

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 458 (2021)¹ Protecting LGBTI² people in the context of rising anti-LGBTI hate speech and discrimination: the role and responsibilities of local and regional authorities

1. Issues relating to sexual orientation, gender identity, gender expression and sex characteristics and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people have figured prominently on the Council of Europe's agenda during the last decade and positive steps have since been taken in many member States to improve the rights of LGBTI people.

2. However, conservative and fundamentalist voices in Europe are increasingly politicising the issue of LGBTI identity and making scapegoats of LGBTI people, questioning diversity in general, and LGBTI people's human rights and the legitimacy of their identity in particular. Discourse that attempts to delegitimise LGBTI identities has increased and derogatory language and speech are utilised as weapons to create an atmosphere that is hostile to both LGBTI people and to policy objectives. Attempts at creating a conceptual ambiguity around gender and LGBTI issues through the use of expressions such as "propaganda of homosexuality", "gender ideology" or "LGBT ideology" contribute to this development.

3. 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 established guidelines and standards in this area for public authorities in member States, stipulating 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".

4. That same year, the Parliamentary Assembly of the Council of Europe adopted [Resolution 1728](#) and [Recommendation 1915](#), both addressing discrimination on the basis of sexual orientation and gender identity and calling on member States to develop policies to improve and secure equality for LGBTI people. Four subsequent Assembly resolutions reaffirmed "full support" for continued progress in the human rights and equality of LGBTI people focused specifically on advancing equality for transgender people

1. Debated and adopted by the Congress on 16 June 2021, 2nd sitting (see Document [CG\(2021\)40-18](#), explanatory memorandum), rapporteur: Andrew BOFF, United Kingdom (R, ECR).

2. The acronym LGBTI is increasingly being replaced by the term "sexual orientation, gender identity and expression, and sex characteristics" (SOGIESC) when referring to issues related to LGBTIQ+ people. That being said, for ease of presentation and because it is better known to the public, the rapporteurs have decided to use the LGBTI acronym in this report when referring to both the issues and the people concerned.

in Europe, paid specific attention to the rights of intersex people, and drew attention to LGBTI people's rights in their private and family life.

5. The Council of Europe Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI), the Sexual Orientation and Gender Identity Unit (SOGI), the European Commission for Democracy through Law (Venice Commission) and the European Court of Human Rights have, in their respective documents, touched upon different aspects of the rights of and equality for LGBTI people.

6. The Congress of Local and Regional Authorities of the Council of Europe adopted resolutions for local authorities and recommendations for member States in 2007 and in [2015](#), drawing attention to the discrimination and challenges faced by LGBTI people, emphasising that it is the duty of local authorities to protect these rights, and inviting them to take note of examples of good practice and strategies with proven success in this area.

7. In addition to their commitments made at the level of the Council of Europe, many member States of the Council of Europe are also members of the European Union, which protects the human rights of LGBTI people in its treaties and laws. Article 21 of the Charter of Fundamental Rights of the European Union, which became legally binding in 2009, explicitly prohibits discrimination based on sexual orientation. In 2020, the European Commission developed an "[LGBTIQ Equality Strategy 2020-2025](#)", and Vice-President Jourova pledged to defend the rights of the LGBTI people against those who have now more and more an appetite to attack them from an ideological point of view.³

8. Finally, member States have commitments under the United Nations (UN) Sustainable Development Goals (SDGs). Although the SDGs do not explicitly mention LGBTI people, these goals are based on the principle of "leaving no one behind", which implies combating the exclusion of minorities in society. From this perspective, LGBTI people, who are often excluded from society based on their real or perceived sexual orientation, gender identity or expression, and sex characteristics, are concerned by these goals.

9. All levels of government have the obligation to uphold these commitments and values. Public authorities must not only fight discrimination and raise awareness among the public and elected representatives as to their responsibilities in this area; they must also co-operate among themselves to develop the policies and action necessary both to withstand backsliding on international obligations and to protect and promote the rights of minority groups.

10. Resisting backsliding on human rights, and further facilitating the equality and human rights of LGBTI people are essential for strengthening democratic inclusion and accountability throughout Europe. Governments and elected representatives at all levels have a responsibility, as forces for cohesion, to prevent the creation of divided, polarised societies in which the rights and psychological and physical integrity of their citizens are violated.

3. [EU launches LGBT protection strategy as homophobia rises in east | Reuters](#)

11. In light of the above, the Congress calls on Council of Europe member States to:

a. develop and implement national action plans to reinforce anti-discriminatory measures and those promoting human rights, including LGBTI people and ensuring consultation with local and regional authorities as well as non-governmental organisations and other civil society initiatives working for the rights and equality of LGBTI people;

b. assist local and regional authorities in developing strategies and policies aimed at improving LGBTI people's human rights and equality;

c. include questions in national data-gathering surveys regarding discrimination and hate crimes against LGBTI people;

d. implement the recommendations, resolutions and judgments of the institutions of the Council of Europe concerning the rights and equality of LGBTI people, and consult international organisations for assistance when necessary.