

Destination

>> EQUALITY

winter 2010-11



Celebrating diversity
and taking a holistic approach to justice

**Equality in times of
economic crisis**

Historic European agreement to
tackle homo- and transphobia

**MULTIPLE
DISCRIMINATION
edition**





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Editorial



Dear readers,

Who am I? Which expressions of my identity do people around choose to define me? Do they see me as a Latvian, or a gay man, or a disabled person, or a migrant living in Belgium? Well, I am all of that and much more....

Each person has a multitude of expressions of her/his identity. Frequently how we identify ourselves depends on our background, our upbringing, our experiences and also situations, perceptions and contexts. However, it is complex and often understandably confusing how we view/ treat other people – exactly which characteristics we define them by and how we therefore relate to them. This is particularly complicated when it comes to discrimination.

In this edition we look into the topic of multiple identities and multiple discrimination. What is multiple or intersectional discrimination? How do individuals subjected to discrimination perceive their experiences? What does European law say about multiple discrimination and is it actually equipped to deal with complex cases of discrimination when a person is being discriminated against on several grounds? How are our member organisations addressing multiple discrimination and accommodating the needs of LGBTI people who are also belong to other minority groups?

This focus of the magazine was selected to support ILGA-Europe's work reflecting the diversity of LGBTI communities

with a view to better serving the needs of LGBTI people who belong to other groups whether they are trans, elderly or come from non-western backgrounds. We also hope this edition will be a useful resource supporting our new Strategic Plan 2011-2013 adopted during The Hague conference and which explicitly commits the organisation to reflect the diversity of LGBTI communities in its work.

Europe is currently experiencing a severe economic crisis and there is also a noticeable shift towards conservatism. This means a lot of difficult decisions are being taken and priorities reshuffled by the European institutions. What does this mean for human rights and equality? Can we keep these values high on European agenda and is there a threat that the very issues we advocate for could become secondary considerations? We asked our allies and friends from the European Parliament's Intergroup on LGBT Rights to make an assessment of the current situation and identify the solutions.

While there are some concerns about overall fatigue with respect to human rights and equality at European level, there is one development worth noting and celebrating – this year the 47 member states of the Council of Europe unanimously agreed on a recommendation to tackle discrimination on the grounds of sexual orientation and gender identity. This is very significant development which provides a great tool for working with national governments on advancing the rights of LGBTI people.

Lastly, I would like to mention a contribution on a new project by the Swedish photographer Elisabeth Ohlson Wallin. We already used her powerful images in our previous edition on hate and violence which caused strong reactions. Elisabeth does not hesitate to address sensitive issues which can cause controversy. In this edition we reflect on her new project Jerusalem and Elisabeth's on-going meditation on LGBTI people and religion.

I sincerely hope you will enjoy this edition and as usual – your thoughts and feedback are greatly appreciated and welcome!

ILGA-Europe Annual Conference:

European Strategy Platform

Maxim Anmeghichean, ILGA-Europe's Programmes Director, looks at how our Annual Conference developed into the highlight and the main annual event in LGBTI politics in Europe.



Participants of The Hague conference

Over 250 activists from across Europe gathered for a week-long ILGA-Europe annual conference in The Hague last October. Why? First of all, to debate the theme: “Expressing our differences, challenging our prejudices, developing our alliances”. Is Europe becoming more united or divided? What is the politics of cross-movement work at the local and European levels? What do we know and still need to learn about the diversity of our LGBTI constituencies, and about our allies and opponents? Secondly, to share experience, best practices, strategies that work (and those that don’t and why!). Thirdly, to decide on the new ILGA-Europe Strategic Plan, elect new members of the board and solve other organisational business. If you are a relatively new European LGBTI organisation, the conference is an opportunity to make yourself visible, establish new contacts, learn and take an overweight baggage of ideas and practical tips home. If you belong to the ‘old guard’ – it is a unique opportunity to catch up with and understand all European-level developments which affect local politics, get a fresh perspective on your work from fellow activists, and network, network, network. If you are a policy maker, you can meet first-hand your key stakeholders. If you are a funder – to meet most of your European LGBTI grantees in one go. Everyone who is anyone in the movement was at The Hague conference and made great use of it.

When I had just joined ILGA-Europe staff five years ago, many of my fellow international activists, or, as one of our local partners has put it, ‘functionaries’ of the movement, were questioning whether membership-based regional or

international LGBTI movements are viable.



Morten Kjaerum, Director of EU Fundamental Rights Agency, and Belinda Pyke, European Commission, at Vienna conference, 2008

“This is just so time consuming to always look back at your numerous members”. “Making a decision must be a nightmare!” “Your ability to react

promptly to arising situations or immediate needs must be hindered”. Partly this view came out of limited understanding of how ILGA-Europe works. Partly because organisations run by (self-appointed) boards and only accountable to them seemed so much more efficient.

The annual conference is the strongest rebuttal against these arguments. Meant initially as a general assembly, which was mostly attended by our Western European members, it quickly grew into the annual European forum for exchange of best practices, heated debates and incisive political statements.

As Europe consists of so many countries with different but highly interlinked political contexts, diverse movements and strategies, it is important that as a European LGBTI movement we continue to speak strongly with one voice, and are all on board with regards to developments across the continent that affect us as a movement and our work. For this reason for the past 15 years



the conference has evolved

Thomas Hammarberg, Human Rights Commissioner of the Council of Europe, Vienna conference, 2008

strategy development, where concerns are voiced, solutions are formulated, goals, and ways to reach them, are set.

Hosted by ILGA-Europe members in various European capitals and cities, from Malta to Glasgow, from Lisbon to Bucharest, it also brings the international

“I think the conference adequately reflects my needs as an activist and the needs of the organisation I represent. Wide range of workshops, great presentations and information, very useful European perspective. Particularly liked the workshop on European Parliament’s Intergroup – was excellent and very useful.”

Participant of The Hague conference



Joke Swiebel, former member of the European Parliament, at The Hague conference, 2010

LGBTI movement closer to different local contexts, and creates a myriad of opportunities for impact in the host country. Local politicians are put on the spot and asked to comment on difficult questions. Local media attention increases visibility of the movement and national-level work. The entire team and supporters of the host organisations are inspired and empowered by the event.

Maybe some of our readers still remember the gathering of 120 activists at the 2000 Bucharest conference, in the difficult circumstances of still enforced Article 200 of the Romania Criminal Code which effectively criminalised homosexuality. The powerful statements by MEPs, including the founder of European Parliament’s Intergroup on LGBT rights Joke Swiebel, the anti-gay demonstrations in front of the conference venue, and the coolness, despite everything, of our local hosts ACCEPT. I was 19, it was my first conference,

and without any exaggeration – it has determined who I am as an activist today. Moreover, it determined the fast growth of my then-very-young organisation GenderDoc-M: I came home with contacts, partnership proposals, project and funding opportunities.

The 2001 conference in Rotterdam just months after the first in the world marriage ceremony for same-sex partners with debates around LGBT families and same-sex partnerships. We are back to the subject of EU enlargement at the 2004 Budapest conference “Coming Out to the EU”, following accession of 10 Central and Eastern European countries. Or Vilnius 2007, again anti-LGBT demonstrations in front of the hotel, tight security, yet high visibility and support to the local hosts – Lithuanian

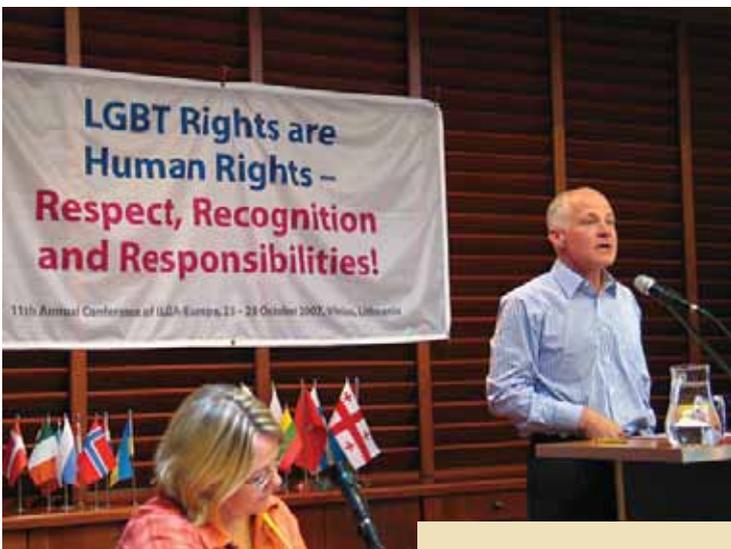
Vladimir Luxuria, former member of Italian Parliament, at Malta conference, 2009

Gay League – with a simple conference slogan: “LGBT Rights are Human Rights”. This time we were already 220. At different times



the conference was addressed by the likes of Commissioner for Human Rights Thomas Hammarberg, president of the Parliamentary Assembly of the Council of Europe Pieter Schieder, director of the EU’s Fundamental Rights Agency Morten Kjaerum, many members of the European Parliament, etc.

The 2010 conference was hosted by ILGA-Europe member organisation COC The Hague and gathered over 260 participants. The tone was set by a festive opening reception dinner held at the famous Hall of Knights and hosted by the Dutch government. This was just the right setting for speeches from high-level officials of the European Commission and the Council of Europe. The latter also received a healthy check from like-minded LGBTI-friendly European governments as support for implementation of recently adopted Committee



Michael Cashman, Member of the European Parliament, at Vilnius conference, 2007

of Ministers Recommendation on combating discrimination on the grounds of sexual orientation. Later in the programme, two panels which included high-level speakers from across Europe, explored the theme of cross-movement work, alliance-building and challenging our own prejudices against other minority groups. The diversity of themes covered in workshops was astounding: trans rights, intersex, equality at the workplace, asylum, European institutions' policies on LGBTI, health, family, religion, work with police, etc.

So what, one would wonder?

The event took place, what's the impact? At the policy level, the European officials and politicians made commitments. European Commission against Racism and Intolerance (ECRI) will include sexual orientation into its mandate, becoming the first pan-European agency to do so. The Council of Europe secretariat, as mentioned above, will establish a programme on LGBT discrimination. Stronger alliances were built with other minority groups, which include European Women's Lobby, European Disability Forum, and the European Network against Racism, and we got to know each other and our (common) issues so much better, and learned from each other's strategies. The ILGA-Europe strategic plan was endorsed by the entire membership, which sets priorities for the European LGBTI movement.

As we become more sophisticated and professional as a movement, there is a growing activist demand for such a platform for strategic discussion. But one would be foolish to think that the conference is everything. It is in between the conferences that most of the work happens. We work hard to identify our targets and strategies, build our alliances and partnerships, and have a full year ahead of us to work together in achieving those. So we say good bye and thank you to The Hague, and look forward to Turin 2011, where we will meet again to strategise and challenge our ways of work to make it better for a better world.

“I am happy to be part of the process and voice the needs and achievements of the LGBT community in my country. The conference workshops offered participants space to talk and share best practices.”

Participant of The Hague conference



The Hague team forwards the conference flag to Turin team

ILGA-Europe annual conference in The Hague was organised with the generous support of the European Commission and the Dutch Government.

“The conference gave me good examples of developing LGBTI activism within mainstream human rights organisations and an opportunity for making contacts and networking. I like the panels and workshops. The panels – as thought-provoking, and the workshops – to follow up with discussions. Especially liked the workshops on police and trans issues. The conference strong points are diversity, interaction and inclusiveness.”

Participant of The Hague conference

Europe, crises and equality

In the midst of the current economic crisis and increasingly conservative political context, two Members of the European Parliament ask the question – *Quo Vadis, Europe?* *Ulrike Lunacek* (The Greens/EFA, Austria) and *Michael Cashman* (Socialists & Democrats, United Kingdom) are Co-Presidents of the European Parliament's Intergroup on LGBT Rights. Founded in 1999, the Intergroup gathers 117 Members of the European Parliament who seek to protect lesbian, gay, bisexual and transgender people's human rights in the work of the European Union.



THE EUROPEAN PARLIAMENT'S
INTERGROUP ON
LGBT RIGHTS



Some consider the European Union to be made of merely a free market, enhanced economic cooperation, deficit control and debt reduction. They argue the European Union must only strive to be a 'smart, sustainable and inclusive economy', as drily summarised by the European Commission's *Europe 2020 Strategy*. According to these uninspiring views, the 1951 Coal and Steel Treaty simply enabled six European countries to share the burden of their two largest post-war industries. How convenient to forget that Robert Schuman's historic declaration, on 9 May 1950, was much more than simply enhancing cooperation between six economies! Europe's founding fathers wanted to 'make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible' by pooling resources among themselves.

Peace and solidarity are indisputably part of Europe's DNA. Yet, as the European Union goes through the motions 60 years later, core values such as respect for freedom, equality and respect for human rights risk being relegated to the background under the pretext of an economic crisis.

The crisis and 'the Other'

Of course, the crisis is very real indeed and many Europeans experience its negative effects. As many as six Member States saw negative growth in 2010, and unemployment rates remain frighteningly high: 20.1% of Spain's adult population is unemployed (twice as much among under-25s), closely followed by over 15% in all three Baltic States—and joblessness hovers at 10% or more in Slovakia, Ireland, Greece, Hungary, Portugal, Bulgaria and Poland¹. Member States both old and new confirm that as of early 2011, Europe is hardly out of the recession.

