

# Outcome of the EU conference “Advancing LGBTI equality in 2020 and beyond” in Brussels - and the workshop (5) on “LGBTI people and their families in cross border situations” with NELFA’s keynote speech (23-24<sup>th</sup> September 2019)

- **Implement the Freedom of Movement Directive**
- **Educate civil servants on @EHCR\_Press & @EUCourtPress case law**
- **Harmonise law across EU**
- **Strategic litigation esse**
- **More research & funding needed**

(1) The Commission should convince the Council to adopt the "beyond employment" directive. It is a disgrace that EU law permits people who are LGB, who are Muslim or members of other religious minorities, or who have a disability to be refused service by a hotel or restaurant in member states with no national legislation. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52008PC0426>

Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation - COM/2008/0426 final

(2) Relying on Article 21(2) TFEU, the Commission should propose a Directive or Regulation requiring recognition of marriage certificates, registered partnership certificates (if the registered partnership is substantially similar to a marriage), birth certificates (including information about legal gender or the parentage of a child), and gender recognition certificates issued in one EU Member State as valid for all purposes of national law in all other Member States. This Directive would facilitate the exercise of the Article 21(1) right of EU citizens to move and reside freely within the territory of the Member States and would not change national family law or civil status law in any Member State.

(3) Civil society organisations should support strategic litigation: cases in the national courts seeking recognition of certificates issued in other member states. The lawyers for the individuals can ask the national courts to refer these cases to the Court of Justice of the EU, to build on the 2018 Coman & Hamilton judgment.

(4) The European Parliament should adopt a resolution similar to the 10 October 2018 resolution of the Parliamentary Assembly of the Council of Europe on "Private and family life: achieving equality regardless of sexual orientation", <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25166&lang=en>, stressing legislation that the European Commission could propose.