

The rights of LGBTI people in the European Union

SUMMARY

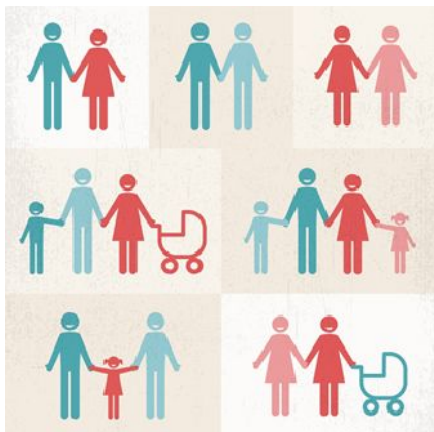
The prohibition of discrimination and the protection of human rights are important elements of the EU legal order. Nevertheless, discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons persists throughout the EU, taking various forms including verbal abuse and physical violence.

Sexual orientation is now recognised in EU law as a ground of discrimination. However, the scope of these provisions is limited and does not cover social protection, healthcare, education and access to goods and services, leaving LGBTI people particularly vulnerable in these areas.

Moreover, EU competence does not extend to recognition of marital or family status. In this area, national regulations vary, with some Member States offering same-sex couples the right to marry, others allowing alternative forms of registration, and yet others not providing any legal status for same-sex couples. Same-sex couples may or may not have the right to adopt children and to access assisted reproduction. These divergent legal statuses have implications, for instance, for partners from two Member States with different standards who want to formalise/legalise their relationship or for same-sex couples and their families wishing to move to another Member State.

Combating discrimination has become part of EU internal and external policies and the subject of numerous resolutions of the European Parliament. However, action in this area remains problematic when it touches on issues pertaining to areas traditionally reserved to Member States, such as marital status and family law.

This is an updated version of a [briefing](#) published in November 2013.



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Context

In some parts of the world, negative perceptions of LGBTI people (see glossary) are reflected in harsh laws. Consensual same-sex acts between adults are illegal in at least 76 countries, and in eight of them, they are punishable by death.¹ Since 2013, several countries, most recently [The Gambia](#), have enacted new laws criminalising same-sex conduct. Others, including some European countries, have either passed or discussed so-called '[homosexual propaganda](#)' laws. These have been criticised by the [UN](#) and the [EU](#) for limiting the rights of LGBTI people. Advocacy and human-rights groups have also [noted](#) that such legislation can create a climate of intimidation, and encourage homophobia and hate crime.

On the [global spectrum](#), the EU appears comparatively LGBTI-friendly. The EU Member States are parties to a whole range of international instruments² – including the [European Convention on Human Rights \(ECHR\)](#) – which set out a catalogue of fundamental rights for all. At the same time, the EU boasts one of the most extensive sets of anti-discrimination legislation in the world. Moreover, the EU promotes the rights of LGBT people internationally. Amongst numerous examples, it initiated a [UN declaration](#) calling for the worldwide decriminalisation of homosexuality.

However, when it comes to the lived experience of LGBTI people in Europe, the picture is more mixed. On the one hand, public opinion polls suggest that an increasing proportion of Europeans now perceive their respective countries to be relatively discrimination-free. The most recent [Eurobarometer Discrimination Survey](#) revealed that, in 2012, Europeans were on average less inclined to see discrimination based on sexual orientation (see appendix) as widespread than they were when the previous surveys were conducted (in 2006, 2008 and 2009). On the other hand, almost half of the respondents (46%) still considered discrimination to be extensive, making sexual orientation the third most commonly indicated ground for discrimination in the EU.

