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Guaranteeing lesbian, gay, bisexual and transgender (LGBT) people's rights: a responsibility for Europe's towns and regions

Current Affairs Committee
Rapporteur:¹ Yoomi RENSTRÖM, Sweden (R, SOC)

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Summary

The report describes the discrimination and challenges faced by LGBT people, and makes policy recommendations that will remove the obstacles to promoting respect of LGBT people's human rights based on examples of good practice and strategies with proven success. It underlines that 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. 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.

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. 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.

The report makes policy recommendations to develop a culture of human rights, provide effective human rights protection and to ensure the delivery of discrimination-free policies and services.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

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

RESOLUTION 380 (2015)²

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.³

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.⁴

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.⁵ 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.

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.⁶

2 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).

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

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

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

6 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.

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

RECOMMENDATION 370 (2015)⁷

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.⁸

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.⁹

3. Protecting and promoting human rights is a responsibility shared by all the different tiers of authority, national governments however have an important role to play in introducing legislation that combats discrimination, promotes a positive change in culture and attitudes and addresses the causes of inequality, thus leading to a fairer and more cohesive society.

4. Congress report CG(26)5FINAL on best practices of implementation of human rights at local and regional level in member States of the Council of Europe and other countries underlines that human rights protection can be more effective through multi-level co-operation between central government agencies, local and regional authorities, specialised agencies and voluntary organisations.

5. Bearing in mind the above, the Congress of Local and Regional Authorities of the Council of Europe recommends that the Committee of Ministers invite member States to:

a. co-operate with local and regional authorities, specialised agencies, LGBT advocacy groups and voluntary organisations to ensure that legislation fully respects LGBT people's human rights and that legislative provisions at all levels are complementary and comprehensive;

b. implement the different Council of Europe texts promoting respect for LGBT people's rights, in particular the Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, Resolutions 1728(2010) on discrimination on the basis of sexual orientation and gender identity and 1948(2013) on tackling discrimination on the grounds of sexual orientation and gender identity of the Parliamentary Assembly, and the recommendations of the Commissioner for Human Rights in the report on "Discrimination on grounds of sexual orientation and gender identity in Europe".¹⁰

⁷ 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).

⁸ Resolution 1728(2010) of the Parliamentary Assembly on discrimination on the basis of sexual orientation and gender identity.

⁹ Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity.

¹⁰ Discrimination on grounds of sexual orientation and gender identity in Europe, Commissioner for Human Rights, September 2011.

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

EXPLANATORY MEMORANDUM¹¹

1. Background

1. Resolution 1728(2010) of the Parliamentary Assembly on discrimination on the basis of sexual orientation and gender identity recalled that “all human beings are born free and equal in dignity and rights” and that “sexual orientation and gender identity are recognised as prohibited grounds for discrimination.”¹² However, it found that “lesbian, gay, bisexual and transgender (LGBT) people [...] face deeply rooted prejudices, hostility and widespread discrimination all over Europe”.

2. Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity recalls “the principle that neither cultural, traditional nor religious values, 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”. It states that criminalisation, social exclusion, violence and marginalisation of LGBT persons are widespread.

3. In Resolution 230(2007) on the freedom of assembly and expression for lesbians, gays, bisexuals and transgendered persons, the Congress expressed its concern about the violation of these rights in a number of Council of Europe member States, stating “it is the paramount duty of local authorities [...] to positively protect the[se] rights”. Furthermore, the Congress believed “the protection of rights to freedom of assembly and expression to be essential for ensuring the accountability and responsiveness of governing authorities and thus also critical to the protection of other basic human rights.”

4. In 2012, the European Union Agency for Fundamental Rights (FRA) launched an online survey to collect data on discrimination and hate crime experienced by LGBT persons. The results collated from the 93,079 responses showed that LGBT persons are victims of discrimination and violence, often hiding their identity and living in isolation and fear.

5. The Commissioner for Human Rights of the Council of Europe has underlined that “[t]he human rights situation of transgender persons has long been ignored and neglected, although the problems they face are serious and often specific to this group alone. Transgender people experience a high degree of discrimination, intolerance and outright violence. Their basic human rights are violated, including the right to life, the right to physical integrity and the right to health.”¹³

6. Since the adoption of Congress Resolution 230(2007), there have been legal setbacks in a number of Council of Europe member States, often leading to an increase in violence against LGBT people. These setbacks include, in particular, the introduction of legislation and provisions at national, regional and local levels which restrict freedom of expression and assembly and prohibit so-called “propaganda of homosexuality”. In Resolution 1948(2013), the Parliamentary Assembly expressed its deep concern with regard to these developments as well as to homophobic statements by politicians and other personalities in a position of authority.

7. The European Union's 5th Equality Summit in 2011 established that “local and regional levels are decisive in combating discrimination and advancing equality”.¹⁴ The Summit concluded that local and regional authorities' responsibilities are linked to “necessary multi-dimensional responses to inequality” and that it is important for “local strategies to be developed out of national strategies so as to take account of local realities”, thus establishing a special task for local and regional authorities across Europe.

11 This explanatory memorandum is based on the document prepared by the Council of Europe consultant Juul van HOOF, Stichting Movisie, which is available from the Secretariat upon request.

12 “According to the European Court of Human Rights, a difference in treatment is discriminatory if it has no objective and reasonable justification. Since sexual orientation is a most intimate aspect of an individual's private life, the Court considers that only particularly serious reasons may justify differences in treatment based on sexual orientation”, Resolution 1728(2010) of the Parliamentary Assembly.

13 Human rights and gender identity, Commissioner for Human Rights, July 2009.

14 5th Equality Summit 'Promoting Equality at the Local and Regional Level, 14-15 November 2011 Poznan, Poland.

