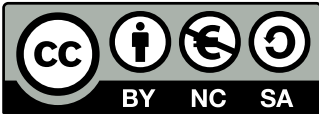




**The EU LGBTIQ Equality Strategy 2020-2025  
and its key action items for trans people  
TGEU Progress Report 2022**





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## The EU LGBTIQ Equality Strategy 2020-2025 and its key action items for trans people: TGEU Progress Report 2022

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TGEU is a member-based organisation working to strengthen the rights and wellbeing of trans people in Europe and Central Asia.



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# In a nutshell

In November 2020, the European Commission published the EU LGBTIQ Equality Strategy 2020-2025, its first comprehensive strategy for advancing the rights for lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) people in the European Union. The strategy sets out a set of actions and commitments across five themes:

- Tackling discrimination against LGBTIQ people
- Ensuring LGBTIQ people's safety
- Building LGBTIQ inclusive societies
- Leading the call for LGBTIQ equality around the world
- Delivering on the strategy: making full use of EU initiatives

EU LGBTIQ  
Equality Strategy  
(2020-2025)



The EU LGBTIQ Equality Strategy is an important symbol of a cohesive commitment by the European Commission towards achieving equality for LGBTIQ people in the EU. TGEU welcomed its release in 2020, noting that the strategy “signals a new level of awareness and commitment of the European Union for the equality of LGBTIQ people. TGEU, alongside other stakeholders, has been for

years demanding a comprehensive response addressing the challenges of trans people.”

TGEU's first Progress Report 2021 identified the elements of the EU LGBTIQ Equality Strategy that specifically targeted the trans community or where we foresaw significant impact on the lives of trans people in the EU.

In this year's report, we give an overall assessment of how the strategy is delivering (or not) for trans people in the EU, as well as an update of what has been achieved toward the biggest highlights that we identified in our last report. We also include examples of how TGEU has been supporting the implementation of the strategy and our recommendations. Finally, we comment on other features of the strategy that were highlighted in our last report and present a table of main pieces of legislation and their status.

The report includes work done until early December 2022 and of which we have knowledge.

# Overall assessment

TGEU is concerned that while the EU LGBTIQ Equality Strategy mentions trans people and their specific needs, this has not translated into sufficient concrete action that protects trans people. Two years into implementation of the strategy, the biggest legislative proposals are either blocked or are set to leave out any explicit mention of trans people. Certain activities such as good practice exchanges have taken place, but need to be regularly repeated to ensure continued progress is achieved. Meanwhile, gender identity, gender expression, and sex characteristics are missing from many initiatives. Original concerns from civil society, such as the lack of a timeline or points of contact, and uneven commitment across the Commission, are evident now in the implementation.

Now, halfway through the strategy's timeline, TGEU is concerned that it will fail trans people in the EU, who are among the most vulnerable and marginalised group of people in the Union. This all while trans communities are still recovering from the COVID pandemic, dealing with the reality of war in Ukraine, and influential anti-gender groups opposed to trans rights are impacting laws, budget allocations, and the safety of trans people on the streets.

For the remaining period of the strategy, TGEU calls for the following from these institutions:

## *European Commission*

- ensure adequate staffing and resourcing for implementation of this strategy and renewed political commitment from across the College of Commissioners for it;
- stronger cross-departmental collaboration amongst Directorate Generals for the implementation of all four EU equality strategies;
- ensure continued conversation of European civil society with the LGBTIQ subgroup; and
- forward looking planning for the next LGBTIQ Equality Strategy 2025-2030.

## *European Parliament*

- to step in where the Commission has hesitated to be ambitious and ensure trans and non-binary people are explicitly included in legislative proposals; and
- renewed commitment to hold the Commission accountable and engage on implementation as well as preparations for a follow-up strategy.

## *EU Council*

- call upon progressive Member States to hold the Commission accountable for its strategies; and
- make passing of the hate crime extension in the European Council a priority.

