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The seven-year Programme targets all stake holders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html

The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

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The largest ILGA-Europe's annual conferences concluded in Malta

Source: ILGA-Europe's media release, 1 November 2009

A successful and the largest ever annual conference of ILGA-Europe concluded in Malta on 1 November. Over 300 people from 48 countries took part in the conference. This is the highest number of participants at ILGA-Europe's annual conference ever. The theme of this year's conference was "**Overcoming Cultural and Religious Barriers to LGBT Equality**". This year's annual conference was organised in partnership with Malta Gay Rights Movement.

The topic of the conference and many other issues were debated in two panels, 28 workshops and 12 self-organised spaces. The key note speakers were:

- **Ulrike Lunacek**, Member of the European Parliament
- **Francis Agius**, Member of Maltese Parliament, head of Maltese Delegation to the Parliamentary Assembly of the Council of Europe
- **Belinda Pyke**, European Commission, Director of Equality between Men / Women, Action against Discrimination, Civil Society Directorate of DG Employment, Social Affairs and Equal Opportunities
- **Dr Louis Galea**, Speaker of the House of Representatives, Malta
- **Evarist Bartolo**, Member of Maltese Parliament, Labour Party
- **Vladimir Luxuria**, former member of the Italian Parliament, journalist
- **Juris Calītis**, pastor of the Anglican Church, Latvia
- **Frits Huffnagel**, Deputy Mayor, City Council of The Hague.

The annual conference has attracted extensive and positive media coverage in Malta. ILGA-Europe's family posters translated into Maltese and highlighted the challenges LGBT families and their children face due to lack of the legal recognition were displayed in various regions of Malta and thus increased visibility of the topic in the country.

Prior to the conference, representatives of ILGA-Europe's board and staff had a meeting with Dr George Abela, President of Malta, which was the first time ever head of state hosted ILGA-Europe's representatives during our annual conference.

Another successful pre-conference event was a Trans Rights Conference which brought together LGBT activists with European policy makers who made a number of specific commitments to fight discrimination against trans people.

ILGA-EUROPE:

The annual conference has elected following individuals as members of ILGA-Europe's Executive Board:

- **Martin K.I. Christensen** (Denmark) for a 2 year term
- **Louise Ashworth** (UK) for a 2 year term
- **Nataša Sukič** (Slovenia) for a 2 year term
- **Bjorn van Roosendaal** (The Netherlands) for a 2 year term
- **Paata Sabelashvili** (Georgia) for a 2 year term
- **Christine Le Doaré** (France) for a 1 year term

The remaining four board members for another year are:

- **Linda Freimane** (Latvia)
- **Ruth Baldacchino** (Malta)
- **Pierre Serne** (France)
- **Deborah Lambillotte** (Belgium)

Tomasz Szypuła (Poland) was elected as reserve member of Executive Board.

The annual conference has also voted to host ILGA-Europe's Annual Conference in 2011 in Turin (Italy).

The next ILGA-Europe's annual conference in 2010 will take place in The Hague (The Netherlands).

More information about the Annual Conference in Malta is available on our website:

www.ilga-europe.org/conference

Detailed reports from panels and workshops, images and videos are available on our website and our facebook page:

www.ilga-europe.org

<http://www.facebook.com/pages/ILGA-Europe/11494607341>

ILGA-Europe announces 7th call for proposals for its Human Rights Violations Documentation Fund

by *ILGA-Europe*

Deadline for applications: 15 December 2009.

The goals of the Fund are:

- to work towards LGBT equality by gathering evidence of human rights violations and supporting evidence-based advocacy throughout Europe
- to promote documentation of cases of discrimination, hate crimes and other human rights violations against LGBT people according to the international human rights documentation standards
- to build capacity of LGBT organisations in Europe to monitor and document human rights violations on the grounds of sexual orientation, gender identity and gender expression
- to enable use of well-documented information for advocacy purposes at the national level
- to develop methodology and tools that can be replicated in other European countries for collection of reliable information on human rights violations

The Fund will support small and medium-scale projects (up to 5,000 euros with no minimum amount requirement), intended to produce or disseminate reports on the situation and cases of today and immediate past with a potential to be used for advocacy purposes. Historical projects are not eligible.

