

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Resolution 380 (2015)<sup>1</sup> Guaranteeing 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.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup> Authorities at local and regional level thus play a decisive role in combatting 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 combatting 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 combatting 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 exchange of good practice between local and regional authorities, but also through multilevel 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, health care, housing and access to other goods and services. These rights are all fundamental social human rights guaranteed by the European Social Charter (ESC, ETS No. 35) 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 pursue policies and develop approaches to prevent crime and promote a safe environment.<sup>5</sup>

9. Important contributions to achieving respect for 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 for 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 Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), 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 of the Council of Europe 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 justification 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 for 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 events and activities on the theme of diversity 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. introduce, where national legislation is lacking, local provisions to remedy this legal vacuum;

iii. work with LGBT advocacy organisations and human rights non-governmental organisations (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 Network;

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 that 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 in order to continue to promote and protect respect for LGBT rights at local and regional levels.

1. 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).

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

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

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

5. The Congress' European Urban Charter.