

TACKLING SEXUAL ORIENTATION AND GENDER IDENTITY DISCRIMINATION

Next steps in EU and Member State policy making

General Secretariat of the Council of EU, Justus Lipsius

Brussels, 28 October 2014



2014 Italian
Presidency of the
Council of the
European Union



EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS





CONTENTS

WELCOME	3
ABOUT THE EVENT	7
PROGRAMME	8
SPEAKERS	10
PRACTICAL INFORMATION	15



2014 Italian Presidency
of the Council of the
European Union



WELCOME

Dear Participants,



Millions of people fight an everyday battle to assert their dignity and the freedom to be themselves. It is a struggle at home, at school, at work. Gay, lesbian, bisexual, transgender and intersex people, have no other choice. But everyone else can choose and decide what their role should be in this struggle.

So I am proud that the Italian Presidency of the Council and its Secretariat, together with the European Union Agency for Fundamental Rights, have taken the decision and chosen to discuss this issue.

The EU has played an important role in defending the principle of equal treatment. Existing legislation addresses discrimination against LGBT people in the area of employment and our Presidency is committed to reach an agreement on the Horizontal Equal Treatment Directive that will ban discrimination in all areas of EU competence.

But gaps and different challenges remain. And we need to do much more. The FRA's EU LGBT survey gives a pretty grim picture and it clearly shows how hate crime, bullying, discrimination - but even turning a blind eye to all this - remain major problems for many LGBTI people across our continent.

The EU has a clear responsibility. The biggest and most influential promoters of human rights, the EU and its Member States cannot shy away when violations affect their people. Fighting discrimination inside our borders gives strength and consistency to our global message. Beyond accountability, however, the EU can and should lead on policies and practices to make equality real for all.

Because this is what we are talking about today. Endorsing the rights of LGBTI people is not about sexual orientation or gender identity. It is about equality. Plain and simple. Either you have it, or you don't.

Equality, however, comes in steps, as the history of civil rights movements shows. But timing is of the essence. And there is no time like today, at the beginning of a new EU legislature, to have and to contribute to such a debate. I trust that further work will follow, and that the new Commission, together with the European Parliament, will take ownership of this challenge and bring it forward, for a fairer and genuinely inclusive European society.

Stefano Sannino

Italian Permanent Representative to the European Union



Dear Participants,

Everyone should be able to truly enjoy their right to be 'different, but equal' without discrimination on the grounds of sexual orientation or gender identity. For that the EU and its Member States need to stand side-by-side to eradicate discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Six years ago, in 2008, FRA published the first-ever EU comparative report on the legal position of LGBT people. Since then, a lot has changed but many challenges remain, as our legal update report will show next year.

Legally speaking many EU Member States have moved forward, and adopted legislation and policy measures that have improved the situation of LGBTI people. However, differences among Member States still remain.

Unfortunately, this progress has not necessarily trickled down 'to the ground'. Hate crime, bullying and discrimination remain major problems for many LGBTI people across our continent. We demonstrated this through the findings of FRA's EU LGBT survey. Over 93,000 LGBT people from across the EU completed the survey, telling us of their experiences of discrimination and violence. It was the largest-ever survey of its kind in Europe.

Today's event will discuss what needs to be done to transform legal standards into reality. The unique partnership of this event, brings together the Italian Presidency of the Council of the EU, FRA and the Council Secretariat. Together with around 400 participants from EU institutions, national governments, national human rights bodies and civil society, this conference shows that there is a strong coalition willing to give a new impetus to how we address the problems many LGBTI people face in their daily lives.

Only by working together can we achieve equal chances and equal rights for LGBTI people.

I wish you a good conference and look forward to joining you in many fruitful discussions.

Morten Kjaerum

Director, European Union Agency for Fundamental Rights



Dear Participants,



As research published by the European Agency for Fundamental Rights has shown, discrimination in Europe is far from being a thing of the past. It is unacceptable that in the Europe of the 21st century LGBTI persons continue to face prejudice, discrimination, harassment and worse.

