

EU-LGBTI II



# A long way to go for LGBTI equality



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# A long way to go for LGBTI equality

# Country codes

Country code	Country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czechia
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MK	North Macedonia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
RS	Serbia
SE	Sweden
SK	Slovakia
SI	Slovenia
UK	United Kingdom

# Foreword

Imagine being afraid to hold your loved one's hand in public, skipping office banter to avoid divulging with whom you share your life, choosing the long way home to side-step potentially hostile ground, or enduring ridicule every time you show your personal identification. In the year 2020, these remain realities for all too many lesbian, gay, bisexual, trans and intersex people across the European Union and beyond.

This report presents select findings from our 2019 survey on LGBTI people in the EU and North Macedonia and Serbia. With almost 140,000 participants, it is the largest survey of its kind. It follows the agency's first survey on LGBT people in the EU, conducted in 2012.

The results show little progress over the past seven years. More people are open about being LGBTI – but a majority still avoid holding their partner's hand in public. They may have good reason to be discreet. Among those who are very open about being LGBTI, 40 % say they experienced harassment. Physical or sexual attacks also remain a concern: one in ten survey participants say they were targets of such violence in the five years before the survey.

Meanwhile, everyday discrimination persists. LGBTI individuals encounter it at work and at school; at cafés, restaurants, bars and nightclubs; when looking for housing; when accessing healthcare or social services; and in shops. Especially for trans and intersex people, identification documents that specify a sex can trigger ridicule.

FRA's large-scale surveys show, over and over again, that victims of discrimination and abuse are reluctant to report incidents. LGBTI people are no exception. Reporting rates are low for all types of organisations, but especially so for the police.

The results make clear that trans and intersex people face an even more uphill struggle. And the young? The survey gives reason for both concern and cautious optimism. Participants aged 15 to 17 experienced more harassment than their older peers. Yet they also say they see more individuals standing up for LGBTI people at school – and hear more talk of LGBTI issues in educational settings.

There are striking differences between countries. But whether they live in countries that shine or have serious problems, survey participants underline that law and policy, as well as behaviour by politicians, public figures, community leaders and civil society, greatly affect their lives.

We hope this reality encourages policy- and decision-makers at all levels to do what they can to promote full respect for the rights of LGBTI people across the entire EU.

**Michael O'Flaherty**

*Director*



# Contents

FOREWORD .....	3
WHY IS THIS SURVEY NEEDED? .....	7
THE SURVEY IN A NUTSHELL .....	8
ASSESSING PROGRESS: SELECTED RESULTS .....	10
1 KEY FINDINGS AND FRA OPINIONS .....	17
2 WHAT DO THE RESULTS SHOW? .....	23
2.1. Living openly as a lesbian, gay, bisexual, trans or intersex person .....	23
2.1.1. Openness in everyday life .....	23
2.1.2. Life satisfaction .....	28
2.1.3. Freedom of movement: same sex couples and families .....	28
2.2. Experiencing and reporting discrimination – awareness of victim support .....	31
2.2.1. Employment .....	31
2.2.2. Other areas of life .....	32
2.2.3. Intersectional and multiple discrimination .....	35
2.2.4. Reporting discrimination .....	35
2.2.5. Awareness of organisations providing victim support .....	35
2.3. Hate-motivated violence and harassment .....	38
2.3.1. Physical or sexual attacks .....	39
2.3.2. Harassment .....	42
2.3.3. Reporting violence and harassment .....	46
2.3.4. Avoiding certain locations – feelings of safety .....	48
2.4. The situation of intersex persons .....	51
2.4.1. Main challenges faced by intersex persons .....	52
2.4.2. Informed consent for medical treatments or interventions .....	53
2.4.3. Determination and awareness of sex characteristics .....	55
2.4.4. Obstacles to registering civil status in public documents .....	55
ANNEX: METHODOLOGY .....	57

## Figures and tables

Figure 1: Respondents who felt discriminated against due to being LGBT when looking for work in the 12 months before the survey (2012 and 2019), EU-28 and by group (%) .....	11
Figure 2: Respondents who felt discriminated against at work due to being LGBT in the last 12 months before the survey (2012 and 2019), EU-28 and by group (%) .....	11
Figure 3: LGBTI respondents who think the government in the country they live in combats effectively prejudice and intolerance against LGBTI people (2019) .....	14
Figure 4: Respondents who say that, during their time in school, someone supported, defended or protected them and their rights as L,G,B,T or I person, by age group (EU-28, Serbia and North Macedonia)(%) .....	15
Figure 5: Respondents who say their school education at some point addressed LGBTI issues, by age group (EU-28, %) .....	16
Figure 6: Respondents' levels of openness about being LGBTI, by group and country (%) .....	24
Figure 7: Respondents who avoid holding same-sex partner's hands in public for fear of being assaulted, threatened or harassed, by group and country (%) .....	26
Figure 8: Respondents who avoid certain places or locations for fear of being assaulted, threatened or harassed because they are LGBTI, by group (%) .....	27
Figure 9: Respondents aged 15–17 who are very open, selectively open or who hide being LGBTI at school in EU-28, by group (%) .....	27
Figure 10: Average life satisfaction of LGBTI respondents (2019 data) and general population (2016 data) on scale from 0 to 10, averages by country .....	29
Figure 11: Respondents who felt discriminated against due to being LGBTI in area other than employment in the 12 months before survey in EU-28, by area of life and group (%) .....	34
Figure 12: Reporting the most recent incident of discrimination, by country and group (%) .....	36
Figure 13: Reasons for not reporting the most recent incident of discrimination, EU-28+2 (%) .....	37
Figure 14: Experiencing a physical and/or sexual attack for being LGBTI, in the five years before the survey (%) .....	40
Figure 15: Two most mentioned forms of impact on health and well-being of physical or sexual attacks, by type of incident and group (EU-28, %) .....	43
Figure 16: Harassment experienced due to being LGBTI, in the 12 months before the survey (%) .....	44
Figure 17: Harassment experienced due to being LGBTI, by age group and harassment type, in the 12 months before the survey (EU-28, %) .....	45
Figure 18: Reporting most recent harassment incident and physical or sexual attack (in five years before survey) to any organisation (incl. police) and specifically to police (EU-28, %) .....	47
Figure 19: Reporting to the police the most recent physical or sexual attack due to being LGBTI, in five years before the survey (%) .....	48
Figure 20: Not reporting most recent physical or sexual attack due to being LGBTI to the police, out of fear of homophobic and/or transphobic reaction, in five years before survey (%) .....	49
Figure 21: Respondents who 'often' or 'always' avoid certain places or locations for fear of being assaulted, threatened or harassed due to being LGBTI (%) .....	50
Figure 22: Biggest problems intersex people face in the country they live in .....	53
Figure 23: Intersex respondents who say neither they nor their parents gave fully informed consent before first medical treatment or intervention to modify their sex characteristics .....	54
Figure 24: How the variation in the intersex respondents' sex characteristics was determined .....	55
Figure 25: Obstacles faced by intersex respondents when registering civil status or gender in public documents .....	56
Table 1: Respondents who felt discriminated against due to being LGBTI when looking for work in the 12 months before the survey (%) .....	32
Table 2: Respondents who felt discriminated against due to being LGBTI at work in the 12 months before the survey (%) .....	33
Table 3: Unweighted sample size by country and by LGBTI group and the distribution of the national samples between LGBTI groups .....	58
Table 4: Self-reported trans identities, unweighted (EU-28, %) .....	60
Table 5: Age of survey respondents, by LGBTI group, unweighted (EU-28, %) .....	62
Table 6: Highest completed level of education of the survey respondents, by LGBTI group, unweighted (EU-28, %) .....	63
Table 7: Self-reported household's difficulty to make ends meet, by LGBTI group, unweighted (EU-28, %) .....	63
Table 8: Economic activity status, by LGBTI group, unweighted (EU-28, %) .....	64
Table 9: Place of residence, by LGBTI group, unweighted (EU-28, %) .....	65
Table 10: Respondents who consider themselves to belong to a minority, by LGBTI group, unweighted (EU-28, %) .....	65





# Why is this survey needed?

Sexual orientation and gender identity are aspects of who we are. No one should feel a need to conceal their identity to avoid discrimination, hate or even violence. But, in the European Union today, many LGBTI individuals still feel the need to do so. FRA's new survey results give policymakers the necessary data to devise targeted measures to ensure the respect of the fundamental rights of LGBTI people across the Union.

The principle of equal treatment is a fundamental value of the European Union, clearly expressed in Article 2 of the Treaty on the European Union (TEU) and Article 21 of the Charter of Fundamental Rights of the European Union. Over the past two decades, the European Union (EU), the Council of Europe (CoE) and the United Nations (UN) have developed or strengthened standards on non-discrimination and equality for LGBTI people. Sexual orientation, as well as gender identity and expression, were recognised increasingly as grounds of discrimination in EU and national law.

## Responding to a need for data

The EU Agency for Fundamental Rights (FRA) contributed to these developments through legal and social analysis. It persistently highlighted the paucity of comparable statistical data (see box on relevant publications). EU institutions and civil society have also increasingly called for comparable data on the human rights situation of LGBT people across the EU.

In response, FRA in 2012 launched the then-largest EU-wide survey, delivering for the first time comparable data on how LGBT people experience their human and fundamental rights in daily life. Since then, several Member States have put in place legal and policy measures providing better protection for the rights of LGBTI people.

European institutions recognised the importance of that survey. In 2015, the European Commission 'List of Actions to advance LGBTI Equality' invited FRA to repeat its survey in 2019. In June 2016, the Council adopted the

first ever conclusions on LGBTI equality, also calling on FRA to "study the situation of LGBTI people by compiling high-quality statistics based on the most reliable methods".

The agency launched the second wave of its survey – the EU-LGBTI II survey – in 2019. This time, it includes intersex people and participants aged 15 to 17. Its coverage also extends to two candidate countries, Serbia and North Macedonia. In 2012, 93,079 respondents participated. In 2019, 139,799 did so, providing a wealth of information comparable across countries.

## Supporting effective policymaking

This report outlines selected findings from the new survey. It complements the Commission's annual report on the impact of its 'List of actions to advance LGBTI equality'. In so doing, it provides policymakers and legislators with much needed evidence on progress made in the EU, as well as in the candidate countries of North Macedonia and Serbia.

The evidence produced by the survey provides unique insights necessary to assess reliably the implementation and impact of EU law on the ground as it relates to LGBTI persons. This includes, for example, the Directive for equal treatment in employment and occupation (2000/78/EC), the Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (2006/54/EC), and the Victims' Rights Directive (2012/29/EU).

The EU can use the findings to explore what further legal and policy measures would more effectively protect and promote the rights of LGBTI people, including in areas where existing law appears to be ineffectually implemented. Member States are strongly encouraged to use the country results, and to compare them with other EU countries, to assess the impact of their national legal and policy framework and, in turn, consider how best to improve it. In this regard, the agency provides its own independent opinions that outline areas for action.

An [online data explorer](#) accompanies this report and provides more data from the survey results.

# The survey in a nutshell

A total of 139,799 persons aged 15 years or older who describe themselves as lesbian, gay, bisexual, trans or intersex (LGBTI) completed the online EU-LGBTI II Survey<sup>1</sup> in all EU Member States and the candidate countries of North Macedonia and Serbia.<sup>2</sup>

## Who are the LGBTI survey respondents?

- Lesbian women (women sexually and/or emotionally attracted to women)
- Gay men (men sexually and/or emotionally attracted to men)
- Bisexual people (those emotionally and/or sexually attracted to persons of more than one gender)
- Trans people (those whose gender identity or gender expression does not fully correspond to the sex assigned to them at birth)
- Intersex people (born with sex characteristics that do not strictly belong to the male or female categories or belong to both. These characteristics may be chromosomal, hormonal and/or anatomical and may be present to differing degrees). This is the first time FRA surveyed this group.

The LGB categories cover respondents who self-identified as lesbian women, gay men and bisexual women or men – with the exception of those who also identified as trans or intersex, as they are included in the trans and intersex categories, respectively.

## How was the survey carried out?

The survey was conducted online<sup>3</sup> from 27 May to 22 July 2019. Its questionnaire covered a wide range of issues, such as experiences with discrimination, harassment or violence, rights awareness, openness about

1 The Annex provides more information on the survey methodology and the composition of the sample and its characteristics. FRA will also publish a Technical Report in 2020. This will provide more detailed information, including on FRA's weighting approach.

2 Serbia and North Macedonia were surveyed as candidate countries who are observers at FRA's Management Board.

3 Online surveys facilitate access to 'hard-to-sample' individuals, such as LGBTI, due to absence of relevant sampling frames.

being LGBTI, positive and negative experiences at work and in education, socio-economic and living conditions, health and well-being, and housing issues.

The findings are based on data weighted to take into account differences in the estimated size of each LGBTI group in each survey country and by age group, based on information on the LGBTI population from previous LGBTI surveys in the EU. In addition, the data were weighted taking into account the respondents' affiliation with LGBTI organisations and whether they have participated in other LGBTI surveys (including FRA's LGBT survey of 2012). This was done to correct for possible over-representation of respondents closely affiliated with LGBTI organisations and with a higher propensity to participate in LGBTI surveys.

## Comparing results from the 1<sup>st</sup> and 2<sup>nd</sup> survey waves

Online surveys do not always allow direct comparability of all their results over time. Therefore, the results presented here are compared with respect to differences in selected indicators between the 2012 and 2019 surveys, where possible.

FRA developed comparable datasets for the 2012 and 2019 surveys. For comparisons, the agency used only data for LGBT persons aged 18 and above from the 2019 survey. FRA excluded the intersex category, which was not surveyed in 2012, as well as respondents from Serbia and North Macedonia and LGBTI adolescents aged 15 to 17. The agency also applied appropriate weighting methods.

### Focus on LGBTI people in the EU

Several FRA publications address the situation of LGBTI people in the EU. These include:

*Professionally Speaking: Challenges for achieving equality for LGBT people (2016)*

*Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU – Comparative legal analysis – Update (2015)*

*The fundamental rights situation of intersex people (2015)*

*Being Trans in the EU (2014)*

*Opinion on the situation of equality in the European Union 10 years on from initial implementation of the equality directives (2013)*

*EU LGBT Survey – Main results (2013)*

These publications are available on FRA's [website](#).

## KEY CONCEPTS AND TERMINOLOGY

The target group of the EU LGBTI survey is persons who self-identify as being gay, lesbian, bisexual, transgender or intersex. The survey examines issues of equal treatment and discrimination on two grounds, namely sexual orientation and gender identity. The report uses the term LGBTI as an umbrella term encompassing all survey respondents. As the analysis requires, it will also refer to the different subgroups, thereby acknowledging that the fundamental rights issues affecting lesbian, gay, bisexual, transgender and intersex persons may be profoundly different. The experiences of LGBTI persons are not only defined on the basis of their sexual orientation or gender identity, but they are also affected by their educational and socio-economic background and other characteristics. LGBTI persons may have different levels of openness about being LGBTI to family, friends or colleagues. Some are open about being LGBTI, whereas others cannot or do not want to share this with others.

The terms used are based on those used by international treaty bodies and other human rights mechanisms, including the Council of Europe's Commissioner for Human Rights, the UN Committee on Economic, Social and Cultural Rights and the UN High Commissioner for Human Rights. The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity have used these as well.\*

**Sexual orientation** refers to "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".\*\* Sexual orientation refers to identity (being), conduct (behaviour) and how you relate to other persons (relationships). It is generally assumed that persons are heterosexual (orientation towards persons of a different gender), homosexual (gay, or lesbian, orientation towards persons of the same gender) or bisexual (oriented towards both genders).

**Gender identity** refers to "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 (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms".\*\*\* Those whose gender identity does not correspond with the sex assigned at birth are commonly referred to as transgender persons. This group includes persons who wish at some point in their life to undergo gender reassignment treatments (usually referred to as transsexual persons), as well as persons who 'cross-dress' or persons who do not, or do not want to, consider themselves as being 'men' or 'women'. Some of them refer to themselves as 'gender variant'.

**Gender expression** refers, then, to a person's manifestation of their gender identity, for example through 'masculine', 'feminine' or 'gender variant' behaviour, clothing, haircut, voice or body characteristics. Since experiences of homophobia, transphobia and discrimination on the grounds of sexual orientation and gender identity often find their roots in social perceptions of gender roles, this survey has also included this element.\*\*\*\*

\* *International Commission of Jurists (2007), Yogyakarta principles: principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007.*

\*\* *Ibid., p. 6.*

\*\*\* *Ibid.*

\*\*\*\* *For a full glossary of LGBTI terms and definitions, refer to the ILGA-Europe (International Lesbian, Gay, Bisexual, Trans and Intersex Association) Glossary.*

# Assessing progress: selected results

## Overall progress

Comparing the results of the 2012 and 2019 surveys shows little, if any, progress during the past seven years in the way LGBT people in the EU experience their human and fundamental rights in daily life. But it is important to note that the overall EU average results conceal important differences between Member States.

To assess progress since 2012, only data for LGBT persons aged 18 and above are used from the 2019 survey. The intersex category, which was not surveyed in 2012, is excluded, as are respondents from Serbia and North Macedonia and LGBTI adolescents aged 15 to 17.

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

Discrimination in work contexts remains a reality. Specifically:

- The share of respondents in 2019 who felt discriminated against when looking for work (11 %) is only slightly smaller than in 2012 (13 %).
- The proportion of respondents who feel discriminated against at work in 2019 (21 %) is slightly higher compared to 2012 (19 %).
- A higher proportion of trans respondents feels discriminated at work in 2019 (36 %) compared to 2012 (22 %).
- The share of LGBT respondents who reported the last discrimination incident related to work to an equality body or any other organisation slightly increased: 17 % did so in 2019, while 13 % did in 2012.

However, regarding how openly LGBTI people live, the survey results show:

- The share of LGBT respondents aged 18 or over who were often or always open about being LGBT increased from 36 % in 2012 to 52 % in 2019.
- A lower share of young LGBT respondents aged 18-24 hides being LGBT at school. This dropped from 47 % in 2012 to 41 % in 2019.

- The share of respondents who often or always avoid holding hands in public with same-sex partners remains high at around 60 %.

### Using comparable datasets to assess developments

This section aims to identify trends and assess positive change or setbacks in the path towards equality of LGBTI persons, as revealed by the survey respondents' responses about their experiences and views on discrimination and intolerance in the country they live in.

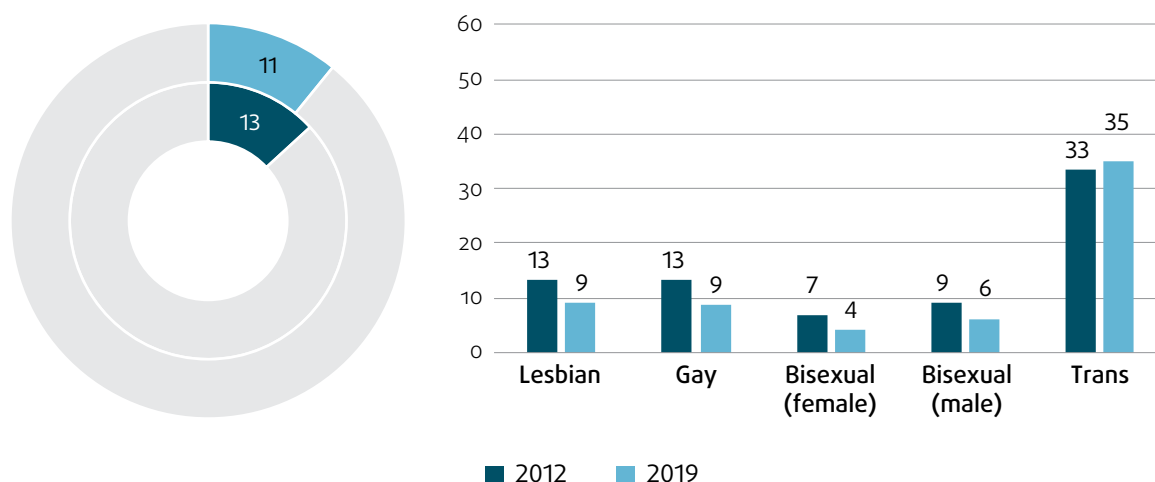
To achieve this and obtain robust and reliable results, FRA deployed a two-fold process. We compared the 2012 and 2019 survey results by preparing fully comparable datasets to conduct comparisons. Specifically, for the comparison, we used only the 2019 data for LGBT persons – without categories that were not surveyed in 2012, such as intersex persons, respondents living in Serbia and North Macedonia, and LGBTI adolescents aged 15 to 17 years. We also applied appropriate weighting methods.\*

*\* FRA used the same weighting process for both survey datasets to achieve methodologically sound and comparable samples. This means that the datasets we used for this comparison are different than the ones used for the 2012 survey publication and for the 2019 survey analysis in the other chapters of this report. Therefore, the comparative chart figures for specific phenomena, for example discrimination, may slightly vary from those in the other chapters, as they concern different samples on the basis of which they were calculated in the two different instances (for trend comparisons and for survey analysis).*

Discrimination remains an issue in a broad range of areas of life asked about in the survey, such as in employment, at a café, restaurant, bar or night club, in healthcare or social services, at school or university, in housing, at a shop, or when showing an identification document. The data show that:

- Overall, in 2019 more LGBT respondents (43 %) felt discriminated against in the 12 months before the survey in all areas of life that the survey asked about than did so in 2012 (37 %).
- This difference is markedly more pronounced for trans respondents (2012 survey: 43 %; 2019 survey: 60 %).

**Figure 1: Respondents who felt discriminated against due to being LGBT when looking for work in the 12 months before the survey (2012 and 2019), EU-28 and by group (%)<sup>a,b</sup>**



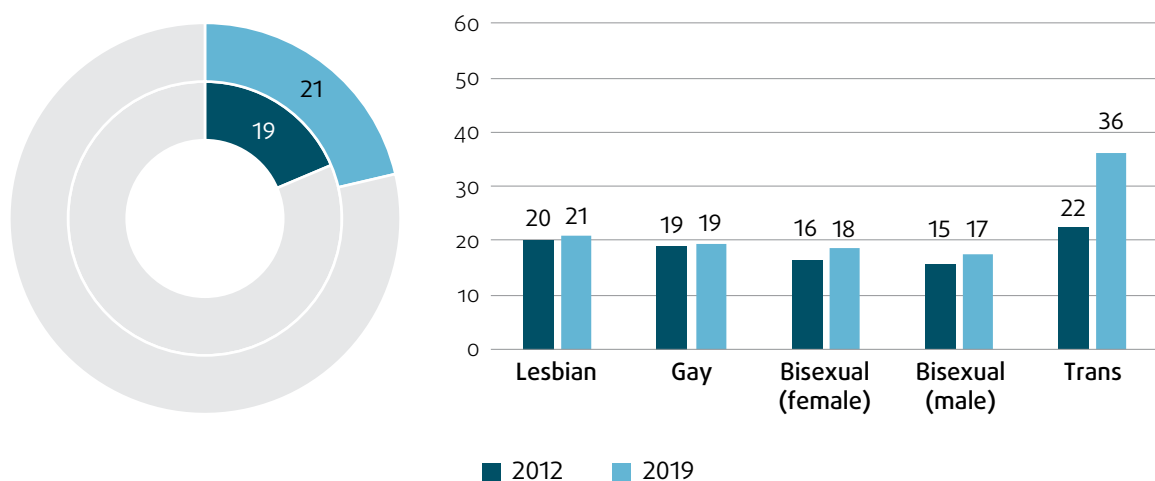
Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of LGBT respondents aged 18+ of the 2019 Survey II, and of all LGBT respondents of the 2012 Survey I, who had been looking for a job during the 12 months before the survey (2012 n =37,843, 2019 n=60,697); weighted results.

<sup>b</sup> Question 2019: "C1. During the last 12 months, have you personally felt discriminated against because of being [category on the basis of A3 or A4] in any of the following situations::A. When looking for a job."

Source: FRA, EU-LGBTI I (2012) and EU-LGBTI II (2019)

**Figure 2: Respondents who felt discriminated against at work due to being LGBT in the last 12 months before the survey (2012 and 2019), EU-28 and by group (%)<sup>a,b</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of LGBT respondents aged 18+ of the 2019 Survey II, and of all LGBT respondents of the 2012 Survey I, who had been at work during the 12 months before the survey (2012 n =68,996, 2019 n=83,816); weighted results.

<sup>b</sup> Question 2019: "C1. During the last 12 months, have you personally felt discriminated against because of being [category on the basis of A3 or A4] in any of the following situations: At work."

Source: FRA, EU-LGBTI I (2012) and EU-LGBTI II (2019)

- The share of respondents who felt discriminated at a café, restaurant, bar or night club rose to 26 % in 2019 from 18 % in 2012.
- The proportion of respondents who reported to an equality body or any other organisation the most recent discrimination incident in any area of life is slightly higher in 2019 (13 %) than in 2012 (10 %).

The two surveys measured differently harassment and violence motivated by an assumption that the victim is LGBTI. In the second wave, some of the questions were slightly adjusted to improve the accuracy of the information provided. Nevertheless, when looking at the responses to these questions, it is difficult to see progress.

