



EUROPEAN UNION

ASYLUM

In December, co-legislators, i.e. the European Parliament and the Council of the EC, [reached](#) an agreement on five files under the Pact on Asylum and Migration. This agreement will significantly hinder the progress of European asylum law for many years and result in harming the situation of those seeking asylum in the EU member states, including LGBTI people. For example, the asylum procedure regulation (APR), which establishes a common procedure that member states need to follow when people seek international protection, introduces a mandatory border procedure with the aim of quickly assessing at the EU's external borders whether applications for asylum are unfounded or inadmissible. The procedure is mandatory for member states if the applicant has a nationality with a recognition rate below 20%, among other criteria.

BIAS-MOTIVATED SPEECH

In June, the draft report on the proposal extending the list of EU crimes to hate speech and hate crime, inviting the Council to adopt a decision identifying hate speech and hate crime as another area of crime, meeting the criteria set out in Article 83(1) TFEU, was [published](#) by the Parliament. The final report will be [adopted](#) in January 2024. It calls on the Commission and the Member States to act against misuses of the internet and social media. It stresses in this respect that the business model of social media platforms, based on micro-targeted advertising, contributes to spreading and amplifying hate speech.

BIAS-MOTIVATED VIOLENCE

In January, the EP LGBTI Intergroup organised an event to discuss how to ensure that the proposed EU directive on violence against women and domestic violence is inclusive of the needs of LGBTI people. The responsible rapporteurs for the legislative file in the EP attended the event, as well as speakers from European LGBTI networks. In June, the European Parliament [adopted](#) a Report on the proposal for a directive of the European Parliament and of the Council on combating violence against women (VAW) and domestic violence (DV). This report includes criminalising intersex genital mutilation across the EU, among other advancement of rights of LGBTI victims of VAW and DV. By the end of 2023 negotiations between the EP and the European Council on the directive were ongoing and it is yet unclear if the provision on banning IGM will be in the final text.

On 12 July, the Commission [published](#) the revision of the Victims' Rights Directive. The proposed revision strengthens targeted and specialist support for victims of hate crimes, among others. On 11 September the proposal was referred to the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and Committee on Women's Rights and Gender Equality (FEMM) for joint review. In the [draft report](#) and amendments, the Parliament proposed to further strengthen specialist support and data collection based on SOGIESC. Final agreement on the file is expected to be negotiated in 2024.

BODILY INTEGRITY

At the IDAHOT+ Forum In May 2023, at the IDAHOT+ forum in Iceland, the first findings of the EC intersex study were presented at a panel on 'Equal rights for intersex people'. The study was foreseen to be published in the summer of 2023, but was not made public by the end of the year.

DATA COLLECTION

In January, the European Commission opened a consultation on the Guidance note on the collection and use of data for LGBTIQ equality. The final [guidance](#) for member states was published in March.

The Swedish EU Presidency organised a high-level event 'Equality Data as a Tool for Combating Discrimination' on 12 May in Stockholm.



In July, the EU Fundamental Rights Agency launched its third LGBTIQ Survey, with the aim to present the findings before the European elections in June 2024.

EMPLOYMENT

On January 12, the CJEU delivered a judgement in Case C-356/21 J.K. v. TP S.A., clarifying that the prohibition of discrimination on the grounds of sexual orientation in Directive 2000/78 on Equal Treatment applies to self-employed persons when contracting with third parties, and during the performance of their activities.

EQUALITY AND NON-DISCRIMINATION

By the deadline in April for intervening in the European Commission's infringement against Hungary's Child Protection Law for its anti-LGBT amendments, which breach a number of EU laws, a total of 15 EU Member States as well as the European Parliament had committed to supporting the case in front of the CJEU.

In April, the EC for the second time awarded European Capitals of Inclusion and Diversity Awards, and this year's special award was for fostering LGBTIQ equality. Gdańsk, Poland won the award for fostering LGBTI equality, followed by Catalonia, Spain and Reggio Emilia, Italy.

In December 2023 a [provisional agreement](#) was reached between the European Parliament and the Council of the EU on two draft directives on minimum standards for equality bodies. The grounds of gender identity, gender expression and sex characteristics were included in the definition of the victim. Due to intense opposition from a number of EU Member States, it remains to be seen whether these mentions are maintained in the final agreement.

FAMILY

In December 2023, the European Parliament [adopted its position](#) on the European Commission's draft regulation on cross-border recognition of parenthood, confirming the main aspects of the EC's draft. The EP, however, only has a consultative role in this file: Negotiations in the Council of the EU are ongoing.

FOREIGN POLICY

In November 2023, the European Commission published its [Enlargement Progress Report](#), which for the first time included an assessment of Georgia, Moldova and Ukraine.

In December 2023, the EU decided to open accession negotiations with Ukraine, Moldova, and Bosnia and Herzegovina upon conditions of compliance with criteria. It also agreed to grant Georgia candidacy status. LGBTI civil society in the respective countries regard this as a positive development and see opportunities for further protecting the rights of LGBTI people through the continuation of the enlargement process.

FREEDOM OF ASSEMBLY

In September, the EU Equality Commissioner, as well as a number of MEPs, attended Europride in Malta, speaking at the Human Rights Conference and marching together with activists.