# Progress towards the biggest highlights

In the strategy, the Commission committed to key initiatives for trans people across three main pillars. Below we outline the progress made among the follow areas:

## 1

### 1. Tackling discrimination

- 1.1 Equality bodies
- 1.2 Asylum
- 1.3 Health
- 1.4 Depathologisation of trans identities

## 2

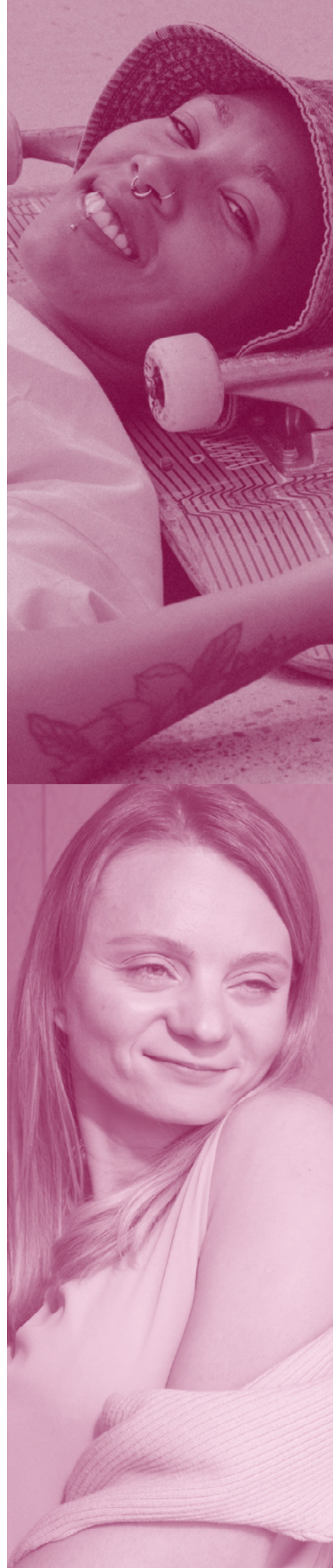
### 2. Ensuring safety

- 2.1 'EU crimes' extension
- 2.2 Gender-based violence

## 3

### 3. Building inclusive societies

- 3.1 Legal gender recognition
- 3.2 Rainbow families



# **1 Tackling discrimination**

## 1.1 Equality bodies

### Propose EU legislation strengthening the role of equality bodies

#### From the EU LGBTIQ Equality Strategy

#### 1.1 Enforcing and improving legal protection against discrimination

*“The Commission will ensure rigorous application by Member States of the rights covered by the Employment Equality Directive and will report on the Directive’s application in 2021. ... By 2022, the Commission will put forward any legislation required as a result, in particular on the role of equality bodies.”* p5

#### What has been achieved so far

On 7 December 2022, the European Commission published its **proposal for two directives** to strengthen equality bodies. The proposals lay out binding rules for equality bodies regarding their mandates, tasks, independence, structure, powers, accessibility, and resources. They include the activities equality bodies should undertake, including around awareness raising, support for victims, the right to act in court, and an obligation to collect disaggregated data. They specifically focus on how equality bodies can support enforcement of existing EU Directives on social security (79/7/EEC<sup>1</sup>), employment and occupation (2000/78/EC<sup>2</sup>), and goods and

services (2004/113/EC<sup>3</sup>). While all these elements are important and welcome, they do not propose expanding the mandates of equality bodies to cover any additional grounds than the six grounds of the Treaty of the Functioning of the EU, and they do not mention gender identity or gender expression, nor any encouragement to Member States to include these grounds in the work of their equality bodies.

#### Why it is important

Only 20 EU Member States have equality bodies that include trans people in their mandate; however not all those that do operate to the same standard. For example, they have varying levels of independence from the government. Stronger equality bodies with mandates that explicitly include gender identity could support trans people to better know and attain their rights in areas such as employment, access to goods and services, and hate speech in all countries of the EU.

#### What TGEU has done in support

Throughout 2022 TGEU has:

- Made written submissions to the European Commission’s call for evidence on the need for stronger equality bodies;
- Participated in stakeholder consultations on the elements of equality bodies that could be addressed in the upcoming Directive; and
- In November 2022, organised a study visit of activists to Brussels, who met with stakeholders at the European Commission, European Parliament, a national equality body and Equinet, the network of equality

<sup>1</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31979L0007>

<sup>2</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

<sup>3</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0113>



bodies, about the need for trans people's protection by equality bodies.

### **TGEU recommends**

TGEU calls for explicit mention in the Directives that the ground of sex also covers gender identity and gender expression so that there is no ambiguity around their application to trans people, and in line with the current trajectory of EU laws, decisions, and reports. TGEU also recommends that the Commission encourages Member States to mandate their equality bodies to work on these grounds, even if not required by EU law.