The following are some of the documentation themes supported by the Fund in the previous calls: human rights violations by law-enforcement authorities

- discrimination of LGBT people in prisons
- discrimination and hate crimes on the grounds of gender identity and expression
- access of LGBT people to healthcare or education
- hate crimes and hate speech (including in media)
- quantitative studies (e.g. based on questionnaires) on human rights violations and discrimination
- publication of already collected information and its use for advocacy purposes in form of public debates, presentations, press-conferences, publication and distribution to decision makers and shapers, etc.

ILGA-Europe also seeks to support projects that will document discrimination of LGBT people on the grounds of age.

The above is just an indicative list of themes, the applicants are encouraged to work on any theme they believe is important in their context and has an advocacy potential at the national and European levels. The information contained in the documentation reports may subsequently be used by ILGA-Europe in its lobbying activities with the European institutions: European Union, Council of Europe, the OSCE and the UN. For example, the reports previously supported by the Fund have been used in submissions for country reports by the Council of Europe Human Rights Commissioner, universal periodic review by the UN Human Rights Council, OSCE annual hate crimes reports, etc.

Further information, eligibility criteria and application form on our website:

www.ilgaeurope.org/europe/news/ilga_europe_announces_6th_call_for_proposals_for_its_human_rights_violations_documentation_fund2

Equal rights for LGBT people in the EU: The European Parliament takes one further step

Source: joint media release by ILGA-Europe & European Parliament's Intergroup on LGBT Rights. 11 November 2009

The European Parliament today adopted a resolution on the *Multi-annual programme 2010-2014 regarding the area of freedom, security and justice*, known as the Stockholm programme. By adopting this text, the European Parliament is calling on Member States "without prejudice to national legislation on family law, to ensure freedom of movement for EU citizens and their families, including both registered partnerships and marriages" in accordance with EU legislation, and "to avoid all kinds of discrimination on any ground, including sexual orientation" (paragraph 31).

The European Parliament further stressed the need to establish EU-level anti-hate crime legislation, noting that the "growing intolerance within the EU" also needs to be tackled "by further legislative actions on the field of hate crime on European level" (paragraph 21a).

Michael Cashman and **Ulrike Lunacek** MEPs, Co-presidents of the European Parliament's Intergroup on LGBT Rights, referred to the adoption of the text as "*a step towards equality for all European citizens, although we regret that the resolution stops short of fully recognising same-sex unions.*" They continued: "*The European Parliament has just sent a clear message that Member States need to ensure the freedom of movement of all families, and recognise unions between all EU citizens, regardless of their sexual orientation. The text goes in the direction of an EU-wide recognition of all unions contracted in Member States; this is good news for all EU citizens, but we will need to keep up the pressure on EU institutions and Member States in the coming years to fully recognise same-sex unions—only then will we have genuine equality.*"

Evelyne Paradis, ILGA-Europe Policy Director, said that the resolution "*is very welcome since it illustrates the will of the new European Parliament to pursue the work initiated in the previous term, in order to achieve mutual recognition of all marriages and civil partnerships legally registered in one Member State. In addition, by calling for the adoption of a more comprehensive EU criminal law framework against bias violence, the Parliament gave evidence of its commitment to tackle a very worrying social curse. It is relevant to note that, by doing so, the Parliament took in consideration the opinion provided by the EU Fundamental Rights Agency.*"

16% of Europeans report experiencing discrimination—new opinion survey

Source: European Commission

Around one in six people in Europe claim to have personally experienced discrimination in the past year, according to a new opinion survey released by the European Commission on 9 November 2009.

Meanwhile, 64% of Europeans are concerned that the recession will contribute to more age discrimination in the job market. The latest Eurobarometer results were revealed ahead of this year's European Equality Summit, which took place in Stockholm on 16 and 17 November.