Within the LGBTI community itself, the perception and experience of discrimination is also widespread. In 2012, the [EU Agency for Fundamental Rights \(FRA\)](#) conducted the first ever [EU-wide survey](#) to generate comparable data about the extent and nature of discrimination, violence and hate speech experienced by LGBT persons across the EU. Of the 93 000 respondents, almost half reported that they had felt personally discriminated against or harassed within the previous year, whilst a quarter said that they had been attacked or threatened with violence in the past five years. One of the key findings was that 90% of such incidents go unreported to the authorities. Lesbian women (55%), young people (57%) and poorer LGBT people (52%) were more likely to be discriminated against, whilst [Trans persons](#) were shown to experience the highest levels of discrimination, harassment and violence amongst all LGBT subgroups. The survey also flagged homophobia and bullying in schools as a particular problem.

These EU-wide surveys on attitudes and perceptions are also supported by in-depth legal and social analysis. The FRA [Report on homophobia and discrimination on grounds of sexual orientation in the EU Member States](#) – drafted at the request of the European Parliament in 2008 and partly [updated](#) in 2010 – confirmed the extent of homophobia, transphobia and discrimination experienced by LGBT people throughout Europe. According to the report, verbal and physical attacks on LGBT people have occurred in all Member States.³ Research also shows that attitudes towards transgender people seem to be particularly negative and levels of transphobic hate crime particularly high.⁴ An

FRA [infographic](#) summarising the FRA's recent research on hate crime in Europe was published in March 2015 and its report is to be comprehensively [updated](#) this year.

It may be argued that these social phenomena are reflected at political level: in some Member States intolerant statements by politicians and religious leaders ('hate speech') have been reported in recent years, while public demonstrations in favour of LGBTI rights have often met with resistance from the authorities (as illustrated by difficulties encountered by the organisers of the Baltic Pride event in Lithuania, in 2010 and 2013).

This social and political context, combined with major differences in national laws (e.g. in respect of same-sex unions), raises questions as to the actual extent to which LGBTI people can exercise their rights in the EU.

The EU legal framework

Discrimination on the grounds of sexual orientation in EU primary law

The principle of equality and the prohibition of discrimination on the basis of sexual orientation now have an extensive legal basis in the EU Treaties (e.g. Article 10 [TFEU](#), Articles 2 and 3 [TEU](#)).

These Treaty provisions are complemented by the [Charter of Fundamental Rights](#) of the EU which – under the Lisbon Treaty – has the same legal value as the Treaties. The Charter was the first international human-rights charter to explicitly prohibit discrimination on the grounds of 'sexual orientation' (Article 21(1)).

However, sexual orientation acquired this status only recently. Until the [Treaty of Amsterdam](#) of 1999, the relevant EC Treaty provisions only addressed discrimination on the grounds of nationality and sex. At the same time, the case law of the Court of Justice of the EU (CJEU) defining the scope of the general principle of equality was not uniform – whether discrimination based on sexual orientation was prohibited under this principle remained contentious.⁵

The breakthrough **Article 13 ECT** –introduced by the Amsterdam Treaty (now [Article 19 TFEU](#)) – empowered the EU to adopt measures to deal with discrimination based on other grounds, including sexual orientation.

Anti-discrimination Directives: scope and implementation

Two landmark anti-discrimination Directives were adopted on the basis of Article 13 ECT in 2000, the:

- [Race Equality Directive](#) implementing the principle of equal treatment irrespective of racial or ethnic origin; and the
- [Framework Employment Directive](#) prohibiting discrimination on the grounds of religion or belief, disability, age or sexual orientation.

There is a notable difference in the scope of application of these two Directives. The former has a very broad scope as it obliges Member States to adopt relevant anti-discrimination legislation in the areas of:

- social protection (including social security and healthcare);
- education; and
- access to and supply of goods and services available to the public (including housing).

The Framework Employment Directive, on the other hand, is restricted to employment, occupation and vocational training.

