



**European Committee
of the Regions**

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OPINION

Union of equality: LGBTIQ Equality Strategy 2020-2025

THE EUROPEAN COMMITTEE OF THE REGIONS

- welcomes the resolution of the European Parliament that declared the entire EU a LGBTIQ Freedom Zone and emphasises the importance of mutual tolerance within communities;
- commits to fully promoting LGBTIQ freedom cities throughout the European Union and broader;
- urges the Commission to combat all forms of violence against LGBTIQ people, and asks for the adoption of measures aimed at preventing and combating violence against LGBTIQ people, including online violence, which could become normalised among younger people;
- calls upon the Member States to ensure that clear information on the recognition of cross-border rights for LGBTIQ people and their families in the EU are easily accessible, and that civil servants at all levels of governance are thoroughly informed;
- co-signs the request made by the European Parliament in its Resolution on the on LGBTIQ rights in the EU with regards to rainbow families and same-sex couples and urges the Commission to work on improving the position of rainbow families by rigorous application of cross-border family law and intensified dialogue with Member States, as substantive family law falls under their competence;
- calls on the European Commission, national, regional and local governments to raise the visibility of youth LGBTIQ homelessness as the ultimate form of social exclusion and to develop youth care centres and shelters in their communities, following the examples of Krakow and Berlin;
- calls on the European Commission to ensure that European funds are not granted where structural discrimination mechanisms exist, and that funding is suspended or withdrawn where this is subsequently found to be the case; believes that the demonstrated power of such measures, in combination with dialogue, can create a fully inclusive European Union;

Rapporteur

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Reference documents

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Union of Equality: LGBTIQ Equality Strategy 2020-2025
COM(2020) 698 final

**Opinion of the European Committee of the Regions –
Union of Equality: LGBTIQ Equality Strategy 2020-2025**

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

1. notes that equality is one of the fundamental values upon which the European Union is founded, reflected in the Treaties and the Charter of Fundamental Rights, which gives the EU both a mandate and a responsibility to combat discrimination;
2. restates that the rights of lesbian, gay, bisexual, trans, intersex, non-binary and queer (LGBTIQ) persons are human rights and as such inherent to all people, regardless of their legal status as non-citizens, refugees, migrants or foreign residents, regardless of whether they are women, men, children, elderly or have disabilities, regardless of their religion, ethnic background, political views or sexual orientation, gender identity or expression and sex characteristics;
3. applauds all previous work¹ done at European and national levels, including the publication of the European Commission Communication *Union of Equality: LGBTIQ Equality Strategy 2020-2025* and the political objectives and measures it sets out towards advancing LGBTIQ equality in the European Union;
4. warns however that while this first EU LGBTIQ Equality Strategy is a long awaited step in the right direction in a Europe that has "United in Diversity" as its motto, we are at the same time experiencing regression in respect of EU values, with authorities continuously using anti-LGBTIQ rhetoric and even adopting discriminatory policies and legislation;
5. is encouraged to find that the European Commission expressly mentions and calls on the CoR to promote dialogue with LRAs and civil society, including the social partners, to advance LGBTIQ equality;
6. is concerned by the fact that despite increased policy efforts, structural discrimination and marginalisation of LGBTIQ people is still a reality across the European Union;
7. believes strongly therefore that LRAs have a key role to play in building a European society that is based on the inclusion of all citizens, rather than the exclusion of some, and agrees that inclusive and diverse strategies are important in both the public and private sectors to better address the complex challenges and life situations encountered by LGBTIQ people;
8. urges the European Commission to ensure that the fundamental principles of the European Union are observed, and that no municipality, region or state introduces systemic discriminatory initiatives, such as the "LGBT-free zones", adopted as "Local Government Charter of The

¹ List of Actions to Advance LGBTI Equality published by the EC in 2015, the creation of a dedicated Commissioner for Equality, Helena Dalli, and the fact that 21 Member States have legally recognised same-gender couples, while four have introduced legal gender-recognition procedures without any medical requirements.

Rights of The Family" or "Resolution against LGBT ideology", or uses funds in ways that are non-compliant with the principle of non-discrimination;

9. stresses in this light the importance of taking action to tackle discrimination against LGBTIQ people, welcomes the resolution of the European Parliament that declared the entire EU a LGBTIQ Freedom Zone² and emphasises the importance of mutual tolerance within communities;

What is the role of cities and regions?

