

LGBT persons' experiences of discrimination and hate crime in the EU and Croatia

Article 1 of the Charter of Fundamental Rights of the European Union states that human dignity is inviolable. It must be respected and protected. Article 21 guarantees the right to non-discrimination including on the ground of sexual orientation. The principle of equal treatment constitutes a fundamental value of the European Union which ensures both respect for human dignity and full participation on an equal footing in economic, cultural and social life.

Policy context

A growing number of international and national developments have addressed the fundamental rights of lesbian, gay, bisexual and transgender (LGBT) persons. Standards on non-discrimination and equality for LGBT persons have been further developed or reinforced by the European Union (EU), the Council of Europe and the United Nations (UN). Sexual orientation and gender identity have increasingly been recognised as grounds of discrimination in European and national legislation.

In 2010, the European Commission asked FRA to collect comparable data on hate crime and discrimination against LGBT persons in all EU Member States and Croatia. In response, FRA launched in 2012 its EU LGBT online survey, which received 93,079 responses. The survey delivers a wealth of comparable data, which allow FRA to develop conclusions and evidence-based advice. These can assist EU institutions and Member States in identifying and tackling the fundamental rights challenges that LGBT persons face through targeted legal and policy responses to ensure the protection and fulfillment of their fundamental rights.

Key findings

The results show that LGBT persons in today's EU society regularly suffer from not being able to be themselves at school, at work or in public. Many therefore hide their identity and live in isolation or even fear. Others experience discrimination and even violence when being themselves. Important differences exist among countries as regards

the perception and experience of violence, harassment and discrimination because of being LGBT in the 12 months preceding the survey. This holds also true for the perception of widespread negative attitudes towards LGBT persons, and avoiding certain locations or behaviours for fear of being assaulted, threatened or harassed because of being LGBT.

- Almost half (47 %) of all respondents said that they had felt personally discriminated against or harassed on the grounds of sexual orientation in the year preceding the survey.
- Over 80 % of respondents in every EU Member State recall negative comments or bullying of LGBT youth at school.
- Two thirds (67 %) of all respondents said they often or always hid or disguised that they were LGBT during their schooling before the age of 18.
- One in five of those respondents who were employed and/or looked for a job in the 12 months preceding the survey felt discriminated in these situations in the past year. This figure rises to one in three of the transgender respondents.
- Of the respondents who had visited a café, restaurant, bar or nightclub in the year preceding the survey, one in five (18 %) had felt personally discriminated against at that location in the past year because of being LGBT.
- A quarter (26 %) of all EU LGBT survey respondents had been attacked or threatened with violence in the previous five years.
- About three in 10 of all transgender respondents said they were victims of violence or threats of violence more than three times in the past year.
- A majority of respondents who had experienced violence (59 %) in the past year said that the last attack or threat of violence happened partly or completely because they were perceived to be LGBT.
- Fewer than one in five (17 %) reported to the police the most recent incident of hate-motivated violence that had happened to them. Some 66 %

of respondents across all EU Member States are scared of holding hands in public with a same-sex partner. For gay and bisexual men respondents, this figure amounted to 74 % and 78 %, respectively.

- More than four-fifths of all respondents said that casual jokes about LGBT persons in everyday life were widespread.
- Almost half of all respondents believed that offensive language about LGBT persons by politicians was widespread in their country of residence.

Evidence-based advice

On the basis of statistical evidence collected, FRA developed its conclusions and evidence-based advice to inform the development of legal and policy responses at both EU and national level.

Providing safe environment in education

EU Member States should ensure that schools provide a safe and supportive environment for LGBT youth, free from bullying and exclusion. This includes combating stigmatisation and marginalisation of LGBT persons, and promoting diversity. Schools should be encouraged to adopt anti-bullying policies. EU Member States should ensure that objective information on sexual orientation, gender identity and gender expression is part of school curricula to encourage respect and understanding among staff and students, as well as to raise awareness of the problems faced by LGBT persons.

Combating discrimination on grounds of sexual orientation and gender identity

A pluralistic and inclusive social environment based on the principle of equality as enshrined in the EU Charter of Fundamental Rights is conducive to an environment where LGBT persons can live and express themselves openly and freely.

To strengthen systematic and coordinated responses to discrimination, the EU and its Member States are encouraged to develop action plans promoting respect for LGBT persons and protection of their fundamental rights and/or integrate LGBT issues in their national human rights action plans and strategies. Special consideration should be given to the challenges facing transgender persons and young LGBT persons given the particular circumstances they experience. The EU could foster the exchange of promising practices that actively promote respect for LGBT persons. Member States are encouraged to promote a more balanced public opinion on LGBT issues by facilitating dialogue with key actors. Strong and positive political leadership is also needed to promote the fundamental rights of LGBT persons.

Recognising and protecting LGBT victims of hate crime

Everyone is entitled to the respect of their rights to life, security and protection from violence, irrespective of sexual orientation or gender identity.

The EU and its Member States should consider adopting legislation covering homophobic and transphobic hate speech and hate crime so that LGBT persons are equally protected. EU Member States are also encouraged to increase recognition and protection of LGBT victims of hate crime, by including homophobic and transphobic hatred as possible motives in national legislation on bias-motivated crime. Training for law enforcement personnel, including on how to record incidents, should also be considered.

Ensuring equal treatment in employment

EU law should expressly ban discrimination on grounds of gender identity, and the EU should continue to monitor the effectiveness of national complaints bodies and procedures. EU Member States should support equality bodies and other national complaints mechanisms in their efforts to inform LGBT persons of their mandate and procedures with a view to increasing awareness of discrimination.

Discrimination beyond employment

Equal protection against discrimination on the grounds of sexual orientation across all EU Member States would significantly improve if the EU-wide prohibition of such discrimination extended beyond the field of employment and occupation, as proposed by the European Commission in its *Proposal for a Council Directive of 2 July 2008 on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*. EU law should consider explicitly mentioning discrimination on the grounds of gender identity as a form of discrimination in all existing and upcoming EU legislation.

Further information:

For the two FRA reports on the survey findings – *EU LGBT survey – Results at a glance* and *EU LGBT survey – Main results* – see:

<http://fra.europa.eu/en/publications-and-resources>

For the online visualisation tool, the ‘EU LGBT survey data explorer’, see:

<http://fra.europa.eu/en/lgbt-survey-results>

An overview of FRA activities on the fundamental rights of LGBT persons is available at:

<http://fra.europa.eu/en/theme/lgbt>