



20.8.2024

NOTICE TO MEMBERS

Subject: Petition No 0149/2024 by Jonas Przeszlacki (Belgian) on LGBTQIA+ rights in the EU

1. Summary of petition

The petitioner notes that discrimination, physical and verbal assault, and harassment on grounds of sexual orientation, gender identity or gender expression persist in many European countries, jeopardising the safety and well-being of LGBTQIA+ people. He stresses that LGBTQIA+ minorities face social, political and legal obstacles that limit their access to equal opportunities and prevent them from participating fully in society. The petitioner urges the EU to act to guarantee the protection and rights of LGBTQIA+ people across Europe. He believes that the protection of LGBTQIA+ minorities' rights should not be left to the sole discretion of Member States, but requires coordinated and joint action at European level. He therefore calls on the European Parliament and the European Commission to adopt and strengthen measures to ensure effective legal and social protection of LGBTQIA+ people against all forms of discrimination, harassment and violence. The petitioner calls on the EU to put in place efficient follow-up and monitoring mechanisms to assess the implementation of LGBTQIA+ rights laws and policies in all Member States, and to take remedial actions where necessary to promote education and public awareness on issues related to sexual orientation, gender identity and gender expression in order to combat prejudice and stereotypes and to promote inclusion and respect for diversity. He calls for LGBTQIA+ rights organisations across Europe to be supported financially and politically in order to strengthen their capacity to promote equality and protect LGBTQIA+ people from violations of their rights.

2. Admissibility

Declared admissible on 6 June 2024. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 20 August 2024

The petitioner notes that discrimination against LGBTIQ (lesbian, gay, bisexual, and transgender) people persists across Europe. He believes that protection should not be left to the sole discretion of Member States. Therefore, he urges the European Commission and the European Parliament to act to guarantee the protection and rights of LGBTIQ people, including through legislative and policy actions, monitoring instruments to assess the implementation of LGBTIQ rights in Member States, awareness-raising campaigns, and supporting LGBTIQ civil society organisations. Equality and non-discrimination are fundamental values enshrined in EU primary law. Article 21 of the EU Charter of Fundamental Rights explicitly prohibits discrimination based on, *inter alia*, sexual orientation and sex. Article 1 of the Charter states that human dignity is inviolable and that it must be respected and protected; Article 20 of the Charter refers to equality before the law; and Article 23 of the Charter enshrines equality between women and men, which must be ensured in all areas.

Also EU secondary law, especially Directive 2000/78/EC¹, provides for a right not to be discriminated against based, *inter alia*, on sexual orientation in the area of employment and occupation. To complete this legal framework, the Commission has proposed a horizontal anti-discrimination Directive² in 2008, which would expand EU law protection against discrimination based on sexual orientation beyond the employment area. Unfortunately, the required unanimity in the Council for the adoption of the text has not been reached so far. On 12 November 2020, the Commission adopted its first-ever LGBTIQ Equality Strategy³. It sets out the actions the Commission will take to advance LGBTIQ equality in the EU between 2020-2025. The Strategy puts forward concrete actions to mainstream LGBTIQ equality into all policy areas aiming to address discrimination more effectively, bringing together Member States and actors at all levels.

The progress report on the implementation of the LGBTIQ Equality Strategy 2020-2025⁴, published in 2023, presents more than 90 LGBTIQ-related actions taken in the period up to February 2023. The actions are structured under four pillars: (i) tackling discrimination against LGBTIQ people; (ii) ensuring LGBTIQ people's safety; (iii) building LGBTIQ inclusive societies; and (iv) leading the call for LGBTIQ equality around the world.

Important achievements of the LGBTIQ equality strategy are the legislative proposals to strengthen role of equality bodies, a Communication to prompt the Council to adopt a Council decision to extend the current list of 'EU crimes' in Article 83(1) of the TFEU to hate speech and crime⁵, and a legislative proposal for a regulation harmonising the Member States' rules

1 [Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.](#)

2 [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.](#)

3 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025_en.

4 [Progress report on the implementation of the LGBTIQ Equality Strategy 2020-2025 | European Commission \(europa.eu\).](#)

5 Communication from the Commission to the European Parliament and the Council: A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime, COM/2021/777 final.

of private international law relating to parenthood⁶. The equality bodies directives⁷ have now been adopted and are to be transposed by Member States.

In addition to legislative proposals, the Commission created new opportunities for dialogue and sharing of best practices. A valuable forum is the LGBTIQ equality subgroup, which was established to enhance implementation of the strategy at the national level. For instance, the subgroup prepared guidelines for Member States' strategies and action plans to enhance LGBTIQ equality. The aim is to support Member States' efforts towards this objective. Since 2016, a EU Code of conduct on countering illegal hate speech online⁸ is in place, agreed by major social media platforms. The Code of conduct has achieved important progress on the swift response by online platforms to notifications about hate speech, including when targeting LGBTIQ people.