Personal experience of discrimination by respondents remains largely unchanged since the same survey was carried out last year, with age being the most common reason (6% of respondents). Overall, 16% of Europeans reported experiencing discrimination (on the basis of race, religion, age, disability or sexual orientation) in 2009, the same level as in 2008.

However, there has been a strong increase in perceived discrimination based on age and disability. 58% of Europeans consider age discrimination to be widespread in their country, compared to 42% in 2008, while 53% cite disability discrimination (45% in 2008). There is also a clear link with the current economic situation, with 64% of people expecting the downturn to lead to more age discrimination in the job market. This may reflect rising unemployment among young people in many EU countries as a result of the slowdown and could also reflect growing awareness of these forms of discrimination.

Overall, one in three Europeans are aware of their rights should they become a victim of discrimination or harassment. However, this figure masks considerable differences at national level. Awareness has increased since the last survey in 2008 in the UK (+8 points), France (+7), Ireland and Sweden (each +6), but fallen in Poland (-12) and Portugal (-11).

Raising public awareness is a long-term process which requires joint efforts at European and national level, including important actors such as National Equality Bodies. The European Commission is pursuing efforts in this area through the 'For Diversity. Against Discrimination' pan-European information campaign, by funding national awareness-raising projects under the PROGRESS programme, and previously through the 2007 European Year for Equal Opportunities.

In terms of reporting cases of discrimination, most Europeans would first contact the police (55%), while 35% would get in touch with their equality body and 27% a trade union. Confidence in the various organisations working with discrimination issues differs strongly from one country to another.

EUROPE:

Encouragingly, the survey data gives an insight into the social mechanisms by which discrimination can be resolved. The report shows that social circles, education and awareness-raising efforts are contributing to a better acceptance of diversity. Efforts and policies that seek to work with this reality will no doubt further contribute to combating discrimination and promoting diversity.

Summary:

http://ec.europa.eu/public_opinion/archives/ebs/ebs_317_sum_en.pdf

Full report:

http://ec.europa.eu/public_opinion/archives/ebs/ebs_317_en.pdf

UN Human Rights Committee recommends Moldovan Government to take measures to combat discrimination based on sexual orientation

by **Beth Fernandez**, *ILGA-Europe's Programmes & Policy Officer*

On 13-14th October 2009, the UN Human Rights Committee (HRC) considered the report of the Government of Moldova on the fulfillment of its obligations under the International Covenant on Civil and Political Rights. The HRC's Concluding Observations took into account NGO shadow reports including one submitted by Moldovan LGBT organization GenderDoc-M, Global Rights, ILGA-Europe and the International Human Rights Clinic of Harvard Law School.

The Committee noted that discrimination based on sexual orientation appears to be widespread at all levels of society and that

The State party should take measures to combat discrimination based on sexual orientation, including training programmes for police officers and health-care professionals, as well as campaigns aimed at raising awareness, among potential victims, of their rights and of the existing mechanisms for redress.

In addition the HRC made recommendations on two issues which were raised not only in our shadow report but also by other Moldovan civil society organisations, namely the comprehensive anti discrimination law which has stalled in the Parliament and the continuing violations of enjoyment of the right to freedom of assembly recommending:

The State party should adopt comprehensive non-discrimination legislation which expressly outlaws all the grounds of discrimination set out in the Covenant, as well as provisions on adequate sanctions and compensation.

and

(d) Ensure respect for the right to freedom of assembly in accordance with article 21 of the Covenant, including through the enforcement of the 2008 Law on Assemblies and put in place safeguards, such as appropriate training, to ensure that such violations of human rights by its law enforcement officers do not occur again.

The Concluding Observations and NGO shadow reports can be found at

<http://www2.ohchr.org/english/bodies/hrc/hracs97.htm>

Autumn in Russia: Rainbow flags under police protection, Annual Conference and two large-scale LGBT events

by **Richard Köhler**, Program Officer ILGA-Europe

The Russian **LGBT Network held its 2nd Annual Conference** in St. Petersburg on 23 November 2009. Delegates from 10 regions (Archangelsk, Krasnojarsk, Omsk, Perm, Petrosavodsk, Pskov, St. Petersburg, Tatarstan, Tomsk, Tjumen) discussed the annual activities of the Russian LGBT Network and the working plan 2010.

