

COMPENDIUM OF GOOD PRACTICES ON LOCAL AND REGIONAL LEVEL POLICIES TO COMBAT DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION AND GENDER IDENTITY



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**COMPENDIUM OF GOOD PRACTICES
ON LOCAL AND REGIONAL LEVEL POLICIES
TO COMBAT DISCRIMINATION ON
THE GROUNDS OF SEXUAL ORIENTATION
AND GENDER IDENTITY**

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 the document should be addressed to the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int). All other correspondence concerning this publication should be addressed to the Equality Division – SOGI Unit (sogi@coe.int).

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

Cover photo: Council of Europe,
©Shutterstock

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

Contents

INTRODUCTION	5
LOCAL AND REGIONAL LEGISLATION	7
MAINSTREAMING LGBTI ISSUES INTO POLICY DEVELOPMENT AND IMPLEMENTATION	11
Transgender people	13
REGIONAL CO-OPERATION BETWEEN AUTHORITIES	15
SAFETY AND SECURITY	19
LOCAL VISIBILITY AND AWARENESS RAISING	21
ACCESS TO SOCIAL RIGHTS, GOODS AND SERVICES	25
Access to health care	25
Transgender people and health	26
Housing	27
Employment	28
Tourism	29
CONCLUSIONS AND RECOMMENDATIONS	31
ANNEX 1	33

Introduction

Since discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people often takes place in their immediate surroundings, local and regional authorities have, in co-ordination with other levels of government, an important and specific role when combating discrimination against LGBTI people. In its 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, the Council of Europe renewed its commitment to address human rights issues relating to sexual orientation and gender identity. Within this framework, it explicitly mentioned the need for effective action to be taken at the local level.

■ Often, however, local and regional authorities do not know how to tackle discrimination and how to guarantee LGBTI people's rights. To provide them with guidance in this regard, the Congress of Local and Regional Authorities of the Council of Europe prepared a report¹ and adopted a resolution² on guaranteeing LGBTI people's rights and how Europe's towns and regions can take responsibility for tackling this issue. To translate the findings of the report into practical information for use by policy makers, the Sexual Orientation and Gender Identity unit within the Council of Europe has taken the initiative to produce this compendium of good practices at the local and regional level.³ It is intended to highlight good practices for those policy makers in charge of dealing with issues relating to equal opportunities within local and regional administrations.

-
1. Report on guaranteeing lesbian, gay, bisexual and transgender (LGBT) people's rights: a responsibility for Europe's towns and regions, CG/2015(28)9FINAL, prepared by Yoomi Renström; and Congress Recommendation 370 (2015), 24-26 March 2015. [https://wcd.coe.int/ViewDoc.jsp?Ref=CG/2015\(28\)9FINAL&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CG/2015(28)9FINAL&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864).
 2. The full text of Congress Resolution 380 (2015) is included in Annex 1.
 3. This compendium of good practices is based on the document prepared by the Council of Europe consultant Juul van Hoof (Stichting Movisie), who also contributed to the explanatory memorandum of Congress Report CG/2015(28)9FINAL.

Local and regional legislation

Cities and regions are the places where people live, go to school, go to work and depend on (municipal) services. In some countries, such as Italy, Germany and Austria, the lack of state parliamentary law on certain LGBTI issues has encouraged some regional and/or local authorities to intervene and fill this vacuum through policies and actions for the benefit of their local residents. These policies are not a substitute for national policies, however, since they only affect the inhabitants of these particular local governments and regions.

■ In the Italian city of Turin, civil partnerships are officially acknowledged by the city administration, in spite of the absence of national provisions in this regard. When deciding to amend the municipal regulations, Turin City Council referred to Article 4 of the Decree of the President of the Republic n. 223/1989, which defines a family, for registration purposes, as “a set of people living in the same house of the same city and tied by marriage, kinship, adoption, legal protection or affective bonds”. A new municipal regulation was drafted on the basis of this article so as include acknowledgement of civil partnerships, and this was approved by the Turin City Council in 2010.⁴ As a result, cohabitating heterosexual or same-sex couples can ask for and obtain a certificate of civil partnership from the city’s General Register Office.

■ The certificate enables civil partners to enjoy the same rights as married couples with respect to accessing municipal services and health care provided by the city of Turin.⁵ However, because these partnership certificates are local official documents only, they cannot be used to obtain access to nationally provided services. Nor do they entitle heterosexual or same-sex civil partners to rights and benefits that national legislation grants only to married couples (parental responsibility or fiscal benefits, for example).

4. www.comune.torino.it/regolamenti/337/337.htm.

5. www.comune.torino.it/anagrafe/unionicivili.htm.

■ In November 2011, the Austrian city of Vienna decided, in the absence of national legislation and in the context of problems faced by transgender people in being officially recognised in their new gender, to start issuing inclusive, gender neutral marriage certificates, corresponding to the person's new gender.⁶

■ In the German *Land* of Berlin, the lack of a national action plan or specific policy measures inspired the regional government to design an extensive and detailed action plan to improve the situation of LGBTI citizens with the title "Berlin supports self-determination and acceptance of sexual diversity!"⁷ This initiative consists of a package of measures many of which have already been implemented. Others are being implemented or are on-going, in education for example, and in sensitisation measures within the Berlin public administration and police force. Participation of LGBTI citizens in different municipal committees and advisory boards is also encouraged. The Berlin Senate remains committed to the action plan and has developed "Guidelines for government policy 2011-2016" in which LGBTI issues are included. The further development of the action plan focuses on four aspects that are supported by the Berlin Parliament:

- ▶ improving the safety of especially vulnerable LGBTI groups, as well as prevention of violence;
- ▶ ensuring the documentation of LGBTI history in Berlin;
- ▶ strengthening the position of transgender and intersex people;
- ▶ strengthening international commitment.