- In 2019, most LGBT respondents (58 %) said that they experienced over the past five years harassment in the form of offensive or threatening situations at work, on the street, on public transport, in a shop, on the internet or anywhere else, including offensive or threatening incidents of a sexual nature.
- In 2012, 45 % of LGBT respondents said that they had been personally harassed in the five years before the survey by someone or a group for any reason in a way that really annoyed, offended or upset them at work, at home, on the street, on public transport, in a shop, in an office or on the internet.
- In 2019, 5 % of LGBT respondents said that they had been physically or sexually attacked, excluding threats of violence, with higher rates among trans respondents.
- In 2012, the same share (5 %) of LGBT respondents said that they had been physically or sexually attacked or threatened with violence in the year before the survey.
- In 2019, a slightly smaller proportion (14 %) of LGBT respondents said that they reported to the police the most recent hate-motivated incident of physical or sexual attack – excluding ‘threats of violence’.
- In 2012, 17 % of LGBT respondents said that they reported the most recent hate-motivated violent incident of physical or sexual attack or threat of violence against them to the police.

## Change in social attitudes over past five years

*“In my opinion, the situation has improved significantly over the last few decades. The laws have also been adapted in many places (opening of marriage, third-gender regulations, etc.)” (Germany, Gay man, 33)*

The 2019 survey also asked respondents about their views on any increase or decrease in prejudice or intolerance against LGBTI people in the past five years. The results provide a mixed picture.

- Four in 10 respondents (40 %) across all groups say that prejudice and intolerance against LGBTI people has decreased ‘a little’ or ‘a lot’ in their country. Gay men (42 %) and bisexual men (45 %) and women (42 %) are more likely to perceive an improvement. However, a lower proportion of trans and intersex respondents think this (31 % and 29 %, respectively).
- On the other hand, one in three LGBTI respondents (36 %) say that prejudice and intolerance increased ‘a little’ or ‘a lot’. This only partly corresponds to the findings of the recent Special Eurobarometer 493, which indicates that social acceptance of LGBTI persons among the general population has increased in most EU Member States.<sup>4</sup>
- There are important differences among the countries surveyed. For instance, in Ireland, Malta and Finland, over 70 % of respondents perceive a decrease in intolerance. In Poland and France, most respondents said that intolerance has increased overall (68 % and 54 %, respectively).

Respondents were also asked if they believe violence against LGBTI people has increased or decreased in their country over the past five years.

- More than four in 10 respondents (43 %) think that violence against LGBTI people increased ‘a little’ or ‘a lot’ in their country.
- One third (33 %) believe violence has stayed the same.
- Again, results vary considerably between countries. For example, about two thirds or more of all LGBTI respondents in France (73 %) and Poland (66 %) believe violence has overall increased. In contrast, 70 % of respondents in Malta and 59 % in Ireland believe violence has overall decreased in the past five years.

<sup>4</sup> Special Eurobarometer 493 (2019) *Discrimination in the EU*.



## Factors affecting progress

*“Two things are in my view crucial for improving situation of queer people in the EU: increase their visibility and eliminate hate speech from opinion makers (politicians, church representatives).” (Czechia, Lesbian woman, 39)*

The survey asked respondents to select, among a range of factors, those they believe either contributed to an increase or to a decrease in prejudice, intolerance or violence against LGBTI people.

Among those who say that the situation in their country has improved in the past five years, most believe that a major factor is the ‘visibility of LGBTI people and their participation in everyday life’. Respondents also selected ‘positive changes in law and policy’ and ‘support by public figures, community leaders and civil society’ as relevant factors.

Most of the respondents who say that the situation has deteriorated see the main contributing factors as ‘negative public discourse by politicians and/or political parties’, as well as ‘lack of support by civil society’ and ‘lack of enforcement of existing law and policies’ or ‘lack of support by public figures and community leaders’ and of visibility of LGBTI persons.<sup>5</sup>

*“Our community needs much more support, especially from politicians, the media and, last but not least, the police. Their blind eye for homophobia is probably a major problem. If homophobia does not start to be punished, we will not move further.” (Slovakia, Lesbian woman, 39)*

## Satisfaction with government efforts

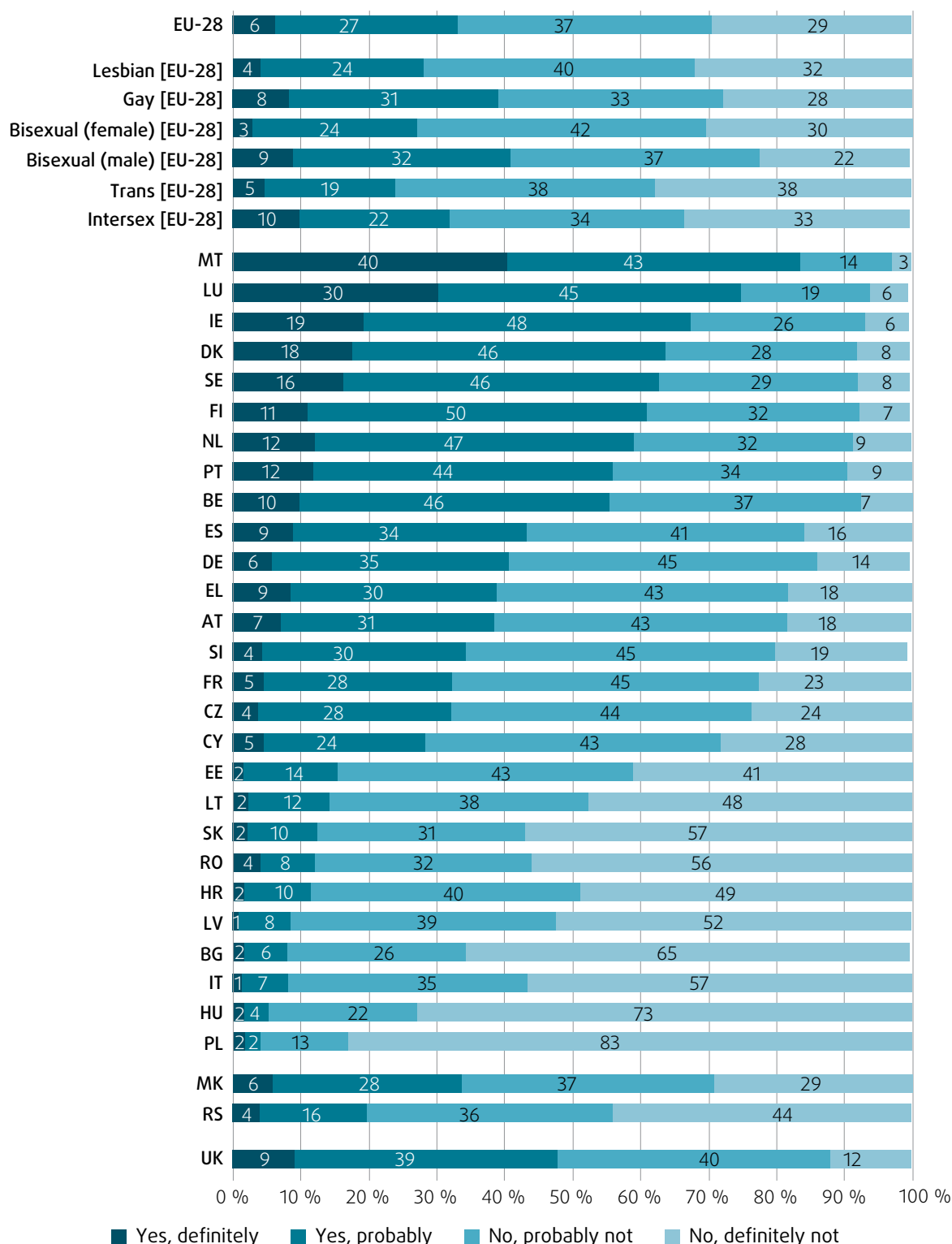
The survey then asked respondents to assess how their government responded to prejudice and intolerance against LGBTI people. These findings can be particularly useful to policymakers and civil society when they design measures to improve the visibility of LGBTI people in everyday life and protect their fundamental rights.

- Overall, across the EU, one third of respondents (33 %) believe their national government combats effectively prejudice and intolerance against LGBTI people definitely or probably. This proportion is lower for trans respondents (24 %).
- The differences between countries, however, are striking. In nine Member States, the majority of respondents, which is as high as 83 % in Malta, say that the government in their country combats definitely or probably effectively prejudice and intolerance. In contrast, in 10 Member States, this proportion is lower than 20 %, dropping to a low of 4 % in Poland.
- FRA’s LGBTI Survey Data explorer provides more insights and a fuller picture of the situation in different EU Member States.

*“The general atmosphere in Poland has changed drastically over the past years in terms of perception of LGBT and environments. State officials praise their intolerance by announcing more and more new areas of the country “free from LGBT”. I have no confidence in the police and the courts in these matters. I am more than sure that in the event of some problems with my orientation, he was first treated with ironic disgust, humiliated and then ignored systemically.” (Poland, Gay man, 39)*

<sup>5</sup> On 18 December 2019, the European Parliament adopted a resolution on public discrimination and hate speech against LGBTI people, including LGBTI free zones. The Parliament expressed “deep concern at the growing number of attacks against the LGBTI community that can be observed in the EU, coming from states, state officials, governments at national, regional and local levels, and politicians”. The resolution further states: “[The European Parliament] strongly condemns any discrimination against LGBTI people and their fundamental rights by public authorities, including hate speech by public authorities and elected officials, in the context of elections, as well as the recent declarations of zones in Poland free from so-called ‘LGBT ideology’, and calls on the Commission to strongly condemn these public discriminations”.

**Figure 3: LGBTI respondents who think the government in the country they live in combats effectively prejudice and intolerance against LGBTI people (2019)**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all 2019 LGBTI survey respondents (n=139,799 and EU-28 n=137,508); weighted results.

<sup>b</sup> Question: "Do you think the government in [COUNTRY] combats effectively prejudice and intolerance against LGBTI people? 1. Yes, definitely, 2. Yes, probably, 3. No, probably not, 4. No, definitely not."

Source: FRA, EU LGBTI II 2019



## Progress across generations: experiences at school

The survey asked respondents about their positive and negative experiences as LGBTI persons when they were at school. Comparing the responses across different age groups provides a useful snapshot of how things have developed over a long period of time.

Younger respondents who were at school in the recent past more frequently experienced positive support and protection during their time at school than respondents who went to school long ago. For instance, almost half of the respondents aged 15 to 17 (48 %) say that in school someone has always or often supported, defended or protected them and their rights. This proportion drops to a third (33 %) for respondents aged 18 to 24. It drops to 13 % for those aged 25 to 39, and to 7 % for those 40 and over.

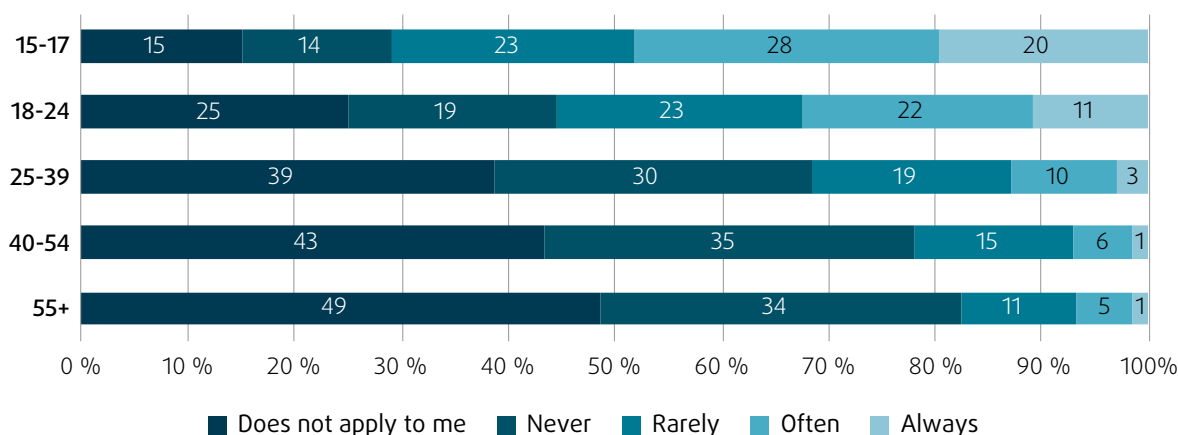
The majority of those aged 25 and over say either that they have never experienced such positive support or that it does not apply to them. The proportion of respondents who indicate that this did not apply to

them increases with age: from 15 % for those aged 15 to 17, to 25 % for respondents aged 18 to 24, to 39 % for those aged 25 to 39, to 43 % for those between 40 and 54, and 49 % for those over 55. This could indicate that across generations progressively fewer respondents are hiding being LGBTI at school.

*“I want my child to feel good when he starts school and my sexual orientation is not an obstacle in his life.”*  
(Bulgaria, Lesbian woman, 39)

The positive trend described above is partly reflected in responses to a question about how schools address LGBTI issues over generations. Among respondents aged 40 and over, 82 % to 86 % say that LGBTI issues were not addressed at school. This decreases to 47 % for those aged 15 to 17. This indicates that LGBTI issues are gradually being addressed more in schools. Such issues are progressively addressed more positively than before. Survey respondents aged 15 to 17 say LGBTI issues were addressed during their school education in a positive way in 13 % of the cases, in 19 % in a neutral and balanced way, and 10 % in both positive and negative ways. Only 10 % of the LGBTI respondents aged 15 to 17 say that such issues are addressed negatively today at school.

**Figure 4: Respondents who say that, during their time in school, someone supported, defended or protected them and their rights as L,G,B,T or I person, by age group (EU-28, Serbia and North Macedonia)(%)**



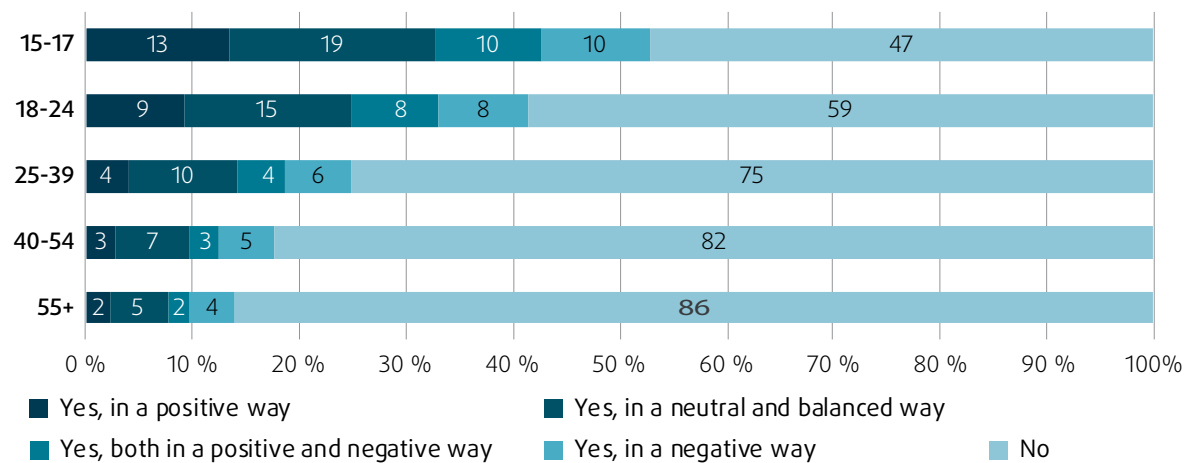
Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in EU-28 who provided a questionnaire that passed the quality criteria (n = 139,799); weighted results.

<sup>b</sup> The presented percentages refer to respondents who answered ‘never’, ‘rarely’, ‘often’, ‘always’ or ‘does not apply to me’ to question C10: “During your time in school in [COUNTRY] Has anyone supported, defended or protected you and your rights as [RESPONDENT CATEGORY] person?”

Source: FRA, EU LGBTI II 2019

**Figure 5: Respondents who say their school education at some point addressed LGBTI issues, by age group (EU-28, %)**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); weighted results.

<sup>b</sup> The presented percentages refer to respondents who answered the question C10\_1: "Did your school education address at any point LGBTI issues? 1. Yes, in a positive way, 2. Yes, both in a positive and negative way, 3. Yes, in a neutral and balanced way, 4. Yes, in a negative way, 5. No"

Source: FRA, EU LGBTI II 2019



# 1

## Key findings and FRA opinions



Drawing on the survey findings and building on FRA work, FRA has formulated the following opinions. They aim to support EU and national policymakers in introducing and implementing comprehensive and effective legislative and non-legislative measures to respect and safeguard the fundamental rights of LGBTI people.

In 2013, FRA formulated a range of opinions based on the results of the first EU LGBT survey. Many of these opinions remain relevant, given that the comparison of the results from the two surveys do not show the progress expected.

### Stepping up efforts to tackle harassment and violence against LGBTI people

Significant proportions of people continue to experience harassment and violence because of being LGBTI. Only few LGBTI people report such incidents to the police or any other organisation.

A majority of LGBTI respondents (58 %) say that they experienced, during the five years before the survey, harassment in the form of offensive or threatening situations – including incidents of a sexual nature – at work, on the street, on public transport, in a shop, on the internet, or anywhere else.

Fewer than one in seven (14 %) LGBTI respondents say that they reported to the police the most recent hate-motivated physical or sexual attack. Only one in

10 (10 %) reported harassment incidents to the police or any other organisation.

The effective implementation of EU law – reflecting the spirit of the Victims’ Rights Directive – entails encouraging victims to report hate crimes to the police, as well as ensuring that the police properly record any bias motivation at the time of reporting. Doing so will not only support the investigation and prosecution of hate crime and hate speech targeting LGBTI people, but will also provide the basis for more effective victim support.

The Victims’ Rights Directive requires that victims of hate crime receive an individual assessment. This should identify their specific protection needs, taking into account their personal characteristics, including gender identity or expression and sexual orientation. Recitals 9, 17 and 56 explicitly refer to these characteristics. The directive provides for confidential victim support services available to all crime victims free of charge. It also mandates that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims. The training should enable them to deal with victims in an impartial, respectful and professional manner.

The Framework Decision on Racism and Xenophobia does not cover sexual orientation, gender identity, gender expression or sex characteristics. However, when transposing this Framework Decision into their national criminal law provisions, many EU Member States included all or some of these protected characteristics in the list of aggravating bias motivations that qualify a crime as a hate crime.

#### FRA opinion 1

*Drawing on practice in a number of Member States, other Member States could consider to include sexual orientation, gender identity, gender expression, and sex characteristics as aggravating bias motivations that qualify a crime as a hate crime. This would both protect LGBTI persons against hate crimes and hate speech more effectively, and follow the increasing trend of extending, in national legislation, the characteristics of victims that are protected by hate crime provisions.*

*EU Member States should ensure that any alleged hate crime against LGBTI persons is effectively recorded and investigated. National authorities should provide police officers with detailed guidance containing descriptions of bias indicators and a monitoring definition of hate crime, as FRA has outlined in its 2018 report on [Hate crime recording and data collection practice across the EU](#).*

#### FRA opinion 2

*To remove barriers to reporting, and in line with the overall goals of the Victims' Rights Directive, EU Member States should step up efforts to enhance trust between LGBTI people and law enforcement. This could be achieved, for example, by deploying dedicated liaison officers and providing training on how to better recognise, assist and support victims of anti-LGBTI hate crimes. Civil society organisations should be involved in the training to better integrate the victim's perspective.*

*Member States could consider means to further encourage and facilitate the reporting of hate crimes and hate speech by LGBTI victims, pursuing a more effective implementation of the Victims' Rights Directive. They could achieve this by, for example, using 'on-line reporting' or 'third party reporting' tools that allow LGBTI victims to seek assistance from civil society organisations.*

## Ensuring that nobody feels a need to hide their sexual orientation or gender identity

The extent to which LGBTI people feel compelled to hide their sexual orientation or gender identity remains alarmingly high. Over half of LGBTI people surveyed are almost never or rarely open about being LGBTI. Less than a quarter say that they are very open. Younger LGBTI respondents are even less open: only 12 % of those aged 18 to 24, and 5 % of those aged 15 to 17, are very open. By comparison, 36 % of those aged 55+ are very open.

A majority of respondents (61 %) always or often avoids even simple displays of affection in public, such as holding hands. One in three (33 %) often or always avoid certain places for fear of being assaulted, threatened or harassed.

The survey also reveals that experiencing physical or sexual attacks is more common for trans and intersex respondents (17 % and 22 %, respectively, in the five years before the survey), compared with the average for all respondents (11 % in the EU-28).

No one should feel a need to hide their identity to avoid discrimination or hate in the EU, which is founded on values common to its Member States. These include respect for human dignity, freedom, equality, and respect for human rights, including the rights of persons belonging to minorities. The pressure experienced to hide one's identity affects fundamental rights, such as the rights to dignity, equality, and freedom of expression enshrined in the EU Charter of Fundamental Rights and the European Convention of Human Rights.

#### FRA opinion 3

*EU Member States are urged to adopt and implement comprehensive action plans and strategies that promote respect for LGBTI rights in all areas of life. This would allow LGBTI persons to enjoy the same freedoms – particularly in public – that heterosexuals take for granted. Special consideration should be given to trans and intersex persons, as well as LGBTI children and youth – given the particular challenges they face, as shown in this report. In this context, Member States should engage all levels of government, in particular local authorities, as it is in daily interactions in public space, schools and the workplace that human rights are fulfilled in practice.*

## Creating a safe and supportive environment at school for LGBTI children and young people

The survey results suggest that, across generations, progressively fewer young respondents hide being LGBTI at school. They also indicate that LGBTI issues are gradually being addressed more – and more positively – in education. The proportion of respondents who say that LGBTI issues were not addressed decreases by age, from 86 % for those aged 55+, and 82 % for those aged 40 to 54, to 47 % for those aged 15 to 17.

Six in 10 adolescent LGBTI respondents aged 15 to 17 said that, at school, they have heard or seen someone support, protect or promote the rights of lesbian, gay, bisexual, trans and/or intersex persons. One in three said that their school education at some point addressed LGBTI issues positively or in a neutral and balanced way. In contrast, only one in twelve respondents aged 55 and over said that this was the case when they were at school.

At the same time, school still is far from a safe place for LGBTI students. The majority of respondents aged 15 to 17 have experienced discrimination in some area of life (53 %). Of such respondents, 45 % felt discriminated against at school. These data differ significantly among Member States. Therefore, school can play a key positive or negative role.

Childhood and adolescence are essential phases in a person's development. The rights of the child (Article 24), the right to non-discrimination (Article 21) and the right to education (Article 14) are guaranteed by the EU Charter of Fundamental Rights. Article 3 (3) of the Treaty on European Union establishes the objective for the EU to promote protection of the rights of the child.

Most EU Member States have gone beyond the minimal EU standards to provide LGBTI people with better protection against discrimination. The proposed 'horizontal' Equal Treatment Directive would close the gap in protection against discrimination by covering all areas of life, including education, building on the value of pluralism enshrined in Article 2 of the Treaty of the EU.

General Comment No. 13 of the UN Committee on the Rights of the Child on the right of the child to freedom from all forms of violence specifically refers to bullying. It underlines that this may come in various forms, including via information and communication technologies (ICTs), and can be psychological as well as physical in nature. The importance of countering bullying is obvious in the context of LGBTI children, given that a high proportion is likely to experience negative comments and/or behaviour.

The EU Member States can improve their education action plans following the Council of Europe Strategy for the Rights of the Child (2016-2021) on non-discrimination, the right to be heard, protection from violence, and the right to the child's physical, mental, spiritual, moral, psychological and social development. They can also build on the Paris Declaration of 2015 and the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education of 2010.

According to international human rights law, states should undertake educational and awareness-raising programmes aimed at promoting and enhancing all human rights by all persons, regardless of sexual orientation or gender identity; and take all appropriate action, including education and training programmes,

with a view to eliminating prejudicial or discriminatory attitudes or behaviours.

#### FRA opinion 4

*Within the framework of programmes such as Erasmus+, the EU could:*

- *Encourage and support EU Member States to ensure that all educational settings, in particular schools, provide a safe and supportive environment, free from bullying and violence, for all LGBTI children and young people. This could include the development and implementation of measures, in close cooperation with teachers and school administrations, that address bullying of LGBTI students and teachers.*
- *Encourage and support Member States to consider revising educational and training curricula and materials so they do not present LGBTI persons in connotation with pathology, which risks to misinform and fuel hatred and victimisation against them. They should also conform to human rights standards and the World Health Organisation's definition, revising them where necessary. Equality bodies and Ombuds institutions, as well as civil society organisations, could be involved in these reforms.*
- *Encourage and support Member States to develop peer learning among schools and education professionals, including sharing educational good practices, to tackle homophobic and transphobic bullying.*

## Implementing rigorously the Employment Equality Directive

Twenty years after the adoption of the Employment Equality Directive, employment continues to be an area of life where LGBTI people experience high rates of discrimination. In the year before the 2019 survey, 21 % of respondents felt discriminated against at work. By comparison, 19 % said they did so in the 2012 survey. Moreover, 10 % feel discriminated against when looking for work; in the 2012 survey, 13 % did so. One in four (26 %) respondents hide being LGBTI at work.

However, a look at the two FRA LGBT(I) surveys (in 2012 and 2019) shows that more discrimination incidents at work are being reported to an equality body or any other organisation: 17 % of the most recent incidents were reported in 2019, compared to 13 % in 2012.

#### FRA opinion 5

*To tackle more effectively discrimination in employment on grounds of sexual orientation, gender identity and expression, and sex characteristics, EU Member States should consider developing comprehensive action plans. These should involve all necessary stakeholders, including labour inspectorates, trade unions, employers' organisations and civil society organisations. The action plans could include measures such as discrimination testing, diversity audits, diversity management training, and promoting adhering and committing to **diversity charters**. Member States should consider leading by example by applying these measures within their own public administrations.*

## Tackling discrimination against LGBTI people in all areas of life

Discrimination on grounds of sexual orientation, gender identity and sex characteristics is widespread in many areas of life. More than a third (37 %) of respondents felt discriminated against in areas of life other than work. People experience discrimination at school, when looking for housing, when accessing healthcare or social services, as well as in shops, at cafés, restaurants, bars or nightclubs. The rates are highest for trans (55 %) and intersex (59 %) respondents. Among the different areas of life asked about, other than work, the highest share of respondents (22 %) felt discriminated against in a café, restaurant, bar or nightclub.