2009 was the first year for the Russian LGBT Network to upgrade from project-based activities to a genuine all-regional network in Russia thanks to the 3-year cooperation project with ILGA Europe. Among others, the delegates decided to systematically document human rights violation to back up its work with authorities, intensify its efforts with mainstream Human Rights organisations and Mass Media and how to develop the Russian LGBT movement in the regions. A heated discussion went on how to go about a possible registration of the Russian LGBT Network as Russian NGO.

Further on, St. Petersburg saw this autumn two large-scale LGBT cultural events: The 2nd international LGBT Film Festival **Side by Side** (www.bok-o-bok.ru) was held in St. Petersburg on 23 – 30 October attracting more than 1000 visitors. The 1st International **Queer Festival** (10 – 20 October www.queerfest.ru) saw 3000 guests. ILGA-Europe has been working with both festivals on their security strategy and international advocacy. They went on without interruptions despite the City's Committee of Culture pressure on the film festival. On Oct 31st LGBT-activists walked with visible **rainbow flags under police protection** as part of the registered "March against Hate" in St. Petersburg.

According to Igor Kochetkov, chairperson of the Russian LGBT Network, these events send a powerful message holding public LGBT-events do not pose a threat to public order in Russia.

Side-by-Side festival organiser Manny de Guerre: "There was very limited advertising and we would have had many more [guests] if we were screening in a cinema hall." The festival prepares to extend its activities and help increase the visibility of LGBT themes in Russian regions.

Working out the future of the Eastern Partnership Civil Society Forum

by **Beth Fernandez**, *ILGA-Europe's Programmes & Policy Officer*

On 16-17th November, ILGA-Europe attended the inaugural meeting in Brussels of the Eastern Partnership (EaP) Civil Society Forum along with over 200 other representatives from civil society based in or working on the six Eastern Partnership countries, Belarus, Armenia, Azerbaijan, Georgia, Moldova, and Ukraine.

The creation of the Forum should in theory give civil society a means to influence the content of future agreements concluded between the EU and EaP countries. Previously under the European Neighbourhood Policy, civil society could only comment on the implementation of the action plan agreements negotiated between the EU and third countries. This meant that necessary improvements to the human rights of LGBT people have largely gone unmentioned in annual progress reports as LGBT were not included explicitly in the text of the action plans.

How exactly the Forum will operate is under discussion and participants elected 17 thematic and country representatives for one year to elaborate rules and procedures. One governing principle will be to ensure its transparency and openness so that all civil society groups can engage with this important new mechanism.

Participants were divided into 4 working groups mirroring the 4 thematic areas of the EaP to produce recommendations for the EU in their engagement with their EaP counterparts. ILGA-Europe participated in working group 1 (Democracy, human rights, good governance and stability) which produced recommendations that include the following:

- Ensure harmonization of legislation with EU standards including comprehensive anti discrimination legislation
- Urge states to adopt laws to prevent hate speech in public life, including the mass media on the issues of religion and national minorities, xenophobia and racism, sexual orientation and gender identity, and other groups.
- Encourage the implementation of projects based on tolerance, pluralism and diversity related to history and national cultures and religions, LGBT and other marginalized groups.

The recommendations from all four working groups will be handed over to the EU for a meeting between EU and EaP foreign ministers on 8th December

http://ec.europa.eu/external_relations/eastern/civil_society/index_en.htm

French lesbian wins adoption case

Source: BBC, 10 November 2009, <http://news.bbc.co.uk/2/hi/europe/8353558.stm>

A court in eastern France has granted a lesbian nursery school teacher the right to adopt a child, ending a 10-year legal battle.

The Besancon court overruled the Jura regional assembly, which had rejected the 48-year-old woman's adoption plea.

France allows single people to adopt, but the government reiterated on Tuesday that it opposes adoption by same-sex couples.