■ Local elections provide a chance to change things within a city, and in the districts that go to make up the city. SPOD (an Istanbul-based LGBTI organisation) organised the Local Government Politics School in 2013, with the participation of LGBTI activists from 10 different cities in Turkey. One of the outcomes was the drafting of the document "Demands of LGBTIs from local governments", which was publicised with the endorsement of 14 Turkish LGBTI organisations. The document was turned into an "LGBTI-friendly municipality protocol", which was proposed to many mayoral candidates, 40 of whom signed it, thereby effectively promising that if they became mayor, they would pursue LGBTI-friendly policies. Ultimately, this led to the establishment of an

6. Human Rights and Gender Identity: Best Practice Catalogue (2011), S. Agius, R. Köhler, S. Aujean, J. Ehrh. ILGA Europe and Transgender Europe.

7. <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?docu mentId=09000016802f8125>

LGBTI-inclusive health services centre and an equality department in the Şişli district, and the formation of an LGBTI council within the Kadıköy district's city council.⁸

■ In conclusion, within the framework of national legislation, local and regional authorities often have the possibility to draw up local provisions. These provisions can be an addition to the national law, or they can take the lead where national legislation has not yet been established.

8. Intervention by Turgay Bayandir during the workshop on Good Practices for LGBTI Activists on Engaging with Local and Regional Authorities, at ILGA-Europe's Annual Conference in Athens, 28-31 October 2015.

Mainstreaming LGBTI issues into policy development and implementation

LGBTI people cannot only be defined by their sexual orientation or gender identity. They live their lives in cities and towns, hoping that they can depend on their government to guarantee their rights. Although in many cases they are not explicitly represented in local or regional policies, LGBTI people are an inevitable and integral part of policies made for the general population. It is only when the specific needs of certain minorities need an extra focus of emphasis in policies that they can and should be explicitly mentioned.

■ Practical examples of policies and approaches have been developed in order to pay particular attention to intersectionality of identities and groups that are especially vulnerable. Some cities have used the Yogyakarta principles⁹ to literally translate the human rights of LGBTI persons into a local or regional practice. Some cities draw up specific LGBTI policy notes. Another approach is to mainstream LGBTI issues into existing policy measures. Policy development is often undertaken in co-operation with local, regional or national LGBT advocacy organisations and human rights non-governmental organisations (NGOs).

■ Co-operation between local and regional authorities and LGBTI organisations can lead to successful implementation of LGBTI issues in local policies. With local governments being advised by NGOs about the specific issues and experiences of the LGBTI community, this offers the possibility for the community to be taken into account in policy-making processes.

9. The Yogyakarta Principles (2007) address a broad range of international human rights standards and their application to issues of sexual orientation and gender identity: www.yogyakartaprinciples.org/principles_en.pdf.

■ For example, the Scottish South Lanarkshire Council issued a municipal plan and report on mainstreaming equalities¹⁰ after realising it wanted to adopt a clear position on diversity. In the plan, the council aims to develop best practice as a major employer, to eliminate discrimination, harassment and victimisation in all its forms, to advance equality of opportunity for all and to foster good relations across the community. The plan, which runs from 2013 to 2017, covers all grounds for discrimination. It sets out the council's legal duties in respect of equality, and how it will work with partners to ensure that the needs of all citizens are met when using municipal services. Sexual orientation and gender identity are explicitly mentioned throughout the report.

■ In the city of Amsterdam, a specific policy on the emancipation of LGBTI people has been implemented since 1980, and in 2010 the municipality embarked on a mission to include LGBTI issues in all policies citywide. The strategy is based on three fundamental policy shifts:

- ▶ the commitment by the mayor and all aldermen that LGBT issues are a shared responsibility and not as the responsibility of a single policy department;
- ▶ new rules for subsidies: from 2012 onwards all partners that have a financial or business relationship with the city explicitly have to take into account the issue of sexual diversity;
- ▶ responsibility as an employer: by joining the Workplace Pride task force for better working conditions of LGBTI civil servants and administrative staff.

■ These shifts resulted in the involvement of all regular policy departments, such as public order/security, health and welfare, sport, education, youth, work and income, employment, economic affairs and city marketing. The responsible policy makers and administration staff took part in a municipal round table in order to structure their co-operation on LGBTI issues. This resulted in a number of concrete, official agreements between the departments, with the department of citizenship and diversity supporting the policy departments in executing the LGBTI policy plan. Every department now organises network sessions and knowledge seminars for policy makers on LGBTI issues, in collaboration with LGBTI organisations and individual experts. In doing this, the co-ordinating policy department stresses that ownership of and responsibility for the policy measures rest within each and every department.

10. www.southlanarkshire.gov.uk/info/200200/equality_in_employment/592/equal_opportunities_and_diversity.

■ The alderman responsible for citizenship and diversity co-ordinates and monitors the overall situation on LGBT issues and the process of embedding LGBTI policy within general public policies. Every year a report on the developments is sent to and discussed with the Amsterdam City Council.¹¹

■ In Bulgaria, GLAS Foundation in Sofia gathers information on incidents and hate crimes. The results are used to address the sometimes urgent situation with local authorities. This raised awareness led to Bulgarian police officers taking part in a training course by the Dutch “Pink in Blue” LGBTI police network. Regional police forces who work on hate crimes thus gained expertise on homo- and transphobic incidents.¹²

■ In the United Kingdom, the Equality and Human Rights Commission (EHRC) publishes guides for public authorities in England (and bodies with non-devolved functions in Scotland and Wales),¹³ explicitly including sexual orientation and gender identity. The guides provide an overview of the equality duty and include steps that are legally required, as well as recommended actions. In 2015 the EHRC published an extensive report on LGBTI people’s experiences and expectations of hate crime reporting in the Leicester and Leicestershire area. The report was based on interviews with 50 people who identified as LGBTI and it provides guidance on best practice for local practitioners.¹⁴

Transgender people

■ Several research studies show that transgender people are even more at risk of becoming victims of discrimination and violence than lesbian women, gay men and bisexuals.¹⁵ Aware of the fact that transgender people suffer more discrimination and prejudice than gays, lesbians and bisexuals, Barcelona City Council decided to establish a protocol covering all municipal services

11. www.amsterdam.nl/gemeente/organisatie/sociaal/onderwijs-jeugd-zorg/diversiteit/roze-agenda-2015/?reload=true&authenticate_token=7b0126a3-dd98-4dd0-9de0-1844ae3187f7.

12. Intervention by Simeon Vasilev during the workshop on Good Practices for LGBTI Activists on Engaging with Local and Regional Authorities, at ILGA-Europe’s Annual Conference in Athens, 28-31 October 2015.

13. www.equalityhumanrights.com/en/advice-and-guidance

14. www.equalityhumanrights.com/publication/lgbt-hate-crime-reporting-identifying-barriers-and-solutions.

15. Report by Commissioner for Human Rights, Council of Europe (2011); *European Union lesbian, gay, bisexual and transgender survey. Results at a glance* (2013), European Union Agency for Fundamental Rights (FRA); Report of the Council of Europe Parliamentary Assembly (2013).

containing agreed guidelines, criteria and specific recommendations in relation to dealing with transgender persons.¹⁶

■ The UK EHRC identified a need for local authorities to gain expertise on the specific situation and needs of transgender people. As a result, they published a booklet dedicated to the “Provision of goods, facilities and services to trans people”,¹⁷ which highlights several good practices on trans-specific equality.

■ Monitoring of the above-mentioned efforts, either by the city council itself, or by centres of expertise or research institutes, proves to be crucial. NGOs are also important stakeholders in this process, as they provide signals from the community to the local government, both on defining issues that need to be tackled, and on the effect of specific policies.

16. <http://ajuntament.barcelona.cat/dretssocials/sites/default/files/arxiu-documents/guia-recursos-trans-castella.pdf>

17. *Provision of goods, facilities and services to trans people. Guidance for public authorities: meeting your equality duties and human rights obligations* (2010), Equality and Human Rights Commission, UK.

Available via: www.ilga-europe.org/sites/default/files/provision_of_goods_facilities_and_services_to_trans_people_-_equality_and_human_rights_commission.pdf

Regional co-operation between authorities

■ Collaboration between authorities can increase the rights and well-being of LGBTI people in a region. There are many examples of cities and regions working closely together in sharing good practices, exchanging policy initiatives, fine-tuning diversity-inclusive agreements with regional service providers and developing regional legislation. Often this takes place within existing partnership structures and alongside agreements on other issues. For smaller cities and towns in particular, co-operation with bigger cities in the region offers them a chance to increase their expertise on LGBTI issues and to profit from the experiences of and approaches to previous initiatives. In this way, a whole region can become involved in guaranteeing LGBTI peoples' rights without putting too much of a strain on the budget.

■ A good example of such collaboration beyond city boundaries takes place in the Netherlands. Since 2007, the Dutch Ministry of Education, Culture and Science has collaborated with municipalities on developing and implementing LGBTI policies at the local level. The experiences of these cities have shown that intensifying the focus on this target group in local policies bears fruit. In accordance with national policy developments, local governments now also focus explicitly on the needs and situation of the LGBTI community. Movisie, the Netherlands centre for social development, was commissioned to support and advise the municipalities involved.¹⁸ Ultimately, the goal is to anchor LGBTI issues in the local policies and regional function of these cities. This was agreed in a Memorandum of Understanding, which was agreed between the minister and the aldermen of participating Dutch municipalities. In addition to increasing social acceptance and inclusion, the memorandum also lists safety and security as key areas of focus for local LGBTI policies.¹⁹

18. www.movisie.com/key-issues/lgbt-local-policies.

19. www.movisie.com/sites/www.movisie.com/files/files/keyissues/Memorandum%20of%20Understanding%20Local%20LGBT%20policies.pdf.

■ Another good example of regional co-operation between local and regional authorities is the Italian RE.A.DY network. In 2006, Rome and Turin city councils launched RE.A.DY, a public administration network that deals with anti-discrimination issues regarding sexual orientation and gender identity.²⁰ The network has since expanded, numbering up to 102 partners across Italy in 2016: 9 regional authorities, 11 provinces, 72 city councils, 6 municipal districts, 3 provincial equality bodies, and 1 local government association.²¹ The authorities involved in the network have initiated policies to promote social inclusion of LGBTI persons; they also develop and share best practices and promote administrative acts and regulations that protect against discrimination.

■ In Montenegro, the national government drew up a national strategy on improving the quality of life of LGBTI persons. The strategy runs between 2013 and 2018 and in this document, local and regional authorities are specifically named as partners in increasing social acceptance, implementation of non-discrimination measures and support and involvement of LGBTI NGOs. It is intended to design and execute training programmes for, *inter alia*, representatives of local authorities.²²

■ Internationally, 21 cities also work together to develop and implement policies and strategies for LGBTI people. They are represented in the Rainbow Cities Network.²³ Joined together in this informal network, the Rainbow Cities exchange good practices, seek collaboration in projects and share campaign materials. Resulting from the AHEAD (Against Homophobia – European Local Administration Devices) project,²⁴ and following informal meetings in 2011 and 2012, the network had its official launch in May 2013. Until 2015 when Mexico City joined, Rainbow Cities was a European network. Since then, other non-European cities have expressed interest in becoming a member.

■ Policy makers dealing with LGBTI issues in the Rainbow Cities meet annually and remain in contact via a closed mailing list. Furthermore, they summarise their policies and approaches each year in “one pagers”, which are published online.²⁵ Any city or region with an active LGBTI policy, or the

20. www.comune.torino.it/politichedigenere/lgbt/lgbt_reti/lgbt_ready/.

21. E-mail correspondence with Eufemio Gianluca Truppa, Servizio LGBT, city of Turin, 1 February 2016.

22. *Strategy for Improving Quality of Life of LGBT Persons 2013-2018* (2013), Government of Montenegro, Ministry for Human and Minority Rights.

23. www.movisie.com/news/international-cities-form-rainbow-cities-network.

24. <http://ahead-bcn.org/img/langform/EN.doc>.

25. www.movisie.com/sites/www.movisie.com/files/One-pagers-Rainbow-Cities-Network.pdf.

intention to develop one, can become a member of this informal network. More information on the current members, their policies and the membership procedure can be found on the website www.rainbowcities.com.

■ Regional or national co-operation between cities and small towns can provide (cost-) effective exchanges of expertise and policy initiatives, as well as practical examples and material on LGBTI issues. For larger cities, international exchanges may be beneficial. There are few examples available of towns in rural areas dealing with issues affecting LGBTI people and proactively protecting their rights, even though LGBTI inhabitants are clearly not restricted to urban areas.

Safety and security

In some cities in Council of Europe member states, community police officers, specialised helplines and equality bodies offer support to the LGBTI community in cases of violence, harassment or discrimination. One example of such support can be found in Madrid, where Madrid Town Hall supports a programme called STOP Homo-Transfobia, in conjunction with a local NGO. The helpline “SOS Homophobia” is directed at LGBTI people who suffer harassment, stalking, physical and verbal violence or any kind of discrimination based on their sexual orientation and gender identity.²⁶ In both Madrid and Barcelona there is a specific district attorney’s office which specialises in dealing with hate crimes and all kinds of crimes based on the victim’s gender identity or sexual orientation.²⁷

In the United Kingdom and the Netherlands, local police forces have their own LGBTI networks, which provide support to both LGBTI police officers and to police officers dealing with LGBTI people. In London, LGBTI liaison officers are present in every borough, adding up to over 75 police officers of all ranks. Their names and contact details are listed on the general Metropolitan Police website; which helps to confirm or restore the trust of LGBTI people in the police force, and also has the effect of lowering the threshold for reporting hate crimes.²⁸ In the Netherlands, the so-called “Pink in Blue” network emphasises the commitment of the police to the LGBTI community. Following its success in Amsterdam, many other Dutch local police forces have followed suit and it is now a nationwide network.²⁹

In Turin, specific training modules were designed for the city’s municipal police force. Participants came from the neighbourhood police and investigation sectors, and training focused on homophobia and transphobia, as well as their negative effects on overall safety in the city. Participants received training

26. www.cogam.es/en/sections/stop-homo-transphobia.

27. E-mail correspondence with Mr Manuel Ródenas, Co-ordinator of the Dedicated Information Programme for LGBT people, city of Madrid, 6 March 2014.

28. <http://content.met.police.uk/Article/Lesbian-Gay-Bisexual-and-Transgender-Borough-Liaison/1400018932800/1400018932800>.

29. www.politie.nl/themas/roze-in-blauw.html.

in the areas of sexual orientation, gender identity, stereotypes, tackling hate crimes and hate speech and on prejudice and discrimination mechanisms. Training programmes were also designed to encourage acceptance and inclusion of LGBTI police officers in the workplace and show the value of diversity management in the municipal police force. The training modules were also an opportunity to enable local LGBTI associations to get acquainted with the police in order to enable collaboration in concrete cases of homo/transphobic violence and crime.

■ The municipal police and LGBTI office of the city of Turin jointly take part in the regular meetings of the Regional Observatory against Bullying, joined by the national police, school deans and the regional office of the Italian Ministry for Education.³⁰

■ In a (non-specified) rural area of England, a community safety partnership and a housing association collaborated on a project to improve LGBTI community safety and encourage the reporting of hate crime. This good practice was included in a guidance leaflet produced by the EHRC, but the name of the area was not given. A “hate crime project” was set up for three years. Actions included the setting up of several third-party reporting agencies led by a co-ordinator that offered victims a separate environment in which they could make their report, as well as giving them the option to request no police involvement. An online reporting facility was also set up on the council website, and training on hate crime awareness was offered to the council’s staff – including staff manning the civic centre reception desk. In this way, local people, including transgender people, were able to discuss issues with the hate crime co-ordinator in confidence while visiting the council on other business. As a result of these initiatives, reports of transphobic and homophobic hate crime increased by 39%, and reports of racial hate crime by 49%. Following the success of the project, the position of hate crime co-ordinator has now been made permanent within the council.³¹

30. Information provided by the City of Turin, and: www.comune.torino.it/politichedigenere/bm~doc/spazio_pubblico_2011-04.pdf.

31. *Provision of goods, facilities and services to trans people. Guidance for public authorities: meeting your equality duties and human rights obligations* (2010), Equality and Human Rights Commission, p. 36.

Local visibility and awareness raising

The presence or direct involvement of local and regional politicians with the LGBTI community is a sign of commitment and shows moral leadership. Public authorities who organise activities on specific LGBTI occasions actively send out the message that LGBTI people are part of the city or town too. There are several international days linked to the LGBTI community that can be celebrated locally, such as the International Day Against Homophobia and Transphobia (IDAHOT), Transgender Day of Remembrance (TDoR), International Coming Out Day and International Family Equality Day.

■ Several public events are organised on 17 May, as part of the annual IDAHOT³² celebrations, including flash mobs, plays, bike (p)rides, and the official raising of the rainbow flag at city halls. In 2014 and 2015 such events were held in, for example, Berlin, Belgrade (Serbia), Budva (Montenegro), numerous cities in the UK, various Italian cities, Madrid and Malaga (Spain), Geneva (Switzerland) and in over 50 cities in the Netherlands.³³ In Manchester, public officials were present at a theatrical event along with famous drag queens and activists,³⁴ and in Iceland several local government officials raised the rainbow flag as a symbol of solidarity.³⁵

■ Public authorities also sometimes take part in events on TDoR,³⁶ which takes place on 20 November. In Berlin, with the support of the local government, transgender activists and artists from 13 European countries developed a creative campaign to mark some of the spaces in Berlin which have symbolic significance for trans people. A campaign and a “trans map” of Berlin were developed, a living library and stands were set up for the general public and a commemorative event took place at the Brandenburg Gate, with members of the city council present. In Copenhagen, Helsinki, and in various UK,

32. http://en.wikipedia.org/wiki/International_Day_Against_Homophobia,_Biphobia_and_Transphobia.

33. *Annual Report International Day Against Homophobia and Transphobia* (2014), IDAHO Committee.

34. *Ibid* p. 29.

35. *Ibid* p. 19.

36. <http://tgeu.org/tag/transgender-day-of-remembrance/>.

German and Italian cities, local government officials were also involved in or represented at TDoR activities.³⁷

■ Another day dedicated to the LGBTI community is International Family Equality Day,³⁸ which has been celebrated annually on the first Sunday in May since 2011. In 2015, celebrations such as picnics, sports and outdoor events took place in 67 cities in 32 countries.³⁹ In 2014, the third (biannual) International Conference for Rainbow Families took place from 1-4 May in Cologne, with support from local, regional and federal authorities.⁴⁰

■ The concentration of all services for the LGBTI community in a dedicated municipal office can be another way of increasing equal opportunities. The German city of Cologne has a municipal department for lesbian, gay and transgender citizens, which deals with policy development, has a signalling function, provides information on LGBTI and LGBTI-friendly organisations and offers individual support by appointment.⁴¹ This department is also responsible for co-ordination of LGBTI (inclusive) policies across all other municipal departments. The cities of Zurich, Madrid and Berlin, for example, offer similar services.

■ City councils and city planning departments have the possibility to contribute literally to the visibility of the LGBTI community by naming streets and squares after pioneers of LGBTI rights. Nominations from the local LGBTI community to the designated commissions, as well as petitions, can point out suitable names of LGBTI rights' defenders. This has been done in Amsterdam, for example, where the bridge next to the "Homomonument" is named after Niek Engelschman, who was a Dutch member of the Resistance during the Second World War, and a fighter for gay rights.⁴²

■ In 2015, the Mayor of Zurich unveiled three information panels regarding Zurich's LGBTI history in the city's Old Town. The three panels remember a time that was often characterised by repression but in which the foundations for the LGBTI movement in Zurich were laid.⁴³

37. <http://tdor.info/2015/10/06/tdor-events-and-locations-2015/>.

38. www.internationalfamilyequalityday.org/.

39. <http://internationalfamilyequalityday.org/wordpress/annual-report-2015/>.

40. http://nelfa.org/wp-content/uploads/2015/12/140430_NELFA_PRESS_RELEASE_COLOGNE.pdf

41. www.stadt-koeln.de/buergerservice/adressen/00869/.

42. www.openstreetmap.org/way/38300088.

43. www.stadtzuerich.ch/prd/de/index/gleichstellung/themen/sexuelle_orientierung_geschlechtsidentitaet/infotafel_brunngasse.html.

■ Another way that local and regional governments can show commitment to the LGBTI community can be by hosting an international LGBTI event. Events such as EuroPride, Eurogames and the biannual Outgames have proven to be examples of local commitment to the international cause for LGBTI equality in cities like Riga⁴⁴ and Antwerp.⁴⁵ Local governments can set a positive example by, for example, supporting the organising committee, contributing to the proposals for hosting an international event, hosting a welcome reception or delivering a keynote speech at the event itself.

■ To sum up, local and regional authorities have many possibilities for creating visibility for LGBTI communities and raising awareness of sexual orientation and gender identity. Particular days dedicated to the LGBTI community offer a chance to collaborate with LGBTI advocacy organisations, as do hosting national or international LGBTI conferences, and events and naming streets, bridges or squares after LGBTI activists from the past.

44. <http://europride2015.tumblr.com/>

45. www.worldoutgames2013.be/

Access to social rights, goods and services

In the EU Fundamental Rights Agency LGBT survey 2013 (FRA EU LGBT), a third of the survey respondents stated that they had felt personally discriminated against in at least one of the following areas in the 12 months preceding the survey: health care, housing, education, social services and access to goods and services.⁴⁶ In this context, LGBTI NGOs provide training for service providers in several cities and regions. In the Italian city of Perugia, for example, the local organisation Omphalos Arcigay Arcilesbica provides training sessions for education and health-care professionals, which not only provide those people and institutions who take part with expertise, but also strengthen relations between the NGO and the local or regional service providers.⁴⁷

Access to health care

■ The right to health is a fundamental human right at international and European level. However, many LGBTI people face difficulties in accessing health care due to a lack of information on specific needs and situations affecting them. Stigmatisation and discrimination on the grounds of sexual orientation and gender identity are not uncommon and have a negative impact on trans people's mental and physical health.

■ Local and regional authorities have several possibilities to include the needs of LGBTI people in their health-care policies. They can also make sure LGBTI people are treated with respect by the staff of health-care providers by adding specific requirements as part of recruitment/tender procedures, arranging training sessions for professionals and providing information on specific needs of LGBTI people.

46. *European Union lesbian, gay, bisexual and transgender survey. Results at a glance* (2013), European Union Agency for Fundamental Rights (FRA), p.12.

47. Intervention by Lorenzo Benedetti during the workshop on Good Practices for LGBTI Activists on Engaging with Local and Regional Authorities, at ILGA-Europe's Annual Conference in Athens, 28-31 October 2015.

■ In 2008, Nijmegen City Council in the Netherlands committed itself to a project aimed at making care homes and institutions for the elderly LGBTI-inclusive. An official pink trademark (the “Pink Passkey”) marks the inclusiveness of these care institutions with respect to sexual orientation and gender identity, which is symbolised by a plaque on the wall. In order to receive the plaque, an audit is performed to check the inclusiveness of the institution for LGBTI residents and their families, as well as for LGBTI relatives of residents. Since 2008 when it was initiated, this project has been proven to be very successful, with the scope being widened over the years from elderly care to (home) care facilities for LGBTI persons with disabilities, chronic illnesses and mental health issues. In January 2016, the number of care facilities that have been awarded the so-called Pink Passkey amounted to 110 throughout the Netherlands,⁴⁸ all supported by and some even initiated by local authorities.

■ The Norwegian Pink Competency project, a national collaboration between the Norwegian Directorate for Health, and LLH, the Norwegian LGBTI organisation, provides health-care professionals with the competencies and tools necessary to adapt to a more LGBTI-inclusive way of working. Training courses are offered at the local level to, doctors, nurses, psychologists and midwives, for example, with support of local governments and the Norwegian Directorate of Health.⁴⁹ In the city of Oslo, within the youth health-care centre, specialised staff are trained to deal with issues relating to sexual orientation and gender identity.

Transgender people and health

■ Transgender people face specific issues when accessing the health-care system. In the Transgender EuroStudy, conducted in 2008, specific issues concerning transgender people in relation to the health-care system were highlighted, such as the shortage of accessible, localised access to specialist care and the generally very poor service experienced by transgender persons.⁵⁰

■ In Switzerland in 2013, two new paid counselling posts within two of the health centres (“Checkpoints”) for men who have sex with men (MSM) were created in Zurich and Lausanne. The staff offer a specialised service to the trans community. Besides receiving responses to requests from a significant

48. www.rozezorg.nl/organisaties.

49. <http://cdn.f1000.com/posters/docs/1691>.

50. *Transgender EuroStudy: Legal Survey and Focus on the Transgender Experience of Health Care* (2008), Whittle, S., Turner, L., Combs, R. and Rhodes C., ILGA Europe and TGEU.

number of transgender people and their relatives, several institutions also asked for information and training sessions.⁵¹

■ The Adult and Community Services Directorate within Lancashire County Council (UK) discovered a result of a survey that the area had the fourth largest population of LGBTI people in England and Wales. In addition, a large number of older transgender people were retiring to the area. The directorate thus estimated that a significant number of transgender people in the area were at risk of, or already suffering from illnesses and disabilities associated with getting older. Given the results of previous studies, it was suspected that older transgender people might not be accessing the care services they needed, for fear of prejudice and discrimination. A programme of training provided by a transgender organisation was arranged for physical disability and sensory impairment direct care staff, ancillary and administration staff and managers across Lancashire. As a result of the project, staff who are commissioned to work with disabled and/or older transgender people are much more confident in supporting them, particularly in relation to safeguarding issues, rehabilitation, self-directed support, personalised budgets, writing care plans and in providing personal and intimate care. Disabled and/or older transgender service users themselves feel that better consideration is given to maintaining their dignity because staff show respect for their gender identity by enabling them to express it.⁵²

Housing

■ Housing is also focus of attention in Recommendation CM/Rec(2010)5 adopted by the Council of Europe Committee of Ministers, since this is an area where many LGBTI people face discrimination. The recommendation reads as follows:

■ Measures should be taken to ensure that access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity; such measures should in particular seek to provide protection against discriminatory evictions, and

51. *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe* (2013), ILGA-Europe, p. 216.

52. *Provision of goods, facilities and services to trans people. Guidance for public authorities: meeting your equality duties and human rights obligations* (2010), Equality and Human Rights Commission, UK, p. 25-26. Available via: www.ilga-europe.org/sites/default/files/provision_of_goods_facilities_and_services_to_trans_people_-_equality_and_human_rights_commission.pdf

to guarantee equal rights to acquire and retain ownership of land and other property.

■ In 2015, the city of Brighton and Hove (UK) developed a new citywide housing strategy through extensive consultation with commissioners, service providers, community groups and residents. The strategy explicitly includes LGBTI people by ensuring that the city has:

- ▶ Accessible, welcoming and safe housing and support services that are responsive to the needs of LGBTI people and promote their health and well-being;
- ▶ Housing and support services that contribute to LGBTI community safety and challenge harassment, discrimination and hate crime;
- ▶ Housing and support services that are planned and reviewed in consultation with the LGBTI community.⁵³

Employment

■ When it comes to employment, many LGBTI people face discrimination; at the workplace, when looking for work or even when turning to local authorities to receive support in finding a job or claim unemployment benefits. Moreover, regional and local authorities themselves employ many people and there are also measures that they can take to increase their LGBTI employees' well-being.

■ Most measures targeting a labour market free of discrimination are the responsibility of national governments – private companies design their own policies for human resources management. There are measures, however, that local and regional authorities can take to protect the rights of LGBTI workers as well as those of unemployed LGBTI people. Many of the known LGBTI-inclusive initiatives in the labour market are aimed at transgender individuals.

■ Since 2008, the city of Madrid has had an agreement with Asociación Española de personas Transexuales, the Spanish national transgender organisation, in order to promote the inclusion of transgender people in the labour market. This programme includes provision of information on workers' rights and other legal aspects, with specific emphasis on their rights as transgender people in the labour market, as well as psychological guidance and counselling. Furthermore, within the Madrid administration, a civil servant is in charge of following every application to the programme. In addition, the national transgender organisation, together with the Madrid Department of Employment,

53. www.brighton-hove.gov.uk/content/housing/general-housing/housing-strategy-2015.

has published a book about the rights and experiences of transgender people in the labour market.⁵⁴

■ In Italy in 2013, co-operation between the Piedmont Regional Authority, Province of Turin and the city of Turin enabled the inclusion of 44 transgender persons in projects set up for training/re-training of disadvantaged social groups and their reintegration to work. The Piedmont Regional Authority approved a provincial operational programme for employment-related actions and asked the city of Turin LGBTI office to co-operate by including transgender beneficiaries in two action plans. Both action plans were designed to fund a grant to transgender persons for their re-training and reintegration in local companies. The first action plan was designed to immediately reintegrate all those transgender individuals whose skills matched the companies' expectations. The second action plan aimed at enabling transgender grantees to finish their reintegration into work by means of an apprenticeship at a local company. The city of Turin LGBTI office supported the Province of Turin in recruiting potential transgender candidates for the two action plans.⁵⁵

■ In Berlin, the city council, local companies, public administration, trade unions and transgender NGOs have worked together successfully since June 2013 in developing concrete measures to improve the situation of transgender people in the field of work and professional life. The main target groups of the project are important stakeholders in this area. These include, for example, human resources officers and managers of companies, members of work and staff councils, representatives of employment agencies/job centres and social partners, LGBTI networks, representatives of public administration at European, national and regional levels and transgender and intersexual people and their organisations.⁵⁶

Tourism

■ Non-discrimination with regard to access to goods and services is not limited to the inhabitants of a city or region; local and regional authorities can take measures to make sure that visitors and tourists will not be victims of discrimination. In fact, for some cities this is an integral part of their city

54. *La inserción sociolaboral en las personas transexuales* (2012), Asociación Española de Transexuales AET-Transexualia, Madrid.