The principle of non-discrimination lies at the heart of EU policy and legislation. But the EU legal framework does not address equally all groups of the LGBTI acronym. Sexual orientation is included in Article 19 of the Treaty on the Functioning of the EU (TFEU) and Article 21 of the EU Charter of Fundamental Rights. Gender identity and sex characteristics are not.

In some cases, transgender and intersex people can rely on the protection against discrimination on grounds of sex. However, so far this protection is limited to people who underwent, are undergoing, or intend to undergo gender reassignment, according to the case law of the Court of Justice of the EU (CJEU). Member State approaches in this regard diverge. An explicit reference to gender identity and sex characteristics in anti-discrimination law would ensure more comprehensive protection, based on self-determination and not dependent on medical transition, and capturing the individual's lived experience.

The Employment Equality Directive protects against discrimination on grounds of sexual orientation, but

only in the area of employment and occupation. The proposed Equal Treatment Directive would extend protection against discrimination on sexual orientation to the areas of social protection, social advantages, education and access to supply of goods and services, including housing. However, after 11 years of negotiations in the Council of the EU, this legal proposal remains in deadlock.

In the absence of more comprehensive EU legislation, a majority EU Member States have gone beyond the minimal EU standards. They have expanded the scope of equality laws (as regards sexual orientation) beyond the field of employment and occupation, and have explicitly included gender identity and/or sex characteristics as protected grounds.

#### FRA opinion 6

*The EU should adopt the proposed Equal Treatment Directive without further delay. This would ensure that EU legislation offers comprehensive protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in key areas of life currently not covered by EU legislation.*

## Supporting victims effectively to encourage reporting

Few LGBTI people report the discrimination they experience. This happens even though many Member States have equality bodies mandated to independently assist victims of discrimination in pursuing their complaints on different grounds, including on grounds of sexual orientation, gender identity and sex characteristics. The majority of respondents (61 %) know that their country has an equality body. Still, only 11 % of most recent incidents of discrimination were reported to the country's equality body or some other organisation. When asked why they do not report such incidents, victims of discrimination most frequently say that they think nothing would change if they reported them. This suggests that equality bodies are inefficient or insufficiently mandated and resourced to be effective.

In this regard, the European Commission in its [Recommendation of June 2018 on standards for equality bodies](#) asked Member States to take into consideration several aspects concerning the submission of complaints. These include access and accessibility, such as ensuring that it is possible to submit complaints to equality bodies orally, in written form and on-line, in a language of the complainant's choosing which is common in the Member State where the equality body is located; ensuring that the procedure to submit complaints to equality bodies is simple and free of charge; and, providing for



an obligation for equality bodies to offer confidentiality to witnesses and whistle-blowers and, as far as possible, to complainants about discrimination.

#### FRA opinion 7

*EU Member States should ensure that equality bodies are adequately mandated and resourced to fulfil their role in line with the European Commission's Recommendation on standards for equality bodies. Moreover, equality bodies should step up outreach activities, including in educational settings, to inform the general public, LGBTI people and organisations about the protection provided by law and the support they can offer to victims.*

## Confronting multiple and intersectional discrimination

People may experience discrimination based on multiple grounds. For example, a lesbian woman may face discrimination both as a lesbian and as a woman, or as a member of a religious group. Four in 10 respondents to the survey (40 %) who self-identify as members of an ethnic minority or have an immigrant background indicate ethnic origin or immigrant background as an additional ground for discrimination (besides being LGBTI). Some 15 % indicated their skin colour as an additional ground for discrimination. More than a third of respondents (36 %) who identify themselves as persons with disabilities indicate disability as an additional ground. Of those who belong to a religious minority, 28 % indicate religion as an additional ground.

The European Parliament in its 2016 Resolution on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'), called on the Member States and the Commission to combat all forms of multiple discrimination and to ensure application of the principle of non-discrimination and equal treatment in the labour market and in access to employment, increasing monitoring of the intersectionality between gender and other grounds in cases of discrimination and in practices.

Addressing discrimination from the perspective of a single ground fails to tackle adequately various manifestations of unequal treatment. The European Court of Human Rights (ECtHR) clearly applies a multiple-grounds approach, even if it does not use the terms multiple or intersectional discrimination. A person at the intersection of two grounds experiences disadvantage and discrimination that is qualitatively different from either of the two grounds taken alone. The current case law highlights the limits of EU equality

legislation, which does not explicitly recognise intersectional discrimination.

#### FRA opinion 8

*The EU should ensure that any new legislation proposed or adopted in the area of equality explicitly refers to multiple and intersectional discrimination.*

*EU Member States should acknowledge and address multiple and intersectional discrimination experienced by LGBTI people when they develop and implement legal and policy instruments to combat discrimination, foster equal treatment and promote inclusion.*

*Member States should ensure that national equality bodies and human rights institutions have the mandate and resources necessary to effectively combat intersectional discrimination.*

## Requiring full, informed consent for medical interventions on intersex people

Intersex people face particularly grave violations of their rights to physical and psychological integrity. In Europe, there are no comprehensive statistical data on medical treatments or surgeries performed on intersex children.

According to FRA data, only two Member States prohibit medical intervention on intersex babies without consent. Parents are usually not sufficiently informed and aware of the consequences of their decision. Most intersex survey respondents (62 %) say they did not provide – and were not asked for – their own or their parents' fully informed consent before their first surgical intervention to modify their sex characteristics (which can take place at different ages). Almost half of the intersex respondents (49 %) say that fully informed consent was not provided for hormonal treatment, or for any other type of medical treatment.

The EU Charter of Fundamental Rights enshrines the right to integrity, and stresses that the free and informed consent of the person must be respected (Article 3 – Title I 'Dignity'). A 2019 European Parliament resolution strongly condemns 'sex-normalising' treatments and surgery and calls for breaking the stigma against intersex people. In 2017, the Council of Europe Parliamentary Assembly called on Council of Europe member states to prohibit medically unnecessary 'sex-normalising' surgery, sterilisation and other treatments practised on intersex children without their/their parents' informed consent, and to provide intersex people with adequate health care and psychosocial support.

The World Health Organisation in the 11<sup>th</sup> revision of the International Classification of Diseases (ICD)<sup>11</sup> partially de-pathologised trans identities, removing them from 'disorders of sex development'.

#### FRA opinion 9

*The EU could encourage all EU Member States to ensure, in cooperation with medical associations, healthcare service providers and unions of healthcare professionals, that intersex people, or parents taking care of intersex children, are always fully informed about the consequences of any medical intervention before giving their consent. Legal and medical professionals should be better informed of the fundamental rights of intersex people, particularly children. Member States should avoid 'sex-normalising' medical treatments on intersex people without their free and informed consent.*

*Gender markers in identity documents and birth registries should be reviewed to better protect intersex people.*





# 2

## What do the results show?



### 2.1. Living openly as a lesbian, gay, bisexual, trans or intersex person

#### KEY FINDINGS

- Half (53 %) of LGBTI respondents are almost never or rarely open about being LGBTI.
- Most respondents (61 %) always or often avoid holding hands with their same-sex partners.
- One in three respondents (33 %) always or often avoid certain places or locations for fear of being assaulted, threatened or harassed because they are LGBTI.
- 37 % of respondents aged 15 to 17 are almost never open about being LGBTI.

This section presents survey findings on the extent to which respondents are open about being LGBTI in everyday life, including at school. It also outlines results on life satisfaction. Finally, it discusses aspects affecting the freedom of movement of same-sex couples and their families.

#### A matter of rights: dignity, liberty, security and expression

The EU Charter of Fundamental Rights provides that human dignity must be respected and protected (Article 1). It also protects the right to liberty and security (Article 6), and the right to freedom of expression (Article 11).

#### 2.1.1. Openness in everyday life

Many LGBTI people feel compelled to hide their sexual orientation or gender identity, or to avoid certain situations, out of fear of violence, harassment or discrimination.

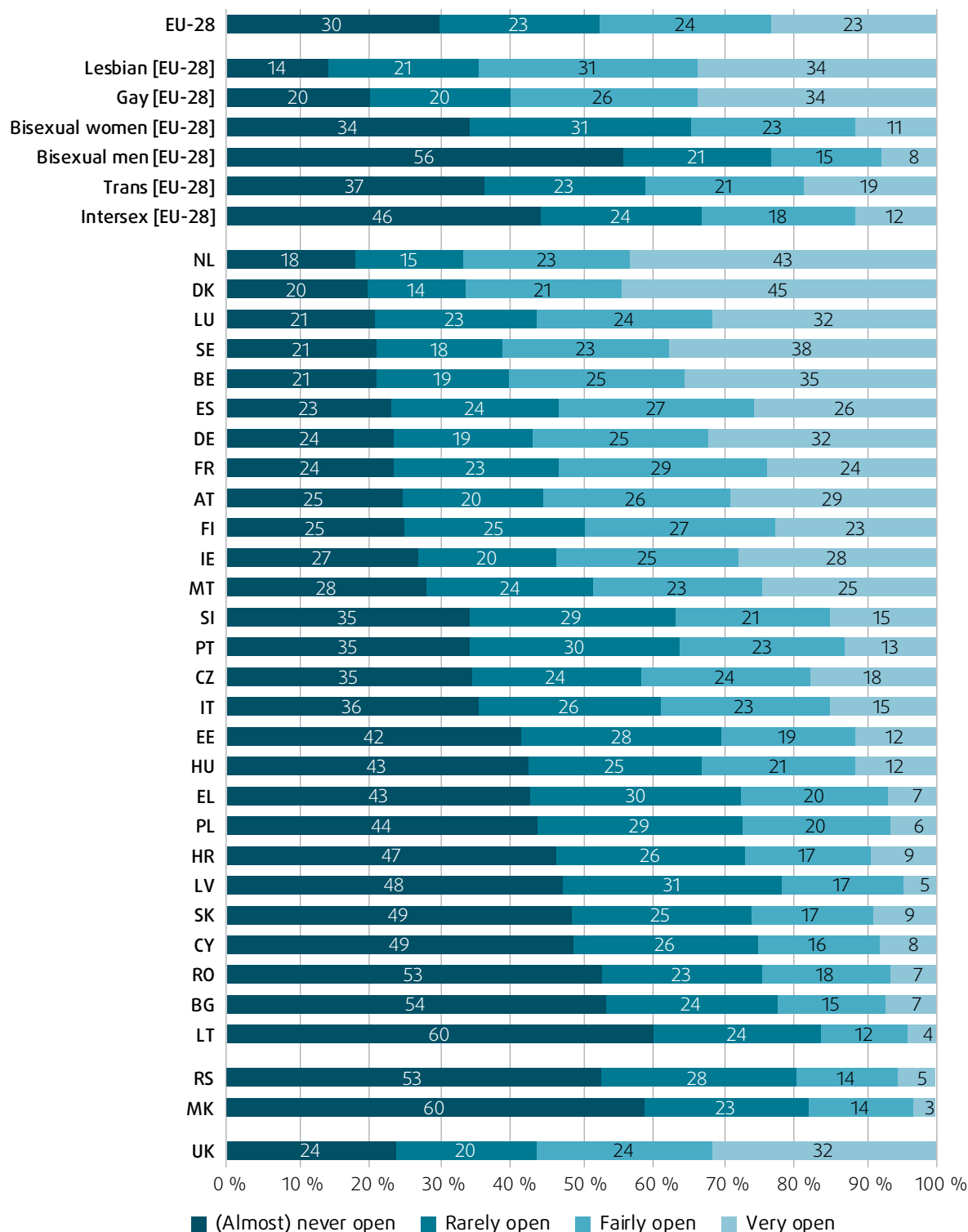
*“We deserve to feel safe in our country without being afraid to hold hands with our spouse. Today, this is not a reality.” (France, Gay man, 21)*

Less than a quarter (23 %) of the respondents say that they are very open.<sup>6</sup> Younger LGBTI respondents are even less open: only 12 % of those aged 18 to 24 and 5 % of those aged 15 to 17 are very open. By comparison, 36 % of those aged 55+ are very open. Education also plays a role: LGBTI respondents with higher education levels (27 %) are almost twice as likely as those with lower education levels (14 %) to be very open.

The majority of respondents (61 %) always or often avoid even simple displays of affection – holding hands – in public. One in three (33 %) always or often avoid certain places for fear of being assaulted, threatened or harassed.

<sup>6</sup> The survey asked respondents to which extent they are open about being LGBTI to different people, such as family members, friends, colleagues, etc. It calculated four levels of ‘openness’: very open, fairly open, rarely open, and almost never open.

Figure 6: Respondents' levels of openness about being LGBTI, by group and country (%)<sup>a,b</sup>



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who provided a valid answer of at least one sub-question from battery G1 (n = 139,363; in EU, n = 137,085); weighted results.

<sup>b</sup> The presented percentages are based on answers to question G1: "To how many people among the following groups are you open about yourself being [RESPONDENT CATEGORY]? (A. Family members (other than your partner(s)); B. Friends; C. Neighbours; D. Work colleagues; E. Schoolmates / University co-students; F. Immediate superior/head of department; G. Customers, clients, etc. at work; H. Medical staff/health care providers".

Source: FRA, EU-LGBTI II 2019

The results show differences among the countries surveyed. In five, the majority of respondents are almost never open about being LGBTI: Lithuania (60 %), North Macedonia (60 %), Bulgaria (54 %), and Romania and Serbia (both 53 %). The highest share of respondents who are very open about being LGBTI is found in Denmark (45 %) and the Netherlands (43 %). Among the different groups, bisexual men are more likely than other groups to almost never be open (56 %). This is especially true in Bulgaria (83 %) and North Macedonia (82 %).

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

*“We live in a world where we have to hide and establish fake relationships with all the people we know. Better to die.”* (Italy, Gay man, 27)

‘Avoidance behaviours’ include, for instance, not holding a same-sex partner’s hand in public or avoiding certain places. The results show important country differences regarding such behaviour. In 12 survey countries, 10 % or less of respondents say that they never avoid holding their same-sex partner’s hands in public. In seven countries, between 20 % and 26 % of respondents say they would never avoid such behaviour. The number is highest in Luxembourg (26 %), followed by Malta (25 %), Czechia and Finland (both 24 %), Austria and Denmark (both 22 %), and Sweden (20 %).

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

*“In the street, with my husband, we never hold hands, having probably internalized the potential homophobic look of others. And we never kiss in public.”* (France, Gay man, 46)

*“I just wish I didn’t have to think about which route is safe when I’m walking hand in hand with my girlfriend and wouldn’t feel the disapproving looks all the time.”* (Estonia, Lesbian woman, 21)

Almost half of the respondents to the 2012 survey (47 %) said they avoided certain places for fear of being assaulted, threatened or harassed because they are LGBT. In 2019, overall, one in three LGBTI respondents (33 %) said they always or often avoid certain places.<sup>7</sup>

The highest shares of respondents avoiding certain places are in Poland (79 %), North Macedonia (77 %) and Serbia (76 %). Meanwhile, the only country where the majority of respondents (53 %) never avoid certain places is Malta.

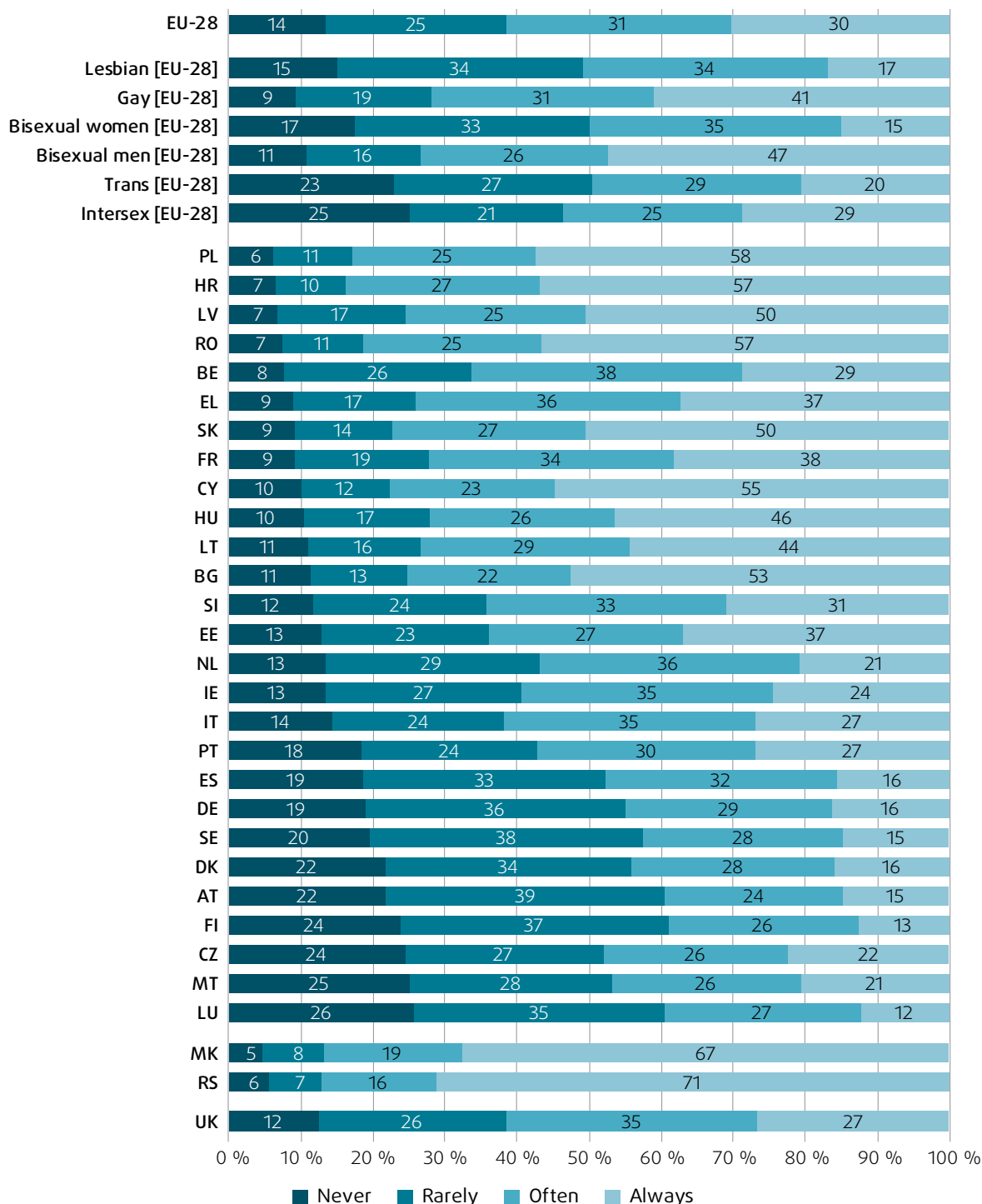
*“I want to be able to hold my partner’s hand without being afraid of people staring, screaming or acting threateningly.”* (Sweden, Trans man, 27)

Three in 10 respondents (30 %) aged 15 to 17 hide or disguise being LGBTI at school. Six in 10 (61 %) are selectively open. The highest numbers hiding being LGBTI at school are in Croatia (51 %) and Cyprus (47 %). The lowest shares do so in the Netherlands (16 %) and Malta (17 %).

*“High school [...] was hell after my relationship with a classmate was revealed. I think I will never forget some incidents and that all had a great impact on me at a fairly vulnerable age and period of my life.”* (Croatia, Bisexual woman, 24)

<sup>7</sup> In the 2012 survey, respondents could only reply ‘yes’ or ‘no’, while in the 2019 survey they could also indicate the frequency of avoiding certain places because of fear. This means that respondents who in the 2012 survey replied ‘no’, in the 2019 survey might have replied ‘rarely’ or ‘never’; and some who in 2012 replied ‘yes’ in the 2019 survey might have replied ‘rarely’. The two results are therefore not directly comparable.

**Figure 7: Respondents who avoid holding same-sex partner's hands in public for fear of being assaulted, threatened or harassed, by group and country (%)**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

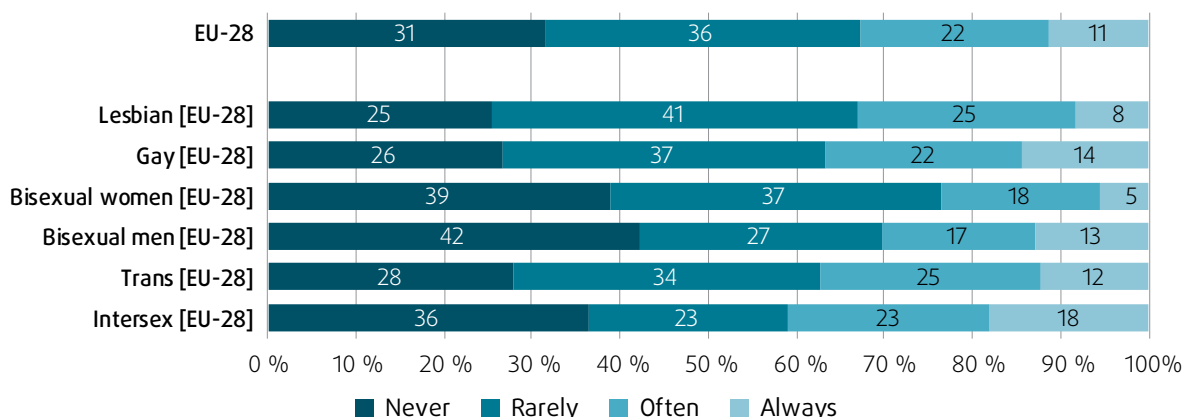
<sup>a</sup> Out of all respondents who have a same-sex partner and provided a valid answer to question D1 (n = 99,418; in EU n = 97,589); weighted results.

<sup>b</sup> The presented percentages are based on answers to question D1: "Do you avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed?"

<sup>c</sup> Besides 'never', 'rarely', 'often' and 'always', respondents could answer 'don't know'. The category 'don't know' is not included in the chart. For this reason, the sum of the categories may not equal 100. The percentage of respondents who answered 'don't know' did not exceed 0.8 % in any breakdown category in the chart.

Source: FRA, EU-LGBTI II 2019

**Figure 8: Respondents who avoid certain places or locations for fear of being assaulted, threatened or harassed because they are LGBTI, by group (%)**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

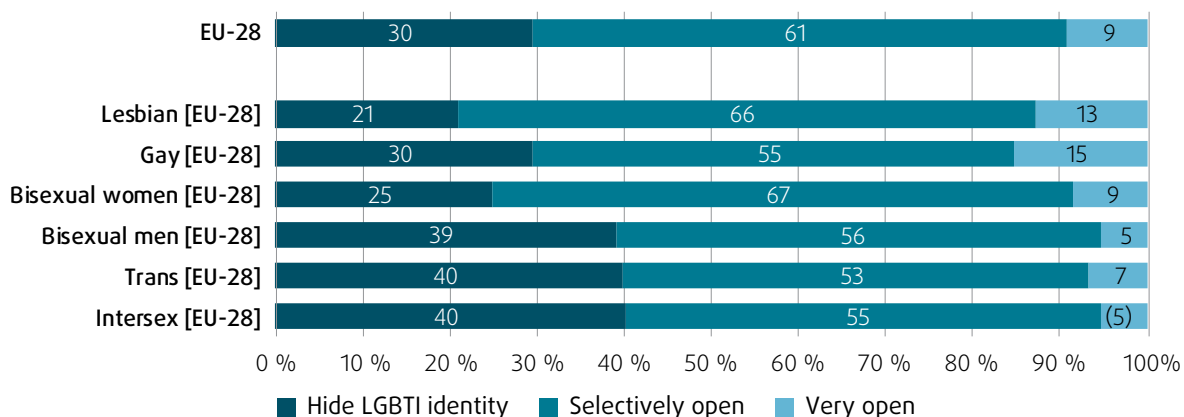
<sup>a</sup> Out of all respondents in the EU who provided a valid answer to question D2 (n = 137,508); weighted results.

<sup>b</sup> The presented percentages are based on answers to question D2: "Do you avoid certain places or locations for fear of being assaulted, threatened or harassed because you are [RESPONDENT CATEGORY]?"

<sup>c</sup> Besides 'never', 'rarely', 'often' and 'always', respondents could answer 'don't know'. The category 'don't know' is not included in the chart. For this reason, the sum of the categories may not equal 100. The percentage of respondents who answered 'don't know' did not exceed 0.65 % in any breakdown category in the chart.

Source: FRA, EU-LGBTI II 2019

**Figure 9: Respondents aged 15-17 who are very open, selectively open or who hide being LGBTI at school in EU-28, by group (%)**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in EU-28 aged 15-17 who provided valid answers to questions C8A and C8B (n = 17,904); weighted results.

<sup>b</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

<sup>c</sup> The presented percentages are calculated based on the percentages of respondents who answered question C8A: "During your time in school in [COUNTRY], did you Openly talk about you being [RESPONDENT CATEGORY] at school?"; and question C8B: "During your time in school in [COUNTRY], did you Hide or disguise that you were [RESPONDENT CATEGORY] at school?"