But history teaches us one thing: times of crises have provided fertile ground for extremisms of all sorts to gain momentum, and take hold. The 1930s' Great Depression called for scaremongering and scapegoating, allowing anti-Semitic and fascist discourses to flourish in several European countries. Similarly, the 1990s saw a rise in xenophobic and racist politics in countries across Europe, placing several minorities in the eye of the storm: Jewish, Roma and Sinti people, but also migrants from Turkey, ex-Yugoslavia and Africa—some of whom had been living in EU countries for decades with their families. Times of crises include times of fast change: the last two years have shown that our deeply capitalist globalisation doesn't hesitate sacrificing social cohesion, solidarity and the welfare State on the altar of greedy banks, profit at all costs, and an unsteady global financial system. Such times may be hard to understand, and often for some it becomes urgent to identify 'threats' in order to calm society's anxieties: that is when people misguidedly point to 'the Other' as the threat. They find reassurance in placing others below them, so that at their leisure they can condemn them, and blame society's woes on them.

Today, who is that 'Other'? Those who question the domination of a majority: immigrants, Muslims and ethnic minorities, as ever. Disabled people. Women, transgender people, those who question patriarchy and gender norms. Lesbian, gay and bisexual people, those who question norms of sexuality. And of course together with them, those who afford them protection: the European Union and its laws, human rights treaties and supra-national courts. Some people realise quite rightly that

¹ Source: European Commission

Ulrike Lunacek and Michael Cashman
at Baltic Pride in Vilnius, 2010



protecting minorities is not a luxury for prosperous times, but that it remains an obligation especially during a crisis. But then comes the opposition, under the flags of family, tradition, religion, protection, and national sovereignty!

Heads of States and governments will argue this supposedly forced solidarity resembles a threat to national interests. This was Germany's initial reaction to the threat of a Greek national debt getting out of hand. Therefore, a European Union and a eurozone binding countries together for better and for worse become enemies of the majority's privileges, and enemies of national sovereignty. During his visit to the European Parliament, Joschka Fisher (German Minister of Foreign Affairs in 1998-2005) argued that national leaders fail to realise national sovereignty is already being transferred away from Berlin, Ljubljana and Warsaw to Beijing, New Delhi and Seoul—sovereignty and latitude in public decision-making are linked to economic governance. Nationalist and protectionist politicians should take a good look at today's global economy before lashing out at the European Union in order to gain votes.

The economy of human rights

This economic crisis closely relates to human rights. Readers of *"Destination >> EQUALITY"* will be familiar with the draft horizontal anti-discrimination Directive proposed by the European Commission in 2008, successfully fought for in the European Parliament, but currently blocked by the 27 Equality Ministers in the Council of the European Union for almost three years. The Council dithers over this proposal partly because, Member States argue, the European Union must not preoccupy itself with discrimination in the fields of education, social benefits, and access to goods and services. This is pure fantasy: the European

² Source: Eurobarometer 73, August 2010

Treaties signed by all 27 Heads of State and ratified by all 27 Member States clearly give this mandate to the European Union. It has already been used to outlaw discrimination on the basis of race or sex in these areas; but now that disability, age, religion and sexual orientation are on the table, Ministers dawdle, they hesitate, they 'um and ah'. Is this political leadership?

The 27 Equalities Ministers hide behind a questionable debate of subsidiarity to stalemate European equality legislation. In a related development, the United Kingdom may consider pulling out of the European Convention on Human Rights because it allegedly takes sovereignty away from British lawmakers. If anything, Member States seem to want less Europe, not more. (Yet ironically, European citizens tend to trust the European Union (42%) more than their national government (29%), or their national parliament (31%)².) As with the economic crisis, Europe is going through a crisis of trust and values, where we tend to fall back on nationalist positions. As if nation states were the only safe vessels to cross the agitated waters of an economic crisis... quite the contrary!

At this time, when so much risks going wrong in Europe, we need more unity—not less. Economic and social challenges will never be dealt with successfully if we retreat to a narrow nationalism dressed up as patriotism. It is madness to believe that isolationism will protect us; only by joining forces with others, by recognising the threats faced by all and the common benefits of unity, will Europe—including the EU, but also our neighbours such as the Western Balkans—continue to be an area of peace and stability. And whether we like it or not, the thread of this unity is made as much of values, human rights and democracy as it is made of deep economic and financial cooperation.

The solution: Europe, Europe, Europe

In 1965 the late Peter Lauritzen, a high-ranking civil servant in the Council of Europe, offered a culinary metaphor to describe what was then the European Economic Community: six eggs are together in a pan, they start forming an omelette, and they can no longer be separated. 'This is an advantage', he explained, because the basic freedoms and values signed up to by Belgium, France, West Germany, Italy, Luxembourg and the Netherlands mean a war in Europe is no longer possible. Although the substance is the same, the eggs may not look exactly like what they used to be; but this is for a common, greater good.

In these days of economic downturn and financial instability, conservative politicians (mostly on the right, but also in far-left parties) argue that nation states must repatriate powers, protect national interests, and let it be "every man for himself" from then on. These short-sighted politics are based on fear alone: fear of rapid change, and fear of 'the Other'. The conservative side of politics fails to offer a forward-looking vision for European peoples, and its discourse fails to acknowledge that there can be no going back to a pre-globalisation era, the 'North' versus the 'South', 'us' versus 'them'. Eleven years into the third millennium, we must acknowledge at last that global powers are shifting for good, and so do the dynamics of former alliances. Nationalist politics must give way to international solidarities based on collective aims, mutual trust and shared values. What does this mean on our continent? We need to push the European Union forward where it still has shortcomings, and we need to trust the European Union to achieve what it was set up to promote: peace, its values, and the well-being of its peoples. We are all Europeans, and it's our duty to make this continent live up to its promises.

More information about the European Parliament's Intergroup on LGBT Rights: www.lgbt-ep.eu

Council of Europe:

Ground-breaking tool to fight discrimination

In March 2010 the Committee of Ministers of the Council of Europe adopted a Recommendation on combating sexual orientation or gender identity discrimination. In this article *Nigel Warner*, ILGA-Europe's Council of Europe adviser, describes how this historic document came about, what it means, and how activists working for LGBT rights can use the Recommendation.

"This is an important achievement, being the first legal instrument in the world dealing specifically with one of the most long-lasting and difficult forms of discrimination to combat." With those words Council of Europe Secretary-General Thørburn Jagland welcomed the adoption by the representatives of the 47 member states of the Recommendation on combating sexual orientation or gender identity discrimination.



Evelyne Paradis (Executive Director of ILGA-Europe), Thørburn Jagland (Secretary-General of the Council of Europe), Nigel Warner (ILGA-Europe's Advisor on Council of Europe)

So what does this Recommendation mean, and how did it come about?

First, let's be clear what a recommendation is. One of the key roles of the Council of Europe is to reach agreement among its members on their obligations under European human rights law and the measures they must take to honour them. This is done through two types of agreement—conventions, which are legally binding, and recommendations, which, while not legally binding, impose a strong moral obligation. It is not unusual for a recommendation to be superseded eventually by a full convention.

Second, what does it say? Its subject is *combating* discrimination. So the emphasis is heavily on the **practical measures** which member states should take in order to eliminate sexual orientation and gender identity discrimination. But since these measures are in relation to particular rights, the Recommendation has to list these rights. Thus it sets out, for the first time, the rights which European governments agree apply to LGBT people, in effect codifying them.

Third, how are these rights arrived at? They are, in essence, the same internationally agreed human rights principles that apply to all persons, as defined in the European Convention on Human Rights and its case law, but stated specifically in relation to LGBT people. So they include, for example: protection from hate crimes and hate speech and from discrimination in areas such as the criminal law, education, health, housing and sport; the rights to freedom of expression, assembly and association; and, for transgender persons, the right to legal recognition of their gender. In this sense, they are rather similar to the Yogyakarta

Principles, but with the very important difference that they are not just a statement by a group of experts, but are actually agreed by the governments of Europe.

However, as readers of this magazine will be all too aware certain rights relating to sexual orientation and gender identity are not yet recognised in international human rights law -- particularly, in relation to same-sex couples (legal recognition of their relationship, right to be considered as potential adopters), and, in relation to transgender persons, the right to legal recognition of their gender without undergoing sterilisation or being forced to divorce. Unsurprisingly, these rights are not included in the Recommendation.

So how did the Recommendation come about? There were two important influences. First, since the late 1990s the European Court of Human Rights has ruled in a series of cases that discrimination on the grounds of sexual orientation is a violation of the European Convention on Human Rights. At the same time, it has made a number of landmark judgments establishing the right of transsexuals to legal recognition of their gender, to marry, and to have access to reassignment treatment. These judgments have left no doubt that, with the exception of the few issues I have referred to above, international human rights standards apply to LGBT people. A second factor was the growing awareness at governmental level and among Council of Europe officials of the scale of discrimination against LGBT people in many parts of Europe. This reflected hostile reactions to increased activity by LGBT human rights defenders in Central, Eastern and Southern Europe from about 2005 onwards, which made clear that not only were there disturbing levels of discrimination in these countries, but that this discrimination was all too frequently supported by state officials.

So, in mid-2008, following an initiative by a small group of friendly states led by Sweden, the Committee of Ministers gave instructions for the preparation of the Recommendation. In early 2009 a committee of governmental experts from 13 member states began work on a draft text, chaired by the Swedish representative, Hans Ytterberg. A number of NGOs, including ILGA-Europe, Transgender Europe, Amnesty International and Human Rights Watch were also present as Observers, as was the Holy See. After three meetings of the expert committee, the draft

was reviewed by the Council of Europe Steering Committee on Human Rights, before being transmitted to the Committee of Ministers for final agreement.

At the start of the process the Russian Federation had made a written submission implying that LGBT people in Russia were sufficiently protected by existing provisions and that elaboration of an international instrument "on this specific issue" was "inappropriate". For much of the drafting process it tried, together with the Holy See, to undermine the text for the most part unsuccessfully. They were particularly opposed to any legal recognition of same-sex couples, and of parenting rights, and also wanted to water down the proposals on education and employment. The Holy See also had wider concerns, seeing the Recommendation as a threat to religious freedom. At one point the representative of the Holy See made a particularly alarmist intervention, arguing that "the use of the language of "openness, tolerance and diversity" in the Draft without due consideration for the legitimate opposition to homosexual activity and lifestyles (not persons),...., has the foreseeable effect of *ushering in an era of intolerance and discrimination the likes of which we have rarely seen before.*" [my emphasis]. One can only conclude that European history is not one of the Holy See's strong points. Despite these efforts the Steering Committee did not alter the text too much. When it came to the vote, only the Russian Federation opposed its adoption. But, ominously, a further 10 states abstained. It was clear that in the final stage of negotiation -- behind the closed doors of the Committee of Ministers -- it would be difficult to maintain its full strength. And so it proved. When the agreed text emerged the Russian Federation had achieved virtually all the changes it had sought earlier, in particular, weakening the proposals in relation to education, custody, and adoption (where this is open to single persons).

However, this setback should not be allowed to overshadow the importance of the Recommendation. It is strong both in general tone and in detail, so that these amendments appear both out of context and contrary to the purpose of the document. Moreover, they are inconsistent with the underlying case law of the European Court of Human Rights.

So how should LGBT human rights defenders use the Recommendation?

In the first place, it provides a very practical and authoritative framework for their advocacy work towards government and parliament. It is important that activists spell out their demands in the language of human rights. The Recommendation enables them to do so in the knowledge that, in making it the basis of their advocacy, they are relying on an agreement between 47 European governments. But it also provides a stable long term framework for their work – very useful, since in many countries implementation is likely to take anything between 10 and 30 years.

Secondly, the Council of Europe will review the progress of member states in implementing the Recommendation in 2013, and is likely to continue with reviews at regular intervals thereafter. So, by basing their advocacy on the Recommendation, human rights defenders will benefit from the additional pressure that an international monitoring process brings.

ILGA-Europe has developed a toolkit and checklist to help activists monitor the implementation of the Recommendation by their government, and has also set up a network of national coordinators, who have agreed to coordinate monitoring in their country. This is supported by an e-mail list, which will be used to keep them up-to-date on developments at European

and national level, and enable them to share successes and best practice.

So the practical importance of the Recommendation is enormous. But there is another way to look at it. At one level the history of our movement can be seen as a battle to get governments to recognise LGBT people as full members of the human race, sharing the same universal rights as the rest of humanity. Until the European Court of Human Rights judgment in *Dudgeon* in 1981 European human rights law treated LGB people almost as sub-human. It was acceptable for governments to criminalise and imprison them for expressing their love for each other. In important areas of their life they had no rights. 30 years on the situation is transformed, with governments agreeing on the applicability of almost all rights to LGBT people. There is still a way to go until complete equality, but the Recommendation is the most important milestone on this journey since decriminalisation 30 years ago. And if it takes another 30 years to achieve full equality across Europe, perhaps even enshrined in a legally binding convention, what is that against the timescale of the persecution of LGBT people? As Europe's governments recognise – for the first time - in the preamble to the Recommendation, "lesbian, gay, bisexual and transgender persons have been for centuries subjected to homophobia, transphobia and other forms of intolerance and discrimination even within their family – including criminalisation, marginalisation, social exclusion and violence".

The Council of Europe is the principal intergovernmental organisation working to promote democracy, human rights and the rule of law in Europe. It was set up in the aftermath of the Second World War as one means of trying to ensure that the horrors of that time were never repeated. While it is most well known as the seat of the European Court of Human Rights, it has many other human rights mechanisms. Its governing body, the Committee of Ministers (made up of representatives of the 47 member states), is responsible, amongst other things, for reaching agreement on, and overseeing implementation of, binding and non-binding instruments intended to strengthen respect for human rights in the member states.