However, LGBTI people also experience various forms of discrimination in the areas covered by the first directive, including:

- being refused entry to visit partners or children in hospital;
- higher premiums on health insurance;
- not having access to social benefits reserved for married couples;
- bullying, harassment and discriminatory content in educational materials; and
- degrading treatment by neighbours, or refusal to rent.⁶

Moreover, the question arises as to whether this difference in the scope of protection ('hierarchy of grounds') is legitimate and consistent with international human rights law.⁷

The Commission sought to remedy the situation by making a [proposal](#) for a new horizontal directive, which would extend the prohibition of discrimination on the grounds of religion or belief, disability, age or sexual orientation outside employment. The European Parliament adopted its [opinion](#) on the proposal in April 2009 under the consultation procedure. However, following the entry into force of the Lisbon Treaty, the proposal falls under [Article 19](#) TFEU which requires the EP's [consent](#) in addition to unanimity in the Council. Such unanimity has not been achieved and the proposal has been [blocked in the Council](#) for several years. The Commission President, Jean-Claude Juncker has made progress on this directive a priority in his [political guidelines](#) for the current Commission.

Nevertheless, when implementing the Framework Employment Directive, some Member States already extend protection on the basis of sexual orientation to cover some or all fields to which the Race Equality Directive applies.

Moreover, there is a general tendency among Member States to create a single equality body, dealing with all grounds of discrimination, while only the Race Equality Directive and the 2004 [Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services](#) require such an institution.⁸

EU anti-discrimination legislation and same-sex unions

According to recital 22 of the [Framework Employment Directive](#), its provisions do not affect national laws on marital status and benefits reserved for married couples. In the same vein, the proposal for the new anti-discrimination directive leaves the recognition of marital or family status, adoption and reproductive rights to national laws, supposedly reflecting diverse national traditions and policy choices.⁹

Discrimination against transgender and intersex people

EU law does not provide for a specific prohibition of discrimination on the grounds of transgenderism. Some Member States see it as a form of sex discrimination. Such an approach is corroborated by extensive case law of the CJEU, which has adopted a definition of sex discrimination covering people who have undergone sex reassignment, but not other transgender persons (e.g. transvestites). In other Member States this type of discrimination is treated as discrimination on the basis of sexual orientation. The third group of Member States considers it as neither one nor the other. In these Member States transgender people can only rely on the general principle of equality and cannot benefit from the more far-reaching protection of the anti-discrimination Directives. Intersex discrimination is a particularly complex form of sex discrimination. It remains unclear whether intersex people are implicitly covered by the existing EU anti-discrimination legal framework. EU gender equality legislation is silent on the issue and no case of discrimination against intersex people has yet reached the CJEU.

Sources: Fundamental Rights Agency, 2009 and 2015, European Network of Legal Experts on the non-discrimination field, 2011.

Indeed there are substantial differences between Member States in social perceptions of same-sex marriage and the adoption of children by same-sex couples. National laws also vary considerably with respect to the [legal recognition of same-sex unions](#) and [adoption](#). In this area, it may be said that there is a fracture line between Member States which were in the EU prior to 2004 and those that have joined since, the only exception to this rule being Italy.¹⁰

It could be argued that the refusal of those countries which do not allow same-sex couples to marry to grant such couples certain benefits in the areas covered by the Framework Employment Directive is a discriminatory practice.

According to CJEU case law, when a Member State has created some form of union, comparable to marriage, for same-sex partners, it may not create an arbitrary difference in treatment between marriage, not open to such partners, and this form of union. This does not mean however that the Directive compels Member States to create such an institution.¹¹

LGBT adoption rights are still more restricted, even in countries offering same-sex marriage, although the number of states making provision for it is expanding. Currently full joint adoption by same-sex couples is legal in 13 European countries: the Netherlands (since 2001), Sweden (2003), Spain (2005), the United Kingdom (2005 in England and Wales, 2009 in Scotland and 2013 in Northern Ireland), Belgium (2006), Iceland (2006), Norway (2009), Denmark (2010), France (2013), Malta (2014), Andorra (2014), Luxembourg (2015) and Finland (effective 2017). In Ireland, the [Children and Family Relationships Act](#), which extends the definition

of family, and provides guardianship and adoption rights to new categories, including same-sex couples, passed its [final stages](#) in Parliament on 30 March 2015.

