

NATIONAL ACTION PLANS AS EFFECTIVE TOOLS TO PROMOTE AND PROTECT THE HUMAN RIGHTS OF LGBTI PEOPLE



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**NATIONAL ACTION PLANS
AS EFFECTIVE TOOLS TO PROMOTE
AND PROTECT THE HUMAN RIGHTS
OF LGBTI PEOPLE**

The opinions expressed in this work
are the responsibility of the author(s)
and do not necessarily reflect the
official policy of the Council of Europe.

All requests concerning the
reproduction or translation of all
or part of this document should
be addressed to the Directorate of
Communication (F-67075 Strasbourg
Cedex or publishing@coe.int).

All other correspondence concerning
this document should be addressed to
the Directorate General Human Rights
and Rule of Law, Equality Division.

Cover photo and layout:
Documents and Publications
Production Department (SPDP),
Council of Europe

Cover photo: Council of Europe/
Sandro Weltin

© Council of Europe, June 2016
Printed at the Council of Europe

Proceedings

Since the Committee of Ministers adopted Recommendation CM/Rec(2010)5 to member states on measures to combat discrimination on grounds of sexual orientation or gender identity in 2010, several member states have developed and adopted national action plans¹ to coordinate state actions to promote and protect the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, and to systematically combat discrimination on the grounds of sexual orientation and gender identity.

During the seminar on 3 December 2015 in Bratislava, Slovak Republic, representatives from member states' governments, national human rights institutions and civil society organisations highlighted the importance of national action plans in promoting and protecting LGBTI people's human rights, discussed the advantages of drafting national action plans, and shared their experience with regard to the approach taken, challenges faced, benefits gained and lessons learned during the process of preparing, adopting, implementing, monitoring and evaluating action plans.

These proceedings provide examples, inspiration and resources to governments and national human rights institutions in Council of Europe member states to help them start working towards their own national action plans for the rights of LGBTI people.

1. These proceedings generally refer to national action plans, although the terms "action plan", "strategy" or other terms may be used in various member states.

Contents

1. SUMMARY OF DISCUSSIONS	7
2. SUMMARY OF SPEECHES	11
Opening session – Words of welcome	11
Session 1 – Drafting human rights action plans: why, when and how?	14
Session 2 – Preparation and implementation of national action plans: the perspective of member states	17
Session 3 – Preparation and implementation of national action plans: partnership with civil society	23
3. RESOURCES	27
4. SUMMARY OF EXISTING NATIONAL ACTION PLANS	28

1. Summary of discussions

Bruno Selun, Rapporteur

Dear participants,

Throughout the day, we have heard about the experiences of numerous member states working to fulfil the Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity. While member states use different approaches, it is clear that all do so in good faith, and in different sociocultural and political contexts.

Importantly, no one can yet claim to have achieved the full promotion and protection of human rights for LGBTI people. National action plans are milestones, not the end of the road. Civil servants and administrations in all the member states we heard from today are committed to meeting their obligations under international human rights law.

I would like to start by recalling the eight characteristics of good national action plans, helpfully listed by Gianluca Esposito, Head of the Equality and Human Dignity Department at the Council of Europe (see below). All member states can and should get behind these principles.

Our discussions found that effective national action plans require two essential ingredients: first, assistance and guidance for governments to help them understand what should be in a national action plan, the international obligations they must fulfil, and which solutions have or have not worked in other member states. This assistance is available from the Council of Europe's Sexual Orientation and Gender Identity Unit (SOGI), the Committee of Ministers' Recommendation CM/Rec(2010)5, the Commissioner for Human Rights, and

the European Commission against Racism and Intolerance (ECRI), but also from the Office of the United Nations High Commissioner for Human Rights, the Universal Periodic Review (UPR) process, or from civil society. (See Chapter 3, Resources).

Second, the political will to prepare, adopt and implement a national action plan is also essential. Political will, often required at ministerial level, is as important as the preparation of the plan by civil servants or work with civil society.

Regardless of a government's motives in creating an action plan – whether it is fulfilling an electoral pledge, meeting national or international human rights commitments, or working towards European Union accession, for example – our meeting found that the genuineness of its motivation matters more than what lay behind it.

