

What has the European Union

done for LGBTI rights

in 2014-2019?



The EU has made some progress since 2014 in the field of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. This briefing covers progress by the Commission, the Council, the Fundamental Rights Agency and the Court of Justice. Major accomplishments include the *List of actions to advance LGBTI Equality* from the Commission, and the Coman Case from the EU Court of Justice.



European Commission: List of actions to advance LGBTI Equality

In December 2015, the Commission presented the [List of actions to advance LGBTI Equality](#) in response to a Resolution on the [Lunacek Report](#) from the European Parliament. It outlines objectives to increase the social acceptance of LGBTI people and their inclusion in EU and accession countries' policy in the areas of non-discrimination, education, employment, health, free movement, asylum, hate speech/hate crime, enlargement and foreign policy. Annual reports on the implementation of the list were produced for both [2016](#) and [2017](#) and were presented at high-level events.

Awareness-raising on LGBTI rights

As part of point four of the Commission's [List of Action to Advance LGBTI Equality](#), the Commission has increased [communication campaigns](#) around LGBTI Rights. This includes the Commission's participation in EuroPride 2017 with its "[We all share the same dream](#)" campaign and the illumination of the Commission headquarters in rainbow colours. For IDAHOT (International Day Against Homophobia, Transphobia, and Biphobia), delegations abroad received rainbow flags to fly at their locations and in [2016](#), the High Representative of the European Union for Foreign Affairs and Security Policy and the Vice-President of the European Commission, Federica Mogherini issued a statement supporting LGBTI rights worldwide.

Council of the EU: LGBTI Guidelines



In June 2013, EU Foreign Affairs ministers adopted binding [guidelines](#) to promote and protect the enjoyment of all human rights by LGBTI persons. Its four priorities are to eliminate discriminatory laws and policies, including the death penalty; combat state or individual violence against LGBTI persons; support and protect human rights defenders; and promote equality and non-discrimination at work, in healthcare and in education. During this legislation, the guidelines have been an important tool to promote LGBTI people's human rights in policies involving third countries.

Court of Justice of the EU: key jurisprudence



Coman Case

In 2013, Adrian Coman, a Romanian national, and his husband Robert Hamilton, a US national, requested information on residence rights for Hamilton in Romania as the spouse of an EU national. The Romanian government denied the request because their civil code does not recognize same-sex marriages. In [June 2018](#), the EU Court of Justice ruled on this case and recognised freedom of movement for same-sex couples. The ECJ found that denying family reunification rights to same-sex couples in which one member is an EU national and the other is a third country national impedes on the right to free movement of the EU citizen. This right is guaranteed regardless of the status of same-sex marriage within the member state in question.

Asylum reform

In [January 2018](#), the EU Court of Justice ruled that an asylum seeker may not be subjected to a psychological test to determine the validity of their sexual orientation. Such a test is an interference with the private life of the asylum seeker and is not constant with the guidelines outlined in [Directive 2011/95/EU](#).

European Union Agency for Fundamental Rights: new reports on LGBTI rights



As a response to point eight of the Commission's List of Action to Advance LGBTI Equality to "improv[e] available data on the situation of LGBTI people", the FRA has released a number of reports on LGBTI Rights. This includes key texts such as the paper on "[the fundamental rights situation of intersex people](#)" in 2015 and the "[current migration situation in the EU: Lesbian, gay, bisexual, transgender and intersex asylum seekers](#)" in 2017. In addition, the FRA is preparing to conduct the second [EU-wide LGBTI Survey](#) as a follow up to the first in [2012](#).

The LGBTI Intergroup is the European Parliament's largest intergroup with 150+ MEPs from 24 Member States and 6 political groups. We have consistently defended the rights of LGBT people in the work of the European Parliament over 5 years, and will continue to defend them in 2019-2024.