The Council of the European Union has already played an active part in addressing the problem of discrimination. More than a decade ago, the Council adopted a Directive on equal treatment in employment and occupation, helping to defend the rights of these minorities within the labour market and in the workplace. As this instrument expresses a general principle of law it can also have an impact on the institutions.

I am proud to serve an Institution that applies a zero tolerance policy to discrimination. The Equal Opportunities Strategy for the General Secretariat of the Council states that in our multicultural working environment, discrimination on any ground is prohibited. Our aim is to ensure an inclusive working environment where individual differences are valued and respected.

The principle of equal treatment is a fundamental European value that must be actively highlighted and affirmed. As we all know, the letter of the law is not enough. We need a fundamental change in behaviour and thinking and a long-term commitment to equal opportunities. It is important to foster a climate of tolerance, to raise awareness and to set good examples of our common commitment to diversity and inclusiveness. The principle of equality is not only a right for individuals. It is also a source of strength and cohesion for society as a whole.

On behalf of the Council Secretariat I would like to welcome you to the Conference! I wish today's event all success!

Rafael Fernandez-Pita y Gonzalez

*Director-General in charge of Justice and Home Affairs
General Secretariat of the Council of the European Union*



RELATED FRA WORK

The conference discussions will build on the following FRA work:

EU LGBT survey

FRA launched the results of its EU-wide survey on experiences of discrimination and hate crime of LGBT persons in May 2013. More than 93,000 LGBT persons from all 28 EU Member States completed the survey, making it the largest and most comprehensive survey of its kind to date. The survey results provide valuable evidence of how LGBT persons in the EU experience bias-motivated discrimination, violence and harassment in different areas of life, including employment, education, healthcare, housing and other services.

The main results report of the LGBT survey will be presented at the event.



Transgender persons' experiences of violence and discrimination

By the end of 2014, FRA will release a report focusing on the situation of transgender persons in the European Union. This report analyses transgender-specific data from FRA's EU LGBT survey and makes policy recommendations to the EU institutions and Member States.

The role of public authorities and professionals

FRA carried out qualitative research in 2013 that examined the views and experiences of public authorities and other duty bearers on LGBT-related issues. This survey gathered information on the practices and policies of public officials, teachers, police and health personnel in 19 EU Member States, seeking to identify whether and how these contribute towards creating equality for LGBT persons. Detailed results will be available in 2015.

Comparative legal and social analysis

Since FRA's establishment, the Agency has carried out regular reviews of legal and social developments on homophobia, transphobia and discrimination on the grounds of sexual orientation and gender identity in the EU. The comparative analysis maps research findings in the field with the relevant EU and Council of Europe standards. It is designed to equip those who shape policy with the information they need to develop a coherent and systematic approach to safeguarding the fundamental rights of LGBT persons. The next update of the comparative legal report is planned for 2015.



2014 Italian Presidency
of the Council of the
European Union



ABOUT THE CONFERENCE

The European Union is founded on the values of equality and non-discrimination. Through its policies it continues to work on combatting all forms of discrimination, including discrimination based on sexual orientation or gender identity. Although much has been achieved over the past decade, fear, isolation and discrimination of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons continue to be important fundamental rights concerns across the EU.

Building on FRA's EU LGBT survey results and other studies, the conference will address fundamental rights challenges that LGBTI people face in their daily lives, including hostility, hate crime, discrimination and bullying. Over 400 decision makers and fundamental rights' practitioners from across the EU will gather to discuss effective and targeted policy responses to these and other challenges.

OBJECTIVES

- To support the further development of effective and targeted policy responses by the EU and its Member States to address the fundamental rights challenges faced by LGBTI persons;
- To raise awareness of the situation of LGBTI persons across the EU, both in terms of rights ensured by law, as well as their experiences of discrimination and hate crime;
- To exchange promising practices in legislation, policy and specific policy measures, including on the role of public authorities and professionals working in the employment, law enforcement and education sectors in combatting discrimination on grounds of sexual orientation and gender identity;
- To discuss how equality policies in different areas of the Union's competence can be further strengthened and mainstreamed.