Different approaches exist: adopting a new action plan on sexual orientation and gender identity, updating existing policies, or mainstreaming issues of sexual orientation and gender identity into wider but firm commitments to human rights. It is important that the approach fit the wider political and legal context.

Ideal action plans are comprehensive, but it may be acceptable to proceed with some priority areas (remembering to address less urgent ones in future years) if political timing demands it. In sum, some commitment is better than none.

Shared ownership with civil society is another key to successful action plans: working hand in hand with LGBTI non-governmental organisations (NGOs), but also with other human rights NGOs, trade unions and representatives from professional bodies, such as teachers, lawyers or medical professionals. A consultation phase is essential, but the most successful national action plans have involved civil society throughout the plan's political life – from proposal to implementation. While this may involve additional work, it increased these action plans' relevance and the political support in their favour.

Governments should understand that challenges can arise at different stages of the process, although they can and should be worked through.

” Every country starts where it starts – adopting a national action plan is not the end but the beginning.”

Patricia Prendiville

Council of Europe expert

Finally, adopting a national action plan is not the end, but the beginning of important work to promote and protect the human rights of LGBTI people. Planning and seeing through the implementation of national action plans – notably by establishing specific processes or monitoring their implementation – is essential to their success. This goes hand in hand with allocating appropriate resources for the preparation, adoption and implementation of the action plans, including time, human and financial resources.

To conclude, national action plans are a commitment within the reach of any member state. Ultimately, the state bears the responsibility to promote and protect the human rights of everyone on its territory, including LGBTI people. There is an abundance of help available: through international norms, multilateral organisations, civil society and through these proceedings, and this should make it easier for member states to fulfil their duty and come forward with effective national action plans.

2. Summary of speeches

In the interest of conciseness, these proceedings summarise speakers' main points instead of providing a verbatim record of their contribution to the seminar.

Opening session – Words of welcome

Marian Filčík

Advisor, Department of Legislation, Ministry of Justice of the Slovak Republic on behalf of Monika Jankovská, State Secretary of Justice

After welcoming participants and thanking the Council of Europe for organising the seminar in Bratislava, Mr Filčík said the Slovak Government recognised that LGBTI people must be guaranteed the same rights and protections as the rest of society.

”Thanks to international co-operation, we have achieved much more than would have been possible on our own.”

Marian Filčík

Ministry of Justice, Slovak Republic

In 2012, the Slovak Government appointed an advisory and expert committee on LGBTI rights, which has since been chaired by the Ministry of Justice. The committee contributed to the development of an action plan for LGBTI people in 2015, part of a set of action plans intended to protect the rights of specific groups (such as the National Strategy for Gender Equality, the National Action Plan for Children, and the Action Plan on Prevention of All Forms of Racism, Xenophobia, Anti-Semitism and other Forms of Intolerance). Developing these action plans requires time, in particular when it comes to public acceptance of the LGBTI action plan. But the government remains committed, and hopes to issue an action plan in the coming months.

Gianluca Esposito

Head of Equality and Human Dignity Department, Council of Europe

” Irrespective of our sexual orientation or gender identity, we are the ‘everyone’ to whom the ECHR guarantees the basic rights and freedoms contained therein.”

Gianluca Esposito

Equality and Human Dignity Department, Council of Europe

Mr Esposito reminded the seminar that human rights are guaranteed for everyone, without exception, within the jurisdiction of the Council of Europe. This includes LGBTI people, and the Council of Europe already supports a number of member states through the work of its Sexual Orientation and Gender Identity Unit (SOGI). The Committee of Ministers’ Recommendation CM/Rec(2010)5, as well as the European Convention on Human Rights (the Convention) and the Court’s case law, provide a solid basis on which to do so.

The importance of this work was confirmed as, for the first time, the Committee of Ministers chose to include activities related to sexual orientation and gender identity in the Council of Europe’s programme and budget.

Box 1. Characteristics of ideal national action plans

From experience, the Council of Europe recommends that national action plans observe the following eight characteristics in order to be successful. National action plans should be:

1. Achievable: action plans should present realistic objectives and receive support from a governmental body² responsible for its development and implementation (ideally at ministerial level).

2. Appropriately resourced: administrations responsible for national action plans should have the necessary time, human and financial resources devoted specifically to them.