Source: FRA, EU-LGBTI II 2019

### 2.1.2. Life satisfaction

One of the indicators the OECD uses to evaluate people's well-being is 'life satisfaction'.<sup>8</sup> The survey asked respondents to rate their satisfaction with life on a scale from 0 to 10; 0 means 'very dissatisfied' and 10 means 'very satisfied'. There are cultural differences in the way people perceive 'life satisfaction', so the differences in 'satisfaction' between countries should be interpreted with caution.

Overall, the LGBTI survey shows that life satisfaction of LGBTI respondents across the EU averages 6.5. Gay men and lesbian women have the highest average satisfaction levels at 6.7. Trans and intersex respondents have the lowest: both 5.6. There are considerable country differences. For example, respondents living in the Netherlands, Denmark and Austria are on average more satisfied with their lives (7.1). Those living in North Macedonia (5.0) and Poland (5.1) are the least satisfied.

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

Openness about being LGBTI appears to affect life satisfaction. Respondents who are never open about being LGBTI are on average less satisfied with their lives (5.7) than those who are rarely open (6.1), fairly open (6.6) or very open (7.5). Moreover, respondents who felt discriminated in at least one area of life on average have lower life satisfaction (5.9) than those who have not felt discriminated (6.9).

FRA also compared its 2019 survey results on life satisfaction with the results of Eurofound's European Quality of Life Survey (EQLS) 2016, covering the general population and respondents aged 18 years or older. On average, LGBTI people across the EU are only slightly less satisfied with their lives (6.5) than the general population (6.8). However, there are some country differences. For example, in Poland, LGBTI respondents are less satisfied with their lives than the general population by 1.7 points. By contrast, LGBTI respondents in – for example – Greece, Bulgaria or Czechia are more satisfied with life than the general population is.

8 For more information, see the OECD Better Life Index.

### 2.1.3. Freedom of movement: same sex couples and families

On 7 February 2018, the European Parliament adopted a resolution<sup>9</sup> on fighting discrimination against minorities in the EU Member States. It asked, among others, for clear and accessible information on the recognition of cross-border rights for LGBTI persons and their families in the EU. The resolution urges the Commission to ensure that Member States make sure that LGBTI individuals and their families can exercise their right to free movement and provide clear and accessible information on the recognition of cross-border rights for LGBTI persons and their families. It also calls on the Commission to take action to ensure that LGBTI individuals and their families can exercise their right to free movement.

The EU does not have competence in areas relating to marital or family status. However, the CJEU noted that the fundamental right to respect for family and private life is guaranteed by Article 7 of the Charter (which has the same meaning and scope as Article 8 of the ECHR), and it is apparent from ECtHR case law that the relationship of a homosexual couple may fall within the notion of 'private life' and that of 'family life' in the same way as a relationship of a heterosexual couple in the same situation.<sup>10</sup> The CJEU therefore confirmed that same-sex spouse should be acknowledged for the purposes of free movement of EU citizens,<sup>11</sup> even if they are not otherwise recognised in the law of the host Member State. The CJEU also confirmed the right of employees in a same-sex partnership to the same employment benefits as those granted to their in heterosexual marriage.<sup>12</sup>

Around half of all Member States allow same-sex couples to marry. Others offer alternative forms of civil registration. Six Member States do not provide a legal status for same-sex couples. Same-sex rights to adopt a child and to access assisted reproduction

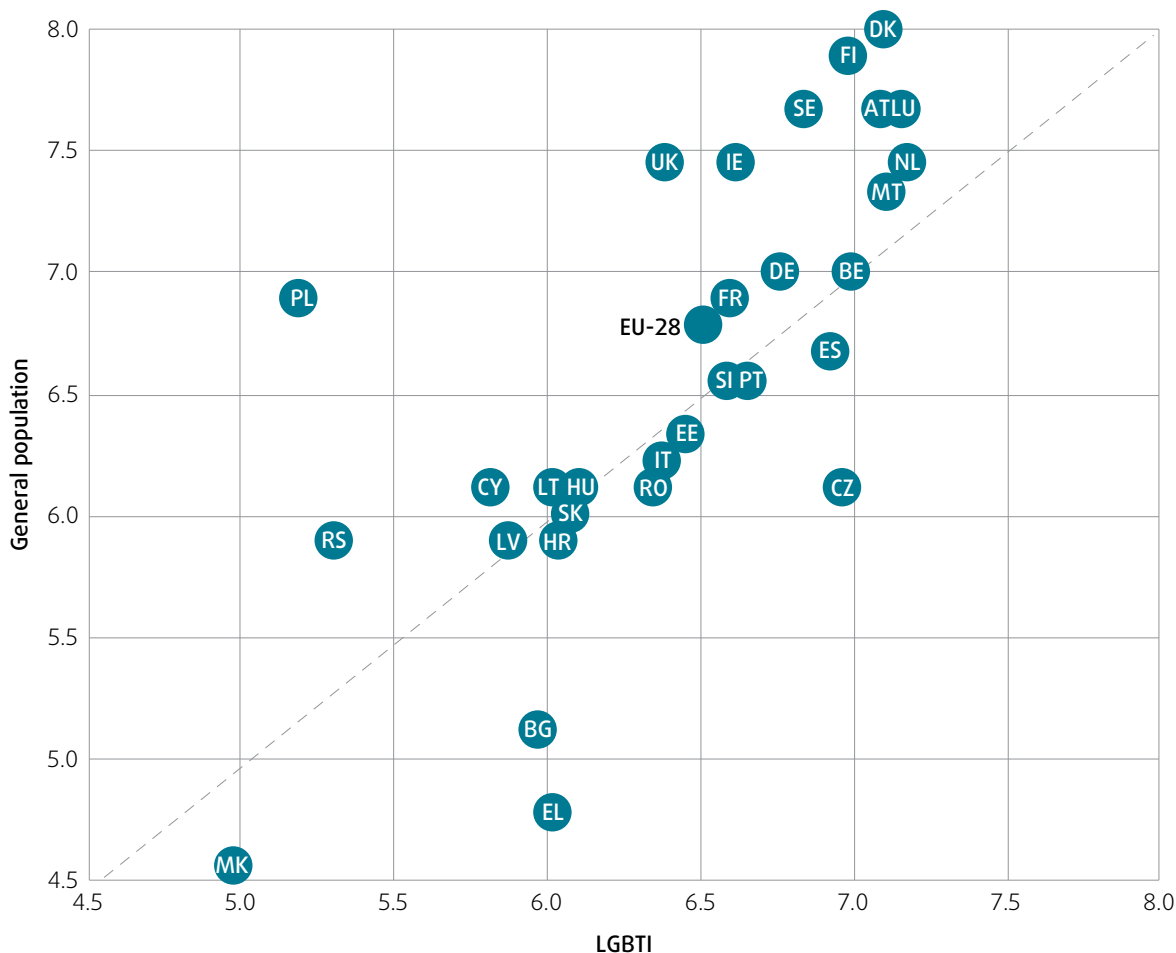
9 See [Resolution B8-0064/2018: Fighting discrimination of EU citizens belonging to minorities in the EU Member States](#).

10 ECtHR, *Schalk and Kopf v. Austria*, 24 June 2010.

11 CJEU, C-673/16, *Relu Adrian Coman and Others v. Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*, 5 June 2018 (Grand Chamber). The CJEU clarified in *Coman* that the term 'spouse' used in the Free Movement Directive is gender neutral, and may therefore cover the same-sex spouse of an EU citizen. Nevertheless, the court also observed that the EU respects the national identity of Member States, inherent in their fundamental structures, both political and constitutional. Therefore, a person's status, which is relevant to the rules on marriage, is a matter that falls within the competence of the Member States. EU law does not detract from that competence, the Member States being free to decide whether or not to allow homosexual marriage.

12 CJEU, C-267/06, *Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen*, and CJEU, C-267/12, *Frédéric Hay v. Crédit agricole mutuel*.

**Figure 10: Average life satisfaction of LGBTI respondents (2019 data) and general population (2016 data) on scale from 0 to 10, averages by country**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents aged 18 or above who provided a valid answer to question G2 in EU-LGBTI II survey (n = 121,090); weighted results. The general population data are based on question Q4 in the European Quality of Life Survey 2016 by Eurofound.

<sup>b</sup> The presented percentages refer answers to question: "All things considered, how satisfied would you say you are with your life these days?"

<sup>c</sup> EQLS measured life satisfaction on a scale of 1 to 10, while the EU-LGBTI II survey on scale of 0 to 10. (In EU-LGBTI II, 0 means very dissatisfied and 10 means very satisfied.) The presented averages for the general population are rescaled (linear stretch method) to be comparable with the averages in the EU-LGBTI II survey. For example, general population average life satisfaction in EU-28 was rescaled from 7.1 to 6.8.

Source: FRA, EU-LGBTI II 2019

also differ among Member States. This affects LGBTI partners from Member States with different legislation who want to legalise their relationship, as well as same-sex couples and families moving to another Member State – particularly when they have or wish to have children. The survey asked respondents who had relocated to another EU country if they experienced any restrictions in accessing benefits or public services, which are available for different-sex couples, because

they have a same-sex partner or spouse. Around 17 % said they were denied, or had only restricted, access to services and benefits that are available to different-sex couples. However, this is based on a very small number of respondents who had moved to another EU country.

The survey also asked respondents about their family life. Out of all respondents, 77 % live with someone

else: 67 % live with their partners, while 12 % of all respondents also live with children belonging to one of the partners. Overall, 14 % of all LGBTI respondents with a partner say that they are raising a child. This includes 29 % of bisexual males, 19 % of trans persons, 17 % of bisexual women and 15 % of lesbian women with a partner. However, there are considerable country differences. The highest proportion of LGBTI respondents raising children with a partner are found in Denmark (21 %), Ireland (20 %), the Netherlands (19 %) and Sweden (19 %). In all of these countries, same-sex couples have a legal right to adopt children.

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

The majority of respondents who share guardianship of their or their partner's child (66 %) say that both partners are legal guardians. This is mostly indicated by bisexual men (87 %), trans persons (70 %), intersex persons (68 %), and bisexual women (67 %). Gay men less frequently say that this is the case (44 %).

*"I find it very difficult to help my child understand my current relationship with a woman. Feels entangled. Social models are different from what one experiences at home and does not know how to manage it. At school these issues are still considered taboo. I don't think that issues like sexuality, diversity, family types, etc. have ever been discussed so that children would accept them as normal."*  
(Greece, Lesbian woman, 41)





## 2.2. Experiencing and reporting discrimination – awareness of victim support

### KEY FINDINGS

- One in four (26 %) respondents hide being LGBTI at work.
- Those who are more open about being LGBTI at work are less likely to feel discriminated against at work.
- Two in 10 (21 %) felt discriminated against at work in the year before the survey.
- One in 10 (10 %) felt discriminated against when looking for work in the year before the survey.
- More than a third (37 %) felt discriminated against in areas of life other than work, such as in housing, healthcare or social services, at school or university, in a café, restaurant, bar or night club, at a shop, or when showing an identification document. The rates are highest for trans (55 %) and intersex (59 %) respondents.
- The majority of LGBTI respondents aged 15-17 have experienced discrimination in some area of life (53 %). The number is lower for LGBTI respondents aged 18+ (41 %).
- Among the different areas of life asked about, the highest share of respondents (22 %) felt discriminated against in a café, restaurant, bar or nightclub.
- One in five (19 %) felt discriminated against in educational settings; 16 % felt discriminated against by healthcare or social services staff.
- Only 11 % of most recent incidents of discrimination were reported to the country's equality body or some other organisation. This is the case even though the majority (61 %) knows that their country has an equality body.

This section outlines selected survey findings on experiencing discrimination for being LGBTI in employment and in other areas of life. It also presents results on the prevalence of intersectional discrimination. In addition, the section looks at how many respondents report discrimination incidents, and at their awareness of organisations that support discrimination victims.

### EU law on discrimination

The principle of equal treatment is a fundamental value of the EU. It ensures both respect for human dignity and full participation on an equal footing in economic, cultural and social life.

Article 21 of the EU Charter of Fundamental Rights forbids discrimination based on any ground. This includes sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Moreover, Article 10 of the Treaty on the Functioning of the EU requires the EU to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, in defining and implementing its policies and activities. EU law protects gender identity to a limited extent under the protected ground of sex – for example, in respect to gender-reassignment surgery.

The Employment Equality Directive 2000/78/EC forbids discrimination based on sexual orientation only in the context of employment, occupation and training. However, most Member States have extended protection on the basis of sexual orientation, and in some cases gender identity, to cover some or all fields to which the Race Equality Directive (2000/43/EC) applies. These fields include social security and healthcare, education, and access to and supply of goods and services, including housing.

EU law also prohibits sex discrimination in employment and access to goods and services (the Gender Equality Directive (Recast) 2006/54/EC and the Goods and Services Directive 2004/113/EC), partly covering trans people.

### 2.2.1. Employment

*“When my boss found out that I was gay, she didn't fire me (of course, she couldn't), but she just started to do everything so I would quit myself. She needed a month to break me – I did actually quit and she reached her goal.”* (Poland, Lesbian woman, 27)

The survey asked respondents if they felt discriminated against for being LGBTI when looking for work and, separately, when at work. More felt discriminated against at work (21 %) in the 12 months before the survey than did so when looking for work (10 %). Significantly higher

shares of trans (35 %) and intersex respondents (32 %) felt discriminated at work.

The share of respondents who felt discriminated against when looking for work differs between countries. In the EU, the shares of respondents who felt discriminated against were highest in Greece (19 %), Cyprus (18 %) and Bulgaria (17 %). They were lowest in Denmark and Sweden (both 5 %), as well as in Finland and the Netherlands (both 6 %). In Serbia, 16 % felt discriminated against when looking for work. In North Macedonia, 13 % did so.

*“I hear homophobic comments almost every day at work, if not every day it is definitely every other day. It gets so hard sometimes you feel very ostracized that you are not normal according to them.”* (Sweden, Gay man, 19)

The share of respondents who felt discriminated against at work is consistently higher than those who felt discriminated against when looking for a job. However, this share also varies between countries. In the EU, the highest proportions of respondents felt discriminated against at work in Lithuania (32 %), Greece (31 %), Cyprus (30 %) and Bulgaria (29 %). The lowest proportions did so in Czechia, Finland and the Netherlands (all 13 %), as well as in Denmark and Luxembourg (both 14 %). In Serbia and North Macedonia, about one in four felt discriminated against at work for being LGBTI (24 % and 25 %, respectively).

### 2.2.2. Other areas of life

The survey asked respondents if they felt discriminated against in certain areas of life in the year before the survey. This included when looking for housing; accessing healthcare and social services; in educational settings; when in a shop, café, restaurant, bar or nightclub; and when showing an identity card or other official document that indicates the person’s sex.

*“In hotels my partner and I are sometimes not allowed to sleep in the same bed, even though we have explicitly stated that. Then there is often ‘a misunderstanding’, or we come to the room and there are still 2 separate beds.”* (Netherlands, Bisexual Man, 26)

The highest share of respondents felt discriminated against in a café, restaurant, bar or nightclub (22 %). This was especially so for younger respondents: 28 % of those aged 18 to 24 said they experienced this, compared to 12 % of those aged 55+. This may reflect the exposure to a risk of discrimination. This relates to people’s patterns and frequency of going out, which are very different among the age groups. Income also appears to play a role. Among respondents who say they have great difficulty to ‘make ends meet’, 36 % felt discriminated in these contexts. By contrast, of those who say they ‘make ends meet’ very easily, 16 % indicated feeling discriminated against.

**Table 1: Respondents who felt discriminated against due to being LGBTI when looking for work in the 12 months before the survey (%)**

Country	Total
<b>EU-28</b>	<b>10</b>
AT	10
BE	7
BG	17
HR	10
CY	18
CZ	9
DK	5
EE	8
FI	6
FR	8
DE	11
EL	19
HU	14
IE	8
IT	12
LV	13
LT	12
LU	(7)
MT	7
NL	6
PL	11
PT	10
RO	12
SK	10
SI	8
ES	11
SE	5
MK	13
RS	16
UK	9

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who looked for work in the 12 months before the survey (n = 65,591, n EU-28 = 64,492); weighted results.

<sup>b</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

<sup>c</sup> The presented percentages refer to respondents who answered ‘yes’ to at least one situation in question C1: “During the last 12 months, have you personally felt discriminated against because of being [RESPONDENT CATEGORY] in any of the following situations: A. When looking for a job”

<sup>d</sup> Besides ‘yes’, respondents could answer ‘no’ and ‘don’t know’. The percentage of respondents who answered ‘don’t know’ to all relevant situations did not exceed 5.4 % in any breakdown category in the table.

Source: FRA, EU-LGBTI II 2019

**Table 2: Respondents who felt discriminated against due to being LGBTI at work in the 12 months before the survey (%)**

Country	Total
<b>EU-28</b>	<b>21</b>
AT	20
BE	18
BG	29
HR	17
CY	30
CZ	13
DK	14
EE	19
FI	13
FR	20
DE	23
EL	31
HU	24
IE	18
IT	22
LV	21
LT	32
LU	14
MT	16
NL	13
PL	24
PT	20
RO	23
SK	22
SI	16
ES	20
SE	14
MK	25
RS	24
UK	20

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who were at work in the 12 months before the survey ( $n = 90,457$ ,  $n$  EU-28 = 89,097); weighted results.

<sup>b</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

<sup>c</sup> The presented percentages refer to respondents who answered 'yes' to at least one situation in question C1: "During the last 12 months, have you personally felt discriminated against because of being [RESPONDENT CATEGORY] in any of the following situations: B. At work."

<sup>d</sup> Besides 'yes', respondents could answer 'no' and 'don't know'. The percentage of respondents who answered 'don't know' to all relevant situations did not exceed 5.4 % in any breakdown category in the table.

Source: FRA, EU-LGBTI II 2019

Every fifth respondent (19 %) felt discriminated against when in contact with school or university staff. Every sixth (16 %) did so when in contact with healthcare or social services staff. Notably, 52 % of respondents who assess their general health as 'very bad', and 36 % of those who assess this as 'bad', felt discriminated against in healthcare settings. Fewer who assessed their health as 'very good' or 'good' did so (11 % and 14 %, respectively).

Across all LGBTI groups, the majority (53%) of young adolescents who participated in the survey (aged 15 to 17) felt discriminated against in at least one area of life in the 12 months before the survey. By contrast, 41 % of adult respondents (aged 18+) did so.

The share is even higher for trans (69 %) and intersex (62 %) respondents aged 15 to 17. This shows a need for policy measures targeting children and young people belonging to these groups. The results show differences between countries. This age group says they felt discriminated against at the highest rates in Greece (71 %), Croatia (68 %) and Bulgaria (67 %). They do so at the lowest rates in Finland (25 %) and Sweden (31 %).

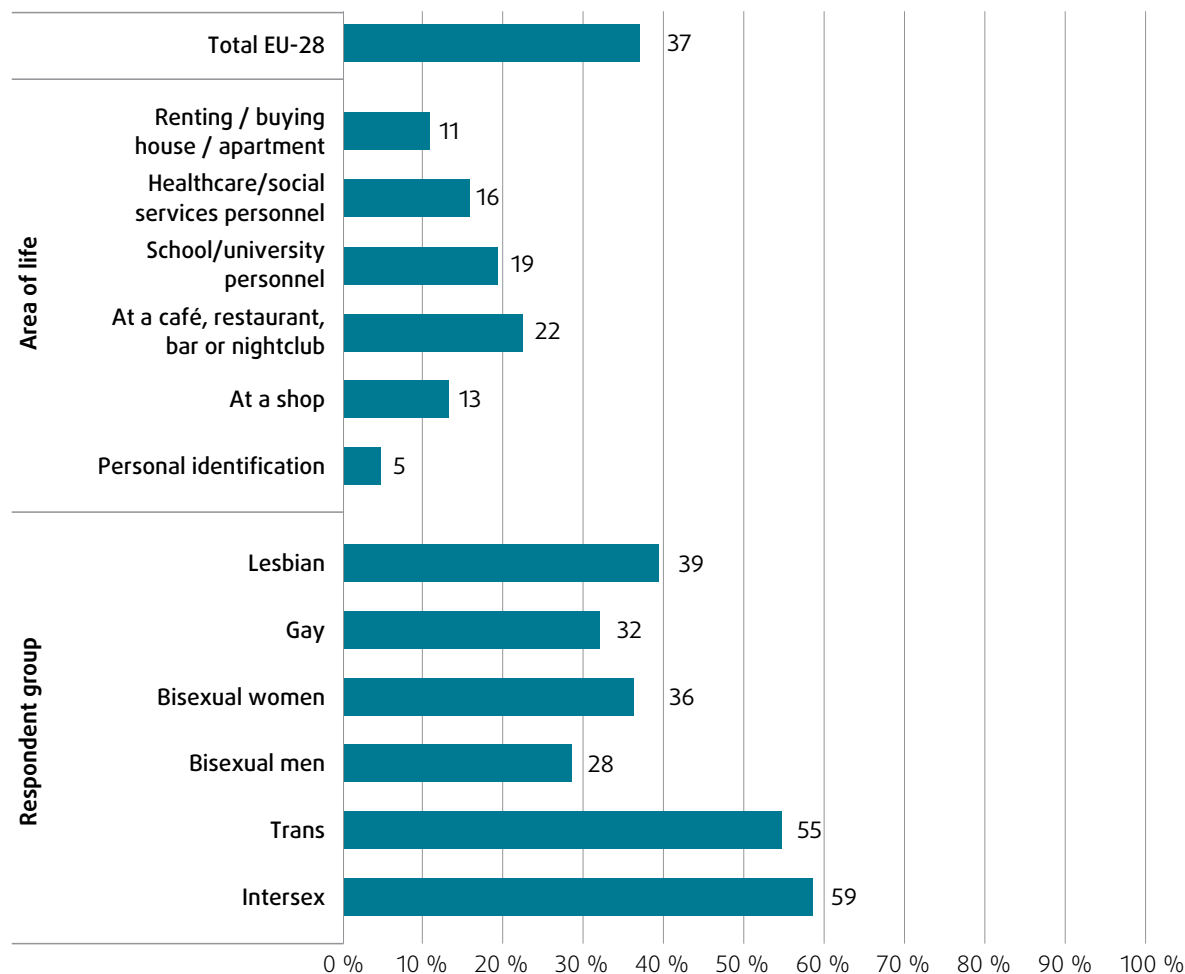
The readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

*"School bullying in France almost led me to suicide. I was in long-term depression with hospitalization. No reaction from staff members or faculty."* (France, Gay man, 24)

The majority of survey respondents who are lesbian, gay or bisexual do not consider references to a person's sex on an identity card or official document to be a problem. By comparison, 25 % of trans and intersex respondents do consider it a problem.

*"I was refused medical care from a nurse at a general practice due to being [Trans] and thus making her uncomfortable. I then had to be assigned to another general practice to receive my injections."* (United Kingdom, Trans woman, Bisexual, 22)

**Figure 11: Respondents who felt discriminated against due to being LGBTI in area other than employment in the 12 months before survey in EU-28, by area of life and group (%)**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who were discriminated against in at least one area other than employment in the 12 months before the survey (n = 126,709); the totals vary in individual areas of life; weighted results.

<sup>b</sup> The presented percentages refer to respondents who answered 'yes' to at least one situation in question C1: "During the last 12 months, have you personally felt discriminated against because of being [RESPONDENT CATEGORY] in any of the following situations: C. When looking for a house or apartment to rent or buy (by people working in a public or private housing agency, by a landlord); D. By healthcare or social services personnel (e.g. a receptionist, nurse or doctor, a social worker); E. By school/university personnel. This could have happened to you as a student or as a parent; F. At a café, restaurant, bar or nightclub; G. At a shop; H. When showing your ID or any official document that identifies your sex".

<sup>c</sup> Besides 'yes', respondents could answer 'no' and 'don't know'. The percentage of respondents who answered 'don't know' to all relevant situations did not exceed 0.54 % in any breakdown category in the chart.

Source: FRA, EU-LGBTI II 2019



### 2.2.3. Intersectional and multiple discrimination

People may experience discrimination based on multiple grounds. For example, a lesbian woman may face discrimination both as a lesbian and as a woman. The survey allowed participants to select grounds additional to being LGBTI as grounds for their perceived discrimination.

Four in 10 respondents (40 %) who self-identify as members of an ethnic minority or have an immigrant background indicated, as an additional ground for discrimination, ethnic origin or immigrant background. Meanwhile, 15 % indicated their skin colour as an additional ground for discrimination.

More than a third of respondents (36 %) who identify themselves as persons with disabilities indicated disability as an additional ground. Of those who belong to a religious minority, 28 % indicated religion as an additional ground.

### 2.2.4. Reporting discrimination

The survey asked respondents who felt discriminated against as LGBTI in any area of life in the year before the survey if they or anyone else reported the most recent incident to any organisation or institution. Overall, across the EU, on average only 11 % were reported anywhere.

Higher reporting rates are observed in Luxembourg and Italy (both 19 %), as well as in Belgium (16 %). The lowest rates are indicated in Czechia (4 %), Latvia and Slovenia.

Among all LGBTI respondents, intersex persons are slightly more likely to have reported the last incident of discrimination (17 %) than trans persons (13 %), gay men (12 %), lesbian women (10 %), bisexual men (10 %) and bisexual women (9 %).

Overall, a higher proportion of respondents indicates reporting the most recent discrimination incident at work (14 %). But there are pronounced differences

between survey countries. For example, the reporting rates are 26 % in Belgium, 21 % in the Netherlands, and 20 % in Italy. By comparison, in Latvia, almost none were reported (only one incident was). In Slovenia and Slovakia, the reporting rates are around 5–6 %.

