



Review of EU Member States by United Nations Human Rights Mechanisms in the Area of LGBTIQ+ Rights

a summary

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INTRODUCTION

This document summarizes the recommendations addressed by United Nations Human Rights Mechanisms (UN HRMs) to the 27 Member States of the European Union concerning the human rights of LGBTQ+ persons, based on reviews of EU Member State compliance with the nine core United Nations human rights treaties they have ratified (see box below).

United Nations Human Rights Treaties EU Ratification Status

International Covenant on Civil and Political Rights (ICCPR)

Status: Ratified by all EU Member States.

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2)

Status: Ratified by all EU Member States.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Status: Ratified by all EU Member States.

Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Status: Ratified by all EU Member States.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Status: Ratified by all EU Member States.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Status: Ratified by all EU Member States.

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)

Status: Ratified by most EU Member States.¹

Convention on the Rights of the Child (CRC)

Status: Ratified by all EU Member States.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)

Status: Not ratified by any EU Member State.

International Convention for the Protection of all Persons from Enforced Disappearance (CED)

Status: Ratified or acceded to by 19 EU Member States.²

Convention on the Rights of Persons with Disabilities (CRPD)

Status: Ratified by all EU Member States and by the European Union.³

¹Belgium and Ireland have signed, but not yet ratified, the OP-CAT.

²Austria; Belgium; Croatia; Czechia; Denmark; Finland; France; Germany; Greece; Italy; Lithuania; Luxembourg; Malta; Netherlands; Poland (accession); Portugal; Slovakia; Slovenia; Spain. Bulgaria, Cyprus, Ireland, Romania and Sweden have signed, but not yet ratified, the Convention, while Estonia, Hungary and Latvia have taken no action to become party to it.

³The CRPD was the first international human rights treaty that was open to the participation of signatory regional integration organisations by virtue of article 43 of the Convention.

The Summary has been produced by the *Office of the United Nations High Commissioner for Human Rights (OHCHR) – Regional Office for Europe in Brussels*, and is submitted as a part of the United Nations Brussels Team (UNBT) joint submission package to the public consultation around the preparation of the new EU LGBTIQ+ Strategy 2026-2030.

The recommendations included in the document date from 1 January 2021 to mid-June 2025 and have been made by the UN Treaty Bodies, Special Procedures or during the Universal Periodic Review (UPR) (see explanatory box below).⁴

All recommendations can be found on the Universal Human Rights Index and searched by country to which the recommendation is addressed, human rights mechanism which issued it, by human rights issue and/or by the concerned persons/groups (i.e. LGTBIQ+).⁵

United Nations Human Rights Mechanisms addressing recommendations to Member States

The 1945 United Nations Charter proclaims that one of the purposes of the United Nations is to promote and encourage respect for human rights and fundamental freedoms for all. In this context, the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, spells out, for the first time in history, the fundamental rights and freedoms that all human beings should enjoy. Its provisions have been developed in international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The Declaration also laid the groundwork for the human rights architecture that is nowadays composed of the main human rights mechanisms:

The **human rights Treaty Bodies**, which are committees of independent experts that monitor implementation of the nine core international human rights treaties. The EU, as party to the Convention on the Rights of Persons with Disabilities, for example, reports to the Committee on the Rights of Persons with Disabilities.

The **Universal Periodic Review (UPR)**, a unique mechanism of the Human Rights Council that calls for each UN Member State to undergo a peer review of its human rights records every 4.5 years.

The **Special Procedures of the Human Rights Council**, comprising independent human rights experts with mandates to report and advise on human rights from a thematic (e.g., the freedom of expression or the right to food) or country-specific perspective. In recent years, the Special Rapporteur on extreme poverty and human rights (2020-2021)⁶ and the Special Rapporteur on the rights of persons with disabilities (2022)⁷ conducted visits to the EU institutions, providing detailed analysis and recommendations on EU policy and legislation.

⁴As of June 2025, 16 EU Member States have already undergone their review during the fourth UPR cycle, currently underway, while the remaining 11 Member States will be reviewed before the end of the cycle in February 2027. So far, EU Member States have received more than 3,115 recommendations and supported 2,450 (77,6 per cent of the recommendations received). These statistics do not include the recommendations received by EU Member States at the 48th and 49th sessions of the UPR Working Group, as the corresponding reports have not yet been adopted by the Human Rights Council.