The European Court of Human Rights backed the woman in January 2008.

The woman, identified only as Emmanuelle B, made the plea as an individual, but did not try to conceal her same-sex relationship - unlike many other homosexuals in France, the AFP news agency reports.

In their ruling in 2008 the European Court judges in Strasbourg decided that she was a victim of discrimination because of her sexual orientation.

They told France to pay her damages of 10,000 euros and 14,528 euros in costs.

The woman's lawyer, Caroline Mecary, hailed Tuesday's ruling as "a wonderful victory against homophobia".

Government spokesman Luc Chatel said "the government and the president have on several occasions expressed our position, which is that we are not in favour of the adoption of children by same-sex couples".

He said the government would take note of the legal ruling "and I think it should contribute to our thinking on the subject".

Employment equality rules: reasoned opinion to the UK

Source: European Commission, 20 November 2009

The European Commission sent a reasoned opinion to the United Kingdom for incorrectly implementing EU rules prohibiting discrimination based on religion or belief, disability, age or sexual orientation in employment and occupation (Directive 2000/78/EC).

"Tackling all forms of discrimination – especially at work – has been a priority for this Commission and for me personally. Our legal action has led to better protection against discrimination in workplaces across the EU," said Equal Opportunities Commissioner Vladimír Špidla. "We call on the UK Government to make the necessary changes to its anti-discrimination legislation as soon as possible so as to fully comply with the EU rules. In this context, we welcome the proposed Equality Bill and hope that it will come into force quickly," he added.

In the reasoned opinion sent to the United Kingdom, the Commission pointed out that:

- there is no clear ban on 'instruction to discriminate' in national law and no clear appeals procedure in the case of disabled people;
- exceptions to the principle of non-discrimination on the basis of sexual orientation for religious employers are broader than that permitted by the directive.

Croatia withdraws homophobic school textbook

Source: Council of Europe's Committee of Ministers website

In our August 2009 Euroletter, we provided information about the decision of the European Committee of Social Rights, which monitors state compliance with the European Social Charter, and which found that Croatia's limited curriculum covering sex education discriminated on the basis of sexual orientation.

On 21 October, the Committee of Ministers of the Council of Europe adopted a resolution on the case. The Croatian government appended a statement to the resolution of the Committee of Ministers. That statement is provided below:

Information provided by the Permanent Representative of Croatia during consideration by the Committee of Ministers of the report transmitted by the European Committee of Social Rights concerning Collective complaint No. 45/2007

First of all, this being the first collective complaint against Croatia, our delegation would like to express the high esteem in which my authorities hold the valuable work of the European Committee of Social Rights and to assure the latter that its reports and assessments are seriously taken into account. We would also like to welcome this opportunity, provided for by the collective complaint procedure, which allows us to give an explanation to the Committee of Ministers in relation to the complaint. Following the European Committee of Social Right's decision on the merits in the complaint and findings of the violation of Article 11§2 in the light of the non-discrimination clause in the Preamble of the Charter – which is the only violation found in relation to this collective complaint – as regards providing comprehensive or adequate sexual and reproductive health education for children and young people, we are pleased to inform the Committee of Ministers of the following:

The Croatian authorities fully share the Committee's view that statements such as the ones identified in the disputed textbook attack human dignity and have no place in sexual and reproductive health education. Furthermore, our National Textbook Standard (stipulating various standards and criteria to which a textbook must adhere for being authorised for use) sets out, among other things, clear criteria for eradicating any form of discrimination by promoting gender equality, equality of individuals and social groups and right to diversity. Alongside with legislative reforms, education and training in promoting tolerance, awareness and respect represent one of the most powerful tools in combating all forms of phobia and discrimination and in creating a safe environment.

Bearing this in mind, we are pleased to inform the Deputies that the Croatian Ministry of Education has withdrawn the textbook in question (Biology 3: Processes of Life, authors Regula and Slijepèeviaè, published by Školska knjiga) from the list of standard educational material, and from the school year 2009/2010 this textbook is no longer used in the ordinary curriculum.