Rainbow Europe: legal situation for lesbian, gay and bisexual people in Europe December 2010

- 1. Anti-discrimination legislation refers to sexual orientation**
 - 1.1. Constitution
 - 1.2. Employment only
 - 1.3. Employment, goods & services
- 2. Criminal law refers to sexual orientation**
 - Hate speech/crime
- 3. Partnership recognition of same-sex couples**
 - 3.1. Marriage equality
 - 3.2. Registered partnership
 - 3.3. Cohabitation rights
- 4. Parenting rights of same-sex couples**
 - 4.1. Joint adoption
 - 4.2. Second parent adoption
 - 4.3. Fertility treatment
- 5. Discriminatory sexual offences provisions**
 - 5.1. Unequal age of consent
 - 5.2. Same-sex sexual activity illegal
- 6. Violation of freedom of assembly**
 - LGB public events banned during last 10 years
- 7. Violation of freedom of association/ expression**
 - LGB organisations are banned or hindered from official registration and functioning and/or LGB publications are censored/banned during last 10 years



Multiple discrimination:

What's law got to do with it?

The researchers of the European Union's Fundamental Rights Agency (FRA) look at multiple discrimination from the perspective of EU law, identify existing gaps and the importance of EU law in tackling multiple discrimination, and highlight FRA work on this subject. *Ludovica Banfi* and *Matteo Bonini Baraldi* are the researchers at the Fundamental Rights Agency on multiple discrimination and LGBT issues respectively.

What is it?

We are defined by the collection of our various personal characteristics. Sometimes a person may possess more than one characteristic that makes them vulnerable to discrimination, such as their age, racial or ethnic origin, sex, sexual orientation, disability, religion or belief. Discriminatory treatment is not always motivated by intolerance of one of these characteristics taken in isolation. When discrimination is based on more than one ground, it is referred to as 'multiple discrimination'.

Multiple discrimination can manifest itself in two possible ways. It can be characterised as *additive* where the role of the different grounds can still be distinguished or separated. For instance, a gay man with a disability might be discriminated in the work place because of his disability and when accessing health care because of his homosexuality.

Multiple discrimination can also be characterised as *intersectional* where two or more grounds operate and interact with each other at the same time in such a way that they are inseparable.¹ For example, a young woman may face

discriminatory treatment from employers because she is seen as likely to interrupt her employment to have children. She is discriminated against, not just because of her age – this is not a phenomenon affecting *all* young people. She is not discriminated against just because of her sex – this is not an issue affecting women in general. She is discriminated against because she is, more precisely, a young woman. The fact that particular characteristics intersect or combine (such as age and sex in this example) may create difficulties for individuals falling within that specific 'intersecting' group, that are not necessarily experienced by members of the two broader groups (here, women or young people).

In some situations, multiple discrimination occurs in the context of a *minority within a minority* where discrimination comes not (only) from the 'majority' population, but from other individuals within one of the broader groups (see one example below).

¹ European Commission (2007) 'Tackling Multiple Discrimination. Practices, policies and laws', available at http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/multidis_en.pdf





Why does it need addressing?

The FRA's research shows that multiple discrimination is a very real phenomenon, for example for vulnerable groups such as Romani Women in access to health care² or for older people with a disability due to their poor housing conditions. The FRA's research on homophobia shows that:

- ethnic minorities risk discrimination on grounds of sexual orientation or gender identity within their ethnic community, and discrimination on grounds of racial or ethnic origin in the LGBT community;
- inaccessible LGBT venues, bars and meeting places make it difficult for LGBT persons with a disability to participate in the life of the LGBT community;
- some LGBT persons in care facilities (for instance, for the elderly or people with disabilities) face social isolation and stereotyping from personnel and other residents.

In 2011, the FRA published a report relating to multiple discrimination among ethnic minorities across the EU. This is the first piece of research of its kind to take in the situation across the EU, and it found that:

- those from ethnic minorities are on average almost five times more likely to experience multiple discrimination than those from the majority population;
- those on a low income are more likely to experience multiple discrimination;
- young men from ethnic minorities report high levels of discrimination.

Despite the fact that multiple discrimination is not simply a theoretical problem, the law currently in place at EU level, and among most EU Member States, does not actually expressly recognise multiple discrimination, so individuals tend to bring cases on one ground only. This leads to various problems: difficulty in proving discrimination, as in the example of the young woman given earlier; lower amounts of compensation that do not reflect the full range of discrimination suffered; and difficulty in tracking down and in tackling institutionalised multiple discrimination.

What are the challenges in addressing it?

The first challenge is to have the concept acknowledged in legislation and in existing mechanisms addressing complaints. In terms of legislation, EU non-discrimination law does not yet expressly recognise the concept of multiple discrimination, and the same is true for the national law of most EU Member States. However, in the negotiations of the proposed EU 'horizontal directive' – which would extend protection from discrimination on the grounds of age, disability, sexual orientation and religion or belief beyond the area of employment, the European Parliament called for national legal procedures to make it possible for a complainant to raise all aspects of a multiple-discrimination claim in a single procedure (EP legislative resolution of 2 April 2009). In terms of complaints procedures, various Member States have separate national equality bodies dealing with separate grounds of discrimination, making it difficult for an individual to get assistance with cases of multiple discrimination. However, some Member States have begun to merge their equality bodies into single entities, and some equality bodies show an increase in reported cases of multiple discrimination. These are promising developments which encourage further action in this direction.

The second challenge relates to being able to gather research in this area. When gathering data in order to understand multiple discrimination, it can become very complicated to define specific groups that experience intersectional discrimination. This is particularly a problem because victims might perceive that they were discriminated against on one ground, such as disability, when in fact they were discriminated against because of their age or ethnicity or all of them combined.

The third difficulty is political in nature. Some groups, particularly a minority within a minority, may have difficulties in having their voices heard in policy debates. For instance Christian gay men may face conflicting agendas among Christian advocacy groups and LGBT advocacy groups. In this scenario, advocacy groups working on a single ground agenda might fail to protect (or even worse, end up discriminating against) those among their members who feel a belonging to additional groups based on other characteristics.

² FRA, "Romani Women access to Public Health Care", 2003

What is the FRA doing?

FRA report: Multiple discrimination (February 2011)

The Fundamental Rights Agency recently presented a new report on perceptions of multiple discrimination experienced by respondents of ethnic or immigrant origin. This was based on interviews with 23,500 people with an ethnic minority or immigrant background in all 27 EU Member States. This report does not explicitly focus on discrimination on the ground of sexual orientation, which will be covered in a specific survey that the FRA is launching later this year.

www.fra.europa.eu - publications

The FRA has already started to address the issue of multiple discrimination in different projects: in 2003 it published the report "Romani Women access to Public Health Care"; in 2009 the report "Housing conditions of Roma and Travellers in the European Union" and the report 'Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II - The Social Situation'; and in 2011 'EU-MIDIS 5, Data in focus report: Multiple discrimination'. Some of the findings of these studies were highlighted above.

The FRA is currently conducting research in this area in its project "Inequalities and multiple discrimination in healthcare", which focuses specifically on multiple discrimination. It looks at the needs and the barriers experienced by specific groups at the intersection of gender, age and ethnic origin when accessing healthcare in five different EU Member States. The project places multiply-marginalised groups and their perspectives at the centre of the research. It includes background research and fieldwork with both health care users and health care professionals. The results of this study (to be published in 2012) will provide practical examples of multiple discrimination in healthcare and will contribute to discussions on the adoption of the proposed EU 'horizontal directive'.



Intersectionality:

When discriminations collide



Dr Roman Kuhar of the Department of Sociology, Faculty of Arts, University of Ljubljana, provides background to the concept of multiple (intersectional) discrimination, explores the jigsaw puzzles of personal testimonies which illustrate multiple discrimination and points to the need for sensitisation on multiple discrimination for individuals and groups working in the anti-discrimination field.

**The white gay community wants me to out myself.
They want me to disclose that I am gay and proud.
The Asian community wants me to stay in my shell.
They are trying to change me.
Both communities are competing with each other.
People like me are the ones paying for this.
We pay to be in the middle.**

From the Channel 4 documentary "Gay Muslims"

Discrimination is a social practice, deeply rooted in a society's culture. It is generally based on prejudices and stereotypes and leads to formal or informal forms of segregation, marginalisation or social exclusion of an individual or a group. It puts them in an unfavourable situation and pushes them to the edge of society, either physically or symbolically.

Most often discrimination is understood as one-dimensional: a person can be discriminated against on the basis of either age or gender, ethnicity, religion, sexual orientation, disability, etc. But what happens when multiple dimensions of one's identity are potentially the cause of discrimination, as in the case of the gay muslim from the Channel 4 documentary?

Intersectional discrimination

The discussion on intersectionality and discrimination based on multiple dimensions of one's identity has its origin in the feminist analysis. Black feminist authors drew attention to how racism substantially affects the gender experience. These debates are also informed by the criticism of identity politics and their unifying nature. Identity politics creates an impression of a unified group on behalf of which the politics are performed. It is assumed that members of a certain group face the same problems and see the same solutions to these problems. Identity is therefore the source of the problem, and at the same time, the politics based on this identity contain the solution to the problem.

Although we do not claim that such unified experiences are not possible, experiences can also vary. They can be influenced by the differences between individuals in the group, but these differences are not articulated in identity politics. In the feminist movement it soon became clear that the political demands reflected the needs of only certain women – for example, middle-class white women – while specific intersectional positions, such as black women, lesbians, etc., were not represented and taken into consideration. Similar exclusions have also occurred (and are still occurring) in other identity politics, gay and lesbian identity politics being among them.

The concept of intersectionality was introduced in 1991 by Kimberlé Crenshaw (although various versions of this concept have appeared before).¹ She established that identity politics often conceal or ignore intra-group differences. Thus, politics that only

1 Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color", *Stanford Law Review* Number 6 (1991): 1241-1299.



address violence against women usually only consider the gender dimension, although other dimensions of identity, such as race, class, ethnicity, sexual orientation, etc., can also have an influence on violence against women. They can even be the main cause of such violence.

A one-dimensional approach can also be seen in case-law and legislative practice. The latter generally sees the individual through a single category – the individual has either a gender or an ethnicity or a sexual orientation or a disability – rarely does it happen that these categories are treated in courts or in anti-discrimination legislation as intersected. Legislation generally does not address several sources of discrimination that can have a simultaneous effect.

Based on a series of case-law studies related to discrimination at work, Tanya Hernández found that non-white women were at a disadvantage because the judicial system only considered one-dimensional discrimination, although their cases were mostly a combination of discrimination they experienced due to their gender and skin colour.² If

they claimed racial discrimination the judges did not wish to simultaneously consider the effect of gender, or vice versa: if they sued for sexual discrimination at work, the judges did not simultaneously consider the colour of their skin. They overlooked the fact that the issue of sexism is not exclusively related to gender, the same as the issue of racism is not exclusively related to race.

The key question posed when taking into consideration intersectional discrimination is: is it possible to simply sum different inequalities that occur based on different personal circumstances and address them as such in politics, or are these socially and culturally constructed circumstances in mutual interaction, which means that, at the intersection of various dimensions of one's identity, new contents and new realities are generated that are not a simple sum in the sense of gender + sexual orientation + disability? In other words: if we wish to address discrimination of a black woman, do we simply address the discrimination she is experiencing due to her skin colour and discrimination she is experiencing due to her gender, or is the intersection of these two dimensions (gender and race) a new "reality" that does not correlate to the "reality" of a black person and the "reality" of a female person simultaneously?

Crenshaw's answer to this question is clear: intersection establishes a "new reality" or a new content. She explains it with the example of a traffic junction: "Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars travelling from any number of directions and, sometimes, from all of them."³

Quite often intersectional discrimination is understood as "multiple discrimination". However in contrast to intersectional discrimination, the concept of multiple discrimination understands various forms of discrimination, which an individual faces, as a sum rather than as a »new content«. A disabled person faces discrimination due to her disability, but if the person is also religious this can also be the basis for discrimination. Therefore, she has to face discrimination on both grounds, which does not mean that the combination of both experiences establishes new content. The key difference between intersectional and multiple discrimination is therefore the fact that the former takes into account the cross-section of the discriminations (the cross-section is the new content of discrimination), while the latter refers to the sum of the discriminations. In reality, it is of course sometimes hard to make the distinction between the two forms of discrimination.

² Tanya Katerí Hernández, "The Intersectionality of Lived Experience and Anti-discrimination Empirical Research", in *Handbook of Employment Discrimination Research: Rights and Reality*, eds. Nielsen, L. B. and L. R. Nelson, (Dordrecht: Springer, 2005), 325-337.

³ Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine", in *Black Feminist Reader*, eds. Joy James and Tracey Denean Sharpley-Whiting (Oxford: Blackwell, 2000): 216.

Structural, political and representational intersections

Crenshaw makes the distinction between three types of intersections: *structural intersection*, *political intersection* and *representational intersection*.⁴

With structural *intersection* she denotes the need to address the structural context of a certain identity position to fully understand the manner in which discrimination and exclusion occur. Crenshaw thus draws attention to the fact that all interventions for the prevention of discrimination against women will have a limited reach if they do not also specifically address the economic, social and political contexts in which these women live. Social structure is therefore always in intersection with the individual's identity. Or, according to Verloo, structural intersection is an issue of reinforcement.⁵ The question is thus, how and in what manner does racism "reinforce" sexism, how do class structures "reinforce" homophobia, how does homophobia "reinforce" racism and so on.

Political intersection addresses various policies formed by groups that an individual can be a member of simultaneously. Policies of these groups can even be in conflict with each other or are exclusive and do not reflect the positions of those within a group that are in intersection with other identities. A gay person, who is also religious, definitely faces such a conflicting situation. While, for example, the issue of same-sex marriage is often placed at the top of the political agenda of gay and lesbian non-governmental organisations, a religious group's top political agenda can be the opposition to such marriages. Verloo characterises political intersection as marginalisation of certain exclusions.⁶ Thus, these are questions on how feminism marginalises the issue of ethnicity, how the criteria that address equal opportunities for women marginalise the specific position of lesbians and so on.