⁵<https://uhri.ohchr.org>


⁶A/HRC/47/36/Add.1

⁷A/HRC/52/32/Add.3

These human rights mechanisms have different mandates, procedures and activities, which in turn shape the ways in which (i) States in their capacity as duty-bearers, (ii) individuals as the rightsholders, and (iii) other national or international stakeholders (National Human Rights Institutions, Civil Society Organizations etc.) engage with them.

Independently of their functions, **all three mechanisms generate recommendations to States, and in some cases - as outlined above - to the EU as a whole**, with the aim of contributing to changes in legal and policy frameworks to improve human rights protection.

The Summary can be used in the preparation of the new Strategy, looking at trends identified by the UN human rights mechanisms and how to address them, thereby also bringing the universal level of human rights protection closer to the regional level and supporting country-specific actions in the Strategy's implementation and monitoring for fuller enjoyment of all human rights by LGBTIQ+ persons across the countries in the European Union.



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no matter
who they are or
whom they love.


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1. NON-DISCRIMINATION

A sizeable set of recommendations stemming from reviews by UN Human Rights Mechanisms addresses general non-discrimination and prohibition of discrimination in particular areas of life of LGBTIQ+ persons. Since the beginning of 2021, EU Member States have received several hundreds of recommendations, the majority of which have been summarized below. Non-discrimination is reflected in the first and mainstreamed across all chapters.

1.1 Non-discrimination and legal framework

Several EU countries⁸ were advised by UN Treaty Bodies to strengthen their efforts to prevent and combat discrimination against LGBTIQ+ persons. Recommendations included **adopting comprehensive anti-discrimination legislation** that explicitly covers sexual orientation, gender identity or sex characteristics, addressing intersectional forms of discrimination, and ensuring effective judicial and administrative mechanisms against discrimination. Some were specifically urged to include LGBTIQ+ individuals in their definitions of discrimination and to strengthen data collection on discrimination cases.⁹

Special Procedures addressed similar recommendations to EU Member States. For example, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommended after a country visit to Poland that the Government's non-discrimination strategy and action plan be updated to be more inclusive with respect to sexual orientation and gender identity; allocate sufficient resources to develop, monitor and report on the effective implementation of laws and policies guaranteeing equality and non-discrimination based on sexual orientation and gender identity; and amend the Act on Equal Treatment (or introduce new legislation) to **prohibit discrimination in all areas of life**, explicitly including the grounds of sex, sexual orientation, gender

identity, gender expression and sex characteristics.¹⁰

In the context of the UPR, many EU Member States received recommendations aimed at developing and implementing legislation or a national action plan for the equality and protection of the human rights of LGBT+ persons.¹²

States were recommended to implement **temporary special measures** to accelerate the achievement of de facto equality for women in the LGBTIQ+ community, particularly in areas where they are underrepresented or disadvantaged. This includes setting time-bound goals and quotas in both public and private sectors to increase the representation of LGBTIQ+ persons in leadership positions.¹²

Multiple countries received recommendations to conduct **awareness-raising campaigns** and provide **training** for law enforcement officers, judiciary personnel, and other public sectors. The goal is to ensure these professionals can perform their duties with a victim-centered approach and without bias against LGBTIQ+ persons. Some were specifically advised to implement training programs to avoid re-victimization of LGBTIQ+ persons who file complaints.¹³

⁸See for example Committee on Economic, Social and Cultural Rights (CESCR) to Ireland, Czechia, and Lithuania, Committee on the Rights of the Child (CRC) to Poland, Human Rights Committee (HRC) to Cyprus, Ireland, and Malta, and Committee on the Rights of Persons with Disabilities (CRPD) to Estonia.

⁹See for example Committee on the Elimination of Discrimination against Women (CEDAW) to Estonia, and CESCR, HRC, and CRPD to Ireland.

¹⁰Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Visit to Poland (18 to 29 November 2024), A/HRC/59/43/Add.2, paras. 109-110.