A further four countries, Germany (2005), Slovenia (2011), Austria (2013) and Estonia (effective 2016) permit step-child adoption in which the partner in a registered partnership can adopt the natural, and in some cases, the adopted child of his or her partner. Croatia allows registered and unregistered life partners to become partner-guardians of their partner's child (2014). Opinion polls show wide variations in public attitudes on this issue across Europe¹².

Other Directives with implications for LGBT people

Among EU instruments with implications for the rights of LGBT people, three Directives deserve particular attention due to specific problems in their interpretation:

- [Free Movement Directive](#): definition of 'spouse' and 'members of the family'; the

Same-sex marriage and civil partnerships: Member States' rules

Ten Member States currently allow same-sex marriage: the Netherlands (since 2001), Belgium (2003), Spain (2005), Sweden (2009), [Portugal](#) (2010), Denmark (2012), [France](#) (2013) the [UK](#) (England and Wales, 2013; Scotland 2014), [Luxembourg](#) (2015) and [Finland](#) (effective from 2017). In [Ireland](#) a referendum on legalising same-sex marriage is to be held on 22 May 2015. In [Slovenia](#), Parliament approved a bill on 3 March 2015 by a vote of 51 to 28. The bill now needs to be signed into law by the President, with a referendum to be held beforehand. If the law is implemented, Slovenia will become the first country in central Europe and the first country in post-communist Europe to allow same-sex couples to marry.

The remaining countries recognise unions similar to marriage or some weaker form of contracts or registration or do not provide for any legal scheme for same-sex couples. Registered/civil partnerships do not exist in Bulgaria, Italy, Latvia, Lithuania, Poland, Romania and Slovakia. In Estonia, a [Cohabitation Act](#) is due to enter into force in 2016, provided that several implementing acts are passed.

recognition of same-sex marriages concluded and registered partnerships entered into in other Member States.

- [Family Reunification Directive](#): entry and residence rights of LGBT third-country nationals; and the
- [Qualification Directive](#): granting of asylum on the basis of belonging to a specific 'social group', including explicit references to sexual orientation and gender identity.

There are various open questions in respect of the interpretation and application of these directives. Given the divergences between Member States when it comes to legal recognition of same-sex relationships, significant [practical issues](#) arise and same-sex couples and their families may currently experience significant and disproportionate obstacles when moving around the EU.¹³ With regard to the right to asylum, the 2004 EU Qualification Directive referred explicitly to sexual orientation, and the amended version, adopted in 2011, marks further progress in ensuring LGBTI applicants' rights by adding gender identity as a cause of persecution. However, there is no uniform interpretation of the Directive across the Member States.

Specific EU programmes and funding

It has been recognised that legislative protection against discrimination is not sufficient in itself to effect change. Accordingly, the EU has also adopted a series of strategies setting out active measures to promote non-discrimination and equal opportunities.¹⁴ These have included data collection and sharing, awareness-raising and cooperation with stakeholders, exchanges of best practice, and developing tools for mainstreaming non-discrimination in all EU policies and tackling multiple discrimination.

Between 2007 and 2013, the main EU funding instruments in this area were the [Fundamental Rights and Citizenship programme](#) and the [Progress programme](#). The Commission [reports](#) that the total budget of the Fundamental Rights and Citizenship programme over this period was €95.2 million, with €6.4 million in grants awarded to projects dealing principally with LGBTI issues. A further €157.1 million was allocated to projects on 'diversity and combating discrimination' under the Progress programme. Grants were awarded to a [range of projects](#) in different Member States, covering issues such as violence against LBT women, homophobic and transphobic bullying in schools and the rights of transgender people in the workplace.

LGBTI rights now come under the consolidated [Rights, Equality and Citizenship Programme \(2014-20\)](#), with a total budget of €439.47 million (current prices), representing a slight reduction in the net budget from the previous funding programmes. In addition, the [European Social Fund](#) (ESF) for the 2014-20 period has been extended to combating discrimination based on sex – including discrimination against transsexual persons – and sexual orientation. Funding has now also been made available under the Equity and Inclusion strand of the [Erasmus+ Programme](#), to support people facing difficulties or obstacles in accessing educational mobility because of their gender, age, ethnicity, religion, sexual orientation or disability.