While the first two forms of intersections are related to social structures and political agendas, representational intersectionality addresses structure, as well as politics, through discourse. Crenshaw calls attention to the fact that when a type of discourse does not recognise the importance of another type of discourse, the positions of power, against which both discourses are directed, are reinforced.⁷ A good example of this is the media presentation of gay and lesbian communities which are increasingly presented through the views of same-sex (married?) couples; meanwhile, this discourse does not simultaneously address issues of racism and sexism even though they are both constituent parts of homophobia. The latter cannot be fully understood if we perceive it narrowly and address it merely through the perspective of sexual orientation.

Intersectional discrimination in everyday life

The prevailing approach in the research of individuals' personal circumstances and the social position that these circumstances (co)create is one-dimensional. Generally, individuals are treated as if they are defined by a single dimension of their identities (e.g. studies of Roma, research about the disabled, etc.). It is hard to avoid such understanding. According to Bowleg, even when conducting research on intersectionality, it is hard or nearly impossible to ask questions about intersection without simultaneously asking questions that relate to various dimensions of one's identity separately or in addition.⁸ As shown by the study on intersectional discrimination in Slovenia,⁹ people usually ranked their identities: they were able to arrange them on a scale from the most important to the least important. They did not think about their identities in the sense of intersection, but cumulatively. The few examples of intersectional discrimination experienced by gays and lesbians, presented in the remaining of this text, are taken from this study.

⁴ Kimberlé Crenshaw, *Mapping the Margins*, 1991.

⁵ Mieke Verloo, "Multiple Inequalities, Intersectionality and the European Union", *European Journal of Women's Studies*, Number 3 (2006): 213.

⁶ *Ibid.*

⁷ Kimberlé Crenshaw, *Mapping the Margins*, 1991.

⁸ Bowleg, "When Black + Lesbian + Woman ≠ Black Lesbian Woman: The Methodological Challenges of Qualitative and Quantitative Intersectionality Research", *Sex Roles* Volume 59, Numbers 5-6 (September 2008).

⁹ Empirically the study is based on 21 semi-structured interviews with respondents who self-identified as belonging to various minority groups simultaneously and on six focus groups with 35 representatives and users of non-governmental organisations that engage in various aspects of personal circumstances on which discrimination could be based. The results from the study are available in the (e-)book: Roman Kuhar, *At the Crossroads of Discrimination: Multiple and Intersectional Discrimination*, (Ljubljana, Peace Institute, 2009).

When the question of intersectional discrimination was introduced in the interviews conducted for the study on intersectional discrimination in Slovenia, the first response was silence. The one-dimensional perception of discrimination is so prevalent and the practice of the dominant identity covering up others is so pervasive that understanding intersectional discrimination is generally difficult. To the question of how he would react if a Roma woman who is also a lesbian turned to him for help, an activist in a gay and lesbian organisation in Slovenia replied:

We could only accept her and discuss her sexual orientation. We would, in a way, ignore the fact that she is also Roma. Except if she said that she has difficulties because she is Roma. Then we would have to turn to someone that has experiences with this, because we do not. [...] We would direct her there. (Matjaž)

In general, the respondents never considered discrimination as a result of a joint effect or the intersection of several personal circumstances. Even non-governmental organisations generally function one-dimensionally. Several representatives of these organizations drew attention to the fact that some (stigmatised) identities are so powerful that they simply cover up the rest which thus become unimportant.

I believe that even if this person [with mental health problems] would have AIDS and would simultaneously be lesbian or gay, the mental disorder would still be the element that would dominate so strongly that the rest would not be important. (Nina)

Such an understanding was also confirmed by a gay disabled person, who spoke about the likelihood of establishing a partnership relation, which is one of the most pressing issues regarding potential discrimination in the context of a disability. He emphasised that even in the gay and lesbian community his disability covered up his entire image as a person. His subjectivity was in fact suppressed and he was seen merely as a disabled body.

In my situation, others only see these legs and are repulsed. (Tomaž)

When the meaning of intersectional discrimination in the study was explained to the respondents, several of them recalled some incidents that could be categorised as examples of such discrimination. A typical example that creates “new” and “different” content for women with Slovene and non-Slovene ethnicity is Milka’s story. When she was seeking employment, she was put in an unfavourable position not only because of her gender but also because of her ethnicity:

The employers told me that because I am a woman I will one day have children, but because I am also Bosnian I will probably have several. They would not hire me because of that. [...] I was hurt and I told them that I would sign a paper stating that I would only have two children. (Milka)

As already mentioned intersectional discrimination is not the sum of one-dimensional types of discrimination, but instead establishes a new content and requires special attention, clearly shown in the next example. A respondent working in a shelter for women, victims of violence, mentioned that a Roma woman took refuge in their shelter once, who alongside domestic violence, also experienced discrimination in the shelter (discrimination within the group of women who were victims of violence). For the staff, this meant that the woman required specific treatment and additional attention had to be devoted to her. It is clear from this case that the method of work, which is probably adjusted for women who are victims of violence, middle-class Slovenians, did not function in the case of the Roma woman even though she shared the same or similar experiences of violence with these women.

We really paid her special attention for a couple of hours a day because we knew what a risk it would be if she went back. [...] [Other women from the shelter asked us:] ‘Why does she have to be here with us? Take her away, she is not like us! Why doesn’t she go to a psychiatric hospital? Why do we have to put up with her? Why do you not tell her to wear something different?’ This is a sample of the society that these women bring with them. And they believe they are less worthy if they spend their time with someone that is not up to their standards. Imagined standards of course. Those created by society during their lives. (Mateja)

The most typical »new content«, caused by the intersection of sexual orientation and gender – as explained by the gay and lesbian respondents in the study – are different reactions to male and female homosexuality. According to the respondents certain conservative environments that are determined by the patriarchal culture act against male homosexuality more severely. This, of course, by no means can be understood as a “positive discrimination” of lesbians.

There are a lot of clubs in Jesenice [a migrant city in the north of Slovenia] where more provincial music is played, where such people gather ... In a way I am lucky to be a woman and a homosexual. Because if I was a man and they noticed me coming to such a club with a boyfriend, they would probably beat me up. Considering that I am a woman, I had no problems bringing a girlfriend to this club. People found it interesting. [...] If I was a man they would probably beat me up. (Lepa)

Similar to the relation between gender and ethnicity (as in Milka's case above), the respondents with an intersection of sexual orientation and ethnicity mentioned the differences in the perception of sexual orientation within their minority ethnic group compared to the broader society.

The problem was in my immediate family. It was a big shock because my nationality is Serbian, and gay on top of that. This was a giant tragedy. (Milan)

Although the respondents generally did not mention discriminatory incidents that they could have experienced due to their ethnicity within the gay and lesbian community in Slovenia, they nonetheless believed that the attention to their specific situation, which occurred at the intersection of ethnicity and sexual orientation, would be welcome.

The only organisation that could [deal with both of my identities simultaneously], would be an organisation of 'čefurs' (a derogatory term for immigrants) and homosexuals. We would be less discriminated against than we are in merely 'čefur' or merely lesbian or gay organisations. But we would nonetheless still be discriminated against. (Tine)

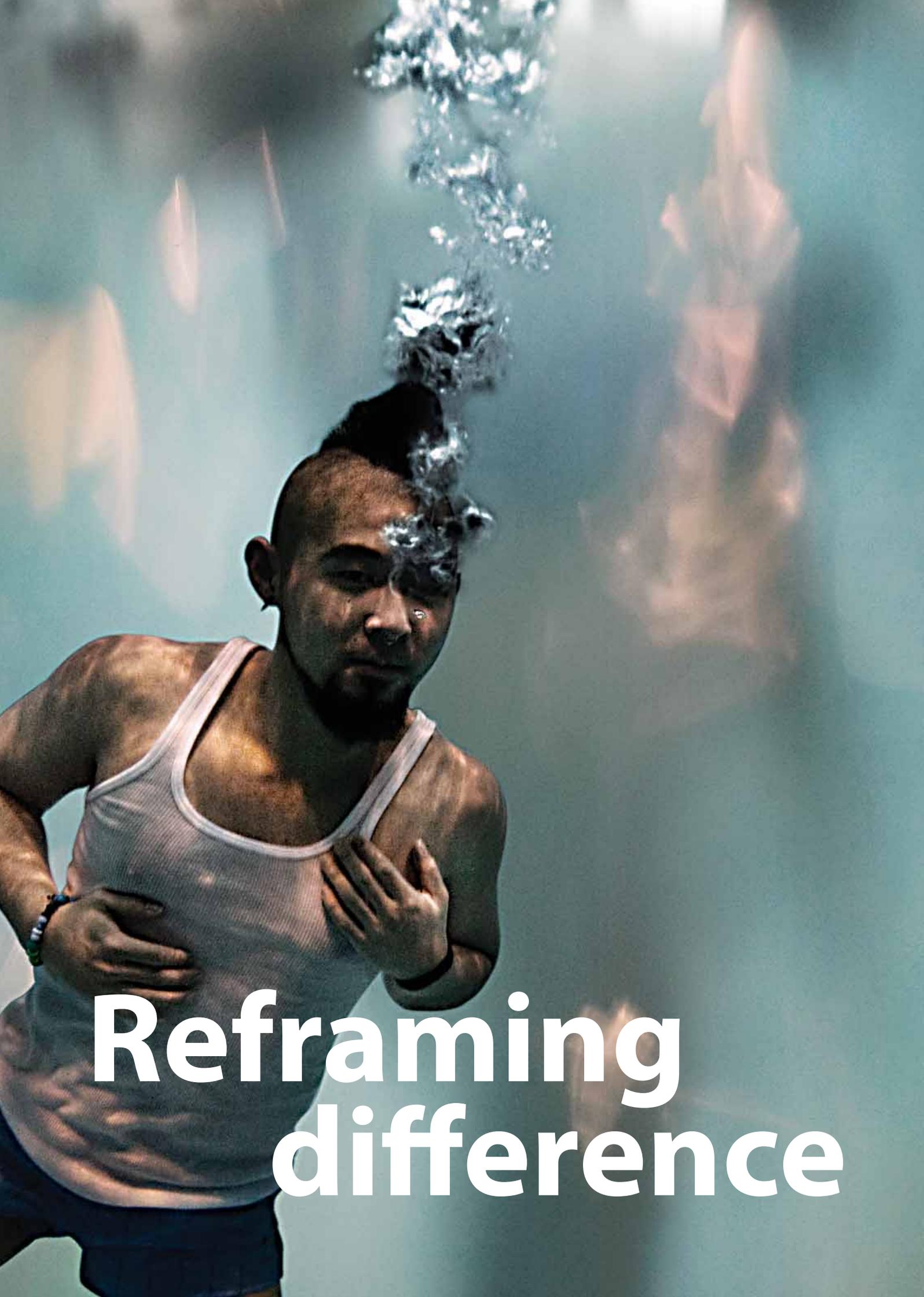
Intersection of religion and same-sex orientation is unique due to the fact that generally one identity excludes the other; our study included members of the Muslim, Orthodox and Catholic religions that all condemn homosexuality and perceive it as sinful. Individuals who are simultaneously religious and gay use different strategies for balancing both identities, most commonly this is a form of adapting the religious belief to the same-sex desire, as evident in the example of Lepa, who is a lesbian and a Muslim.

I have set myself a set of criteria on what to believe and what not. Now, I do not find it controversial. (Lepa, 25)

Lepa first believed that the homosexual identity is so unacceptable that she voluntarily agreed to be treated for homosexuality in some kind of exorcism.

I told them [imams] about my problem and they said it was okay, that it could happen to anybody. There was no discrimination; nobody said they did not want to treat me. They tried but failed. [...] It was a kind of hypnosis ... with prayer. They hypnotised you and started a kind of an exorcism. They failed to hypnotise me. [...] I just laughed in their faces. [...] Then I felt good because I had resolved some things. [...] After all that, it became clear to me that it was what it was and that I had to accept it. (Lepa, 25)

Despite the fact that our exploratory study showed a substantially higher prevalence of one-dimensional discrimination – or the discrimination was perceived in such a manner – it is possible that several circumstances had joint effects on discrimination, which the respondent was not aware of. The above examples nonetheless indicate that it is necessary to thematise intersectional discrimination. Those who work with people who are discriminated against should be aware that discrimination can be caused by the joint effects of multiple identity dimensions. Such sensitisation is also important for anti-discrimination policies that, by considering only one dimension, still do not prevent intersectional discrimination. It is true that the spiral of different types of discrimination and its intersections are endless, but legal regulations and anti-discrimination legislation, examples of good practice and greater sensibility to (intersectional/multiple) discrimination are nonetheless proof that the fight against discrimination is not fruitless after all. Maybe we will never succeed in doing away with all discrimination, but this does not absolve us from the obligation to actively prevent discrimination, educate about discrimination, draw attention to discrimination, recognise it and strive for an inclusive society.



Reframing difference

Iben Engelhardt Andersen relates that it can be quite a struggle having a different ethnic background and sexual orientation and/or gender identity to other people around you. But the Danish organisation Sabaah takes matters into own hands. With their latest project “In another Framework” they show the portraits of six very different activists and share their stories about being a LGBT person from an ethnic minority.

Wanting to speak to their own cause, a group of LGBT people with ethnic minority backgrounds left the project ‘Salon Oriental’ under LGBT Denmark in 2006 and created the independent organisation Sabaah. Copenhagen based Sabaah – which means ‘new beginning’ in Arabic – has rapidly become an important player in the Danish LGBT community by creating a safe space for many lesbian, gay, bi and trans persons with immigrant or adoptive backgrounds in Denmark.

Fahad Saeed, who is currently Head of Communications in Sabaah, says of this need to form an independent organisation: “A lot of awareness had been raised on the double minority status of our members, but many of us felt that within the framework of LGBT Denmark we had difficulties attracting members. Lesbian, gay, bisexual and trans persons with immigrant backgrounds face specific problems and demand different kinds of discretion and informality – but most importantly we wanted to work on our own terms.”