¹¹See for example the Report of the Working Group on the Universal Periodic Review on Slovakia, A/HRC/57/13, para. 131.61 and the Report of the Working Group on the Universal Periodic Review on Malta, A/HRC/56/17, para. 123.147.

¹²See for example CEDAW to Denmark, and Sweden.

¹³See for example CEDAW W to Estonia, CESCR to Czechia, and HRC to Greece, France, and Ireland.

1.2 Non-discrimination and family life

Several countries received recommendations from UN Treaty Bodies to improve legislation or practices around **legal recognition** and protection for **same-sex couples** and their family rights.¹⁴

EU Member States received recommendations to facilitate access to birth registration and identity documentation for children of same-sex couples, and to consider extending adoption rights to same-sex couples;¹⁵ to eliminate legal distinctions between children, ensure automatic recognition of parenthood for same-sex couples, and study gender inequalities in custody decisions;¹⁶ or about measures that might force women to stay in violent relationships or disproportionately affect them financially.¹⁷ Additional attention has been paid to the prevention of **statelessness** of children born to same-sex couples, also through ratification of relevant international standards.

States were continuously encouraged to conduct public education programmes and awareness-raising campaigns to combat stigmatization and discrimination affecting LGBTIQ+ persons. These efforts aim to address discriminatory norms and beliefs in the media and general public against those targeted on the basis of ethnicity, migration status, disability, religion, sexual orientation, and gender identity.¹⁸

In the context of the UPR, EU Member States received recommendations concerning the legalization of same-sex marriage;¹⁹ allow medically assisted reproduction for transgender persons;²⁰ and allow same-sex couples to adopt and to own shared estate.²¹

1.3 Non-discrimination and socio-economic equality

EU Member States were repeatedly recommended to adopt comprehensive anti-discrimination legislation and policies to ensure **equal access to economic, social, and cultural rights**.²²

They were moreover encouraged to address issues like hate speech, violence, and ethnic segregation **in education**, as well as promote tolerance and respect for diversity.

Ensuring comprehensive, age-appropriate, and gender-stereotype-free **education** on sexual and reproductive health and rights, including information on topics like sexual orientation and gender identity was underlined by Treaty Bodies.²³

Homelessness was another issue addressed, seeking durable solutions and increase of shelter capacity, including places exclusively for women, as well as the availability of affordable housing.²⁴

Addressing discrimination and harassment, particularly in the **workplace**, has been among priorities in the reviews by Treaty Bodies. In the context of the right to work, States were advised to address discrimination in the labour market, particularly against several groups, including transgender persons. Strengthening vocational training, language courses, and diversity recruitment programs were highlighted as important measures.²⁵

Overall, these recommendations emphasize the need to address intersectional discrimination and ensure the enjoyment of socio-economic rights by LGBTIQ+ persons, across various EU Member States.

¹⁴See for example CEDAW to Luxembourg, and Slovenia, CESCR to Cyprus, Lithuania, Luxembourg, and Poland, and CRC to Ireland.

¹⁵See for example CRC to Greece.

¹⁶See for example CEDAW to Luxembourg.

¹⁷See for example CEDAW to Hungary.

¹⁸See for example CESCR to Lithuania, and Poland, and CRC to Germany, Poland, and Sweden.

¹⁹See for example the Report of the Working Group on the Universal Periodic Review on Cyprus, A/HRC/57/15, para. 129.67.

²⁰Report of the Working Group on the Universal Periodic Review on France, A/HRC/54/5, para. 45.191.

²¹Report of the Working Group on the Universal Periodic Review on Czechia, A/HRC/53/4, para. 133.211.

²²See for example CEDAW to Slovakia, and CESCR to Latvia, Poland, and Romania.

²³See for example CRC to Croatia.

²⁴See for example CESCR to Finland.

²⁵See for example CESCR to Sweden.