3. Co-operative: when developing and implementing action plans, governmental bodies need to involve and co-operate with the LGBTI community; it is important to involve communities in the development of action plans as this improves their chances of success.

4. Comprehensive: governmental bodies drafting national action plans should carefully examine all areas of state responsibility that have an impact on the lives of LGBTI individuals and their families.³

5. Bold: national action plans should confront potentially sensitive issues, including family rights, the rights of transgender people, including gender reassignment, or the rights of LGBTI prisoners.

6. Mainstreamed: all levels and areas of government should know how an action plan will impact on their responsibilities, and have the appropriate resources to integrate it into their work.

7. Monitored and evaluated: actions plans are living documents: responsible governmental bodies should monitor breaches of human rights, evaluate the impact of national action plans and update their actions as required.

8. Well communicated: communication with the public and with NGOs is key to the success of national action plans, particularly in the face of opposition.

2. Throughout these proceedings, “governmental bodies” refers to the state authority or authorities responsible for the drafting, adoption and implementation of national action plans. These can be ministries, governmental agencies, or national human rights institutions.

3. Recommendation CM/Rec(2010)5 provides a helpful basis on which to examine in more detail the areas that impact on LGBTI people’s lives.

Ben Baks

European Governmental LGBTI Focal Points Network

Mr Baks welcomed participants on behalf of the Government of the Netherlands and the European Governmental LGBTI Focal Points Network.

He recalled that the Dutch Government had presented its first national action plan 28 years ago, and wished fellow member states success in the design and implementation of their own action plans.

Session 1 – Drafting human rights action plans: why, when and how?

Patricia Prendiville

Council of Europe expert

As a Council of Europe expert assisting Albania to prepare its national action plan, Ms Prendiville shared her insight into the development of national action plans. Firstly, she reminded the seminar that national action plans do not enshrine special rights, but address specific situations faced by LGBTI people and establish “what we want as a society”.

There is no bad time to work on a national action plan: governments must simply start. Starting implies understanding the existing context: how are LGBTI people currently treated differently, as individuals and families, in all spheres of their lives? Governments may directly ask civil society, governmental authorities and multilateral organisations to help paint this picture, including using existing data. This baseline understanding is essential to recognising what action is needed.

” Everything won’t change in three to four years, but member states will get somewhere new in this time.”

Patricia Prendiville

Council of Europe expert

Governments must then agree on the process for drafting, reviewing, adopting and implementing the action plan; on a time frame for this process; and on the allocation of sufficient resources. Setting up a monitoring and implementation group (including people from various government departments⁴, civil society representatives and possibly an external facilitator) will be helpful to keep the process moving forward.

Support from both civil society and political leaders is central for building successful national action plans. Civil society can be a government's strongest ally: representatives will organise events, build support among LGBTI communities and provide useful expertise. When it comes to governments, support at the highest levels (often at ministerial level) is essential: it means that people in government must make their support clear and public. Co-operation in the development and support of plans, by both civil society (the holders of human rights) and governments (those responsible for ensuring that rights are respected) is essential for the creation of powerful national action plans.

In conclusion, Ms Prendiville enjoined member states to include LGBTI NGOs in the process, and allow them access to governments so that they can share their concerns and expertise. Governments mustn't assume they know everything, but should seek out expertise and learn.

Bjørn Lescher-Nuland

Directorate for Children, Youth and Family Affairs, Norway

”The action plan placed LGBT issues on the government’s agenda. It also acted as a door opener to government for civil society. The action plan certainly increased both funding and activity levels, benefiting the promotion of LGBT rights.”

Bjørn Lescher-Nuland

Directorate for Children, Youth and Family Affairs, Norway

4. Because LGBTI people experience every aspect of life, every governmental department will have something to say about the national action plan: they must therefore all have the opportunity to contribute to the process.

Mr Lescher-Nuland presented the process that led to the Norwegian Government's action plan entitled Improving Quality of Life among Lesbians, Gays, Bisexuals and Trans Persons (2009-2013). The action plan contained 64 interdisciplinary measures spanning eight departments, all responsible for their own activities and outcomes under the plan.