## **1.2 Asylum**

### *Ensure appropriate protection of vulnerable (including trans) applicants in the context of the common European asylum system and its reform*

#### **From the EU LGBTIQ Equality Strategy**

#### **1.4 Upholding the rights of LGBTIQ applicants for international protection**

*“The common European asylum system addresses the specific situation and needs of vulnerable (including LGBTIQ) applicants for international protection. The Commission has made proposals to reform the common European asylum system by making it more resilient and effective while respecting the protection needs of such applicants.*

*The Commission will foster good practice exchanges between the Member States on*

*addressing the needs of LGBTIQ applicants for international protection, focusing on: how to guarantee safe and suitable reception conditions, including accommodation, for LGBTIQ applicants for international protection; protection standards that apply in relation to their detention (where applicable); and how to prevent the examination of their applications from being influenced by antiLGBTIQ discrimination and/or stereotypes.*

*The European Asylum Support Office will improve training for protection officers and interpreters to ensure that the examination of LGBTIQ people's applications for international protection is not influenced by stereotypes and is in line with international/EU law and other relevant instruments.” p9*

#### **What has been achieved so far**

Contrary to the strategy's ambition to protecting LGBTI asylum seekers' rights, the European Commission presented a proposal for a Regulation in December 2021 addressing situations where migrants and asylum seekers are “instrumentalised” by states. The proposal introduces a mechanism which allows Member States to derogate from their responsibilities under EU asylum law towards asylum seekers. As stated in the joint statement that TGEU co-wrote on this proposal, “the mechanism is permanently available to Member States who can invoke it in multiple situations, essentially enabling them to derogate at will from their international human rights obligations.”<sup>4</sup>

In June 2022, EU Member States pushed for moving on legislative proposals for the so-called

<sup>4</sup> Statement available here: <https://ecre.org/joint-statement-ngos-call-on-member-states-agreeing-on-the-instrumentalisation-regulation-will-be-the-final-blow-to-a-common-european-asylum-system-ceas-in-europe/>

‘Screening Regulation and Asylum and Border Return Procedures’. These include a proposed fictional ‘pre-entry’ phase in which screening and the border procedures are carried out.

The European Union Asylum Agency (EUAA) has established training modules for authorities dealing with applicants seeking asylum on the grounds of sexual orientation, gender identity or expression, or sex characteristics (SOGIESC). The module covers a broad range of issues, including terminology and best practice referral procedures. The agency is also in the process of drafting ‘Advanced SOGIESC Guidelines’ that will be available to Member States.

### **Why it is important**

These legislative proposals<sup>5</sup> constitute a dangerous move depriving applicants of international protection of their fundamental rights and preventing them from enjoying basic procedural safeguards. Applicants subject to border procedures should be recognised as having entered the EU territory. Trans and gender non-conforming (TGNC) asylum seekers tend to be one of the most vulnerable groups of people that come to the EU seeking protection. It is the obligation of the EU to make sure that all asylum seekers, particularly those with intersecting vulnerabilities, are protected and not persecuted by any asylum and migration legislation that is passed.

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<sup>5</sup> For more information see TGEU’s assessment of these legislative proposals at <https://tgeu.org/tgeu-concerned-over-eu-member-states-move-on-stalled-migration-pact/>

### **What TGEU has done in support**

TGEU’s work on the legislative proposals has so far included exchanging with other migration networks, European LGBTI networks, and the Trans Refugee Network, a coalition of grassroots organisations. TGEU also runs awareness raising campaigns on the needs and experiences of trans and gender non-conforming asylum seekers.

Further, we have participated in consultations with the EUAA on the development of the training modules mentioned above with a focus on ensuring that TGNC asylum applicants access safe, fair, and just reception and asylum conditions. TGEU is developing critical parts of the Advanced SOGIESC Guidelines including a chapter on intersectionality.

TGEU is a member of the EUAA Consultative Forum, which holds a plenary meeting once a year, supplemented by meetings of thematic discussion groups.

### **TGEU recommends**

TGEU calls upon the European Commission and Member States to revert their proposals on the Screening regulation, Asylum and Border Return Directive, and the ‘Instrumentalisation’ Directive as these proposals, as they stand, would severely limit the rights of TGNC asylum seekers to a fair procedure and to have their human rights protected.

Once the Advanced SOGIESC Guidelines are complete, TGEU urges all relevant stakeholders within Member States to refer to them.

