



Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States

Synthesis Report

2009

European Union Agency for
Fundamental Rights

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European Union
Agency for Fundamental Rights (FRA)

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SYNTHESIS REPORT
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I: Introduction

In 2007 the European Union Agency for Fundamental Rights (FRA) was requested by the European Parliament to conduct research on discrimination against LGBT persons in the EU, across a number of themes. In 2008 the FRA published a first report which gave a legal analysis of LGBT rights and in 2009 the FRA published a second report which gave a picture of the situation on the ground. The present Summary Report combines the main findings of these two reports. The aim is to provide an accessible overview of the research for decision-makers at all levels of government, civil society, equality bodies and other interested in the topic.

For the full reports see: *Homophobia and Discrimination on the grounds of Sexual Orientation and Gender Identity in the EU Member States – Part 1 Legal Analysis* published by the European Union Agency for Fundamental Rights (FRA) in June 2008 and *Homophobia Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States – Part 2 The Social Situation* published in March 2009. These can be found on the website of the FRA: <http://www.fra.europa.eu>

II: Attitudes towards LGBT persons

A: General Public

Attitudes towards LGBT persons across the EU vary from one Member State to another. There is also evidence to suggest that attitudes are influenced by age (younger people being more tolerant than old), political inclination (left-wing being more tolerant than right-wing), sex (women being more tolerant than men) and education (the more educated being more tolerant than the less educated). The surveys suggest that attitudes towards LGBT persons vary according to the context, for instance a general tolerance of LGBT persons as potential 'neighbours' does not necessarily translate into the acceptability of LGBT persons being able to marry or adopt children.

Sexual orientation refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate relations with, individuals of a different gender or the same gender or more than one gender.

'LGBT persons' refers to lesbians, gay men, bi-sexual and transgender persons.

Most EU wide surveys relate only to LGB persons. However, existing research with a national or thematic focus reveals similar, if not more hostile, public attitudes towards transgender persons. Various measures of attitude were taken in two surveys of the Eurobarometer in 2008 and 2006:

Attitudes towards having a homosexual as a neighbour

Respondents were asked how comfortable they would be with having a homosexual as a neighbour and gave a numerical answer on a 'comfort scale' of 1-10 (1 being least comfortable). Two thirds of those questioned across the EU answered between 7 and 10 and only around 10 percent answered between 1 and 3. The European average was 7.9. Comparing answers by country, in Sweden, Denmark, the Netherlands and Luxembourg the average reply was over 9, while at the other end of the scale in Latvia, Bulgaria and Romania the average reply was under 6.

Attitudes towards allowing same-sex couples to marry or adopt children

Respondents were generally less favourable in their opinion of whether LGB persons should be allowed to marry or adopt children. Only around one third of those questioned across the EU felt that LGB couples should be allowed to adopt, and around 44% agreed that same-sex marriage should be permitted. Comparing answers by country, the Netherlands (82%), Sweden (71%) and Denmark (69%) showed greatest support for same-sex marriage and adoption by same-sex couples (the Netherlands with 69%, Sweden with 51%, Denmark with 44%). Cyprus (14%), Latvia (12%), and Romania (11%) showed the least support for same-sex marriages while Romania (8%), Malta (7%) and Poland (7%) showed the least support for adoption by same-sex couples.

Attitudes found in other national surveys

Various surveys conducted at national level on different questions confirmed that while there was not necessarily strong hostility towards LGB persons in the abstract, intolerance manifested itself when respondents to surveys were asked if they would be comfortable associating with LGB persons (for instance as a friend, relative or member of the same organisation) or if they should be able to occupy positions of trust or responsibility (such as teachers or police officers).

Consequences of negative attitudes

In order to avoid negative reactions many LGB persons adopt a strategy of 'invisibility' with co-workers, family and friends. This in itself may lead to emotional difficulties and might be connected with the higher incidences of mental health problems experienced by LGBT persons, discussed below.

More generally the negative attitude or prejudices of the general public will translate into discriminatory treatment by employers, colleagues, service providers, the media, as well as political and religious leaders. While it is possible to create legal protection of LGBT persons against discrimination, this of itself cannot adequately address the day-to-day problems faced.

Changing public attitudes

The FRA has found evidence to suggest that much prejudice against LGBT persons is based upon a series of misguided opinions including that homosexuality is an illness, LGBT persons are responsible for the collapse of traditional values such as the family or marriage, or that homosexuality is a vice or perversion equivalent to drug addiction or paedophilia. If such prejudices can be countered through education and awareness-raising it is more likely that long-term progress can be made in combating the discrimination faced by LGBT persons.

Public attitudes can in part be influenced by leaders of public opinion, such as the media, and political and religious leaders and this is discussed below. At a more general level public attitudes can be altered through awareness-raising and educational activities by the EU, national central government, government agencies, local government or non-governmental bodies. For example:

- Campaigns conducted by the European Commission, such as *"For Diversity. Against Discrimination"* could be further strengthened and linked to relevant government and civil society activities in the Member States.
- Central and local government, including national human rights institutions, could develop, or strengthen, existing awareness-raising campaigns on LGBT issues. LGBT organisations should be involved in the planning and implementation of such projects, creating strong multi-agency partnerships.
- Training could also be offered to LGBT NGOs on how to engage more effectively with the media, politicians or religious institutions and the public at large in order to ensure constructive rather than antagonistic discussions.

B: Leaders of public opinion

i: Media

The portrayal of LGBT persons and discussion of issues relating to LGBT persons in the media varies across the EU. It would seem that the dominant portrayal of LGBT persons ranges from openly homophobic or transphobic to stereotyped.

Homophobia refers to the irrational fear of and aversion to homosexuality and to lesbian, gay and bisexual people based prejudice. **Transphobia** refers to the irrational fear of and aversion to individuals who do not express their gender identity as it was assigned to them at birth (for example, cross-dressers, feminine men or masculine women).

In many Member States it appears normal for the media to make homophobic or transphobic statements. Even where this does not occur, LGBT persons tend to be stereotyped. For instance, gay men are more often than not depicted as effeminate and lesbians depicted as masculine. Furthermore, LGBT persons tend to be portrayed almost exclusively on the basis of their sexuality. This can contribute to prejudice and reinforce the idea that a gay man or lesbian is defined purely by their sexual preference and sexual activity. For instance, illustrations accompanying newspaper articles on LGBT issues are very often semi-erotic, and media coverage can often avoid exploration of intellectual or political issues and focus on superficial questions such as how LGBT persons dress at Pride events. Many issues also remain hidden. For instance, in many Member States the depiction of non-heterosexuality is still considered a taboo. Similarly, there is generally much lower visibility of lesbian or bisexual persons as compared with gay men, and transgender persons tend to be discussed only in the context of medical issues. However, there is also evidence that a more balanced portrayal of LGBT persons is beginning to emerge. For instance LGBT persons increasingly appear in documentaries or television series and coverage of serious LGBT issues appears to be increasing.