55. www.provincia.torino.gov.it/servizi/appalti/gare.htm.

56. www.berlin.de/imperia/md/content/lb_ads/gglw/tia/140213wegewerk_sias016_projektflyer_dinlang_en_web.pdf?start&ts=1392309992&file=140213wegewerk_sias016_projektflyer_dinlang_en_web.pdf.

marketing strategy, such as those in Berlin,⁵⁷ Antwerp,⁵⁸ Rotterdam,⁵⁹ Geneva, Amsterdam,⁶⁰ Zurich⁶¹ and Madrid.⁶² Although these strategies are often developed for financial motives, based on the assumption that LGBTI tourists have more money to spend than the average visitor, promoting one's city in this way also carries responsibilities. The above-mentioned cities have designated web pages on their municipal websites that refer to LGBTI events and LGBTI-friendly hotels, but that also often also provide information on safety and security. Making an explicit statement on this, as a local authority, not only sends out a positive message to potential visitors, but it also makes the position of the authorities clear to the residents.

■ When it comes to having equal access to goods and services, many areas can be mentioned in which LGBTI people face discrimination and disadvantages. Some local and regional governments, however, make sure that their LGBTI citizens are treated with dignity and respect, by providing information and training programmes to service providers and other stakeholders.

57. www.berlin.de/kultur-und-tickets/gay/.

58. www.gva.be/antwerpen/stad-antwerpen-mikt-op-gays-en-jongeren-in-citymarketing.aspx.

59. http://docs.tappan.nl/mailings/gemeente_rotterdam/verslag_03-03-2014.html.

60. www.iamsterdam.com/en-GB/experience/for-you/gayamsterdam.

61. www.zuerich.com/en/visit/lgbt-zurich.

62. www.esmadrid.com/en/portal.do?IDM=956&NM=3.

Conclusions and recommendations

This compendium shows that local and regional authorities can take appropriate measures to guarantee the rights of their LGBTI citizens.

■ Most local and regional authorities rarely deal explicitly with combating discrimination against LGBTI people. However, within the framework of national legislation, local and regional authorities often have the possibility to draw up local provisions. These provisions can be an addition to the national law, or they can take the lead when national legislation has not yet been established. The examples in this report show positive examples of local provisions for LGBTI communities. Mainstreaming LGBTI issues into local or regional policies is one way of underlining the fact that sexual orientation and gender identity matter when it comes to providing services to the public.

■ Partnerships with LGBTI advocacy organisations prove to be crucial when it comes to ensuring LGBTI peoples' human rights, whether these partnerships relate to providing information on the situation of LGBTI citizens, co-operation with Pride marches, issuing demonstration permits, ensuring adequate measures against violence or providing equal access to goods and services. Monitoring the effect of policy measures is crucial, and this should be done either by the city council itself, or by centres of expertise or research institutes.

■ Research shows that LGBTI people are more likely to become victims of violence, with the situation for transgender people being particularly bad. In the examples shown in this report, the local dimension of violence has been made clear. Police forces, in collaboration with local and regional authorities, have a responsibility to ensure safety for all citizens, including LGBTI people, and some positive developments can be identified, such as networks of LGBTI police officers, training programmes for police forces and community policing.

■ When it comes to creating visibility for LGBTI communities and raising awareness about sexual orientation and gender identity, there are several ways that local and regional authorities can contribute to this. Drawing up declarations with local partners can be one way; attending specific events of the LGBTI community another.

■ In this compendium, many examples are provided that hopefully inspire others to follow suit. Local and regional governments can make use of the experiences and actions of others; in many cases the wheel does not have to be reinvented. In this way LGBTI citizens are able to rely on their local and regional governments to treat them equally, with dignity and respect.

Recommendations for local and regional authorities:

- ▶ incorporate LGBTI issues into relevant policy areas;
- ▶ monitor experiences of LGBTI people with regard to well-being and safety in the city and integrate questions about acceptance of sexual orientation and gender identity into existing local surveys and monitoring instruments;
- ▶ establish or develop partnerships with local NGOs for LGBTI issues, human rights and anti-discrimination;
- ▶ train local government staff and service providers on LGBTI issues;
- ▶ include requirements on equal treatment of LGBTI people in recruitment/tender procedures for service providers;
- ▶ provide information on the specific needs of LGBTI people;
- ▶ join regional, national and international networks to enable exchanges of good practice and experience.

Annex 1

Resolution 380/2015⁶³

GUARANTEERING LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PEOPLE'S RIGHTS: A RESPONSIBILITY FOR EUROPE'S TOWNS AND REGIONS

1. All human beings are born free and equal in dignity and rights. Sexual orientation and gender identity are recognised as prohibited grounds for discrimination. However, in spite of the numerous international texts on human rights standards, lesbian, gay, bisexual and transgender (LGBT) people face deeply rooted prejudices, hostility and widespread discrimination all over Europe.⁶⁴

2. Neither values (cultural, traditional or religious), nor the rules of a 'dominant culture' can be invoked to justify hate speech or any other form of discrimination, including on grounds of sexual orientation or gender identity. Criminalisation, social exclusion, violence and marginalisation of LGBT persons are widespread and must be halted.⁶⁵

3. Protecting and promoting human rights is a responsibility shared by all the different tiers of authority, however because of the close relationship between citizens and their elected representatives at these levels, local and regional bodies are best placed to analyse the human rights situation, identify the relevant problems which arise and take action to solve them.⁶⁶ Local and regional levels are decisive in combating discrimination and advancing equality and it is the paramount duty of these authorities to positively protect the rights of all citizens.

63. Debated and adopted by the Congress on 25 March 2015, 2nd sitting (see Document CG/2015(28)9FINAL, explanatory memorandum), rapporteur: Yoomi RENSTRÖM, Sweden (R, SOC).

