



# EQUINET TRAINING EVENT ON LGBTI ISSUES

17 – 18 June 2014, Stockholm, Sweden

Hosted by the Swedish Equality  
Ombudsman

Summary of  
presentations  
and  
discussions



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Equinet warmly thanks the Swedish Equality Ombudsman for having hosted the training event, as well as all the speakers and participants for having contributed to the success of this event.

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# PRESENTATION OF EQUINET AND BACKGROUND INFORMATION ON THE TRAINING EVENT

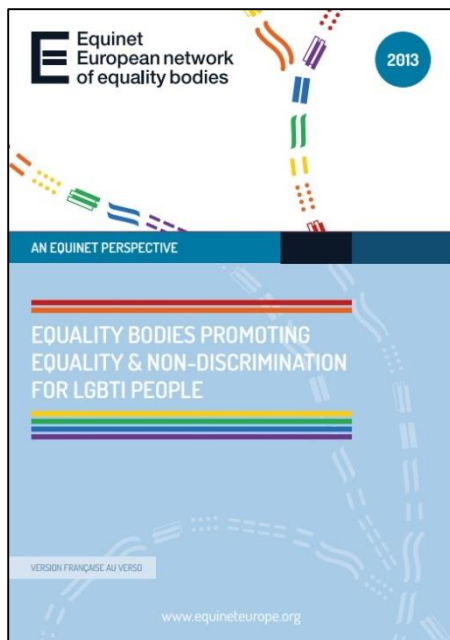
## PRESENTATION OF EQUINET

**Equinet is the European Network of Equality Bodies**, a membership-based organisation bringing together 41 equality bodies from 31 European countries including all EU Members States.

Equality bodies are public organisations assisting victims of discrimination, monitoring and reporting on discrimination issues, and promoting equality. They do so in relation to one, some or all the grounds of discrimination covered by European Union law – **gender, race and ethnicity, age, sexual orientation, religion or belief, and disability – and other grounds covered by their national equal treatment legislation.**

Equinet aims to enhance the strategic capacity of its members and to develop the skills and competences of their staff. Equinet also works to identify and communicate the learning from the work of equality bodies, and enhance their recognition and strategic positioning in relation to all stakeholders at European level.

## EQUALITY BODIES AND LGBTI DISCRIMINATION



Over the years, LGBTI issues received an increasing attention from equality bodies. Today, 30 Equinet member equality bodies have a mandate in relation to lesbian, gay, bisexual, trans and intersex people (LGBTI people) in employment and 22 in the provision of goods and services. This mandate includes providing support to victims of discrimination, conducting surveys, making recommendations and publishing reports on issues relating to discrimination.

More information on the role of and challenges faced by equality bodies working on LGBTI issues can be found in Equinet 2013 perspective on [equality bodies promoting equality and non-discrimination for LGBTI people](#). This perspective addresses different key issues such as the context for LGBTI people in the EU and actions that could be taken at EU level to enhance the context for the work of equality bodies on LGBTI issues.

The perspective is also available in [French](#) and in [Turkish](#).



## BACKGROUND INFORMATION ON THE TRAINING EVENT

This Equinet training strived to provide staff members of equality bodies with a space for peer learning and for discussing key challenges as well as good practices in the field.

It was expected that participants would:

- Learn about the most current issues, recent achievements and new developments in securing equality for LGBTI people
- Share their knowledge and experience both formally during the sessions and informally during the breaks
- Learn about good practice initiatives and projects by other equality bodies
- Return to their everyday activities better equipped to promote and secure equality for LGBTI people
- Upon their return inform their colleagues in their organisation about the lessons learned at the training

This Equinet training was dedicated to an audience of 60 staff members of equality bodies with responsibilities in dealing with LGBTI issues. The training programme allowed for participation with different professional backgrounds, including legal, policy and communication experts.



The Equinet perspective on LGBTI people had identified key themes for equality bodies's work on LGBTI issues. These topics have been addressed at the training.

- Societal-political-legal context for the work of equality bodies
- Strategic approach to work on LGBTI issues
- Under-reporting of discrimination by LGBTI people
- Specific actions addressing LGBTI issues including influencing policies and law, promoting good practice by employers and service providers, research and casework
- Internal challenges for and processes of equality bodies including capacity, coherence, engagement and sustaining a focus.

