

Speech by Evelyne Paradis – Executive Director of ILGA-Europe

Italian EU Presidency and FRA event Next steps in EU and MS policy-making 28 October 2014

Thank you very much for this invitation. I will start with thanking the Italian Presidency of the EU and FRA for holding this event. This is – I will say – a historic event, because this is the first ever LGBTI event held in the EU Council in Brussels. That, in and of itself, is significant.

I am very honoured to be here on behalf of ILGA-Europe, which is the International Lesbian, Gay, Bisexual, Trans and Intersex Association of Europe, at this particular moment in time.

We have been talking a lot about everything that is still to do, but let me take two minutes to go back to what is actually going well.

This event takes place at a moment where we have a lot to celebrate in terms of recognition of the human rights of lesbian, gay, bisexual, trans and intersex people. In the past year, we have seen a lot of positive legal and political change in the EU and at Member States level:

There has been a large move forward in terms of legal gender recognition for trans people. Denmark became the first European country to remove mandatory clinical diagnosis in order to change one's legal gender.

There has been a move towards further recognising the rights of couples, of parents, of LGBTI families, with marriage equality making ways further in Luxembourg, England, Scotland and Wales and partnership laws being adopted in Malta, in Croatia and in last stages of adoption in Estonia. There is greater visibility for intersex issues and for the rights of intersex people, with the Council of Europe taking a particularly important role in showing what the human rights issues are for intersex people

More generally, the human rights of LGBTI people have undoubtedly gained great visibility, and this event is proof of it. There are more people who are out: from ordinary citizens to political leaders, athletes and business leaders. More people are aware of their rights and are actually claiming them. There is greater coverage in our media and in our social networks of LGBTI rights and there is ever-growing political support for going further and finally recognizing all the rights that people deserve. A sign in terms of the EU is that 26% of the elected members of the European Parliament have signed the ILGA-Europe pledge.

But progress in terms of real legal, political and social changes varies considerably from one country to another depending on the levels of societal acceptance, of political leadership and political will, as well as the strength of civil society in a given country.

And the map that is behind me shows how much it varies. This is the real picture and it speaks for itself. It is a very mixed picture. The Rainbow Map, that we produce annually, shows where each European country stands when it comes to protecting by law rights that every human being should enjoy but that some people unfortunately still are not allowed to enjoy because of their sexual orientation or their gender identity.

I am usually an optimistic person, but I must admit that there are days when I wonder why we need to celebrate or find the progress illustrated on this map so extraordinary. Indeed, it almost feels like these "positive developments" are essentially about catching up with what should be a given, that is that everyone is born equal in dignity and rights, and that who we love and who we are should never be used as reasons to deny anyone's dignity and rights.

And there is a lot of catching up to do to ensure that this map becomes very dark green. Indeed, while I did mention the numerous positive legal and political developments that are taking place, there is clearly no place for complacency in Europe.

The FRA's LGBT survey published a year and a half ago gave us solid data on the lived experience of LGBTI people in Europe – showing that almost 50% of people surveyed had experienced discrimination in the year prior to the survey. We at ILGA-Europe were unfortunately not surprised by the results of the FRA survey. We did not need that survey to confirm what we know from our daily work and our daily contacts with activists and LGBTI people across Europe. This is the reality.

Let me share a few concrete examples that I experienced in the last couple of weeks:

A few weeks ago, ILGA-Europe gathered in Riga for our annual conference. At the end of our conference, we had a celebratory event. We hired security personnel to protect the conference participants. By the end of the evening, one of the participants was beaten up by the very guards hired to protect us. Standing next to it, what I felt was the sheer impunity by which these people felt completely entitled to do that. And that is actually scary.

Within a few days of that incident, friends here in Brussels were telling me how it has become a frequent occurrence for them to be shouted at, when as a lesbian couple, they walk in the centre of Brussels at weekends holding hands. It is a trend that apparently a lot of the Belgian organisations, including the Belgian equality body, are starting to look at.

For me, when I hear such stories, two things come to mind:

First – and I don't mean to sound naïve here - but how can we still justify this happening to individuals living in the European Union in this day and age? How can decision-makers continue to find justification for not taking steps to effectively address these situations? How can they continue to find justification not to act and not to take their responsibility vis-à-vis the people who live in their countries? Even worse, how can decision-makers actively take steps to justify perpetuating discriminatory practice, marginalisation and exclusion?

And then secondly, when we allow these things to continue to go on, what does it say about our vision of society? Are we not supposed to want a society that thrives by valuing everyone's uniqueness and potential and is built on inclusiveness? Isn't the EU supposed to be – above all – a project of democracy, freedom, diversity and equality?

With that in mind, I choose to think that a majority of decision-makers at EU and national level do care and, more importantly, can make a difference and bring us ever closer to a dark green Rainbow Map.

And this is why it is important that we are gathered here today. Because it is a unique opportunity to strengthen our collective will to take action and to commit to concrete steps to make further change happen.

As we are here in the European Union Council, let me focus on what we think at ILGA-Europe and within the LGBTI movement the EU has the competences to do, and therefore what it can and should do. For as the FRA LGBT survey clearly showed, the trends and challenges are similar across the European Union. There is not one country that is exempt from experiencing homophobia and transphobia. No single country is perfect and it is an EU-wide problem, which requires EU-wide action.

I don't think there is a need for me to go into detail in terms of the actions that need to be taken because they have all been said. In that sense, I think we are in a good place because there seems to be good alignment amongst many of us.

We know legal protection is a cornerstone of any effective equality strategy. It has been for any ground of discrimination, it certainly is true for sexual orientation and gender identity. This is why we need to continue to push and not give up on this very important anti-discrimination directive. Why we need to take steps in the coming years to make sure that gender identity is named in its own right. Why we need to start looking actively at expanding the legal protection to protect people and beyond protection, to prevent homophobic and transphobic violence.

Also, we need – and this was a very welcome statement by the Commissioner this morning - the EU to take its own leadership. We need the European Commission to show leadership by adopting a strategy that will give a clear signal of its commitment on LGBTI equality, will give clear visibility about what it intends to do, and will set

clear goals and clear commitments. This is about the European Commission taking leadership, in addition to what Member states do. Everyone has a role to play.

And there is a piece that actually hasn't been named enough today, according to me: human rights violations that are continuing to take place across the EU on a daily basis. It is one thing to talk about legal protection against discrimination, but in many countries, very basic rights, that many of us take for granted, are still violated. I am talking about freedom of expression, freedom of association, freedom of assembly. None of these rights are taken for granted by LGBTI activists, believe me. Holding Pride parades is still a struggle in some EU countries today. Disseminating basic objective information about sexual orientation and gender identity is banned in some EU Member States today. This cannot go on if we're serious about tackling the problems of homophobia and transphobia and if we're serious about LGBTI equality. The same goes for trans and intersex rights. We cannot go on being a European Union that values democracy, freedom and equality if people are forced to get sterilised in order to be themselves. We cannot allow children to undergo medical treatment and medical surgeries that are irreversible at birth because it doesn't fit a person's sense of what is a man or a woman.

It is with those suggestions and recommendations that I look forward to hearing from the panel of ministers about future commitments on any of the actions that I've named.

We at ILGA-Europe look forward to hearing how today's event will be followed up in the EU Council. We want to see this event not as a one-off occurrence but as the start of a process with EU Member States and the EU Council to develop the needed laws and policies within the European Union and the Member States.

And perhaps more importantly, we want to see this as a process whereby political leadership is fostered and strengthened, and knowledge is increased about the kind of policies and measures that are needed to make a difference in people's lives.

For at the end of the day, for me it boils down to two things. It is about awareness, education and changing people's hearts and minds. And it is about leadership. Without leadership, change is so much harder to make happen. I believe I can say with great confidence that the LGBTI movement has demonstrated a lot of leadership for a long time. What we need, now more than ever, is more political leaders to work with and for the LGBTI people in Europe.

I will leave you with quotes from political leaders which at the moment, I think, are role models for what we need.

The first one is from Helena Dalli, the Maltese Civil Liberties Minister who a few weeks ago in Riga told ILGA-Europe members: "my job is to make sure that everyone is well, that they are protected and can lead their lives in the best possible

way." And she added: as a politician, it is our duty to educate ourselves. When an issue is not part of our reality, we then need to learn"

The following day, the Estonian President – Toomas Ilves issued a statement upon the passing of the country's cohabitation law saying: "The passing of this law will not change the sexual preferences of anyone [...] Estonia has to be the best possible place for all Estonian people. For us, every individual is important. A caring and understanding attitude towards each other and the choices that other people make must make Estonia bigger, better and more secure."

I think that what is expressed in those two quotes is exactly what we are expecting of the decision-makers and the policy-makers in this room. We need your leadership to work with us to make all of the needed policies and laws happen and make a real difference for people.

Thank you.