

# ECRI annual seminar with Equality Bodies

## Joining Forces to Promote and Protect the Human Rights of LGBTI Persons



18 October 2021

CONCEPT NOTE

ECRI annual seminar  
with Equality Bodies

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# 1. Background

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Since the adoption in 2010 of the Council of Europe Committee of Ministers Recommendation CM/Rec (2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, there has overall been significant progress in Europe as regards the respect of LGBTI persons' human rights, including central issues such as the right to registered civil partnership or to marriage and to adoption, as well as action against discrimination in employment, healthcare and other important policy areas. Nonetheless, in recent years there has in a number of European states been a noticeable backsliding<sup>1</sup> as regards the respect of such LGBTI persons' rights, often fuelled by hateful rhetoric perpetrated by some populist politicians.

ECRI has been addressing intolerance and discrimination against LGBTI persons in the context of its country monitoring work since 2013, when it initiated its fifth country monitoring cycle. On 1 March 2021 it published a factsheet<sup>2</sup> with key recommendations on how to end policies and practices that may lead to intolerance and discrimination against LGBTI people. This factsheet summarises the recommendations made by ECRI in its country monitoring reports<sup>3</sup> and underlines that, as called for in ECRI's General Policy Recommendation N°2 (revised) on Equality Bodies to combat racism and intolerance at national level,<sup>4</sup> the mandates of Equality Bodies should cover intolerance and discrimination on grounds of sexual orientation, gender identity and sex characteristics.

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1 See ECRI's 2020 annual report available at <https://rm.coe.int/annual-report-on-ecri-s-activities-for-2020/1680a1cd59>

2 Available at <https://rm.coe.int/ecri-factsheet-lgbti-issues/1680a1960a>

3 These recommendations cover aspects such as legislation, data collection and research, awareness-raising, education and training, protection measures for LGBTI victims of discrimination or intolerance, as well as co-operation between relevant actors towards ensuring respect of LGBTI persons' human rights

4 Available at ECRI General Policy Recommendation N°2 revised (coe.int)



## 2. Objectives of the 2021 annual meeting with Equality Bodies

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Apart from offering a forum for exchanges of good practices among ECRI, Equality Bodies and other central stakeholders in the field, including relevant entities of other international organisations and civil society organisations, the seminar will enable the participants to discuss how to optimise the partnerships between the above actors for the benefit of LGBTI people's human rights. Importantly, the seminar is further expected to provide useful elements for the future preparation of an ECRI General Policy Recommendation on LGBTI issues, as foreseen by the ECRI's 2019 Roadmap to Effective Equality.<sup>5</sup> The seminar will give equality bodies a unique opportunity to provide their impetus for the preparation of this important forthcoming instrument on ECRI's standards in the area of LGBTI people's human rights.

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5 <https://rm.coe.int/ecri-roadmap-final-version-/168097e13d>

# 3. Structure of the meeting

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The annual seminar will be structured in three substantive sessions: I. Policy and legal frameworks, II. Prevention and III. Protection and Prosecution.

The first session will amongst others review developments in national policies and legislation of particular relevance to the human rights of LGBTI persons, including the rights to enter into civil partnership and to marry or to adopt children, access to healthcare, education, employment and housing, protection against hate speech and violence and against medically unnecessary surgical interventions on intersex persons. The role of NGOs and other stakeholders as partners who should be consulted in relevant legislative processes, as well as in the context of developing and evaluating policies, will also be examined.

The second session will address ways in which equality bodies and other stakeholders, both in the public sector and within civil society, may take action to prevent discrimination and intolerance against LGBTI persons. This session will focus on issues such as awareness-raising, prevention in and through education, training of relevant professionals and participation of the media.

The third session will be dedicated to the examination of how the human rights of LGBTI persons guaranteed by law are protected in practice in areas such as healthcare, employment, housing, right to family and private life, as well as freedom of expression and assembly. This session will address the role of Equality Bodies in handling complaints concerning discrimination of LGBTI persons, and/or representing them, for example in strategic litigation cases, both at national level and in respect of the European Court of Human Rights (ECtHR). The role of other support services, such as helplines offering, for example, psychological and legal support, some of which are provided by NGOs, will also be examined. Relevant case studies from the ECtHR and, as concerns the prosecution of hate speech amounting to criminal offences and other hate crimes as well as national criminal court cases, will be the subject of presentations in this session.

## 4. Participants

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Invited participants will be members of ECRI, heads and LGBTI focal points of equality bodies and selected national human rights institutions of Council of Europe member states, including umbrella organisations, as well as representatives of key civil society organisations active in the area of human rights of LGBTI people. Representatives of other international partner organisations with a stake in such human rights will also be invited, as will relevant representatives of academia and other Council or Europe bodies.

## 5. Speakers

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Among the foreseen speakers sharing their insights and experiences in the introduction and in the three substantive sessions of the seminar will be, apart from ECRI members and representatives of equality bodies, international partners, academia and NGOs involved in supporting LGBTI victims of discrimination and intolerance, also victims themselves, whose human rights have not been respected or were outright abused. The victims, including successful parties to litigation procedures on a national level or in cases examined by the European Court of Human Rights (ECtHR), will share their stories.

Further, representatives of independent national institutions involved in topical law-making, or in the application of such legislation of relevance to human rights of LGBTI people, will share their perspectives and experiences gathered in their professions, as will a representative of the ECtHR. The challenges faced by particularly vulnerable groups of LGBTI people, such as asylum seekers or those being victims of intersectional discrimination will also be addressed. Finally, examples will be given of ongoing capacity-building projects implemented by the Council of Europe Sexual Orientation and Gender Identity Unit.

The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe.

ECRI was set up by the first Summit of Heads of State and Government of the member states of the Council of Europe in 1993 and became operational in 1994. As ECRI marks 25 years of combating racism and intolerance, current trends show that these are still persistent problems in European societies that require renewed efforts to be overcome.

ECRI is composed of 47 members appointed on the basis of their independence, impartiality, moral authority and expertise in dealing with issues of racism, discrimination, xenophobia, antisemitism and intolerance. Each Council of Europe member state appoints one person to serve as a member of ECRI.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all 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.

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