The government started by convening a conference in 2007 at which all interested stakeholders could start discussing the future national action plan. Among other innovations under the action plan, the Directorate for Children, Youth and Family Affairs established and placed at the heart of the government's efforts its own LGBT Knowledge Centre, a unit responsible for training and information on LGBTI issues – an “enabler” and “driving force” for the administration.

Evaluation was crucial to the action plan's success. Indicators and goals to measure success (or failure) were agreed upon together with the action plan itself. Its activities were comprehensively evaluated in 2013 and 2014.

The government is now working towards a national action plan for 2016-2019, which will build on the lessons learned through the first action plan. It will focus on three areas: safety in public spaces, equality when accessing public services, and better living conditions for groups particularly in need. It will also promote LGBTI rights internationally, and seek to continue co-operation between the government and LGBTI NGOs.

Box 2. Mainstreaming LGBTI issues across departments

Audience question: “How can we mainstream an LGBTI action plan across departments when colleagues in the administration are already tired of gender equality?”

Mr Lescher-Nuland: “There is a lot we must mainstream. But since LGBTI rights are human rights and not special rights, mainstreaming is something we must commit ourselves to. Because rights-related issues concern all areas of life, it's crucial that we don't tackle them piece by piece, but rather from all angles.”

Sophie Kurt Torun

*European Commission against Racism and Intolerance (ECRI),
Council of Europe*

Ms Kurt Torun presented the crucial role played by ECRI in helping member states observe their obligations under international human rights law, including in relation to sexual orientation and gender identity. LGBTI issues usually arise under specific topics such as hate speech or violence. ECRI aims to be a valuable partner to help governments identify the areas they should focus on.

To date, ECRI has published 13 country reports with findings and recommendations on LGBTI issues: for Albania, Austria, Belgium, Bulgaria, Czech Republic, Estonia, Germany, Greece, Hungary, Norway, Poland, Slovakia and Switzerland.

Box 3. ECRI and the UPR

Audience question: “Does ECRI co-ordinate its work with the Universal Review Process at the United Nations in any way?”

Ms Kurt Torun: “Yes, we follow the UPR process and keep ourselves informed of recommendations by civil society as part of our research. However, our recommendations are based strictly on our own findings in the country concerned.”

Session 2 – Preparation and implementation of national action plans: the perspective of member states

In this session, member state representatives discussed different approaches to developing, approving and implementing their national action plans.

Lucy McQueen

Government Equalities Office, United Kingdom

” The publication of the LGB&T equality action plan and the separate transgender action plan has led to greater awareness and understanding

by government departments of the issues LGB&T people face.”

Lucy McQueen

Government Equalities Office, United Kingdom

After a new coalition government took office in 2010, there was strong ministerial support for a new approach to lesbian, gay, bisexual and transgender equality across the government. The Government Equalities Office (GEO) consulted government departments, agencies, civil society and other stakeholders, and drew up two action plans: a general action plan on LGBT equality (published in March 2011) and a separate action plan for transgender equality (published in December 2011).

Both action plans set out a range of detailed actions to help tackle LGBT inequality in various sectors, including health and social care, housing, transport and civil society. GEO officials worked closely with other departments, which had been asked to review existing policy areas as part of wider spending review reforms, to see how existing and future policies and services could be designed to better meet the needs of LGBT people. The Minister for Equalities made it clear that all agreed commitments should be transparent, accountable and focused on removing the barriers faced by LGBT people, rather than the action plans simply being a “tick box exercise” for departments.

The Transgender Action Plan was developed in close consultation with transgender individuals and advocacy groups, in recognition of the specific difficulties and prejudice transgender people face, as distinct from those faced by lesbian, gay and bisexual people. Officials used a range of consultation methods, including regional round-table events, ebulletins and surveys in order to seek their views on key priorities. This was the largest survey of the transgender community ever conducted by the government. The first online survey on health received over 1 200 responses.

Both action plans were well received, and have helped strengthen relationships with LGBT communities. They have also provided an effective framework to help monitor government departments’ progress in meeting their equality obligations under the Equality Act 2010.

Officials are currently developing proposals on the next steps for LGBT equality, setting out the action the government will take over the course of this new term, and building on progress made following the publication of the previous action plans.