FREEDOM OF ASSOCIATION

In December 2023, as part of its Defense of Democracy Package, the European Commission published its proposal for a directive establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries, otherwise known as the "foreign interference law". Civil society organisations working at the EU level have raised concerns that the directive could have a number of negative consequences, whilst failing to effectively tackle covert influence.



HEALTH

In June, the European Parliament committees Environment, Public Health and Food Safety (ENVI) and Civil Liberties, Justice and Home Affairs (LIBE) organised a joint hearing on depathologisation of trans identities, in which MEPs noted the importance of depathologisation for the fulfilment of the human rights of trans and non-binary people and discussed the need for action among member States.

Also in June, the EP Committee Civil Liberties, Justice and Home Affairs (LIBE) organised a hearing on conversion practices.

In September, the Spanish EU Presidency held a High Level Meeting on Stigma and HIV (online).

HOUSING

The European Platform on Combatting Homelessness held its 5th Mutual Learning Session focused on data collection on October 23 and 24. The platform brings together Member State governments, EC and stakeholders working on homelessness and housing insecurity. The October meeting this year focused on mapping homelessness across the EU and provided an opportunity for the presentation of the 'Intersections' report on homelessness among the LGBTI community, analysing the 2019 FRA LGBTI survey data.

HUMAN RIGHTS DEFENDERS

In November 2023, the European Parliament and Council of the EU reached an agreement on the EC's proposed anti-SLAPP Directive. The text recognises LGBTI rights as one of the areas of human rights defenders that are targeted by SLAPPs. The agreement is due to be signed in the first quarter of 2024.

In July 2023, the European Commission published its [2023 Rule of Law report](#), which included more LGBTI related content than previous editions, and for the first time acknowledged the links between disinformation, anti-LGBTI rhetoric of politicians, and hate crimes, when reporting about the anti-LGBT terrorist attack that happened in Slovakia.

The UN Special Rapporteur on the situation of human rights defenders [issued](#) a position paper on EU visas as a protection tool for human rights defenders. The position paper includes recommendations on actions that can be taken by the EU and its members in the short and medium term to remedy the current disconnect between the EU's external human rights policy and its visa framework.

INSTITUTIONAL SUPPORT

In April, the Swedish EU Presidency, together with the European Commission, organised a high-level conference on LGBTIQ equality. The one-day conference provided panels and workshops to assess the implementation of the EU LGBTIQ Equality Strategy together with member states, civil society and other stakeholders, and ended with a strong call to all EU institutions to step up implementation. The European Commission presented its two-year implementation report on the strategy at the conference.

On the occasion of IDAHOBIT in May, the European External Action Service (EEAS) organised an event focusing on the challenges that LGBTIQ+ persons face in the world, including the criminalisation of consensual same-sex relations. At the event, both the EEAS Secretary General and the EEAS Gender Ambassador spoke, and staff and delegations from across the world joined a debate with a MEP Malin Bjork (GUE/NGL) and the Council of Europe SOGI Unit, as well as a LGBTI activists, ILGA World and ILGA-Europe.

In June, the Swedish Presidency of the EU adopted Presidency [Conclusions](#) to combat hate, violence and discrimination against LGBTI people, condemning the persistence of violence, harassment and discrimination against LGBTI persons



across the EU. Last minute negotiations on Council conclusions failed because of vetos from Hungary and Poland. Supported by 25 EU delegations, the Conclusions are a clear support for the European Commission's strategy on LGBTIQ rights and a call to step up that work in the future.

In June, the EP LGBTI Intergroup organised an event at the European Parliament, bringing together activists from across the EU to discuss LGBTI equality. Key speakers included the EC Vice-President Jourova and Equality Commissioner, Helena Dalli. On the occasion, leaders and MEPS of the Greens/EFA, GUE/NGL, EPP, S&D and Renew group signed a Declaration on Advancing LGBTIQ rights ahead of the 2024 elections.

In July, the Spanish Presidency organised a high-level event, "Advancing LGBTIQ rights in Europe", focusing on discrimination and violence against LGBTI people. The event also gathered Ministers responsible for equality and inclusion, where 16 Member States formally endorsed the Ministerial [Declaration](#) on "Advancing rights of LGBTI people in Europe" initiated by the Spanish EU Presidency.

INTERSECTIONALITY

Whereas harmful passages in the draft legislation on violence against women and domestic violence, attempting to criminalise sex work, were rejected by the majority of the European Parliament, in September the EP, with a very small margin, adopted an own-initiative [report](#) by Maria Noichl (S&D), denying agency for sex workers and calling for the introduction of the model of criminalising clients across the EU. In January, Monika Vana (Greens/EFA) organised a round-table event on the future of sex work and how to ensure sex worker's rights in Europe.

PUBLIC OPINION

In December, the European Commission released its [Eurobarometer](#) on Discrimination in the European Union. The report has found that more than half of the general public say there is widespread discrimination in their country on the basis of gender identity (being transgender, 57%) or sexual orientation (54%). Discrimination against intersex people is in the high numbers too, at 47%. At the same time, a rising number of 69% of EU citizens say that lesbian, gay and bisexual people should have the same rights as heterosexual people, and 64% say that trans people should have the same rights as everyone else. 62% believe that trans people should be able to change their civil documents to match their gender identity. Further, 47% believe that official documents should offer a third option (X or O) for those who do not identify as female or male. 72% of respondents say that same sex marriage should be allowed throughout Europe, up three percentage points since 2019.