Encouraging balanced media coverage

The media have a crucial role to play in improving reporting on and the public perception of LGBT people. There are several ways in which the media could be encouraged to avoid homophobic statements, stimulate informed public debate and present balanced portrayals of LGBT issues. For instance:

- By adopting a code of practice for the media that prohibits homophobic statements. This could be overseen by a complaints body, such as the UK's Press Complaints Commission. Additionally public broadcasting agreements between broadcasters and governments could include a requirement that LGBT issues be treated in a balanced manner, such as in Denmark.
- By offering education and training for journalists to raise awareness about LGBT persons and issues. This could encourage more balanced reporting that includes discussion of political and social questions, rather than focusing merely on sexuality.

ii: Political Figures & Religious Institutions

Politicians and religious figures have great influence over public opinion. Unfortunately there are many examples of this influence being exercised in a damaging way, stimulating and supporting intolerance towards LGBT persons. In many Member States church representatives and politicians actively mobilise the public against the adoption of rights and protection for LGBT persons or LGBT events such as Gay Pride. Even where politicians are not openly homophobic or transphobic, it would seem that the taboo nature of the subject and fear of public disapproval deters them from engaging those with more extreme views in public debate. It is reported that in countries such as Cyprus, Greece, Italy, Latvia, Lithuania, Poland and Romania lobbying by church representatives has been particularly significant (while Jewish and Muslim figures do not seem to have played a notable role).

At the same time there are examples of religious institutions reaching out to LGBT persons. For instance, in the Netherlands by 1995 the synod of the Netherlands Reformed Church had already issued a statement that members of the church have equal rights, regardless of their sexual orientation or way of life. In Finland, reportedly since 1999 the Kallio parish (Kallion seurakunta) in Helsinki has embraced “rainbow people” and “Rainbow Masses” have been held in connection with Gay Pride events in Vaasa, Helsinki and Tampere. In Sweden, the Lutheran Church participated in the 2008 Pride events.

Similarly, in some Member States politicians have actively engaged in LGBT events to display solidarity and support: in the Netherlands the 2008 Canal Pride in Amsterdam was joined by three government ministers, representing the cabinet, and the mayor of Amsterdam. In Austria, among the 120,000 participants of the 2008 Pride event was the equality body of the city of Vienna; in Sweden, the Minister for EU Affairs opened the 2008 Stockholm EuroPride; in Spain, the 2008 Madrid Pride was joined by the Equality Minister; in France the Mayor of Paris joined the Paris Gay Pride in 2008.

Engaging in constructive dialogue with political and religious leaders

Political and religious leaders exercise great influence over public opinion and engaging with them is an important element in addressing prejudicial public attitudes. Dialogue could take place with bodies responsible for promoting human rights nationally (such as a national equality body or national human rights institution) or directly with LGBT organisations. The goal of such dialogue could include:

- Establishing common ground and shared values, such as: the importance of long-term relationships (e.g. through the recognition of same-sex partnerships), the protection of the family (e.g. through the right for same-sex couples to adopt children).
- Encouraging politicians to support LGBT events openly and to challenge others who use homophobic statements.

C: Hate speech and hate crime

Negative public attitudes towards LGBT persons can manifest themselves as discriminatory behaviour. However, at worst they can lead to hate speech and hate crime. There are frequent reports from across the EU that individuals suffer serious violent attacks because of their sexual orientation or gender identity and that often such attacks are fatal – particularly those directed at transgender persons.

Young people are subjected to assaults more than other age groups (including bullying at school), while lesbian and bisexual women are more likely to experience sexual assaults or assaults in private settings than gay or bisexual men. The perpetrators are usually young men in groups. Hate speech against LGBT persons takes place in, among other contexts, political debates concerning LGBT rights or during counter-demonstrations at public LGBT events such as Pride. Homophobic statements by political and religious figures appear in the media. In such statements, LGBT persons are often depicted as unnatural, diseased, deviant, linked to crime, immoral or socially destabilising. The Internet, as a platform for the publication of hate speech, is an area of particular concern because perpetrators are not easily found or prosecuted.

‘Hate speech’ refers to the incitement and encouragement of hatred, discrimination or hostility towards an individual that is motivated by prejudice against that person because of a particular characteristic, for example, their sexual orientation or gender identity.

‘Hate crime’ refers to a physical or a verbal attack on an individual that is motivated by prejudice against that person because of a particular characteristic, for example, their sexual orientation or gender identity. All Member States currently criminalise physical attacks. In most Member States the penalty for these offences can be made higher where they are motivated by prejudice against, for instance, a person’s race or religion (known as an ‘aggravating factor’). However, EU law does not require Member States to include homophobia or transphobia as an ‘aggravating factor’ for criminal offences.

Surveys from some Member States suggest that only around 20% of hate crimes are reported by victims. It also seems that in some Member States up to 50% of LGBT persons have experienced physical assaults for homophobic or transphobic motives. However, there is not enough information available to paint a full picture of how frequently hate speech or hate crimes occur across the EU. This may be due to the fact that many Member States do not keep official statistical data on hate crimes and victims may be reluctant to report incidents directly to the police (for fear of ‘coming out’ or fear of prejudice).

Hate speech against LGBT persons is only expressly classed as a crime in twelve Member States (Belgium, Denmark, Germany, Estonia, Spain, France, Ireland, Latvia, Netherlands, Portugal, Romania and Sweden) and Northern Ireland in the UK. In four Member States (Austria, Bulgaria, Italy and Malta) hate speech is criminalised in relation to specific groups and LGBT persons are not included among them. This makes it difficult to apply the legislation to cases of homophobia. In the other Member States, hate speech against LGBT persons is not specifically defined as a criminal offence, but the law is phrased in a general way and it could be used to protect them.

Hate crime against LGBT persons is an offence in ten Member States (Belgium, Denmark, Finland, France, Netherlands, Portugal, Romania, Spain, Sweden and UK), although some Member States restrict it to specific crimes. In fifteen Member States (Bulgaria, Cyprus, Czech Republic, Germany, Estonia, Spain, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, Austria, Slovenia, Slovakia), homophobia and transphobia are not explicitly defined as an aggravating factor. However, in six of these (Austria, Czech Republic, Germany, Latvia, Malta, and Slovakia), the general notion of hate crime is recognised in law, and so it is possible that homophobia and transphobia could be taken into account as aggravating factors.