1.4 Legal Recognition of Gender

Numerous recommendations have been issued by Treaty Bodies to address the frameworks and practices across EU Member States. States were urged to recognize gender identity in national legislation and to ensure that transgender persons can continue to obtain legal recognition of their gender and change their names in civil registries without undergoing involuntary sterilization. Furthermore, Member States, including the EU States were urged to develop and adopt **efficient procedures** for legal gender recognition through an administrative procedure that would be based on self-determination/self-identification, with no requirements of medical certification or medical treatment and with no requirement of divorce.²⁶ Further recommendations included the need for mandatory mechanisms to record and combat discriminatory practices, obligatory training for officials in police, the judiciary and administration to raise awareness, **prevent discrimination and stigma** in this context.²⁷

1.5 Harassment, promotion of diversity and addressing stereotypes

Numerous Member States received recommendations from Treaty Bodies on including age-appropriate information on gender equality, sexual diversity and diverse identities in school curricula.²⁸ They were also advised to redouble the efforts to **strengthen targeted policies** and programs to eliminate discrimination against children, including those based on sexual orientation and gender identity, and to conduct awareness-raising campaigns to promote equality and transform social norms. Recommendations aimed to ensure that LGBTI girls and women have access to **inclusive quality education**, and for States to undertake systematic awareness-raising and education efforts on discrimination, intolerance, and hate speech against LGBTI children.

1.6 Intersectionality

Several countries²⁹ were advised by Treaty Bodies to pay particular attention to the **intersectionality of discrimination**, recognizing that LGBTIQ+ individuals may also belong to other marginalized groups such as migrants, refugees, persons with disabilities, or ethnic minorities. These countries were urged to implement specific measures to address the unique challenges faced by LGBTIQ+ individuals who also belong to these other vulnerable groups. Furthermore, specific recommendations were addressed, for instance to Greece, to adopt a definition of victim in line with the Convention on Enforced Disappearances, ensuring sensitivity to specific needs including sexual orientation and gender identity. The Netherlands was advised to address stereotypes in assessing asylum claims based on sexual orientation. Ensuring that their domestic legislation provides for a system of full reparation that takes into account the **particular circumstances** of victims, including their sexual orientation, gender identity, age, ethnic origin, social situation, and disability was also in recommendations addressing intersectionality.³⁰

These recommendations reflect a growing recognition of the importance of addressing intersectionality in anti-discrimination efforts, ensuring that the complex and overlapping nature of discrimination is acknowledged and addressed in legislation, policies, and practices across EU Member States.

²⁶See for example Committee against Torture (CAT) to Finland, CESCR to Lithuania, and Romania, CEDAW to Slovakia, and Germany, and CRC to Ireland.

²⁷See for example, CEDAW to Slovakia.

²⁸See for example, HRC to Croatia.

²⁹Including Denmark, Ireland, Estonia, France, Germany, Portugal and Sweden.

³⁰See for example CRPD to France, and HRC to Greece.

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2. HATE SPEECH AND HATE CRIME

The Treaty Bodies have consistently called on EU Member States to integrate goals and activities specifically targeted at combating discrimination, prejudice, and hate crimes faced by LGBTIQ+ persons into their **national strategies, policies, and action plans** on discrimination and gender equality.³¹

They have underscored the importance of EU Member States adopting comprehensive strategies and gender-transformative programs to eliminate **discriminatory stereotypes and hate speech**, including those targeting LGBTIQ+ persons, both online and offline.³²

The Treaty Bodies have also highlighted the need for EU Member States to address the specific challenges faced by disadvantaged groups within the LGBTIQ+ community, such as the stigmatization, harassment, and hate crimes experienced by **lesbian, bisexual, transgender, and intersex women**.³³

Additionally, they have called on EU Member States to reinforce **cooperation with civil society**, provide adequate training to authorities and **media workers**, and **promote respect for diversity** and awareness of prohibitions on hate crimes.³⁴

Treaty Bodies have urged EU Member States to strengthen efforts to combat **hate speech and hate-motivated violence** against minorities, including LGBTIQ+ persons. Some of the measures include thorough investigation and prosecution of alleged hate crimes, providing special training for law enforcement and the judiciary, and enhancing measures to tackle the prevalence of online hate speech.³⁵

Special procedures have also called on EU Member States to adopt all appropriate measures to eliminate discriminatory practices and hate speech against members of the LGBTIQ+ community.