Johanna Suurpää

**Director, Unit for Democracy, Language Affairs and Fundamental Rights,
Ministry of Justice, Finland**

Finland currently includes sexual orientation and gender identity in their national action plan on human rights. A revision is underway, and the next version may include a specific chapter on the rights of LGBTI people.

” First, stakeholders’ roles must be well defined from the beginning: some NGOs may not want to be involved directly, preferring to be partners in dialogue. And second, the project’s ownership must be shared with all stakeholders. But at the end of the day, it remains the state’s responsibility.”

Johanna Suurpää

Ministry of Justice, Finland

The decision to draft the first national action plan resulted from a direct mandate in the new governmental programme in June 2011. The government started by gathering existing data on discrimination, including data collected by the ombudsman, other governmental bodies and by international organisations. This initial research allowed civil servants to understand the current situation. Several actors were invited to contribute to the drafting process: the parliament’s ombudsman played a key role in ensuring that the process moved ahead, and NGOs were central in identifying the issues to be addressed and pushing the government to take action. The government reported to the parliament on the implementation of the action plan in November 2014.

Despite good preparatory work in consultation with NGOs to update the law on gender recognition for transgender people, a negative political decision meant that the work had to be shelved until a future date.

Gordana Mohorović

Head of Division for monitoring the implementation of international and regional human rights treaties, Governmental Office for Human and Minority Rights, Serbia

The government adopted its wide-ranging strategy for the prevention of discrimination in 2013, covering sexual orientation and gender identity issues, among others. The adoption of the strategy and the action plan for its implementation were supported through the EU-funded project Implementation of Anti-Discrimination Policies.

”The driving force behind the adoption of our strategy and action plan was the desire to implement international standards on the human rights of vulnerable groups, including LGBTI people.”

Gordana Mohorović

Governmental Office for Human and Minority Rights, Serbia

Following a recommendation from the Commissioner for Protection of Equality, the Governmental Office for Human and Minority Rights initiated the process of drafting the strategy, and nine working groups were formed based on the competences of the different departments. NGOs played a valuable role, leading the groups' work and contributing their expertise. In order to take part in this work, NGOs had to answer a public call for interest and were selected on the basis of their expertise and capacity.

During the drafting process, 11 round-table discussions took place nationwide. The Governmental Office for Human and Minority Rights published the draft strategy, and a consultation conference was then organised in Belgrade. The government's efforts weren't met by any significant resistance among the general public or the administration.

The action plan to implement the strategy was adopted in October 2014. The council for monitoring the action plan's implementation, a supervisory mechanism established by the action plan, started its work in August 2015.

Ms Mohorović concluded with three pieces of advice for participants. First, secure political will. Second, when drafting national action plans, use existing good practices from other countries and adapt them to local and national realities. And third, good national action plans require proper implementation, which includes appropriate training for civil servants.

Alessandra Barberi

Department for Equal Opportunities, National Office against Racial Discrimination, Italy

The Italian Government adopted its National LGBT Strategy 2013-2015 thanks to assistance from the Council of Europe. The strategy contains practical measures, and focuses on four priority areas: education, employment, safety and detention, and media and communication. The national strategy required a system of multilevel governance that included the following government administrations involved in the different thematic areas: the ministries of the interior, health, education, justice, foreign affairs, labour and social affairs and regions. All ministries share responsibility for the national action plan, which was drafted in consultation with local administrations (several regions, provinces and municipalities), trade unions and LGBTI NGOs, all of which played crucial roles. Although the parliament had requested the creation of the national action plan, it wasn't involved in its drafting.

” It’s crucial to involve NGOs in the delivery of the national action plan – but ultimately it remains the government’s responsibility.”

Alessandra Barberi

National Office against Racial Discrimination, Italy

It is worth noting that in order to implement the national strategy, the national Department for Equal Opportunities signed an agreement with the Municipality of Turin in 2013. The agreement foresees that the department will finance activities related to the national strategy, including awareness raising and training for high-ranking officers and managers in schools, employment centres and law enforcement agencies, in the form of national and local seminars. A total

of 15 courses have so far taken place in the areas of education, employment and security, reaching almost 400 individuals in top managerial positions (200 more will be reached through future courses).

Box 4. The situation in other member states

The audience discussed the situation in other member states.