As guardian of the Treaties, the Commission makes sure that, when implementing EU law and EU funded projects, the principle of non-discrimination is fully respected. The Commission may initiate an infringement procedure in cases where EU law, including the EU Charter of Fundamental Rights, is breached. For example, in July 2022, the Commission referred Hungary to the Court of Justice of the EU over national rules that discriminate against people based on their sexual orientation and gender identity⁹. Under the LGBTIQ Equality Strategy, the Commission continues to raise awareness on the need for LGBTIQ equality and non-discrimination. In particular, the Commission conducted in 2023 the "Eyes open" campaign to raise awareness about victims' rights to promote specialist support and protection for victims with specific needs, such as victims of anti-LGBTIQ hate crime, and, in 2020, a campaign on the Charter of Fundamental Rights, with a focus on how to seek remedies in cases of fundamental rights breaches¹⁰. The Commission also participates in public events that constitute milestones for the LGBTIQ community, including Pride marches and events on 17 May, The International Day Against Homophobia, Transphobia and Biphobia (IDAHOT).

Also, the Commission is committed to fostering diversity and inclusion in the workplace, through the EU Platform of Diversity Charters. The platform offers a place where the signatories of the existing European diversity charters can share experiences and good practice. At the local level, the Commission continues to support and make visible cities' efforts to put in place robust inclusion policies, through the annual European Capitals of

6 Proposal for a COUNCIL REGULATION on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood, COM/2022/695 final.

7 Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC.

Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU.

8 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en.

9 [Commission refers Hungary to the Court of Justice of the EU \(europa.eu\)](https://europa.eu/commission/press-room/detail/2022/07/17-07-2022-01).

10 [#RightHereRightNow \(europa.eu\)](https://europa.eu/commission/press-room/detail/2020/05/17-05-2020-01).

Inclusion and Diversity Awards. In April 2023, the second edition of the Awards took place. Three European cities and regions were recognised for their initiatives to foster LGBTIQ equality locally by receiving a special award. Under the strategy, the Commission also works to ensure LGBTIQ organisations have the necessary resources to fulfil their important mandate. Through the Citizens, Equality, Rights and Values (CERV) programme, the Commission provided funding for initiatives to advance the rights of LGBTIQ people. In 2023-2024, the Commission increases its funding under CERV to EUR 3 million (as compared to 2 million awarded to 12 projects in 2021-2022).

Besides project-based funding, the Commission concluded four-year framework agreements with European LGBTIQ umbrella organisations for 2021-2024 (ILGA Europe, Transgender Europe, EuroCentralAsian Lesbian Community, Organisation Intersex International Europe and the International Lesbian, Gay, Bisexual, Transgender and Queer Youth and Student Organisation). In the first two years of implementation of the LGBTIQ strategy, these partners received financial support of almost EUR 8 million. Among these organisations, some have been also granted funds under the Union Values call of the Citizens Equality Rights and Values programme. In their role as intermediaries, LGBTIQ organisations provide financial support (almost EUR 1 million in 2023) directly to their local and regional member organisations.

In response to new challenges, the EU has taken decisive political action, when necessary, including with the adoption of the Joint Communication titled ‘No Place for Hate: A Europe United Against Hatred’¹¹ in December 2023. This communication aims to step up policy efforts and to foster a whole-of-society approach on combating all forms of hatred, including those directed at LGBTIQ communities.

Also, the Commission is currently preparing a Report on the implementation of the Strategy that will assess how the situation of LGBTIQ people has evolved since it was adopted, the progress made, and which areas require more focus to fully implement the strategy by 2025, considering the challenges identified and revealed by data.

Conclusion

The petitioner calls the European Commission to put in place initiatives, including legislative and policy actions, monitoring instruments to assess the implementation of LGBTIQ rights in Member States, awareness-raising campaigns, and supporting LGBTIQ civil society organisations to protect LGBTIQ people. The Commission is already implementing ambitious actions, referred to by the petitioner, to enhance LGBTIQ equality, under the current LGBTIQ Equality Strategy 2020-2025. All actions are developed with due regard to the division of competences between the Union and Member States. In addition, the Strategy encourages Member States to develop national action plans and strategies to complement EU-level actions with measures to advance LGBTIQ equality in the areas for which Member States are competent.

¹¹ [Communication on “No place for hate: a Europe united against hatred” | European Commission \(europa.eu\)](#)