## 1.3 Health

### *Organise a conference on the EU Health Policy Platform*

#### **From the EU LGBTIQ Equality Strategy**

#### **1.3. Combating inequality in education, health, culture and sport**

“Research on the intersectional experiences of LGBTIQ people, as those who are elderly or with disabilities, is often lacking. Horizon Europe will support gender studies and intersectional research relevant for LGBTIQ people, including on health. The Commission will disseminate the research results, including their recommendations and policy guidance, and organise an EU-wide conference through the EU Health Policy Platform.” p8

#### **What has been achieved so far**

The strategy commits to organising an EU-wide conference, through the EU Health Policy Platform, on the intersectional experiences of LGBTIQ people which also includes essential issues of healthcare access. TGEU has no information on any plans for this.

#### **Why it is important**

Existing research shows that further marginalised trans people, including trans people with disabilities and older trans people, have poorer access to healthcare. This conference has the potential to share information on experiences of further marginalised trans people and to share policy recommendations to strengthen their access to healthcare.

#### **What TGEU has done to support**

Together with ILGA-Europe, TGEU tried to engage with DG SANTE on health-related activities from the strategy, unfortunately without success. Direct engagement and meetings with DG SANTE would be essential for the successful implementation of the strategy on health.

#### **TGEU recommends**

We invite the European Commission to make best efforts to organise this conference in the upcoming two years and are committed to supporting this endeavour.

### *EU4Health training modules*

#### **From the EU LGBTIQ Equality Strategy**

#### **1.3. Combating inequality in education, health, culture and sport**

“Member States will be encouraged to organise training for healthcare professionals to raise awareness of the health needs of gay and bisexual men; lesbian and bisexual women; intersex people; and trans people and to avoid discrimination and stigmatisation in access to health services. The training material from the HEALTH4LGBTI project will be further disseminated and offered to Member States. The Commission will encourage and facilitate Member States’ exchanges of best practice in addressing the mental health challenges faced by a significant number of LGBTIQ people.” p8

## What has been achieved so far

TGEU has no information on whether the training was provided for healthcare professionals. The training material from the HEALTH4LGBTI project was not made available to TGEU.

## Why it is important

Out of all trans respondents to the FRA 2019 LGBTIQ Survey<sup>6</sup>, one third (34%) indicated they had experienced discrimination by healthcare or social services personnel (e.g. a receptionist, nurse or doctor, a social worker). For trans women this share increases to 40%. This affects trans people's ability to access essential health care.

## What has TGEU done to support

Together with ILGA-Europe, TGEU tried to engage with DG SANTE on health-related activities from the strategy, unfortunately without success. More information from DG SANTE on the training modules is required for TGEU to provide feedback and assist with distributing the training material.

## TGEU recommends

The EU4Health programme's training modules for health professionals should be made publicly available so that the training can be replicated by local LGBTIQ organisations. We recommend that any existing training material be revised and updated to fully reflect depathologisation of transgender identities and the implementation of the World Health Organisation's International Classification of Diseases 11th Revision (ICD-11).

<sup>6</sup> Available at <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

## 1.4 Depathologisation of trans identities

### From the EU LGBTIQ Equality Strategy

#### 2.4 Protecting and promoting LGBTIQ people's bodily and mental health

"Harmful practices such as non-vital surgery and medical intervention on intersex infants and adolescents without their personal and fully informed consent (intersex genital mutilation), forced medicalisation of trans people and conversion practices targeting LGBTIQ people may have serious bodily and mental health repercussions. The Commission will foster Member States' exchange of good practice on ending these practices. Forced abortion and forced sterilisation and other harmful practices against women and girls are forms of gender-based violence and serious violations of women's and children's rights. The Commission will also include an intersectional perspective in the Recommendation on harmful practices against women and girls announced in the Gender equality strategy 2020-2025." p13

## What has been achieved so far

The European Commission is developing a document targeted at Member States on recommendations for ending harmful practices against women and girls; it is expected to be published by the end of 2022. In preparation for this, the Commission consulted extensively with civil society stakeholders on the issues and harmful practices considered important.



## **Why it is important**

The World Health Organization formally depathologised trans identities in 2018 through ICD-11. Furthermore, the European Court of Human Rights has established in multiple decisions that requiring trans people to undergo any medical intervention in order to access legal gender recognition (LGR) is in violation of their human rights. Despite this most countries still pathologise trans identities in some form or another and Czechia, Finland, Latvia, and Romania still require sterilisation to access legal gender recognition. Finland has recently proposed a new law to abolish this requirement.