# AGENDA

## DAY 1 (17 June)

08.30 – 09.00	<b>Registration and Welcome</b>	
	<b>Opening Address</b>	
09.00 – 09.30	<b>Evelyn Collins</b> – Chair of Equinet and Chief Executive of the Equality Commission for Northern Ireland <b>Jenny Olausson</b> – Deputy Equality Ombudsman, Sweden	
	<b>SESSION 1 – THE CONTEXT FOR LGBTI EQUALITY IN EUROPE</b> <b>Chair: Evelyn Collins, Chair of the Equinet Executive Board (Equality Commission for Northern Ireland)</b>	
09.30 – 10.40	<i>This session aims at discussing the current political, societal and legal context and climate for LGBTI equality in Europe. This context is diverse in the different countries but in all cases it has an important influence on the work of international organisations, equality bodies and civil society aiming to promote LGBTI equality.</i>	
09.30 – 09.50	<b>The context for LGBTI equality in Europe</b>	<b>Robert Biedroń</b> Council of Europe General rapporteur on the rights of LGBT people
09.50 – 10.10	<b>Legal and policy developments for LGBTI equality in the EU</b>	<b>Juan Gonzalez-Mellizo</b> European Commission DG Justice
10.10 – 10.25	<b>The perspective of civil society</b>	<b>Evelyne Paradis</b> ILGA-Europe
10.25 – 10.40	<b>Questions &amp; Answers – Discussion</b>	
10.40 – 11.00	<b>Coffee break</b>	
	<b>SESSION 2 – WORKSHOPS</b> <i>This workshop session will discuss how the societal-political-legal context may shape the strategy and work of equality bodies and how can they influence this context.</i> <i>Participants will rotate between the different groups so that each participant gets to discuss all three topics.</i>	
11.00 – 12.30		
	<ul style="list-style-type: none"><li>❖ How to take a strategic approach for LGBTI work in different contexts? – <i>Emila Spasojević, Commission for the protection of Equality, Serbia</i></li><li>❖ Strategic litigation in LGBTI cases – <i>Martin Mörk, Equality Ombudsman, Sweden</i></li><li>❖ Making recommendations to legislators and policy-makers and influencing policy on LGBTI issues – <i>Jussi Aaltonen, Ombudsman for Equality, Finland</i></li></ul>	
12.30 – 14.00	<b>Lunch</b>	
	<b>SESSION 3 – ADDRESSING UNDER-REPORTING</b> <b>Chair: Michiel Bonte, Equinet Executive Board member (Interfederal Centre for Equal Opportunities, Belgium)</b>	
14.00 – 15.30	<i>Under-reporting is one of the key challenges in the field of equality and non-discrimination in general and for LGBTI equality in particular. The FRA's LGBT survey found that only 10% of those LGBT persons that felt discriminated</i>	

<p><i>reported the incident to the authorities.</i></p> <p><i>This session, with plenary presentations and small group discussions, will set out to understand under-reporting and to find effective ways to address the underlying problems.</i></p>		
14.00 – 14.20	<b>Results and lessons from the FRA's LGBT survey</b>	<b>Dennis van der Veur</b> EU Agency for Fundamental Rights (FRA) – <i>by video link</i>
14.20 – 14.30	<b>Research to understand the barriers in seeking access to justice</b>	<b>Deirdre Toomey</b> Equality Authority, Ireland
14.30 – 14.45	<b>Questions &amp; Answers – Discussion</b>	
<b>Small group discussions facilitated by:</b>		
14.45 – 15.30	<ul style="list-style-type: none"> <li>❖ Monika Groser, Ombud for Equal Treatment, Austria</li> <li>❖ Sarah Benichou, Defender of Rights, France</li> <li>❖ Libby Kinney, Equality Commission for Northern Ireland</li> <li>❖ Evelyne Paradis, ILGA-Europe</li> </ul>	
15.30 – 16.00	<b>Coffee break</b>	
<b>SESSION 4 – FOCUS ON TRANS AND INTERSEX PEOPLE</b>		
<b>Chair: Tamás Kádár, Senior Policy Officer, Equinet Secretariat</b>		
16.00 – 17.30	<p><i>LGBTI people are not a homogeneous group and this has to be taken into account by equality bodies when working to promote equality for and fight discrimination against LGBTI people. Research and surveys indicate that Trans and Intersex people are in a particular situation within the LGBTI group and the specificities of these groups have to be taken into account and respected.</i></p> <p><i>This session, with plenary presentations and small group discussions, will set out to understand the particular situation and needs of Trans and Intersex people.</i></p>	
16.00 – 16.15	<b>The work of the Commissioner for Human Rights on Intersex issues</b>	<b>Lauri Sivonen</b> Office of the Council of Europe Commissioner for Human Rights
16.15 – 16.30	<b>The specific situation of Trans people and the work of TGEU</b>	<b>Julia Ehrt</b> Transgender Europe
16.30 – 16.45	<b>The specific situation of Intersex people</b>	<b>Jenny Ottosson</b> Intersex people of Sweden (INIS)
16.45 – 17.30	<b>Small group discussions</b> hosted by the plenary speakers	
<b>18.30 – SOCIAL EVENT / DINNER</b>		
<b>DAY 2 (18 June)</b>		
<b>SESSION 5 – SPECIFIC POLICY AREAS AND ISSUES</b>		
<b>Chair: Anne Gaspard, Executive Director of the Equinet Secretariat</b>		
09.30 – 11.00	<p><i>This session, with a plenary presentation and small group discussions, will discuss challenges and good practices identified and results achieved in promoting equality for LGBTI people in specific areas such as healthcare, education, employment and goods and services.</i></p>	

