

## CALL FOR EVIDENCE FOR AN INITIATIVE (without an impact assessment)

This document aims to inform the public and stakeholders about the Commission’s work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission’s understanding of the problem and possible solutions, and to give us any relevant information they may have.

<b>TITLE OF THE INITIATIVE</b>	2020-2025 LGBTIQ equality strategy – mid-term review
<b>LEAD DG – RESPONSIBLE UNIT</b>	Directorate-General for Justice and Consumers, Directorate D, Unit D.1: Non-discrimination: LGBTIQ, Age and Horizontal Matters
<b>LIKELY TYPE OF INITIATIVE</b>	Commission communication
<b>INDICATIVE TIMING</b>	Q4-2023
<b>ADDITIONAL INFORMATION</b>	<a href="https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?story_id=12345">LGBTIQ Equality Strategy 2020-2025 (europa.eu)</a>

*This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by this document, including its timing, are subject to change.*

### A. Political context, problem definition and subsidiarity check

#### Political context

Building a union of equality is a priority for the Commission, as outlined in the political guidelines of President von der Leyen. As part of this objective, the Commission adopted its [first-ever strategy on LGBTIQ equality](#) in 2020. It sets out a series of measures to step up EU action in this field and to incorporate LGBTIQ equality into all relevant EU policies, legislation and funding programmes.

As indicated in the LGBTIQ equality strategy, halfway through its implementation period, it is timely to look more closely at the measures that have been implemented, the progress that has been made, and which areas require more focus to fully implement the strategy by 2025, considering the challenges identified and revealed by data.

#### Problem the initiative aims to tackle

##### Background information

In 2019, a survey carried out by the European Union Agency for Fundamental Rights found that the perception of discrimination on grounds of sexual orientation, gender identity or expression and sex characteristics was increasing in the EU. In 2019, 43% of lesbian, gay, bisexual or trans people declared that they felt discriminated against, compared to 37% in 2012. In the 5 years before the survey, 1 in 10 LGBTIQ respondents in the EU were physically or sexually assaulted. Previous [research](#) documented significant health inequalities between the LGBTIQ community and other population groups. This can hamper LGBTIQ people’s access to the labour market, among other things.

Despite the measures implemented, discrimination against LGBTIQ people in the EU still persists. Hatred and anti-LGBTIQ narratives have been spreading in European societies. In 2021, anti-LGBTIQ hate crimes were reported in almost every Member State. The latest [information](#) from civil society reveals that 2022 was the most violent year for LGBTIQ people across Europe in the past decade. The level of legal protection of LGBTIQ people against discrimination on grounds of sexual orientation, gender identity or expression and sex characteristics varies across areas of life and between Member States. Complaints from the public regularly draw the Commission’s attention to cases of discrimination, lack of clear and predictable legal gender recognition procedures, or discriminatory statements in public debate.

##### Possible development of the problem with no EU action

Many of the policy areas linked to ensuring LGBTIQ equality are primarily national responsibilities. At the same

time, the EU has an important role in providing policy guidance, coordinating Member State action, monitoring implementation and progress, delivering support via EU funds, and promoting the exchange of good practice between Member States, as outlined in the Commission's LGBTIQ equality strategy.

### **Additional evidence and knowledge**

To better tackle the challenges to LGBTIQ equality in the EU, the Commission needs new, comparable data on the situation of LGBTIQ people in the EU and, where applicable, information on progress in adopting and implementing strategies and action plans to promote LGBTIQ equality in Member States. This need will be addressed by using Special Eurobarometer 2023 data and by consulting with Member States and relevant stakeholders, including civil society organisations, equality bodies and public authorities.

### **Basis for EU action (legal basis and subsidiarity check)**

Relevant provisions in the Treaties are:

- Article 2 of the Treaty on European Union (TEU), which refers to the EU's values, including equality; and
- Article 10 of the Treaty on the Functioning of the European Union (TFEU), which provides for an obligation to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in defining and implementing the EU's policies and activities.