In its report on Malta, for instance, the Working Group on discrimination against women and girls noted that despite its achievements in the promotion and protection of LGBTIQ+ rights, LGBTIQ+ women and girls in Malta continued to face multiple and intersecting discrimination, including stigma and obstacles in accessing employment opportunities, due to persisting transphobia and homophobia.³⁶

The Special Rapporteur on the situation of human rights defenders called on Greece to "increase the measures to effectively protect the rights of lesbian, gay, bisexual, transgender and intersex persons and defenders, particularly by ensuring the effective investigation of bias-motivated crimes and hate speech, access to a fair trial and remedies, and by taking steps to prevent discrimination on grounds of sexual orientation and gender identity".³⁷

During the UPR, several EU Member States have been recommended to continue efforts to prevent and punish hate speech and to combat discrimination on the grounds on sexual orientation;³⁸ to improve access to justice and equal rights for members of marginalized groups and **actively prosecute hate-based crimes**;³⁹ to strengthen awareness-raising efforts aimed at promoting respect for human rights and for diversity;⁴⁰ and to collect statistical data on hate speech and its victims.⁴¹

³¹See for example recent recommendations by HRC to Croatia and Cyprus.

³²See for example recommendations issued by CEDAW to Hungary and Italy, and HRC to Germany.

³³See recommendations issued by CRPD to Estonia, and CEDAW to Hungary.

³⁴See recommendations issued by HRC to Cyprus, Finland, and Germany.

³⁵See recommendations by HRC to Croatia, Cyprus and Germany

³⁶Working Group on discrimination against women and girls, visit to Malta (26 June to 7 July 2023), A/HRC/56/51/Add.2, paras. 95 and 106.

³⁷Special Rapporteur on the situation of human rights defenders, visit to Greece (13 to 22 June 2022), A/HRC/52/29/Add.1, para. 115 (n).

³⁸For example, the Report of the Working Group on the Universal Periodic Review on Germany, A/HRC/55/10, para. 140.327.

³⁹For example, the Report of the Working Group on the Universal Periodic Review on Slovakia, A/HRC/57/13, para. 131.61.

⁴⁰For example, the Report of the Working Group on the Universal Periodic Review on Cyprus, A/HRC/57/15, para. 129.40.

⁴¹For example, the Report of the Working Group on the Universal Periodic Review on Malta, A/HRC/56/17, para. 123.199.



3. HEALTH

Treaty Bodies have addressed numerous recommendations to EU Member States concerning LGBTIQ+ persons under the thematic scope of health, addressing various groups of rights-holders and a spectrum of issues.

Broader considerations on healthcare recommended the overall improvement of **access** to healthcare for LGBTIQ+ persons, including on integrating gender perspective into health policies, **addressing regional disparities** in access to health services, as well as ensuring adequate social, medical and psychological services to LGBTIQ+ persons and their families.⁴²

Specific reference has been made to the limited access of women to health services, including to the duty to ensure non-discriminatory access to gender-affirming healthcare, as well as the overall access to health and sexual and reproductive health services in EU States.⁴³⁴⁴

EU Member States have received recommendations addressing intersecting disability rights and LGBTIQ+ health care and rights. These recommendations relate to concerns about the ongoing practices of **involuntary surgical interventions**, accessibility of health services and information, as well as the need to adopt a human rights-based approach to healthcare, counselling, support to families and the inter-sectional discrimination faced by communities and individuals.⁴⁵

Specific health needs of transgender persons have been addressed as concerns ending the practices and legal standards of **involuntary sterilization** as a precondition for legal gender recognition. Furthermore, additional professional training to health and other professionals, as well as addressing accessibility of gender recognition procedures have been specifically recommended to EU States.⁴⁶

Adherence to the WHO's International Classification of Diseases to ensure that trans identities are not further pathologized has also been formulated as a recommendation to Member States.⁴⁷

Overall, recommendations highlight the need for EU Member States to take comprehensive measures to ensure **equitable access** to healthcare for LGBTIQ+ persons, addressing specific needs of different groups within the community while combating discrimination and invasive practices, and promoting inclusive health services.⁴⁸