Combating hate speech and hate crime

Physical and verbal attacks prevent an individual from living a life without fear. They are a source of humiliation and potentially life-threatening. It is therefore essential that measures are in place to penalize hate speech and hate crime. These include:

- For those countries that have not yet done so, LGBT persons should be protected alongside other groups (such as racial or religious minorities) from hate speech and hate crime.
- On 28 November 2008 the EU adopted a framework decision relating to hate speech and hate crime motivated by racism and xenophobia. The EU needs to consider adopting similar legislation to cover homophobic and transphobic hate speech and hate crime so that LGBT persons can be protected in all Member States.
- Countries should consider introducing ‘self reporting’ or ‘third party reporting’ as in the UK, where a victim can inform the police of an incident at a location other than a police station and to an official other than a police officer.

III: Access to Public services

Everyone has to rely on goods and services, and those who are heavily dependent on certain public services are usually already in a vulnerable position. EU legislation does not currently oblige Member States to prohibit sexual orientation discrimination in this area. Nevertheless, there is a great deal of evidence to suggest that protection is needed and research reveals high levels of discrimination in access to education and health services.

An equal right to equal treatment

EU law currently offers greatest protection against discrimination to EU citizens who are members of a racial or ethnic minority (through the Racial Equality Directive) or on the basis of sex (through the Equal Treatment Directives). This prohibits discrimination in the context of employment and training but also in access to goods and services such as education, housing and health care on the grounds of sex, or ethnicity or race. Discrimination on other grounds (such as age, disability or sexual orientation) is only prohibited in the context of employment and training (by the Employment Framework Directive). This creates a 'hierarchy' of protection from discrimination, with some groups protected more than others. To avoid this, protection against discrimination in accessing goods and services should be extended to cover all grounds, including sexual orientation.

A: Education

The school environment, particularly during adolescence, is a place where boundaries of gender expression and behaviour are influenced by one's peers and teachers. Not only does this have an important impact on a person's socialisation, it also affects their future life prospects, particularly with regard to university education and career opportunities. Schools have the task of educating and influencing entire generations and as such have the opportunity to teach tolerance.

Verbal and physical abuse is commonly experienced by LGBT persons across the schools of the EU Member States. Bullying and harassment may take the form of physical attacks, or name-calling and threats delivered using the internet or mobile phone. For the most part homophobic language is treated as a normal and acceptable part of daily school life. Schools in most countries do not appear to have policies or training to combat homophobic bullying. In part this may be because homophobic and transphobic attitudes also exist among some teaching staff themselves. LGBT issues are also largely absent from educational curricula resulting in an overall 'invisibility' of LGBT persons. Unfortunately in some Member States the discussion or teaching of issues related to sexual orientation and gender identity in educational institutions is expressly prohibited.

Homophobic and transphobic bullying at school can lead to higher drop-out rates and truancy among LGBT students, which will reduce the chances of going on to further or higher education. It can also result in social isolation and mental suffering, and may increase the risk of self-harming behaviour.

Teaching tolerance and creating a supportive environment

Because schooling plays such a formative role in one's life, it is essential that measures are in place to confront prejudicial attitudes and prevent the harm they cause. These measures could include:

- The introduction of LGBT issues into school curricula in order to encourage tolerance and understanding among both staff and students and raise awareness of non-traditional family structures. Teaching materials could include books to be shared with parents in order to help deconstruct stereotypes and explain sexual diversity.
- Schools adopting anti-bullying policies that expressly include homophobia and transphobia.
- Training for teachers on how to address LGBT issues in teaching as well as training teachers and school counsellors on how to deal with incidences of homophobic and transphobic harassment.

B: Health

Accessing health services is important not only when a person needs medical attention, but also in order to prevent health problems occurring in future. LGBT persons experience several difficulties in relation to health services, with transgender persons in particular experiencing more difficulties than LGB persons.

Firstly, LGBT persons often experience discrimination when accessing health care. This may come in different forms. There are reports of medical staff being openly insulting to LGBT persons and comparing their sexuality to paedophilia or bestiality. Medical staff may also treat sexual orientation or sexual identity as a matter of psychological disorder. In certain Member States it is reported that LGBT children in State care are subjected to 'conversion therapy'. In some cases medical staff may simply refuse to offer treatment or particular levels of care (such as bathing patients). In many Member States gay men are prohibited from donating blood because there exists a presumption that they are highly likely to be carrying HIV/AIDS. Such experiences often lead LGBT persons not to disclose their sexual orientation or gender identity to doctors, which in turn might have an impact on their diagnosis or treatment offered. As a result of fears of prejudice LGBT persons may not seek medical support when it is needed, and may not undergo routine preventive treatment, such as cervical smear tests or screening for sexually transmitted illnesses (STIs).

Secondly, LGBT persons may be subject to strong negative attitudes from family, friends, peers, colleagues or more generally. When coupled with fear of prejudice from medical staff this may combine to explain the higher incidences of ill health among LGBT persons, and particularly mental health with higher than average incidences of depression, self harm and suicide attempts than the majority population.

'Hetero-normative' describes the attitude that hetero-sexuality (i.e. attraction between male and female only) is normal, natural and superior to homosexuality (i.e. attraction between people of the same sex).

At a general level there is a strong presumption of hetero-normativity among health professionals that may be conducive to creating an inherent perception of discrimination against LGBT persons. For instance, research indicates that gynaecologists often automatically presume a patient to be in a heterosexual relationship and offer advice accordingly. Another difficulty is the failure to recognise same-sex partners of patients as 'next of kin'. In some Member States this may be a conscious policy while in others it is merely a clerical issue where standardised paperwork does not provide an option to record 'same sex partner' or 'civil partner'. Another area where hetero-normativity is expressed through governmental policy is in the area of reproductive health services, since many Member States limit access to fertility treatment to women in heterosexual relationships. However, some in Member States (Denmark, Spain and Romania) law-makers and the courts have moved towards the removal of barriers to reproductive health services for LGBT persons, permitting access for individuals regardless of marital status or sexual orientation.

Ensuring an inclusive health service

Access to health care is necessary in order to guarantee an adequate quality of life, not only to alleviate present suffering, but also to ensure good health in the long-run. Prejudicial attitudes among health professionals and inherent hetero-normativity in health services can deter LGBT persons from accessing medical care. This is especially worrying where it leads to higher incidences of ill-health. Certain measures might improve the situation:

- Adequate training and awareness-raising could be offered to health care providers to raise their awareness of LGBT issues, and eliminate prejudices. National human rights institutions and LGBT NGOs could be involved in such training and offer information on 'LGBT-friendly' general practitioners, hospitals and specialists, as occurs in Sweden.
- Medical practitioners could be encouraged reassure their patients of confidentiality and acceptance. General practitioners in particular should be encouraged to stock and distribute relevant publications for LGBT persons seeking further information on issues relevant to their sexual orientation or gender identity.
- Measures should be taken to improve mental health services for LGBT persons, such as the training staff on LGBT issues.
- National health surveys should include a focus on the health of LGBT persons to help to verify that equality in access to health care is made a reality.

IV: Employment

Employment plays a significant role in the lives of most adults. Not only does employment often provide an individual with their main source of financial income, it may also have a significant social dimension where colleagues and co-workers interact on both a professional and personal basis. The Employment Framework Directive prohibits sexual orientation discrimination in the context of employment and vocational training, protecting LGB persons. Transgender persons who intend to undergo or have undergone 'gender reassignment' surgery receive protection under the Equality Directives which prohibit discrimination on the basis of sex.

A: EU Legislation

Although EU legislation does not oblige Member States to prohibit sexual orientation discrimination outside the context of employment many governments have decided to extend this protection to cover all or some of the same areas as the Racial Equality Directive. In eight Member States (Belgium, Bulgaria, Germany, Spain, Austria, Romania, Slovenia and Slovakia) anti-discrimination legislation on grounds of sexual orientation covers not only employment, but also all additional areas specified in the Racial Equality Directive. In ten Member States (Czech Republic, Finland, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Sweden, and UK) anti-discrimination legislation has been partially extended to cover other areas beyond employment. In nine Member States (Denmark, Estonia, Greece, France, Italy, Cyprus, Malta and Poland) anti-discrimination law covers only the areas mentioned in the Employment Equality Directive. Estonia, France, Greece and Poland are currently debating an extension of the legislation.

Eliminating the hierarchy of protection

Article 21 of the Charter of Fundamental Rights of the European Union contains a general prohibition on discrimination on a broad list of grounds such as race and ethnicity, age, disability, religious belief or sexual orientation. It does not say that certain grounds of discrimination are more important than others. EU legislation currently under negotiation would extend protection from sexual orientation discrimination to access to goods and services, much like the Racial Equality Directive. This is important in eliminating the hierarchy of protection that currently exists and in creating wider equality.

B: Protection for same-sex couples

Often an employer will grant an employee certain benefits and these might extend to the employee's spouse if the employee is married. Examples of this might include a 'survivor's pension' for the widow or widower of an employee who dies, or a free travel pass for the husband or wife of an employee working for a transport company. Because these benefits are connected to employment the prohibition of sexual orientation discrimination will extend to benefits for the employee's 'spouse'. At present only three Member States permit same-sex couples to marry (Netherlands, Belgium and Spain). There is no obligation in EU law to allow same-sex couples to marry, but where this is allowed the 'spouse' cannot be denied these benefits simply because of their sexual orientation.

Although only three Member States allow same-sex marriage, a number of other states allow same-sex registered partnerships. Where marriage is not available to same-sex couples a registered partnership is the only other way to have a relationship legally recognized. Such registered partnerships usually give each partner particular rights similar to those of marriage. Even though partners in this situation are not technically 'spouses' the European Court of Justice has decided that where national law treats registered partnerships and marriage similarly then they should not be treated differently from spouses. The point of treating marriage as privileged is that couples make an active choice to form a life-long committed relationship. The Court thought that in countries where same-sex marriage is not permitted it was unfair to treat registered partnerships differently because this was the only means available to demonstrate this commitment. Not all Member States have created registered partnerships, so this particular approach is still unfair on those couples who are not able to enter a registered partnership.

Equality for couples in long-term stable relationships

The law should not differentiate between spouses and same sex partnerships where marriage is not available for same-sex couples.

When a couple marries they receive certain rights and duties. Marriage attracts this special legal status because it is based on a particular type of commitment: a promise to establish a long-term partnership between two people who decide to formalise their relationship. Married couples are treated differently from unmarried couples because they have made a choice to enter this commitment.

Same-sex couples may wish to make the same commitment to each other but in most Member States marriage is only open to people of the opposite sex. If a registered partnership is the only alternative it is unfair to treat them differently from married couples. Doing so amounts to discrimination on the basis of their sexual orientation. The same should apply for a same-sex couple who are unable to formalise their long-term stable relationship when a country has no system of registered partnerships. In this situation it is not that a couple have chosen not to commit to each other, but that the government has not made available a method of formalising this relationship.

C: Equality Bodies

National Equality bodies promote equal treatment, conduct research on discrimination and offer advice to victims. EU Law obliges Member States to establish Equality bodies in the area of race discrimination and sex discrimination only. The Employment Equality Directive does not require the establishment of these bodies in relation to other grounds of discrimination, including sexual orientation. Nevertheless, many Member States have gone beyond what is required by EU law to establish additional protection for LGBT persons.

Eighteen Member States (Austria, Belgium, Bulgaria, Cyprus, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Romania, Slovakia, Slovenia, Sweden and UK) have set up single equality bodies dealing with all discrimination grounds. In Sweden, there was formerly a specific Ombuds-organisation (HomO) dealing with sexual orientation discrimination and this has shown itself to be very successful in gaining the trust of homophobia victims. Denmark also has an equality body covering the area of sexual orientation discrimination and is currently moving in the direction of having a single equality body dealing with all forms of discrimination. Eight Member States (Czech Republic, Estonia, Finland, Italy, Malta, Poland, Portugal and Spain) currently have no equality body covering sexual orientation discrimination.

Ensuring equality for all

The collection of data, awareness-raising, and offering advice to victims are all indispensable tools in eliminating inequalities. To ensure that all vulnerable groups are equally well protected equality bodies should have the appropriate mandate and sufficient resources to address all the grounds of discrimination prohibited by EU legislation.

D: The Prevalence of Discrimination

Despite the existence of legislation prohibiting sexual orientation discrimination in the workplace, discrimination remains a problem. This is not easy to recognise by looking at the available statistics. Only ten Member States actually keep information on the number of complaints of sexual orientation discrimination that are made and figures for 2007 show the numbers to be extremely low. In three of these countries only one claim was brought (Czech Republic, Cyprus, Estonia) and only two countries registered more than twenty complaints (Austria: 45; Sweden: 62).

However, research conducted in many Member States shows that where individuals are open about their sexual orientation or gender identity in the workplace they face harassment from co-workers and exclusion from social activities, and are treated less favourably by employers in matters of promotion, training or requests for holiday. Transgender persons in particular appear to suffer greater difficulties. As a consequence LGBT persons are reluctant to 'come out' in the workplace and those who do and experience discrimination are reluctant to make complaints for fear of negative consequences. A further reason for low numbers of complaints appears to be a lack of awareness of anti-discrimination laws shown in a Eurobarometer report of 2007 where 45% of respondents indicated that they believed there were no laws prohibiting sexual orientation discrimination when hiring employees.

Making discrimination law work

In order for LGBT persons to benefit from the protection of the law they must be aware of their rights. EU institutions, national and local government and civil society all have a role to play in raising awareness about the existence of these rights in a similar way to awareness-raising that is aimed at changing hostile public attitudes (discussed above). This would also make it easier to understand how frequently and in which contexts discrimination is actually occurring. At the same time governments should consider recording this data and making it available to policy-makers and stakeholders, including LGBT organisations.

Another factor affecting whether one exercises one's rights is the fear of negative consequences or reprisals of some kind, especially if by making the complaint, that individual is also making known their sexual orientation or gender identity for the first time. In order to prevent this, and in order to create working atmospheres where discrimination is less likely to occur, employers could consider several steps. It is possible to draw inspiration from the see an example of this in the 'Diversity Champions' programme which has included:

- diversity training
- the adoption of diversity charters which give a clear policy of zero tolerance for sexual orientation discrimination
- assigning a member of staff at management level responsible for LGBT issues raised by co-workers

V: Sports

Individuals come together to enjoy sport as a communal recreational activity either as direct participants or spectators. For the general public a substantial amount of one's social life may revolve around sport, particularly football in many European countries. For athletes, sport may not only be a means of recreation or a social activity, but also a source of income and one's livelihood.

There does not exist a great deal of research on homophobia in sports, and most of the information that does exist relates to football. What is clear is that homophobia is common both among fans and players, not only among particular groups (such as neo-fascist hooligans), but in the mainstream of football culture. In particular opposing sides frequently use homophobic language in order to insult, intimidate and ridicule players, supporters and referees. It is also reported that athletes are generally reluctant to be open about their sexuality in sport, partly because of the reaction of fans and partly because of the reaction of peers, coaches and potential sponsors. The level of hostility has contributed to LGBT persons establishing alternative sporting associations in some cases, such as the European Gay and Lesbian Sports Championships (Eurogames) and the Gay Games and World Outgames.

Combating homophobia in sports

There is a need for more data to be collected in order to appreciate the extent and nature of homophobia in sports and formulate appropriate policies. The aim of policies in this area should be to create an atmosphere of tolerance where athletes and coaches can be open about their sexual orientation or gender identity without fear of negative consequences. On the basis of the available research several measures can be suggested to help combat homophobia in sports:

- Sports clubs, supporters associations and sporting federations can be encouraged to carry out campaigns promoting zero tolerance of homophobic hate speech or hate crime similar to those relating to racism in sport. This could include the introduction of harassment policies in sports clubs. An example of this can be seen in a declaration and campaign against sexual orientation discrimination by the German Football Confederation and cooperation between the team Paris Saint Germain and Paris Foot Gay in France.
- Diversity training programmes can be developed in conjunction with LGBT organisations to educate those in a position of influence or leadership in sporting structures, such as coaches, referees, managers, and disciplinary bodies, as has occurred in Sweden.
- Sporting organisations and institutions could introduce rules clarifying that sexual orientation or gender identity is not a factor in determining eligibility for team selection, coaching positions or awards.

VI: Multiple discrimination

Sexual orientation or gender identity is only one dimension of an individual. We are defined by the collection of our various characteristics whether these be physical or psychological. Sometimes a person may possess more than one characteristic that places them at a disadvantage relative to the majority population such as their age, race, sex, sexual orientation, (dis)ability. This has two consequences: to aggravate the suffering of that individual; to complicate the possible solutions that may redress the difficulties encountered.

As such, the difficulties faced by a gay disabled man may be quite different to that of an elderly lesbian woman. In both cases these individuals may face discrimination against them based on prejudice against not only their sexual orientation but also their disability or age. Research has suggested, for instance, that disabled LGBT persons may experience 'asexualisation' by, among others, carers and members of the LGBT community itself. Furthermore, inaccessible LGBT venues, bars and meeting places create physical obstacles for disabled LGBT persons attempting to participate in the LGBT community. Some LGBT persons in care facilities and care homes for the elderly face social isolation and stereotyping from personnel and other residents.

Multiple discrimination refers describes the situation where a person is discriminated against on more than one ground at the same time.

Discrimination can come from the majority population, but it can also come from other individuals who share one of the dimensions of your identity. Thus, a gay man might be discriminated against by the majority population for being gay. But he may also be discriminated against by other LGBT persons because of a disability or because of his religious beliefs, or ethnicity. Likewise a Muslim person may face discrimination from non-Muslims, but they may also face discrimination from other Muslims, for instance, because of their sexual orientation or a disability. This phenomenon can be described as being a 'minority within a minority'.

A 'minority within a minority' refers to individuals who belong to a particular group (e.g. Muslim) and are discriminated against by members of that group because of other characteristics (e.g. sexual orientation).

Where multiple discrimination occurs in the context of a minority within a minority it may have more serious consequences if one looks to that 'community' for support. This may be particularly difficult where an individual belongs to an ethnically, racially or religiously defined minority where strong cultural, friendship and family ties might exist.

Difficulties arise in offering support and legal remedies to victims of multiple discrimination because NGOs tend to revolve around single issues or divide their work on discrimination into distinct grounds. Similarly national equality bodies tend to be divided along the different grounds of discrimination and deal with them separately. As a result NGOs may not find themselves in a strong position to advise or support victims of multiple discrimination because they are unable to deal with the diversity of situations that may exist. Also it is not uncommon for national equality bodies to categorise any complaints they receive according to one ground and only pursue legal cases on this basis. This makes cases more simple to argue and easier to win, but it does mean that part of the problem is ignored.

Research on multiple discrimination, as a phenomenon, is in its early stages. Our understanding and knowledge is limited and most Member States have few activities or policies in place to address the problems to which it gives rise.

Capturing Diversity

The phenomenon of multiple discrimination underlines that experiences of discrimination are not identical from one person to the next. Each individual's circumstances will affect the nature and impact of discrimination suffered and support offered to victims should reflect this. In order to improve the situation several measures could be considered:

- Further research is needed to improve our knowledge and understanding of multiple discrimination, in order to develop policies and practices that allow the advice and support given to victims to be adapted to their circumstances.
- Awareness-raising activities highlighting that LGBT persons can face multiple discrimination could be encouraged among national authorities and civil society organisations.
- The EU, central government, national human rights institutions or local government bodies could support the creation of NGOs that deal with multiple grounds of discrimination or coordination between existing NGOs, as has occurred in the Netherlands.
- Where Member States have multiple national equality bodies for different grounds of discrimination, strategies could be developed for dealing effectively and appropriately with complaints on multiple grounds.

VII: Migration & same-sex partners

An individual who wishes to move to a Member State of the EU, either from another Member State, or from outside the EU, will often have the right to bring their spouse with them. However same-sex couples do not always enjoy this right, even where they have entered a registered partnership or marriage. This is because it falls within the jurisdiction of each Member State (and not the EU) to decide whether it will allow or recognise same-sex marriages or partnerships. Although EU law does not oblige Member States to allow or recognise same-sex partnerships or marriages, it does oblige Member States to treat same-sex couples equally to opposite sex couples when they are applying EU law (including the law relating to free movement, migration and asylum). The rights of same-sex couples depend on how EU law categorises each person. EU law divides individuals into three categories: EU citizens moving to another EU Member State, third country nationals, and those seeking international protection.

A: Free movement of EU citizens

The Free Movement Directive allows an EU citizen, under certain conditions, to move and reside within the EU and gives them the right to be accompanied by their spouse. If the host State treats registered partnerships as equivalent to marriage, then registered partners will also be treated as 'spouses'. A citizen has the right to reside in another Member State for up to three months. If a citizen wishes to remain longer they must fall within a particular category: worker, student, or person of independent means. A citizen is entitled to bring their spouse with them to reside in the host Member State, even if the spouse does not fall into one of the categories given. However, if the host Member State does not recognise same-sex marriages or partnerships then this person only has a right to join their partner if they themselves fall into one of these categories. A citizen with a same-sex partner, wishing to reside in another EU Member State may find themselves in one of three situations:

Firstly, if the couple is married in their home State and the host State recognises the validity of same-sex marriages, then the individual will have the right of a spouse, under the Free Movement Directive, to join their partner. Currently, Belgium, the Netherlands, Spain and Sweden enable same-sex couples to be legally married. However, at least 11 Member States (Estonia, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Slovakia, Slovenia) do not seem to recognise the validity of same-sex marriages. In these States same-sex spouses will probably not be recognised as 'spouses' for the purposes of the Free Movement Directive.

Secondly, if the couple has entered into a registered partnership in their home State then an individual may be able to join their partner in the host State as if they were a 'spouse'. However, this depends on how the host State treats registered partnerships:

Under the Free Movement Directive if the host State's national law treats registered partnerships as equivalent to marriage, then an individual has the right to join their partner as if they were a 'spouse'. 6 Member States allow registered partnerships that have effects equivalent to marriage (Czech Republic, Denmark, Finland, Hungary, Romania, UK).

If the host State does not treat registered partnerships as equivalent to marriage then the couple will fall under the rules on unregistered ('de facto') partners in a 'durable relationship'. EU law places no obligation on Member States to allow or recognise registered partnerships.

Thirdly, if the host State does not recognise same-sex marriages or partnerships, or if the couple has simply not formalised their relationship, then they will fall under the rules on unregistered partnerships. Unregistered partners do not enjoy the same right as a spouse to join their partner. Instead the Free Movement Directive

obliges Member States to 'facilitate entry and residence' to unregistered partners who are in a 'durable relationship'. This applies equally to same-sex couples and to couples of the opposite sex. This rule is not as clear as the concrete right enjoyed by a 'spouse' to join their partner, and the vague wording is open to differences of interpretation. Furthermore, such couples must show proof that the relationship is 'durable'.

B: Third country nationals

The Family Reunification Directive applies when both individuals are third country nationals (not a citizen of a Member State of the EU). The Family Reunification Directive allows spouses who are third country nationals to be united with third country nationals residing lawfully in the territory of a Member State. However, Member States are not explicitly obliged to extend this right to same-sex registered (or unregistered) partnerships.

C: Those seeking international protection

The Qualification Directive sets out the conditions in which Member States should offer asylum or international protection to third country nationals. Those at risk of persecution in their home State (including on grounds of sexual orientation) can benefit from this protection. Member States are free to choose whether to allow a same-sex partner to join the partner who is offered protection. Nine Member States allow this, subject to certain conditions (Belgium, Czech Republic, Denmark, Germany, Finland, Luxembourg, Netherlands, Spain, UK). This is not allowed in 14 Member States and the situation is unclear in 4 others.

An equal right to family reunification

The right to a family life – which includes a right to family reunification – and the right not to suffer discrimination on the basis of sexual orientation are guaranteed in European Human Rights Law, including the EU Charter of Fundamental Rights. In light of this the EU should consider clarifying existing legislation to ensure that same-sex couples benefit from equal treatment in the area of migration and free movement.

VIII: Asylum seekers

EU law (through the Qualification Directive) sets out who can be considered a refugee and be granted asylum by a Member State. An individual may be eligible to seek asylum where they are being persecuted because of their membership of a 'social group'. According to the legislation a 'particular social group' can include LGBT persons. However, this does not necessarily mean that any LGBT person has the right to come to the EU and claim asylum. There are many difficulties in actually making or proving a claim.

Firstly, in seven Member States (Estonia, Greece, Latvia, Malta, Portugal, Spain, and the United Kingdom) the legislation does not explicitly include LGBT persons as a 'particular social group'. This does not mean that it is impossible for them to claim asylum, but it may make applications for asylum more difficult if an individual has to prove that being LGBT means that they are part of a 'social group'.

Secondly, national legislation will require proof that persecution actually exists. For example some Member States consider that if homosexuality is illegal in the asylum-seeker's country, this will be enough by itself to constitute 'persecution'. However, in other Member States it is necessary to show not only that homosexuality is an offence, but also that it carries a serious punishment with it. In addition some Member States will require the asylum seeker to show that the risk of persecution is real by proving that they have been open about their sexual orientation or gender identity. In this situation an individual who has kept this secret (or lived 'closeted') will not be considered to be at risk of persecution and will be expected to return to their home country and continue to remain 'closeted'. In some Member States lists of 'safe countries of origin' are kept which can include countries that criminalise homosexuality. Where an asylum seeker comes from a 'safe' country their claim is usually fast-tracked with limited opportunities to defend their case. Finally, an asylum seeker will not usually be considered to be at risk of 'persecution' if the threat does not come from the government. Thus, if an individual is being threatened by their family, friends, or local community, they will probably not be granted asylum.

Thirdly, the proof required of an asylum seeker by national authorities to demonstrate that they are in fact homosexual, bi-sexual or transgender may involve an emotionally painful and distressing process. It is reported that national authorities may turn down claims where the individual has been married, or does not reveal their sexual orientation until later in proceedings. However, this does not take into account that the subject may be highly taboo in that individual's culture. In some Member States open discrimination is reported. For instance, it has been alleged that some national authorities test the physical reaction of asylum seekers who claim to be gay to erotic material ('phallometric testing'), which is clearly degrading treatment and conflicts with the right to privacy. It has also been reported that some authorities will require psychiatric tests or subject individuals to humiliating and intensive questioning where they have alleged sexual abuse. Some authorities are also said to apply stereotypes in deciding whether an individual is telling the truth, in particular whether they 'look' gay because of features such as long hair or earrings.

Finally, LGBT asylum seekers in detention centres often experience social isolation. This is partly because they avoid integrating with others of the same origin so that they do not risk revealing their sexual orientation or gender identity. Where others in detention centres discover LGBT persons there are reports of physical and verbal abuse. Gender separation may also be problematic in the case of transgender persons.

Improving the asylum process

Claiming asylum can, of itself, be considered a stressful and difficult process. In order to ensure that LGBT persons trying to escape persecution are treated fairly and not subjected to further suffering or indignity several steps could be taken:

- National legislation should explicitly recognise that persecution on the grounds of sexual orientation or gender identity is a valid reason for a grant of asylum.
- The requirements of proof of sexual orientation or gender identity, or proof of persecution should take into account the difficulties faced by LGBT persons in their home countries, such as the social pressure to marry. The mere existence of criminal law prohibiting homosexuality should be considered to be a sufficient risk of persecution for those seeking asylum.
- When processing claims national authorities should ensure that rules are in place to guarantee non-discrimination and full respect for the dignity of those seeking asylum. Officials dealing with LGBT immigrants and asylum seekers should be adequately trained to approach taboo issues in a sensitive manner and educated in the problems that LGBT persons may face in their home countries.
- Special attention should be paid to the needs of LGBT persons held in detention centres, particularly their physical and emotional well-being. Information on available counselling or the possibility of alternative accommodation could be made available, as in Sweden.

IX: Freedom of Assembly

LGBT persons have exercised their right to freedom of assembly when fighting homophobia and campaigning for LGBT rights - most notably during Pride Parades or similar gatherings and events. In recent years, bans or administrative obstacles have created problems for the organisation of lawful and peaceful LGBT demonstrations in several countries such as Estonia, Latvia, Lithuania, Poland, Romania and Bulgaria, although, with the exception of Lithuania, LGBT NGOs were subsequently able to carry out the planned events in those Member States.

Freedom of assembly: this is the right of people to gather together in a physical place. This might be in a closed space, like a town hall meeting, or in the open like a march or a demonstration. The right to freedom of assembly can be limited by the government only to protect the rights of other people, such as public safety (e.g. if there is a risk of violence) or public morality (e.g. public displays of pornography).

Freedom of expression: this right should be read together with the right to freedom of assembly. Often when people assemble it is to transmit a particular message and express themselves. Freedom of expression can be limited by the authorities in the public interest. However, it cannot be restricted simply because the ideas expressed may shock or offend people. This is because in a democratic society there should be tolerance of diverse views and opinions, including expressions relating to sexual orientation or gender identity that some people may find offensive for reasons of religion or morality.

In some Member States, public authorities have not been able, or willing, to ensure the safety of participants in LGBT demonstrations from attacks by counter-demonstrators. Within the last five years attacks of this kind have occurred in Bulgaria, Czech Republic, Estonia, Hungary, Italy, Latvia, Poland, Romania and Sweden. Such incidents were often accompanied by homophobic public statements or hate speech. In several Member States (Bulgaria, Czech Republic, Cyprus, Hungary, Italy and Malta), calls for improving the rights of LGBT persons have invariably been met with negative responses from some politicians and representatives of religious institutions or groups. In some Member States LGBT NGOs have also experienced problems in renting premises for political or cultural activities, and organisers of public LGBT debates have encountered problems in obtaining access to cultural and political venues. However, as noted above in other Member States LGBT organizations have celebrated Pride events with the participation and support of political figures and religious organizations.

The right to freedom of assembly is enshrined in both the European Convention on Human Rights and the EU's Charter of Fundamental Rights and is closely connected to the right to freedom of expression. According to European Human Rights Law freedom of assembly (together with the right to freedom of expression) can be restricted. For instance, it is acceptable for national authorities to require organizers of a parade to give notice in advance of an event in order to allow measures to be taken to ensure public safety. However, limitations on the right to freedom of assembly must not be unreasonable. It is not acceptable to ban an LGBT event simply because its message is considered to offend public morality. At the same time it should be remembered that other groups have the right to put forward their own messages, and this is part of the right to freedom of expression. However, while it is acceptable for peaceful counter-demonstrations to promote the 'sanctity of marriage' or of the 'traditional family', counter-demonstrations that incite violence or hatred can be banned. The government is under an obligation to take reasonable measures to protect those exercising

the right to freedom of assembly where counter-demonstrations interfere with this right due to, for instance, inspiring fear of physical violence.

Promoting freedom of assembly

Meeting places are important for LGBT persons in order to be able to exchange experiences and develop support networks, socialise or plan for activities. Likewise public events such as Pride marches may be a valuable method of raising awareness of LGBT issues among the public at large as well as contributing to a sense of solidarity among LGBT persons. There are several steps that could be taken to ensure that the right to freedom of assembly and freedom of expression are promoted:

- Governments, particularly local and regional authorities, could help LGBT organisations in their efforts to organise events by providing financial or logistical support, including public premises for meetings. Close cooperation with LGBT organizations may help to ensure that events run smoothly and safely.
- National authorities should ensure that freedom of assembly is not limited unreasonably and should comply with European Human Rights Law. Measures should also be taken to ensure the safety of participants and cases of violence or hate speech should be properly investigated.

X: Transgender persons

Transgender persons face transphobia and discrimination on grounds of their gender identity and not necessarily because of their sexual orientation. Transgender persons might be heterosexual, homosexual or bisexual. However, the term refers to the way that a person expresses and feels their gender, rather than whether a person is attracted to members of the opposite sex or not. The issue can be confused by the fact that some transgender persons physically change (through surgery and hormone treatment) the sex that they were assigned at birth. As noted above, transgender persons suffer from discrimination, often on a greater scale than lesbians, gays and bisexuals, particularly in the areas of employment and health care. Surveys also show that transgender people face more negative attitudes than LGB people. They are especially affected by hate speech and hate crime and reports of fatal attacks are not infrequent.

What is 'transgender'?

The gender that we are officially assigned at birth (male or female) is based upon our physical features. However, this might not match our gender identity – that is, the way we feel and think about our gender. A transgender person is someone who has and/or expresses their gender identity differently from the gender that they were assigned at birth.

A transgender person may choose to express their gender identity in different ways. To make more permanent physical changes surgery and hormone treatment may be used. This can take several years, and does not always involve complete gender reassignment (a 'sex change'). Gender identity may also be expressed through clothing and cosmetics (known as 'cross-dressing' or 'transvestism').

EU anti-discrimination law prohibits discrimination on the basis of sex in the workplace. The European Court of Justice has found that a transgender person, who has been discriminated against, can be protected by the prohibition on sex discrimination, if they have had or are having a complete gender reassignment. Despite this, three significant problems remain.

Firstly, national legislation is often unclear in how, if at all, it protects transgender persons. The Member States adopt different approaches. In 13 Member States (Belgium, Denmark, France, Ireland, Italy, Latvia, Netherlands, Austria, Poland, Slovakia, Finland, Sweden and UK) this is treated as a form of sex discrimination. However, usually transgender persons are not expressly protected as a category. Instead it is the practice of national courts to include them within sex discrimination. In 11 EU Member States (Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Lithuania, Luxembourg, Malta, Portugal, Romania, Slovenia), transgender discrimination is seen neither as sex nor sexual orientation discrimination. It is uncertain whether, if at all, transgender persons are protected from discrimination. In 2 Member States (Germany, Spain), it is treated as sexual orientation discrimination. In 1 Member State (Hungary) a special ground of discrimination, gender identity, covers transgender people.

Secondly, EU law does not expressly state that transgender persons are protected against discrimination. Although the European Court of Justice has made clear that those who have undergone or are undergoing gender reassignment (also known as a 'sex change') are protected under sex discrimination law it is still unclear whether other transgender persons (such as cross-dressers or transvestites) are protected.

Thirdly, transsexuals (those who undergo gender reassignment) experience significant difficulties in some Member States when they wish to get access to surgery and have their change of sex officially recognized.

Under European Human Rights Law governments must allow individuals to undergo gender reassignment surgery and must legally recognise the altered sex. This includes the right to marry someone of the (newly) opposite sex. However, several problems remain. Most Member States impose strict conditions on surgery, which may include counseling and prior authorisation. In the Czech Republic, for example, operations need the approval of a five-person commission, including two doctors and a lawyer. Four Member States (Ireland, Luxembourg, Latvia and Malta) still do not legally recognise the altered gender or the right to marry. Nine Member States impose strict conditions on someone wishing to change their forename, such as requiring medical evidence. When it comes to accessing treatment research suggests that over 80% of transgender persons in the EU were refused State funding for surgery and/or hormone treatment and more than half reported funding their own treatment. In addition many health professionals either do not wish to offer such treatment or lack the relevant knowledge to do so.

Engagement with 'gender identity'

Transgender persons face similar challenges to LGB persons, though often to a greater extent. Several improvements to this situation could be made:

- At a general level awareness should be raised in relation to 'gender identity', especially in view of increased understanding of the nature of gender, in order to combat prejudices. Special consideration should be given to the challenges facing transgender persons when developing strategies to combat discrimination against LGBT persons in general to take into account the higher levels of discrimination and the difference between gender identity and sexual orientation.
- Dialogue between legislators, the judiciary, national equality bodies and national human rights institutions could serve to facilitate clarification of the grounds upon which discrimination against transgender persons is covered at the national level.
- EU anti-discrimination law could be revised to prohibit discrimination on the ground of gender identity expressly. It could also be made explicit that this should protect all those who express a gender identity different to that assigned at birth such as cross-dressers and transvestites and not only those who have had or are having surgery.
- Governments should be mindful of their obligations under European Human Rights Law and ensure the full legal recognition of changes in gender including change of forename, social security number and other possible gender indicators.

XI: Conclusions

There is evidence that discrimination against LGBT people exists across the European Union in all areas of social life.

Hostile public attitudes towards LGBT persons remain and are more pronounced on sensitive issues such as same sex marriage and adoption.

While there are some encouraging examples, LGBT persons still receive imbalanced media coverage. At its worse this is insulting and inflammatory; at its best it is stereotyped.

Despite some examples of support, political figures and religious institutions are more often observed adopting a position of intolerance in relation to LGBT persons.

LGBT persons experience verbal and physical abuse. Homophobic and transphobic intent is not an aggravating factor in the law of many Member States and hate crime remains underreported.

Discrimination against LGBT persons is common-place in the education system, health services and in sport. Many schools are without strategies or policies to address homophobia. LGBT persons experience hostile attitudes from health professionals, and are often not regarded as 'next of kin' to hospitalised partners. Homophobia is common in sports clubs and supporters' organizations leading many athletes to conceal their sexual orientation.

Despite clear legislation prohibiting sexual orientation discrimination in the workplace, this remains common leading many LGBT persons to remain 'closeted'. Incidences of discrimination remain underreported to national equality bodies.

Multiple discrimination results in diverse experiences of discrimination among LGBT persons. NGOs and national equality bodies often lack strategies to deal with this.

EU law on free movement of persons, third country nationals, and asylum seekers does not guarantee the same rights of family reunification to same-sex couples as opposite-sex couples.

Asylum seekers who are persecuted on the basis of their sexual orientation or gender identity often face difficult requirements in order to prove their sexual orientation or gender identity or that they are at risk of persecution.

LGBT persons can encounter difficulties in fully exercising their right to freedom of assembly and freedom of expression since events such as Pride marches may be banned or subject to violent counter-demonstrations.

Transgender persons have similar (though usually worse) experiences of discrimination across the EU to LGB persons. Discrimination is noticeably more pronounced in the areas of access to health care and hate crime.

There exists a serious lack of both quantitative and qualitative data on LGBT persons' experiences of discrimination. Academic research, unofficial NGO data and official government statistics in many Member States and at the EU level is missing. This information is essential to understanding the scale and nature of the problems faced by LGBT persons and to formulating informed and effective policies.

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FRA - European Union Agency for Fundamental Rights
Schwarzenbergplatz 11, 1040 Wien, Austria
Tel.: +43 1 580 30 - 0
Fax: +43 1 580 30 - 693
E-Mail information@fra.europa.eu
<http://fra.europa.eu>

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