Article 19 TFEU supplements this with a legal basis for legislative action. The general principles of non-discrimination and equality are reaffirmed in the Charter of Fundamental Rights of the EU (in particular Articles 20 and 21). Moreover, EU legislation prohibits discrimination on grounds of sexual orientation in the area of employment and occupation.

In line with the political priority to build a union of equality, the Commission committed in the LGBTIQ equality strategy to regularly monitor the implementation of the action points included in the strategy and to present a mid-term review in 2023. A [progress report](#) on the implementation of the LGBTIQ equality strategy was published in April 2023, presenting the implementation of the strategy at EU level until February 2023.

### **Legal basis**

This is a non-legislative initiative to take stock of the implementation of an existing strategy of the Commission.

### **Practical need for EU action**

The mid-term review of the strategy will help draw lessons from measures implemented by the Commission and will inform implementation of the strategy in its remaining period.

## **B. What does the initiative aim to achieve and how?**

The initiative aims to take stock of the implementation of the LGBTIQ equality strategy halfway through its implementation period. It will assess how the situation of LGBTIQ people has developed, the progress that has been made, and which areas require more focus to fully implement the strategy by 2025. It will also reflect on developments at national level (including, where applicable, national strategies and action plans) and report on opinions of key stakeholders.

The assessment will be carried out in close cooperation with Member States and in full respect of the principles of proportionality and subsidiarity.

### **Likely impacts**

The mid-term review of the LGBTIQ equality strategy will support further effective EU and national policies, strengthening mutual exchange and cooperation, to improve the situation of LGBTIQ people. It helps achieve the United Nations' [Sustainable Development Goals](#) 5 on gender equality and 10 on reducing inequalities.

### **Future monitoring**

For the remaining period up to 2025, the results of the 2024 LGBTIQ survey of the EU Agency for Fundamental Rights and an external analysis of the national LGBTIQ action plans and policies, contracted by the Commission, will make it possible to further monitor progress in implementing the LGBTIQ equality strategy. In addition, the Commission will continue to organise annual civil-society round tables and will co-organise conferences on LGBTIQ equality with the upcoming Presidencies of the Council of the EU to gather feedback necessary to further strengthen implementation of measures. The Commission will also continue to work on LGBTIQ equality with Member States in the high-level group on non-discrimination, equality and diversity as well as the LGBTIQ equality subgroup.

## C. Better regulation

### Impact assessment

An impact assessment is not necessary as this is a report on the implementation of an existing strategy. The mid-term review will assess the implementation of the LGBTIQ equality strategy and will neither lead to significant economic, environmental or social impacts, nor entail significant spending. The report will not specify new policy measures.

### Consultation strategy

The consultation will make it possible to gather evidence on how the strategy has performed. It will identify achievements and aspects that require more focus to fully implement the strategy in its remaining period up to 2025.

To prepare the review, the Commission will use the input received through this call for evidence. In addition, targeted stakeholder consultations involving Member States' authorities, civil society organisations and equality bodies will make it possible to collect relevant input.

#### Main features of the consultation:

- call for evidence: 4 weeks;
- replies to the call for evidence can be made in all 24 official EU languages on the '[Have your say](#)' portal.

The Commission will promote the call for evidence with the help of Member States, civil society organisations and the EU Platform of Diversity Charters.

### Why we are consulting?

This consultation makes it possible to gather the views of a broad range of stakeholders to ensure that the Commission draws on comprehensive stakeholders' input in a transparent and participatory way.

### Target audience

The consultation is addressed to a wide range of public and private stakeholders, including:

- national authorities in charge of tackling discrimination against LGBTIQ people;
- civil society organisations active in the area of LGBTIQ equality;
- equality bodies and the European Network of Equality Bodies (EQUINET);
- the EU Agency for Fundamental Rights;
- employers and business organisations, trade unions;
- academics and experts in the field of LGBTIQ equality;
- individuals interested in the topic of LGBTIQ equality;
- relevant international organisations; and
- other public and private stakeholders that have an interest in specific aspects of LGBTIQ equality (e.g. national statistical institutes, health sector) or that are interested in intersectional discrimination.