With grants from the Fundamental Rights and Citizenship Programme, [LGBT Youth Scotland](#) worked with other European LGBT organisations from Slovenia, Poland and Romania on [projects](#) aimed at challenging homophobia in schools and changing attitudes in local communities. The organisation [reports](#) that EU funding enabled it to share good practice internationally in a way that it would otherwise have been unable to do.

Source: [2014 UK Government review in the area of Fundamental Rights](#)

The promotion of non-discrimination and human rights is also a part of the EU's enlargement and [external policy](#). The [guidelines for supporting LGBTI persons' human rights](#), adopted in 2013, provide a checklist for assessing LGBTI human rights issues in this field. Under the [European Instrument for Democracy and Human Rights](#) (EIDHR), EU funding is also available to support NGOs working against all kinds of discrimination outside the EU, including homophobic and transphobic violence, and to promote general freedoms of assembly, association and expression.

The European Parliament's position

The European Parliament has addressed the issue of LGBTI rights on numerous occasions, starting with the adoption of a resolution on the rights of homosexuals in the workplace, as early as 1984.

During the previous parliamentary term, it adopted resolutions and reports on a range of issues, including: homophobia, and 'homosexual propaganda' laws, mutual recognition of civil status documents, access to legal partnerships for same-sex couples, free movement of LGBT families, the human rights of intersex people, a specific EU equality roadmap, or strategy, for LGBTI people and the proposal for an anti-discrimination directive.

In February 2014, following its many previous calls for an EU equality roadmap, or strategy, for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, the EP's [Committee on Civil Liberties, Justice and Home Affairs \(LIBE\)](#) adopted [a recommendation](#) for a future EU roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity, covering hate speech and hate crime, freedom of assembly and expression, non-discrimination in employment, education, healthcare goods and services, citizenship and free movement, asylum, external action and the specific needs of transgender and intersex people.

While supporting the Commission's proposal for the horizontal anti-discrimination directive, the EP nevertheless suggested numerous [amendments](#) to it. One amendment would extend the directive's scope to include discrimination based on assumptions about a person's religion or belief, disability, age or sexual orientation, as well as discrimination based on a person's association with people with one or more of those characteristics.

In the current term, the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) has called for movement on the anti-discrimination directive.¹⁵ In March 2015, Parliament adopted its [annual report on human rights in the world](#), which encourages the EU and Member States to 'reflect on the recognition of same-sex marriage or same-sex civil union as a political, social and human and civil rights issue'. In relation to external relations, the EP has adopted a [report on the EU and the global development framework after 2015](#), urging that particular attention be paid to, 'the protection and respect of the rights of migrants and minorities, including LGBTI people and people living with HIV'. (paragraph 28). It has also adopted a [report](#) calling for non-discrimination on the basis of sexual orientation and gender identity to be included in a future agreement with [African, Caribbean and Pacific \(ACP\) states](#).

Stakeholders' opinions

Positions in favour of LGBT rights

The issues debated in the Parliament have also been the focus of major stakeholders.

The [EP Intergroup on LGBT Rights](#) – an informal forum for MEPs – sets monitoring the Commission's work on LGBT rights among its five priorities for action. It published a series of infographics summarising the [voting on LGBT issues in the 2014-19 legislature](#). More recently, it has organised debates on [LGBTI rights in the eighth legislature](#), [transgender rights](#) and [freedom of movement for LGBTI families](#) and [welcomed](#) a ground-breaking gender identity, gender expression and sex characteristics law passed in Malta.

[ILGA-Europe](#) – the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) – challenged those elected to the Parliament in 2009 and 2014, through a ten-point EP Elections [pledge](#), to combat discrimination based on sexual orientation, gender identity and gender expression. The pledge was initially addressed to candidates, but has remained open for signature by elected MEPs.

