

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

2013/2183(INI) - 04/02/2014 - Text adopted by Parliament, single reading

The European Parliament adopted by 394 votes to 176 with 72 abstentions, a resolution on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity. The resolution adopted in plenary is one presented by the political groups EPP, S&D, ALDE, Greens/EFA, GUE/NGL replacing the draft resolution prepared by its Committee on Civil Liberties, Justice and Home Affairs.

Parliament 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 and that one in four was physically attacked.

It also recalled that, in June 2013 the Council of the European Union adopted strong guidelines to promote and protect the enjoyment of all human rights by LGBTI (lesbian, gay, bisexual, transgender and intersex) (LGBTI) persons outside the European Union, and should ensure that they are protected effectively inside the EU.

Strongly condemning any discrimination on the basis of sexual orientation and gender identity, Parliament recalled that it had asked 10 times for a **comprehensive European Union policy instrument for equality** on grounds of sexual orientation and gender identity, promoting respect for LGBT persons and protection of their fundamental rights in the EU.

It called on the Commission to use its competences to the fullest extent, including facilitating the exchange of good practices among Member States and **called on Member States to fulfil their obligations under EU law** on measures to combat discrimination on grounds of sexual orientation or gender identity.

Horizontal actions to implement the Roadmap: the resolution detailed the content of the roadmap to combat discrimination on grounds of sexual orientation or gender identity. It stressed that this comprehensive policy should respect the Union's competences as well as those of its Member States. It 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, Member States are encouraged 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: the Commission should include a specific focus on sexual orientation when monitoring the implementation of [Directive 2000/78/EC](#), 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 **specify that transgender and intersex persons are covered under ‘sex’** in Directive 2006/54/EC.

Similar 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, including teaching materials, anti-bullying and anti-discrimination policies,
- **health:** access to health care, equality in health, and ensuring training curricula, health policies and health surveys take specific LGBTI health issues into account, within national health plans and policies, and reviewing legal gender recognition procedures;
- **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](#).

Parliament felt that the Commission should continue working within the World Health Organisation to withdraw gender identity disorders from the list of mental and behavioural disorders and to ensure a non-pathologising reclassification.

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. 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. It should ensure gender identity is included among prohibited grounds of discrimination in any future equality legislation, including any recasts, and mainstream issues specific to transgender and intersex people throughout the relevant EU policies.

Citizenship, families and freedom of movement: Parliament asked that all the directives of relevance in the field should be respected for these persons **including the right to family reunification** and that the Commission make proposals for the **mutual recognition of the effects of all civil status documents across the EU**, 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 and rejection of hate speech: Parliament 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. Member States should refrain from adopting laws and reconsider existing laws that restrict freedom of expression in relation to sexual orientation and gender identity.

The Commission was asked to provide assistance to 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 hate crimes.

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

The Commission should propose a recast of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law including other forms of bias crime and incitement to hatred, including on grounds of sexual orientation and gender identity.

On the **issue of asylum**, Parliament 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**, Parliament 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.

In any event, this comprehensive policy must respect the competences of the European Union, of its agencies, and of Member States.

It should be noted that an alternative resolution presented by the EDD was rejected in plenary.