



Input to thematic report to HRC62, issued by the UN Independent Expert on sexual orientation and gender identity: Violence and discrimination experienced by lesbian, bisexual, and queer (LBQ) women

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- 1. Introduction: About Athena Forum**
- 2. Executive Summary**
- 3. Legal frameworks and institutional erasure of lesbians**
- 4. Policy capture and lack of accountability**
- 5. Material, social and organisational harms to lesbians**
- 6. Conclusions and recommendations**

1. Introduction: About Athena Forum

Athena Forum is a European initiative for sex-based rights, democratic values and political courage. We work to safeguard women's rights, children's rights and the rights of lesbians and gay men, and to ensure democracy and pluralism remain central to policy and legal frameworks.

We recognise sex-based rights as foundational to legal and societal protections. We insist that public policy reflect material reality and be guided by robust evidence and transparency. We affirm the right of minors to bodily integrity and protection from premature or ideologically driven medical interventions. We defend open debate and the freedom to discuss complex issues, even when uncomfortable or controversial.

We interact with European institutions and advocate for clarity, accountability and respect for sex-based rights in policy and decision-making. We provide cross-sector analysis and engage media and the public. We convene public forums across Europe, supporting democratic processes.

1/9

**A European initiative for sex-based rights,
democratic values and political courage.**

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2. Executive summary

This submission documents how European legal and policy frameworks have progressively undermined the rights of lesbians through institutional and policy capture, legal incoherence and lack of accountability. Although European law recognises sex and sexual orientation as protected characteristics, recent institutional practices have elevated “gender identity” without legal definition, scrutiny or impact assessment, destabilising sex-based protections and rendering discrimination against lesbians difficult to identify and address.

This shift has been operationalised through three interlinked approaches: promotion of laws on self-identification of sex that effectively erase it as a legal category; conversion therapy bans framed around gender identity and gender expression that restrict exploratory support for same-sex-attracted youth; and expansion of hate speech and hate crime frameworks that chill feminist and lesbian advocacy. These developments are reinforced by discriminatory funding practices and biased research ecosystems that exclude lesbian organisations while privileging gender-identity-focused actors.

The combined effect is institutional erasure alongside reactionary backlash, leaving lesbians exposed to both weakened legal protection and heightened hostility through institutional erasure and reactionary backlash.

3. Legal frameworks and institutional erasure of lesbians

In European law, sexual orientation is recognised as a protected characteristic. While it is not explicitly listed in the European Convention on Human Rights, protection has developed through the case-law of the European Court of Human Rights under the Convention's open-ended non-discrimination clause. In European Union law, sexual orientation is expressly protected as a ground of non-discrimination under Article 21 of the EU Charter of Fundamental Rights and has been applied as such by the Court of Justice of the European Union.

Within this European legal framework, sexual orientation has been applied in its ordinary meaning, namely enduring romantic and/or sexual attraction, including same-sex orientation. This understanding has provided legal clarity, enabled the identification of protected groups – including lesbians – and supported predictable application of non-discrimination law by both European courts. Similarly, sex has long been a core protected characteristic in European law, supported by an extensive body of jurisprudence on sex discrimination and women's rights developed by both European courts.

In principle, lesbians should therefore benefit from particularly strong legal protection.

As women who experience discrimination linked to same-sex orientation, lesbians fall within the scope of both sex-based protections and sexual-orientation-based protections. Many forms of discrimination affecting lesbians are exercised against them not only because of their sexual orientation, but also because they are women.

Over the past decade, however, these protections have been progressively weakened. This weakening has been driven primarily by European institutions themselves, through the adoption of soft-law instruments, strategies, guidance and administrative practices that have increasingly been shaped by activists originating from LGBTIQ and transgender advocacy organisations. Through human rights mechanisms, advisory bodies, expert groups, equality units and consultation structures, these actors have influenced institutional language, priorities and policy outputs – without corresponding legal scrutiny – that have produced harmful consequences for lesbians.

Central to this shift has been the institutional elevation of “gender identity” (GI). While not inscribed in any EU primary law, GI has entered certain EU secondary law instruments, including [asylum legislation](#), [victims' rights frameworks](#) and the recent [Equality Bodies Directive](#). However, there is no legally agreed definition of gender identity in European law.



The definitions relied upon originate from non-legal activist texts (e.g. [Yogyakarta Principles](#)), never subjected to legal scrutiny. Its introduction into law and policy occurred without systematic analysis of how it would interact with, or undermine, the ordinary legal meaning of sex and the stability of sexual orientation as a protected characteristic.

This has produced systemic legal incoherence. Sex, sexual orientation and gender identity are often treated as interchangeable or merged concepts within European institutional practice, despite their distinct legal status and foundations. This conflation has been embedded through EU and Council of Europe strategies, equality and non-discrimination units, resolutions, funding criteria and monitoring frameworks, making discrimination affecting lesbians as women and as same-sex-attracted persons impossible to identify and address.