In previous years, ILGA-Europe strongly [supported](#) the proposed horizontal anti-discrimination directive, the position it reiterated during a [LIBE hearing](#) in December 2008. It considered however that the references in the proposal to marital and family status and reproductive rights were not justified and could be harmful to protection against discrimination based on sexual orientation and on other grounds.

This brings ILGA's position close to the views taken by [Amnesty International](#), which recognises the discriminatory character of civil marriage laws.

ILGA-Europe has also [commented extensively](#) on the Free Movement Directive and its [Implementation Guidelines](#), arguing that:

- restricting the notion of 'spouse' to opposite-sex spouses amounts to discrimination on the grounds of sexual orientation; the prohibition of such discrimination is enshrined in the preamble to the Directive, which – even though not binding – the CJEU will take into account when interpreting the Directive; and
- if the national law provides for registered partnerships, national legislation must extend the right to enter and reside to individuals who formed such a partnership in another Member State.

Anti-LGBT positions

The [Pew Report](#) investigates the divide in attitudes across the world, illustrating how (non-)acceptance of homosexuality is correlated with factors such as age, gender and religiosity. Reference to LGBT rights meets with particularly strong resistance when it takes place in the context of laws on marriage or family. This is illustrated by fierce [opposition](#) and mass protests in France sparked by the law of May 2013 which granted same-sex couples the right to marry and jointly adopt children. Similar opposition has been expressed by a number of different religious authorities.¹⁶ The Roman Catholic Church, for instance, has consistently [condemned](#) same-sex unions and considered their legal recognition as leading to 'the devaluation of the institution of marriage'. The Church has repeatedly confirmed this position in the past, including in its [critical assessment](#) of one of Parliament's resolutions on human rights. However, a possible softening of this approach has been [noted](#) under the current papacy, as evidenced in the [report](#) summarising the deliberations of the 14th Extraordinary Synod of Bishops on Marriage & Family in October 2014. Although the report affirms that unions between people of the same sex cannot be considered on the same level as marriage between man and woman, it also states that 'homosexuals have gifts and qualities to offer to the Christian community' and poses the question of whether the church could accept and

value their sexual orientation without compromising Catholic doctrine. The issues are [likely to be discussed](#) again at the 15th Synod in October 2015.

Further reading

Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part I: - [Legal Analysis](#); Part II - [The Social Situation](#) / Fundamental Rights Agency, June 2008 and March 2009.

[*Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity: 2010 Update*](#) / Fundamental Rights Agency, 2010.

A further [update](#) of the FRA's comparative analysis of homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity across the EU is to be issued in the course of 2015.

[*Trans and intersex people: Discrimination on the grounds of sex, gender identity and gender expression*](#) / European Network of Legal Experts in the non-discrimination field, 2011.

[*The fundamental rights situation of intersex people*](#) / Fundamental Rights Agency, 2015.

[*Developing Anti-Discrimination Law in Europe. The 28 EU Member States, the Former Yugoslav Republic of Macedonia, Iceland, Liechtenstein, Norway and Turkey compared*](#) / European Commission, 2013.

[*National protection beyond the two EU Anti-discrimination Directives. The grounds of religion and belief, disability, age and sexual orientation beyond employment*](#) / European Commission, 2013.

[*Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*](#) / EPRS, 2014: Complementary Impact Assessment of the proposed horizontal Directive on Equal Treatment.

[*Same-Sex Couples before National, Supranational and International Jurisdictions*](#), Daniele Gallo/Luca Paladini/Pietro Pustorino, 2013.

[*ILGA Europe Rainbow Packages*](#) - Map, Index and Annual Review of the Human Rights Situation of LGBT people in Europe (annual publications: 2009-2015).

Endnotes

¹ [State-sponsored Homophobia. A world survey of laws: Criminalisation, protection and recognition of same-sex love](#) / A. Carroll and L P Itaborahy, ILGA, 2015.