<p><i>In the small group discussions participants will rotate between the different groups so that each participant gets to discuss two topics.</i></p>		
09.30 – 09.45	<p><b>Research on the experience of discrimination by LGBT people in different fields</b></p>	<p><b>Maria Filletti</b> National Commission for the Promotion of Equality, Malta</p>
09.45 – 10.00	<p><b>Questions &amp; Answers – Discussion</b></p>	
10.00 – 11.00	<p>Small group discussions:</p> <ul style="list-style-type: none"> <li>❖ Healthcare – Research on LGB in healthcare (<i>Anna Mazurczak, Human Rights Defender, Poland</i>)</li> <li>❖ Education – Taking action to address homophobic bullying and supporting good practice. The Impact of Homophobic and Transphobic Bullying on Education and Employment (<i>Ashot Gevorgyan, IGLYO - International Lesbian, Gay, Bisexual, Transgender, Queer Youth &amp; Student Organisation</i>)</li> <li>❖ Employment – How to achieve an inclusive work environment and support good practices. (<i>Peter Tai Christensen, Equality Ombudsman, Sweden</i>)</li> <li>❖ LGBT Certification - Professional training and quality assurance in the health and social service sectors (<i>Malinda Flodman, Swedish Federation for LGBT Rights</i>)</li> </ul>	
11.00 – 11.30	<p><b>Coffee break</b></p>	
11.30 – 12.30	<p><b>SESSION 6 – WORKSHOPS</b></p> <p><i>This workshop session will discuss internal-institutional challenges for equality bodies in effectively dealing with LGBTI issues. Such challenges include making LGBTI issues a priority, ensuring coherence across the organisation on LGBTI issues and building organisational capacity.</i></p> <p><i>Participants will rotate between the different groups so that each participant gets to discuss two topics.</i></p> <ul style="list-style-type: none"> <li>❖ Making LGBTI issues a priority and developing coherence within the organisation – <i>Annelies Decat, Interfederal Centre for Equal Opportunities, Belgium</i></li> <li>❖ Engaging effectively with LGBTI organisations – <i>Julia Ehrt, Transgender Europe</i></li> <li>❖ Being strategic on this issue: the objectives, the right mix of interventions, the relationships required – <i>Niall Crowley, independent expert</i></li> </ul>	
12.30 – 12.40	<p><b>CLOSING OF THE SEMINAR</b></p> <p><i>Anne Gaspard – Executive Director, Equinet Secretariat</i></p>	

# SUMMARY OF THE TRAINING EVENT

## OPENING ADDRESS

### Evelyn Collins

Chair of Equinet and Chief Executive of the Equality Commission for Northern Ireland

**Evelyn Collins** opened the training event by welcoming all the participants and speakers. She explained the importance of this LGBTI training event for Equinet. Indeed, in spite of the recent adoption of laws and policies to secure rights of LGBTI people in many European Union Member States, **important barriers to true equality remain**. In this context, she recalled the considerable body of expertise developed by Equinet in this field, notably through the two key-publications [Making equality legislation work for trans people](#) (2010) and [Equality bodies promoting equality and non-discrimination for LGBTI people](#) (2013).

### Jenny Olausson

Deputy Equality Ombudsman, Sweden

**Jenny Olausson** summarised some of the **key-achievements of the Swedish Equality Ombudsman** relating to non-discrimination. Among them, she mentioned the adoption of a law allowing same sex marriages in 2009 and the removal of the sterilisation requirement for trans people to legally change their sex in 2013. She also underlined the **essential role of cooperation with Swedish civil society organisations** to realise these achievements.





## SESSION 1 – THE CONTEXT FOR LGBTI EQUALITY IN EUROPE

Chaired by Evelyn Collins

Chair of Equinet and Chief Executive of the Equality Commission for Northern Ireland

### Robert Biedroń

Council of Europe General Rapporteur on the rights of LGBT people

#### *The context for LGBTI equality in Europe*

Robert Biedroń started his presentation by highlighting the differences in the situation of LGBTI people in different EU Member States. He took the example of the [2014 ILGA Europe Map](#), which provides a ranking of national legal and policy human rights situation of LGBTI people.

Homosexuality is not criminalised anymore in the EU and **huge progress has been made**. More and more countries grant family rights to LGBTI people. In the same manner, more and more civil society organisations and national equality bodies are getting involved and visible to promote LGBTI rights. However, **important limitations to rights persist**. In some countries, LGBTI people are still considered as scapegoats. Robert Biedroń took the example of the anti-LGBTI laws and bills (laws banning LGBTI ‘propaganda’) in Lithuania, Russia and Ukraine. Some countries recently adopted provisions protecting hetero-normative definitions of families and marriage.



Among his priorities, Robert Biedroń underlined that **specific attention should be given to lesbian, bisexual and trans women**, who face specific and multiple discrimination. He also recalled that violence against LGBT people remains extremely high and that it is essential to gather statistics on these issues, but many national equality bodies do not have such data at their disposal.

He also highlighted the **lack of EU minimum standards** regarding transgender issues. Forced sterilisation and forced divorce to authorise legal gender reassignment is still to be found in a majority of EU countries.

**Family rights** are not investigated enough. Especially, same-sex couples face huge problems in terms of freedom of movement, when they move to countries which do not recognise same-sex partnerships.

As a conclusion, Robert Biedroń encouraged equality bodies **to network and to take the leadership in LGBTI issues**, as well as **to train and cooperate** with external actors such as the police.