The Athena Forum report [Beneath the Surface](#) documents in detail how this institutional culture operates: how legal distinctions are replaced by ideological assertions, how sex-based analysis is marginalised. As a result, lesbian-specific concerns are excluded from policy design and implementation.

This institutional elevation of gender identity, coupled with the collapse of distinct categories into homogeneous umbrella groups (“LGBTIQ”) has also generated significant political consequences. The imposition of gender identity concepts through soft law and administrative practice has provoked [resistance at Member State level](#) and contributed to the rise of neo-homophobic and neo-misogynistic movements, which oppose these frameworks while directing hostility towards women, lesbians and gay men.

Consequently, lesbians in Europe – instead of enjoying double protection – are now exposed to institutional erasure and reactionary backlash at once.

4. Policy capture and lack of accountability

The institutional capture described above has translated into policy capture, creating tangible risks for lesbians and lesbian organisations at national level. This capture has been driven primarily by European Union and Council of Europe institutions and has been accompanied by a systemic failure of institutional accountability. Decisions with far-reaching legal and social consequences have been advanced without democratic scrutiny, impact assessment or effective mechanisms for review and redress, while responsibility for their effects has been consistently displaced. This policy capture has been operationalised through three interlinked legal and policy approaches:

- (1) the institutional promotion of self-identification (self-ID) of sex regimes.
- (2) the expansion of conversion therapy bans framed around gender identity and gender expression.
- (3) the extension of hate speech and hate crime frameworks to include gender identity.

Together, these approaches have not only undermined the rights of lesbians but have also constructed an accountability vacuum that shields institutional action from challenge.

The first approach is the promotion of self-identification regimes, which eliminates sex as a meaningful legal category and destabilises sexual orientation. Through strategies, resolutions, guidance and monitoring frameworks, European institutions have encouraged states to allow individuals to change legal sex by self-declaration, without objective criteria or safeguards. When legally recorded sex is detached from material reality, sex-based protection becomes unenforceable and sexual orientation loses its legal meaning. Lesbian identity, which depends on the recognition of sex, is directly undermined. This approach is promoted in both EU and Council of Europe policy frameworks, including the European Union's recent [LGBTIQ+ Equality Strategy](#), which advocates self-ID without age limits. These developments have proceeded despite sustained critique from feminist organisations, lesbian and gay groups, safeguarding experts and violence-against-women specialists, and without any institutional mechanism to assess harm or correct course.

Where direct self-ID legislation has faced resistance, a second approach has been used to advance similar outcomes indirectly: conversion therapy bans reframed around gender identity and gender expression. At the Council of Europe level, including within the Parliamentary Assembly of the Council of Europe (PACE), [resolutions](#) are being advanced urging states to prohibit counselling or therapeutic support that explores or questions a person's declared gender identity instead treating it as "core aspect of identity".

These measures prohibit non-invasive, exploratory therapy for individuals – particularly children and adolescents – who experience distress about their sexed bodies.

In practice, this results in the institutionalisation of conversion practices affecting lesbians and gay men, many of whom constitute a significant proportion of those seeking the so-called “gender transition”. By removing the possibility of exploration and support grounded in sex and sexual orientation, these frameworks channel same-sex-attracted youth toward social or medical transition, effectively converting lesbians and gays into heterosexuals through what is known as “sex reassignment”. These policies are advanced without evidence-based assessment, safeguards or accountability.

The third approach is the expansion of hate speech and hate crime frameworks, which also functions as a shield against accountability. At EU level, [proposals](#) have been advanced to extend Article 83 TFEU to include hate speech and hate crime on grounds such as gender identity, gender expression and sex characteristics. Similar dynamics are present within the CoE that increasingly [categorises](#) critical discussion of gender identity, sex-based language, feminist research and advocacy in defence of sex-based protection, as hate speech. This suppresses scrutiny and feminist critique and exposes lesbian organisations, researchers and advocates to legal and professional risk. By reframing critique as prejudice, institutions shield themselves from challenge and prevent examination of the harms their policies generate.

Furthermore, institutional capture has been accompanied by the allocation of funding and research resources to actors aligned with gender identity frameworks, while organisations representing sex-based or lesbian-specific perspectives are excluded from funding, consultation processes and decision-making spaces. This selective resourcing and exclusion of dissenting voices has narrowed the evidentiary basis on which policy is made and has further entrenched ideological conformity within European institutions.

These three approaches constitute a coherent policy architecture designed to undermine both human rights and accountability. They enable the erosion of sex-based and sexual-orientation-based protections while simultaneously constraining the ability of lesbians and their organisations to contest that erosion.