Incidents that are not reported cannot reach the responsible authorities for further investigation. This reinforces an atmosphere of impunity, which damages people's trust in public institutions and access to justice. The sense of disappointment and helplessness is conveyed by the respondents to this survey: 41 % indicate, as a main reason for not reporting, that "nothing would happen or change".

FRA conducts surveys both on majority populations – for example, on violence against women – and on minorities – for example, on discrimination experiences of migrants and minorities or on Jewish people's experience of antisemitism. All of these consistently find very low reporting rates of discrimination and abuse across the EU.

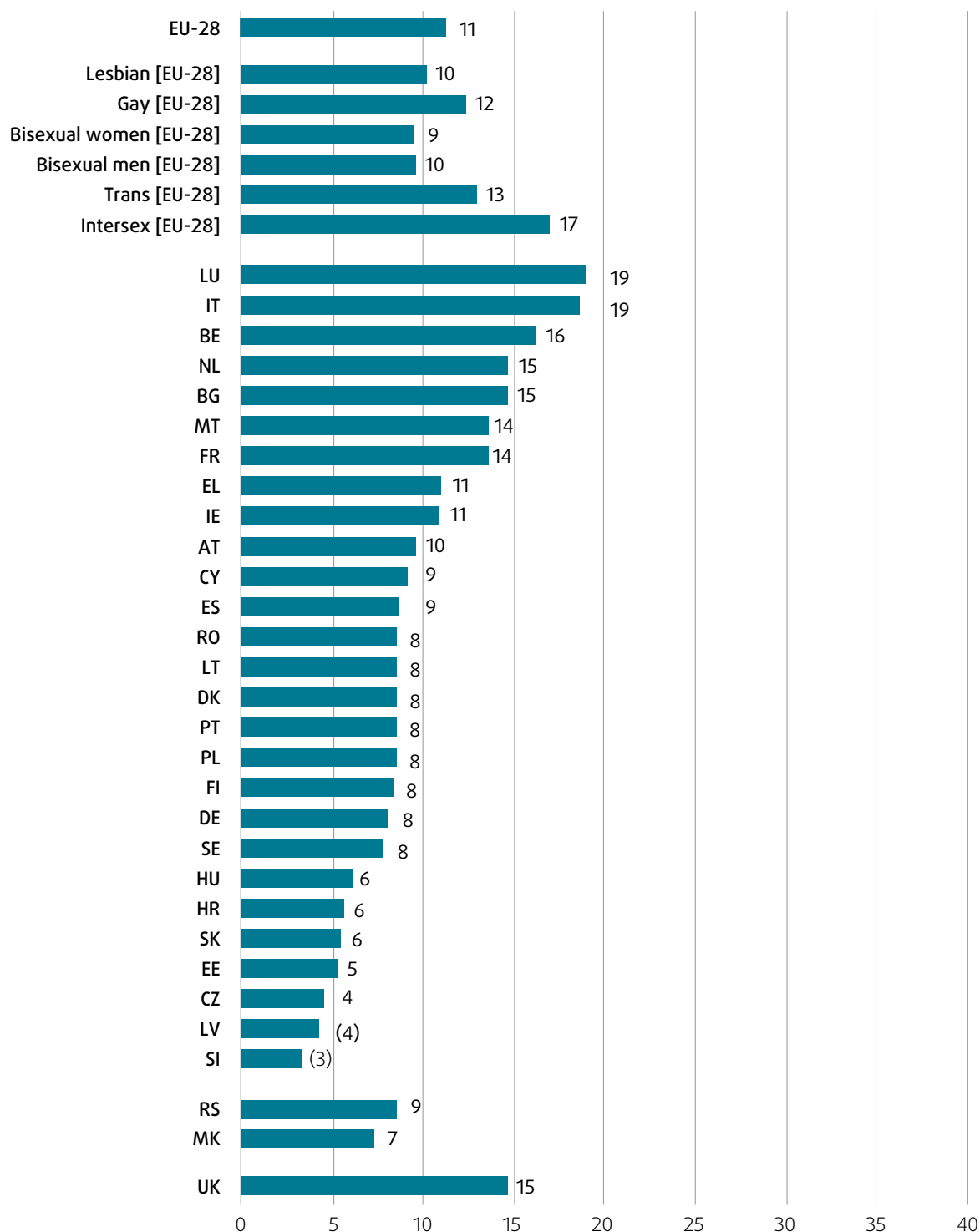
Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

### 2.2.5. Awareness of organisations providing victim support

The majority of LGBTI respondents (66 %) was aware of organisations that can offer support or advice to victims of discrimination in their country. However, results vary greatly across countries. For example, the highest share of respondents aware of such organisations is in Sweden (77 %), and the lowest in Slovakia (51 %).

On average, 61 % of all respondents have at least heard of one equality body in their country. Again, results vary greatly across countries. In Poland, for example, almost all respondents (93 %) have heard of the equality body 'Rzecznik Praw Obywatelskich'. But only one out of three respondents have heard of the respective equality bodies in Slovakia, Slovenia, Italy and Luxembourg.

Figure 12: Reporting the most recent incident of discrimination, by country and group (%)<sup>a,b,c</sup>



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

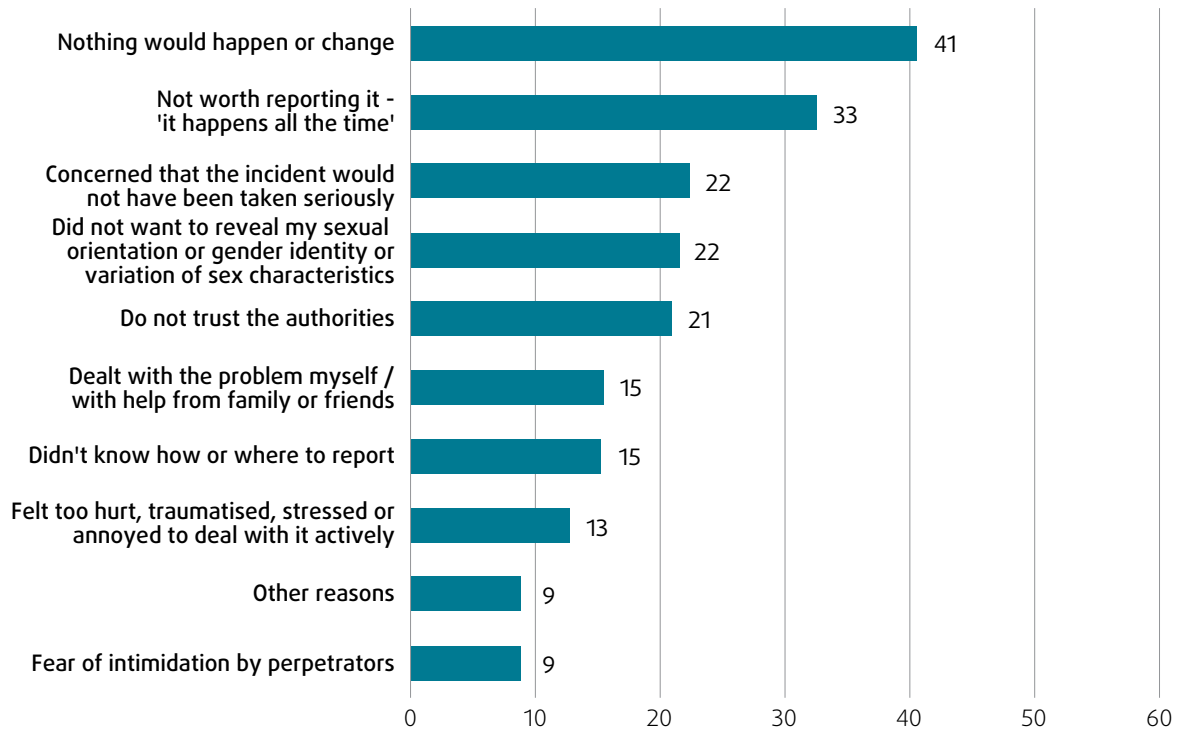
<sup>a</sup> Out of all respondents who felt personally discriminated in at least one area of daily life in the 12 months before the survey (EU-28, n = 59,383, EU-28 + 2, n = 60,424); weighted results.

<sup>b</sup> Question: "Did you or anyone else report it to any organisations or institutions?"

<sup>c</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parenthesis. Results based on fewer than 20 unweighted observations in a group total are not published.

Source: FRA, EU-LGBTI II 2019

**Figure 13: Reasons for not reporting the most recent incident of discrimination, EU-28+2 (%)<sup>a,b</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who felt personally discriminated in at least one area of daily life in the 12 months before the survey and did not report the most recent incident to any organisation or institution (EU-28+2, n = 53,719); weighted results.

<sup>b</sup> Question: "Did you or anyone else report it to any organisations or institutions? [Multiple responses allowed]"

Source: FRA, EU-LGBTI II 2019

## 2.3. Hate-motivated violence and harassment

### KEY FINDINGS

- One in 10 LGBTI respondents (11 %) in the EU were physically or sexually attacked in the five years before the survey because they are LGBTI. Trans (17 %) and intersex (22 %) respondents experienced attacks at higher rates.
- Only one in five (21 %) incidents of physical or sexual violence was reported to any organisation, including the police (14 %).
- In the year before the survey, two in five LGBTI respondents (38 %) experienced harassment for being LGBTI. Rates are even higher (47 %) for respondents aged 15 to 17. Among all LGBTI respondents, trans (48 %) and intersex (42 %) indicate the highest rates of harassment.
- Only one in 10 (10 %) incidents of such harassment were reported anywhere. Just 4 % were reported to the police.
- On average, of those respondents across the EU who did not report the most recent incident of physical or sexual violence to the police, 25 % said that they did not do so because of fear of homophobic and/or transphobic reactions by the police. One in three (32 %) trans respondents did not report such incidents for fear of transphobic reactions from the police.

This section outlines selected survey findings on physical or sexual attacks and harassment for being LGBTI, the characteristics of the most recent physical and sexual attack, and the impact of such incidents on victims' health and well-being. It also presents selected results on the prevalence and nature of harassment of LGBTI respondents, on whether they report incidents to the police and other organisations, as well as on the reasons some give for not reporting them. The section concludes with selected results on victimisation experiences and avoidance strategies due to safety concerns.

#### A matter of rights: protection from violence

Violence and crime motivated by a victim's perceived sexual orientation or gender identity affects the right to human dignity (Article 1 of the Charter), the right to life (Article 2 of the Charter) and the integrity of the person (Article 3 of the Charter).

Crime motivated by prejudice, known as hate crime or bias-motivated crime, affects not only the individuals targeted, but also their communities and societies as a whole. Such violence and harassment undermine both people's actual safety and their perceived levels of safety. Because of its impact, EU law recognises hate-motivated crime as requiring particular attention – for example, in the context of the Victims' Rights Directive.

The Victims' Rights Directive protects the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) victims of hate crime.\* It includes the grounds of sexual orientation, gender identity and

gender expression when recognising the rights of victims, helping to ensure that victims of crime receive appropriate information, support and protection, and are able to participate in criminal proceedings. Member States are obliged to carry out individual assessments to identify specific protection needs of victims of crimes committed with a bias or discriminatory motive (Article 22 of the directive).

\* See Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

*"I have been attacked in the corner of my street by a group of men, only because I was holding hands with my partner at the time."* (Germany, Gay man, 28)

#### Disaggregated data crucial for countering violence and harassment

Some EU Member States do collect official data on hate-motivated incidents against LGBTI people as a sub-category of police statistics on recorded crimes. LGBTI civil society organisations also publish statistics on incidents reported to them. However, not all Member States publish disaggregated data on hate crime motivated by sexual orientation, gender identity or expression. Moreover, only a small percentage of such incidents are reported to police or other authorities.



The EU High Level Group on combating racism, xenophobia and other forms of intolerance has met since 2016 to identify ways to tackle hatred and intolerance more effectively in EU Member States, including against LGBTI people. The group has mandated FRA to coordinate a specific sub-group, which develops methodologies to encourage reporting, recording and collecting data on hate crime. This can help national authorities improve their own collection of such data, enhance inter-agency cooperation, and improve cooperation with civil society.

Survey data, such as those presented here, are crucial to better understand the extent and nature of the problem, to identify sub-populations most at risk, and to understand how best to inform victims about their rights and available support – for example, if they choose not to report to the police, what other services they can contact.

The survey results concerning harassment, physical and sexual violence can also be used to populate fully or partially a number of specific UN Sustainable Development Goals' (SDG) indicators in terms of the experiences of LGBTI people, identifying which groups in the population are at risk of being left behind as progress is made.\* Some of the SDG indicators on harassment and violence have also been adopted as a part of a set of indicators that together form the LGBTI Inclusion Index developed by UNDP and the World Bank.\*\*

\* SDG indicators concerning experiences of violence and harassment include the following: 5.2.1, 5.2.2, 10.3.1, 11.7.2, 16.1.3, 16.1.4, 16.2.1, 16.2.3, 16.3.1. and 16.b.1. For more details, see the UN's indicator list.

\*\* See UNDP (2018), *A set of proposed indicators for the LGBTI inclusion index*, New York: UNDP.

### 2.3.1. Physical or sexual attacks

*“Everything happened a few years ago, when my parents found out that I was gay. I was subjected to physical and psychological violence and was threatened. They were heavy punching, bullying me, and keeping me from leaving home, restricting from contacting my friends, classmates.” (Lithuania, Gay man, 20)*

The survey asked respondents whether they experienced physical or sexual attacks, and whether they believe these happened because they are LGBTI. The survey did not define forms of physical or sexual violence, allowing respondents to consider every experience that they would describe as a physical or sexual attack or as involving both. This means the experiences

the respondents point to could involve a wide range of incidents. A 'physical attack' could mean a slap or being pulled by the hair, all the way to being strangled or stabbed. A 'sexual attack' could refer to unwanted sexual touching or to rape, as well as to other forms of sexual violence.

Asked about the five years before the survey, one in 10 respondents (11 %) indicate that they were physically or sexually attacked because of being LGBTI. This could involve one or more incidents, taking place in public or private settings. Trans and intersex respondents indicate experiencing physical or sexual attacks at higher rates during this timeframe: 17 % and 22 %, respectively.

Among bisexual men, trans and intersex respondents, experiencing physical or sexual attack is more strongly related to their openness in everyday life. The more open they are about being bisexual, trans or intersex, the more they are at risk of attack. By contrast, there are only small differences in terms of prevalence of incidents in other respondent groups between people who are very open or not at all open about being LGBTI. (The survey measured openness with a four-category scale, calculated based on respondents' answers on openness about being LGBTI to their family, friends, neighbours, at work or when using health services.)

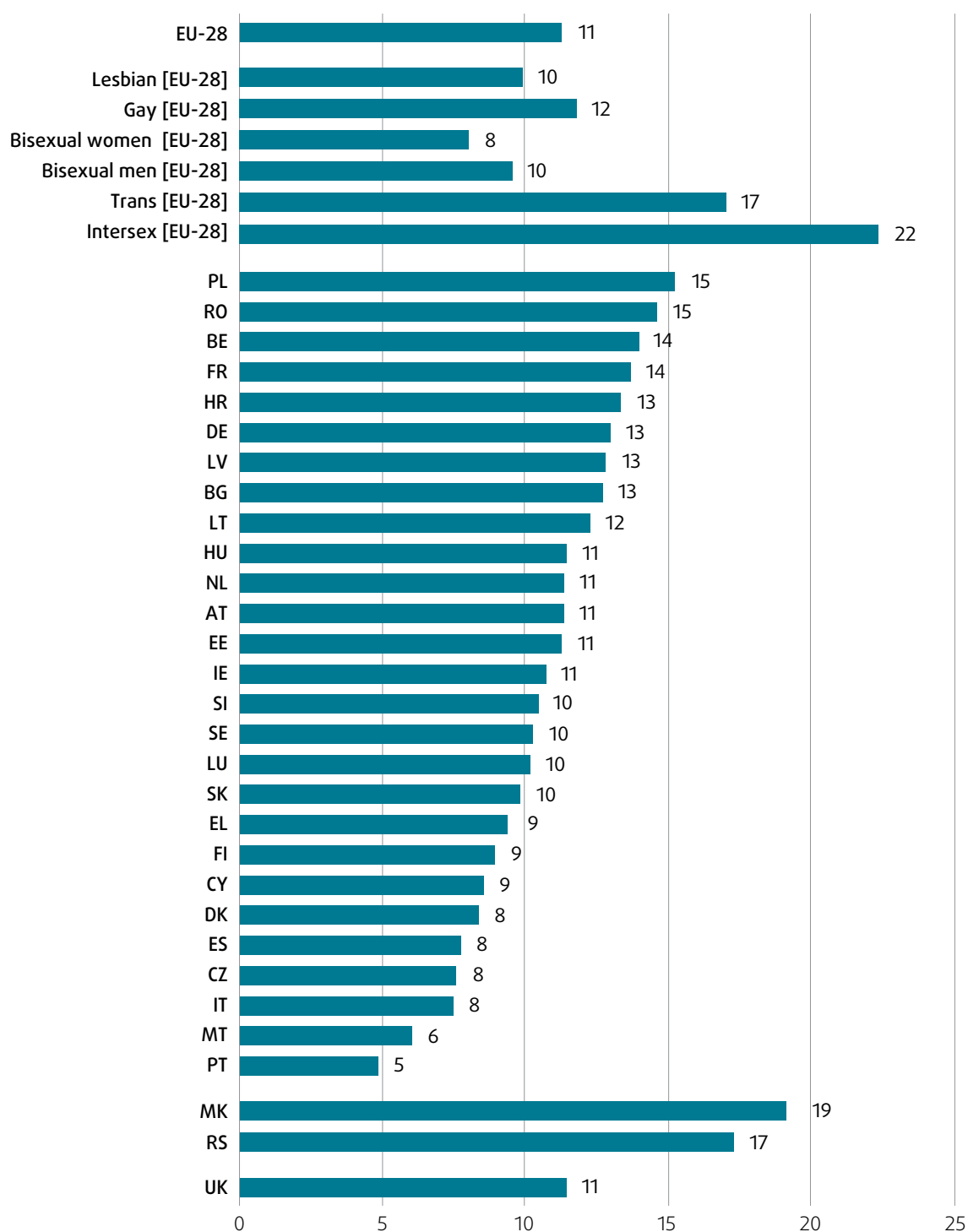
Specifically, among trans respondents who are very open about being trans, 24 % experienced a physical or sexual assault due to being trans in the five years before the survey. Similarly, 26 % of intersex respondents who are very open experienced such attacks.

Experiencing hate-motivated physical or sexual attack is most common among young adults (defined as 18–24). Among respondents aged 18 to 24, 14 % experienced such an attack in the 5 years before the survey. The percentage of respondents who experienced a physical and/or sexual attack decreases with age, down to 7 % among respondents who are 55+. Among respondents aged 15 to 17, 11 % experienced a physical or sexual attack in the 5 years before the survey due to being LGBTI.

The prevalence of attacks varies only slightly based on respondents' educational backgrounds: it is 13 % among respondents with lower secondary education or less, and 10 % among respondents with tertiary education.

The highest rates of physical or sexual attacks motivated by the victim being LGBTI are observed in Poland (15 %), Romania (15 %), Belgium (14 %) and France (14 %). The lowest rates are found in Portugal (5 %) and Malta (6 %). The rates are higher in the candidate countries of North Macedonia (19 %) and Serbia (17 %).

**Figure 14: Experiencing a physical and/or sexual attack for being LGBTI, in the five years before the survey (%)<sup>a,b</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents (EU-28 n = 137,508, EU-28 + 2 n = 139,799); weighted results.

<sup>b</sup> Question: "In the last 5 years, how many times have you been physically or sexually attacked at home or elsewhere (street, on public transport, at your workplace, etc.) because you are [RESPONDENT CATEGORY]?" The results show the percentage of respondents who have experienced one or more incidents.

Source: FRA, EU-LGBTI II 2019



In the 12 months before the survey, 5 % of respondents were attacked physically or sexually in a way that respondents perceived as having to do with them being LGBTI. The highest rates are again found among trans (9 %) and intersex (13 %) respondents.

### Context of most recent physical or sexual attack

*“My former partner and I were mobbed on the way home from a party by several male people and verbally abused because we held hands.” (Germany, Bisexual Woman, 24)*

Respondents who experienced a hate-motivated physical or sexual attack in the five years before the survey were asked to provide further details about the most recent incident. Most victims (70 %) said that the incident involved only physical violence. Meanwhile, 29 % described it as a sexual attack – either solely or combined with a physical attack.

There are notable differences between respondent groups and between survey countries in terms of experiencing sexual attacks. 44 % of bisexual women and 40 % of intersex respondents say that the most recent incident involved a sexual attack. By contrast, 18 % of gay men say this.

The highest rates of respondents describing the most recent incident as a sexual attack are in Cyprus, Sweden and Austria (53 %, 49 % and 47 %, respectively). By contrast, only 15 % of respondents in Poland, 15 % in Hungary and 19 % in Romania perceived the most recent incident as involving a sexual attack. However, Poland and Romania have the highest rates of hate-motivated physical or sexual attacks against LGBTI people among the EU 28 Member States, as measured in the survey, while Serbia and North Macedonia have even higher rates.

A majority of hate-motivated physical or sexual attacks is committed by a single perpetrator (56 %). However, a notable share (44 %) was committed by two or more perpetrators. Incidents that involved a sexual attack were more likely to have been committed by a single perpetrator (73 % of incidents, compared with 27 % that involved two or more perpetrators). Half of the incidents involving physical attack (49 %) were committed by a single perpetrator.

Respondents could select one or more categories from a list that described the perpetrator(s) of the physical or sexual attack. Half of all incidents were described as involving an unknown person (50 %). Meanwhile, 19 % describe the perpetrators as ‘teenager or group of teenagers’, and 9 % as ‘someone from school, college or university’.

Incidents involving sexual violence show a different pattern: 16 % were committed by somebody the respondent described as ‘an acquaintance or friend’ (compared with 4 % of physical attacks committed by ‘an acquaintance or friend’).

In more than three in four cases (77 %), the perpetrator of the most recent physical or sexual attack was a man. In 13 % of cases, the perpetrator was a woman. In 8 %, the incident involved both male and female perpetrators. The percentage of men as perpetrators of sexual attacks is even higher – some 84 % of sexual attacks involved one or more male perpetrators.

Young respondents experienced a higher percentage of incidents perpetrated by women (20 % of incidents mentioned by respondents aged 15 to 17), though men also form the majority of perpetrators in the physical and sexual attacks experienced by this age group. Respondents aged 15 to 17 are particularly likely to experience physical or sexual attacks in school. In many cases, the perpetrators are their peers: of those who were victims of physical or sexual attack, 38 % described the perpetrator(s) as ‘someone from school, college or university’, and 36 % as a ‘teenager or group of teenagers’.

Respondents described most incidents of physical or sexual attack as having taken place in public – in a street, square, park, parking lot or other public place (51 %). Other commonly mentioned locations are a café, restaurant, pub or club (12 %), and on public transport (10 %). Compared with physical attacks, sexual attacks were more likely to take place at the respondent’s home or in a café, restaurant, pub or club. These different locations likely reflect different types of sexual violence. Sexual violence in private settings may often involve perpetrators the victim knows. Incidents such as sexual touching might take place in public places, such as cafés, restaurants, pubs or clubs, involving acquaintances or strangers as perpetrators.

The survey did not collect more detailed information on the type of violence (acts of physical or sexual violence) to further explore the relationship of various forms of violence, types of perpetrators and settings. FRA’s 2012 survey on violence against women shows that, in severe cases of sexual violence – such as forced sexual intercourse – the perpetrator is often the victim’s (former) partner. Meanwhile, unwelcome touching, hugging or kissing often involves unknown perpetrators or a victim’s friend or acquaintance.

### Impact of physical or sexual attack

By definition, hate-motivated violence has an impact on the entire LGBTI community, sending a message that they are not accepted. Violence and hate-motivated violence

also has negative consequences for the individual victim. In the survey, respondents could describe the consequences of the most recent physical or sexual attack. Respondents could choose from a list of consequences they may have experienced, and also had the option to indicate that the incident had other consequences, or that it did not affect their health or well-being.

*“I live in a country where I am afraid to be free and publicly express my feelings to my partner, because of the extreme right-wing perceptions of the majority of the population and the fact that many neighbourhood groups of a far-right party are attacking LGBTI people.”* (Greece, Bisexual woman, 22)

Overall, one in three victims of physical attack or sexual attack (33 %) said that the incident did not have an impact on them. However, the majority of all respondents who were victims of physical or sexual attack selected at least one or more impact categories.

Both in cases of physical or sexual attack, fewer than 10 % of the victims indicated that they needed medical assistance or hospitalisation, that they were unable to work, or that they faced financial problems due to the incident. However, many victims said that the incident caused psychological problems (such as depression or anxiety) or that it made them afraid to go out and visit places. Figure 15 shows the results for these two types of impact, by type of incident and respondent category.

Both regarding physical and sexual attacks, more trans and intersex respondents indicate negative consequences. This is the case both in terms of psychological problems and being afraid to go out or visit places. The higher rate of psychological problems such as depression or anxiety among trans and intersex victims of physical and sexual attacks shows the importance of ensuring psychological support for these victims.

### 2.3.2. Harassment

The survey asked respondents if they experienced situations that they considered offensive or threatening, including incidents of a sexual nature. These incidents could take place anywhere, in private or in public settings. Respondents were first asked if they had experienced such incidents, then asked whether they believe the incident was motivated by them being LGBTI.