10. is convinced that fighting inequality in the EU is a shared responsibility that requires action at all levels of governance, as well as the active and permanent involvement of civil society, LGBTIQ organisations and advocacy groups which all play a key role in managing and shaping equality policies and their effective implementation;
11. believes in the potential of local and regional action for building equality and for mainstreaming, as regional and local councillors and mayors interact daily with their citizens in a different context to national politicians, in places such as schools, work, cultural and sports activities, all those places in which human rights are forged and enforced;
12. highlights furthermore that local authorities have a role in explaining people's rights, identifying key challenges in their communities, ensuring equal participation in community life and equal access to services, as well as introducing tailored services for marginalised members of society;
13. shares the view of the World Economic Forum³ that the promotion of equality and rights has clear and positive correlations to the economic development and prosperity of cities and regions, and that any form of exclusionary behaviour can have an adverse effect on the community as a whole, as well as the broader economy. This is even more relevant at present as we begin rebuilding our communities following the COVID-19 crisis;
14. is troubled by the apparent gap between rural and urban areas in terms of the general respect for and acceptance of diversity, which has the potential to exacerbate the demographic challenges of certain regions, further undermining their economic and social development;
15. notes and welcomes that there are examples of local authorities⁴ taking an active stance towards inclusion of LGBTIQ communities, and even taking the lead in setting LGBTIQ friendly policies in cases where national governments are lagging;

² European Parliament resolution of 11 March 2021 on the declaration of the EU as an LGBTIQ Freedom Zone (https://www.europarl.europa.eu/doceo/document/TA-9-2021-0089_EN.html)

³ [Great Reset: Why LGBT+ inclusion is the secret to cities' post-pandemic success | World Economic Forum \(weforum.org\)](https://www.weforum.org/articles/great-reset-why-lgbt-inclusion-is-the-secret-to-cities-post-pandemic-success/)

⁴ There are examples in several cities across the EU, such as Barcelona, Ljubljana, Berlin, Budapest and Lodz as well as networks of cities, such as the RE.A.DY Network in Italy.

Combating all forms of violence

16. commits to fully promoting LGBTIQ freedom cities throughout the European Union and broader;
17. urges the Commission to combat all forms of violence against LGBTIQ people, and asks for the adoption of measures aimed at preventing and combating violence against LGBTIQ people, including online violence, which could become normalised among younger people;
18. asks the Commission to adopt measures to counter hate speech, especially online hate speech, while recognising the importance of the freedom of expression. Hate speech against LGBTIQ people is one of the most harmful sources of discrimination and often evolves into hate crime and leads to violence. Countering hate speech requires cooperation between the European institutions, government authorities, LRAs and the private sector. This is a necessary step in halting discrimination and its devastating effect on society;
19. looks forward to the forthcoming Commission proposal to extend the list of EU crimes under Article 83(1) of the TFEU to include hate crime and hate speech, including when targeted at LGBTIQ people, not only at their sexual orientation but also gender identity, gender expression and sex characteristics and emphasises the need to urgently implement the Victims' Rights Directive;
20. urges for the ratification by all EU Member States of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), whose measures to protect the rights of victims apply without discrimination on any ground, including sex, gender, sexual orientation or gender identity. Calls to this effect on the European Commission to deliver on its commitment to making the conclusion of the Convention a key priority and keenly awaits, inter alia, the proposal to combat violence against women, as announced in the 2021 State of the Union Address by President von der Leyen;
21. calls for the correct transposition and rigorous application of the revised Audiovisual Media Services Directive, which strengthens protection against content that incites hatred or violence and bans commercial media communications that include or promote any discrimination, including on the grounds of sex and sexual orientation;

Free movement and families

22. considers it important that the strategy make specific reference to the regional, especially trans-regional, aspect of free movement, while respecting the fact, enshrined in the Treaties, that family law is a competence of the Member States, and points out that this can create barriers to free movement as to differences in family law across Member States, family ties often cease to be recognised when crossing the EU's internal borders, namely for LGBTIQ families;
23. welcomes the European Commission's presentation in November 2020 of the first EU equality strategy for lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) people. One of the four pillars of this Commission strategy is to ensure LGBTIQ people's safety.

However, the phenomenon of violence against LGBTIQ people has not yet been evaluated on the basis of representative data, which would make it possible to move on to delivering relevant approaches for combating violence in the future.

Although the findings of the online survey conducted by the European Union Agency for Fundamental Rights (FRA) "A long way to go for LGBTIQ equality" provide valuable information about LGBTIQ people's experiences of discrimination and violence, participation was voluntary and the survey therefore not statistically representative, i.e. not based on a random sample. The Committee of the Regions consequently calls on the European Commission as part of its LGBTQ strategy to set up and fund on a regular basis an anonymous and representative study of experiences of violence not officially reported, including domestic violence, against LGBTIQ people in the EU that would be carried out and interpreted independently for all the EU Member States;

24. agrees fully with the statement by European Commission president, Ursula von der Leyen whereby "If you are a parent in one country, of course, you are a parent in every country"⁵. Thus, welcomes the announcement of a legislative initiative to support the mutual recognition of family between Member State;
25. calls upon the Member States to ensure that clear information on the recognition of cross-border rights for LGBTIQ people and their families in the EU are easily accessible, and that civil servants at all levels of governance are thoroughly informed;
26. co-signs the request made by the European Parliament in its Resolution on the on LGBTIQ rights in the EU⁶ with regards to rainbow families and same-sex couples and urges the Commission to work on improving the position of rainbow families by rigorous application of cross-border family law and intensified dialogue (including dedicated dialogues in relation to the implementation of the Coman judgment⁷) with Member States, as substantive family law falls under their competence;
27. calls on local authorities to send a positive signal to their LGBTIQ communities by showing courage in establishing ambitious pro-LGBTIQ policies and bring change from below, such as the example of Turin⁸ where civil partnerships between citizens of the same sex are officially acknowledged by the city administration, even though there were no national provisions in this regard until 2016. Since then Turin has continued to be a pioneer by recognising legal parenthood of same-sex couples, even though there are no such provisions under the national law;

5 [State of the Union Address 2020](#)

6 2021/2679(RSP)

7 C-673/16, the Court of Justice of the EU clarified that the term 'spouse' as used in the Free Movement Directive also applies to same-sex partners.

8 Turin Municipal Regulation, 2010.

Helping LGBTIQ youth in the EU

28. acknowledges that LGBTIQ youth in Europe is particularly vulnerable, as they are exposed to discrimination, victimisation, stigmatisation and abuse from a young age; they experience difficulties coming out to family and their communities, limited understanding by professional service providers and broader society of LGBTI+ issues, as well as mental, physical and sexual health challenges;
29. welcomes the Commission's comprehensive strategy for the rights of the child published on 24 March 2021 which ensures that LGBTIQ children are able to develop their personality freely and to access rights that are protected, including information and guidance initiatives for families so that they can support minors to develop fully and completely; and explicitly supports the exchange of good practices on ending non-vital surgery and medical intervention on intersex infants and adolescents to make them fit the typical definition of male or female without their or their parents' fully informed consent;
30. urges Member States to evaluate in their national LGBTIQ Equality Plans, policies and practices that harm or further alienate LGBTIQ people, and young people in particular; calls on them to support local communities by providing proper services to help marginalised young people, such as creating safe environments, and ensure equal employment opportunities and inclusive work environments, positive LGBTIQ representation and participation in culture, society and sport;
31. warns that LGBTIQ homelessness is a hidden problem in Europe, however the limited research⁹ that exists demonstrates that the LGBTIQ community in general, and young people in particular, is strongly over-represented amongst the homeless population: an estimated 25-40% of young people experiencing homelessness identify as LGBTIQ¹⁰. Calls therefore for special attention to this problem to be given also in the frame of the European Platform on Combating Homelessness;
32. draws attention to the fact that the Employment Equality Directive should be rigorously implemented and its implementation should be carefully monitored and evaluated. The CoR welcomes that after evaluating and monitoring the current legislation, in 2022 the Commission will put forward any legislation required as a result, in particular on the role of equality bodies;
33. calls on the European Commission, national, regional and local governments to raise the visibility of youth LGBTIQ homelessness as the ultimate form of social exclusion and to develop youth care centres and shelters in their communities, following the examples of Krakow and Berlin;

⁹ The European Federation of National Organisations Working with the Homeless AISBL, LGBTIQ Homelessness, Autumn 2017 and the Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ) Youth Homelessness in Europe Survey 2019.

¹⁰ https://www.ilga-europe.org/sites/default/files/COVID19%20_Impact%20LGBTI%20people.pdf

Impact of COVID-19 on the lives of LGBTIQ persons

34. notes that the COVID-19 health and societal crisis is generating complex challenges and risks for the LGBTIQ community. According to recent research¹¹, this includes diminishing mental health and difficulty accessing healthcare, increased hate speech and domestic violence, difficulty accessing public relief programmes including for housing, food and subsistence, as well as accessing justice, registration and other legal processes;
35. applauds support programmes introduced in some communities to provide online psychological support, outdoor activities, access to healthcare, municipal housing, safe houses and additional funding; calls on national, regional and local authorities to ensure that emergency and recovery measures are non-discriminatory;

The way forward

36. calls for increased cooperation and dialogue, based on facts, between governance bodies and stakeholders on all levels and across borders, with particular emphasis on the personal experiences of LGBTIQ people, as well as mainstreaming LGBTIQ issues into existing and new policy measures, thus ensuring the adoption of informed and properly adapted policies which reflect diversity;
37. reiterates¹² the call to implement an intersectional approach to a greater extent and to combine intersectional measures with positive measures in sectoral areas;
38. supports all efforts on the prevention of conversion therapies and forced medical interventions for intersex and trans people (including intersex genital mutilation and forced sterilisation), calls for local and regional authorities to stop those initiatives when operating on their premises, and to dedicate funds to promote the ending of such practices, with a particular focus on protections for children and adolescents;
39. welcomes the approach taken by the European Commission to foster exchanges of good practice on gender recognition legislation and procedures based on the principle of self-determination, and is pleased that a cross-sectoral dialogue will be launched to raise awareness of trans and non-binary identities and intersex people, and to encourage inclusivity in all relevant actions and procedures;
40. calls for increased protection of trans people who continue to face some of the highest levels of discrimination, violence and persecution. According to a recent study¹³, only 13 out of the 31 countries surveyed have national legislation offering at least some protection on the basis of gender identity and/or sex characteristics;

¹¹ [covid19-lgbti-assessment-2020.pdf \(ilga-europe.org\)](https://ilga-europe.org/covid19-lgbti-assessment-2020.pdf)

¹² CoR opinion, *A Union of Equality: Gender Equality Strategy 2020-2025*, October 2020.

¹³ European Commission study *Trans and Intersex Equality in Europe - A Comparative Analysis*, 2018.

41. identifies the urgent need for multilevel governance and partnerships; fully supports the work of the Congress of Local and Regional Authorities of the Council of Europe on "the role and responsibilities of local governments in protecting LGBTI persons" and invites them to present the results to the CoR;
42. calls for the recognition of the importance to grant access to transition-related healthcare. Transition-related healthcare is life-saving and must be treated as such. The COVID-19 pandemic cannot be treated as a reason to postpone, delay or limit access to any healthcare, including transition-related care and ongoing treatments;
43. offers a helping hand both to the European Commission regarding the collection of relevant local and regional best practices and the implementation of relevant European legislation on the ground, and to the European Parliament, in particular its LGBTI Intergroup;
44. urges the European Commission to provide support for research to examine the geographical differences between acceptance of LGBTIQ people with the aim of improving methods for tackling discrimination outside urban areas;
45. believes in the significant added value of including the CoR in the formation of the Inclusive Capital Initiative, and so again calls for the CoR to be formally involved each year when designating one or more European Capitals of Inclusions and in the Council of Europe governmental LGBTI focal points network;
46. calls on the European Commission to ensure that LRAs are fully involved in the design, implementation and monitoring of the national plans on LGBTIQ equality;
47. agrees to join the European Commission's approach involving leading by example and striving for a fully inclusive working environment, and calls for measures undermining the interests of LGBTIQ employees in the European institutions to be monitored;
48. calls on all political leaders, to lead by example, by publicly denouncing any type of discrimination, homophobic, and transphobic and interphobic expressions, harassment and violence based on sexual orientation, or gender identity, gender expression or sex characteristics;
49. stresses the need for education measures and information campaigns for people of all ages and backgrounds, and the need to strengthen public services, build the capacity of support professionals and step up victim-centred access to justice;
50. stresses the role of universal sex education in fighting stereotypes and discrimination, in building a positive image of members of the LGBTIQ community and in fostering an atmosphere of acceptance. Any attacks on educators should be condemned;
51. looks forward to the new proposals for potential funding of projects to tackle intersectional discrimination and inequality experienced by LGBTIQ people, gender bias and other stereotypes through the Citizens, Equality, Rights and Values programme;

52. calls for the establishment of funding to support LGBTIQ civil society organisations, not only on a project basis, and for financial support for equality and diversity programmes in municipalities and regions where the LGBTIQ community face particularly hostile attitudes from governments;
53. calls on the European Commission to ensure that European funds are not granted where structural discrimination mechanisms exist, and that funding is suspended or withdrawn where this is subsequently found to be the case; believes that the demonstrated power of such measures, in combination with dialogue, can create a fully inclusive European Union;
54. invites CoR members and other LRAs to introduce, where national legislation is lacking, local provisions to reject discrimination and remedy the legal vacuum in order to promote diversity, mutual acceptance and respect.

Brussels,

The President
of the European Committee of the Regions

Apostolos Tzitzikostas

The Secretary-General
of the European Committee of the Regions

Petr Blížkovský

II. PROCEDURE

Title	Union of Equality: LGBTIQ Equality Strategy 2020-2025
Reference(s)	COM(2020) 698 final
Legal basis	Article 307 of the Treaty on the Functioning of the European Union
Procedural basis	Rule 41(b) of the CoR Rules of Procedure
Date of Council/EP referral/Date of Commission letter	N/A
Date of Bureau/President's decision	
Commission responsible	Commission for Social Policy, Education, Employment, Research and Culture (SEDEC)
Rapporteur	Kate Feeney (IE/Renew E.)
Analysis	
Discussed in commission	17 February 2021
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Result of the vote in commission (majority, unanimity)	Majority
Adopted at plenary	14 October 2021
Previous Committee opinions	<i>A Union of Equality: Gender Equality Strategy 2020-2025</i> , COR-2020-02016, Concepción Andreu Rodríguez (ES/PES)
Date of subsidiarity monitoring consultation	