Fahad notes that he sees a great amount of courage among Sabaah’s members that he didn’t think was possible five years ago. He ascribes this to a general demystification concerning homosexuality, but he also sees specific challenges to Sabaah’s target group: “Even though we meet young people who have great courage and who have made difficult decisions of coming out and maybe even leaving home at an

early age, the majority of LGBT people with an ethnic minority background live a double life either with the tacit acceptance of their families or in total secrecy.”

Sabaah works to promote the interests of their members on three levels of activities - culturally, socially and politically - and with great attention to creating a positive discourse about who they are and what they do. Fahad underlines the importance of cultural activities such as social gatherings, parties and debates: “We recognize and work to solve the



Photo: Anne Mie Dreves

Text: Anna von Sperling

Michael

Michael always carry his Asian background around despite he was brought up in a Danish family. As being adopted from Korea he experiences that racial prejudice is alive and kicking in the LGBT community. “When I go out, I am not only meeting people, but also the “Asian phenomenon” through their eyes, “Michael tells. And there are many prejudices about “that Asian men are feminine, and they have small genitals. Combined with the stereotype that this is not like “real men”, it produces a very narrow minded view”.

Photo: Freddy Hagen

Text: Liv Fabrin

Thanh

Thanh, 27 years old, is openly lesbian to her parents who came as fugitives from Saigon to Odense (Denmark) after the Vietnam War. As a Vietnamese girl, Thanh has been brought up learning to show respect for her parents, but Thanh and her mother do not share the same view on love. For Thanh’s mother the most important thing is to have somebody to spend the life together with, but Thanh does not want to have a partner for sake of comfort and convenience. She rather wants to wait until she is ready to let love appear.



Photo: Thomas Cato

Text: Mads Ted Drud

Yara

Yara was brought up in Lebanon, and lives today in Frederiksberg (Copenhagen). She is a freelance makeup artist, and is volunteering at an animal shelter. After some years as “house wife”, the work to make life conditions better for trans people is taking over her time. “Even though you can say, that there is a high level of tolerance in Denmark, people still do not get what trans means. People do not see trans people as persons, they just see a figure. And this is also the case in the LGB community.

problems that our members meet in their families and their surroundings, but our main goal is to create a safe space where you can meet other people with whom you can identify and be yourself. We consider ourselves as primarily being facilitators of these social exchanges.”

Due to better communication, greater knowledge, better networks and diverse activities Sabaah has experienced important successes during the last couple of years. As an example Fahad mentions the slight majority of women among their members: “Even if you are faced with some big challenges as ethnic minority woman, an impressive number of women have made tough choices and difficult sacrifices and now are able to live out their sexuality.”

A lot has changed since the beginnings of Sabaah where discretion was the main principle, and almost every member feared being outed or recognized. From mainly working within the safe framework of the LGBT community Sabaah

now focuses more on creating dialogue with the general public and with the ethnic minority communities. Sabaah has upgraded the counselling service, providing a hot line where people can call and talk to an LGBT volunteer with an ethnic minority background. And in 2010 Sabaah was awarded the Danish “Heinrich-prize” for their “pattern breaking” function of raising awareness on this minority group and inspiring other people to stand by their sexuality.”

The portrait project “In another Framework” is part of the open strategy. Six activists are portrayed in text and photos. About the balancing between the need for discretion and the importance of information and availability Fahad says: “Some people still have prejudices concerning both what it means to be homosexual and to have an ethnic minority background. Even though it involves some risk, we are also here to give a face to this minority group and a picture of how it is to live with the double minority status of being gay, lesbian, bi or trans and having an immigrant background.”



Photo: Helga C. Teilgaard

Text: Moussa Mchangama

Anna

Anna was 13 years old, and the friend on the girl school in Malaysia had the same age. They became girlfriends. Not just kids playing girlfriends, where you hold just hold hands. This was on a completely different level. But they were not alone. A threesome drama started when an older student wanted the girlfriend of Anna. Today Anna is 20 years old, lives in Denmark and is considering visiting Malaysia and the old school friends together with her Danish girlfriend.

The stories that Sabaah wants to tell are not only victimizing stories of cultural barriers. The project is born from a continued wish to communicate some extraordinary stories that deserve an audience: "We were often stupefied with hearing each other's life stories and with the fact that our friends had not been completely broken down by the things they had experienced. Also the stories were very varied and even though we have had good occasions to speak our cause in the Danish media, we have never had the opportunity to take fully charge of this story telling. We wish to reach the general society, to inform and throw light on the challenges and possibilities you experience, when you have another background and sexuality than most other Danes. At the same time we hope to reach some LGBT persons with ethnic minority background, who feel alone and don't think there are others like them. We hope that by telling these stories, we can open some doors and inspire some courage."

More information about Sabaah and the Exhibition: www.sabaah.dk

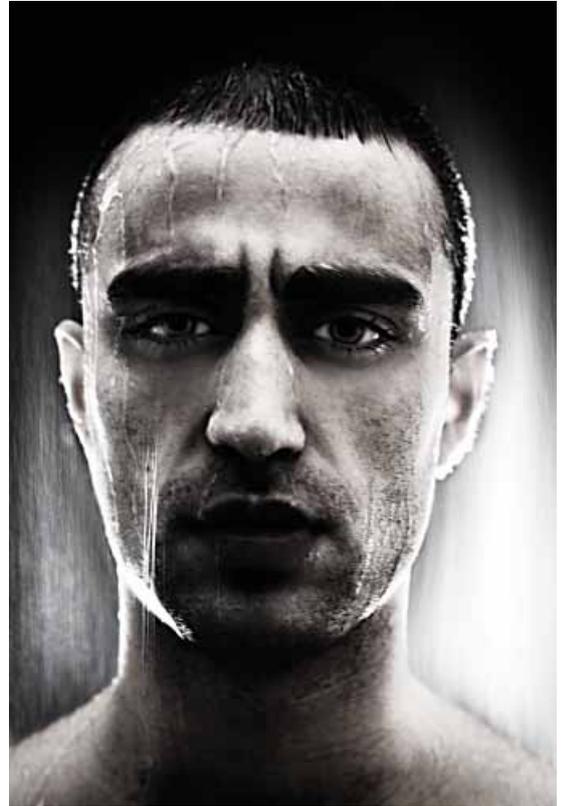


Photo: Magnus Ragnvid Chammon

Text: Nola Grace Gaardmand

Marcel

Marcel was 10 years old, when he together with his mother came to Denmark from Iran in 1998. Without anything else than the clothes they were wearing, they arrived in pouring rain, and they only had each other. Marcel was supposed to take care of his mother, and he was very serious about the task. But he could not be the man in the house forever. "You can come back, when you are normal again," is the last thing his mother tells him on the day, when he reveals his secret: he is falling in love with men.



Photo and text: Cédric

Cédric

22 year old Cédric is originally from Lebanon, but lives in Copenhagen today. Life as a homosexual man has caused that he does not see parts of his family.



Education and Culture DG

Lifelong Learning Programme



Unveiling aversive discrimination

Giovanna Camertoni of ArciLesbica Associazione Nazionale) Italy, describes a project carried out by three organisations in different parts of Europe on addressing unintentional discrimination among adults though various educational activities.



Project partners

“Unveiling aversive discrimination” (acronym UAV) is a two year learning partnership, started in 2008 and financed by the European Commission under the Lifelong Learning programme Grundtvig. The Grundtvig programme focuses on the teaching and study needs of learners taking adult education and ‘alternative’ education courses, as well as the organisations delivering these services. It aims to help develop the adult education sector, as well as enable more people to undertake learning experiences.

Partners of the UAV learning partnership have been:

C.E.R.P.A. (European Centre of Research and Promotion of Accessibility based in Italy) has the main purpose of contributing to the promotion of a better quality of life, a higher degree of urban-building accessibility and usability for all individuals of all social categories, paying particular attention to those categories considered to be weaker

www.cerpa.org

ArciLesbica is a political and cultural nation wide lesbian association involved in the promotion of the rights and of affirmative action for LGBT people since 1996. During the partnership the aim of the whole organization has been to thoroughly analyse the forms assumed by aversive discrimination and modern heterosexism in different social aspects, from adult education to the labour market

www.arcilesbica.it

Internet Rights Bulgaria Foundation aims to promote initiatives in the social and human rights sectors in Bulgaria. It encourages non-profit organisations and social movements working in these sectors to use the Internet for publicising their activities and for networking with others who share their aims, both within Bulgaria and abroad. IRBF also works to defend and extend communication rights

www.irbf.ngo-bg.org

Bfi Steiermark is training more than 30.000 people each year, mainly focusing on adult education for disadvantaged people, the unemployed, impaired persons and persons at risk of exclusion. Bfi Steiermark is in close co-operation with the Austrian labour market authority working on the integration of people at risk in the labour market. For the past years Bfi Steiermark has been working on the identification of discrimination and developing measures against discrimination www.bfi-stmk.at

KomBi – Communication and Education is a non-governmental educational institution based in Berlin offering

training and counselling on the issues of diversity, gender and sexual identity. The main target groups are educational practitioners and children and youth attending schools. The aims of Kombi's work are fostering respect, acceptance and democratic consciousness, acknowledgement of social diversity and prevention of hate crimes.

www.kombi-berlin.de

The main objective of the UAV learning partnership has been to promote the idea of formal and non-formal adult education that is genuinely inclusive and accessible to all and of an adult education free from discriminatory content. The partners identified in their daily experience numerous pointers which show them that a truly inclusive approach is still far from being reached in many learning paths. Therefore they decided to address aversive discrimination in adult learning.

Aversive (or unintentional) racism, disablism, sexism or heterosexism is different from old-fashioned, or blatant racism, disablism, sexism or heterosexism. In contrast to old-fashioned discrimination, which is characterised by overt hatred for and discrimination against people with disabilities, women, homosexuals, the aversive forms are characterised by more complex, ambivalent attitudes. On the one hand, people who discriminate in an aversive way are well-intentioned people who typically avoid acting in a disablist manner, support public policies that promote equality, sympathise with victims of past injustice, identify with liberal political agendas, possess strong egalitarian values, and regard themselves as non-prejudiced. On the other hand, these people almost inevitably possess negative feelings and beliefs about people with disabilities, women, people of different 'race' etc.

The negative feelings experienced by aversive racists, disablists, sexist and heterosexists are discomfort, uneasiness, or fear in the presence of some people. In addition, this negative attitude is frequently unacknowledged or dissociated from the self because it conflicts with one's egalitarian self-concept and value system. Because aversive discriminating people are concerned with maintaining an egalitarian self-concept, they typically do not consciously or intentionally discriminate, therefore the negative feeling

underlying their attitudes is likely to influence behaviour in subtle, unconscious, and unintentional ways.

Aversive racism was described for the first time in 1986 by Gaertner, Sam and J.T., Dovidio in the article 'The Aversive Form of Racism in "Prejudice, Discrimination, and Racism", Orlando 1986. P. 61-89, and in the following years a wealth of studies addressed aversive disablism, sexism, etc.

The UAV partners after comparing and discussing the literature in the respective fields, established indicators to be used jointly to identify learning material related to aversive discrimination, to be read in a critical perspective.

Then the partners established lists of texts that could constitute a base for those interested in learning about aversive discrimination, with a specific focus on aversive sexism, heterosexism and disablism. The texts read and discussed by all the partners, expanded their vision to other types of discrimination they are less familiar with and offered the possibility to identify common mechanisms among different forms of discrimination and to start reflecting on how aversive discrimination works and which aspects it can assume in a dimension of intersectionality.

The experience of the partners in the respective field of discrimination and their willingness to activate a process of mutual recognition and confrontation contributed to final written outputs, which consist in a web site www.uav-llp.info, newsletter, leaflets in different languages and handbook. The materials are available free for download from the web site.

The handbook in particular collects some of the main important reflections and contributions from the partners: bibliographic suggestions, a description of the origin of the concept of modern prejudice against LGBT people including definitions and examples of positive stereotypic heterosexism, paternalistic heterosexism, apathetic, aversive and amnesiac heterosexism, useful strategies to avoid modern homophobia in adult education, and an in depth description of (aversive) discrimination against (female) migrants.

More information about the project:

www.uav-llp.info

Here are two examples of projects carried out in The Netherlands on addressing different forms of multiple discrimination: sexual orientation/gender identity and older age, and sexual orientation/gender identity and minority ethnic background.

Consortium Pink 50plus

by Dr Judith Schuyf, Senior Adviseur Lesbisch en Homobeleid ,
MOVISIE, The Netherlands Centre for Social Development

In 2005, four organisations involved in projects around older LGBT people (hereafter pink seniors), joined efforts. They were ANBO, a trade union for older people linked directly to the national trade union FNV, COC Netherlands, MOVISIE and Schorer, the national LGBT health care centre. At that time, pink seniors were still quite invisible, although self-empowerment groups were emerging. Our first joint activity was the organisation of a phone-in week. The launch of this week was presented by a number of well-known LGBT people and politicians, including a future cabinet minister. People could phone in about their wishes, fears, and good solutions. Three main issues emerged: the situation in (institutionalised) health care, in the education of future workers in the health care system, and in housing. On this basis we started to develop a number of projects. In 2008, the Government made the Pink 50Plus Consortium into one of their Gay-Straight Alliances, providing 100,000 euros every year for four years, to promote visibility for pink seniors. One of the most visible items is the presence of a boat at the yearly Canal Pride in Amsterdam. A network of Senior Ambassadors is being created with volunteers who are deployed at strategic meetings and show the many different faces of pink seniors.