Special procedures have formulated a number of recommendations aimed at eliminating discrimination against LGBTIQ+ individuals in the field of access to healthcare. In a recent report, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommended that the Polish Ministry of Health adopts a wide range of targeted healthcare policies to address LGBT patients' needs and combat discrimination, including integrating LGBT health into national health plans, surveys and medical training programmes and expanding access to gender-affirming care in public healthcare, including surgeries and hormone therapies.⁴⁹

The Special Rapporteur on the right of everyone to the enjoyment of the **highest attainable standard of physical and mental health** recommended developing national clinical guidelines in relation to transgender persons, the ban of conversion therapy and general legal protection for intersex persons from unnecessary medical interventions.⁵⁰

In the context of the UPR, EU Member States have received several recommendations on the equal and effective enjoyment of the right to health for LGBTIQ+ persons. Such recommendations focus on taking concrete measures to prevent and prohibit discrimination against LGBTIQ+ persons in the field of health care;⁵¹ guaranteeing access to free gender-affirming health care, including hormone treatments and surgeries;⁵²

introducing legislation that bans medically unnecessary and irreversible surgery and other treatments that are routinely performed on intersex children;⁵³ and developing a rights-based health-care protocol for intersex children.⁵⁴

States received specific recommendations related to ensuring that LGBTIQ+ persons are included in COVID-19 recovery strategies, following the global pandemic. They were advised to place women and girls, including those from the LGBTIQ+ community, at the centre of recovery efforts and to ensure that pandemic response measures do not exacerbate existing inequalities or relegate LGBTIQ+ individuals to discriminatory roles.

⁴²See for example recommendations issued by CEDAW to Estonia, and Italy, and CRC to the Netherlands.

⁴³See for example recommendations issued by CEDAW to Estonia, Italy, and Slovakia.

⁴⁴See for example recommendations issued by CEDAW and CAT to Denmark, and CEDAW to Sweden.

⁴⁵See for example recommendations issued by CRPD to France, CEDAW to Italy, or CRC to the Netherlands.

⁴⁶See for example recommendations issued by CEDAW to Estonia, and Slovakia, and HRC to Finland.

⁴⁷See for example recommendation issued by HRC to Greece.

⁴⁸For a full set of recommendations, please consult the reviews done by CEDAW, CRPD, HRC, CRC as concerns Estonia, France, Finland, Italy, the Netherlands, and Slovakia.

⁴⁹Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Visit to Poland (18 to 29 November 2024), A/HRC/59/43/Add.2, para. 113.

⁵⁰Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Visit to Luxembourg (17 to 26 April 2023), A/HRC/56/52/Add.1, para. 125 (l).

⁵¹For example, the Report of the Working Group on the Universal Periodic Review on Hungary, A/HRC/49/8, para. 128.52.

⁵²For example, the Report of the Working Group on the Universal Periodic Review on Cyprus, A/HRC/57/15, para. 129.214.

⁵³For example, the Report of the Working Group on the Universal Periodic Review on France, A/HRC/54/5, para. 45.192.

⁵⁴For example, the Report of the Working Group on the Universal Periodic Review on Ireland, A/HRC/49/18, para. 157.167.

4. CHILDREN

The UN Treaty Bodies have consistently addressed several key issues concerning the rights of children in EU Member States. The narratives emerging from these recommendations illustrate a strong stance towards protecting the rights and integrity of LGBTIQ+ children. Through legislative amendments, enhanced social support, and comprehensive public health strategies, EU Member States are encouraged to align with international human rights norms, ensuring that all children, irrespective of their gender identity/expression, sex characteristics or sexual orientation have their fundamental rights recognized to bodily autonomy, integrity, dignity, protection and support. UN recommendations call for systemic reforms that integrate mental health support, anti-bullying strategies, and inclusive education policies, emphasizing the vital role of schools in safeguarding the rights and well-being of all children.

Prevalent early medical interventions on intersex children remain one of the primary concerns. States have been urged to prohibit **non-urgent, non-essential medical or surgical treatment** until the child is mature enough to provide informed consent, as well as to adopt comprehensive legislation to protect intersex children from irreversible procedures performed for cosmetic reasons.⁵⁵

There is an emphasis on deferring unnecessary procedures to **safeguard the bodily integrity and autonomy of intersex children**. The recommendations continuously highlight the need for **independent oversight** to ensure medical necessity and emphasize the provision of redress and psychosocial support to victims of such practices. Across multiple recommendations, professional counselling services for intersex children and their families are strongly advocated, recognizing the need for emotional and psychological support in these contexts.