## **Juan Gonzalez-Mellizo**

**Directorate-General for Justice, European Commission**

### ***Legal and policy developments for LGBTI equality in the EU***

As an introduction, **Juan Gonzalez-Mellizo** presented the main conclusions of the 2012 Eurobarometer on discrimination: the **rise of LGB discrimination** and the **huge lack of awareness** regarding trans discrimination are very worrying trends in the EU.

He then described the main pieces of **EU secondary legislation** regarding LGBT rights such as the [Employment Directive 2000/78/EC](#).

He recalled that Article 19 of the **Treaty on the Functioning of the European Union** does not mention gender identity explicitly. The Court of Justice of the European Union had to make clear that gender equality discrimination includes discrimination against transgender people undergoing or having undergone reassignment (P v. S and Cornwall County Council, Case C-13/94, 1996). However, this does not protect all trans people.

Among **actions taken by the European Commission**, Juan Gonzalez-Mellizo mentioned policy support through peer learning and the new EU funding program Rights, Equality and Citizenship. He encouraged national equality bodies to **apply for financial support to organise awareness raising and training activities**.

He highlighted **key challenges** in this area such as the pending [European Commission's proposal for a horizontal Directive on Equal Treatment](#), the promotion of diversity to change negative attitudes and the need to put more focus on discrimination against trans people.

**Juan Gonzalez-Mellizo's power point presentation is available [here](#).**

## **Evelyne Paradis**

**Executive Director, ILGA-Europe**

### ***The perspective of civil society***

Evelyne Paradis highlighted **good cooperation between actors to promote LGBTI rights**. However, the current situation is highly contrasted with positive developments as well as steps backwards. She took the positive example of the first gay pride which took place in Cyprus in June 2014 and steps forward towards new legislation for the self-determination of trans people (the first European country having been Denmark). However, the amendment to the Slovakian constitution which defines wedding as union between men and women is one worrying illustration of persistent inequalities.

**International standards are needed to protect rights of LGBTI people**. The EU has for example adopted standards for its external policy, but they still need to be implemented.

Among the key challenges today, Evelyne Paradis mentioned **the legal protection of LGBTI people**. Indeed, there are no legally binding acts protecting from discrimination on the grounds of sexual orientation and gender identity at UN level. The situation is better in Europe, but the **protection**

**against discrimination for trans and intersex people is minimal.** Public policies dealing with LGBTI rights still have to be effectively implemented. **Education, health and violence against LGBTI people** are crucial areas where effective action is needed.

**Changing hearts and minds is essential and needs the involvement of equality bodies.** They have indeed the mandate to look at multiple discrimination and to raise awareness in this regard. Evelyne Paradis proposed different ways for equality bodies to act:

- LGBTI activists see equality bodies as a safe space and as their main allies. Equality bodies can **provide them support and information.**
- Equality bodies can provide **support for litigation** when there are cases, **give follow up to the claims,** and make sure that the legislation will be translated **into effective rights.**
- Equality bodies can also contribute to **benchmarking and research.** They can act as a complement to civil society's work and can provide legal thinking and legal analysis.



## SESSION 2 – WORKSHOPS

### ***How to take a strategic approach for LGBTI work in different contexts?***

**Emila Spasojević, Commission for the protection of Equality, Serbia**

**Emila Spasojević** started the workshop by presenting the **social and political context related to LGBTI people in Serbia:** the Serbian government has adopted a national strategy promoting rights of LGBTI people but no action plan has been implemented yet.

She mentioned concrete examples of hate speech by politicians and academics and riots which took place during the pride parade in Belgrade. She also described the mandate of the Serbian equality body: the Commission for the Protection of Equality can give opinions and recommendations and propose measures. It also provides information to the complainant about their rights, and monitors the implementation of the national strategy.

### Five key lessons learned from the discussions:

- Equality bodies work in very **different societal/political /legal context**;
- Equality bodies have **different mandates**;
- Equality bodies have **different experiences**, approach, partners, and influence;
- Equality bodies have **different internal structures**;
- Equality bodies have **different strategic approaches** in different countries: National Strategies on different subjects, or one General Development Action plan that includes different aspects of public policies;

### Several key ideas and recommendations arose from the discussions:

- Integrating LGBTI equality aspects **in all public policies at all levels** (national, regional, individual level);
- **Mainstreaming LGBTI equality** and different issues concerning LGBTI persons;
- Developing and implementing **LGBTI specific activities**;
- Creating or improving the **partnerships between equality bodies and NGOs**;
- Promoting **permanent education about LGBTI people and their rights**;
- **Exchanging ideas, knowledge, experiences and support** between equality bodies must be permanent activity in the frame of Equinet's work.

