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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Conference on Advancing LGBTI Equality in the EU (Brussels, 23-24
September 2019)
Information from the Commission

Delegations will find attached the information note from the Commission on the above subject, with a view to the meeting of the EPSCO Council on 24 October 2019 (Any Other Business item).

**High-Level Conference on "Advancing LGBTI¹ Equality in the EU: from 2020 and beyond",
23-24 September 2019, Brussels**

- Commission services information note -

Aim and structure of the event

On 23-24 September 2019, the Finnish Presidency of the Council of the European Union and the European Commission organised in Brussels the High-Level Conference on “Advancing LGBTI Equality in the EU: from 2020 and beyond”. The purpose of the two-day event was to take stock of the achievements under the December 2015 List of actions to advance LGBTI equality² and to discuss how to advance LGBTI equality in the years to come.

Participants included Ministers, State Secretaries, representatives of the European Commission and Members of the European Parliament, the European Agency for Fundamental Rights and LGBTI civil society organisations. Many of the participants reiterated the call made by a group of 19 Member States in December 2018³, and by the European Parliament⁴, for the European Commission to consider a strategy to advance LGBTI equality. In addition, many participants stressed the importance of adopting the proposal for a horizontal Equal Treatment Directive.

¹ Lesbian, gay, bisexual, transgender, and intersex

² https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/list-actions-advance-lgbti-equality_en

³ [https://meae.gov.mt/en/Documents/LGBTIQ%20Action%20Plan/Joint%20Non%20Paper%20LGBTI%20\(signed\).pdf](https://meae.gov.mt/en/Documents/LGBTIQ%20Action%20Plan/Joint%20Non%20Paper%20LGBTI%20(signed).pdf)

⁴ www.europarl.europa.eu/doceo/document/TA-8-2019-0129_EN.html

The opening day was dedicated to political debates, keynote speeches and panel discussions to assess past actions and to evaluate the situation of LGBTI people in today's EU, to identify ongoing and new challenges, and to discuss how to tackle them. In addition, the results of the special Eurobarometer survey on the social acceptance of LGBTI people were presented⁵.

On the second day, a targeted stakeholder consultation took place with eight workshops to discuss in more depth specific topics relevant for LGBTI people. These were:

1. “Hate crime and hate speech against LGBTI people”,
2. “Intersectionality and multiple discrimination”,
3. “Discrimination against transgender and intersex people”,
4. “LGBTI human rights in enlargement, neighbourhood and third countries”,
5. “LGBTI people and their families in cross-border situations”,
6. “The status of LGBTI civil society in the EU”,
7. “Access to education, health and employment for LGBTI people”, and
8. “LGBTI asylum seekers”.

Participants discussed the challenges and discrimination faced by LGBTI people and focussed on actions that Member States and the European Commission can take to improve the situation for LGBTI people in the EU.

⁵<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2251>

According to the Eurobarometer, 76% of EU citizens now support LGBTI equality, compared to 71% in 2015. Nevertheless, in nine Member States this figure went down. Regarding transgender and intersex people, 59% of EU citizens agree that people should be able to change their civil documents to match their inner gender identity, and 46% believe that a third gender option like X or O should be available in public documents like passports and birth certificates. 71% of citizens agrees that school lessons and material should include information regarding diversity in terms of sexual orientation, gender identity and/or sex characteristics.

Main outcome of discussions

The High-level Conference discussions yielded a number of key conclusions:

- To help LGBTI people who become **victims of hate crimes and hate speech** due to their actual or perceived sexual orientation, gender identity and/or sex characteristics, police forces, prosecution services and judges need proper training to ensure effective, prompt and impartial investigations of such crimes.
- People's sexual orientation, gender identity or sex characteristics are not isolated identity characteristics, but are experienced at the intersection with other grounds and identities, such as age, disability, religion or belief, race or ethnicity. Therefore, laws and policies, including those that seek to combat discrimination and inequality, need to capture these **intersectional experiences**.
- For transgender people there is no consistency among the Member States in the procedures to be followed or the requirements that applicants must complete to get their preferred gender acknowledged in public documents. Regarding intersex people, there are still many reports that - throughout Europe - so called "genital normalising" surgeries are performed on young intersex infants, who due to their young age cannot give their fully informed consent. The **bodily integrity of transgender and intersex people** should therefore be prioritised to ensure they can fully enjoy their human and fundamental rights.
- Although the first article of the Universal Declaration of Human Rights reads: "all human beings are born free and equal in dignity and rights", same-sex relations are still criminalised in 72 countries, and can in some countries lead to the death penalty. The EU should therefore keep focussing on **the enjoyment of human rights by LGBTI people worldwide**.

- The differences between Member States regarding the legal recognition for same-sex couples and how transgender and intersex people can get their preferred gender legally recognised can lead to **hurdles for LGBTI people and their families when crossing borders** in the EU. Cooperation between all relevant stakeholders is needed to improve the lives of LGBTI people and their families in cross-border situations.
- **Civil society organisations** play an essential role in promoting, safeguarding and raising awareness of the common values of the EU, and in contributing to the effective enjoyment of the rights of LGBTI people under EU law, including the EU Charter of Fundamental Rights. It is therefore important that these organisations have access to funding and can operate freely and independently.
- Over their lives, **LGBTI people experience discrimination in education, employment and healthcare**, which greatly influences their wellbeing and potential to achieve their goals. Specific attention to combat discrimination in these fields is therefore needed.
- A considerable number of people who travel to the EU seeking international protection are LGBTI. Regardless of the motives for **a person's asylum claim**, being LGBTI introduces additional specific vulnerabilities in the context of international protection, which are often not adequately addressed in law and in practice.

A more detailed Conference report will be published by the Commission later this year⁶.

⁶ It will be published here: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/list-actions-advance-lgbti-equality_en