8. In light of these recent developments, the Congress' Current Affairs Committee decided to examine local and regional authorities' role in guaranteeing the rights of LGBT persons in Europe. The rights to freedom of expression and assembly having been the focus of Congress Resolution 230(2007), these rights will not be dealt with in this report.

2. Introduction

9. The aim of this report is to examine, with regard to LGBT persons of all ages: legislative and other provisions to be taken at local and regional levels to promote the respect of rights; the mainstreaming of LGBT issues in local and regional policy development; multilevel co-operation to promote the effective protection of human rights; local and regional policies to guarantee personal safety and security; local and regional politicians and the propagation of hate speech; awareness raising to promote a tolerant and cohesive society; the role of local and regional authorities in ensuring LGBT people's access to social rights; and promoting discrimination-free cities and regions.

10. Although the link has already been made between the importance 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.¹⁵ LGBT policies are noticeably absent from policies in rural areas.

11. Local and regional authorities can usefully be guided in their legislation, policies and practices by the principles and measures 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.

3. Legislative and other provisions – taking account of local and regional realities

12. Local and regional authorities have quite substantial powers as legislators and over recent years, some towns and regions in Council of Europe member States have developed legislation and taken decisions that restrict LGBT rights. In the Russian Federation, even before the adoption of the federal law, ten regions had already adopted legislation restricting freedom of expression on sexual orientation issues.¹⁶ The law of the region of Ryazan states that "public actions aimed at propaganda of homosexuality (sexual act between men or lesbianism) among minors shall be punished with an administrative fine between 1,500 and 2,000 roubles"¹⁷ expanding on similar provisions in the Ryazan Regional Law on the "Protection of Morality and Health of Minors", adopted by the Ryazan Region Duma on 22 March 2006.¹⁸ As a result of this legislation, LGBT people have suffered unequal treatment, have been denied their rights to freedom of expression and assembly and, in addition, violence against the LGBT community is on the increase.¹⁹

13. In its Opinion 707/2012 on the issue of the prohibition of so-called "Propaganda of homosexuality" in the light of recent legislation in some member States of the Council of Europe,²⁰ the European Commission for Democracy through Law (Venice Commission) considered that the aim of measures taken by the Russian Federation, the Republic of Moldova and Ukraine was not so much "to advance and promote traditional values towards family and sexuality but rather to curtail non-traditional ones punishing their expression and promotion". It considered that "the statutory provisions prohibiting 'propaganda of homosexuality' are incompatible with the European Convention on Human Rights (ECHR) and international human rights standards". The Venice Commission recommended that the provisions be repealed and, as regards the Republic of Moldova, where seven cities, three districts and four villages had adopted resolutions prohibiting "aggressive propaganda on homosexuality"²¹, welcomed both the decisions taken by domestic courts

15 Data for this report have been obtained from umbrella LGBT advocacy organisations such as ILGA Europe and Transgender Europe, as well as from the White Paper resulting from the AHEAD Project (Against Homophobia, European local Administration Devices) <http://ahead-bcn.org/img/langform/EN.doc>.

16 <http://www.ilga-europe.org/content/do...efing-Russia+LGBTI+FINAL+27+08+13.pdf> Filename: ILGA-Europe briefing-Russia LGBTI FINAL 27 08 13.pdf.

17 Section 3.10 of the Ryazan Region Law on Administrative Offences of 4 December 2008.

18 *Discrimination on grounds of sexual orientation and gender identity in Europe*, Commissioner for Human Rights of the Council of Europe, Council of Europe Publishing, 2nd edition, p.77, note 256.

19 http://www.ilga-europe.org/home/guide_europe/country_by_country/russia/response_russia_july_2013.

20 *Opinion 707/2012 on "the issue of the prohibition of so-called 'propaganda of homosexuality' in the light of recent legislation in some member States of the Council of Europe*, adopted by the Venice Commission at its 95th Plenary Session (14-15 June 2013).

21 *Opinion 707/2012 on "the issue of the prohibition of so-called 'propaganda of homosexuality' in the light of recent legislation in some member States of the Council of Europe*, adopted by the Venice Commission at its 95th Plenary Session (14-15 June 2013).

annulling these prohibitions and the voluntary withdrawal by a number of other localities of similar decisions previously adopted by their local councils.

14. Another means of restricting equal treatment of LGBT persons can be seen in the refusal by the local authority of Harju County (Estonia) to issue a civil status certificate to a gay Estonian citizen who intended to enter into a marriage abroad.²²

15. However, positive developments are to be found in some countries where the absence of a state law on certain LGBT issues has led some regional and/or local authorities to intervene to fill this vacuum with policies and actions which benefit local residents. These policies are not a substitute for national policies since they only affect the inhabitants of these municipalities and regions.

16. Turin (Italy), for example, officially acknowledges civil partnerships in the absence of relevant national provisions. Thanks to a new code from 2010,²³ heterosexual or same-sex couples living together can apply 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 regard to access to municipal services and health care,²⁴ however these partnership certificates remain local official documents and cannot be used to obtain access to nationally-provided services. Other Italian towns have followed this example.²⁵

17. In the absence of national legislation, the city of Vienna (Austria) now issues its own gender-neutral marriage certificates to trans people experiencing difficulties in the official recognition of their new gender.²⁶ The municipal website offers clear information on this procedure.²⁷

18. In conclusion, local and regional authorities often have the possibility to draw up local provisions to fill the gaps left by national legislation. These provisions can complement national law, or they can take the lead when national legislation has not yet been established, although as has been seen, such provisions can have both positive and negative outcomes for LGBT communities. The prohibition of so-called "homosexual propaganda" at regional level, which was later adopted at national level, is an example of a negative impact on LGBT citizens, the official recognition of civil partnerships is a positive one.

4. Mainstreaming LGBT issues into local and regional policies

19. LGBT people cannot be defined by their sexual orientation or gender identity alone, they are also the subject of regular policy measures and are an inevitable and integral part of policies made for the general population. It is only when specific needs of certain minorities need extra focus or emphasis in policies that they can be explicitly mentioned.

20. For these reasons, it is important to mainstream LGBT issues into existing and new policy measures. Mainstreaming makes for more effective policy making by ensuring that the diversity of different groups is reflected; that all groups' needs are met; that public service provision is adapted to all; and that discrimination is not exacerbated through the delivery of ill-thought-out policies.

21. The Congress firmly believes that citizen participation can lead to more informed and better adapted policies,²⁸ and the most effective way of mainstreaming LGBT issues into policies is through co-operation between authorities and LGBT advocacy organisations or human rights NGOs. A good relationship between local and regional authorities and LGBT organisations, whereby LGBT organisations participate fully in policy-making processes, will result in LGBT issues being fully reflected in policies.

22. However, in 2009, research commissioned by the City of Barcelona (Spain) on the relationship between city councils and LGBT organisations²⁹ showed that 60% of local organisations did not enjoy a good

22 *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe* (2013), ILGA-Europe, p 87.

23 <http://www.comune.torino.it/regolamenti/337/337.htm>.

24 <http://www.comune.torino.it/anagrafe/unionicivili.htm>.

25 Cities of Baghera (Palermo), Pisa and Bologna, Milan (2013), as stated in *Against Homophobia, European Local Administration Devices (AHEAD)* (2011), *Combating Homophobia, Local Policies for Equality on the grounds of Sexual Orientation and Gender Identity. A European White Paper*.

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

27 <http://www.wien.gv.at/queerwien/persand.htm>.

28 Resolution 326(2011) on citizen participation at local and regional level in Europe.

29 *European City Councils and the LGBT Community, an analysis* (2009), ICC Consultants and City of Barcelona. The research was conducted among 26 LGBT organisations from 17 Council of Europe member States.

relationship with their city council and that 83% of city councils had neither an official consultative status for LGBT persons nor committees in which they were officially represented. Furthermore, 60% of local LGBT organisations stated that their city council acted in a negative way towards the LGBT community and that LGBT issues were invisible in local policies. The results of the research were positive predominantly in Scandinavia and central Europe. In Eastern Europe and around the Mediterranean, almost without exception, the situation was (much) worse.

23. The South Lanarkshire Council (United Kingdom) has adopted a municipal plan which addresses all grounds of discrimination and sets out its legal obligations with regard to equality. The plan lays down how the Council will work with partners to ensure all citizens' needs are met when using a municipal service. Sexual orientation and gender identity (reassignment) are explicitly mentioned throughout the report.

24. Amsterdam's (Netherlands) policy on the emancipation of LGBT people has been in place since 1980. It includes LGBT issues in policies citywide and has evolved to focus on a sustainable LGBT policy which embeds and mainstreams LGBT priorities in all policy areas. The strategy is based on a number of fundamental policy shifts: the Mayor and all Aldermen commit to the policy; LGBT issues are a shared responsibility and not the single responsibility of one local government department; the city's business or financial partners explicitly have to take into account the issue of sexual diversity; and a Work Place Pride Task Force ensures better working conditions for LGBT civil servants.

25. Aware that transgender people are even more at risk of discrimination and violence,³⁰ Barcelona City Council (Spain) has established a protocol with agreed guidelines, criteria and recommendations for dealing with transgender persons which covers all municipal services.³¹ Moreover, the City has drawn up an extensive municipal action plan 2010-2015 covering most city departments and their responsibilities towards LGBT citizens.³²

26. These examples show that some local and regional authorities are on the right track when it comes to mainstreaming LGBT issues in their policies, in co-operation with LGBT organisations. Monitoring of measures is, however, crucial, either by the municipal council itself or by expertise centres or research institutes. There is little point in continuing unsuccessful or counterproductive policies. LGBT organisations are also important stakeholders in this process: they can assist local and regional governments in defining issues that need to be tackled, and the impact of specific policies.

5. Effective protection of LGBT persons' human rights through multi-level co-operation

27. Congress report CG(25)5FINAL on best practices of implementation of human rights at local and regional level in member States of the Council of Europe and other countries reminds us of the important role of local and regional authorities in implementing human rights. The rapporteur underlines that human rights protection can be more effective through multi-level co-operation between central government agencies, local and regional authorities, specialised agencies and voluntary organisations. 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. This is of particular importance to smaller authorities which do not necessarily have the financial means to fund the development of their own policies. In addition, by involving all key stakeholders, policies and strategies are more likely to be effective and sustainable. And of course the exchange of good practices means scarce resources are not wasted trying to reinvent the wheel.

28. In its seminar on the issue, the European Commission against Racism and Intolerance (ECRI) examined the support that national specialised bodies can give to local and regional authorities in fighting intolerance. They can "boost the capacity of local and regional authorities to deal with discrimination and intolerance [...] should support local and regional authorities by providing training for civil servants and NGOs, including on how to gather information on cases involving discrimination or violence, as well as general awareness raising."³³

29. There are many examples of co-operation to protect LGBT persons' rights, either cities and regions working closely together sharing good practices, exchanging policy initiatives and developing legislation, or

30 Report by the Council of Europe Commissioner for Human Rights (2011); FRA EU LGBT Survey (2013); Report of the Parliamentary Assembly of the Council of Europe (2013).

31 <http://www.bcn.cat/dretscivils>.

32 <http://w110.bcn.cat/fitxers/dretscivils/plamunicipallgtbeng20102015.369.pdf>.

33 European Commission against Racism and Intolerance (ECRI) *Seminar with national Specialised Bodies: The role of national Specialised Bodies in supporting local authorities in the fight against racism and intolerance*, 22-23 May 2014, Strasbourg.

projects that are initiated at national level. Sometimes co-operation occurs in the framework of existing partnership structures and agreements, for example twinnings or other networks. For smaller towns, co-operation with bigger cities offers them a chance to increase their expertise on LGBT issues and to benefit from the experiences of tried and tested initiatives. Co-operation at regional level allows for the protection and guarantee of LGBT rights on a larger geographical scale.

30. A good example of 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 network of public administrations that deals with anti-discrimination issues specifically regarding sexual orientation and gender identity.³⁴ The Network has since expanded and now has 73 partners across Italy, including five regional authorities, eleven provinces, fifty city councils, three municipal districts, three provincial equality bodies and one local government association.³⁵ The Network's partners share policies and best practices to promote the social inclusion of LGBT persons, and promote administrative acts and regulations that protect against discrimination. In the absence of national legislation and policies, these Italian local and regional authorities have taken the lead in improving the lives of LGBT people under their governance.

31. In Montenegro, the national government has drawn up a national strategy for 2013 to 2018 to improve the quality of LGBT persons' lives. The strategy specifically names local and regional authorities as partners in implementing policies to increase social acceptance and on non-discrimination measures, and supports the involvement of LGBT NGOs. It also aims to design and organise training programmes for, inter alia, representatives of local authorities.³⁶

32. On an international level, eighteen European cities are working together to develop and implement policies and strategies for LGBT people in the Rainbow Cities Network.³⁷ Launched in May 2013, the Network's members exchange good practices, seek collaboration on projects and share campaign materials. The LGBT Department of the City of Amsterdam and Movisie, the Netherlands Centre for Social Development, are responsible for co-ordinating the Network, supported by the Dutch government. Officials from the Rainbow Cities meet annually and communicate between meetings via a mailing list. Their policies and strategies are published online each year in so-called "one pagers".³⁸ Any city or region with an active LGBT policy, or the intention to develop one, can become a member of this informal network.

33. Multilevel co-operation fosters an effective exchange of expertise, policy initiatives, good practical examples and materials on LGBT issues, bringing benefits for all stakeholders.

6. Guaranteeing LGBT persons' safety and security

34. The rights to life, security of person and human dignity apply to all people, irrespective of sexual orientation or gender identity. More than one quarter (26%) of the people having responded to the FRA's 2012 EU LGBT survey reported attacks or threats of violence at home or elsewhere, in the previous five years. This figure was even higher (35%) among transgender people,³⁹ who are more likely to become victims of violent attacks, hate speech and discrimination.

35. More often than not, these violent incidents had occurred outdoors, in public spaces, and had been perpetrated by more than one person, usually male and unknown to the victim. However, 7% of the most recent incidents of violence had been committed by a member of the victim's family or household.⁴⁰ The FRA LGBT survey also brought to light the high rate of non-reporting of violent or aggressive acts, only one out of five victims of crimes motivated by prejudice or bias reported it to the police. The reasons for not reporting such acts ranged from a feeling that 'nothing would change' to a fear that the police would be homophobic or transphobic.⁴¹

36. The Congress' European Urban Charter refers to the right of European citizens to "a secure and safe town, free, as far as possible, from crime, delinquency and aggression." The Congress' Guide to Urban Crime Prevention (2002) underlines "[w]hilst central government has a clear responsibility in establishing a

34 http://www.comune.torino.it/politichedigenere/lgbt/lgbt_reti/lgbt_ready/.

35 Email correspondence with Eufemio Gianluca Truppa, Servizio LGBT City of Turin. 10 March 2014.

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

37 <http://www.movisie.com/european-cities-start-rainbow-cities-network>.

38 http://www.movisie.nl/sites/default/files/docs/nieuws/2013Summary_RainbowCitiesNetwork_LGBT_policies.pdf.

39 *European Union lesbian, gay, bisexual and transgender survey. Results at a glance* (2013), European Union Agency for Fundamental Rights (FRA) p.20.

40 Ibid. p.23.

41 Ibid. p.14.

legal framework for crime prevention and repression [...] it is nonetheless at the local level where the problem is most acutely felt and perceived and where a sense of insecurity is felt on a daily basis. As a consequence, local authorities are best able to conduct policies and approaches dealing comprehensively with crime prevention policies, [...] community policing, [...] promoting civic education, dealing with research and communication and co-ordinating the programmes of different partners.”

37. Among other crime prevention policies, the Guide suggests the establishment of municipal police where such an institution does not exist as “[t]hey have a good understanding of local conditions and are in the best position to develop a sense of confidence with local communities.” It also recalls the possibility for local authorities to raise awareness including through out-of-school and educational services. CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity also underlines the need for measures to be taken in schools to promote mutual tolerance and respect. Where schools are under local authority control, awareness-raising activities, for both pupils and teachers, can be organised to overcome prejudices and foster positive attitudes. Generally, awareness-raising sessions and training should be provided to all local and regional authority staff so as to ensure equal treatment of LGBT persons, and training of municipal police about the specific challenges LGBT people meet in daily life would almost certainly result in more trust and an increase in reporting of crime. This is the case in Norway, for example, where a training programme called Pink Competency Justice aimed at local police forces is implemented by a national LGBT advocacy organisation, with the support of the Norwegian Government.⁴²

38. In a (non-specified) rural area of England (United Kingdom) a community safety partnership and a housing association have set up a project to improve the trans community’s safety and to encourage reporting. Third-party reporting agencies led by a co-ordinator and offering victims a separate place to report, including the option of requesting no police involvement, were set up. An online reporting facility was added to the council’s website, and training to raise awareness of hate crime was offered to the council’s staff. Thanks to these measures, hate crime reporting for transphobic and homophobic hate crime increased by 39%.⁴³

39. The LGBT community cannot always rely on protection by the police, cases of police officers threatening and humiliating LGBT persons, and sometimes even using violence against them, have been reported. In some cities in Council of Europe member States, however, specialised helplines or community police officers offer support to the LGBT community in cases of violence, harassment or discrimination. Examples of this can be found in Madrid (Spain), where the Madrid Town Hall operates ‘SOS Homo-Transphobia’, in co-operation with a local NGO. The helpline offers assistance to LGBT people, victims of harassment, stalking, physical and verbal violence or any kind of discrimination based on their sexual orientation and gender identity.⁴⁴ In the United Kingdom and the Netherlands, local police forces have their own LGBT associations which provide support to LGBT police officers and to police officers dealing with LGBT people. In London, there are over 75 police officers, of all ranks, acting as LGBT liaison officers in each borough. Their names and contact details are listed on the general Metropolitan Police website. Measures such as this one promote LGBT people’s trust in the police force and thus lead to an increase in the number of hate crimes being reported.⁴⁵ In Amsterdam, the so-called “Pink in Blue Network” is proof of the police’s commitment to the LGBT community and the example has been followed by many other Dutch local police forces.⁴⁶

40. Madrid and Barcelona (Spain) are the only two European cities to have developed a specific District Attorney’s Office that specialises in hate crimes and all kinds of crime based on the victim’s gender identity or sexual orientation.⁴⁷

41. A lot of work still needs to be done to increase social acceptance of sexual orientation and gender identity, local authorities have a role in educating not only the wider public but in particular their own staff about accepting LGBT people. Many good practices exist, including networks of LGBT police officers, training programmes for the police, community policing projects, all positive initiatives that can but help increase the trust of the LGBT community in their authorities. Proof that such policies can bring good results is to be seen in cities where a positive, well-co-ordinated and professional approach has been adopted by police forces: in such cities, more initiatives such as Pride marches are taking place without incident.

42 http://www.llh.no/eng/Pink+Competency+Justice.b7C_wtvSYU.ips.

43 *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, p37.

44 <http://www.cogam.es/en/sections/stop-homo-transphobia>.

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

46 <http://www.politie.nl/mijn-buurt/05--amsterdam/roze-in-blauw.html>.

47 Email correspondence with Mr Manuel Ródenas, Co-ordinator of the Dedicated Information Programme for LGBT people, City of Madrid, 6 March 2014.

7. Local and regional politicians and the propagation of hate speech

42. During a conference on 'The hate factor in political speech', FRA Director Morten Kjaerum was categorical about the role of public figures: "Hate speech can be direct and offensive or indirect and insidious. But whichever form it takes, it has a profound impact on our societies. We need to understand that this is a joint responsibility for us all – and the easier your access to a microphone is, the more responsibility you have."⁴⁸

43. In Resolution 1948(2013), the Parliamentary Assembly "acknowledges that societal changes require time and occur unevenly within the same country, let alone in different countries. However, the Assembly also believes that politicians, through their example and discourse, as well as laws through their binding nature, 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." It invites public figures, including parliamentarians, politicians and other people in a position of authority, to establish a relationship of dialogue and trust with the LGBT community, also by taking part in Pride marches and similar events, and calls on them to refrain from and to publicly condemn homophobic and transphobic discourse.

44. There are numerous reports of violent attacks on LGBT people, with different reactions by public officials. The role of local and regional politicians is important. Being closest to citizens, they are aware of the sentiments that are prevalent in the communities they represent. Thanks to this local knowledge, they are able to positively influence public opinion and take leadership when it comes to guaranteeing the rights of all citizens. The results of the FRA LGBT survey showed a direct relationship between perceptions of the level of offensive language about LGBT people by politicians and personal feelings of having been discriminated against or harassed on grounds of sexual orientation. In 14 out of 17 countries where cases of discrimination were low, the majority of respondents said that offensive language about LGBT people by politicians was rare.⁴⁹

45. In the run up to the Winter Olympics of 2014, the Mayor of Sochi (Russian Federation) claimed that homosexuality "is not accepted here in the Caucasus where we live, and we have no gay people in the city",⁵⁰ a statement that can only have contributed to the increasingly intolerant climate towards LGBT people in that country. The Mayor of Glasgow (United Kingdom), although refusing to sever ties with the twin city of Rostov (Russian Federation) despite a petition by a local LGBT movement in August 2013, sent an open letter to the Mayor of Rostov expressing concerns over "the way people in Russia are being treated as a result of this [prohibition of so-called homosexual propaganda] legislation." The Mayor hoped "that any city that we have a relationship with would uphold people's human rights and treat them with dignity" and proposed dialogue "on how our two great cities might foster progressive policies with our lesbian, gay, bisexual and transgendered communities".⁵¹

46. Public speech is a powerful tool, one that should not be underestimated. Politicians should especially be aware of the effect of their words when it comes to hate speech, proclaiming prejudices or when omitting to distance themselves publicly from violence or discrimination. They should refrain from inciting acts of violence and condemn vehemently all homophobic and transphobic discriminatory and violent acts and words. Local and regional politicians represent all citizens, regardless of their sexual orientation or gender identity, and must foster tolerance and acceptance in their discourse.

48 <http://fra.europa.eu/en/news/2013/fra-director-speaks-conference-hate-factor-political-speech>.

49 *European Union lesbian, gay, bisexual and transgender survey. Results at a glance* (2013), European Union Agency for Fundamental Rights, Vienna, p.10.

50 <http://www.bbc.com/news/uk-25675957>.

51 <https://www.glasgow.gov.uk/index.aspx?articleid=10499>.

8. Raising awareness to promote a tolerant and cohesive society

47. 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. Only by engaging and including all members of a community can human dignity and diversity be respected.

48. Local and regional authorities can organise awareness-raising campaigns and educational activities to promote a positive awareness, and they may also organise different diversity events and activities on specific LGBT occasions. By so doing, they transmit a strong message that LGBT people are a full and integral part of the local community too. When local and regional politicians get directly involved in and commit to the LGBT community, another important signal is sent to all citizens.

49. Several international LGBT events can be celebrated locally, such as International Day Against Homophobia and Transphobia (IDAHOT), Transgender Day of Remembrance (TDOR), International Coming Out Day and International Family Equality Day (IFED).

50. On 17 May, during IDAHOT celebrations, events such as flash mobs, theatre plays, bike (p)rides and the official raising of the rainbow flag at City Halls are organised in towns and cities across Europe, for example in 2013 in Belgrade (Serbia), numerous UK cities, various Italian cities, Madrid and Malaga (Spain), Geneva (Switzerland) and in over 50 cities in The Netherlands.⁵² In Manchester (United Kingdom), public officials were present at a theatre event with famous drag queens and activists⁵³ and in Iceland local government officials raised the rainbow flag as a symbol of solidarity.⁵⁴ To celebrate TDOR (20 November),⁵⁵ Brighton and Hove City Council (United Kingdom) raised the transgender flag from both town hall buildings and held an exhibition in the public library.⁵⁶ In Berlin (Germany), members of the City Council took part in a commemorative event at the Brandenburger Tor. On International Coming Out Day, Mayors and Aldermen of over 50 Dutch municipalities raised the rainbow flag on their City Halls and tweeted photos of the events to a dedicated hashtag. To celebrate International Family Equality Day,⁵⁷ local celebrations such as picnics, sports and outdoor events were organised by the municipal authorities of Vienna (Austria), Brussels (Belgium), Helsinki (Finland), Munich, Hamburg, Düsseldorf and Freiburg (Germany), Athens (Greece), Zurich (Switzerland) and Leeds (United Kingdom).⁵⁸

51. In Ghent (Belgium), the local government adopted a different approach to raising the general public's awareness of LGBT issues. A so-called Rainbow Declaration was signed publicly by the City and by municipal service providers, the police, civil society and educational institutions in which the parties declared to "support and empower LGBT people in our City and to increase equal opportunities and security for all, including LGBT persons".⁵⁹

52. Cities can give visibility to the LGBT community by naming streets and squares after pioneers of LGBT rights. In Amsterdam (Netherlands), the bridge next to the 'HomoMonument' is named after Niek Engelschman, a Dutch member of the resistance during World War II, and fighter for gay rights.⁶⁰ A motion to name a newly renovated square in central Copenhagen (Denmark) after Axel Axcil, the Danish pioneer of LGBT rights, was unfortunately withdrawn because of opposition from many sides.⁶¹

53. Summing up, local and regional authorities have many possibilities to create visibility for LGBT communities thereby raising awareness of sexual orientation and gender identity. Particular days dedicated to the LGBT community offer a chance to collaborate with LGBT advocacy organisations, as well as hosting (inter)national LGBT conferences and events and naming streets, bridges or squares after LGBT activists from the past.

52 *Annual Report International Day Against Homophobia and Transphobia* (2013) IDAHO Committee.

53 *Ibid.* p29.

54 *Ibid.* p19.

55 http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results/tdor-2013.htm.

56 *Against Homophobia, European Local Administration Devices (AHEAD) (2011), Combating Homophobia, Local Policies for Equality on the grounds of Sexual Orientation and Gender Identity. A European White Paper*, p156.

57 <http://www.internationalfamilyequalityday.org/>.

58 *Annual Report 2013* (2013) International Family Equality Day (IFED) Network.

59 <http://www.gent.be/docs/Departement%20Stafdiensten/Dienst%20Gelijke%20Kansen/Regenboogverklaring.pdf>.

60 <http://www.openstreetmap.org/way/38300088>.

61 <http://cphpost.dk/news/axel-axcil-dropped-as-square-name.5411.html>

9. The role of local and regional authorities in ensuring LGBT people's access to social rights

54. Article 14 of the European Convention on Human Rights specifically prohibits discrimination based on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

55. In the FRA LGBT survey, a third of the respondents stated that they had felt personally discriminated against in at least one of the following areas in the 12 months preceding the survey: healthcare, housing, education, social services and access to goods and services.

56. The rights to education, employment, healthcare and housing are all fundamental social human rights guaranteed by the European Social Charter (ESC) and other international human rights texts. The Revised European Social Charter has a general open-ended non-discrimination provision (Article E) which states that all Charter rights "shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status." As the list is open-ended, and by definition not exhaustive, it covers other grounds such as sexual orientation and gender identity, as confirmed by the jurisprudence of the European Committee of Social Rights.

9.1. Access to education

57. As far as education is concerned, the competences of local and regional authorities vary greatly in the Council of Europe member States. Mostly, decisions on curricula are taken at the national level, with varying levels of responsibility and influence delegated to local governments. Specific data on education provisions at a local level are sparse. However, education is a crucial tool for enhancing equality and non-discrimination and as such, local and regional should offer human rights education in schools where they have competence to decide on the curricula.

58. Knowledge of rights and freedoms is a fundamental tool to guarantee respect for the rights of all citizens. By introducing human rights education into schools, at all levels, adjusted to the evolving capacity of the children, they can learn about human rights and understand human rights issues, acquire the skills needed to be able to defend those rights and develop attitudes of respect of equality and dignity. In this way, a culture of human rights can be established among all children at an early age.

9.2. Access to employment

59. Many LGBT people face discrimination in the employment field: in the workplace; when looking for work or for support to find a job; or when claiming unemployment benefits. Most measures targeting a discrimination-free labour market are the responsibility of national governments and private companies are governed by national anti-discrimination legislation for their recruitment and human resources policies. There are measures, however, that local and regional authorities can take to protect the rights of LGBT workers and unemployed LGBT persons.

60. As an employer, local and regional governments have a duty to commit to diversity, to promote respect and to reject discrimination thus creating an atmosphere where people can work without fear of prejudice and bullying. A proactive, written anti-discrimination and harassment policy will make it clear to staff that such actions will not be tolerated, neither amongst colleagues nor towards the general public. Such policies must clearly define which behaviour and acts are acceptable and which are not.

61. In February 2013, the City Council of Zurich (Switzerland) amended its regulation on the rights of employees. The new provisions include the "promotion of tolerance and acceptance towards employees who are at risk of suffering disadvantages based on [...] their sexual orientation and gender identity" (Art. 3 Abs. 1 lit. k). This was the first time that a Swiss regulation recognised the concept of gender identity by mentioning it explicitly.⁶²

62. Unemployment rates among transgender people are exceptionally high. The City of Madrid (Spain) has, since 2008, an agreement with the National Transgender Organisation in order to promote the inclusion of transgender people in the labour market. This programme includes information on workers' rights and other legal aspects, specific emphasis on their rights as transgender people in the labour market as well as

⁶² Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe (2013) ILGA-Europe p215.

psychological guidance and counselling. One civil servant is in charge of following every application to the programme providing job interviews. The National Transgender Organisation, together with the Madrid Department of Employment published a book about the rights and experiences of transgender people in the labour market.⁶³

63. Thanks to co-operation between Piedmont Regional Authority, the Province of Turin and the City of Turin (Italy) in 2013, forty-four transgender persons were included in projects to (re-)train disadvantaged social groups and help them re-integrate the employment market. The projects matched transgender persons' skills to local companies' requirements and proposed apprenticeships in local companies.⁶⁴

64. In Germany, Berlin City Council, local companies, the public administration, trade unions and transgender NGOs have been working successfully together since June 2013 to develop measures to improve the work and professional situation of transgender people. The main stakeholders concerned, for example human resources staff, managers of companies, representatives of staff councils, employment agencies/job centres, social partners, LGBT networks, representatives of public administrations, and transgender and intersexual people and their organisations, co-operate and share experiences so as to identify problems and search for solutions together.⁶⁵

9.3. Access to healthcare

65. Although a fundamental human right, many LGBT people face difficulties in accessing healthcare due to a lack of information on their specific needs and situations. In addition, or as a result of this, stigmatisation and discrimination on the grounds of sexual orientation and gender identity are not uncommon, and these have a negative impact on mental and physical health.

66. Transgender people face specific issues when accessing the healthcare system and the FRA LGBT survey showed that healthcare provision was one of the areas in which they were confronted with discrimination, ignorance and prejudice. The 2008 Transgender EuroStudy highlighted specific issues for transgender people in relation to healthcare, including a shortage of accessible, localised specialist care, or poor service provision which resulted in negative experiences for trans persons.⁶⁶

67. To combat such experiences, two paid counselling posts, providing a specific service to the trans community, were created within two of the municipal health centres for MSM⁶⁷ ("Checkpoint") in Zurich and Lausanne (Switzerland). The counsellors not only respond to requests from a significant number of trans people and their relatives, they also provide information and training sessions to institutions.⁶⁸

68. Local and regional authorities should ensure the specific needs of LGBT people are included in their healthcare policies, and that specific requirements are included in tender procedures that oblige the staff of healthcare providers to treat LGBT people with respect. Workshops and training for healthcare professionals on LGBT issues can be organised so as to provide better medical services that meet the specific needs and which combat homophobia and heterosexism, as well as address bullying in the workplace. Training can usefully centre on safeguarding issues, rehabilitation, self-directed support, personalised budgets, writing care plans and the provision of personal and intimate care. Training in respect for gender identity in particular will ensure that disabled and/or older trans service users are better able to maintain their dignity.

69. Nijmegen City Council (Netherlands) grants an official pink trademark, "The Pink Passkey", to care homes and institutions for the elderly with inclusiveness policies towards sexual orientation and gender identity. The institution's policy must reflect the needs of LGBT residents and their family or LGBT relatives of residents. Thanks to the success of the scheme, it has been expanded to include elderly care to (home) care facilities for LGBT persons with disabilities, chronic illnesses and mental health issues.⁶⁹

70. Access to LGBT-friendly healthcare services in smaller municipalities and rural areas can be critical. Recognising this, the Irish Gay and Lesbian Equality Network (GLEN) is co-operating with Macra na Feirne,

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

64 <http://www.provincia.torino.gov.it/servizi/appalti/gare.htm>.

65 http://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.

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

67 Men who have Sex with Men.

68 *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe* (2013) ILGA-Europe p216.

69 <http://www.rozezorg.nl/organisaties>.

an Irish voluntary, rural youth organisation, to improve mental health care for LGBT youth in rural areas in Ireland, in particular through the publication of a booklet promoting positive mental health with information on community and support services for LGBT people.⁷⁰

9.4. Access to housing

71. Access to adequate housing and the risks of homelessness are specifically mentioned in CM/Rec(2010)5 as many LGBT people face discrimination in this area. Since the quality of housing affects a person's wellbeing, discrimination can impact on mental health and affect a person's employment prospects, hence it is an important issue to tackle. However, very few examples of discrimination with regard to housing have been documented despite the fact that the FRA LGBT survey highlighted housing as a challenge. This may be the result of lack of trust of LGBT people in authorities and a fear of automatically being discriminated against by official associations.

72. Local authorities are responsible for the provision and allocation of social housing and thus need to be particularly vigilant that equal access, without discrimination on grounds of sexual orientation or gender identity, is guaranteed. Housing services must be accessible to and meet the needs of all groups, and the delivery of these services must be sensitive to needs. Again, training and guidance can be provided to staff working in housing departments and associations co-operating with local authorities.

73. The Equality and Human Rights Commission (United Kingdom) has published a guide for social housing providers such as housing associations and local authorities which explains human rights obligations and encourages appropriate action.⁷¹

74. In Amsterdam (Netherlands) every city district level has a co-ordinator directly responsible for dealing with cases of bullying linked to housing and for taking appropriate action. In the past, victims tended to move out of a neighbourhood to escape the harassment. Now, the authorities, in close co-operation with housing associations, ensure that it is the offender that gets relocated.

75. With regard to access to rights and service provision in general, Cologne's (Germany) initiative of concentrating all measures for the LGBT community in one municipal office is an example of good practice. The Department for Lesbian, Gay and Transgender Citizens not only works on policy development, but also provides information on LGBT and LGBT-friendly organisations, offers individual support by appointment and has a signalling function.⁷² It is also responsible for the co-ordination of LGBT (inclusive) policies across all other municipal departments.

76. When it comes to having equal access to goods and services, many terrains can be mentioned in which LGBT people face discrimination and disadvantages. This report focuses on employment, healthcare and housing, since these areas are identified in several research studies as challenging for LGBT persons. The examples show that LGBT individuals still see their basic human rights violated by authorities and service providers. On a positive note, some local and regional governments make sure that their LGBT citizens are treated with dignity and respect, by providing information and training programmes to service providers and other stakeholders.

10. Promoting discrimination-free cities

77. In the application of human rights standards, local and regional authorities must also ensure that all citizens have access to goods and services without discrimination, this includes not only the inhabitants of a town or region but also visitors and tourists must be protected from discrimination. Some cities have included anti-discrimination measures as an integral part of their city marketing strategies with LGBT tourism in mind.⁷³ Although these strategies are often developed out of financial motives, based on the assumption that LGBT tourists have more money to spend than average, the promotion of a city as LGBT friendly brings with it the responsibility of ensuring local businesses and services do not discriminate in any way and that measures are being taken to ensure citizens' safety and security. Explicit statements such as these by local authorities not only send out a positive message to potential visitors, it also makes clear, to citizens as a whole, the authorities' refusal to accept discriminatory practices and violence.

11. Conclusions

⁷⁰ *LGBT People in Rural Areas: Promoting Positive Mental Health* (2013) GLEN and Macra na Feirne.

⁷¹ *Human rights at home: Guidance for social housing providers* (2011) Equality and Human Rights Committee UK.

⁷² <http://www.stadt-koeln.de/buergerservice/adressen/00869/>.

⁷³ Antwerp (Belgium), Berlin (Germany), Amsterdam and Rotterdam (Netherlands), Madrid (Spain), Geneva and Zürich (Switzerland).

78. In view of the recent legal setbacks in some Council of Europe member States, LGBT people are increasingly victims of discrimination, violence and hate speech. Although some local and regional authorities take appropriate measures to guarantee the rights of their LGBT citizens, others rarely deal explicitly with combating this discrimination and violence. Local and regional authorities should ensure that human and social rights, as guaranteed by international legal texts such as the European Convention on Human Rights and the European Social Charter, are implemented at their levels also. Local and regional authorities have the possibility to draw up local/regional provisions within the framework of national legislation and to adopt anti-discrimination policies and strategies. These provisions and policies can be in addition to national laws, or they can take the lead where national legislation has not yet been established or fails to fully guarantee rights.

79. By mainstreaming LGBT issues into policies, local and regional authorities can ensure policies reflect all citizens' needs and emphasise that sexual orientation and gender identity matter when it comes to serving the public. Partnerships with LGBT advocacy organisations and multilevel co-operation with authorities at all levels facilitate exchanges of good practices and a pooling of resources at a time when resources are scarce. This is of particular importance to smaller municipalities and rural areas where LGBT persons' invisibility in policies may put them at risk.

80. Safety is a most important issue for LGBT people who frequently find themselves victims of violence. Local authorities should be inspired by the Congress' European Urban Charter with regard to their responsibility to safeguard citizens. Close co-operation with national and municipal police forces and the setting up of LGBT-friendly units can actively contribute to a reduction in homophobic and transphobic violence and in increasing the reporting of crime.

81. Finally, politicians carry great influence because of their highly visible public position. They feature regularly in television broadcasts and newspapers articles, and many of them make wide use of social media. Their viewpoints therefore reach a very wide audience and they can spread any message they wish to get across. For this reason, politicians should refrain from hate speech and prejudicial discourse; they must denounce and distance themselves publicly from violence or discrimination against LGBT people. They may actively send out positive messages about sexual orientation and gender identity, and even publicly address their colleagues from other municipalities and regions to denounce negative developments.

82. Congress report CG(26)5FINAL on "best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries" states that the "responsibilities of all politicians and civil servants [...] can be said to be fourfold in relation to human rights". These four responsibilities are to: respect (abstain from violating the human rights of the individual); protect (protect the human rights of the individual from violations from others); fulfil (develop and/or sustain systems that can fulfil human rights); and to promote (further the understanding of and respect for human rights). I invite local and regional authorities to assume these responsibilities fully with regard to LGBT persons.