In 2011, the Consortium has two types of activity. One type involves empowerment of pink seniors. Another type concerns itself with professionals in health care, education and housing, basically giving information and providing training. One project, the Pink Passkey, entails a quality standard for general residential and in-house care. Organisations are trained and – after passing an audit by an official auditing organisation – can receive the pink passkey, to put on their front doors. About 40

Source: www.roze50plus.nl



institutions are currently in this programme. To promote the Pink Passkey, in October 2010, there was a very successful tour in a pink limo to several cities both in the western part of the country and in more outlying regions. The pink autumn tour was received by the mayor and other politicians in the cities, and in several residential homes a pink programme of games and shows was provided for all residents. This successful tour will be repeated in 2011, as will the Phone-in week, which we plan to organise together with Cavaria in Belgium.

This all sounds broadly successful, and it is. Yet one of the things that proves to be very difficult is getting a real hold within regular mainstream large organisations in health care and housing, who still are not convinced that this is a group worth their attention. Some organisations in the care system are still very conservative and old fashioned.



Source: www.roze50plus.nl

Working with LGBT people of non-western backgrounds

by Juul van Hoof, LGBT Expertise Department, MOVISIE, The Netherlands Centre for Social Development

MOVISIE advises on (local) LGBT policies in The Netherlands. An important subject in these local situations is the position of people with LGBT feelings who have a non-western background. In the smaller cities civil servants and local LGBT organisations often have no idea about the needs or even the size of this group. Many of them do not identify as LGBT, since this is considered a western concept in which sexual orientation is an important part of one's identity. Does this mean they cannot be included in local LGBT policies? What consequences does this have for this group? Should civil servants assume they need special services or does invisibility mean no representation in policies?

So, for many LGBT organisations (especially at the local level), these people are barely visible. One can argue about the cause of this invisibility; is it because the regular LGBT organisations do not cater to their needs or is it because people with LGBT feelings and a non-western background do not feel the need to visit LGBT organisations, consider them as 'too white' or just choose not to express their sexual orientation in public?

As you can see – there are more questions than answers here. There is no definite solution or answer to this dilemma. But, in the opinion of MOVISIE, invisibility should not mean certain groups are excluded from policies. Civil servants as well as local LGBT organisations should research this topic, realising that within all religious and cultural groups, people with LGBT feelings are present. Experience at a national level in The Netherlands shows that these groups indeed can struggle with their double identities and loyalties to both themselves and their family and/or ethnic background. Embodying multiple identities means being torn between individual choices and group loyalties. In present day Dutch society, where tensions between religion, identity and citizenship are a fact, people on the crossroads of sexual orientation and religion and/or culture can be extra vulnerable.

As a consequence, regular municipal services should be sensitive to cultural and religious considerations when dealing with clients with LGBT feelings. Cities have the responsibility to take the needs of their citizens into account; this includes people for whom being out about their sexuality is not self-evident or for whom being open about having LGBT feelings can be downright dangerous.



Lesbian and foreigner? No rights for your kids!

Søren Laursen, spokesperson on legal issues at LGBT Denmark, the Danish National Organisation for Gay Men, Lesbians, Bisexuals and Transgendered Persons, offers another example of discrimination on basis of sexual orientation and nationality.

"Of course, if you die, your daughter Charlotte will be sent to the US". That was the laconic message from the clerk at the regional state administration to Susan, when she and Helen got a divorce. Susan who gave birth to Charlotte is an American citizen, whereas Helen is Danish. Even though Charlotte has two parents and was born and raised in Denmark, she would get a one-way ticket over the Atlantic if her birth mother died.

Had Susan had a male partner, Charlotte would be a Danish citizen and could stay with him, if her mother died.

Different children, different laws

When a child is born in Denmark to a mixed-sex couple its family relations are determined by the Children's Act. If the mother is foreign but the father is a Danish citizen, the child will become a Danish citizen too, regardless whether the couple is married or not.

If, however, the partner of the mother is a woman, only the relation to the birth mother falls under the Children's Act. The relation to the co-mother falls under the Adoption Act. The only way for a co-mother to become a legal parent is by means of second-parent adoption.

Now, under the Children's Act, the child inherits a father's Danish citizenship. But under the Adoption Act citizenship is not inherited for second-parent adoption. The only way Charlotte would become a Danish national is by means of naturalisation, i.e. by statute. Two times a year the Parliament passes a naturalisation bill with names of persons who have been approved for citizenship.

Double discrimination

In the case of Susan and Helen, they were divorced before the second-parent option became possible in 1999; thus the one-way ticket. Even though this is possible today, rainbow

families are still subject to discrimination, as the children have substantially different rights compared to their friends with straight parents. If the birth-mother is lesbian AND foreign her children will not be Danish nationals, in all other cases they will be.

Government ignores

LGBT Denmark – The Danish National Organisation for Gay Men, Lesbians, Bisexuals and Transgendered Persons, has pointed out this problem to the government and the Parliament for years. The Women's Council in Denmark joins the protest. The issue has been addressed in a number of proposals of law and proposals for parliamentary resolutions, but these have never produced any results.

Had Susan not been American but, say French, it is a question, if this discrimination would not conflict with European equal treatment provisions. The Danish government never took the opportunity to do this analysis. It usually just ignores the question.

Today Charlotte is a teenager. After the divorce she stays with Helen 5 days every second week and otherwise with Susan. She grew up in Denmark, went to kindergarten, goes to Danish school, does what kids do here. Yet still she is not Danish. There is no legal bond between her and Helen. And Susan must live with the knowledge that should she die, her child would be in a vulnerable situation.

Being a young LGBT activist

The youth perspective on our common struggle

Alex Müller, former IGLYO Board member and a photographer, uses images of young LGBT activists to tell a story of the fight against discrimination on basis of sexual orientation and gender identity and the struggle of young people for recognition and respect.



Kemal Ördek (24), KAOS GL Cultural Research and Solidarity Association, Turkey
"Activism means courage, ambition and cooperation for change. I am an activist: firstly for myself as an LGBT person, and secondly for other who are oppressed."



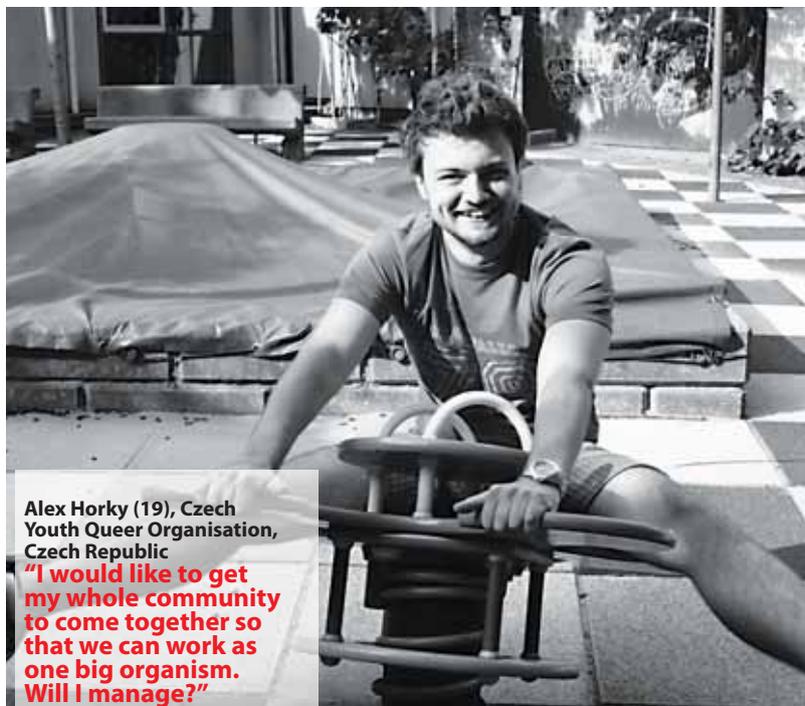
Selbi Jumayeva (22),
Igbt Organisaion
Labrys, Kyrgyzstan
**"Activism means
standing up for justice
and acceptance
every day at any time
and any level."**



Nadiia Korolova (24) & Krystyna Posunkina (20), International
and Educational Centre Za Ravnje Prava, Ukraine
**"Activism means something different for everybody.
Everybody has their own motivation. I have never
thought about what is it called. I just wanted change.
We advocate for equal rights for LGBT people
and the overcoming of homophobia."**



Lekë Salihu (26),
Elysium, Kosovo
**"Almost every
individual is an activist
in his or her way.
I advocate for change
because it is as
inner call and I can
afford to do it."**



Alex Horky (19), Czech
Youth Queer Organisation,
Czech Republic
**"I would like to get
my whole community
to come together so
that we can work as
one big organism.
Will I manage?"**

FACES OF IGLYO

In July 2009, the International Lesbian, Gay, Bisexual, Transgender and Queer Youth and Student Organisation (IGLYO) celebrated its 25th anniversary with an international LGBTQ activist conference in Amsterdam, bringing together more than 80 activists from all regions of the world. The exhibition Faces of IGLYO consists of portraits some of these activists. It reflects the manifold backgrounds, experiences and people within the international LGBTQ community. See all 15 portraits on www.iglyo.com/faces-of-iglyo

Photos: Alex Müller/IGLYO

"Activism is essential to overcome what is imposed onto us by perceived difference". A fellow activist and friend of mine used these words as an introduction when starting to speak about her work on LGBT rights. It captures the essence of the struggle for the recognition of rights based on sexual orientation and gender identity – a struggle that we all know too well. However, it also captures the manifold other layers to that struggle, and to our identity as activists. For the word 'difference' does not solely relate to sexual orientation and gender identity. 'Difference' is experienced in myriad ways, and informs many fragments of our identity.

The goal of activism is to defy the norm and legitimize the difference, to enable us to embrace all the differences that make up our identities. In the discourse of LGBT rights, activism means fighting the norm of heteronormativity. For young people, it also means fighting a norm established by adults. Young people are not only lesbians, gays, bisexual or transgender people, they also are 'the inexperienced youngsters', they are young people of colour, young disabled people, young immigrants..... Like everybody else, we are people of multiple identities. And we often face multiple discriminations.

We all agree on refuting discrimination based on sexual orientation and gender identity, but are we acknowledging that discrimination based on age violates not only the rights of the elderly but often also of the young? Are we incorporating young people into decision-making processes that affect them? Are we 'talking with' or 'talking to' young people? Are we ensuring that young people's needs are met, that their rights are being respected? The challenges that LGBT people meet are not the same across all age groups. On the contrary, they are age-specific. The wide range concerning LGBT youth includes coming out and dealing with reactions from classmates and teachers – all the while pursuing a secondary or tertiary degree, accessing services for sexual and reproductive health, negotiating home environments with varying levels of heteronormativity and homophobia. It is precisely because of these age-specific challenges that activism by LGBT youth is crucially important. To account for our multiple identities means to allow the voices of young people to be heard. Beyond hearing their voice, it means respecting their realities and their needs, and treating young people on an equal level. LGBT youth need to have nurturing environments that allow them to grow into self-respecting and responsible active members of society. They also need to know that their experiences and demands are respected despite of age, sexual orientation, gender, gender identity, ethnic origin, bodily abledness or geographic origin. The needs of young people cannot simply be incorporated into the demands of 'adult' movements. In building up capacity among young people, the age group under 30, we are also ensuring a strong leadership for tomorrow.

As I am writing this from Cape Town, where I have moved to after having worked in the European region for many years, I cannot help but reflect on how the struggle for LGBT rights is intrinsically linked to other fights for equality and self-determination: the struggles against racism, sexism and xenophobia all share the rebuttal of oppression and discrimination. Young people have been and still are at the forefront of all of these struggles – it is young people who challenge the existing conditions, who have the creativity to create alternatives; it is young people who throw their relentless energy into creating a different social order.

The activists portrayed in 'Faces of IGLYO' do exactly that: they push for social change that includes youth perspectives among its goals. They push for changes in health care policy: to respect the autonomy of young women and make reproductive health services available without the need of parental consent. To respect the bodily autonomy of young people, to respect choices that they make about their own body. They push for social inclusion of young LGBT people. They push for change in the education system, to ensure that being gay, lesbian, bisexual or transgender does not lead to the bullying of which we have recently seen the terrifying and tragic consequences in the United States.

The exhibition highlights the crucial role that young people play in the struggle for LGBT rights. Whether in grassroots organisations or in international advocacy, young people are the catalysts of changing social orders, of opening up new horizons and shifting public perceptions about what it means to be queer. 'Faces of IGLYO' aimed at giving young activists their own voice and articulates their definition and motivation for activism. In portraying both LGBT activists and straight allies, the exhibition reminds us that the struggle for LGBT rights can only be successful if everybody is included – and it honours the work that straight allies contribute. By doing so, it has created spaces for conversations across the 'differences': about involvement and engagement, the role of youth and the importance of activism in bringing about social change. All these conversations have one common denominator: a strong belief in the need and the possibility for social change.

The trans elephant in the pink room:

When trans people are gay, lesbian and bi, too



Lady Moira, 2005, 100x100 cm, Oil on canvas

Richard Köhler is co-chair of Transgender Europe and has been working on LGBT issues for more than a decade in Eastern- and Western Europe. He tells a story of legal hardship, stigma and prejudice experienced by trans people identifying as lesbian, gay and bisexual not only within wider society, but also within the LGB community.

Transgender people, who identify as homo-, hetero- or bisexual might experience discrimination on the basis of their gender identity as well as because of their sexual orientation. There is still confusion about “gender identity” and “sexual orientation”. Gender identity is the perceived expression of gender, whereas sexual orientation is the ability to be emotionally attracted to somebody.

When working for human rights of transgender people, one should take into consideration the specific issues those who are also lesbian, gay or bisexual may face:

Relationship recognition

Homosexual trans-people, who have not undergone gender reassignment surgery (GRS) and are thus fulfilling their country's requirements to have their gender recognised, are in a legal limbo when it comes to securing their partnership. One example from Germany: for health reasons L.I. had not undergone GRS and was thus still perceived as male in the official register. She had changed her name to a female name. When she and her partner applied to have their partnership registered, they were denied. They were told that they could only get married as man and woman. Since they both have female names a marriage would disclose that one of them was a transsexual person. That this would violate their right to privacy was finally established by the German Federal Constitutional Court and they were able to have their

partnership recognised. The Court also explicitly stated that the fact that a person had not undergone GRS could not allow for a discriminatory treatment.¹

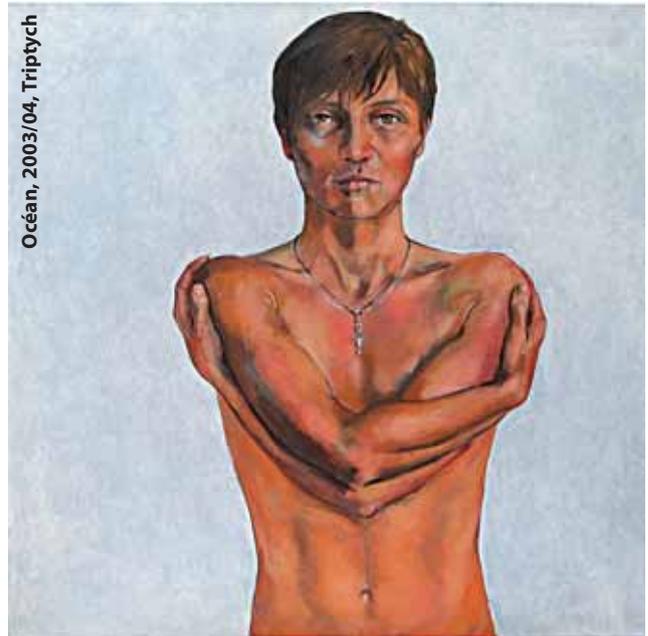
Those transgender people who are married and who seek legal gender recognition have to divorce first in the majority of states in Europe. Thus States want to actively prohibit the existence of same-gendered marriages. Spouses affected lose acquired rights and have to go through the stress of a divorce, even though it is against the will of both partners. The German Federal Constitutional Court ruled in 2008 that the so called divorce requirement was violating the right of homosexual trans people and was thus declared unconstitutional.² In countries where registered partnership is available the same couple then needs to have their relationship listed again.

Homophobic gatekeepers in the medical system

Homosexuality is a re-occurring issue in the mandatory process of obtaining a mental diagnosis, necessary to access legal gender recognition or medical treatment. Those, who wish any of the above, often face a medical system that is only slowly changing attitudes towards homosexuality. Still we hear stories of trans people who are attracted to their own gender (transwoman fancying other women), who are facing great difficulty in getting a positive statement. On the other hand, gatekeepers are instructed to rule out an underlying

¹ 11 January 2011 1 BVR 3295/07 <http://www.bundesverfassungsgericht.de/en/press/bvg11-007en.html>

² 27 May 2008 1 BvL 10/05 <http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg08-077en.html>



MARTINA MINETTE DREIER

Painter, Filmmaker

Yearning and power intertwine with identity in the visual works of Berlin artist Martina Minette Dreier. The subjects of her portrait series doing gender, live between, beside and around the confines of common assumptions about gender, and with guilty pleasures - sad erotics, she tells melancholic stories of longing and gratification, of obscure pleasures and curious desires.

And more information to be found here:

www.doinggender.de

www.minette.de

www.femininemoments.dk/blog/martina-minette-dreier-female-world

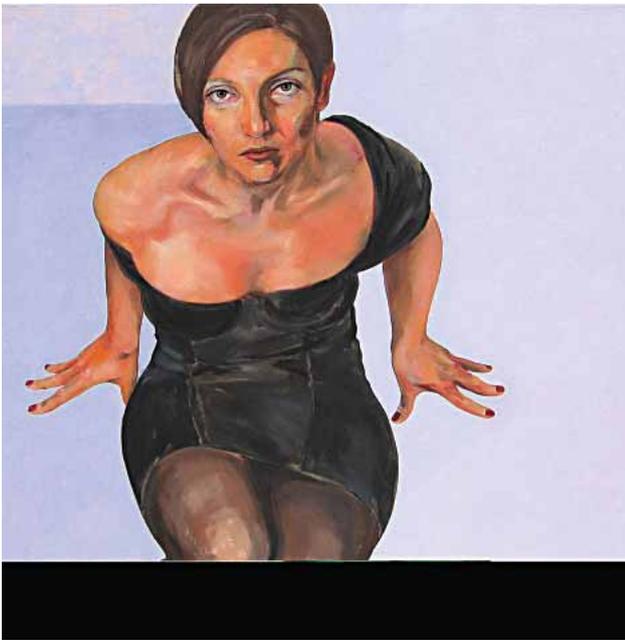
“denied” homosexuality. Thus, being transgender and being gay or lesbian can be advanced as mutually exclusive. Trans people, who fall for more than one gender might be diagnosed with a non-stable gender identity.

Trans people in the LGBT movement

At Stonewall in 1969, transgender people were fighting together along with sex workers, lesbians and gays for their right to be free from police harassment and discrimination. However, along the way, this unity in arms fell apart. Although in some organizations solidarity prevailed, only in recent years have previously “sexual orientation”- only organisations begun embracing more and more the aspect of gender identity. This might end up with adding the “t” to the line of letters, making it LGBT. Without going further into analysing what this consists of, it might lead to the following situation of a long-standing LGBT organisation, well known for its

transgender support groups, counselling service and help lines: when, trans-activists asked for a place on the board, which at that time was solely made up of lesbian and gay people, they were told that identity disorders require peer-support groups, not a role in managing the organisation. Others broaden their concepts and embrace the perspective on gender identity in their equality work.

However, being transgender might not necessarily be the most prominent issue. As a gay transman reports: “I am white and when I am walking down the street, I am just a bloke. I am not perceived as transgender, but I might be perceived as a gay man and thus face homophobic attacks. I am more afraid to be attacked due to anti-gay violence than to my gender identity.” Still, there is a big gap catering for the information needs of trans people, who fall for their own gender when it comes down to sexual health. There are hardly any prevention programmes on HIV or sexually transmitted diseases that

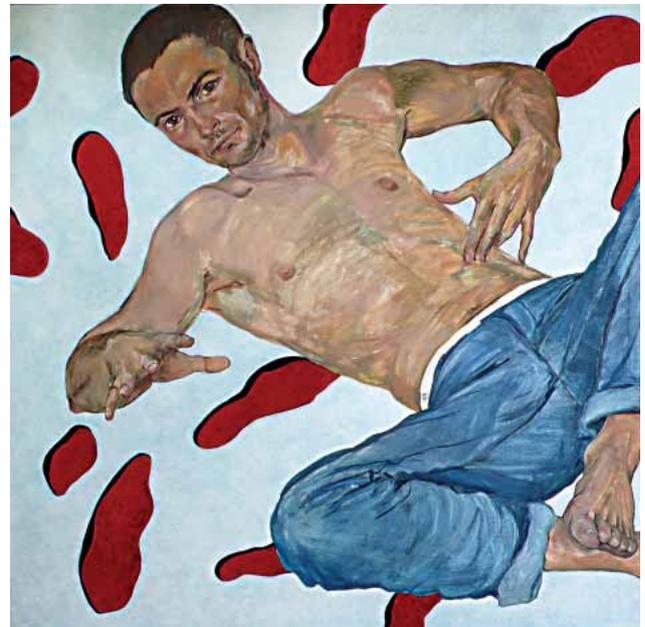


are also explicitly focusing on gay transmen, who have sex with other men and on transwomen, who have sex with women. The idea that condoms are good for everybody is not enough here to address specific questions homosexual transgender people might have. When it comes to dating and actual making out, lots of gay transmen and lesbian transwomen actually experience discrimination because of their gender identity. Gay men requesting a “real penis” since they are “gay” and not heterosexual and thus denying the male identity of his trans counterpart. Infrastructures might struggle with their gay transgender clients. Thus, the profile of a gay transman was blocked on the well-known online sex-date portal “for gay and bi-curious men” as the administrator found the person’s profile violated the admission rules of the portal. His profile suggested that he had no penis. Several other users’ profiles got also blocked when they expressed support for the transman. After some expressed pressure and threat of legal action the management apologised, saying it was the administrator’s lack of knowledge of the portal’s rules and understandings; of course, transgender people no matter their “surgical status” would be welcome. However, the portal still expects transgender people to out themselves up-front by choosing “transgender” in the drop-down list of offered sexual orientations.

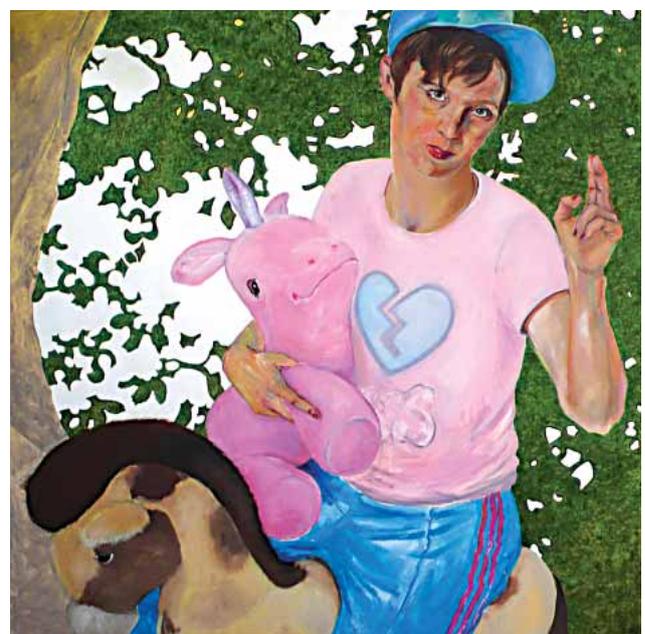
There has been quite some argument within the lesbian-feminist movement that transsexual people are actually actively supporting a dual gender binary system. Thus, men, who emerged out of the feminist-lesbian movement might have to

deal with the challenge to have changed sides, acquired “male privilege” and to betray their own roots. On the other hand, trans women, attracted to women, might be denied solidarity as they ‘bring patriarchy into the movement’, since they were socialised as males. Still, nowadays, lesbian trans women report not being allowed to access lesbian sport clubs, associations or cafés. Or they might be asked to prove a certain surgical status or official documentation of their womanhood.

In practice many LGBT and also lesbian-feminist organisations are rather seeing commonalities in their (gender-critical) analysis of society and experiences of discrimination. In practice, as a lesbian counsellor and long-term activist put it: “you always also deal with transgender issues when working with the lesbian movement.”



Cosmo, 2010, 100x100cm, Oil on canvas

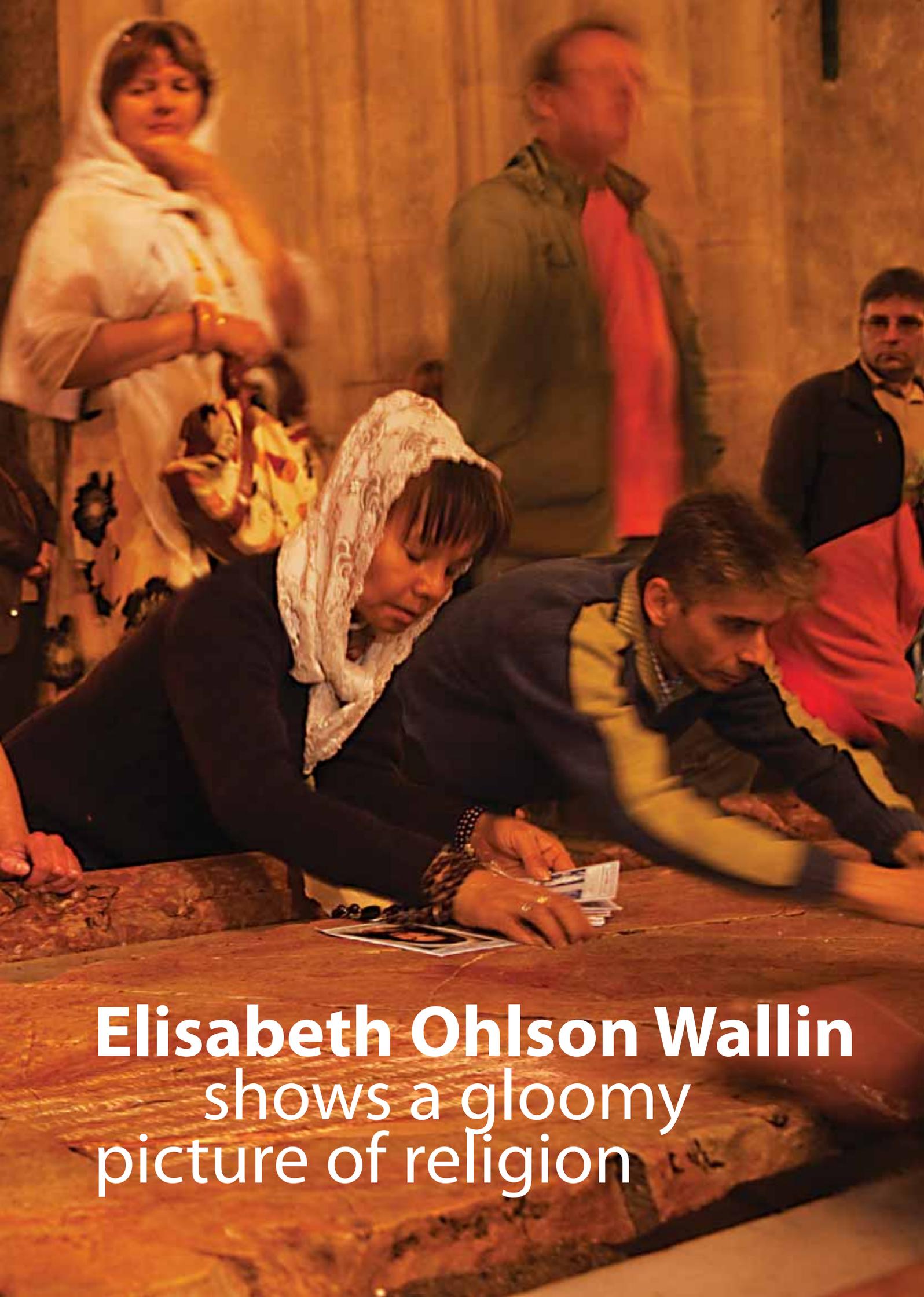


L Cavaliero mit dem Pferde, 2010, 100x100 cm, Oil on canvas



Kysen (Kiss)

