

Union of Equality: The Commission presents its first-ever strategy on LGBTIQ equality in the EU

European Commission (12.11.2020) – <https://bit.ly/38RFD3k> – The European Commission presented today the first-ever EU Strategy for lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) equality, as announced by President von der Leyen in her 2020 State of the Union Address.

While progress in the EU was made towards LGBTIQ equality over the past years, discrimination against LGBTIQ people persists with 43% feeling discriminated. The COVID-19 crisis has only exacerbated the situation. Today's Strategy addresses the inequalities and challenges affecting LGBTIQ people, setting out a number of targeted actions, including legal and funding measures, for the next 5 years. The Strategy proposes to extend the list of EU crimes to cover hate crime, including homophobic hate speech and hate crime and to bring forward the legislation on the mutual recognition of parenthood in cross border situations, among others. It also ensures that LGBTIQ concerns are well reflected in EU policy-making, so that LGBTIQ people, in all their diversity, are safe and have equal opportunities to prosper and fully participate in society.

Vice-President for Values and Transparency Vera Jourová said: "Everyone should feel free to be who they are – without fear or persecution. This is what Europe is about and this is what we stand for. This first strategy at EU level will reinforce

our joint efforts to ensure that everyone is treated equally.”

Commissioner for Equality, Helena Dalli said: “Today, the EU asserts itself, as the example to follow, in the fight for diversity and inclusion. Equality and non-discrimination are core values and fundamental rights in the European Union. This means that everybody in the European Union should feel safe and free without fear of discrimination or violence on the grounds of sexual orientation, gender identity, gender expression or sex characteristics. We are still a long way away from the full inclusion and acceptance that LGBTIQ people deserve. Together with the Member States, I trust we can make Europe a better and safer place for all. In this regard, the strategy calls on those Member States that do not have national LGBTIQ equality strategies to adopt one, addressing the specific equality needs of LGBTIQ people within their country.”

Actions towards LGBTIQ equality in 2020-2025

The Strategy sets out a series of targeted actions around four main pillars, focused on: tackling discrimination; ensuring safety; building inclusive societies; and leading the call for LGBTIQ equality around the world. Some of the key actions outlined in the Strategy include:

- **Fighting discrimination:** Legal protection against discrimination is key to advancing LGBTIQ equality. The Commission will undertake a stocktaking exercise, in particular in the area of employment. The report on the application of Employment Equality Directive will be

published by 2022. Following up to the report the Commission will put forward any legislation, namely on strengthening the role of equality bodies. The Commission will also put forward a regulatory framework that will specifically address the risk of bias and discrimination inherent in artificial intelligence (AI) systems.

- **Ensuring safety:** LGBTIQ people disproportionately suffer from hate crime, hate speech and violence while the under-reporting of hate crimes remains a serious problem. To harmonise protection against anti-LGBTIQ hate crime and hate speech, the Commission will present an initiative in 2021 to extend the list of 'EU crimes' to include hate crime and hate speech, including when targeted at LGBTIQ people. In addition, the Commission will provide funding opportunities for initiatives that aim to combat hate crime, hate speech and violence against LGBTIQ people.
- **Protecting rights of rainbow families:** Due to differences in national legislations across Member States, family ties may not always be recognised when rainbow families cross the EU's internal borders. The Commission will bring forward a legislative initiative on the mutual recognition of parenthood and explore possible measures to support the mutual recognition of same-gender partnership between Member States.
- **LGBTIQ equality around the world:** In various parts of the world, LGBTIQ people experience serious rights violations and abuses. The Commission will support actions for LGBTIQ equality under the neighbourhood, development and international cooperation instrument (NDICI), the Instrument for Pre-accession Assistance (IPA) and the Asylum and Migration Fund.

Integrating LGBTIQ equality into EU policies

Under the lead of Commissioner for Equality, Helena Dalli, and with support of the Task-Force on Equality, the Commission will also integrate the fight against discrimination affecting LGBTIQ people into all EU policies and major initiatives.

Next steps

Member States are encouraged to build on existing best practices and develop their own action plans on LGBTIQ equality. The objective will be to protect better LGBTIQ people against discrimination, to complement action under this strategy with measures to advance LGBTIQ equality in areas of Member State competence.

The European Commission will regularly monitor the implementation of the actions outlined in the Strategy and present a mid-term review in 2023.

Background

The Strategy presented today is the first Commission strategy in the area of LGBTIQ equality, delivering on President von der Leyen's commitment to a Union of Equality.

The Strategy builds upon the List of Actions to Advance LGBTIQ Equality. It links to other European Commission strategic frameworks and strategies, including the recently adopted EU

Action Plan against racism 2020-2025, the Victims' Rights Strategy, and the Gender Equality Strategy.