The result is a neo-homophobic and neo-misogynist institutional dynamic in which lesbian rights are weakened through policy, and the mechanisms necessary to challenge that weakening are systematically neutralised.

5. Material, social and organisational harms to lesbians

The policy capture described above results in concrete and cumulative harms for lesbians and lesbian organisations at national level, affecting dignity, safety, fundamental rights, access to services, freedom of association and participation in public life, among others.

Laws permitting self-identification of sex have had immediate effects on lesbian identity, spaces and human rights. By replacing sex with self-declared gender identity in law and policy, these legal regimes destabilise the legal basis for recognising lesbians as same-sex-attracted women. This affects who is recognised as a lesbian, who can access lesbian spaces, and which groups can lawfully organise as female-only. In practice, [lesbian venues](#), events and support groups in several European countries have [closed](#), altered admission criteria, or moved to informal or private settings to avoid legal or reputational risk. Lesbian [dating platforms](#) and advocacy groups have likewise been pressured to [redefine “lesbian”](#) as an identity based on self-identification, while lesbians questioning these developments have been [expelled](#) from lesbian organisations.

Conversion therapy bans framed around gender identity and gender expression have produced [harmful consequences for](#) lesbians, particularly youth, who are [disproportionately affected](#) by media’s [glamorisation](#) of and corporate support for transgender issues. In countries that have adopted broad bans, therapists report that non-directive, exploratory counselling for young people distressed about their sexed bodies is no longer permitted, while affirmation of gender identity and transition pathways are treated as the default. Same-sex-attracted youth – disproportionately girls – are denied the opportunity to explore distress associated with puberty without medicalisation. As a result, young lesbians are [directed](#) away from homosexuality and towards social or medical transition, losing the possibility of growing into lesbian adulthood.

Hate-speech and hate-crime laws and policies have further constrained lesbian organising. Lesbian organisations, researchers and advocates who use sex-based language, question self-identification policies or document harms to women and lesbians increasingly face [accusations of hate](#). This has led to self-censorship, exclusion from public platforms and withdrawal from advocacy and research, creating a chilling environment for lawful feminist and lesbian organising.



These pressures are reinforced by biased distribution of institutional resources and exclusion from participation. EU funding mechanisms disproportionately support large organisations that promote the erasure of sex-based lesbian boundaries (e.g. European Lesbian* Conference, ILGA-Europe, TGEU, which explicitly advocate for the inclusion of men in the lesbian identity) while lesbian organisations maintaining sex-based definitions are excluded from funding, consultations and expert groups.

This bias is reinforced through EU-funded research projects that frame sex-based advocacy and critique towards gender-identity-based frameworks as “anti-gender backlash” and democratic threat, while excluding lesbian perspectives. Horizon Europe projects such as [RESIST](#), [PushBackLash](#), and [CCINDLE](#) produce mapping studies and literature reviews that mischaracterise the so-called ‘gender-critical’ lesbian feminist activists and organisations as harmful, hateful and anti-democratic. These outputs are then used to justify further policy interventions while shielding institutions from criticism.

Taken together, these developments create a closed policy loop in which lesbian rights are eroded through law and policy, backlash is amplified, and the capacity of lesbians and their organisations to challenge either is systematically constrained.

6. Conclusions and recommendations

Current European policy frameworks have affected a range of human rights of lesbians, including rights protected under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the CEDAW convention. As demonstrated above, the harmful impact of institutional promotion of laws permitting self-declaration of sex, expansion of frameworks on hate speech/hate crime and conversion practice bans framed around gender identity and gender expression, have directly and indirectly impinged lesbians' right to equality and non-discrimination, freedom of association and assembly, freedom of expression, the right to privacy and family life, the right to health, and the right to participate in public life.

- To rectify and avoid further harm to lesbians and lesbian organisations in Europe, the European Union and the Council of Europe institutions must urgently restore legal coherence and rule-of-law-based policymaking. This requires reaffirming and consistently operationalising the legal distinction between sex and gender identity, and between sexual orientation and gender identity, across legislation, policy instruments, funding rules, monitoring frameworks and civil society cooperation.
- Accountability within European institutions must be urgently restored. Policies should be subject to meaningful impact assessment, with mechanisms to review outcomes, identify harms and implement corrective action. Consultation processes and expert groups must include lesbian organisations as legitimate stakeholders, without conditioning participation on ideological alignment or compliance with contested and non-legal definitions.
- The EU and CoE institutions must address the disproportionate influence of gender identity focused advocacy and lobby organisations within its advisory and consultative structures. Institutional policies and procedures that delegitimise or stigmatise sex-based advocacy should be discontinued. Discriminatory funding practices must be ended. This includes reforming action grants, operational grants and sub-granting mechanisms that systematically exclude lesbian organisations engaged in sex-based advocacy.