The questionnaire did not use the term ‘harassment’ to avoid varying interpretations of what this means. Instead, the survey asked respondents if they had experienced specific acts of harassment.

Specifically, it asked if somebody had made offensive or threatening comments in person, such as insulting or calling them names; threatened them with violence in person; made offensive or threatening gestures or stared at them inappropriately; loitered, waited for them or deliberately followed them in a threatening way; sent them offensive or threatening e-mails or text messages (SMS); or posted offensive or threatening comments about them online – for example, on Facebook or Twitter.

*“My girlfriend and I were walking down the street in South London, holding hands. A man spat at us, and shouted that we were disgusting.”* (United Kingdom, Bisexual Woman, 25)

Overall, in the twelve months before the survey, two in five respondents (38 %) in the EU experienced one or more of these acts because they are LGBTI. The harassment rates are quite similar across the EU. Trans and intersex respondents report the highest rates of LGBTI-related harassment.

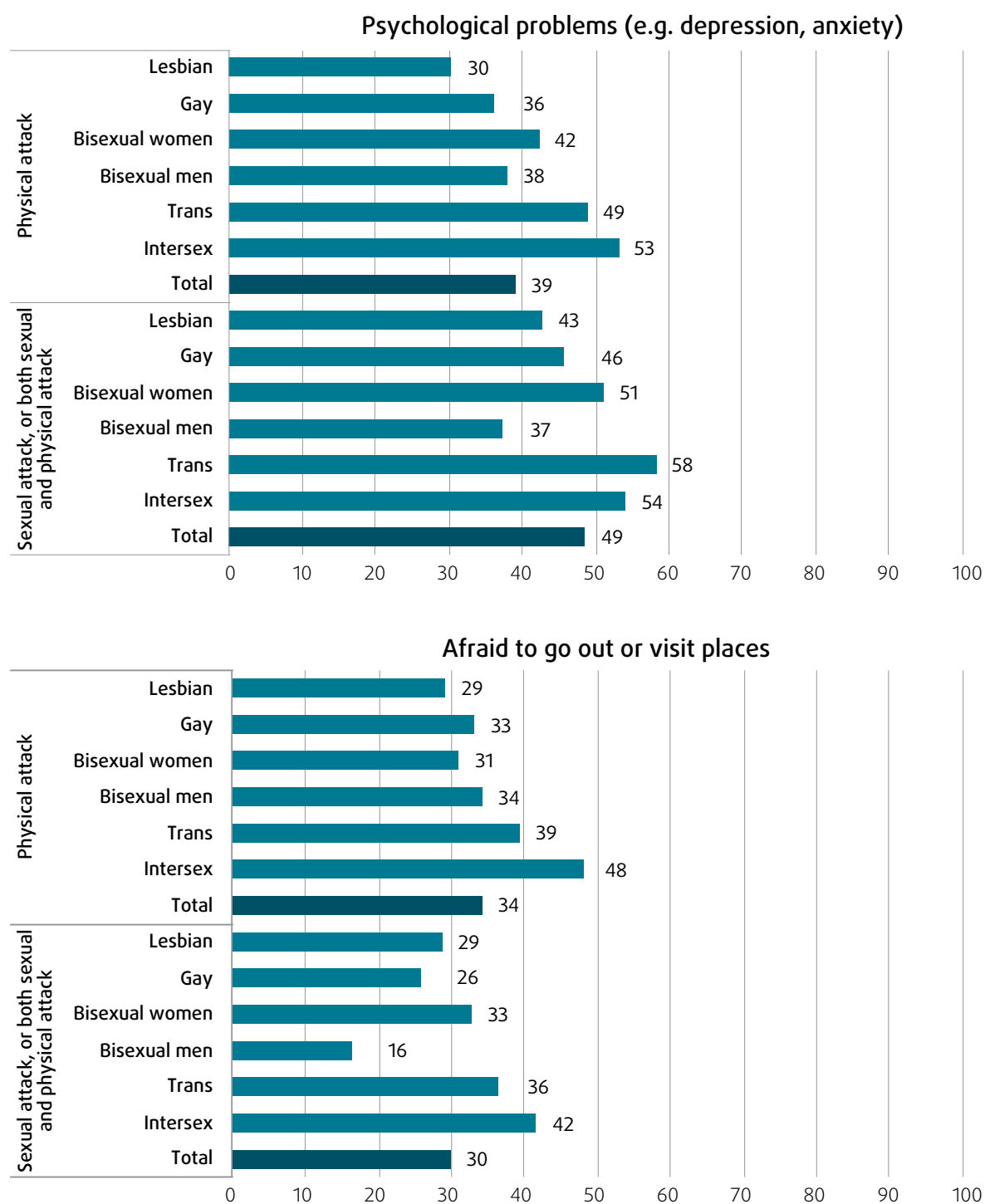
The survey shows only small differences in the rates of physical or sexual attacks experienced by respondents depending on their openness about being LGBTI. But harassment rates do vary depending on such openness. Among respondents who are very open about being LGBTI, 40 % have experienced harassment. By comparison, 31 % of those who are not open at all have faced harassment.<sup>13</sup> The distribution of the results is similar for all LGBTI categories: among respondents who are almost never open, the rate of experiencing harassment is consistently lower than among respondents who are very open.

The results are particularly worrying regarding the younger age groups (15 to 17 and 18 to 24). On average, these groups report more often experiencing harassment for being LGBTI in the year before the survey across all harassment categories. Moreover, 51 % of respondents aged 15 to 17 said that someone from school, college or university perpetrated the most recent incident of harassment they experienced due to being LGBTI. Such incidents could take place on school premises or on the way to school – however, 42 % specified that the incident took place at school.

<sup>13</sup> The survey measured openness with a four-category scale, calculated based on respondents’ answers about being openly LGBTI to their family, friends, neighbours, at work or when using health services: almost never open, rarely open, fairly open and very open.



**Figure 15: Two most mentioned forms of impact on health and well-being of physical or sexual attacks, by type of incident and group (EU-28, %)<sup>a,b</sup>**



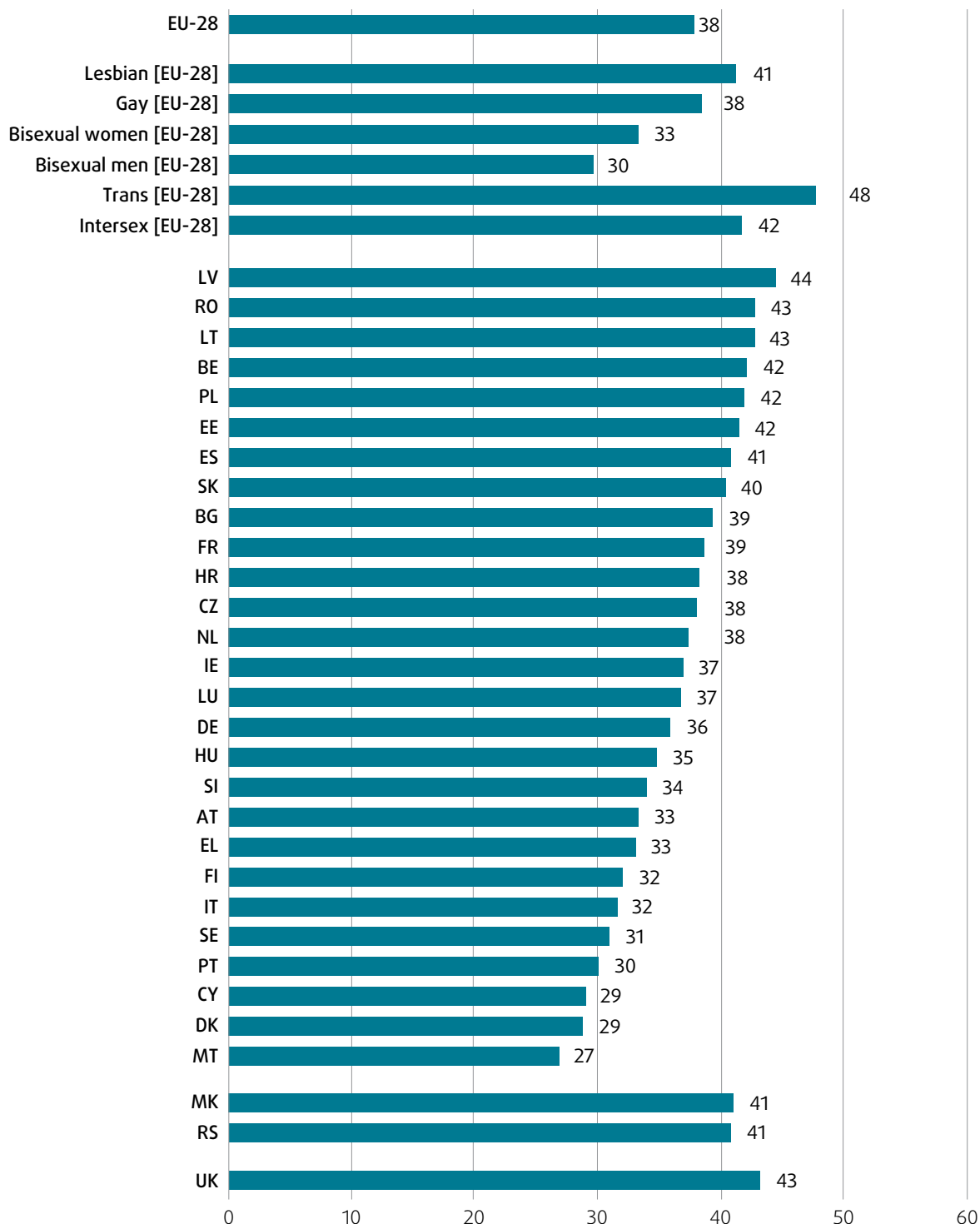
Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who described in the survey the impact of the most recent physical attack (EU-28 n = 12,543) or sexual attack (EU-28 n = 4,999) that took place because they are LGBTI, in the five years before the survey; weighted results.

<sup>b</sup> Question: "How did this incident affect your health and well-being? C. I was afraid to go out and visit places, D. I had psychological problems (e.g. depression or anxiety)."

Source: FRA, EU-LGBTI II 2019

Figure 16: Harassment experienced due to being LGBTI, in the 12 months before the survey (%)<sup>a,b</sup>



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

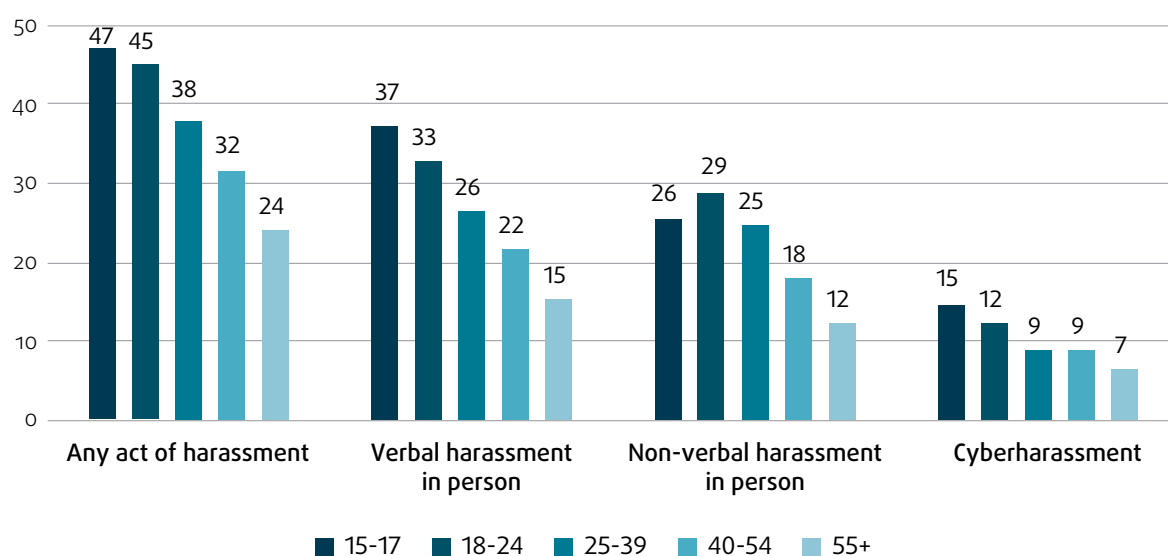
<sup>a</sup> Out of all respondents (EU-28 n = 137,508, EU-28 + 2 n = 139,799); weighted results.

<sup>b</sup> Question: "How many of these incidents [that is, each of the six acts of harassment asked about in the survey, experiences in the 12 months before the survey] happened to you because you are [RESPONDENT CATEGORY]?" The results show the percentage of respondents who have experienced one or more incidents.

Source: FRA, EU-LGBTI II 2019



**Figure 17: Harassment experienced due to being LGBTI, by age group and harassment type, in the 12 months before the survey (EU-28, %)<sup>a,b,c</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents (EU-28 n = 137,508); weighted results.

<sup>b</sup> Question: “How many of these incidents [that is, each of the six acts of harassment asked about in the survey, experiences in the 12 months before the survey] happened to you because you are [RESPONDENT CATEGORY]?” The results show the percentage of respondents who have experienced one or more incidents.

<sup>c</sup> ‘Verbal harassment in person’ includes answer categories 1) made offensive or threatening comments to you in person, such as insulting you or calling you names, and 2) threatened you with violence in person. ‘Non-verbal harassment in person’ includes answer categories 3) made offensive or threatening gestures or stared at you inappropriately, and 4) loitered, waited for you or deliberately followed you in a threatening way. ‘Cyberharassment’ includes answer categories 5) Sent you emails or text messages (SMS) that were offensive or threatening, and 6) posted offensive or threatening comments about you on the internet, for example on Facebook or Twitter. ‘Any act of harassment’ includes all six acts of harassment listed above.

Source : FRA, EU-LGBTI II 2019

The competent education authorities should take into account such findings when designing and implementing anti-bullying strategies and measures in schools and other educational settings.

### Harassment on multiple grounds

*“As soon as we behave as a couple (holding hands, hugging or kissing) we can assume that a man or often groups of men will start making lewd remarks/gestures or approach us to stand near us and openly to stare.” (Austria, Lesbian woman, 27)*

Other personal characteristics in addition to being LGBTI may amplify the experience of hate-motivated harassment. For example, this might be the case for a young trans person, a Muslim lesbian woman or a gay Roma man. They may be harassed because of only one of their characteristics, e.g. being trans, lesbian or gay – or also because they are young and trans, Muslim and lesbian, or gay and Roma.

Respondents had the opportunity to indicate if any of their harassment experiences in the year before the survey was motivated by any other characteristic in addition to being LGBTI – such as ethnic origin or immigrant background, skin colour, sex, age, religion or belief, and disability. The results differ depending on the LGBTI group.

Among gay men, 72 % indicated that the harassment they experienced did not involve any other ground. By contrast, 46 % of trans and 60 % of intersex respondents said they were also harassed due to their sexual orientation. Of respondents who experienced harassment due to being intersex, 41 % also said that they were harassed based on their gender identity and expression.

Meanwhile, 46 % of bisexual women respondents and 29 % of lesbian respondents indicated that they were harassed because of their sex in addition to or as part of being harassed for being bisexual or lesbian.

By contrast, only 2 % of gay respondents said that, in addition to being harassed due to being gay, they experienced harassment because of their sex.

### Context of most recent incident of harassment

*“Neo-Nazis tried to stab me with a knife because I was kissing a boy in public. Nobody cares – not the police, the government, or the people.”*(Croatia, Gay man, 20)

Respondents who experienced harassment due to being LGBTI in the five years before the survey were asked to describe the perpetrators of the incident and where it happened. Most described the perpetrator(s) as someone they did not know (52 %), followed by a teenager or group of teenagers (20 %), or someone from school, college or university (14 %). Respondents could select more than one category to characterise the perpetrators depending on the situation experienced.

Among respondents aged 15 to 17, 51 % of harassment incidents involved perpetrators from school, college or university. This highlights that schools and teachers play a critical role in preventing and addressing harassment against LGBTI children and youth.

Meanwhile, 17 % of respondents aged 15 to 17 indicated that the perpetrator was an acquaintance or friend. By comparison, 9 % among respondents of all age groups in the EU say this was the case. Of those aged 15 to 17, 38 % say that the perpetrator was a teenager or a group of teenagers, suggesting that these incidents took place among peers. This is further supported by the finding that only 28 % of respondents in this age group identified the perpetrator as someone they did not know. By comparison, 52 % of overall respondents in the EU say this is the case.

Two in three incidents of harassment reported by respondents (67 %) involved a male perpetrator. Meanwhile, 16 % involved both men and women as perpetrators, and 14 % of incidents involved only women.

Respondents were not able to identify the perpetrator(s) in only 3 % of incidents. Some 55 % of incidents involved only one perpetrator; 45 % involved two or more. For example, this could mean that the victim was insulted or threatened by a group of people, or that several people posted offensive comments about them online, such as on social media.

According to the respondents, 42 % of the harassment incidents took place in a street, square, park, car park or other public place. Meanwhile, 14 % took place online, including on social media. Again, young respondents (15 to 17) mention the school environment as the place where many harassment incidents take place: 42 % in this age

group indicated that the incident happened at school or university. Across all respondent age groups, some 7 % said they had been harassed for being LGBTI at work.

### 2.3.3. Reporting violence and harassment

*“Already when receiving my formal complaint, the police made homophobic statements. Despite inquiries in the aftermath, nothing happened. That’s why I avoided filing complaints in later cases. At the police I felt the homophobia to be even worse than in general society.”* (Germany, Gay man, 30)

The share of respondents who reported harassment to any organisation is very low (10 %). The rate of respondents who reported harassment to the police is even lower: 4 %. Physical or sexual attacks are reported at higher rates. Still, only 21 % of respondents reported such incidents to the police or any of the other organisations listed in the survey.

Reporting rates of hate-motivated harassment to the police are low across all EU Member States. They range from 6 % in the United Kingdom, Malta and Denmark; 2 % in Cyprus, Czechia and Luxembourg; to 1 % in Slovakia.<sup>14</sup>

*“I am also very sceptical about police work, that is, I believe that violence can be reported in Croatia only when a person has suffered severe physical violence or encounters discrimination in public institutions (where the name of the perpetrator can be accurately stated and the discrimination is described in detail).”* (Croatia, Lesbian woman, 27)

Few harassment cases are reported to the police irrespective of Member State. But there are notable differences between Member States in the rate of respondents who report physical or sexual attacks to the police. For example, 22 % of respondents in the Netherlands and in the United Kingdom said they reported to the police the most recent incident of physical or sexual attack that took place because they are LGBTI. In contrast, only 4 % of respondents in Romania and 5 % in Hungary indicated doing so.<sup>15</sup>

These results suggest differing levels of trust in law enforcement among LGBTI people across Member

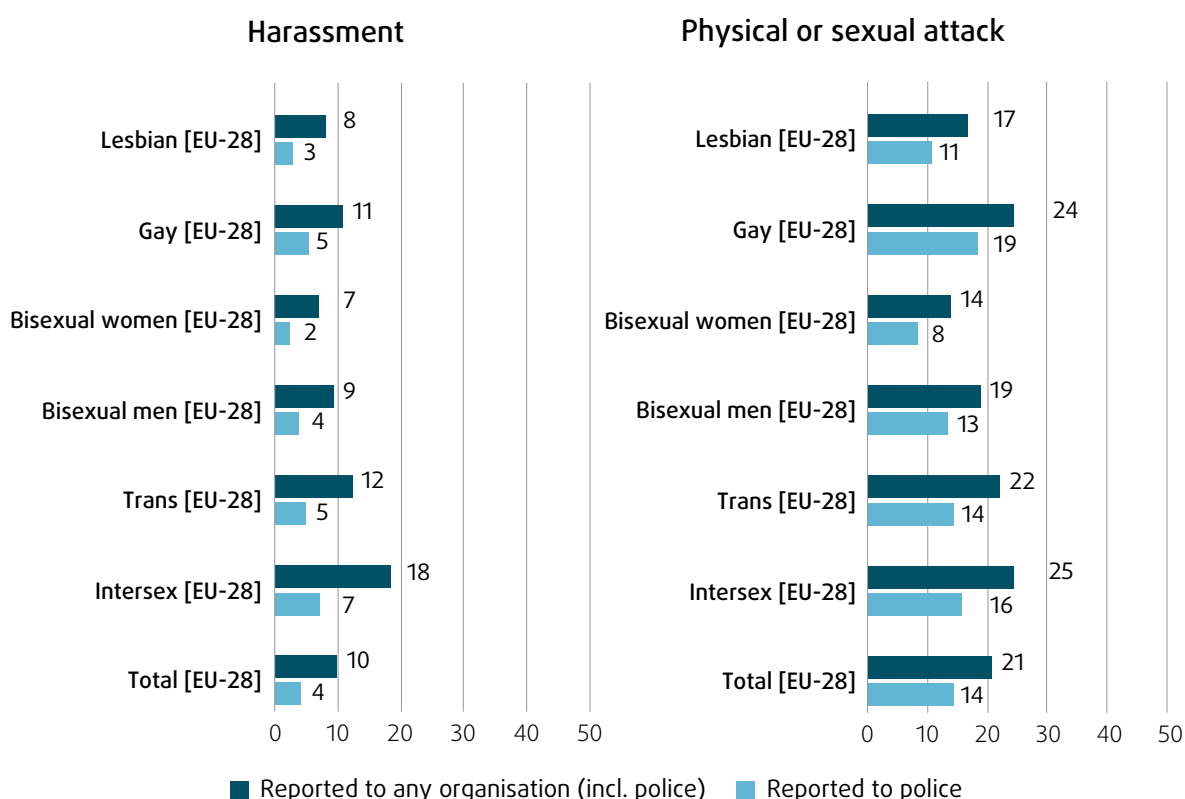
<sup>14</sup> In addition to the countries listed here, there are other EU Member States with the same percentage results concerning reporting harassment incidents to the police. Those countries are not mentioned here because their results are based on fewer than 20 observations and so should be considered less reliable.

<sup>15</sup> In addition to Hungary and Romania, there are other EU Member States with low rates of reporting physical or sexual attacks to the police. Those countries are not mentioned here given that their results are based on fewer than 20 observations and therefore should be considered less reliable.





**Figure 18: Reporting most recent harassment incident and physical or sexual attack (in five years before survey) to any organisation (incl. police) and specifically to police (EU-28, %)<sup>a,b</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who described in the survey the most recent incident of harassment (EU-28 n = 67,172) or physical or sexual attack (EU-28 n = 17,744) that took place because they are LGBTI, in the five years before the survey; weighted results.

<sup>b</sup> Question: "Did you or anyone else report it to the following organisations or institutions?"

- Police
- National human rights institutions/equality bodies/ombudspersons
- LGBTI organisation
- General victim support organisation
- Hospital or other medical service
- Someone in organisation/institution where it happened (at work, service provider)
- The media
- Other organisation
- No, the incident was not reported to any organisation"

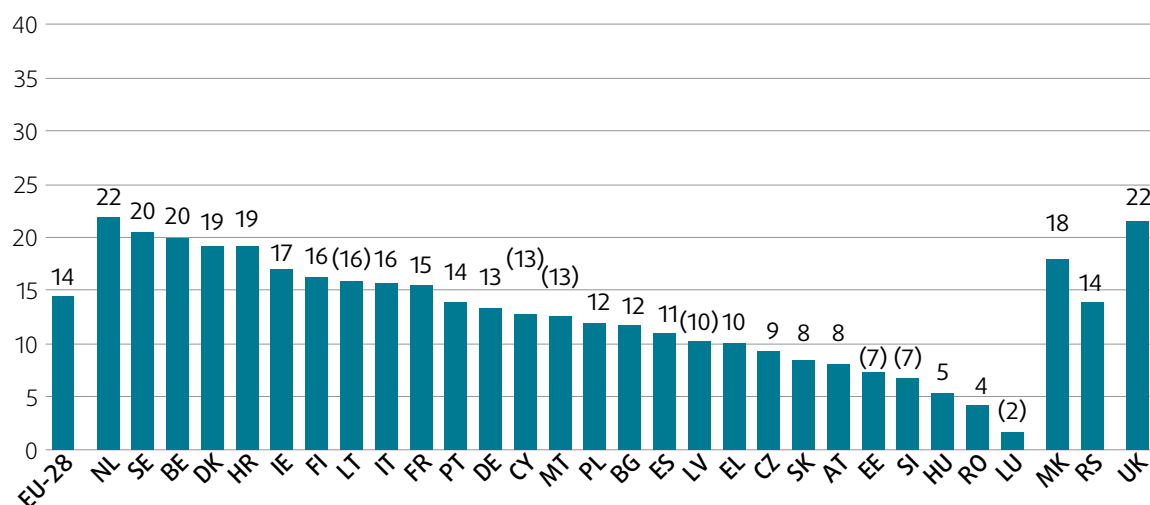
Source: FRA, EU-LGBTI II 2019

States. A lack of such trust undermines LGBTI people’s readiness to exercise their right to seek redress and protection by reporting hate-motivated crimes. The results may also reflect negative experiences that LGBTI respondents – or their friends, relatives and colleagues – may have had in earlier contact with the police.

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain a more in-depth and full picture of the situation in different EU Member States.

Respondents who said they did not report the most recent physical or sexual attack or harassment to the police were asked to elaborate on their reasons. The most common reasons include thinking that the police would not or could not do anything; not trusting the police; or fear of a homophobic and/or transphobic reaction if they reported to the police. In addition, 51 % of victims of harassment and 33 % of victims of physical or sexual attack indicated that they considered the incident too minor or not serious enough to merit reporting it to the police.