Equality and non-discrimination are core values and fundamental rights in the EU, enshrined in its Treaties and in the Charter of Fundamental Rights. In recent decades, legislative developments, case law and policy initiatives have improved many people's lives and helped us building more equal and welcoming societies, including for LGBTIQ people. While there is greater social acceptance and support for equal rights in the EU, it has not always translated into clear improvements in LGBTIQ people's lives. According to the European Union Agency for Fundamental Rights (FRA) 43% of LGBT people declared that they felt discriminated against in 2019, as compared to 37% in 2012. The COVID-19 crisis has brought new pressures for the most vulnerable groups, and LGBTIQ people are no exception.

Many of the policy areas linked to improving LGBTIQ equality are primarily national responsibilities. However, the EU has an important role in providing policy guidance, coordinating actions by Member States, monitoring implementation and progress, providing support via EU funds, and promoting the exchange of good practices between Member States.

Photo: European Commission.

INDONESIA: Amnesty condemns TNI for anti-LBGT campaign following soldier's dismissal, imprisonment

By Moch. Fiqih Prawira Adjie

The Jakarta Post (18.10.2020) – <https://bit.ly/3e0szJj> – Amnesty International Indonesia has condemned the Indonesian Military (TNI) for the recent imprisonment and dismissal of a soldier for having same-sex intercourse with another officer, calling the sentence unjust and dangerous to the community.

“This unjust sentence should be immediately overturned and the individual immediately released. No one should be persecuted based on their actual or perceived sexual orientation,” Amnesty International Indonesia’s executive director Usman Hamid said in a press statement on Saturday urging the military to end its campaign against the community.

He argued that the ruling would set a dangerous precedent for other service members thought to have engaged in consensual same-sex activities.

“It further enshrines discrimination and risks inciting violence against perceived LGBT people inside the military and in wider society,” Usman said.

The Semarang Military Court declared a chief private, identified only as P, guilty of violating Article 103 of the Military Criminal Code on disobedience to service orders, after being found having sex with a subordinate in the Armed Forces. The court sentenced him to one-year imprisonment and dishonorably dismissed him from the military.

Amnesty, he said, urged the government to send a clear message to the public that discrimination on the basis of sexual orientation or gender identity would not be tolerated, including in the military. He highlighted that state institutions should lead by example and not undermine commitments to human rights' protections.

"Indonesia has to repeal this archaic and discriminatory provision in the criminal code and other regulations. The government must reform when it comes to the rights of LGBT people," he added.

According to Amnesty records, this was not the first case of a soldier being prosecuted because of their perceived sexual orientation. A military officer in Denpasar, Bali, was convicted in March under the same article for having same-sex consensual relations with three men. The officer filed for an appeal but the Surabaya Military High Court backed the martial court in Denpasar.

Usman further said that criminalization of consensual same-sex conduct violated rights to privacy and to freedom from discrimination as stipulated in the International Covenant on

Civil and Political Rights (ICCPR).

The TNI, however, has defended the sentence against P, arguing that homosexuality in the force would be met with firm punishment.

Lini Zurlia, an advocacy officer of the cross-border organization for LGBT rights ASEAN SOGIE Caucus, also criticized the punishment. She argued that the officer's sexuality was a private matter, adding that the ruling could have further impacts on members of the Indonesian LGBT community.

The National Police also announced that the force would hand down ethics punishments to personnel found to engage in LGBT activity following the reports of alleged LGBT members in the military, spokesman Brig. Gen Awi Setiyono said.

"The police will take firm action, a code of conduct sanctions awaits," Awi said, referring to regulations such articles in the 2014 National Police code of ethics that stipulate that all personnel should follow moral, religious and legal norms as well as local wisdom.

While homosexuality is not illegal in Indonesia, there has been growing anti-LGBT rhetoric in the past years with members of the community facing discrimination and hate crimes.

Photo: Love wins: A passerby hugs an activist campaigning for the rights of the lesbian, gay, bisexual and transgender

(LGBT) community during Car Free Day in Jakarta on June 16, 2019. (JP/Seto Wardhana).

French government unveils national plan to combat hatred against LGBT people

The French government has unveiled a national plan to combat hatred and discrimination against lesbian, gay, bisexual and transgender people (LGBT), which emphasises the importance of inclusive education in stamping out homophobia.

By Christina Okello

RFI (14.10.2020) – <https://bit.ly/2HnSCxW> – The three-year plan unveiled on Wednesday, aims to make members of the LGBT community “citizens in their own right”, French Junior Minister of Gender Equality Elisabeth Moreno told reporters.

It comprises over 40 objectives designed to tackle homophobia or transphobia in the home, school, university, work, healthcare or sport.

The 42 measures, some of which have already been implemented, will be “amplified” between now and 2023, notably plans to facilitate adoption for LGBT homes, Moreno said.