## ***Strategic litigation in LGBTI cases***

### **Martin Mörk, Equality Ombudsman, Sweden**

As an introduction, Martin Mörk recalled the objective of strategic litigation: **increasing protection under equality legislation as well as changing the hearts and minds of people**. Several key aspects were discussed during the workshops:

- **A clear definition of the intra legal and/or extra-legal aims** to be fulfilled through strategic litigation is needed, as well as the risks involved. Using an analysis model such as SWOT (Strengths, Weaknesses, Opportunities, and Threats) is advised.
- A **careful selection of the case** is necessary and should, if possible, be done in close cooperation with the relevant interest organisations. It is indeed difficult to find the right case without such cooperation, and it is a mistake to seek complaints without providing prior guidance.
- It is important ethically **to be transparent** concerning the strategic purpose of litigation with the victims in question and to secure their long term support for the actions.
- It is essential **to maintain independence** and control of case selection and handling. There are special problems regarding the relationship to external interest organisations.
- If possible, it is advisable to **use media channels** to raise awareness and apply political pressure in conjunction with litigation. The **extra-legal effects** including public debate on experiences of discrimination and enhancement of public empathy with victims of discrimination could be more important than winning the case.
- **Losses could sometimes be used tactically** to muster support and show lack of protection.



## ***Making recommendations to legislators and policy-makers and influencing policy on LGBTI issues***

**Jussi Aaltonen, Ombudsman for Equality, Finland**

Jussi Aaltonen opened the discussion by **presenting the work of the Finnish Ombudsman for Equality in influencing policies on LGBTI issues**. The Ombudsman has the mandate to “supervise the protection of trans people against discrimination and promotes their equality”. However, specific protection for trans people was not included in the law before it was amended in 2014. The Ombudsman was pushing for such amendment since 2004 including by being represented in the working group to reform the so-called Trans Act. In general, the Ombudsman works with individual discrimination cases and cooperates with LGBTI organisations, authorities, human rights stakeholders and legislators and policy makers, employers and trade unions.

The discussions lead to some conclusions:

- **Cooperation with NGOs:** equality bodies should listen to what civil society organisations have to say and build their strategy upon their feedback.
- **To participate or not to participate:** is there a realistic chance to make a difference by participating in working groups amending laws? Or does participation restrict the authority and independence of the equality body?
- **Recommendations:** amending the law usually takes a while. Recommendations and interpretation of the law using a human rights approach can be a good tool as a short term solution. In the long run, recommendations and interpretation of the law are not enough.
- **Make the invisible visible:** equality bodies should use their authority to promote LGBTI rights and share objective and correct information. It is also essential to mainstream LGBTI rights. An essential point is that an open-ended list in discrimination law does not make LGBTI rights visible.

**Jussi Aaltonen’s power point presentation is available [here](#).**



## SESSION 3 – ADDRESSING UNDER-REPORTING

Chaired by Michiel Bonte

Equinet Executive Board Member and Head of Anti-Discrimination Department,  
Interfederal Centre for Equal Opportunities, Belgium

### Dennis van der Veur

EU Agency for Fundamental Rights (FRA)

*Results and lessons from the FRA's LGBT survey* (by video link)

Dennis van der Veur presented the main results and the methodology of the FRA LGBT survey (see his [power point presentation](#) for details on the methodology).

He reported that one of the most striking results of this survey is the **extremely low level of reporting**. In average, 10% of the discrimination incidents are reported in the EU. 30% of the respondents did not know how or where to report these incidents.

Dennis van der Veur provided equality bodies with possible avenues for actions, such as:

- **Monitoring the effectiveness of complaints- handling procedures**, in particular in the context of the Employment Equality Directive and the Gender Equality Directive.
- Contributing to **national LGBTI action plans**.
- More **targeted research** is also needed, such as living conditions of LGBTI people.

He also recommended Member States to support equality bodies in their efforts to inform LGBTI people victims of discrimination, and to set up procedures meeting the needs of transgender employees.

To finish, he encouraged equality bodies **to use data from FRA's LGBTI survey in training, research and awareness raising**.

Dennis Van Der Veur's power point presentation is available [here](#).

The EU LGBT survey is available [here](#).

### Deirdre Toomey

Equality Authority, Ireland

*Research to understand the barriers in seeking access to justice*

Deirdre Toomey presented a **research on effective access to justice for LGB people conducted in 2007 jointly by the Irish Equality Authority and the Equality Commission for Northern Ireland**.

Among the **key barriers** which were highlighted in the final report, she mentioned the socio-cultural context, the importance of acknowledging being a victim of discrimination, the lack of awareness of rights, the low number of successful cases, the financial costs, the time limits, and the fear of victimisation.

The study also recommends **possible ways forward for equality bodies**, such as:

- Focusing on **promotional, development and outreach work** to drive proactive compliance with equality law
- **Collaborating and engaging with stakeholders** (civil society organisations, employers, trade unions and service providers)
- **Making proposals for amendments** to equality law to government where appropriate
- **Monitoring and analysing** data
- Developing **training on equality law**

Deirdre Tommey’s power point presentation is available [here](#)

The study “Enabling Lesbian, Gay and Bisexual Individuals to Access Their Rights under Equality Law” is accessible [here](#).



### Small group discussions facilitated by

- Monika Groser, Ombud for Equal Treatment, Austria
- Sarah Benichou, Defender of Rights, France
- Evelyn Collins, Equality Commission for Northern Ireland
- Evelyne Paradis, ILGA-Europe

### Main lessons learned from the discussion facilitated by Sarah Benichou, Defender of Rights, France

Sarah Benichou presented the **prevention and promotion work of the French Defender of Rights**.