PROGRAMME

CONFERENCE MODERATORS:

Friso Roscam Abbing, Head of Communication and Outreach Department, FRA

Cristina Gallach, Head of Public Relations, General Secretariat of the Council of the EU

08.15 – 8.45 **REGISTRATION AND WELCOME COFFEE**

09.00 – 10.00 **WELCOME AND KEYNOTES**

Ambassador Stefano Sannino, Permanent Representative of Italy to the EU

Morten Kjaerum, Director, FRA

Ulrike Lunacek, Vice-President of the European Parliament (video message)

Martine Reicherts, EU Commissioner for Justice, Fundamental rights and Citizenship

10.00 – 11.30 **PANEL DEBATE** - "OBSTACLES AND CHALLENGES ON THE ROAD TO EQUALITY"

Julia Ehrt, Director, Transgender Europe

Marco De Giorgi, Director, National Office against Racial Discrimination (UNAR), LGBTI
Focal point, Italy

Sarah Halilovic, Gay Straight Alliance, the Netherlands

Jeanette Larsson, former police inspector and Vice-President of the Gay Police
Association, Sweden

Discussion with the audience

11.30 – 12.00 **COFFEE BREAK**



2014 Italian Presidency
of the Council of the
European Union



12.00 – 13.30 **HIGH LEVEL PANEL DEBATE** - “A POLICY RESPONSE: strategies to address discrimination, prejudice and hate crime”

INTRODUCTION:

Evelyne Paradis, Executive Director, ILGA- Europe

PANELLISTS:

Sandra Artuković Kunšt, Deputy Minister of Justice, Croatia

Aodhán Ó Ríordáin TD, Minister of State for New Communities, Culture and Equality, Ireland

Caren Marks, Parliamentary Secretary of State, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Germany

PROMISING PRACTICE: “Promoting equality – a private sector response”

Jean-Michel Monnot, Vice-President, Group Diversity and Inclusion, SODEXO

Short interventions from the floor

13.30 – 14.00 **CLOSING ADDRESS**

“The unstoppable voice for equality - a testimony”

Conchita Wurst, musician, performer and spokesperson for equality (video message)

“Italian Presidency - a call for fundamental rights”

Ivan Scalfarotto, Undersecretary of State, Ministry of Constitutional Reforms and Government liaison to Parliament, Italian Presidency of the Council of the EU

14.00 – 15.00 **LUNCH BUFFET**



SPEAKERS

(in order of appearance)



Ambassador Stefano Sannino is the Permanent Representative of Italy to the EU, a position he holds since 2013. Previously, he held several offices at the European Commission, mostly in key leadership positions at DG Enlargement (2010-2013) and DG External Relations (2006-2010). He was diplomatic advisor to the Italian Prime-Minister (2006-2008) and President Prodi (2002-2004) as well as Head of the OSCE mission to the Former Republic of Yugoslavia (2001-2002).



Morten Kjaerum has served as Director of the European Union Agency for Fundamental Rights since June 2008. Before joining FRA, Mr Kjaerum was the founding Director of the Danish Institute for Human Rights. With over 17 years in top executive roles, Mr Kjaerum built the Institute, Denmark's national human rights institution, into an internationally-recognised body. An expert in human rights implementation, Mr Kjaerum has been a member of the United Nations Committee on the Elimination of Racial Discrimination and the President of the International Coordination Committee for National Human Rights Institutions. Mr Kjaerum has written extensively on issues relating to human rights, in particular on refugee law, the prohibition of racial discrimination, and the role of national human rights institutions.