In **Albania**, the Council of Europe provided the services of an external consultant, which allowed the process to run independently (and without taxing resources) from any one specific ministry, avoiding inter-ministerial politics that could have slowed or stopped work on the national action plan.

In **Kosovo**,* the Action Plan for the Implementation of the Law against Discrimination (20142016) has helped to focus governmental efforts, in partnership with several state institutions nationwide, and institutional partners in Austria and Finland.

In **Ukraine**, although a national human rights strategy is currently in place, and stakeholders (mainly NGOs) have been involved in the preparatory work on a potential future national action plan on sexual orientation and gender identity issues, they have, however, been disappointed. Many of the stakeholders' suggestions had to be set aside for political reasons, leading to distrust of the government's commitment to the process.

In **Lithuania**, the Inter-institutional Action Plan for Non-Discrimination 20152017 was adopted recently it includes a specific section on sexual orientation and gender identity, and these issues are also mainstreamed throughout the action plan. In 2016, the Equal Opportunities ombudsman will undertake research into the experience of transgender people in order to better understand their situation. This will feed into the national action plan for 20182020.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Session 3 – Preparation and implementation of national action plans: partnership with civil society

In this session, representatives from member states and NGOs discussed how useful it had been to involve civil society when drafting, adopting and implementing national action plans.

Katrin Hugendubel

Advocacy Director, ILGA-Europe

” National action plans are clearly a part of the puzzle when it comes to achieving the full protection of LGBTI people’s human rights.”

Katrin Hugendubel

Ms Hugendubel highlighted how important it is for the drafting process to be transparent. Much depends on the political context, but hiding the process from public scrutiny (and preventing civil society involvement, in particular) usually does not work.

Well-defined roles are extremely important: while, for best results, NGOs should be involved throughout the process, governmental bodies cannot shift all or part of the responsibility for the action plan onto civil society.

Helen Belcher

Transgender Europe

In the United Kingdom, a separate action plan for transgender equality allowed the specific issues faced by transgender people, such as medical treatment or legal gender recognition, for example, to be addressed – issues that differ greatly from those faced by lesbian, gay and bisexual people.

When drawing up this action plan, consultations with civil society sometimes led to contradictory suggestions, and this complicated work for the government.

In the end however, frustrated by the lack of progress, civil society representatives came up with their own priorities.

Finally, it may be difficult to involve transgender communities, as representatives will usually have navigated existing systems successfully, while others may not be in the privileged position of being able to share their concerns with policy makers. Governments should seek to hear the voices of under-served groups.

Box 5. Lack of comparable data

Participants and Council of Europe representatives agreed that the lack of current data with which to paint an accurate and comparable picture in all member states is problematic. The most relevant existing data comes from the EU Agency for Fundamental Rights' 2013 LGBT Survey, which covers the 28 EU member states. This gap could be addressed in part by working with national human rights institutions, or by collaboration between the Council of Europe and the EU Agency for Fundamental Rights.

Silvan Agius

Director of the Human Rights and Integration Directorate, Malta

In Malta, lesbian, gay, bisexual, transgender, intersex and questioning (LGBTIQ) civil society actively advocated for a holistic change prior to and during the last elections. The political party that won had devoted a specific section of its programme to the rights of LGBTIQ people, which led to clear commitments and momentum at the highest political levels.

Early in its mandate, the government established the LGBTIQ Consultative Council, consisting of representatives of LGBTIQ civil society, in order to make regular informed recommendations about legal and policy issues related to sexual orientation and gender identity. This ongoing engagement with civil society facilitated several legislative changes, including the expansion of constitutional protections against discrimination on grounds of sexual orientation and gender identity, the introduction of civil unions open to same-sex and different-sex couples and on a par with marriage, and legislation introducing a right to gender identity and a right to bodily autonomy and integrity.

More recently, the government adopted an LGBTIQ Action Plan that is meant to extend the legislative developments into the work of different ministries, and published a bill intended to criminalise so-called “conversion therapies”.

LGBTI civil society has engaged very constructively with governmental bodies, and this has proved to be very important. On its part, the government has championed these issues both in its internal and in its external policy.

Marian Filčík

Advisor, Department of Legislation, Ministry of Justice, Slovak Republic

Adopted in 2015, the Human Rights Strategy was the first governmental document to specifically address LGBTI issues. It benefitted from the input of the Committee for the Rights of LGBTI People, a strong consultative body comprising government and LGBTI NGO representatives. The committee is a sub-group of the Governmental Council for Human Rights, National Minorities and Equal Treatment. The government is currently working towards a national action plan for LGBTI people for the years 2016-2019.

” NGOs helped us to compile a list of appropriate LGBTI terminology, which helped other stakeholders and civil servants to understand what this was about and why it was important to take action.”

Marian Filčík

Ministry of Justice, Slovak Republic

The consultation process leading to the action plan involved going to every relevant governmental department to discuss the actions under their responsibility and to agree on specific ways forward. The Ministry of Justice created an intergovernmental working group that was instrumental in creating lasting involvement by different areas of government. The consultation process also involved meeting with all interested representatives, including some who were very hostile to the action plan. Although some civil society actors disagreed that

LGBTI people needed specific protection, they nevertheless learned from the process and they came to use more rational arguments instead of demeaning and strongly intolerant language. The process was valuable in itself for LGBTI NGOs, since it opened communication channels with the government, which are now used regularly.

While the process was positive overall, the action plan must now be adopted and effectively implemented.

Box 6. High-level political leadership

The involvement of high-level political leadership is crucial in order for national action plans to be successful. While this is usually at the level of ministers or state secretaries, political leadership may also come from parliament or national human rights institutions, which can help to place and keep sexual orientation and gender identity issues on the political agenda.

3. Resources

The resources below provide rich sources of information on member states' international human rights obligations and applicable human rights standards, examples of national action plans from other member states, and presentations from the conference.

International norms and standards

- ▶ Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity
<http://bit.ly/1YgizLN>
- ▶ Commissioner for Human Rights – Human rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI)
<http://bit.ly/1TpiCpB>
- ▶ Conclusions of the Council of Europe workshop on developing and implementing national action plans for human rights (Strasbourg, 27-28 March 2014)
<http://bit.ly/1JWkpjv>
- ▶ The European Commission against Racism and Intolerance (ECRI)
www.coe.int/ecri
- ▶ The Sexual Orientation and Gender Identity Unit of the Council of Europe
<http://www.coe.int/sogi>

Seminar materials

- ▶ Website of the seminar
<http://www.coe.int/en/web/sogi/bratislava-seminar>

Existing national action plans

- ▶ Please use the links provided on the next page.

4. Summary of existing national action plans

Country	Status	Title	Link
Albania	forthcoming	National Action Plan for LGBTI People in Albania 2015-2020	-
Denmark	Adopted (2015)	National Action Plan for Gender Equality – Report / Perspective and Action Plan 2015	http://bit.ly/1TM7WyW
France	Adopted (2012)	Governmental action plan against violence and discrimination on the grounds of sexual orientation and gender identity	http://bit.ly/1TM81mh
Italy	Adopted (2013)	National LGBT strategy 2013-2015	http://bit.ly/1TM86pY
Malta	Adopted (2015)	LGBTIQ Action Plan 2015-2017	http://bit.ly/1TM8bKg
Montenegro	Adopted (2013)	Strategy for improving quality of life of LGBT persons 2013-2018	http://bit.ly/1TM8eWp
Netherlands	Adopted (2013)	Dutch gender and LGBT equality policy 2013-2016	http://bit.ly/1UsByC9
Norway	Adopted (2009) <i>Currently being updated</i>	The Norwegian Government's action plan: Improving quality of life among lesbians, gays, bisexuals and trans persons 2009-2012	http://bit.ly/1TM8pkG
Serbia	Adopted (2013)	Anti-discrimination strategy (2013-2018)	http://bit.ly/1TM8qFe
United Kingdom	Adopted (2011)	Working for Lesbian, Gay, Bisexual and Transgender Equality: moving forward	http://bit.ly/1NIBCRK
United Kingdom	Adopted (2011)	Transgender action plan	http://bit.ly/1YaQ0Va

” Adopting a national action plan is not the end – it’s only the beginning”

www.coe.int/lgbt

The Council of Europe is the continent’s leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE