



## **31st European Conference of the International Lesbian and Gay Association 13th ILGA-Europe conference**

29 October – 1 November in Malta

Organised in association with Malta Gay Rights Movement, MGRM

### **AGENDA**

- 1. Approval of the Chairing Pool and appointment of election officers and tellers**
- 2. Approval of the Executive Board's report on work undertaken since the 2008 conference**
- 3. Consideration of proposals and amendments**
- 4. Approval of the accounts for 2008-2009**
- 5. Consideration of the report on the current financial position and approval of the indicative budget for 2009-2010**
- 6. Appointment of an auditor for 2009-2010**
- 7. Election of the Executive Board and reserves**
- 8. Election of the host organisation for the 2011 regional conference**
- 9. Any other business**

### **MINUTES**

#### **Ad 1. Approval of the Chairing Pool and appointment of election officers and tellers**

The board had prior to the conference appointed

- **Helen Ibry**
- **Carola Towle**
- **Simon Maljevac**
- **Steffen Jensen**

as members of the chairing pool. The chairing pool was approved by the conference.

The chairing pool had prior to the conference appointed

- **Florentina Bocioc**
- **Henrik Hynkemejer-Østergaard**

as election officers. The election officers were approved by the conference.

The chair proposed the following

- Sara Perle
- Jacques Lize
- Sharon Ferguson
- Alec Deary

as tellers. The proposal was passed.

## **Ad 2. Approval of the Executive Board's report on work undertaken since the 2008 conference**

The Annual Report for 2008-2009 was distributed in the 3<sup>rd</sup> mailing, presented by the co-chairs Linda Freimane and Martin Christensen at the 1<sup>st</sup> plenary and approved by the conference at the 4<sup>th</sup> plenary.

## **Ad 3. Consideration of proposals and amendments**

The following proposals were considered in workshops 7 and 17 and passed by the conference in the 4<sup>th</sup> plenary without a vote:

- In the Constitution section A 1 change “International Lesbian and Gay Association (ILGA)” to “International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA),”
- In section B 1 b) change “transgendered” to “trans and intersex”
- In section B 2 c) change “transgendered” to “trans and intersex”
- Delete section C 4 and insert:  
 “4. Membership in ILGA is divided into two categories.  
 (i) Organisations can become full members of ILGA if they represent lesbians, gay men, bisexuals, trans or intersex people and support the aims of ILGA. Organisations can become full members, as well, if they meet the above criteria but form part of a larger organisation.  
 (ii) Individuals wishing to associate to ILGA may become Friends of ILGA.”
- In section C 5, (i) change “any category” to “either category”
- In section F 1 change “one woman and one man” to “two representatives of whom at least one identifies as woman”
- In the Constitution section A 4 change “94 Avenue de Tervueren” to “12 rue Belliard”
- In the Standing Order section 12.4 change “D 2” to “E 2”
- In the Standing Order section. 12.9, 2<sup>nd</sup> sentence after “become a member” insert “until the next board election”

Furthermore the conference passed the following resolutions in the 4<sup>th</sup> plenary without a vote:

- Since the changes in constitution section F 1 implies necessary changes in the Standing Orders, the board is asked to make such proposals next year with immediate effect.
- Resolution to increase ILGA Europe’s work on refugee issues:  
 That ILGA Europe shall make its work on refugees within Europe a priority during the coming year

- Resolution regarding racism within the LGBT community:  
That the 2010 ILGA-Europe conference shall include a thematic focus on challenging racism. This will include considering how ILGA-Europe and member organisations can act against racism in coming years.

The report from The Election Preparation Committee (EPC) was distributed in the 3<sup>rd</sup> mailing and the recommendation to close down the EPC was passed in the 4<sup>th</sup> plenary with the following recommendation to the Board:

The board is asked to take into considerations the recommendations from EPC report and from the workshop. In particular:

- to improve the use of the questionnaire for candidates,
- that the staff (not the election officers) run through the returned questionnaires as a technical process in order not to interfere in political matters, for example asking candidate for a description of no more than 1000 words, letting them choose on what they want to write. The questionnaire should not include a question about sexual orientation, but about gender identity, following elections processes' needs,
- make specific mailing about nominations and candidatures checking that every member receives e-mails,
- find ways to improve the representation of different identities and regions in the ILGA-Europe board.

A recommendation from workshop 17 to endorse the Declaration of the Trans Rights Conference (see annex 1) and to acknowledge its significance and the work and achievements of TGEU in bringing it to this point was approved by the conference after a vote:

- For: 122
- Against: 0
- Abstentions: 16

Proposal no 6, 7 and 8, re the 3<sup>rd</sup> mailing were withdrawn by the Board.

#### **Ad 4. Approval of the accounts for 2008-2009**

The accounts were already approved by the Board on behalf of the conference, re decision taking at the 2008 conference in Vienna.

#### **Ad 5. Consideration of the report on the current financial position and approval of the indicative budget for 2009-2010**

The report on the current financial situation was considered in workshop 2 and presented in the 4<sup>th</sup> plenary.

The indicative budget was considered in workshop 2 and approved in the 4<sup>th</sup> plenary.

#### **Ad 6. Appointment of an auditor for 2009-2010**

The Conference approved in the 4<sup>th</sup> plenary the appointment of Ms Danielle Quivy as the auditor of ILGA-Europe for 2009-2010.

#### **Ad 7. Election of the Executive Board and reserves**

GREGORY USSHER withdrew his candidacy.

The result of the election, 1<sup>st</sup> round was:

- Voting cards issued: 169
- Ballot papers issued: 164
- Ballot papers returned: 164
- Invalid ballot papers: 3
- Valid ballot papers: 161

MARTIN K. I. CHRISTENSEN	126	Elected
LOUISE ASHWORTH	105	Elected
NATAŠA SUKIČ	93	Elected
BJORN VAN ROOZENDAAL	86	Elected
CHRISTINE LE DOARE	69	Elected
PAATA SABELASHVILI	69	Elected
TOMASZ SZYPULA	45	Reserve
BART EECKHOUT	27	Less than 20 %
REIMO METS	24	Less than 20 %
JUHA JAMSA	18	Less than 20 %

The result of the election, 2<sup>nd</sup> round was:

- Voting cards: 173
- Ballot papers issued: 153
- Ballot papers returned 146
- Blank 1

MARTIN K. I. CHRISTENSEN	122	two years
LOUISE ASHWORTH	109	two years
NATAŠA SUKIČ	84	two years
PAATA SABELASHVILI	81	two years
BJORN VAN ROOZENDAAL	77	two years
CHRISTINE LE DOARE	70	one year

The Board for 2009-2010 consists thus of:

- CHRISTINE LE DOARE (w) until 2010
- DEBORAH LAMBILOTTE (w) until 2010
- LINDA FREIMANE (w) until 2010
- LOUISE ASHWORTH (w) until 2011
- NATAŠA SUKIČ (w) until 2011

- RUTH BALDACCHINO (non) until 2010
- BJORN VAN ROOZENDAAL (m) until 2011
- MARTIN K. I. CHRISTENSEN (m) until 2011
- PAATA SABELASHVILI (m) until 2011
- PIERRE SERNE (m) until 2010

Reserve:

- TOMASZ SZYPULA (m) until 2010

### **Ad 8. Election of the host organisation for the 2011 regional conference**

Two candidate cities had applied for the 2011 conference:

1. Turin Pride Coordinating Committee which proposes **Turin** as candidate for hosting the 2011 ILGA-Europe Conference.
2. KPH, Campaign Against Homophobia which proposes **Warsaw** as candidate for hosting the 2011 ILGA-Europe Conference.

The proposals were presented in the 3<sup>rd</sup> plenary and voted upon in the 4<sup>th</sup> plenary:

- Torino: 80
- Warsaw: 55
- Abstentions: 0

The 2011 conference will thus take place in Torino.

### **Ad 9. Any other business**

Nothing to record.

On behalf of the chairing pool

Steffen Jensen

Copenhagen 3 November 2009

# **Declaration of the Trans Rights Conference**

**28<sup>th</sup> October 2009, Malta**

We, the participants of the European Trans Rights Conference, yearn for a Europe free from all discrimination<sup>1</sup>, where all people are valued equally irrespective of their gender identity and gender expression. We envision a Europe where people of all gender identities and gender expressions are fully respected and can live freely without any violations to their human rights and institutions' interferences in their private lives, in accordance with the Yogyakarta Principles<sup>2</sup>. We want a Europe where health insurance funded adequate hormonal and surgical medical assistance is available in a non-pathologizing manner to all those trans people<sup>3</sup> who seek it, and where no trans person is required to undergo any compulsory medical treatment (*such as sterilization or gender reassignment surgeries*) or a mental disorder diagnosis in order to change legal gender and/or name.

## **Commissioner for Human Rights' 'Gender Identity and Human Rights' Issue Paper**

We unanimously welcome the 'Gender Identity and Human Rights' Issue Paper<sup>4</sup> published by the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, in July 2009. Commissioner Hammarberg's Issue Paper is a significant step forward in articulating the human rights and equality that national governments should provide to trans people. We endorse all of Commissioner Hammarberg's twelve recommendations and urge all 47 Council of Europe Member States to implement these recommendations at their national levels, including the implementation of legislation/procedures that allows to change name and gender without compulsory medical treatments, or any form of diagnosis, and including strong anti-discrimination legislation inclusive of gender identity and gender expression.

- We call upon the Commissioner to exercise his influence with the Council of Europe's Member States to ensure that they tackle any gaps in their legislation and policies with regard to the twelve recommendations in the Issue Paper.

## **European Institutions**

We note the importance of European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and European Union gender equality directives and various

judgements of the European Court of Human Rights and European Court of Justice, in reducing discrimination against trans people.

We call upon the institutions of the Council of Europe and the European Union to:

- Monitor the implementation of case-law and gender equality legislation vis-à-vis trans people
- Make sure that future gender equality legislation expressly includes gender identity and gender expression
- Outlaws any form of discrimination against all trans people explicitly.
- Clearly include measures addressing trans equality issues within gender mainstreaming measures; funding programmes; and including the multi-dimensional gender identity and gender expression in internal and external policy
- Fund detailed research and data collection on trans equality and human rights issues
- Consult and involve trans equality and rights organisations in European gender equality and human rights policy development

### **Organisation for the Security and Cooperation in Europe (OSCE)**

We note with particular concern the high murder rate and violence against trans people across Europe. Often the police fails to investigate cases of hate crime and killings of trans people and no adequate prosecution of the perpetrators takes place. In addition trans related hate crimes are hardly documented and monitored.

Additionally, trans people with migration background and trans sex workers are especially vulnerable and face multiple forms of discrimination as well as social exclusion and economic hardship.

- We call on participating States of the OSCE to enact hate crime legislation fully inclusive of trans people.
- We call on participating States of the OSCE to ensure safe detainment and contact with their communities for trans prisoners.
- We call upon the OSCE to monitor and urge for investigation of murders of trans people as hate crimes.

### **Social Partners: *Trade Unions and Employers' Organisations***

We are concerned with the high level of discrimination that many trans people face in access to, and retention of employment. This frequently leads to poverty and severe negative repercussions on their lives and health. A disproportionately high number of trans people get fired when their transgender status becomes known to their employers (e.g. when starting a process of gender transition, when being visibly gender-non-conforming, etc.).

- We call upon the social partners to proactively undertake joint initiatives with trans and LGBT organisations to reduce trans discrimination and harassment at the workplace, and to implement workplace policies which uphold trans workers' dignity.
- We call upon the European Trade Union Confederation (ETUC) and its members to implement the eleven actions and activities that the ETUC outlined in its Executive Committee's Resolution on LGBT rights of 2008<sup>5</sup>.
- We call upon employers' organisations to tackle the issue of discrimination against trans people in promoting diversity with their members, and to highlight how current equality legislation applies to trans people.

### **National equality bodies**

We note the importance of national equality bodies in tackling discrimination against trans people through enforcement of gender equality and anti-discrimination legislation at national level. The Fundamental Rights Agency's social situation report<sup>6</sup> shows that national equality bodies are currently not sufficiently including trans issues in their work. We therefore call upon national equality bodies to:

- Be pro-active in enforcing anti-discrimination legislation to improve trans equality and human rights.
- Monitor the implementation of case-law and gender equality legislation vis-à-vis trans people.
- Include trans people in gender mainstreaming measures
- Produce guidance on trans-rights and equality.
- Support trans people in taking forward cases of discrimination to courts and/or respective entities.
- Make sure that future gender equality legislation expressly includes gender identity and gender expression.
- Research, collect and publish data on trans equality and human rights issues
- Consult and involve trans equality and rights organisations in national gender equality and human rights policy development.

### **World Health Organisation (WHO)**

We observe with great concern that trans identities are still pathologized and considered a mental health condition. Given its strong implications on the living of trans people in Europe we therefore demand the removal of gender identity disorder from the International Classification of Diseases (ICD) and the Diagnostic and Statistical Manual of Mental Disorders (DSM).



- We call upon the World Health Organisation to safeguard the human rights of trans people in the current revisions of the ICD 10 and DSM IV.
- We call for an alternative non-pathologizing category in the ICD 11, which establishes quality standards for medical treatments ample to support the gender expression of trans people. No national or international health institution shall render transgender identities as mental health disorders. They should nonetheless enable access to hormonal, surgical and or psychological medical assistance to be provided to those trans-people who seek such assistance.

Finally, we ask Transgender Europe (TGEU) and the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) to continue lobbying for full trans equality and rights on a European level and call upon TGEU, ILGA-Europe and national trans organizations to work together for the implementation of Commissioner Hammarberg's recommendations throughout Europe. We call strongly all Member States of the Council of Europe to take active steps safeguard the human rights of all people explicitly including trans people.

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<sup>1</sup> Discrimination against trans people in Europe has been widely documented in both *Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States: Part I – Legal Analysis* (2008) [http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/FRA\\_hdgso\\_part1\\_en.pdf](http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/FRA_hdgso_part1_en.pdf) and *Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II – The Social Situation* (2009) [http://fra.europa.eu/fraWebsite/attachments/FRA\\_hdgso\\_report\\_Part%202\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA_hdgso_report_Part%202_en.pdf)

<sup>2</sup> Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (2007) <http://www.yogyakartaprinciples.org/>

<sup>3</sup> Trans people (as used above) includes those people who have a gender identity which is different to the gender assigned at birth and those people who wish to portray their gender identity in a different way to the gender assigned at birth. It includes those people who feel they have to, or prefer or choose to, whether by clothing, accessories, cosmetics or body modification, present themselves differently to the expectations of the gender role assigned to them at birth. This includes, among many others, transsexual and transgender people, transvestites, cross dressers, no gender, multigender, genderqueer people.

<sup>4</sup> Human Rights and Gender Identity Issue Paper (2009) <https://wcd.coe.int/ViewDoc.jsp?id=1476365>

<sup>5</sup> ETUC actions and activities on promoting equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity (2008) <http://www.etuc.org/a/5808>

<sup>6</sup> See 1.