' 'Gender traditionally refers to a social and cultural construct of being a man or a woman. However, some people do not identify within the gender binary of man/woman. Gender exists independently of sex, and an individual's gender does not always correspond with the sex assigned at birth[21].'

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[16] https://europa.eu/!jG9mXN
[17] European Commission, European Handbook on Equality Data – 2016 Revision, Publications Office of the European Union Luxembourg, 2016. For more on equality data, see the work done by the Subgroup on Equality Data.
[18] Council of Europe Convention on preventing and combating violence against women and domestic violence
[20] National Academies of Sciences, Engineering, and Medicine (2022), Measuring Sex, Gender Identity, and Sexual Orientation, The National Academies Press, Washington DC, p. 4.
[21] TGEU (2016), Glossary.

Gender identity: refers to 'each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms[22].'

Gender expression: refers to 'each person's presentation of the person's gender through physical appearance – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references, and noting further that gender expression may or may not conform to a person's gender identity[23]'. 'Gender expression is separated from gender identity as both cisgender or transgender men can for example deploy gender-stereotypically-masculine behaviour and expression, or not. Although there are variations in how gender expression (often defined as ranges of femininity and masculinity) is defined and expressed both across cultural groups and over time, at the core of the dominant gender-expression belief system is the expectation that people who are assigned female at birth should have a "feminine" gender expression, and those assigned male at birth should have a "masculine" gender expression[24].'

Intersectional discrimination: a situation in which several grounds operate and interact with each other at the same time in such a way that they are inseparable and produce specific types of discrimination[25]. These grounds may include but are not limited to those protected by Art. 19 of the Treaty on the Functioning of the EU: sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

LGBTIQ people: in line with the LGBTIQ equality strategy, LGBTIQ people are here defined as 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); or whose identity does not fit into a binary classification of sexuality and/or gender (queer).

Sex is 'a multidimensional construct based on a cluster of anatomical and physiological traits (**sex traits**), which include external genitalia, secondary sex characteristics, gonads, chromosomes, and hormones. It is usually assigned as female or male, most often defined at birth based on visual inspection of external genitalia[26].'

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[22] International Commission of Jurists (2007), Yogyakarta principles: principles on the application of international human rights law in relation to sexual orientation and gender identity, p. 8.

[23] International Commission of Jurists (2017, The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, p. 6.

[24] West C, Zimmerman DH. (1987), Doing Gender. *Gender and Society* 1(2), pp. 125-151.

[25] FRA and European Court of Human Rights, Handbook on European non-discrimination law – 2018 edition, Publications Office of the European Union, Luxembourg, 2018, p. 59. The European Institute for Gender Equality defines 'intersectionality' as an 'analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other's personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination'. This definition also applies to any form of discrimination.

[26] National Academies of Sciences, Engineering, and Medicine (2022), Measuring Sex, Gender Identity, and Sexual Orientation, The National Academies Press, Washington DC, p. 3.

Sex characteristics: 'refer to each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty[27]'. People who have a variation of sex characteristics (VSC) that falls outside of the normative understanding of gendered bodies are often referred to as intersex.

Sexual orientation: refers to 'how one finds oneself feeling drawn (or not drawn) to another person in a sexual and/or romantic way[28]'. 'This encompasses emotional, affectional, and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender[29].'

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[27] International Commission of Jurists (2017, The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, p. 6.

[28] European Parliament (2020), Glossary of Sensitive Language for Internal and External Communications, p. 12.

[29] International Commission of Jurists (2007), Yogyakarta principles: principles on the application of international human rights law in relation to sexual orientation and gender identity, p. 8.

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