64. Resolution 1728(2010) of the Parliamentary Assembly on discrimination on the basis of sexual orientation and gender identity.

65. Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity.

66. Congress Resolution 296(2010) revised on the role of local and regional authorities in the implementation of human rights.

4. Although this link has already been made between the importance of proximity and the effectiveness of local and regional policies in combating discrimination and inequalities, authorities at these levels do not always know how to tackle these issues and to guarantee LGBT people's rights. It would appear that combating discrimination against LGBT people is rarely explicitly dealt with by local and regional administrations. Although few data are available, existing studies show that relatively few authorities include LGBT matters in their political agendas. LGBT policies are noticeably absent from policies in rural areas.

5. These lacunae can be remedied by co-operation and exchanges of good practices between local and regional authorities, but also through multi-level co-operation between central government agencies, local and regional authorities, specialised agencies, advocacy groups and voluntary organisations. Thanks to co-operation, human rights protection can be more effective and in these times of economic and financial crisis and austerity measures, an exchange of policies, ideas and good practices is not only desirable but also necessary to pool limited resources.

6. Co-operation with LGBT advocacy groups will also lead to the adoption of informed and well-adapted policies in which LGBT issues are mainstreamed, thus ensuring that policy measures meet the requirements of all citizens. LGBT people cannot be defined by their sexual orientation or gender identity alone, they are also the subject of policy measures for all citizens and this diversity must be reflected.

7. Informed and well-adapted policies will improve LGBT persons' access to their social rights such as education, employment, healthcare, housing and access to other goods and services. These rights are all fundamental social human rights guaranteed by the European Social Charter (ESC) and other international human rights texts, however LGBT people often face severe discrimination when trying to access them.

8. In the same way, European citizens also have the right to a secure and safe town, free, as far as possible, from crime, delinquency and aggression. It is at the local level where the consequences of crime and a sense of insecurity are most acutely felt. LGBT people are frequently victims of violence, both in the home and elsewhere, and action must be taken to improve their safety. Local authorities are best able to conduct policies and approaches to prevent crime and promote a safe environment.⁶⁷

67. The Congress' European Urban Charter.

9. Important contributions to achieving respect of LGBT persons' human rights can be made by raising citizens' awareness of LGBT issues and campaigning to promote mutual respect and understanding. Negative attitudes must be challenged, homophobia and transphobia tackled, and supportive links created between all citizens. By introducing human rights education into schools at all levels and in non-formal educational settings, a thorough knowledge of human rights and human rights issues can be acquired and attitudes of respect of equality and dignity developed. In this way, a culture of human rights can be established among all children at an early age. Only by engaging and including all members of a community can human dignity and diversity be respected. This should, by no means, prejudice the right of parents to provide their children with an education in conformity with their religious or philosophical convictions, while guaranteeing the fundamental right of children to education in a critical and pluralistic manner in accordance with the European Convention on Human Rights, its protocols and the case law of the European Court of Human Rights.

10. Politicians are powerful driving forces to promote change in society and ensure that the respect for human rights is not only a legal obligation but also a shared value. However they are also in a position to influence public opinion because of the large share of media attention they enjoy, many people get information and shape their viewpoints from the media. Because of this, politicians and other public figures and people in a position of authority must refrain from and publicly condemn homophobic and transphobic discourse, thus helping to establish a relationship of dialogue and trust with the LGBT community.

11. In light of the above, the Congress of Local and Regional Authorities invites local and regional authorities:

- a. with regard to the development of a culture of human rights, to:
 - i. adopt a clear, holistic action plan for their towns and regions which commits to diversity, promotes respect and rejects discrimination, being guided by the policies and practices contained in the appendix to [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;
 - ii. ensure that their elected representatives and other people in positions of authority publicly denounce all incitement to or promotion of hatred, intolerance and discrimination;

- iii. introduce human rights education into the curricula of schools and other educational establishments under their competence so that children and young people learn about human rights and understand the importance of respect of equality and dignity;
- iv. run awareness-raising campaigns and educational activities for the general public of all ages to build understanding and respect towards LGBT people;
- v. organise diversity events and activities on specific LGBT occasions;
- b. with regard to providing effective human rights protection, to:
 - i. co-operate with central government agencies, local and regional authorities, specialised agencies, LGBT advocacy groups and voluntary organisations to ensure legislation fully respects LGBT people's human rights and that legislative provisions at all levels are complementary and comprehensive;
 - ii. where national legislation is lacking, introduce local provisions to remedy this legal vacuum;
 - iii. work with LGBT advocacy organisations and human rights NGOs to mainstream LGBT issues into existing and new policy measures thus ensuring the adoption of informed and well-adapted policies which reflect diversity;
 - iv. share examples of good practice with other local and regional authorities for example through networks such as the Rainbow Cities;
- c. with regard to ensuring the delivery of discrimination-free policies and services, to:
 - i. implement a clear and wide-reaching anti-discrimination and harassment policy applicable to public administration staff and services but also to service providers contracted under tender procedures;
 - ii. ensure all local and regional authority employees as well as staff under contract from private enterprises receive adequate training to promote tolerance and acceptance and to ensure respect and equal treatment for all citizens;
 - iii. set up municipal LGBT co-ordination offices to co-ordinate LGBT policies across all municipal departments, develop LGBT policies

to ensure specific needs are covered, provide information on LGBT issues and organisations, as well as offer support;

- iv. produce guides to meeting human rights obligations;
- v in co-operation with local LGBT groups, carry out an audit of service provision and access to those services, and fill any gaps through the introduction of new policies, ensuring, through on-going monitoring, the relevance and efficiency of such policies.

12. The Congress invites its Current Affairs Committee to continue its co-operation with LGBT advocacy groups, such as the International lesbian, gay, bisexual, trans and intersex association (ILGA Europe), Transgender Europe, and the Rainbow Cities Network to continue to promote and protect the respect of LGBT rights at local and regional levels.

Local and regional levels are decisive in combating discrimination and advancing equality.

www.coe.int

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.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE