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Conference "Addressing violence and discrimination against lesbian, bisexual, and queer women in Europe"

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Keynote speech by Michael O'Flaherty
Council of Europe Commissioner for Human Rights

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Edited transcript

Good morning, everybody.

I want to thank you for inviting me. It's a great pleasure and honour for me to be here.

As I was thinking about what I would say today, I found myself struggling, not for the first time, with the extraordinary paradox of humanity.

On the one hand, our great richness, as a species, is our diversity. My whole life, I've had the sense that, what makes us so extraordinary, so rich, is the fact that we are all so very different to each other. It is something to celebrate and to cherish.

But then, on the other hand of this paradox, there is the fact that humanity invests so much effort in trying to destroy the diversity. There are so many efforts, persistent, constant, throughout history, to homogenise us. To somehow standardise us. To make us all some version of sameness.

Now, of course, all these efforts persistently fail. But as and when they fail, there then comes the effort to exclude. And those efforts are often very successful indeed. If you don't fit into whoever is in control's notion of what the homogenised, standardised human should look like, then you're pushed to the edge – and even off the edge – of society.

Of course, this phenomenon, which has been with us forever, is profoundly in contradiction to respecting human dignity. And that means, to use the language of today, that it is profoundly at odds with human rights.

This is the house of human rights, and I therefore very much welcome the work that is now being done on the lived experiences of LBQ women, in the context of standing up for their human rights. I want to express my deepest respect and appreciation for the PACE Resolution on preventing and combating violence and discrimination against lesbian, bisexual and queer women in Europe.

This is globally groundbreaking.

Yet again, Strasbourg is leading the way on something which will eventually take on a global significance, and I really applaud that. I also want to express deep appreciation to Béatrice Fresko-Rolfo, for her leadership in the Parliamentary Assembly in producing the report which forms the basis of this Resolution.

The Assembly is an extraordinary place. I had to get to know this organisation very well recently, in order to fully appreciate what an extraordinary resource the Parliamentary Assembly is for human rights, for humanity.

Four times a year, the most extraordinary representation of our street politicians – and I say that deliberately, because that's what is so special – are thrown together, in all *their* diversity, in all their differences, and they find unity around so many critical themes. And by the way, it is astonishing to have a Parliament where one can proudly say that 50% of its members are women. This is, globally, very rare.

Now, coming back to our topic. I won't waste your time with facts and figures – you know them very well, you know them far better than me. Most of you are out there on the coalface, dealing with the realities every single day. Let me simply refer to some of the primary data sources.

I'm proud of the work that my former agency, the Fundamental Rights Agency, has done in generating relevant data around the situation, not just regarding violence, but also discrimination. I applaud the work of ILGA-Europe, which has consistently, year on year, generated evidence for us, which is vital to our work. And I express appreciation to all other organisations, all of you, who invest in capturing the lived experience and the reality.

And, by the way, this work is being done with an increasingly profound grasp of the intersectional dimension, which is so acutely present for our discussion today.

The intersectionality, and the experience of LBQ women, in the context of patterns of discrimination and violence on grounds of sexual orientation, but also of misogyny, and the compounding factors of the experience of being disabled, being Roma, being a migrant, and so on, is very acute indeed. But let me leave the data, and evidence about the reality there, and get on to my shout outs to member states.

There are eight things that I would call on states to do now, do better, and do right away.

The **first** is that they have got to not only recognise and work on the challenges, but work on them with civil society.

It is essential that the relevant civil society be deeply and respectfully involved in any actions by state governments in responding to patterns of violence and discrimination against LBQ women. It might seem obvious to us, but it is very often not the case in practice.

Second, we need to see a much bigger investment by states in gathering the data.

If you don't measure it, you won't fix it. It is not enough for EU member states to rely on the EU to gather the data, be it through Eurostat, or the Fundamental Rights Agency. And outside the European Union, very often, nobody is gathering that data at the regional or sub-regional levels.

But whether outside the EU or in the EU, there has to be a national investment in data gathering. Only at the national level will you get the granularity, the localised evidence, to fix the situation.

Third, in any effort by states to engage on the lived experiences of LBQ women, this dimension of intersectionality has to be foremost. And civil society plays such an important role in helping states to “get” intersectionality. This is so important, because an intersectional approach honours people for who they are.

Fourth, there is a need to mine the depths of international law for the protection of everybody in their own identity, and in their own experience.

I was the rapporteur for the first edition of the Yogyakarta Principles, which were developed in 2006. That was a very deliberate exercise of experts and lawyers from across the world to breathe life into existing human rights law, in defence of members of the LGBTI communities. The Principles showed that human rights protection for LGBTI people wasn't just about non-discrimination. It wasn't just about not getting beaten up. It was about cherishing every dimension of who you are. And I think we were relatively successful. But that effort must not cease.

It is in this context that I most deplore anti-gender movements. Anti-gender movements are no more, and no less, than a repudiation of international human rights law, be that the law of the Council of Europe or the law of the United Nations. We cannot give some moral equivalence to anti-gender narratives. They are not an alternative point of view. They are a call for the violation of law.

Fifth, at the national level, we need to strengthen domestic laws in three areas, namely, laws combating discrimination, laws regarding hate crime and violence, and the law in support of the victims of crime. This third area, I think, needs to have a light shone on it.

And of course, once we get all the laws in place, we need them to be implemented. Because if they are not enforced adequately, then they are just words on paper.

The **sixth** of my eight recommendations also has to do with the implementation of the law. And that is tackling prejudice, intolerance and bias in our law enforcement.

I once asked somebody why the reporting of crime against LGBTI people is so massively underreported. I was told very simply, “why should I report a homophobic act to a homophobe?” And this is a simple reality. These “phobias” are prevalent across society, including within the communities of those who enforce law, who investigate, who prosecute, who adjudicate.

So it is very important to invest – and reinvest – in awareness-raising and promoting tolerance across all of these communities.

Seventh, we have to invest, and keep investing, in promoting tolerance in our societies. When you confront people with their own intolerance, and you do it smartly, you can actually make enormous progress – but you have to keep doing it.

Eighth and finally, coming back to all of us here, I would say we have to be very cautious and very vigilant, but I think we can also be hopeful. I don't think there would be any point in us meeting here this morning, were it not for the fact that we can make things better.

Look at the Irish case. For all the problems still in society, the law reforms, the referendum changes there have been quite astonishing. Much of this has been promoted by initiatives that began here in Strasbourg.

The Irish story of modernisation, if you want to call it that, began with two great cases of the European Court of Human Rights, *Norris* and *Dudgeon*. These cases were the beginning of a pathway, which has led to the situation we have in Ireland today. So that's not just a reminder that we can be hopeful about specific countries, but that we can also be hopeful about initiatives that start here, in the Council of Europe.

They can, given the time, given the attention, given our strong and persistent investment, actually bring about enormous change right across our societies.

Thank you very much for your attention.