In the broader context of discrimination, there is a strong call for States to address stigma and violence against LGBTIQ+ individuals, including children, particularly focusing on the physical and psychological effects of exclusion.⁵⁶ As essential measures, States are urged to respect the gender identity of children, including, as appropriate, through specific provisions in legislation on legal recognition of gender identity. Safeguards in relation to children should be compatible with the Convention on the Rights of the Child, and should not be discriminatory or disproportionate.

The Treaty Bodies have consistently emphasized the critical importance of creating inclusive, safe, and supportive school environments to **combat bullying** and promote **mental health among children**, particularly those from vulnerable groups such as LGBTI youth, children with disabilities, and minority communities. States have been encouraged to strengthen mental health services within schools, ensuring the availability of qualified professionals, such as child psychologists and psychiatrists, to provide timely and tailored support. These recommendations highlight the necessity for **school-based mental health programmes** that address issues like depression, anxiety, self-harm, and suicidal intent, while also fostering an **inclusive atmosphere free from discrimination** and societal stigmatization.⁵⁷

Furthermore, several States⁵⁸ have been urged to implement comprehensive anti-bullying policies, including **curricula that promote diversity, tolerance, and respect for differences**.

⁵⁵See for examples recommendations issued by CRPD and CAT to Austria, CAT to Denmark, CAT, CEDAW and CRC to Finland, HRC and CRPD to Germany, and HRC to Ireland.

⁵⁶See for example recommendations issued by CERD and HRC to Germany, and CRC to Finland.

⁵⁷See for example recommendations issued by CRC to Bulgaria, Ireland, and Sweden, and CESCR to Finland.

⁵⁸See for example recommendations issued by HRC and CRC to Croatia, CESCR and CRC to Finland, and CRC to Germany.

They were also advised to **raise awareness** among educators, students, and parents about the damaging effects of bullying, especially on the mental health and educational outcomes of marginalized groups. Recommendations emphasize the importance of **intersectional approaches**, recognizing how discrimination based on gender identity, sexual orientation, ethnicity, or disabilities can compound mental health risks.

Special procedures have formulated a number of recommendations aimed at eliminating discrimination against LGBTIQ+ children. In a report on Poland, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommended that the Ministry of Health introduce legislation on the adoption of children by same-sex families, regulate the legal status of children born after transgender parents undergo legal gender recognition and simplify the process of legal gender recognition for minors by removing unnecessary legal barriers and reducing reliance on parental consent to better protect their right to gender identity.⁵⁹ In a report on Bulgaria, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material deplored that poverty, discrimination, segregation and social exclusion create unequal access to social services and education for children in the most marginalized communities and that LGBTI teenagers are particularly exposed to the worst forms of sexual abuse and commercial sexual exploitation, including by caregivers.⁶⁰

Similar issues have been addressed during the UPR. For instance, EU Member States have been recommended to protect children's rights to bodily integrity, autonomy and self-determination by ensuring, by legislation or otherwise, that non-vital surgical or other medical procedures on intersex infants are not performed before they are able to provide their informed consent;⁶¹ to end harmful practices, including forced and coercive medical interventions, to ensure the bodily integrity of children with intersex variations;⁶² to enact general legislation on the recognition of both same-sex parents involved in the

growth of a child, as well as extending access to adoption to same-sex couples on a par with others;⁶³ and to regularize the status of children of same-sex couples and ensure their protection against discrimination.⁶⁴



⁵⁹Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Visit to Poland (18 to 29 November 2024), A/HRC/59/43/Add.2, para. 113 (g).

⁶⁰Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Visit to Bulgaria (1 to 8 April 2019), A/HRC/43/40/Add.1, para. 24.

⁶¹Report of the Working Group on the Universal Periodic Review on Sweden, A/HRC/44/12, para. 156.158.

⁶²Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, para. 139.130.

⁶³Report of the Working Group on the Universal Periodic Review on Croatia, A/HRC/46/16, para. 137.112.

