

## LGBTIQ rights in the EU

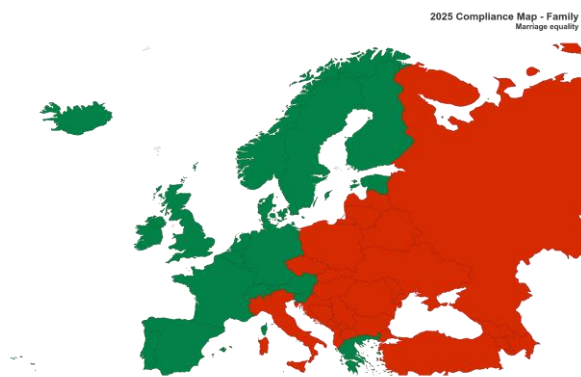
Lenka Kříčková



Applying EU Anti-Discrimination Law (20. 3. 2026, Prague)

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## Social context



- Divided Europe
- e.g. same-sex marriage in the EU – 16:11
- opposition against LGBT+ rights in some Member States

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## The EU's role in LGBT+ rights

Examples of relevant activities



### European Parliament

- Resolution on LGBTIQ rights in the EU (2021)



### European Commission

- LGBTIQ+ Equality Strategy 2026-2030
- proposal for a regulation on the recognition of parenthood (2022)



### Court of Justice of the EU

- important role, now rather extensive case-law

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## LGBT+ rights in EU legislation

- non-discrimination
  - Articles 10 and 19 TFEU
  - Article 21 of the EU Charter of Fundamental Rights
  - Framework Directive 2000/78/EC
- legislative proposals
  - horizontal directives
  - Regulation on the recognition of parenthood

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## LGBT+ rights in CJEU case law

- growing importance in recent years
- main thematic areas
  - discrimination
  - recognition of rainbow families
  - gender identity recognition
  - infringement procedure

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## Discrimination

- in particular Framework Directive 2000/78/EC (labour relations)
- extensive case-law
  - first case: *P v. S. and Cornwall County Council* (C-13/94) – dismissal for gender reassignment
  - benefits and allowances for transgender people: *K.B.* (C-117/01), *Richards* (C-423/04), *MB* (C-451/16)
  - benefits and allowances for same-sex couples: *Grant* (C-249/96), *Maruko* (C-267/06), *Römer* (C-147/08), *Hay* (C-267/12), *Parris* (C-443/15)
  - homophobic comments by *Associação ACCEPT* (C-81/12), *NH in Associazione Avvocatura* (C-507/18)
  - discrimination against self-employed workers: *JK in TP* (C-356/21)

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## Recognition of rainbow families

- in particular free movement of EU citizens
- same-sex marriage
  - *Coman (C-673/16)*
  - *Wojewoda Mazowiecki (C-713/23)*
- same-sex parenthood
  - *Pancharevo (C-490/20)*
  - *Rzecznik praw obywatelskich (C-2/21)*

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## Gender identity recognition

- in particular free movement of EU citizens
- recognition of gender reassignment
  - *Mirin (C-4/23)*
  - *Deldits (C-247/23)*
  - *Shipov (C-43/24)* – AG opinion only

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## Infringement procedure

- proceedings against Poland finished
- proceedings against Hungary before the CJEU, only the opinion of the Advocate General so far
  - *Commission v Hungary (C-769/22)*

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## Options for strategic litigation

- use both European Courts, not just the ECHR
- monitor and enforce compliance with case-law
- cooperation with other organisations
  - ILGA-Europe, foreign NGOs, equality points, NHRI, European Commission

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**Thank You!**

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