

Speech
Snežana Samardžić-Marković

IDAHO Forum 2015
Ending hate crime and violence
Budva, Montenegro, 11 May 2015

[Introduction]

Prime Minister, Excellences, Distinguished Guests,
Ladies and Gentlemen,

I feel privileged today to have this opportunity to address you and join your discussions on how to overcome one of the most persistent human rights challenges of our time – how to end hate crime and violence.

Twenty five years ago, almost to the day, the World Health Organisation struck out homosexuality from its International Classification of Diseases, thus ending a century of medical homophobia.

The International Day against Homophobia, Transphobia and Biphobia is the day when we take stock of the progress we have made so far in ensuring equality in human rights and human dignity for all LGBT people. And, it is the day when we review the challenges ahead.

It is the moment to speak out against the homophobia and discrimination which still stalk our continent and our world. It is the moment to renew our commitment to building on the progress made. It is the moment to remind States of their obligation to protect, promote, and fulfil universal rights without discrimination.

[Progress]

Today we have many reasons to celebrate the progress made in safeguarding the human rights and dignity of all LGBT citizens. Huge strides have been made. Homosexual acts have now been de-criminalised throughout Europe.

This was a long and hard-won battle and I am proud of the Council of Europe's contribution, proud of your contribution.

In the early eighties, the Council of Europe worked on establishing the foundations of what are today considered to be great achievements. These changes did not happen overnight. They were inspired and made possible thanks to the evolution of our societies, the hard work of human rights defenders, and better understanding of diversity and human rights.

Recent legislative and policy developments concerning equal rights of LGBT people are a striking example of this progress. Such developments - unimaginable a decade ago – are not the result of "fashionable policies" or the wish to create new or special rights, as some argue; they stem from the need to protect the human rights that people have always had.

[Maltese law]

Last year, during the IDAHO Forum in Malta, Prime Minister Muscat announced revolutionary changes to protect and promote human rights for LGBT people. He kept his promise. Recently Malta made global news with its ground-breaking law which allows for a quick, transparent and accessible gender-recognition procedure for Trans people and respects the physical integrity of both Trans and Intersex people.

[Council of Europe Recommendation]

Five years ago, the Committee of Ministers of the Council of Europe adopted its ground-breaking *Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity*. In human rights terms, this was the world's first policy instrument specifically focusing on sexual orientation and gender identity. It was also the first instrument setting out standards regarding the rights of transgender people.

It gave the Council of Europe and its 47 member States a solid policy tool for combating discrimination and reinforcing the rights of LGBT people. The adoption of this Recommendation has helped inspire legal and political reforms. In particular it has helped member States identify improvements which need to be made to ensure LGBT people do not face discrimination in accessing their human rights.

[Hate crime and violence against LGBT people]

Nonetheless, hate crime and violence persist. Every day, we hear of homophobic and transphobic incidents: so-called "corrective rapes", forced marriages, physical and emotional violence, family and community rejection, bullying and discrimination against LGBT people.

Too often, such violence remains "invisible", going unreported to human rights organisations, state institutions, as well as the wider public. Sometimes these incidents are even ignored by the authorities responsible for protecting the victims.

We need to recognize that violence and discrimination against LGBT people are not isolated incidents. They are part of the everyday reality that LGBT people face.

Bias-motivated crimes have one common element: they are the expression of deep-rooted negative feelings and attitudes towards LGBT people.

Let's be very clear about this: neither cultural, traditional nor religious values, nor the rules of a "dominant culture" can justify criminal acts and violent crimes. This is a fundamental human rights principle enshrined in the European Convention on Human Rights. LGBT rights are human rights; human rights are LGBT rights.

[Solutions]

So what are the right responses to discrimination and violence against our LGBT fellow citizens?

First, we need to have the appropriate legal and policy framework in place, built on solid data and on a better analysis of bias-motivated crimes.

Second, we need to make sure that professionals – including law enforcement officers – have the necessary skills and knowledge to respond to hate crime.

Third, we need to ensure that victims are aware of their rights and can trust the authorities to enforce them.

Fourth, and finally, political leaders must show political courage: they must speak out, condemn all acts of violence and all bias- motivated crimes, and endorse and promote the human rights principles we all share.

[What is the Council of Europe doing?]

With this in mind, we at the Council of Europe are ready to play our part. We can and do provide support and expertise, upon request, to member states to improve their legal, regulatory and institutional frameworks, as well as to train officials and share good practice.

We are supporting dialogue and cooperation between governments and LGBT civil society organisations. We are promoting awareness-raising measures in favour of the human rights of LGBTI people and of our common standards. We do so through cooperation with our partners, such as the EU, the OSCE, the UN and civil society organisations, to ensure that we share a common approach and that our work has a stronger impact.

Let me take this opportunity to welcome the efforts made in this area by our host country. Montenegro has shown its strong commitment to tackling violence and discrimination, notably in the framework of its National Strategy for improving the quality of life of LGBT people.

[Some countries backtracking]

Ladies and Gentlemen. Dear Friends.

Progress has been made. We are heading towards guaranteed universal human rights for everyone, regardless of their sexual orientation or gender identity. But, the road ahead is a long one.

And sometimes, in some countries, governments stop, turn round and start driving back the wrong way.

Laws banning the “propaganda of non-traditional sexual relations” have been introduced to limit open, free and factual public discussions on sexual orientation and gender identity.

These laws stop young people from gaining access to unbiased information. These laws have led to arrests and persecutions of individuals at public events, including journalists. These laws are incompatible with the European Convention on Human Rights, according to the Council of Europe’s Venice Commission.

[Conclusion]

I want you to know that the Council of Europe – as Europe's leading human rights organisation – is your partner, your friend and your supporter.

We will spare no effort in combating discrimination, in challenging stereotypes, in standing up to violence and hate crimes. We will spare no effort in strengthening human rights.

With your help, we will build a Europe where our lesbian, gay, bisexual, trans and intersex fellow citizens feel safe, free and equal.

We must prevent Europe from backtracking. We must keep going in the right direction. And we must keep going together - in equality and dignity.

Thank you.