

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 470 (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 related 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 Council of Europe's agenda during the last decade and positive steps have since been taken in many member States to improve the situation. However, rising conservative and fundamentalist voices in Europe are increasingly politicising gender issues and making scapegoats of LGBTI people, questioning diversity in general, and LGBTI people's rights and the legitimacy of their identity in particular.

2. The Recommendation of the Committee of Ministers [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. Also in 2010, the Parliamentary Assembly of the Council of Europe (PACE) adopted [Resolution 1728](#) and [Recommendation 1915](#), 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. 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.

3. The Congress of Local and Regional Authorities of the Council of Europe adopted resolutions for local and regional 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.

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 LGBTQI+ 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.

4. Human rights and LGBTI issues have also increasingly appeared on local and regional government agendas reflecting the conflictual attitudes in society with regard to LGBTI issues. Examples of both good and bad practice have been proliferating in several member States.

5. On the one hand, a significant number of cities and regions have adopted policies and legislation and taken action in defence of LGBTI people's rights and of anti-discriminatory practices. On the other hand, discourse that attempts to delegitimise LGBTI identities has increased and derogatory language has contributed to an atmosphere that is hostile to both LGBTI people and policy objectives. Attempts at creating a conceptual ambiguity around gender and LGBTI issues through the use of terms such as "propaganda of homosexuality", "gender ideology" or "LGBT ideology" contribute to this development.

6. In light of the above,

a. reiterating 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;

b. recognising that the protection of LGBTI people's human rights and equality are essential to strengthen democratic inclusion throughout Europe and to avoid the creation of divided, polarised societies in which the rights and psychological and physical integrity of citizens are violated;

c. underlining that multilevel co-operation between public authorities fosters an effective exchange of expertise and is needed to develop the policies and action necessary to withstand backsliding on international obligations and to protect and promote the rights of minority groups;

d. recalling that local and regional authorities have substantial powers as political leaders, policy makers and legislators to take the lead in improving the situation of LGBTI people, and that whatever their political backgrounds, mayors and local and regional councillors have a responsibility vis-à-vis all their fellow citizens to establish inclusive societies based not on prejudice and the rejection of others, but on dialogue and concertation;

e. noting that a well-co-ordinated movement that has been referred to as the "anti-gender movement" is attempting to reframe as "ideological" measures taken to promote equality and to protect the rights of women and LGBTI people;

f. noting an increase in hate speech against LGBTI people, notably online, and underlining that hate speech used by elected authorities and government actors is particularly harmful, given their representative functions;

g. stressing the serious and lasting effects of social and economic exclusion on LGBTI people and youth in particular, including on their mental health and their access to education and employment,

7. the Congress calls on the local and regional authorities of the member States of the Council of Europe to:

a. mainstream LGBTI equality and human rights in local and regional public policies and monitor the implementation of existing legislation regarding anti-discrimination, particularly in the fields of education, employment and culture;

b. introduce local policy or regional legislation forbidding hate crimes, and implement clear codes of conduct that forbid hate speech on the basis of sexual orientation, gender identity, gender expression and sex characteristics for local administrations as well as for organisations that receive funding from local or regional authorities;

c. provide training programmes for civil servants, particularly those who interact with local residents directly, create liaison officers in the local police force to lower the barriers to reporting, and collect information on good practices in order to develop LGBTI-inclusive policies, monitoring their progress by gathering data on hate crimes and by including questions on sexual orientation, gender identity, gender expression and sex characteristics when collecting data;

d. promote LGBTI inclusion by involving a wide range of local LGBTI organisations through the use of consultative structures and policy processes, adopting inclusive language in all publications and official documents and encouraging dialogue and awareness-raising activities regarding human rights and discrimination against LGBTI people;

e. promote the social rights and well-being of LGBTI people by assisting in the creation of safe spaces in the fields of counselling, training, education and mental health support, ensuring adequate protection from violence for public LGBTI events and encourage dialogue with and support sports associations and fan clubs in developing awareness regarding discrimination against LGBTI people in sport;

f. ensure the safety and well-being of LGBTI youth at school, as far as it is within their mandate, by providing educational resources and training for educators, by promoting concrete projects to address bullying and cyberbullying at school, and by involving organisations of parents of LGBTI youth;

g. consider appointing a “local expert on equality and diversity” to advise the local government on equality and non-discrimination policies and to establish the dialogue with local stakeholders and civil society at large;

h. make use of their national associations as a platform to exchange good practices and as a source of expertise for the implementation of international standards and national legislation as well as the development of local equality policies;

i. use the co-operation programmes of the Council of Europe and the Congress as a framework to improve LGBTI people’s human rights through concrete action and the UN Sustainable Development Goals as a framework to identify the different tools they provide to combat discrimination against LGBTI persons.