EDUCATION:

We are of the view that this measure constitutes a direct response to the Committee's comments and that Croatia, having done this, has brought the situation into conformity with the requirements of Article 11§2 of the Charter. We therefore ask the Deputies to reflect this positive step in the resolution before us and to adopt it, thus bringing an end to the examination of the ECSR's reports in relation to this complaint.

Finally, we would like to use this opportunity to stress that our government in recent years has developed a strong non-discrimination legislative framework (e.g. Anti-discrimination law accompanied by the National Anti-discrimination Strategy, upgraded Gender Equality law, as well as the introduced notion of hate crime in the Criminal Code) which bans all forms of discrimination, including discrimination based on sexual orientation and gender identity. In addition, Croatia was one of the core group supporters of the cross-regional initiative for the UN Declaration on sexual orientation and gender identity. Last, but not least, Croatia actively participates in the work of the Council of Europe's 9-member Committee of Experts on discrimination on grounds of sexual orientation and gender identity (DH-LGBT).

We therefore reassure the Committee that we remain fully engaged in further honouring our obligations under the Charter and in pursuing the efforts to ensure the effective implementation of the rights protected by the European Social Charter."

UK's Equality and Human Rights Commission launches transgender report

Source: The Equality and Human Rights Commission's media release, 21 October 2009

The Equality and Human Rights Commission has today launched a new review of evidence that captures the experiences and challenges facing transgender people in Britain.

The Trans Research Review highlights that some transgender people experience transphobia including bullying and discriminatory treatment in schools, harassment and physical/sexual assault and rejection from families, work colleagues and friends.

Commission research in Wales found that almost half (45 per cent) of respondents would be unhappy if a close relative married or entered into a long-term relationship with a transgender person and a third felt that a transgender person would be unsuitable as a primary school teacher.

The review highlights significant gaps in knowledge about key areas of life for trans people and the need for improving policies and practices designed to reduce discrimination.

As part of the review, the Commission will:

- work with key stakeholders in the public, voluntary and community sectors to tackle bullying, hostility and targeted violence experienced by trans people.
- produce guidance to help public bodies to review and revise their Gender Equality Schemes so that they are better informed about discrimination against transgender people and can better meet their legal obligation to eliminate it.
- produce guidance to help organisations in England, Scotland and Wales to meet their gender equality and human rights obligations in the provision of goods, facilities or services for their transgender users and potential use.

The report is available at:

http://www.equalityhumanrights.com/uploaded_files/research/trans_research_review_rep27.pdf

The OSCE published its Annual Hate Crimes Report 2008

by Joël Le Deroff, ILGA-Europe's Policy Officer

On 13 October 2009, the Organisation for Security and Cooperation in Europe released the 2009 issue of its "Hate crimes in the OSCE region – incidents and responses" annual report. The report is grounded on the records of violence and intolerance-related incidents in 2008.

The report's structure has been revised, in an effort by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to include more data and information coming from both governments and the civil society.

One of the conclusions of the report is: hate crimes remain a significant problem in the OSCE area. 2008 saw a lot of murders, arson, beatings, vandalism and other crimes targeted against persons or groups because of their "race, religion, ethnicity or other status."

While a minority of OSCE participating States still advocate against the explicit inclusion of tackling intolerance against LGBT people among the bias covered by the OSCE's mandate, the last part of the report includes information and data on crimes against LGBT persons, as well as elements on government and NGOs' responses.

As background information, the OSCE has chosen to state clearly that "participating States have committed to ensuring that the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground".

The report also mentions the lack of official data on hate crimes. NGOs still have the main role when it comes to reporting homophobic and transphobic incidents. Progresses must be made in that field to achieve a better level of awareness and to design the policies aiming at challenging bias violence.

Download the report: "Hate crimes in the OSCE region":

http://www.osce.org/publications/odihr/2009/11/41314_1386_en.pdf

Submissions for the next "Hate crimes in the OSCE region" will have to be sent at the beginning of 2010. ILGA-Europe is waiting forward to work on them with member organisations!