Ulrike Lunacek (*video message*) is Vice-President of the European Parliament since 1 July 2014, on behalf of the Greens/EFA group. She heads the delegation of the Austrian Greens in the European Parliament and is co-president of the Intergroup on LGBT Rights. Ms Lunacek was the rapporteur on the EP resolution proposing an EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2014). In 2006, she was elected co-chair of the European Green Party in Helsinki, a position she has held for 3 years.



Martine Reicherts is EU Commissioner for Justice, Fundamental Rights and Citizenship since July 2014. Her career at the European Commission goes back to 1984, when she started as an Administrator at DG Science, Research and Development. Ever since then, she has held various positions in different DGs. From 1998 until 1999, she was spokesperson of the European Commission. Before starting her career at the European Commission she was a lawyer at the Bar of the Grand-duché de Luxembourg (1980-1984).



Julia Ehrh is Executive Director of Transgender Europe (TGEU) – an umbrella organisation working towards the full equality and inclusion of all transgender persons across Europe. She has actively developed contacts with decision makers and other stakeholders in the EU, the Council of Europe and other governmental and non-governmental organisations for over a decade, and has represented TGEU in numerous conferences and meetings. She started trans activism more than ten years ago with a group of young transgender persons questioning the omnipresent bi-polar gender identity approach in society.



Marco De Giorgi is Counsellor at the Presidency of the Italian Council of Ministers. Since October 2012 he is also Director General of the National Office against Racial Discrimination (UNAR). From 2008 to 2012 he was Secretary General of the Ministry for the Protection of the Environment, Land and Sea. Mr De Giorgi has written numerous articles on public law, human rights and social policies in specialised legal journals, carrying out academic activities and research in the field of administrative law and human rights.



Sarah Halilovic is a student, currently residing in the Netherlands. Although she is of Croatian and Turkish descent, she sees herself as a citizen of Europe. In March 2014, Sarah got in contact with the Gay Straight Alliance for the first time as she became one of the faces for their campaign Day of Silence. Later on she decided to found a new Alliance at her own school. She is currently an active member of the National Council of the Gay Straight Alliance and of the Dutch organisation COC which advocates for the rights of LGBT persons.



Jeanette Larsson is former police inspector in Sweden and Vice-president of the Swedish Gay Police Association (2000-2014). Ms Larsson was also Vice-president of the European Group for Public Administration from 2009 until 2012. She was a police officer in Malmö from 1989 until 2014. She then retired to found her own educational company, Carpe Courage, which specialises in delivering lectures and trainings on diversity and hate crime. Ms Larsson has substantial experience in training civil servants, civil society organisations and law enforcement officials, as she has provided training courses for the Police Authority in Skåne, the City of Malmö, RFSL (an LGBT association), the Malmö District Court and others.



Evelyne Paradis is the Executive Director of ILGA-Europe, providing overall leadership, strategic direction and management for the organisation. Before assuming the office of Executive Director, she held the position of Policy Director, coordinating the organisation's advocacy work. Among other projects, she led ILGA-Europe's campaign and advocacy work on the new proposed EU anti-discrimination directive. Prior to joining ILGA-Europe in 2005, Ms Paradis worked with the UN High Commission for Human Rights, the Council of Europe and human rights NGOs in Canada. She worked as a research assistant to the UN Special Rapporteur on freedom of expression and Special Representative for human rights defenders, as well as a member of the preparatory team of the World Conference against Racism.



Sandra Artuković Kunšt is the Deputy Minister of Justice of the Republic of Croatia since January 2012. Previously, she was a judge at the County Court in Zagreb as well as a judge at the Civil Municipal Court in Zagreb (1993-2009). As a judge, she worked in the civil department, with an emphasis on family and statutory rights. During her career, she was especially dedicated to the protection of vulnerable groups, children without appropriate public care, victims of violence and minority groups. Furthermore, she was a member of the working group for drafting the Civil Partnership Act which recognises life partnership for same-sex couples, making them equal to married couples in everything except adoption.



Aodhán Ó Riordáin is a Member of the Irish Parliament (Dáil) for the Dublin Bay North Constituency. In July 2014, he was appointed Minister of State with special responsibility for New Communities, Culture and Equality. Aodhán was first elected to the Irish Parliament in 2011 having previously served on Dublin City Council from 2004 - 2011 and was Deputy Lord Mayor of Dublin in 2006. Prior to becoming a Minister of State, he served as the Vice-Chair of the Education and Social Protection Committee in the Irish Parliament. Before working full-time in politics, he worked as a teacher and Principal in St. Lawrence O'Toole's Girls School in inner city Dublin.



2014 Italian Presidency
of the Council of the
European Union



Caren Marks is Member of the German Bundestag since 2002. She is currently the Parliamentary Secretary of State to the Federal Ministry for Families, Senior Citizens, Women and Youth. Ms Marks is also a member of the SPD since 1998, and has participated, on a volunteer basis, in several associations dedicated to promoting civil rights.



Jean-Michel Monnot is Vice-President of the Group Diversity and Inclusion for Sodexo, based in Paris. Since 2007, he has been responsible for implementing Sodexo's Diversity strategy across 25 European countries in which Sodexo operates. Collaborating with local teams Jean-Michel works to establish each country's business case for Diversity & Inclusion, sharing best practice and tools, and defining targets.



Conchita Wurst (*video message*) is a musician, performer, spokesperson for equality and the winner of the Eurovision Song Competition 2014. The private person, Tom Neuwirth, and the art figure, Conchita Wurst - although they have never met before - are a team just working in sync. They respect each other from the bottom of their hearts. They are two individual characters with their own individual stories, but with one essential message for tolerance and against discrimination. Because of the discrimination against Tom in his teenage years, he created Conchita, The Bearded Lady, as a statement. A statement for tolerance and acceptance - as it's not about appearances; it's about the human being.



Ivan Scalfarotto, MP is the Italian Undersecretary of State at the Ministry of Constitutional Reforms and Government Liaison to Parliament. He has been the rapporteur of the draft law proposal against homophobia and transphobia presented to Parliament in 2013, approved in the Chamber of Deputies and that will be discussed in the Senate. Before joining Parliament, Mr Scalfarotto was a human resources professional in the financial services industry for 20 years, covering senior positions in Milan, London and Moscow.



MODERATORS



Friso Roscam Abbing has been Head of the Communication and Outreach Department at FRA since 2009. Prior to this, Mr Roscam Abbing was a Member of Cabinet of the European Commission Vice-President Jacques Barrot, the Commissioner for Freedom, Security and Justice. From 2004–2008, he was the spokesman of European Commission Vice-President Franco Frattini, the Commissioner responsible for Freedom, Security and Justice Affairs. Between 2000 and 2004, he headed the EU Asylum Policies sector at the European Commission's DG Justice, Freedom and Security. Before this, he led the EU Office of the European Council on Refugees and Exiles (ECRE, 1994-2000) after starting his career as Head of the Legal Department at the Dutch Refugee Council (1986-1994).



Cristina Gallach is Head of Public Relations at the Council of the EU and an expert on foreign and security policy issues. She is an active promoter of equality. For 15 years she was the spokesperson of and senior communications advisor to Javier Solana (1995-2009). In 2010 she was the spokesperson for the Spanish Presidency of the EU. Before her professional experience in the EU and NATO, she had a long career as a journalist, in particular as correspondent in the former Soviet Union, Eastern Europe, the Balkans and other crisis areas.



2014 Italian Presidency
of the Council of the
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PRACTICAL INFORMATION

The conference will be held in the Press Room of the Council of the European Union in Brussels.

Council of the European Union

Justus Lipsius building

PRESS ROOM

Rue de la Loi/Wetstraat 175,

B-1048 Bruxelles/Brussels

Belgique/België



Photo: The Council of the European Union



The conference venue is accessible to people with disabilities.

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Tel. +43 158030-0

fra.europa.eu – info@fra.europa.eu



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