## **What TGEU has done in support**

TGEU has been extensively involved in stakeholder consultations, both oral and written, with the Commission on the content of the recommendation. We have advocated against forced sterilisation as a requirement for accessing LGR, against conversion practices, and against any forced pathologisation of trans identities in order to access health care or LGR. TGEU considers these to be harmful practices and therefore should be banned by Member States.

## **TGEU recommends**

TGEU calls on the Commission to publish a strong set of recommendations to Member States that include specific guidance on harmful practices that affect the trans community, including forced sterilisation, forced pathologisation, forced gender reassignment, and conversion practices.

# 2 Ensuring safety

## 2.1 EU crimes extension

### *Proposal to extend the list of 'EU crimes' (Article 83 TFEU) to cover hate speech and hate crime, including when targeted at trans people*

#### **From the EU LGBTIQ Equality Strategy**

#### **2.1 Reinforcing legal protection for LGBTIQ people against hate crime, hate speech and violence**

*“As a first important step, in 2021, the Commission will present an initiative to extend the list of ‘EU crimes’ under Article 83 (1) of the Treaty on the Functioning of the European Union (TFEU) to cover hate crime and hate speech, including when targeted at LGBTIQ people.” p12*

#### **What has been achieved so far**

On 9 December 2021, the European Commission adopted its position that the list of EU crimes in Article 83 (1) of the Treaty for the Functioning of the EU (TFEU) should be extended to include hate speech and hate crime. A large number of Member States are in favour of the extension. However, without unanimity in the European Council, it remains blocked. Any secondary legislation (Directive) that could include an explicit reference to trans people must wait for this to be passed first.

#### **Why it is important**

According to the [Trans Rights Map 2022](#), only 13 out of 27 EU countries include trans people

or gender identity in their national hate crime legislation and 13 in their national hate speech legislation. If this decision were to pass, it would allow for secondary legislation that would include how national governments define and sanction hate crimes. While stronger laws alone will not end transphobia nor transphobic violence, it sends a strong message of high-level support that violence, hate speech, and crime against trans and other LGBTIQ people are not tolerated in the EU. At a time when anti-gender rhetoric is being spread by politicians, the media, and others, and violence against trans people and trans-led organisations is rising, such a message of solidarity and a concrete step toward tackling the problem is much needed.

#### **What TGEU has done in support**

TGEU and other regional LGBTIQ network organisations have been in regular dialogue with the Commission on the importance of including trans people in this law. In December 2021, ILGA-Europe, OII Europe, and TGEU wrote to EU Commissioners Reynders and Dalli urging them to ensure hate crimes on grounds of sexual orientation, gender identity, gender expression, and sex characteristics are covered by the proposal. We are optimistic that the decision can be passed at the Council, and, once it does, we are ready to work with the Commission on the accompanying Directive.

#### **TGEU recommends**

TGEU calls on all Member States within the Council to come to an agreement on the EU crimes extension, as this will pave the way for a significant step forward in our united approach against bias-motivated crime, including against trans people.

## 2.2 Gender-based violence

### *Action to tackle gender-based violence*

#### **From the EU LGBTIQ Equality Strategy**

#### **2.1 Reinforcing legal protection for LGBTIQ people against hate crime, hate speech and violence**

*“The Commission will also take action to tackle gender-based violence, as announced in the gender equality strategy.” p12*

#### **What has been achieved so far**

On 8 March 2022, International Women’s Day, the Commission released a proposal for a directive on combating violence against women and domestic violence. TGEU regrets that the proposed directive does not offer full protection to all those marginalised groups who experience gender-based violence, despite the Commission’s commitment to do so in the LGBTIQ Equality Strategy and Gender Equality Strategy. The European Union Asylum Agency (EUAA) has established training modules for authorities dealing with applicants seeking asylum on the grounds of sexual orientation, gender identity or expression, or sex characteristics (SOGIESC). The module covers a broad range of issues, including terminology and best practice referral procedures. The agency is also in the process of drafting ‘Advanced SOGIESC Guidelines’ that will be available to Member States.

#### **Why it is important**

Trans women experience heightened and unique marginalisation and violence as a result of being at the intersection of oppression on the bases of gender and gender identity and expression – often as well as other characteristics. This directive has the potential to contribute to the prevention of such violence and support for its victims. The draft Directive is also significant for its inclusion of a consent-based definition of rape and its references to undocumented migrant women and women sex workers as groups particularly at risk of violence. However, to be truly protective of all trans people, it needs to cover all people who experience violence as a result of their gender identity and gender expression.

#### **What TGEU has done in support**

In collaboration with other regional LGBTI network organisations, TGEU has been advocating for strong inclusion of LGBTI women in the directive. This work began in 2020 and has included: written submissions to the European Commission’s fitness check, impact assessment, public consultation, and adoption of a draft proposal. It has also involved consultations with advisors of the Greens/ European Free Alliance (EFA) and Socialists and Democrats (S&D) parties, and sharing our written feedback with MEPs of the European Parliament. Our [detailed collective position paper and suggested amendments](#) can be found on our website.



## TGEU recommends

Our main recommendations for strengthening the Directive are:

1. Explicit inclusion of LGBTI women as victims with increased risk of violence against women or domestic violence and of LGBTI people as victims of domestic violence;
2. Need for specialised protection and victim support services and improving access to justice and prevention;
3. Prevention, protection and availability of specialist support services for victims of harmful practices such as intersex genital mutilation (IGM); and
4. Need for inclusive and specific data collection, including sexual orientation, gender identity, gender expression, and sex characteristics.

Additionally, we see it as important that EU institutions work towards inclusion of gender-based violence in the list of EU crimes in Article 83(1) of the TFEU. This would offer full protection to women in all their diversity as well as people with diverse sexual orientations, gender identities and expressions, and sex characteristics.

# **3** **Build inclusive societies**

## 3.1 Legal gender recognition

### *Support Member States put in place accessible legal gender recognition legislation and procedures*

#### **From the EU LGBTIQ Equality Strategy**

#### **3.3 Improving the recognition of trans and non-binary identities, and intersex people**

“As a first important step, in 2021, the Commission will present an initiative to extend the list of ‘EU crimes’ under Article 83 (1) of the Treaty on the Functioning of the European Union (TFEU) to cover hate crime and hate speech, including when targeted at LGBTIQ people.” p12

#### **What has been achieved so far**

In November 2022, the LGBTIQ sub-group hosted a good practice exchange on legal gender recognition procedures where Member States could consult each other and discuss plans for reforming legal gender recognition (LGR) procedures. TGEU and the Belgian Gender Equality Institute presented good practice examples and suggestions for navigating challenges.

#### **Why it is important**

Member States are increasingly reforming outdated LGR procedures and moving towards self-determination models. This forum gives Member States the chance to learn from each other and hear from international civil society about concrete steps forward.

#### **What TGEU has done in support**

TGEU, together with other regional LGBTI network organisations, has been in regular dialogue with the Commission on the importance of including trans people in this law. In December 2021, ILGA-Europe, OII Europe and TGEU wrote to EU Commissioners Reynders and Dalli urging them to ensure hate crimes on grounds of sexual orientation, gender identity, gender expression and sex characteristics are covered by the Commission’s proposal. We are optimistic that the decision can be passed at the Council, and, once it does, we are ready to work with the Commission on the accompanying Directive.

#### **TGEU recommends**

At this good practice exchange, TGEU presented its recommendations for the key elements of a self-determination model of LGR, focusing on accessibility for people who identify outside the binary, for people with different residency statuses such as asylum seekers, and for minors. TGEU also presented its findings from a survey of countries who currently have self-determination models, where we investigated how many, if any, fraudulent applications there have been. The **key outcome of this report** was that there have been very few repeat and no fraudulent applications.

## 3.2 Rainbow families

### *Legislative proposal on the mutual recognition of parenthood between Member States*

## From the EU LGBTIQ Equality Strategy

### 3.2 Improving the legal protection for rainbow families in cross-border situations

*“In 2022, the Commission will propose a horizontal legislative initiative to support the mutual recognition of parenthood between Member States, for instance, the recognition in one Member State of the parenthood validly attributed in another Member State.” p15*

#### What has been achieved so far

On 7 December 2022, the European Commission published its proposal for a Regulation on “jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood, and on the creation of a European Certificate of Parenthood”. The goal of the regulation is to protect the rights of children in cross-border situations and ensure that “if you are a parent in one country, you are a parent in every country”. The focus is largely on ensuring same-gender parents of a child or parents of adopted children, regardless of nationality, are recognised as such across Member States. It does not address the issue of trans parents having their legal genders recognised on kinship documents to enable easy movement across borders.