⁶⁴Report of the Working Group on the Universal Periodic Review on Slovenia, A/HRC/59/15, para. 115.93.





5. DATA

The Treaty Bodies have emphasized the importance of protecting the rights of LGBTIQ+ individuals and addressing the unique challenges they face, also in the context of **data**. Their recommendations addressed to EU Member States underscore the crucial role of data in advancing the human rights of LGBTIQ+ individuals and the need to adopt a comprehensive, inclusive, and **rights-based approach to data collection, protection, and utilization**.⁶⁵

Multiple Member States have been addressed by a recurring recommendation on the need to **enhance data collection and monitoring** efforts to **better understand the lived experiences** and specific situations of vulnerability for LGBTIQ+ persons.

Several EU Member States have been urged to advance their collection of disaggregated data on socio-economic status, healthcare access and experiences of discrimination faced by LGBTIQ+ persons. They have furthermore been encouraged to strengthen the data-gathering mechanisms to be able to capture the **intersectional experiences of LGBTIQ+ persons**, including those belonging to racial, ethnic, or religious minorities.⁶⁶

Concerns have been highlighted also about the **protection of privacy and confidentiality** of LGBTIQ+ persons' personal data. EU Member States have been advised to develop robust data protection frameworks that effectively safeguard sensitive information, with guarantees that it is not misused or shared without explicit consent.⁶⁷

Further recommendations from the Treaty Bodies called on EU Member States to include **LGBTIQ+ perspectives** in the design and implementation of data-driven policies and programmes. States have been urged to **actively engage with LGBTIQ+ organizations and communities** to better understand needs and priorities, as well as to incorporate their insights into the development

and implementation of data-informed strategies and interventions.⁶⁸

Special Procedures have addressed several recommendations to EU Member States in relation to the collection, analysis and use of disaggregated statistical data to protect and promote the human rights of LGBTIQ+ individuals. In relation to the establishment of a national strategy and plan of action on the right to health, for example, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health recommended that Luxembourg collects and uses disaggregated data related to mental health that include children, young persons and LGBTIQ+ persons.⁶⁹

The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommended that the Ministry of Justice of Poland enhance data collection on hate crimes motivated by sexual orientation and gender identity.⁷⁰ Similarly, the Special Rapporteur on violence against women recommended that Poland set up a system for collecting data on violence against women and girls, disaggregated by age, sex, gender, ethnicity, and residence status and introduce a procedure for collecting information on any suspicious deaths that could be the result of domestic violence.⁷¹

EU Member States have received similar recommendations during their UPR review: for instance, Portugal was recommended to enhance the collection, analysis, and use of disaggregated data, including on gender, ethnicity, age, sexual orientation and disability, to enable better understanding of the challenges facing diverse population groups and improved policy responses.⁷² Other UPR recommendations focus on the collection and analysis of disaggregated data on sexual and gender-based violence⁷³ and hate speech and discrimination on the basis of sexual orientation.⁷⁴

⁶⁵See more on human rights and data, as well as human rights indicators on OHCHR website: <https://www.ohchr.org/en/instruments-and-mechanisms/human-rights-indicators/documents-and-publications>

⁶⁶See for example recommendations issued by CRPD to France, CRPD and CERD to Germany, CEDAW to Hungary, and Italy, CRC to Poland, and CESC to Romania.

⁶⁷See for example recommendations issued by CRPD to Austria and the Netherlands.

⁶⁸See recommendations issued by CRPD to Belgium, CERD to the Netherlands, and CEDAW to Spain.

⁶⁹A/HRC/56/52/Add.1, para. 125 (d).

⁷⁰A/HRC/59/43/Add.2, para. 115.

⁷¹A/HRC/56/48/Add.1, para. 104 (d).

⁷²See the Report of the Working Group on the Universal Periodic Review on Portugal, A/HRC/58/8, para. 37.193.

⁷³Report of the Working Group on the Universal Periodic Review on the Kingdom of the Netherlands, A/HRC/52/16, para. 147.191.

⁷⁴Report of the Working Group on the Universal Periodic Review on Malta, A/HRC/56/17, para. 123.199.





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