The Defender of Rights organises biannual committees in order to engage with victims and potential victims, public and private actors and civil society organisations. One of these committees is **dedicated to LGBT issues**. It is composed of 15 LGBT civil society organisations representing grass-root movements, national lesbian organisations, transgender-rights organisations, associations of gay and lesbian parents and future parents. This diversity allows receiving information from the ground and addressing under-reporting by building trust relationships.

Members of the Committee can create **working groups**. For instance, a working group has been set up to produce a survey on LGBT discrimination in employment as well as to organise hearings and produce information documents on homophobia at work. This has been initiated after the assessment by the Committee that this topic was not enough explored.

#### **Lessons learned/questions arose from the discussion:**

- It is important to choose correctly the **organisations invited** to be part of the Committee.
- Committee's biannual meetings are the starting point of a **constant dialogue** between the members. There is also a dialogue between the Defender of Rights and some LGBT organisations which are not part of the Committee.
- The learnings from this Committee **can be applied in other areas**. Other committees have been set up by the Defender of Rights in the areas of health, equality between women and men and child's rights.
- The Committee's meetings are great opportunities **to develop the knowledge of Defender of Rights' officials on LGBTI rights**.

### **Main lessons learned from the discussion facilitated by Evelyne Paradis, ILGA-Europe**

#### **The group identified two main barriers to reporting:**

- **LGBTI-specific barriers:** by reporting a case, an individual effectively needs to "come out". This can be a deterrent everywhere, but particularly in countries with higher levels of societal homophobia and transphobia.
- **General lack of knowledge and awareness about existing rights and about equality bodies:** the language of laws may not be explicit enough, especially on trans issues. In the same manner, multiple human rights bodies and equality ombuds may make it difficult for victims to know what to do and where to turn to for redress.

#### **Concrete steps to encourage reporting have been also discussed:**

- It is important for equality bodies to be proactive in reaching out to LGBTI groups/organisations (who are in demand of such cooperation). This can be done by:
  - **Building relationships with groups**, to understand each other's needs and realities, and to establish trust from the community towards the equality body.
  - **Making equality bodies' commitment and support visible**. For example, equality bodies can be present at pride events, make public statements in support of LGBTI rights, attend NGOs' events and contribute to their activities (e.g. a publication)
  - **"Selling" your successes** (cases won, policy change, etc.) even if they are not about sexual orientation and gender identity but other grounds of discrimination. This will help LGBTI people see that the equality body's work has an impact and that it is worth taking a case or just reporting.
- **N.B: Establishing trust is key so it is important to be credible and manage expectations – be clear about what you can and can't offer.**
- **Trans specific – make sure the reporting tools are inclusive**. For example – have more than two 'gender categories' in a form.



In addition, the group discussed **the gender dimension of under-reporting**. There are indications that LBT women only represent a small percentage of cases in many countries. It was noted that similar trends are observed in some countries for women in other groups at risk of discrimination. Great interest was showed in exploring this further to see if this is a general trend and if so, the reasons behind this.



## SESSION 4 – FOCUS ON TRANS AND INTERSEX PEOPLE

Chaired by Tamás Kádár

Senior Policy Officer, Equinet Secretariat

### Lauri Sivonen

Office of the Council of Europe Commissioner for Human Rights

*The work of the Commissioner for Human Rights on Intersex Issues*

Lauri Sivonen recalled the importance for equality bodies of recognising the **heterogeneity among intersex NGOs**. For instance, some focus on the parents of intersex persons; some do not see any link between LGBT and I. Equality bodies should also **communicate with children and children ombudsmen**.

Lauri Sivonen underlined the **worrying normalisation of surgeries performed on babies**. This comes from a lack of information provided for parents and violates the right to self-determination and bodily integrity. It is urgent to look into medical ethics and standards and to ensure that medical practices are aligned with human rights principles. He underlined the necessity to develop a holistic thinking on intersex issues.

**Different recommendations to equality bodies can be distilled from this presentation:**

- Equality bodies should take into account the **different types of NGOs dealing with intersex issues**.

- Equality bodies' contacts with trans and intersex NGOs should cover **specific trans and intersex organisations as well as more general LGBTI NGOs**. It is important to be aware of the diversity of positions among civil society activists.
- Equality bodies can have a major role in **collecting information and raising awareness**. Reports, research and recommendations published by equality bodies are very useful tools in this respect.
- Equality bodies could **act as a bridge** between trans and intersex NGOs, public authorities and health professionals for promoting trans and intersex equality. Health care settings present many hurdles to trans and intersex people.
- Equality bodies should **cooperate with patients, children ombuds and medical professionals**.
- Equality bodies should be **careful how they use language related to gender**.

## Julia Ehart

### Transgender Europe

#### *The specific situation of trans people and the work of TGEU*

Julia Ehart underlined that 7 years ago, only one equality body was dealing with trans issues. **Even if big progress has been made by equality bodies and civil society, there is still room for improvement**. The EU and Council of Europe legal systems lack proper legislation protecting transgender people. [According to TGEU's analysis some countries might do better than others but there is not even one 'perfect country'](#).

One key challenge is **legal gender recognition**. Most countries impose unreasonable conditions for the legal recognition of trans people's gender identity. Only Denmark allows since June 2014 legal gender recognition based on self-determination of trans people and without any medical intervention. Legal recognition should not produce dilemmas for trans people having to choose between being **recognized for who they are and participate to the social life on the one hand and the right to family life on the other**.

In the same manner, most countries require **a minimum age of 18** for legal gender recognition. Some exceptions are Argentina, which does not impose minimum age at all, and the Netherlands, which imposes a minimum age of 16. Procedures applicable to underage persons should be introduced according to Julia Ehart. She underlined one good practice from Argentina: in case parents of the child/youngster do not agree with their new name and gender, the child/youngster has the right to take a child lawyer who takes the case.

Another challenge relates to the **options for trans specific medical treatments for trans children and youngsters**. Most treatments are irreversible. It is common practice to postpone puberty of trans persons until they are above 16 or 18 years of age. However, the process is highly medicalised and dominated by doctors and psychiatrists and goes very much beyond the control of the persons themselves.

Transgender children in schools also face **enormous levels of bullying**. Often, there is a lack of support of the school administration and teachers as well lack of procedures to accommodate needs of trans persons in school.

Concerning **discrimination against transgender people**, according to the FRA survey, half of transgender people felt discrimination against because of being perceived as transgender within the last 12 months.

Today, 20 equality bodies have a mandate on gender identity. **If there is will on equality bodies' side, all can have a mandate to protect trans people.** She advised to make sure that the equality bodies meet the **specific needs of trans people.** **Promotional work** is also essential in building trust in the community.

## Jenny Ottosson

Intersex People of Sweden (INIS)

### *The specific situation of Intersex people*

Jenny Ottosson presented the main definitions relating to intersex people and underlined the need to inform children as soon as possible. More information on the work of Intersex People of Sweden (INIS) is available [here](#).



## SESSION 5 – SPECIFIC POLICY AREAS AND ISSUES

**Chaired by Anne Gaspard**  
Executive Director of the Equinet Secretariat

## Maria Filletti

National Commission for the promotion of Equality, Malta

### *Research on the experience of discrimination by LGBT people in different fields*

Maria Filletti presented the main results and the methodology of a research conducted in 2011 on the **discrimination experienced by LGBT persons in schools, educational or vocational institutions**

**and in the access to and supply of goods and services.** This research was part of the NCPE's strategy to address underreporting and to overcome the small amount of information provided by NGOs.

Among the main results of the research, 60% of reported incidents took place in the area of employment. In general, high levels of harassment were reported in all spheres covered by the study.

Following this research, **NCPE recommended to consider legal recognition of same sex couples** and for same sex couples to be considered without discrimination **as adoptive partners**. It also recommended **to extend the scope of Maltese Equality Legislation** to cover gender identity and gender expression and to extend the remit of NCPE to include sexual orientation, gender identity and gender expression. These recommendations led to a **legislative change in 2012**.

**Maria Filletti's power point presentation is available [here](#).**

**LGBT Discrimination Research Report is available on this [page](#).**



## Small group discussions

### ***Healthcare – Research on LGB in healthcare***

**Anna Mazurczak, Human Rights Defender, Poland**

Anna Mazurczak presented the outcomes of a study conducted by the Polish Defender of Rights on LGB discrimination in healthcare.

### ***Education – Taking action to address homophobic bullying and supporting good practice. The Impact of Homophobic and Transphobic Bullying on Education and Employment***

**Ashot Gevorgyan, IGLYO - International Lesbian, Gay, Bisexual, Transgender, Queer Youth & Student Organisation**

The group discussed IGLYO's publications on education with a focus on the 2014 report on minimum standards to combat homophobic and transphobic bullying (available [here](#)).





***Employment – How to achieve an inclusive work environment and support good practices*** Peter Tai Christensen, Equality Ombudsman, Sweden

for LGBTI people in work environment. He then provided suggestions to build strategies **to promote an inclusive work environment and work conditions.**

The group discussed the need to achieve **the right balance between introducing new terms and concepts** on the one hand and **using a vocabulary that is already known** to the participants of for instance a training or seminar on the other hand.

It was agreed that the introduction of new terms like “gender binary” or “heteronormativity” could be a useful way to provide “tools for change” to participants, but that is not an end to itself to do so. There is indeed a risk that it might be perceived as elitist or too academic to do so. This depends also on the social context in which a given equality body is operating different strategies.

The **intersectional approach to discrimination issues in general and the LGBTI issues in particular were also discussed by the participants.** The norm critical approach illustrates how the norm and deviations are interdependent and can be applied to all grounds of discrimination. In the Equality Ombudsman's work with health care on equal terms the Swedish Equality Ombudsman found it very useful to illustrate how norms are produced and reproduced in the health care sector. The findings from academia and the experiences from the NGOs were in alignment and made clear single ground, multi ground as well as intersectional discrimination problems that need to be addressed with the health care sector.

Finally, the participants emphasised that **the aims of LGBTI trainings, seminars, lectures etc. should be to change both behaviours and attitudes.** It is not enough to disseminate knowledge, if it is not being put to use it will not necessarily lead to positive change. At the same time, it is not enough to just tell participants that this or that behavior is discriminatory and needs to come to an end either, if the participants do not understand what the problem at hand is and consequently their incentive to change their behavior might be lacking.

Peter Tai Christensen’s power point presentation is available [here](#).

***LGBT Certification - Professional training and quality assurance in the health and social service sectors***  
Malinda Flodman, Swedish Federation for LGBT Rights

The group discussed the topic of professional training and quality assurance in health and social service sectors.

## SESSION 6 - WORKSHOPS

### *Making LGBTI issues a priority and developing coherence within the organisation*

Annelies Decat, Interfederal Centre for Equal Opportunities, Belgium



Annelies Decat started the workshop by presenting the LBG working group of the Belgian Interfederal Centre for Equal Opportunities.

Amongst its **strengths**, this working group is a way to divide tasks relating to LGB discrimination. It also provides a space for discussion and reflection, for exchanging information and to develop common projects between departments of the Centre. However, she also mentioned several **difficulties**, such as managing group dynamics, coordinating members and finding a balance between practical/organisational matters and discussion.

Annelies Decat mentioned several challenges as a basis for discussion:

- **Continuity and coordination:**

How to build a strong group with a strong expertise?

What is the role of the group: is it a think tank? Is it just a recurrent thematic meeting? A meeting or a real team?

- **Prioritisation:**

How to manage the different priorities and levels of commitment, as all group members come from different departments/units, and their participation in the group is only a small part of their job?

How can the group ensure that the LGB theme is a priority for the institution?

- **Internal mainstreaming:**

How to make sure the LGB-theme is not limited to the group, but that it is integrated in the work of the entire institution?

#### **Main lessons learned from the discussion:**

- **Not all equality bodies can organize internal working groups**, as some simply lack the resources to do so and are too small.
- The **background of Equinet members is mixed**, not all of them are legal officers.
- **Regarding prioritisation:**
  - It depends on the type of equality body. An equality body that only deals with cases of discrimination deals with the cases it is presented with, whereas a body that also works on the promotion of diversity and equal opportunities, needs a strategy to do so.
  - What about focusing on a different ground each year? But what about the other grounds?

What about multiple discrimination?

- Who decides on the priorities?

- **The question of formalisation:** in the example of the Belgian equality body, the working group is a relatively informal structure. Other equality bodies have similar working groups, with different degrees of formalisation, with an explicit mandate for their members, targets, and evaluations.

## ***Engaging effectively with LGBTI organisations***

**Julia Ehrt, Transgender Europe**

Each equality body representative shared at least one example on how they had engaged with civil society in general and with LGBT organisations specifically. By this a large variety of activities, actions and engagements were presented. Some examples are listed below:

- **Inclusion of NGOs representatives** in governmental working group on anti-discrimination legislation
- **Producing materials together with NGOs** that are then promoted by the equality body and the NGO (several examples including guidance for medical staff, anti-discrimination and equality legislation)
- **Recruitment of staff from civil society**
- **Issue of statements and support in legislative processes** (i.e. on gay marriage, anti-discrimination legislation) that subsequently were used by civil society to strengthen their arguments
- Institutionalised or (regular) informal **meetings with NGO representatives** to exchange ideas
- **Trainings of NGOs on legal frameworks**
- **Trainings by NGOs for equality body staff**
- Working on **legal cases together with NGOs**
- **Thematic annual focus of the equality body** in cooperation with relevant civil society NGOs in the field
- Participation in **gay prides, LGBT events, conferences etc.**
- **Joint seminars**
- **Providing meeting spaces** for NGO seminars and events
- **Seeking expertise of NGOs** to design study on experience of discrimination joint awareness raising

## ***Being strategic on this issue: the objectives, the right mix of interventions, the relationships required***

**Niall Crowley, independent expert**

Niall Crowley opened the workshop by sharing the experience of the Irish Equality Authority regarding LGBT discrimination. The Equality Authority acted **as a catalyst for change** and not as a leader for change to include the LGBTI community. One challenge is that the Equality Authority is **multi-ground**: it got a strategic focus by developing a multi-ground model and specific activities. Among the tools which were used, **litigation and research** were key tools for change. The Equality Authority positioned itself as a **hub between civil society and public opinion**.



## CLOSING OF THE TRAINING

Anne Gaspard, Executive Director of Equinet Secretariat, and Martin Mörk, from the Swedish Equality Ombudsman, closed the training by thanking participants and speakers. They underlined that in recent years, LGBTI issues received increasing attention. New laws have been adopted to secure rights. They recalled the important barriers which persist today. They encouraged equality bodies **to engage to address LGBTI discrimination and to engage with each other to share experience and learnings.**

**POWER POINT PRESENTATIONS AND SELECTED READINGS ARE  
AVAILABLE [ON EQUINET'S WEBSITE](#)**

<http://www.equineteurope.org>



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