# EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity

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The Committee on Civil Liberties, Justice and Home Affairs adopted the initiative report by Ulrike LUNACEK (Greens/EFA, AT) on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity.

Members noted that the 2013 EU LGBT survey conducted by the European Union Agency for Fundamental Rights (FRA) found that, across the EU in the year preceding the survey, one in two LGBT respondents felt discriminated against or harassed on grounds of sexual orientation and one in three was discriminated against when accessing goods or services. It also revealed that **one in four was physically attacked**.

They also recalled in this context that, in May 2013, 11 Equality Ministers called on the Commission to issue a comprehensive EU policy for LGBT equality, and that the **European Parliament has asked 10 times for a comprehensive European Union policy instrument** for equality on grounds of sexual orientation and gender identity.

Strongly condemning any discrimination on the basis of sexual orientation and gender identity, Members once again called for a comprehensive policy to protect the fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people and for a roadmap to be defined.

**Horizontal actions to implement the Roadmap:** Members detailed the actions to be set in place by the European institutions or agencies. They stressed that this comprehensive policy should respect the Union's competences as well as those of its Member States. They outlined the main actions that should be implemented in this context. These can be summarised as follows:

- the Commission is asked to work to secure existing rights throughout its work and across all domains in which it is competent by mainstreaming issues linked to the fundamental rights of LGBTI people in all relevant work;
- relevant European Union agencies should mainstream issues related to sexual orientation and gender identity in their work, and continue to provide the Commission and Member States with evidence-based advice;
- the Commission and Member States should be encouraged to regularly collect relevant and comparable data on the situation of LGBTI persons in the EU;
- together with relevant agencies, the Commission and Member States should seek to make citizens aware of the rights of LGBTI persons.

**General provisions in the field of non-discrimination:** in this field, Members encourage the Member States to **consolidate the existing EU legal framework** by working to adopt the proposed directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, including by clarifying the scope and associated costs of its provisions.

**Non-discrimination in employment:** Members called upon the Commission to include a specific focus on sexual orientation when monitoring the implementation of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and on gender identity when monitoring

the implementation of 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. It should also **issue guidelines specifying that transgender and intersex persons are covered under 'sex'** in Directive 2006 /54/EC.

Equivalent initiatives were envisaged to protect the rights of LGBTI people in fighting discrimination in the areas of:

- **education:** facilitating the sharing of good practices among Member States;
- **health:** access to health care, equality in health, and ensuring training curricula, health policies and health surveys take specific LGBTI health issues into account;
- **access to goods and services:** a specific focus on access to goods and services by transgender persons when monitoring the implementation of Directive 2004/113/EC.

**Action specific to transgender and intersex persons**: Members called for similar measures in the case of transgender and intersex persons. The Commission, Member States and relevant agencies should address the current lack of knowledge, research and relevant legislation on the human rights of intersex people

**Citizenship, families and freedom of movement:** Members asked that all the directives of relevance in the field should be respected for these persons and that the Commission should make proposals for the **mutual recognition of the effects of all civil status documents across the EU**, including registered partnerships, marriages and legal gender recognition, in order to reduce discriminatory legal and administrative barriers for citizens and their families who exercise their right to free movement. Member States which have adopted legislation on cohabitation, registered partnerships or marriage for same-sex couples should recognise similar provisions adopted by other Member States.

**Freedom of assembly and expression**: Members called on the Member States ensure that rights to freedom of expression and assembly are guaranteed, particularly with regard to **pride marches and similar events**, by ensuring these events take place lawfully and by guaranteeing the effective protection of participants.

The Commission should monitor and provide assistance to the Member States with regard to issues specific to sexual orientation, gender identity and gender expression when implementing Directive 2012/29 /EU on the rights, support and protection of victims of crime, in particular when crimes are committed with a bias or discriminatory motive which could be related to the personal characteristics of the victims.

Member States should register and investigate hate crimes against LGBTI people, and a**dopt criminal legislation prohibiting incitement to hatred on grounds of sexual orientation and gender identity.**

**Asylum:** Members called on the Commission and Member States to ensure that asylum professionals, including interviewers and interpreters, receive adequate training - including existing training - to handle issues relating specifically to LGBTI persons. Member States should also ensure that the legal and social situation of LGBTI persons in countries of origin is documented systematically and that **such information is made available to asylum decision-makers as part of Country of Origin Information (COI)**.

Lastly, as regards **enlargement and external action**, Members called on the Commission, the European External Action Service, the EU Special Representative for Human Rights and Member States to systematically use the Council Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons.