

INTERNATIONAL SEMINAR
Brussels, 18 November 2014

Draft conclusions

1. The diagnostics carried out in the framework of the Rainbow Has project have revealed a very disturbing situation regarding the rights of LGBTI people.¹ The aggression, harassment, stigmatisation and exclusion suffered by many of these individuals, based on prejudice, stereotypes and homophobic or transphobic ideas, have grave repercussions on their health. The fundamental rights of the LGBTI minority are neither respected nor duly protected despite being included in national legislative frameworks, European legislation and international human rights law.
2. The **LGBT survey done by the EU Fundamental Rights Agency** in 2012 showed that 19% of all respondents had been victims of harassment, which they thought happened in part or completely because they were perceived to be LGBT. During their schooling before the age of 18, more than 80% of all respondents in each LGBT subgroup and every country covered by the survey had heard or seen negative comments or conduct because a schoolmate was perceived to be LGBT. 68% of all respondents who answered the question said these comments or conduct had occurred often or always during their schooling before the age of 18.²
3. We recall the 2006 Yogyakarta Principles on the Application of Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, and in particular Principle No. 16, recognising the **right to education** without discrimination, and Principle No. 19, which recognises the “**freedom of opinion and expression**, regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers”. Homophobic speech in educational setting is not protected by freedom of expression.³
4. We also recall the **UN Human Rights Council's resolutions 17/19 (June 2011) and 27/32 (September 2014) on Human rights, sexual orientation and gender identity**, “expressing grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity”.

¹ <http://rainbowhas.eu>

² The FRA EU LGBT survey (published in May 2013) was conducted online in the 28 EU Member States between April and July 2012. The survey collected information from 93,079 people aged 18 and above who identified as lesbian, gay, bisexual or transgender, and who lived in the EU.
(<http://fra.europa.eu/en/publication/2013/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-transgender-survey-results>)

³ European Court of Human Rights, *Vejdeland and others v. Sweden*, Judgment of 9 February 2012.

5. As observed by the Human Rights Commissioner, Dr. Nils Muižnieks, children have the **right to receive factual information about sexuality and gender diversity**. Anti-bullying efforts should be supported by education on equality, gender and sexuality.⁴
6. A specific **legal framework** needs to be put in place to protect these rights. Laws must be drawn up which recognise and protect single-sex parent families and ensure equal treatment and nondiscrimination; and specific laws must be passed in the area of education regarding curriculum, educational materials, textbooks, anti-bullying protocols, gender roles, etc. But laws are not enough. It is also essential to create proactive **public policies** and services to overcome the obstacles to real and effective equality for LGBT minors and the children of single-sex parent families. Such policies are necessary to eradicate the violence against these boys and girls, guarantee their development and safety, and eliminate the prejudice and stereotypes against them. It should also be pointed out that the work in accepting emotional and gender diversity and different family models, as well as the struggle against LGBT phobia, should not fall exclusively on the school. Places of entertainment, sports, video games, television programmes, websites and online social networks are very important for teaching the values of respecting human rights.
7. **Education authorities** must demonstrate clear leadership and implement educational plans, homophobic/transphobic anti-bullying protocols and information and attention services for LGBTI mothers, fathers and students. There must be active and effective involvement at all levels of the educational community (administration, management, parents, teachers, students, and office and services staff) to protect the fundamental rights of these minors.
8. Way too often, teachers at the school is to not have sufficient **information or training** to act pro-actively to defend the rights of LGBTI individuals. Training should take place at the university level and for teachers actively working at all levels. Communication and interaction between parents and teachers are not supported by the adequate means of protecting the fundamental rights of LGBTI minors and of the children of single-sex parent families.
9. Hegemonic **social values**, the result of centuries of a particular family and social order, still conceal the existing diversity of sexual and emotional inclinations and gender identities. Single-sex parent families are often marginalised by these social values. We must therefore work to change these values and except sexual and emotional diversity. Transsexual, transgender or homosexual boys and girls, and the sons and daughters of single-sex parents must have the same conditions at school and in society in order to protect their freedom, development, dignity, self-esteem and security, and to keep them from being invisible. To achieve all this, there must be a profound change in social values and in the discourse about the family.

4 Position paper on LGBTI children: <http://www.coe.int/en/web/commissioner/-/lgbti-children-have-the-right-to-safety-and-equality> (October 2014); Report of the UN Special Rapporteur on the right to education, 23 July 2010, UN doc. A/65/162; European Committee on Social Rights, *Interights v. Croatia*, Complaint 45/2007, Decision on the Merits of 30 March 2009.

10. It is of vital importance to create **alliances and** networks of cooperation between parent associations, associations of parents of LGBTI children, single-sex family associations, LGBTI organisations, human rights associations, especially those defending the rights of children, and teachers associations, ombudspersons, and experts from universities or consulting firms.

11. In the words of the Human Rights Commissioner of the Council of Europe, "LGBTI children should be able to exercise their participatory rights in all areas of life. Access to information is a basic condition enabling participation and decision-making. At the same time, LGBTI children must be protected from violence and bullying at home, in schools, on the internet, in sports and in public spaces. Child protection services, children's ombudspersons and the police should make particular efforts to include LGBTI children in their outreach. Governments need to take systematic action to improve the safety and equality of LGBTI children".