

## **ECRI 2021 annual seminar with Equality Bodies** ***Joining Forces to Promote and Protect the Human Rights of LGBTI Persons***

**Opening statement by Dunja Mijatović**  
Council of Europe Commissioner for Human Rights

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Dear all, dear friends,

It is a real pleasure for me to be here this morning with you for this seminar organised by ECRI, an essential partner in the fight against all forms of intolerance. The protection of the human rights of Lesbian, Gay, Bisexual, Transgender and Intersex people stands very high on my agenda and I find it very positive and timely that ECRI has decided to draft a new General Policy Recommendation on combating discrimination and hate speech against LGBTI people.

In this process, it is essential to consult LGBTI people and organisations of course, but also you, the national bodies specialised in promoting equality and combating discrimination at the national level. I am convinced that today's meeting will help anchor the forthcoming Recommendation in the day-to-day realities of tackling discrimination against LGBTI people in Europe, so that it can be an effective tool for inclusion.

There have been great advances in the past years in Europe to protect the human rights of LGBTI people. Progress has been rapid and spectacular. Together with the adoption of laws guaranteeing equal human rights, we have also witnessed profound societal changes in many countries.

And yet, we are at a very dangerous moment.

Let's face it, the progress has not been enough. In the past 18 months or so, the COVID-19 pandemic has acted as a magnifying glass over the ongoing vulnerability of some members of LGBTI communities in our member states. Too many LGBTI people continue to face family violence; poverty; a lack of access to health, employment and housing; discrimination and harassment during police controls; and obstacles in asylum processes. I am not referencing statistics here, but real stories which I heard through meetings with LGBTI people over the past months. These lives experiences should encourage all of us to do a lot more.

It is a fact that hate and prejudices against LGBTI people continue to linger in our societies.

Even more concerning is the fact that populist politicians, together with ultra-conservative movements, sometimes amplified by unscrupulous media, are now increasingly exploiting these unfounded fears. They are encouraging intolerance for political gain. This is happening in a growing number of member states, as I highlighted in a [human rights comment](#) on this issue published in August.

In my work, for example, I have called on the authorities in Armenia, Bulgaria, Moldova, Poland, Hungary and Turkey to take immediate steps to end stigmatisation of and hate speech against LGBTI people and to ensure respect for their human rights. The impact of this backsliding is profound. In many places, ordinary members of society feel emboldened to insult, harass or even beat-up LGBTI people. Some governments have already taken legislative measures to roll back established rights.

In this difficult context, it is more important than ever that LGBTI people can count on you, their Equality Bodies.

When political leaders are failing in their responsibility to promote equality and human rights, national legislation and human rights structures, such as yours, are the safety-net to ensure protection. In a climate where it is more difficult for LGBTI people and activists to be heard, you also have a role to play in educating, encouraging acceptance and pushing for reforms to address systemic human rights violations against LGBTI people.

I know that many of you are already engaged in this work and I strongly welcome this. For example, I took note of the Polish Commissioner for Human Rights challenging the anti-LGBTI declarations adopted by some local and regional authorities in Poland in courts, obtaining their invalidation in some cases. The French Defender of Rights issued 10 recommendations to the authorities to better protect the human rights of transgender people. Based on individual complaints, the Belgian Institute for the Equality of Women and Men initiated strategic litigation about discriminatory practices by health insurances against trans people. These are just a few examples.

At the same time, I regularly hear that, in some countries, national human rights structures, including Equality Bodies, do not deal with discrimination against LGBTI people. This can be for various reasons. It can be that some Equality Bodies lack the legislative basis enabling them to act, notably as regards gender identity, sex characteristics or hate speech. Some institutions do not have enough resources to do research, publish reports or conduct outreach campaigns. Above all, when the environment in a country is hostile to LGBTI people, defending a minority that is not popular may attract reprisals. It requires courage and strong independence.

However, LGBTI people need you to stand up for their human rights. I have a few recommendations for all Equality Bodies:

- consider organising *training and education* for the staff in your institutions, in order to sensitise them to the issues;
- Another important first step is to *secure the trust of LGBTI communities and organisations* in your countries so that they report cases of discrimination and other human rights violations;
- *Make use of your role of promoting equality and combating discrimination to the fullest extent possible* – remember that all of your countries are bound by the European Convention on Human Rights, Council of Europe standards and the case-law of the European Court of Human Rights, which is clear on the need to protect LGBTI people from discrimination and can be of use in your work. This means dealing with discrimination on grounds of sexual orientation, gender identity and expression, and sex characteristics and in all areas of life, with specific attention to multiple and intersectional discrimination;
- And finally, *use all the tools in your own toolbox*: handling complaints; conducting investigations and making recommendations; testing; commenting on legislative proposals and even bringing constitutional challenges, when you have that power.

I want to conclude by stressing that you can count on me to continue pushing your governments to maintain and strengthen your institutions, in terms of mandate, independence and budget, and in line with the recent ECRI and European Commission standards on Equality Bodies.

We need you, the Equality Bodies, dear friends, dear colleagues, to be strong, so that you can join forces with ECRI, my Office and many other national and international human rights entities to be strong allies for vulnerable groups, including LGBTI people.

Thank you.