

LGTBQ+ RIGHTS UNDER PRESSURE

IN EUROPE

THE PROBLEM

In the past few years, LGBTQI people and LGBT-led organisations have become the target of vicious attacks by populist governments and politicians across Europe. These are the strategies they are using to stigmatise LGBT+ people

Adoption of homophobic and transphobic laws

An increasing number of governments and far-right parties in Europe have passed or are trying to pass legislation that restricts LGBTQIA+ people's rights and LGBTQI-led organisation's ability to operate

In practice:

- Bans on gender studies
- Criminalisation of inclusive sex education
- Restrictions on advertising and media content featuring LGBTQI people and families
- Restrictions on rainbow families' rights to marriage and adoption
- Restricting or banning legal gender recognition for trans, non-binary, and intersex people



LGBTQ+ RIGHTS UNDER PRESSURE

IN EUROPE

Torpedoing EU's equality strategies

The crackdown on LGBT+ rights in Eastern Europe has not spared the EU. Many of these governments now veto references to gender equality, gender identity and sexual orientation in EU's policy documents and strategies.

Abuse of lack of adequate legal protections

Loopholes and lack of legal protections against discrimination on the basis of sexual orientation and identity in national and EU law are often exploited to attack LGBT people.

In practice:

- Public authorities make statements and promote hate-mongering campaigns advocating for a ban on 'LGBT ideology' in schools and public institutions
- Politically captured prosecution services bring criminal charges against employers enforcing anti-discrimination policies in the workplace

State-sponsored hate campaigns

In some Member states, public authorities directly finance and support smear campaigns to discourage citizens' support for LGBT+ rights and activist groups



LGBTQ+ RIGHTS UNDER PRESSURE

IN EUROPE

Encouraging abusive lawsuits (SLAPPs)

In some countries, far-right politicians, political parties and their supporters abuse defamation and anti-blasphemy laws to bring criminal and civil charges against LGBTQI rights defenders.

Failure to protect LGBTQI protests

In some countries, police authorities neglect reports of violence against LGBTQI people, groups and events or directly encourage harassment.

How in practice?

- Failing to intervene when far-right groups attack the LGBTQI events
- Arbitrary arrests of LGBT+ activist and politically motivated raids
- Attempting banning Pride Marches

Restricting LBGT access to funding and ability to operate

Several governments restrict access to public funds for LGBTQI groups on the basis of discriminatory public policy priorities and arbitrary awarding processes. In such countries, private funds are also often restricted through the passing and enforcement of anti-NGO laws



RIGHTS
DEMOCRACY

RECLAIM

LGBTQ+ RIGHTS UNDER PRESSURE

IN EUROPE

THE SOLUTION

Don't sit idly by whilst LGBTQ+ rights stagnate or are rolled back in Europe. Together we can make the protection of LGBTQI rights a top priority for the EU. Help us promote these policy recommendations.

Develop a joint EU level litigation strategy to protect LGBTQ+ rights

Likeminded Member States and the European Commission should develop a common litigation strategy to protect LGBTQI rights - and starting litigating violations of LGBTQ rights as they promised in [#IDAHOBIT2021](#).

In practice, the Commission should accelerate the work on the infringement procedures it has already opened against Hungary and Poland and open new ones on issues and countries it has not yet addressed. Member States should launch their own infringement procedures if the Commission fails to do so.

Already opened

- **Hungary:** Ban on airing LGBTQ content before 10 PM
- **Poland:** Adoption of LGBTQ -Free Zones

Violations of LGBTQ rights left unsanctioned

- **Hungary:** Criminalisation of inclusive sex education
- **Hungary:** Ban on legal gender recognition for trans, non-binary, and intersex people.
- **Hungary and Romania:** Failure to respect EU case law on marriage equality

Adopt an Horizontal Anti-Discrimination Directive

EU law provisions dealing with discrimination on the basis of sexual orientation do not cover social protection, healthcare, education or access to services.

EU institutions and Member States should close this loophole by adopting an [Horizontal Discrimination Directive](#).

Adopt an EU-wide regulation on the recognition of parenthood between Member States.

Like-minded Member States should work to ensure that such Regulation includes rainbow families in order to protect LGBTB+ people's right to private and family life and the child's best interests of the child

Adopt anti-SLAPP legislation

Member States should unequivocally support victims of frivolous lawsuits and vote in favour of an anti-SLAPP Directive.

Remove existing funding barriers to human rights-advocacy

The Commission should perform a study on LGBTQI groups' access to resources, including public funding and long-term sustainability, and develop:

- (1) Simplified funding mechanisms for core activities and capacity building
- (2) Rapid emergency fund for LGBTQI advocates and groups experiencing threats and intimidations.

Create an EU-wide regulatory environment to protect LGBTQI-led groups right to associate

The European Commission should build upon the European Parliament's resolution in support of a Directive on common minimum standards for non-profit organisations to develop a legal environment that enables NGOs, particularly LGBTQI-led groups, to operate. Like-minded Member States should show signal their support ASAP.

Fostering EU-wide standards of police accountability

EU institutions should take the lead in protecting human right activists' right to protest. To do so, the Commission should table a proposal for a Council Recommendation on human rights standards for law enforcement and police authorities, building upon high-level international standards.



LGTBQ+ RIGHTS UNDER PRESSURE

IN EUROPE

RESOURCES

EU advocacy can be confusing.

We have prepared a list of resources to guide you into this world.

Advocacy Workshop

Check the agenda and mark your calendar for our online and in-person advocacy workshops.

Policy briefing and legal opinions

Read our written resources providing in-depth analysis of anti-LGBT measures and useful resources for your advocacy strategy.

YouTube videos

You don't have time for a full-day workshop, right? No worries, we have prepared short videos with the most relevant parts of the workshop.

Get in touch!

Do you still feel a bit lost? Send us an email at info@reclaiming.eu. Our team is setting up a helpdesk for you. We will do our best to help!