² These include UN, ILO and Council of Europe instruments, complemented by extensive jurisprudence of the European Court of Human Rights concerning discrimination on the grounds of gender and sexual orientation.

³ [FRA report: part II](#) / Fundamental Rights Agency, March 2009, p. 127.

⁴ [Transphobic Hate Crime in the European Union](#) / L Turner, S Whittle and R Combs, p. 17, 2009.

⁵ [EU law : text, cases, and materials](#) / Paul Craig and Gráinne De Búrca, Oxford University Press, 2008, p. 560.

⁶ [Study on discrimination on the grounds of religion and belief, age, disability, and sexual orientation outside of employment](#) / European Policy Evaluation Consortium (EPEC), June 2008, pp 16–25.

⁷ [Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity - 2010 Update \(Comparative legal analysis\)](#) / FRA, 2010, p. 19.

⁸ FRA, 2010, pp [19](#) and [28-29](#).

⁹ [Impact Assessment](#) / European Commission, July 2008, p. 6.

¹⁰ '[Contested norms in new-adopter states: International determinants of LGBT rights legislation](#)' / P.M. Ayoub, *European Journal of International Relations*, June 2015; vol. 21, 2: pp. 293-322., first published on September 1, 2014 and [The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship](#) / M. Tremblay, D. Paternotte and C. Johnson, C, 2011.

¹¹ CJEU [Maruko case](#) (C-267/06) and [Römer case](#) (C-147/08).

- ¹² [Same-Sex Couples before National, Supranational and International Jurisdictions](#), p. 320
- ¹³ [White Paper "Rights on the Move – Rainbow Families in Europe"](#), Peace Institute, 2015.
- ¹⁴ The [Green Paper on equality and non-discrimination in an enlarged EU \(2004\)](#), [Non-Discrimination and Equal Opportunities for All - A Framework Strategy \(2005\)](#), and the [Communication on Non-discrimination and equal opportunities \(2008\)](#).
- ¹⁵ A [discussion](#) on the state of play of the directive was held at the meeting of the EP's LIBE Committee on 5 November 2014, with representatives of the Council and the Commission.
- ¹⁶ The stances adopted on same-sex marriage by various religions are explored in a further [report](#) by the Pew Research Centre in the USA.

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Appendix - Glossary

LGBTI: describes a diverse group of persons who do not conform to conventional or traditional notions of male and female gender roles. LGBTI people are also sometimes referred to as 'sexual, gender and bodily minorities'.

Lesbian: describes a woman whose enduring physical, romantic and/or emotional attraction is to other women.

Gay: describes a man whose enduring physical, romantic and/or emotional attraction is to other men, although the term can be used to describe both gay men and lesbians.

Bisexual: describes an individual who is physically, romantically and/or emotionally attracted to both men and women.

Transgender: describes people whose gender identity and/or gender expression differs from the sex they were assigned at birth and those people who wish to portray their gender identity in a different way to the gender assigned at birth. This includes, among many others, transgender persons who are between male and female, transsexuals and transvestites.

Intersex: covers bodily variations in regard to culturally established standards of maleness and femaleness, including variations at the level of chromosomes, gonads and genitals.

Discrimination: the less favourable treatment of one person or group than another on various grounds (direct discrimination), or the situation where an apparently neutral provision is liable to disadvantage a group of persons in comparison to others (indirect discrimination).

Gender identity: each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body.

Hate speech: public expressions which spread, incite, promote or justify hatred founded on intolerance.

Homophobia: the irrational fear of and aversion to homosexuality and LGB people based on prejudice.

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

Transphobia: the irrational fear of gender non-conformity or gender transgression, such as a fear of, or aversion to, masculine women, feminine men, cross-dressers, transsexuals and others who do not fit into existing gender stereotypes matching their birth gender.

(Derived from the [FRA report](#), the [EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex \(LGBTI\) persons](#) and the [Yogyakarta principles](#))