**Figure 19: Reporting to the police the most recent physical or sexual attack due to being LGBTI, in five years before the survey (%)<sup>a,b,c</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who described in the survey the most recent physical or sexual attack that took place because they are LGBTI, in the five years before the survey (EU-28 n = 17,744, EU-28 + 2 n = 18,181); weighted results.

<sup>b</sup> Question: "Did you or anyone else report it to the following organisations or institutions? - Police."

<sup>c</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parenthesis. Results based on fewer than 20 unweighted observations in a group total are not published.

Source: FRA, EU-LGBTI II 2019

On average, 25 % of all respondents in the EU mentioned fear of a homophobic and/or transphobic reaction from police as the reason for not reporting a physical or sexual attack. Close to half of respondents who did not report in Latvia (47 %) mentioned this reason, followed by Bulgaria (40 %), Lithuania (39 %), Romania (38 %) and Cyprus (38 %). Overall, across the EU, trans respondents in particular indicated being worried about how the police would react, with 32 % afraid of a homophobic and/or transphobic reaction and thus deciding not to report the incident.

These results should be considered when developing measures to ensure that the police treat LGBTI people respectfully when approached to report incidents of physical or sexual attack or harassment.

### 2.3.4. Avoiding certain locations – feelings of safety

People may avoid specific places or locations where they feel vulnerable. Avoidance behaviours can result from one's own negative experiences, experiences of

family members and friends, or incidents reported in the media. For instance, people may prefer a route with better lighting to the shortest but poorly lit route, or may avoid crossing a square or a park frequented by rowdy people.

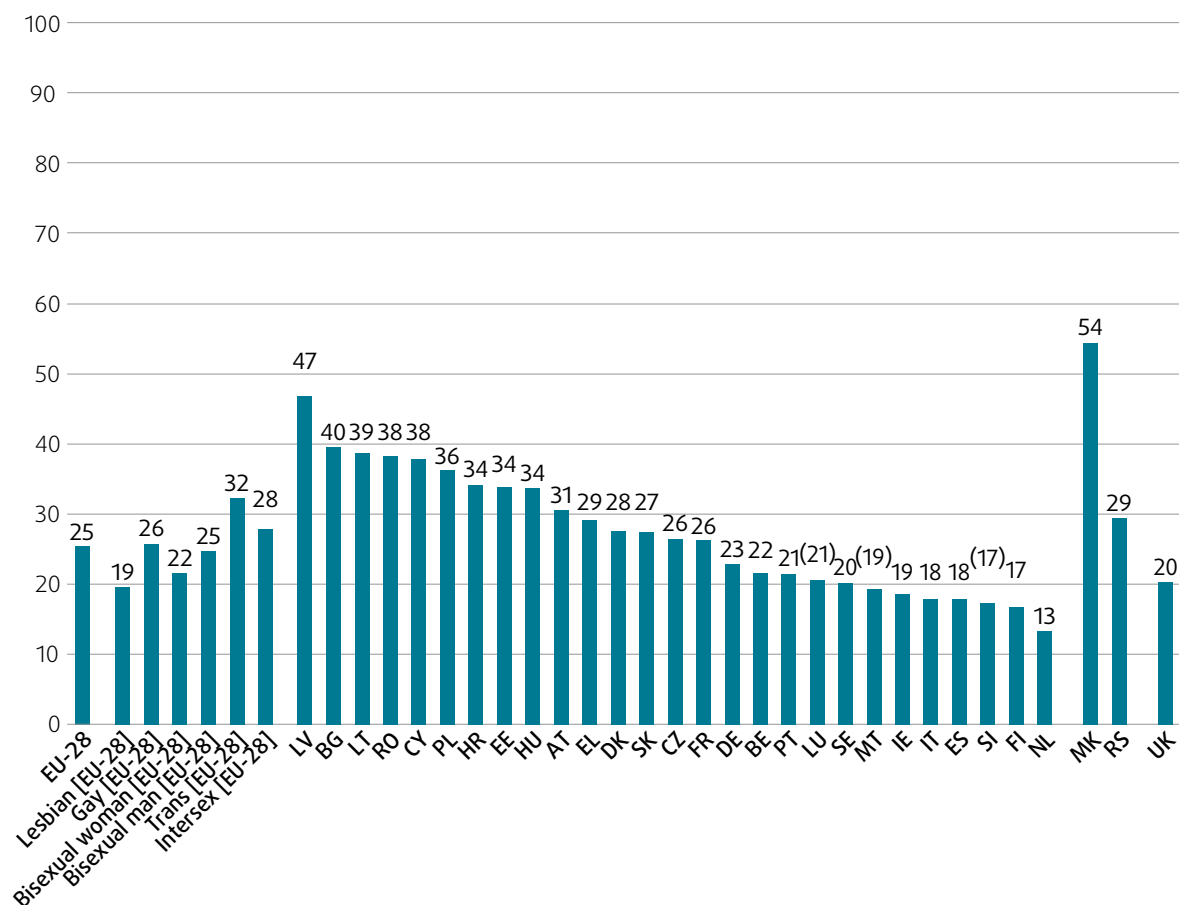
Such avoidance behaviours affect people's quality of life. Relevant authorities – such as law enforcement and local authorities – have a duty to take all measures necessary to protect the fundamental right to liberty and security.

*"Holding hands with my partner, I move exclusively in locations for LGBTI or at relevant events."* (Germany, Lesbian woman, 29)

Overall, one in three respondents (33 %) indicated that they often or always avoid certain places or locations for fear of being assaulted, threatened or harassed because of being LGBTI. Meanwhile, 36 % said they avoid them on rare occasions, and 31 % that they never avoid them (Figure 21).

The results show large differences between Member States. For example, 40 % or more of respondents in

**Figure 20: Not reporting most recent physical or sexual attack due to being LGBTI to the police, out of fear of homophobic and/or transphobic reaction, in five years before survey (%)<sup>a,b,c</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who described in the survey the reasons for not reporting the most recent incident of physical or sexual attack (EU-28 n = 15,378, EU-28+2 n = 15,752) to the police (incidents that took place because the respondents is LGBTI, in the five years before the survey); weighted results.

<sup>b</sup> Question: “Why did you not report it [physical or sexual attack] to the police? – Fear of a homophobic and/or transphobic reaction from the police.”

<sup>c</sup> Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parenthesis. Results based on fewer than 20 unweighted observations in a group total are not published.

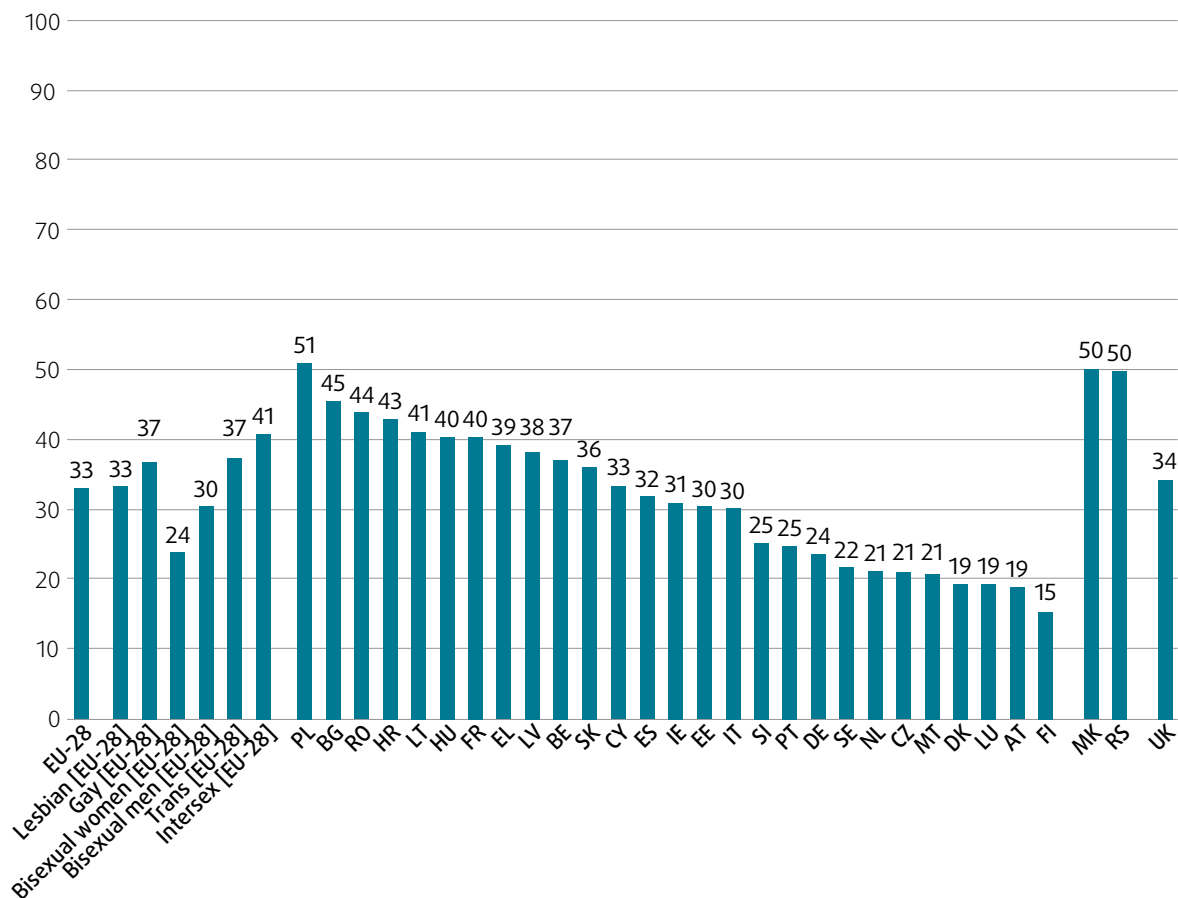
Source: FRA, EU-LGBTI II 2019

Poland, Bulgaria, Romania, Croatia, Lithuania, Hungary and France indicate that they often or always avoid certain places or locations for fear of being assaulted, threatened or harassed. By comparison, under 20 % of respondents do so in Denmark, Luxembourg, Austria and Finland.

Readers are encouraged to use the FRA LGBTI Survey Data explorer to obtain more insights of the situation in different EU Member States.

Across the EU, intersex respondents indicate the highest rate (41 %) of often or always avoiding certain locations, followed by trans and gay men (each 37 %).

**Figure 21: Respondents who ‘often’ or ‘always’ avoid certain places or locations for fear of being assaulted, threatened or harassed due to being LGBTI (%)<sup>a,b</sup>**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents (EU-28 n = 137,508, EU-28+2 n = 139,799); weighted results.

<sup>b</sup> Question: “Do you avoid certain places or locations for fear of being assaulted, threatened or harassed because you are [RESPONDENT CATEGORY]?” The results show the sum of respondents who answered ‘Often’ or ‘Always’.

Source: FRA, EU-LGBTI II 2019



## 2.4. The situation of intersex persons

### KEY FINDINGS

- Almost two thirds (62 %) of intersex respondents felt discriminated against in at least one area of life because of being intersex in the 12 months before the survey.
- 62 % of intersex respondents did not provide – and were not asked for – their or their parents’ consent before undergoing surgical intervention to modify their sex characteristics.
- Intersex respondents say that discrimination because of their sex characteristics, bullying and/or violence are the major problems they face in the country they live in.
- One in five intersex respondents (19 %) faced hurdles when registering their civil status or gender in a public document. These include denials of service or ridicule by staff (41 %).

This section presents findings on the main challenges intersex respondents face in their daily lives because of their sex characteristics. It also examines their experiences with being asked, or their parents being asked, to consent to medical treatments or interventions; how they found out about the variation of their sex characteristics; and how this was medically established. In addition, it looks at obstacles intersex respondents face when registering their civil status or gender in public documents.

#### Providing unique data on intersex people

The evidence presented in this section is based on survey data collected for the first time in the EU on intersex people. It is particularly valuable for law- and policymakers. In the absence of comparable EU level data on medical treatment or surgery performed on intersex children, these findings provide unique and valuable information on how intersex people themselves experience the respect of their human rights to physical and psychological integrity.

#### Note on definitions: intersex

FRA uses the term ‘intersex’ as an umbrella term for a number of different variations in a person’s bodily characteristics that do not match strict medical definitions of male or female. These characteristics may be chromosomal, hormonal and/or anatomical and may be present to differing degrees. Many variants of sex characteristics are immediately detected at birth, or even before. Sometimes these variants become evident only at later stages in life, often during puberty.

The Council of the EU’s 2013 guidelines for the protection of the human rights for LGBTI people noted, in regard to ‘intersex’, that this covers “bodily variations in regard to culturally established standards of maleness and femaleness”.\*

\* *Council of the European Union (2013), Guidelines to promote and protect the enjoyment of all human rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons, Luxembourg, 24 June 2013.*

*For more information, please see FRA (2015), The fundamental rights situation of intersex people, Luxembourg, Publications Office.*

*"I am proud to be intersex. It is a matter of time until everyone has heard of it and until everyone understands that biological sex is not binary. It will take longer for people to accept that everyone is free to choose how they identify, because this requires people to examine their own identity." (Sweden, Intersex person, Bisexual, 35)*

### **Towards a legal framework for protecting intersex people?**

The traditional social distinction between male or female does not account for all variations in sex characteristics. As a result, intersex people experience fundamental rights violations ranging from discrimination to medical interventions without their consent.

#### **Important but limited step: de-pathologisation**

In June 2018, the World Health Organisation (WHO) partially de-pathologised trans identities by removing them from 'disorders of sex development' in the 11<sup>th</sup> revision of the International Classification of Diseases (ICD-11). The European Parliament welcomed this de-pathologisation in its February 2019 resolution on the rights of intersex people, however partial. It also noted though that "the category of 'gender incongruence' in childhood pathologises non-gender-normative behaviours in childhood", and called on Member States to pursue the removal of this category from the ICD-11.\*

#### **Little engagement at EU and Member State levels**

Discrimination against intersex persons is a particularly complex form of discrimination. Intersex organisations argue that the term 'sex characteristics' would best define a ground for protection against discrimination of intersex people.\*\* However, it remains unclear how the anti-discrimination legal framework in the EU protects intersex people.

The Commission's 2018 report on 'Trans and intersex equality rights in Europe' finds "a broader problem of domestic (and EU) law failing to engage with intersex experiences".\*\*\* The report argues that intersex individuals "enjoy few explicit protections against unequal treatment", while Member States "largely fail to counteract the practice of unnecessary medical interventions on the bodies of intersex people".

EU gender equality legislation is silent on the issue and no case of discrimination against intersex people has yet reached the CJEU.

### **Malta takes the lead**

In 2015, Malta became the first EU Member State to provide protection against discrimination explicitly on grounds of 'sex characteristics'. The 'Gender Identity, Gender Expression and Sex Characteristics Act' requires public services to eliminate any unlawful discrimination and harassment on the ground of sex characteristics, and requires public services to promote equality of opportunity for all, irrespective of their sex characteristics.\*\*\*\*

\* *European Parliament Resolution B8-0101/2019 – on the rights of intersex people (2018/2878(RSP)).*

\*\* *European Intersex Meeting (2014), Statement of the European Intersex Meeting, 8 October 2014, point 2.*

\*\*\* *European network of legal experts in gender equality and non-discrimination (2018), Trans and intersex equality rights in Europe – a comparative analysis.*

\*\*\*\* *Malta, ACT No. XI of 2015 for the recognition and registration of the gender of a person and to regulate the effects of such a change, as well as the recognition and protection of the sex characteristics of a person.*

### **2.4.1. Main challenges faced by intersex persons**

More than one in three intersex respondents (34 %) consider as their biggest problem discrimination because of their sex characteristics. A similar proportion (33 %) considers bullying and/or violence as their biggest problem.

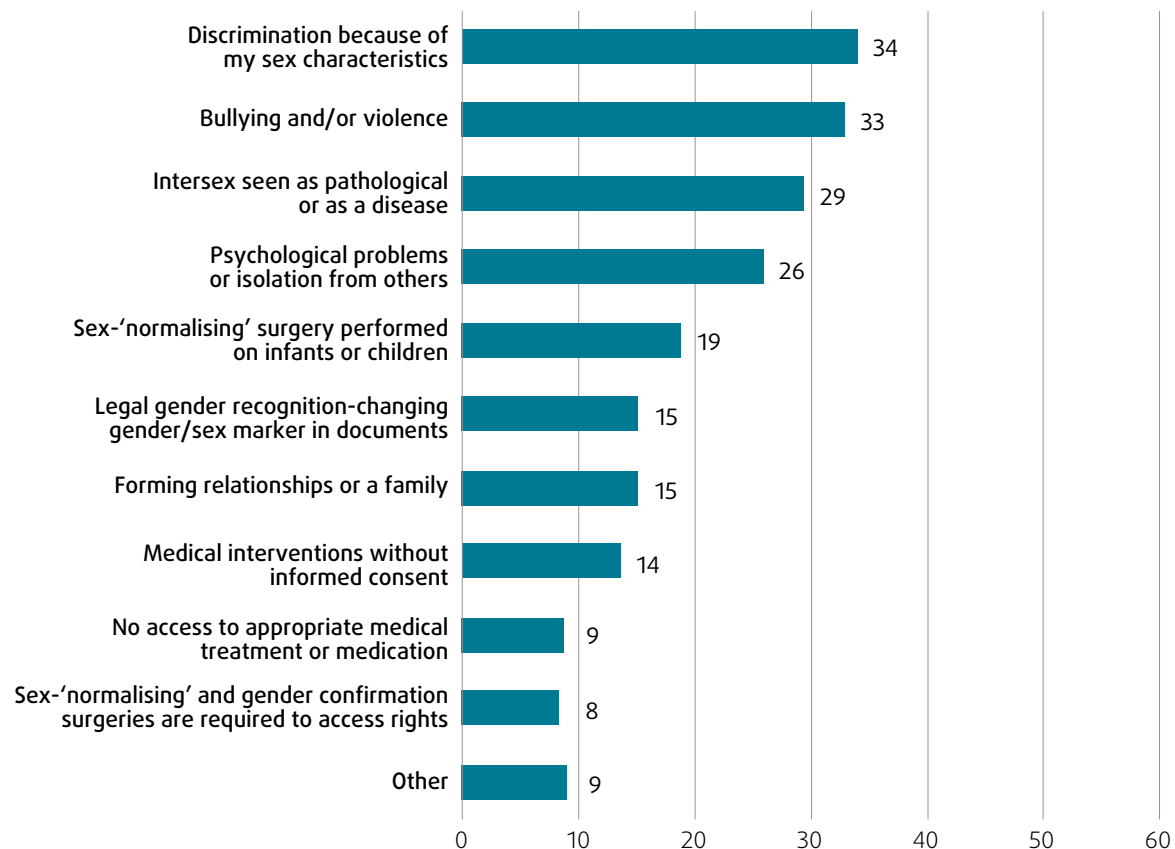
A slightly smaller proportion (29 %) says the main problem is that people see intersex as a disease or as pathological. More than one in four (26 %) identify psychological problems or isolation from others as the biggest concern. One in five (19 %) indicated sex -'normalising' surgery performed on infants or children as the main issue.

*"My last physical attack was a grope and punch to the chest at a tram stop after works' Christmas Party." (United Kingdom, Trans woman, Intersex person, Bisexual, 49)*

*"Medical care for my health needs is hard to find without discrimination. Therefore, I go to the doctor only in extreme emergencies." (Germany, Intersex person, 49)*



**Figure 22: Biggest problems intersex people face in the country they live in**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all intersex respondents living in the EU (n=1,519); weighted results.

<sup>b</sup> The presented figure is based on question IX9: "Which do you think are the biggest problems intersex people face in [COUNTRY]? Please select up to three options that are the most important for you."

Source: FRA, EU-LGBTI II 2019

### 2.4.2. Informed consent for medical treatments or interventions

Most intersex respondents (62 %) say they did not provide – and were not asked for – their own or their parents’ informed consent before their first surgical treatment to modify their sex characteristics. Almost half of the intersex respondents say that informed consent was not provided for hormonal treatment (49 %), nor for any other type of medical treatment (47 %).

### A matter of rights: informed consent, dignity and integrity of the person

The EU Charter of Fundamental Rights enshrines the right to integrity, and stresses that the free and informed consent of the person must be respected (Article 3 – Title I ‘Dignity’).

The right to make informed decisions about care and treatment options, and the right to refuse treatment, are basic patient rights. They ensure the ethical treatment of persons receiving medical or other professional health care services and the respect of their dignity and bodily autonomy.

The absence of informed consent about any medical intervention, let alone important interventions that modify the sex characteristics of a person can violate patients’ rights, as well as the right to human dignity and the integrity of the person.

The Council of Europe Convention on Human Rights and Biomedicine,\* better known as the Oviedo Convention, outlines a range of principles and prohibitions concerning the right to consent, to private life and information, etc. for the protection of human rights in the biomedical field. However, a number of Member States have not signed and/or ratified the convention. These

include Austria, Belgium, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland and Sweden.

### A matter of national law

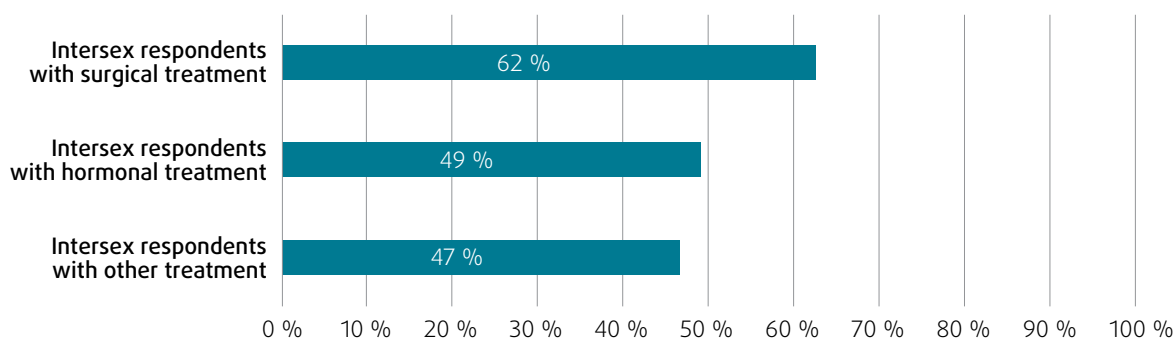
In 2018, the European Commission issued a report on “Patients’ Rights in the European Union”. It refers to EU efforts dating from 1984 to establish the rights of patients – for instance, through a European Parliament resolution inviting the Commission to propose a “European Charter on the Rights of Patients”.\*\*

The report notes that Directive 2011/24/EU on the application of patients’ rights in cross-border healthcare addresses patients’ rights as ‘consumers’ in the context of cross-border health care. But it notes that the directive does not deal with other core aspects of basic individual patients’ rights. This includes, for instance, the issue of informed consent. This is regulated at national level, with Member States providing varying degrees of protection.

\* See *Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine*.

\*\* *The Commission’s report is available on the website of the EU’s Publications Office.*

**Figure 23: Intersex respondents who say neither they nor their parents gave fully informed consent before first medical treatment or intervention to modify their sex characteristics<sup>a,b</sup>**



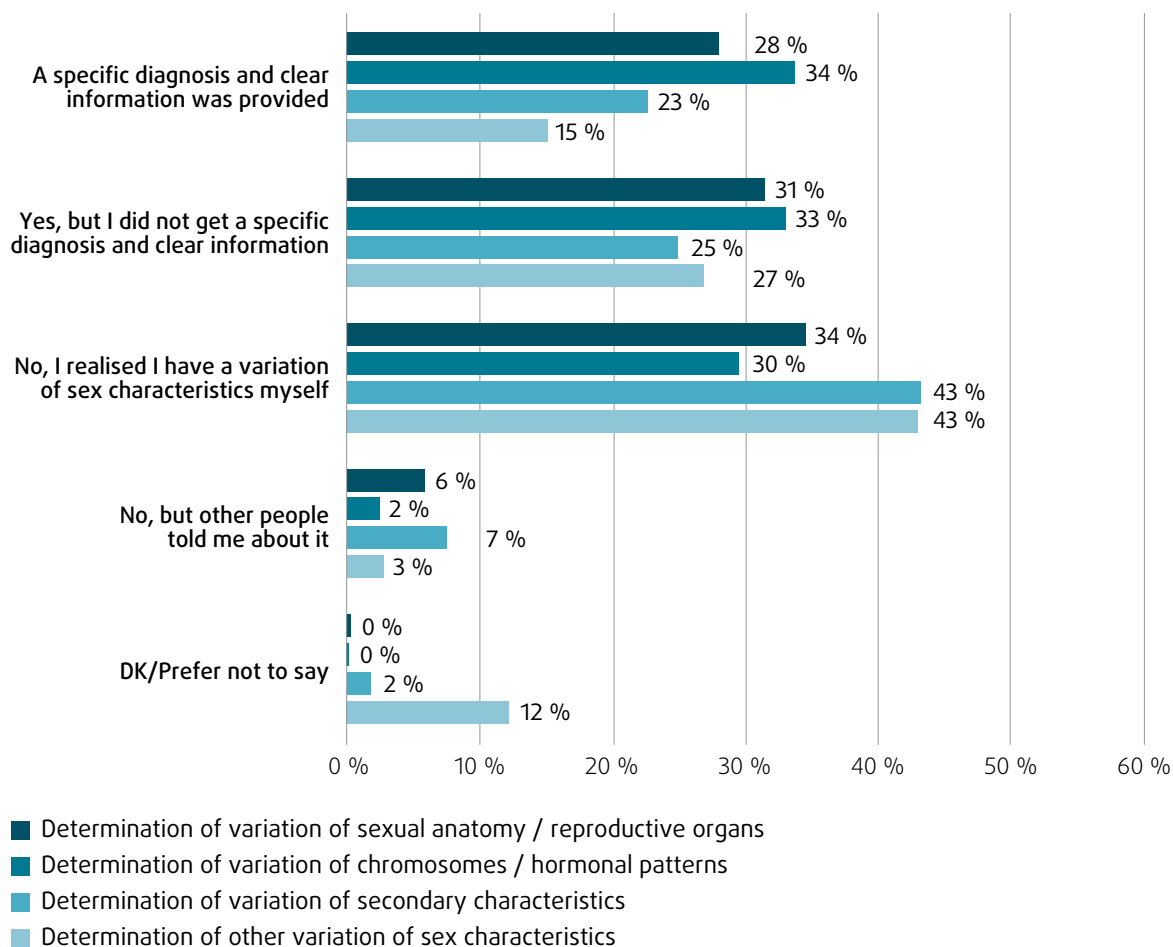
Notes: <sup>a</sup> Out of all intersex respondents who have undergone any medical treatment or intervention, to modify their sex characteristics (n=362); weighted results.