#### Why it is important

Currently, the lack of mutual partnership and parenthood recognition between EU Member States leads to discrimination in exercising free and safe movement for many families. This is especially true for same-gender parents, including trans parents who live in a same-gender relationship. The ‘European Certificate

of Parenthood’ has the potential to ensure that trans parents who have their gender identity recognised on their children’s document issued in one Member State are also recognised in another Member State. However when legal gender recognition does not extend to kinship documents, this can lead to discrimination when exercising free and safe movement for many trans parents and their children. This issue is not addressed by this Regulation.

#### What TGEU has done in support

TGEU has published two reports on the issues faced by trans parents in the EU, **one in March 2021** specifically focused on freedom of movement, and a **second in May 2022** covering a wider range of issues. In 2021, TGEU advised the EU Commission for its forthcoming research on rainbow families.

#### TGEU recommends

The European Commission continues to explore options for ensuring that trans parents’ identities are reflected on kinship documents, that their relationships with their children are protected, and that travelling across EU borders is possible and safe. TGEU strongly encourages and is ready to support this work. Further, work needs to be done to tackle stigma, prejudice, and discrimination against trans people and outdated ideas about what families look like, which leads to negative experiences in cross-border situations and does not take into account the best interests of the child.



# Other positive elements mentioned in Progress Report 2021

- Mainstreaming of LGBTIQ issues through all European Commission work
- Intersectionality as a core principle
- Mentions trans people and their specific experiences and needs throughout
- Other units and Directorates General (DG) at Commission involved beyond DG Justice
- LGBTIQ Equality Subgroup established to support and monitor progress towards the goals of the strategy
- Acknowledges disproportionate socio-economic inequalities experienced by trans and LGB people, including access to the labour market and homelessness

On the other hand, European Civil Society working on LGBTI issues, including TGEU, ILGA Europe, OII Europe, EL\*C, and IGLYO have been consulted on the development of EU guidelines for national equality action plans, and contributed to the best practice exchanges on legal gender recognition and inclusion in the labour market. This consultation and collaboration is essential, welcomed and must continue in the future.

## *Comments*

TGEU is concerned that while the strategy mentions trans people and their specific needs, this has not translated into sufficient concrete action that protects trans people. Mainstreaming of trans issues needs improving, and intersectionality is a concept still not fully understood by all policymakers. Collaboration between DGs at the Commission still can improve a great deal.

# Status of legislation

Key:

- = stalled
- = in progress
- = adopted

## Legislation advancing rights

THEME	PROPOSAL	TIMELINE	STATUS
Tackling discrimination	Strengthening equality bodies	Dec 2022 onward	Proposal for two directives released 7 December 2022 <sup>7</sup>
Ensuring safety	Extend EU crimes to include hate speech and hate crime	Dec 2021 onward	Proposal published in Dec 2021, currently blocked by European Council <sup>8</sup>
	Violence against women and domestic violence directive	March 2022 onward	Proposal published in March 2022 <sup>9</sup>
Rainbow families	Mutual recognition of parenthood	Dec 2022 onward	Proposal for legislation released 7 December 2022 <sup>10</sup>

## Legislation advancing rights

THEME	PROPOSAL	TIMELINE	STATUS
Asylum	Common European Asylum System	2020 onward	Proposal for legislation released September 2020, currently blocked by European Council <sup>11</sup>

<sup>7</sup> Status available on <https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-strengthening-the-role-of-equality-bodies>

<sup>8</sup> Status available on [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/extending-eu-crimes-hate-speech-and-hate-crime\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/extending-eu-crimes-hate-speech-and-hate-crime_en)

<sup>9</sup> Status available on <https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-legislative-proposal-on-gender-based-violence>

<sup>10</sup> Status available on <https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-recognition-of-parenthood-between-member-states>

<sup>11</sup> Status available on [https://www.europarl.europa.eu/legislative-train/package-strong-asylum-policy/file-reform-of-the-common-european-asylum-system-\(ceas\)](https://www.europarl.europa.eu/legislative-train/package-strong-asylum-policy/file-reform-of-the-common-european-asylum-system-(ceas))



