

Conference on the Council of Europe
Strategy for the Rights of the Child (2016-2021)

Thematic session:
Non-discrimination of lesbian, gay, bisexual,
transgender and intersex (LGBTI) young people

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Why Focus on LGBTI Children and Young people?

“Around the world, children and young people who are lesbian, gay, bisexual, transgender (LGBT) or intersex, or seen as such, still face stigma, discrimination and violence because of their perceived or actual sexual orientation and gender identity, or because their bodies differ from typical definitions of female or male”

Challenges & Gaps

1. Role of the state, state agencies in protecting rights of LGBTI children and their access to services.

At country level, there are many examples of LGBTI and human rights organisations promoting the rights of LGBTI children. The level of government support to these civil society organisations varies significantly.

2. Harassment, violence and bullying (in and outside the educational sector)

While progress is being made in a number of Member States, the extent of violence towards LGBTI children and young people in schools and the lack of inclusiveness of school curricula continue to pose serious challenges.

Challenges & Gaps

3. Legal Gender Recognition for Transgender Children

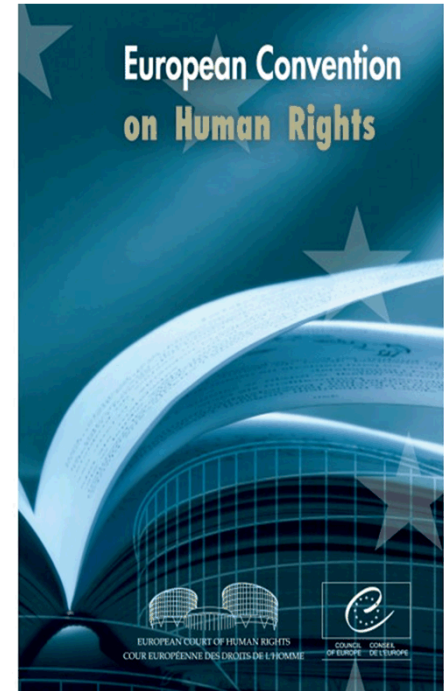
Legal gender recognition on the basis of self-determination (i.e. without the approval of medical practitioners, psychologists, or the requirement to be sterilised or divorced) exists only in four European countries.

4. Human rights of intersex children

Currently there is very little European or international good practice guidance available. The Commissioner for Human Rights published an issue paper on the human rights of intersex people in 2015. NGO's have also issued good guidance.

Opportunities

As Member States progressively realise their obligations to protect and promote LGBTI children's access to their human rights, opportunities to fulfil that mandate are continually increasing.



Opportunities

1. Recommendation CM/Rec(2010)5

The activities it endorses have particular importance to LGBTI children and 'rainbow families: for example, hate crime, freedom of expression, and the rights to education, health and housing.

2. Strategy for the Rights of the Child (2016 - 2021)

“Council of Europe will undertake research on the situation of LGBT and intersex children as regards the realisation of their rights”

3. PACE Resolution 2048 (2015) - *Discrimination against transgender people in Europe*

This Resolution provides Member States with a roadmap for developing country-level policy and action plans to ensure that the rights of young transgender people are realised.

Opportunities

4. PACE Resolution 2097 (2016)¹ -*Access to school and education for all children*

Member States should, in particular: ensure access by lesbian, gay, bisexual, transgender and intersex children to quality education by promoting respect and inclusion of LGBTI persons and the dissemination of objective information about issues concerning sexual orientation and gender identity, and by introducing measures to address homophobic and transphobic bullying.

5. Partnerships with civil society organisations

Resources are also available from European-based international NGOs ILGA-Europe, IGLYO and GALE. These products from international NGOs encourage Council of Europe Member States to share and learn from the experience of those working on-the-ground in developing evidence-based policy.

6. National level good policy initiatives

A number of Council of Europe Member States have developed national policy initiatives that are designed to be inclusive of the human rights of LGBTI children.

Opportunities

7. UNESCO

In the area of education and homophobic and transphobic bullying in the Council of Europe region, UNESCO's international research and data collection work, consultation toolkit, and other resources provide significant information and opportunities for Council of Europe Member States.

8. United Nations Treaty Bodies - including Convention on the Rights of the Child

In 2016 the UNCRC recommended that Ireland take actions in relation to intersex children. Such Concluding Observations provide significant guidance to States to take action to ensure the human rights of LGBTI children are upheld. They set standards and are generally applicable across States.

Conclusion

Very considerable opportunities to advance the human rights of LGBTI children and young people, and improve their lives.

- Council of Europe's *Strategy for the Rights of the Child* (2016 – 2021); and Recommendation CM/REC 2010(5)
- National level good practices
- Work of civil society organisations.
- Legal standards set by the Council of Europe and the UN Treaty bodies

Extraordinary opportunity to make very substantial progress in the human rights of LGBTI children and young people, as well as those in Rainbow Families.

THANK YOU FOR YOUR ATTENTION!

More information/contact

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