<sup>b</sup> The presented figure shows respondents who replied to Question IX4: “Have you undergone any medical treatment or intervention, to modify your sex characteristics?” and Question IX5: “Who gave consent before your first medical treatment or intervention to modify your sex characteristics?” and replied ‘Yes’ or ‘No’ to Question IX7: “Were you or your parents explained in detail what the medical treatment involves and possible positive or negative consequences?”

Source: FRA, EU-LGBTI II 2019



**Figure 24: How the variation in the intersex respondents' sex characteristics was determined**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all intersex respondents (n EU-28=1,519); weighted results.

<sup>b</sup> The presented figure is based on Question IX1: "What type of variation of your sex characteristics do you have (or were you treated for)? Read all options and select all that apply" and Question IX2: "Was the variation in your sex characteristics determined by medical professionals?"

Source: FRA, EU-LGBTI II 2019

### 2.4.3. Determination and awareness of sex characteristics

The survey asked intersex respondents how they found out about the variation of their sex characteristics. More than four in 10 (43 %) say that they discovered themselves a variation of their secondary sex characteristics.

One in three respondents (34 %) received a specific medical diagnosis and clear information concerning the variation of chromosomes or hormonal patterns. About one third of respondents say that a medical determination was made, but that they did not get a specific diagnosis or clear information about this.

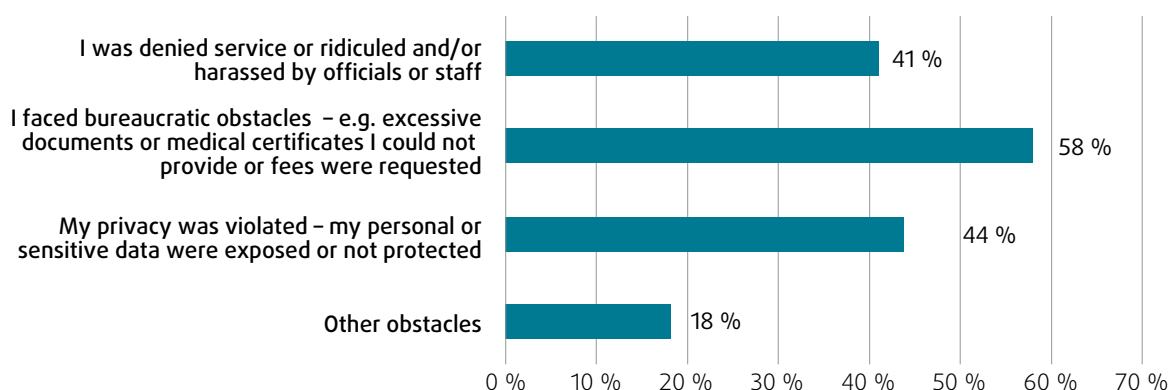
A smaller proportion of respondents – about one in 10 – say there was no medical determination of them being intersex. Instead, other people told them about this.

### 2.4.4. Obstacles to registering civil status in public documents

One in five intersex survey respondents (19 %) faced obstacles when registering their civil status or gender in a public document. These include bureaucratic obstacles (58%), denials of service or ridicule by staff (41 %), and violations of privacy (44 %).

*"Legal discrimination between the sexes allows for legal inequalities. It is not a question of increasing the number of legal genders, but of creating a legal system that what you are assigned at birth will not matter."* (Hungary, Non binary, 44)

**Figure 25: Obstacles faced by intersex respondents when registering civil status or gender in public documents**



Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all intersex respondents who said they have faced obstacles registering their civil status or gender in public documents (n EU-28=306); weighted results.

<sup>b</sup> The presented figure is based on Question IX8: "Have you ever faced any obstacles registering your civil status or your gender in public documents?" and Question IX9: "What kind of obstacles have you faced? Read all options and select all that apply".

Source: FRA, EU-LGBTI II 2019



# Annex: Methodology

The EU-LGBTI II Survey was conducted online between 27 May and 22 July 2019. It collected information from 139,799 LGBTI respondents. Intersex people and those aged 15 to 17 were included for the first time in this survey wave. The preparation of the survey, online data collection, processing and analysis of indicators, and the online survey promotion were conducted by Agilis SA and Homoevolution<sup>16</sup> under FRA's guidance and oversight.

## Geographical coverage

Respondents could fill in the survey only if they reported that they had lived for at least one year in the countries covered by the survey. These countries were all EU countries, North Macedonia and Serbia. The latter two were not included in the first wave of the survey in 2012.

## Sample

The EU-LGBTI II Survey, conducted online, collected data from 139,799 complete responses, including 137,508 from respondents living in the 28 EU Member States. The EU-28 sample is composed of 42 % gay males, 20 % bisexual women, 16 % lesbian women, 14 % trans persons, 7 % bisexual males and 1 % intersex persons. In Estonia and Lithuania, bisexual women form the largest categories. In Finland, trans respondents do so.

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<sup>16</sup> As consortium of external contractors awarded the LGBTI survey contract through an Open Call for Tender in 2018.

Table 3: Unweighted sample size by country and by LGBTI group and the distribution of the national samples between LGBTI groups

Country	Sample size (unweighted)						% of country sample (unweighted)							
	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total n	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
<b>EU-28</b>	<b>22,380</b>	<b>57,866</b>	<b>26,815</b>	<b>9,483</b>	<b>19,445</b>	<b>1,519</b>	<b>137,508</b>	<b>16%</b>	<b>42%</b>	<b>20%</b>	<b>7%</b>	<b>14%</b>	<b>1%</b>	<b>100%</b>
AT	457	1,122	264	123	326	23	2,315	20%	48%	11%	5%	14%	1%	100%
BE	460	1,394	250	133	416	33	2,686	17%	52%	9%	5%	15%	1%	100%
BG	220	995	303	240	118	<20	1,894	12%	53%	16%	13%	6%	hidden	100%
HR	159	496	214	94	108	<20	1,088	15%	46%	20%	9%	10%	hidden	100%
CY	85	359	84	36	49	<20	630	13%	57%	13%	6%	8%	hidden	100%
CZ	420	2,004	493	242	366	37	3,562	12%	56%	14%	7%	10%	1%	100%
DK	413	1,025	256	157	374	<20	2,244	18%	46%	11%	7%	17%	hidden	100%
EE	206	234	446	51	187	<20	1,139	18%	21%	39%	4%	16%	hidden	100%
FI	907	751	1,274	175	1,575	29	4,711	19%	16%	27%	4%	33%	1%	100%
FR	2,583	6,286	1,765	764	1,934	86	13,418	19%	47%	13%	6%	14%	1%	100%
DE	3,059	7,580	1,433	1,072	2,815	160	16,119	19%	47%	9%	7%	17%	1%	100%
EL	621	2,083	909	365	448	76	4,502	14%	46%	20%	8%	10%	2%	100%
HU	716	1,563	1,045	206	486	43	4,059	18%	39%	26%	5%	12%	1%	100%
IE	460	972	431	194	305	21	2,383	19%	41%	18%	8%	13%	1%	100%
IT	1,853	4,789	1,481	627	890	141	9,781	19%	49%	15%	6%	9%	1%	100%
LV	119	251	203	59	105	<20	743	16%	34%	27%	8%	14%	hidden	100%
LT	188	391	538	93	156	32	1,398	13%	28%	38%	7%	11%	2%	100%
LU	78	187	38	20	35	<20	361	22%	52%	11%	6%	10%	hidden	100%
MT	189	342	134	29	90	<20	800	24%	43%	17%	4%	11%	hidden	100%
NL	459	2,128	359	287	620	61	3,914	12%	54%	9%	7%	16%	2%	100%

Country	Sample size (unweighted)						% of country sample (unweighted)							
	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total n	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
PL	2,065	5,335	3,606	795	1,742	175	<b>13,718</b>	15%	39%	26%	6%	13%	1%	100%
PT	380	2,555	444	482	360	73	<b>4,294</b>	9%	60%	10%	11%	8%	2%	100%
RO	521	1,065	878	298	372	80	<b>3,214</b>	16%	33%	27%	9%	12%	2%	100%
SK	428	1,344	713	179	219	72	<b>2,955</b>	14%	45%	24%	6%	7%	2%	100%
SI	95	340	101	47	43	<20	<b>633</b>	15%	54%	16%	7%	7%	hidden	100%
ES	2,458	7,339	6,406	1,796	2,067	114	<b>20,180</b>	12%	36%	32%	9%	10%	1%	100%
SE	328	998	294	226	632	24	<b>2,502</b>	13%	40%	12%	9%	25%	1%	100%
MK	86	254	120	70	53	<20	<b>600</b>	14%	42%	20%	12%	9%	hidden	100%
RS	241	788	282	158	171	51	<b>1,691</b>	14%	47%	17%	9%	10%	3%	100%
UK	2,453	3,938	2,453	693	2,607	121	<b>12,265</b>	20%	32%	20%	6%	21%	1%	100%
<b>Total</b>	<b>22,707</b>	<b>58,908</b>	<b>27,217</b>	<b>9,711</b>	<b>19,669</b>	<b>1,587</b>	<b>139,799</b>	<b>16%</b>	<b>42%</b>	<b>19%</b>	<b>7%</b>	<b>14%</b>	<b>1%</b>	<b>100%</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents who provided a questionnaire that passed the quality criteria (n = 139,799); unweighted results.

<sup>b</sup> To avoid possible identification of respondents, the frequencies and proportions are not published if the sample size in a given cell is smaller than 20.

<sup>c</sup> Based on questions A2, A3, A4, A5, A6 and A6.

Source: FRA, EU-LGBTI II 2019

The survey screened respondents with regards to sex (questions A2 and A3), sex characteristics (question A5), sexual orientation (question A4), and gender identity and expression (questions A3, A6 and A6\_1). Based on their answers, respondents were categorised into six main categories – lesbian woman, gay man, bisexual woman, bisexual man, trans and intersex.

Some respondents could be categorised under more than one category (for example, bisexual and trans). In this case, the trans or intersex category was given priority to collect more information on trans and intersex people, who are often under-represented in surveys on LGBTI issues. Therefore, respondents who belong to more than one LGBTI category were asked questions only with regard to one of the respondent categories with which they identify. For example, trans lesbians were asked questions about their experiences as trans persons. This was important to limit the number of questions and to ease the burden on respondents. However, the respondents were able to attribute more than one ground – for example, being a lesbian or a woman – to a specific incident they had experienced. Respondents who self-identified as trans were allowed to specify a description that best fits their identity, such as trans woman, trans man, cross-dressing woman, cross-dressing man, non-binary, genderqueer, gender-fluid, agender or poly-gender.

**Table 4: Self-reported trans identities, unweighted (EU-28, %)**

Description	Trans	Intersex	Total % (excl. Not applicable)
Don't know	0%	(0%)	0%
Prefer not to say	(0%)	(0%)	(0%)
Not applicable	1%	55%	5%
A trans woman	15%	8%	14%
A trans man	23%	6%	22%
A cross-dressing woman	1%	2%	1%
A cross-dressing man	2%	3%	2%
Non-binary	23%	7%	22%
Genderqueer	9%	3%	9%
Gender-fluid	11%	6%	11%
Agender	7%	2%	7%
Poly-gender	1%	2%	1%
Other, please specify	6%	5%	6%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all trans and intersex respondents who provided a questionnaire that passed the quality criteria (n = 20,964); unweighted results.

<sup>b</sup> The column 'Total' excludes respondents who didn't provide their description.

<sup>c</sup> Intersex category is included in the table because some intersex respondents also identified as trans. All lesbian, gay and bisexual respondents who identified as trans (or intersex) were categorised as trans (or intersex).

<sup>d</sup> Based on question A6\_1: "How would you describe your current gender identity? Please select which of the following categories fits you the best: 1. A trans woman, 2. A trans man, 3. A cross-dressing woman, 4. A cross-dressing man, 5. Non-binary, 6. Genderqueer, 7. Gender-fluid, 8. Agender, 9. Poly-gender, 10. Other, please specify, 888. Prefer not to say, 999. Don't know"

Source: FRA, EU-LGBTI II 2019

The countries with the largest samples are Spain (14 % of all respondents), Germany (12 %), Poland and France (both 10 %), and the United Kingdom (9 %). By contrast, Cyprus, Luxembourg, North Macedonia and Slovenia have the smallest samples (each less than 0.5 % of all respondents).



## Survey type

An open online survey method was selected due to the specific challenges that apply to surveying LGBTI people with traditional methods, such as 'random route'. The anonymity and confidentiality ensured by this type of survey allows large numbers of respondents from different strata of the target population to participate, including those who do not wish to disclose being LGBTI in a traditional survey conducted face-to-face or by telephone.

To ensure high rates of participation, European and many national LGBTI organisations helped promote the survey. Moreover, various other channels were used to inform people about the survey and promote participation. These include social media and other on- and offline channels.

## The questionnaire

The questionnaire largely duplicated the one used in the previous wave, improved and extended after consultation with EU and international institutions and human rights bodies and organisations, as well as with European and global LGBTI organisations and networks, experts and academics.

It included mostly multiple-choice questions, as well as a number of controls to ensure quality. Respondents had to select an answer for all questions, including for some the option of 'don't know' or 'prefer not to say'.

The wording of the questionnaire was adapted to the respondents' category. For example, intersex respondents were asked about their experiences as intersex rather than as 'LGBTI person'. One section of the questionnaire was dedicated to trans respondents and one section to intersex respondents.

The questionnaire included, at the end, an open text field for comments.

## Representativeness

Open online surveys do not claim to be representative of the universe they cover. FRA took a number of steps to ensure that the survey is 'as representative as possible': for example, through mapping the LGBTI population in each country to calculate target sample sizes per country, by LGBTI group, and by age category.

## Data quality and consistency

The dataset was checked for internal consistency and controlled for genuine answers. The controls included checks for 'speeders' (those who completed the survey too fast, meaning that they replied to questions without taking the minimum time necessary to read them), internally inconsistent answers, answers that were aimed to distort the results, etc. The responses were assigned a combined quality score and were deleted if they failed to meet the data quality standards. In total, FRA excluded 1,822 (1.3 %) responses. Therefore, the analysis of the survey results presented in this report was based on the final sample of 139,799 questionnaires – out of the 141,621 questionnaires collected via the online survey tool.

## Weighting

To avoid distortion of the survey results due to over- or underrepresentation of a particular group in the sample, two sets of weights were applied:

- Benchmark weight based on information on assumed LGBTI population from previous surveys. This weight took into account the relative distributions between the LGBTI groups and age categories per country to correct for underrepresentation of some LGBTI and age groups.

- Affiliation weight, which takes into account the relative propensity of respondents of being a certain or possible participant in other LGBTI surveys, including the FRA 2012 survey. This weight corrects for the higher propensity of people closely affiliated with LGBTI organisations to participate in LGBTI surveys.

The weights were standardised and trimmed to avoid extreme values. The results of the second wave of the survey are weighed by a combination of benchmark and affiliation weights. When calculating averages for the EU-28, the relative population size of the countries was taken into account.

Since the first wave of the survey did not collect information that would allow the calculation of the affiliation weights, comparisons between the first and the second wave are weighed only through benchmark weights.

## Sociodemographic characteristics

The sample in the EU-28 is predominantly young, with a mean age of almost 29 years. Four out of five respondents (82 %) were younger than 40. More than a third were aged between 18 and 24. Respondents aged 15 to 17 years constitute a seventh of the sample. Only 4 % of respondents were 55 or older.

**Table 5: Age of survey respondents, by LGBTI group, unweighted (EU-28, %)**

Age	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
15-17 years old	13	5	28	13	19	18	13
18-24 years old	33	27	48	42	43	30	35
25-39 years old	38	40	21	27	28	27	33
40-54 years old	13	21	3	12	8	19	14
55+ years old	3	6	1	5	3	6	4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in the EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); unweighted results.

<sup>b</sup> Based on question A1: "How old are you?"

Source: FRA, EU-LGBTI II 2019

In terms of education, almost half of the sample (45 %) had completed university education (equivalent of bachelor degree or higher); 12 % had completed post-secondary education; 28 % completed upper secondary, and 11 % lower secondary education. Only 4 % of the sample had completed only primary education or had no formal education. By comparison, 29 % of the general population in the EU-28 have completed tertiary education, 46 % have completed upper secondary and post-secondary education, and 26 % have completed less than primary or lower secondary education.<sup>17</sup>

<sup>17</sup> According to Eurostat: Population by educational attainment level (2018). Available on Eurostat's website.





**Table 6: Highest completed level of education of the survey respondents, by LGBTI group, unweighted (EU-28, %)**

Education	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
No formal	0%	0%	0%	1%	1%	2%	0%
Primary	3%	2%	6%	4%	4%	7%	3%
Lower secondary	10%	8%	15%	11%	15%	18%	11%
Upper secondary	27%	24%	32%	30%	34%	29%	28%
Post-secondary other than college/university	11%	12%	12%	14%	12%	13%	12%
Bachelor or equivalent	25%	25%	21%	22%	20%	16%	23%
Master or equivalent	21%	25%	12%	16%	11%	12%	19%
Doctoral or equivalent	3%	4%	1%	3%	2%	3%	3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in the EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); unweighted results.

<sup>b</sup> Based on question H1: "What is the highest level of education you have completed? 1. No formal education, 2. Primary education, 3. Lower secondary education, 4. Upper secondary education, 5. Post-secondary education other than college/university, 6. Bachelor or equivalent, 7. Master or equivalent, 8. Doctoral or equivalent"

Source: FRA, EU-LGBTI II 2019

About a third (37 %) of the respondents in the EU indicated that their households have difficulties to make ends meet. This was most often the case for intersex (52 %) and trans (46 %) respondents.

**Table 7: Self-reported household's difficulty to make ends meet, by LGBTI group, unweighted (EU-28, %)**

Household makes ends meet...	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
Don't know	0%	0%	0%	0%	0%	(0%)	0%
Prefer not to say	(0%)	0%	0%	(0%)	0%	(0%)	0%
With great difficulty	3%	4%	4%	4%	7%	12%	4%
With difficulty	8%	7%	9%	8%	12%	13%	9%
With some difficulty	24%	21%	26%	25%	27%	26%	24%
Fairly easily	31%	28%	29%	28%	28%	24%	29%
Easily	24%	25%	24%	23%	18%	16%	24%
Very easily	9%	14%	8%	12%	7%	8%	11%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in the EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); unweighted results.

<sup>b</sup> Based on question H20: "Thinking of your household's total income, is your household able to make ends meet? 1. With great difficulty, 2. With difficulty, 3. With some difficulty, 4. Fairly easily, 5. Easily, 6. Very easily, 888. Prefer not to say, 999. Don't know"

Source: FRA, EU-LGBTI II 2019

Four out of 10 respondents (41 %) in the EU were in paid work when they completed the survey and 40 % were in education. Around 5 % of the respondents were unemployed.

**Table 8: Economic activity status, by LGBTI group, unweighted (EU-28, %)**

Current status	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
Don't know	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)
Prefer not to say	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)
In paid work (including on paternity or other temporary leave)	46%	54%	23%	38%	27%	32%	41%
Self-employed	7%	9%	3%	7%	5%	10%	7%
In unpaid or voluntary work	1%	1%	1%	1%	2%	2%	1%
Unemployed	4%	4%	4%	5%	7%	8%	5%
Student or pupil	37%	26%	65%	44%	48%	33%	40%
Retired	1%	2%	0%	1%	1%	3%	1%
Unable to work due to long-standing health problems	1%	1%	1%	1%	5%	5%	2%
Fulfilling domestic tasks	0%	0%	0%	0%	1%	1%	0%
Compulsory military or civilian service	0%	0%	0%	1%	0%	(1%)	0%
Other	2%	2%	2%	2%	3%	5%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in the EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); unweighted results.

<sup>b</sup> Based on question H2: "Which of the following best describes your status? 1. In paid work (including on paternity or other temporary leave), 2. Self-employed, 3. In unpaid or voluntary work, 4. Unemployed, 5. Student, pupil, 6. Retired, 7. Unable to work due to long-standing health problems, 8. Fulfilling domestic tasks, 9. Compulsory military or civilian service, 10. Other, 888. Prefer not to say, 999. Don't know"

Source: FRA, EU-LGBTI II 2019

Almost half of the respondents (47 %) across all groups in the EU live in a big city, 11 % live in the suburbs or outskirts of a big city, 30 % live in a town or small city, and 13 % live in a rural area. By comparison, 42 % of the general population lives in a city, 31 % in a town or suburbs, and 27 % live in rural areas.<sup>18</sup>

<sup>18</sup> According to Eurostat: Indicator – degree of urbanisation (2017). Available on the [Eurostat website](#).



Table 9: Place of residence, by LGBTI group, unweighted (EU-28, %)

Place of residence	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total %
Don't know	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)
Prefer not to say	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)	(0%)
A big city	45%	53%	39%	42%	39%	40%	47%
The suburbs or outskirts of a big city	11%	10%	12%	12%	13%	10%	11%
A town or a small city	31%	26%	36%	32%	34%	32%	30%
A village	11%	10%	12%	12%	12%	16%	11%
A farm or home in the countryside	2%	1%	2%	2%	2%	2%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Notes: The EU-28 aggregate includes the United Kingdom (UK) because the reference period of the data collection is from when the UK was a Member State.

<sup>a</sup> Out of all respondents in the EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); unweighted results.

<sup>b</sup> Based on question H3: "Where do you currently live? 1. A big city, 2. The suburbs or outskirts of a big city, 3. A town or a small city, 4. A village, 5. A farm or home in the countryside, 888. Prefer not to say, 999. Don't know"

Source: FRA, EU-LGBTI II 2019

The survey asked respondents whether they consider themselves part of a minority in terms of ethnicity (including migrant background), religion, disability or other. Most respondents (77 %) in the EU did not consider themselves as a member of any of the listed minorities, although 8 % indicated that they belong to 'other minority group'. Those belonging to minorities related to their ethnicity (or migrant background), religion or disability constitute between 5-7 % of the total sample. The share of trans and intersex respondents who identify as belonging to a minority in regard to disability is higher than for the other groups.

Table 10: Respondents who consider themselves to belong to a minority, by LGBTI group, unweighted (EU-28, %)

Respondents consider themselves as minority in terms of:	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans	Intersex	Total
<b>Ethnic or migrant background</b>	6	8	6	8	7	12	7
<b>Religion</b>	4	5	7	6	8	11	6
<b>Disability</b>	4	3	5	4	14	12	5
<b>Other</b>	7	7	8	6	11	13	8
<b>None of the above</b>	80	80	77	79	66	61	77
<b>Don't know</b>	0	0	1	0	1	(1)	0

Notes: <sup>a</sup> Out of all respondents in the EU-28 who provided a questionnaire that passed the quality criteria (n = 137,508); unweighted results.

<sup>b</sup> Based on multiple response question H15: "In the country where you live, do you consider yourself to be part of any of the following, other than LGBTI? A. An ethnic minority (including of migrant background); B. A religious minority; C. A minority in terms of disability; D. Other minority group; E. None of the above; F. Don't know [Shown only if respondent clicked on 'next' button without selecting an option]"

Source: FRA, EU-LGBTI II 2019







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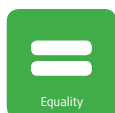
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## HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

This report presents select findings from FRA's 2019 survey on LGBTI people in the EU and North Macedonia and Serbia. With almost 140,000 participants, it is the largest survey of its kind. It follows the agency's first survey on LGBT people in the EU, conducted in 2012. The new survey results show little progress over the past seven years.

Discrimination in everyday life persists – at work and at school; at cafés, restaurants, bars and nightclubs; when looking for housing; when accessing healthcare or social services; and in shops. Harassment and physical and sexual attacks also remain concerns. Trans and intersex people especially face challenges, including when having to show identification documents. For LGBTI people aged 15 to 17, the situation is mixed. While the young encounter more harassment than their older peers, they also see more individuals standing up for LGBTI people at school.

The results also show that LGBTI people across the EU – and beyond – believe that law and policy, as well as behaviour by politicians, public figures, community leaders and civil society, greatly affect their lives. By presenting key findings from its second survey, FRA aims to encourage policy- and decision-makers to step up their efforts to promote full respect for the rights of LGBTI people.



**SUSTAINABLE DEVELOPMENT GOALS**

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