She also insisted on the importance of education.

“Because discrimination and inequality are rooted in childhood, they can also be corrected, by putting in resources (...) The school must therefore be the first place of awareness and prevention to participate in deconstructing stubborn stereotypes “.

Inclusive education

The gender equality minister has pledged to work with her counterpart at the Education ministry, Jean-Michel Blanquer, to “amplify” training for teachers serving LGBT students.

A website called “Educating against LGBTphobia” is to be set up in order to “give teachers the weapons to fight homophobia and transphobia, and allow the proper inclusion of LGBT students”, Moreno added.

The national plan also aims to act against conversion therapy, “abject and medieval practices” according to the minister, which try to change the sexual orientation of LGBT people. “We want to ban them outright,” Moreno said.

Same sex families have not been left out either. Administrative forms will continue to be adapted to include them, the minister insisted.

Grim figures

Lesbian, gay, bisexual and transgender people continue to face discrimination in France.

In 2019, 1,870 people were victim of homophobic and transphobic acts, according to the interior ministry.

In addition, 55 percent of LGBT people have experienced anti-LGBT acts in their lifetime, the minister said, before adding that gay and bisexual people are four times more likely to commit suicide than the rest of the population. This figure is nearly double when it comes to trans people.

“This situation is unacceptable in the France of 2020”, Moreno said.

Photo: French Junior Minister of Gender Equality Elisabeth Moreno poses in front of her ministry where the LGBT (Lesbian, gay, bisexual, and transgender) flags hang prior to the presentation of a national action plan for equal rights against hate and discrimination in Paris on October 14, 2020. AFP – LUDOVIC MARIN.

Georgian police abused LGBT+ activists with strip searches, court rules

Ex-Soviet nation breached international obligations by failing to protect them from inhumane and degrading treatment, court rules.

By Umberto Bacchi

Thomson Reuters Foundation (08.10.2020) – <https://bit.ly/3lE5nTM> – Europe's top rights court said on Thursday Georgian police had deliberately humiliated LGBT+ activists by strip searching them during a raid, a ruling campaigners hope will help change attitudes towards gay people among local authorities.

The European Court of Human Rights (ECHR) found the ex-Soviet republic had breached its international obligations by failing to protect the activists from inhumane and degrading treatment, and by not properly investigating the incident.

“The judgment exposes systemic discriminatory attitudes within the Georgian police, which must now change,” said Philip Leach, director of the British-based European Human Rights Advocacy Centre (EHRAC), which represented the claimants.

The Georgian government did not immediately reply to a request

for comment.

Georgia has witnessed a cultural clash between liberal forces and religious conservatives over the past decade as it has modernised and introduced radical reforms, though it remains socially conservative for the most part.

It has passed anti-discrimination laws in an effort to move closer to the European Union, but LGBT+ rights groups say there is a lack of adequate protection by law enforcement officials in cases involving homophobic abuse.

Thursday's ruling stems from a December 2009 raid on the Tbilisi offices of the Inclusive Foundation, Georgia's first but now-defunct LGBT+ organisation, where a group of campaigners, mainly women, had gathered to prepare an art exhibition.

According to witness statements, plain-clothed police officers looking for drugs arrived without showing a warrant and became aggressive upon realising they had entered the premises of an LGBT+ group.

The officers insulted the women present, calling them "sick", "perverts" and "dykes", and threatened to reveal their sexual orientation to their families.

Cannabis was found inside the desk of the group's director, who was arrested and charged with a drug offence. He later

confessed to the crime and was released on the condition he pay a fine as part of a plea bargain.

Nearly all of the women were told to undress – but police did not search the clothes they were told to take off.

In 2010, two of them – Ekaterine Aghdgomelashvili and Tinatin Japaridze – filed a criminal complaint for police abuse with local authorities.

They later appealed to the ECHR, which found that while the local case was still ongoing, authorities had yet to undertake a single investigative act.

In a unanimous ruling, judges said police behaviour was “grossly inappropriate” and motivated by homophobic hatred, the court said in a statement.

Neither the police nor the government had given reason for the strip searches, leading judges to conclude “their sole purpose had been to embarrass and punish the applicants”, the court added.

“It’s a very emotional moment. This case changed quite a lot of my life, negatively mostly,” Japaridze told the Thomson Reuters Foundation in an online call. “After 11 years I have a sense that justice... is in place.”

The court awarded her and Aghdgomelashvili \$2,000 each in damages, and rights campaigners hailed the ruling.

Keti Bakhtadze, a lawyer at the Women's Initiatives Supporting Group (WISG), a Georgian LGBT+ group of which Aghdgomelashvili and Japaridze are members, called it "very important".

She said she hoped it would push the government to push legislative changes and introduce awareness campaigns and training on LGBT+ issues for law enforcement officials.