Resolution on LGBTIQ rights in the EU

2021/2679(RSP) - 14/09/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 387 votes to 161, with 123 abstentions, a resolution on LGBTIQ rights in the EU.

Despite the fact that LGBTIQ rights are human rights, LGBTIQ persons continue to suffer discrimination and violence in Europe. The resolution stressed that although the EU has seen progress in terms of marriage and civil unions, adoption rights for LGBTIQ persons and protection in law from discrimination, hate speech and hate crime, there have also been steps backwards, such as hostile rhetoric from elected politicians, surges in homophobic and transphobic violence and the proclamation of the so-called 'LGBTI-free zones'.

The resolution underlined the need to work towards the full enjoyment of fundamental rights by LGBTIQ persons in all EU Member States. Parliament insisted that the EU needs to take a common approach to the recognition of same-sex marriages and partnerships.

Members expressed deep concern regarding discrimination suffered by rainbow families and their children in the EU and the fact that they are deprived of their rights on grounds of sexual orientation or gender identity, or sex characteristics of the parents or partners. The Commission and the Member States are called on to overcome this discrimination and to **remove the obstacles they face** when exercising the fundamental right to freedom of movement within the EU.

Against this background, Parliament called on the Commission to:

- ensure that all EU Member States respect continuity in law as regards the family ties of members of rainbow families which move to their territory from another Member State, at least in all the circumstances in which this is required under the European Convention on Human Rights;

- propose legislation requiring all Member States to recognise the adults mentioned on a **birth certificate** issued in another Member State as the legal parents of the child, regardless of the legal sex or the marital status of the adults, and requiring all Member States to recognise the marriages or registered partnerships formed in another Member State, in all situations in which the spouses or the registered partners would have a right to equal treatment under the case law of the ECtHR;

- take concrete measures to ensure **freedom of movement for all families, including rainbow families**, in line with the judgment in the case of Coman & Hamilton, which states that the term 'spouse' as used in the Free Movement Directive is also applicable to same-sex partners.

Parliament also supported the Commission's commitment to propose a legislative initiative with the aim of extending the list of '**EU crimes**' to hate crimes and hate speech, including when targeted at LGBTIQ persons, as well as the proposal on the mutual recognition of parenthood and possible measures to support the mutual recognition of same-gender partnership between Member States.

Lastly, Parliament requested that the Commission address the discrimination suffered by the LGBTIQ community in Poland and Hungary in order to urge the Member States to correctly apply and respect the EU legislation on this matter. The Commission should also make full use of the tools available to it, to address the **clear risk of a serious breach by Poland and Hungary** of the values on which the EU is

founded, in particular expedited infringement procedures and applications for interim measures before the Court of Justice, as well as budgetary tools. Parliament should be kept regularly informed and closely involved.