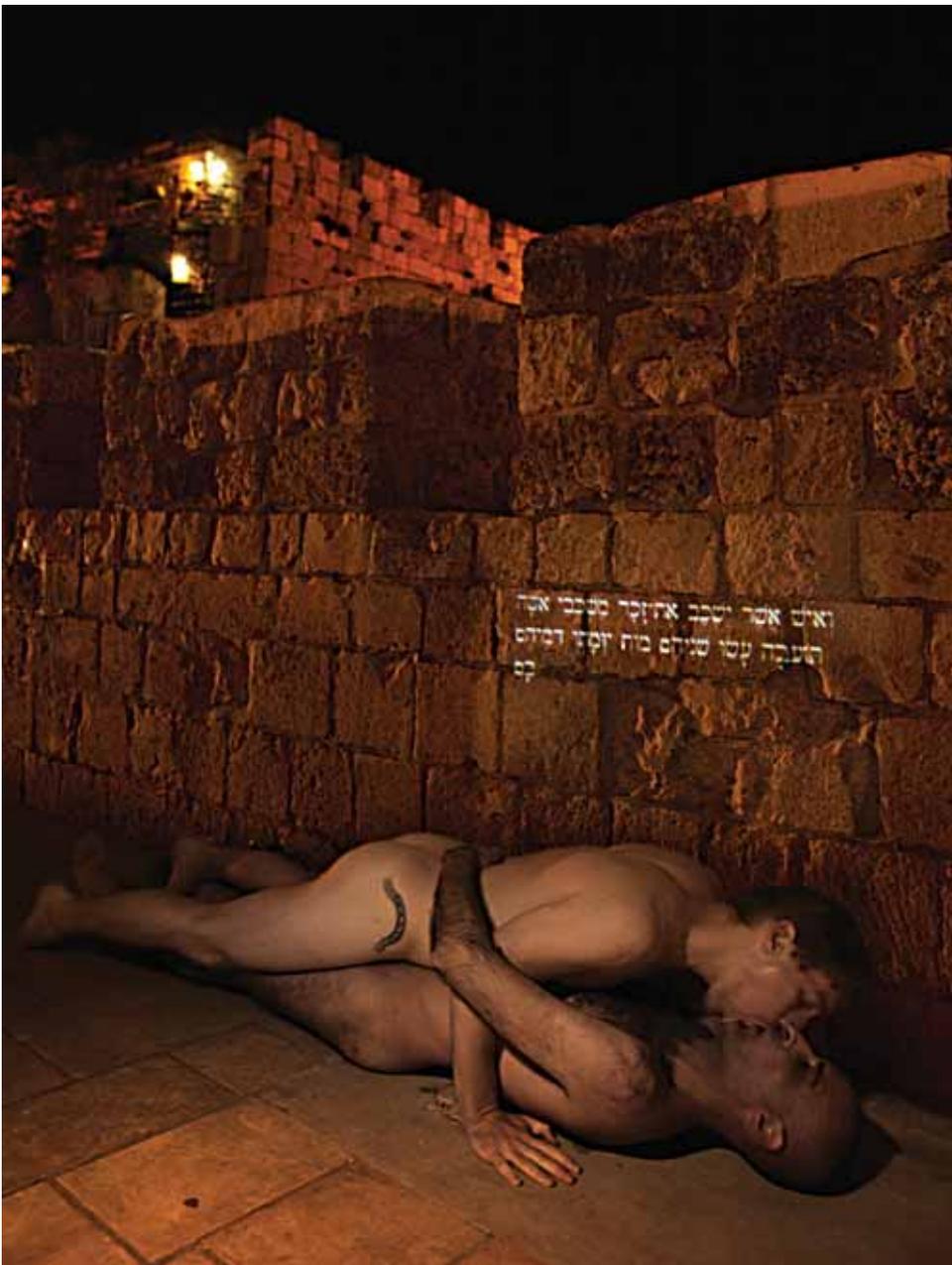
Photo by Elisabeth Ohlson Wallin



Elisabeth Ohlson Wallin
shows a gloomy
picture of religion

Swedish photographer *Elisabeth Ohlson Wallin* did an exhibition 'Ecce Homo' in 1998, all about spreading the joy of the gospel. Now she has produced 'Jerusalem' - a pessimistic view how a "hateful" interpretation of the Abrahamic religions (Christianity, Judaism and Islam) can affect LGBT people and women. The original article was written by *Jon Voss* for QX.se and now has been translated by *Linda Freimane* and edited by *Nanna Moe* for our magazine.

Dods Kyssen (Kiss of Death)
Photo by Elisabeth Ohlson Wallin



The Museum of World Culture in Gothenburg, Sweden, had been surrounded by controversy long before the photography exhibition, *Jerusalem*, finally opened on 10 November 2010. When Elisabeth Ohlson Wallin in 2010 gives her comments on texts of the Bible and the Koran, it is in a time when freedom of expression, requests for special treatment from religious leaders, Islamophobia and anti-Semitism are heavily debated.

The journey from *Ecce Homo* to *Jerusalem* has only taken 12 years, but it has also been a period during which the Swedish church, after a long theological debate, has undergone dramatic changes in the perception of same-sex love and sexuality. It has also been a period where much of the Conservative Judaism has opened up in relation to the LGBT community and where in the Muslim world a theology open to love and sexuality between women and between men has started to emerge.

cautious and it is with trepidation they felt more or less compelled to show her work. Today “world culture” is focusing so much on fundamentalist religions that issues, which seem non-controversial in a secular society, can become explosive. The security around the exhibition has also been strengthened beyond the ordinary. This is in itself an illustration of the exhibition’s thesis about what “hate-texts” can lead to.

The world has changed and religious hatred now has a completely different emphasis than in 1998. It is this change that *Jerusalem* is a commentary on.

Elisabeth Ohlson Wallin has, just as in *Ecce Homo*, highlighted a number of citations and by using models in various locations in Jerusalem, she has allowed the photo-artistic commentary to grow on them. In *Ecce Homo*, she chose central biblical texts and illustrated them with a homosexual theme. In *Jerusalem*, she has chosen texts that are perceived to have a homosexual theme or a feminist theme, and is commenting them with a fundamentalist interpretation. With a perfectly legitimate and liberating anger Elisabeth Ohlson Wallin wants to raise her voice against “the religious language of terror” as Doctor of Theology Lars Gårdfeldt describes it in a text in the exhibition catalogue.

Ohlson Wallin’s artistic comment is a sign of these times we live in – it is reflecting that the battle has intensified. *Ecce Homo* was an expression of a belief which is on its way to opening up, hence it is disturbing to see *Jerusalem* as a commentary on the opposite. *Ecce Homo* was related to a strong tradition which rejects simplistic, brutalising and history-less readings of religious texts. *Jerusalem* becomes the negative proof of another strong tradition: the one that says that words are interpreted and that this interpretation is for all, always. Amen. And shut up. Until the next simplified interpretation will win the never ending religious war.

While *Ecce Homo* refused to accept the unreasonable and inconsistent ideas of fundamentalism, *Jerusalem* confirms these ideas and as a starting point the images protest against them. While *Ecce Homo* blew life into the open and bright faith, *Jerusalem* can be a sign that this light is about to go out. This is a strong, passionate, angry and deeply disturbing message.

Ecce Homo

Photo by Elisabeth Ohlson Wallin



Elisabeth Ohlson Wallin experienced the debate following *Ecce Homo* as painful and her “childhood faith” which, full of hope, influenced Jesus’ meeting with the LGBT community got turned into a dark vision of the Abrahamic religions.

Jerusalem illustrates the “hate-texts” in the Bible and the Koran. The texts which over the centuries have been used by many Christian, Jewish and Muslim interpreters to persecute homosexuals and transgendered people and to force women to stay in their oppressed place within the religious societies.

In a way, the critical approach should be entirely uncontroversial for these groups. The “hate-texts” exist and they are being interpreted in a way so Elisabeth Ohlson Wallin can literally picture it through her photos to ‘create an alternative view which would show that it is an outrageous claim’. Nor should it be controversial that Christianity, Judaism and Islam are criticised by non-believers as well as by those who have an approach other than the traditional and patriarchal interpretation. Ohlson Wallin is just underlining the facts.

But the Museum of World Culture hesitated when they saw Ohlson Wallin’s pictures for the first time. Religious representatives were called in to give their comments and it has kept a low profile before the opening.

Concerns that Elisabeth Ohlson Wallin’s pictures would insult some believers have called for the museum to be extremely

LGBTQ and then some:

Double minorities on the screen

Sarah Glerup, a media student at the University of Copenhagen who belongs to two of the below-mentioned minorities, takes us on a journey to the world of cinema and how it reflects the numerous identities of LGBTQ people.

There is a reason why LGBT film festivals are found all over the world, namely the fact that LGBT characters are still relatively rare in mainstream cinema. So when we want to see our lives reflected on the big screen, we must rely on the detective work of festival programmers.

When seeking representations of double minorities the detective task becomes almost overwhelming. But there are a few good places to start.

Religious and ethnic minorities

Quite a few films have touched upon the clash between LGBT issues and religion, but most of these stories unfold in settings where being religious is the norm. In recent years so-called immigrant films do, however, explore the complexities of being a non-straight member of a religious and ethnic minority.



I Can't Think Straight (UK, 2008)

'My Beautiful Laundrette' pioneered gay male immigrant representation, and it took the lesbians a few decades to catch up. One proof that they have is 'I Can't Think Straight'.

The story is loosely based on writer/director Shamim Sarif's own life, but glamorous robes, stunning actresses and witty dialogue have been added to fit the demands of a light romantic comedy. Tala, an outgoing, upper-class Jordanian woman living in the UK, is busy preparing her grand wedding, when she meets Leyla, a shy Indian girl aspiring to become a writer. The chemistry is undeniable and leads to a romance that challenges both women's cultural notions of love.



My Beautiful Laundrette (UK, 1985)

An early example of the immigrant film which still resonates strongly today is Stephen Frears' 'My Beautiful Laundrette'. The film has it all: incredible acting, original style and a storyline that elegantly interweaves issues of class, ethnicity and homosexuality. Omar, a Pakistani-born young Brit, is trying to navigate through life in what appears to be a pretty straightforward story. When his car is stopped by a group of white bullies we think we know what is to come – but we are proven wrong: Omar walks confidently up to the leader, Johnny, and they drive off together to the gang's confusion. Later they open a laundrette together and a beautiful love story unfolds. Especially the love scene, in which Omar drinks champagne from Johnny's mouth, makes a great impression as a pioneering and unapologetically erotic celebration of diversity.

People with disabilities

In spite of widening the scope to include television, I can only come up with a short list of LGBT characters with a disability. Sadly, it is nearly exhaustive.

The combination of a disability and homosexuality is apparently unthinkable to most producers. Possibly because disability is often prejudicially linked to asexuality, whereas homosexuality is thought of as some kind of hyper-sexuality (why else bother to come out of the closet?). Thus, gay people with a disability become living and breathing contradictions in terms and rarely reach any screen, big or small.



E.R.: Dr. Kerry Weaver
(US 1995-2006, seasons 2 through 13)

Dr. Kerry Weaver joined 'E.R.' in its second season as Chief Resident, and in spite of being a minor character comes across as multi-layered and relatable to. She walks with a visible limp

and a crutch from the beginning, but the show does not reveal why until season 12. As a consequence the disability remains a minor part of Weaver, not her defining characteristic. This is refreshing and probably explains why the writers dared to add more complexities to her character. In season 7 Weaver finds herself falling for a female co-worker, Kim Legaspi, but it takes her another season to come to terms with her sexuality. In true 'E.R.' fashion, Weaver's ride is a bumpy one. She has to deal with miscarriages, losing her wife, a custody battle with homophobic in-laws. Fortunately, she does eventually get her happy ending and leaves the show in season 13 for a hot female reporter in L.A.



The L Word:
Jodi Lerner
(US 2007-9, seasons 4 through 6)

In the 4th season of 'The L Word' alpha-

female Bette Porter finally met her match, when sculptor Jodi Lerner walked onto the campus of her workplace in order to teach there. She doesn't buy into monogamy and pursues her boss with boldness that up until then was Bette's trademark. The fact that Jodi is Deaf does not hold the sensual woman, to whom "everything is desire", back. On the contrary, she manages to exhaust Bette so severely on their first night together that one can't help but wonder if being fluent in Sign language comes with certain dexterousness... In the season finale the pair get the kind of happy ending only found in television when Bette steals and presents Jodi with a gigantic '17 Reasons Why'-sign. But of course, this is soap, so nothing lasts.

Other mentionable tid-bits:

- Dennis Tudorovic's **Sasha** (Germany 2010), in which the title character must deal with a crush on his male piano teacher as well as his father's Yugoslavian macho culture.
- **Saving Face** (US 2004), which takes place in the Chinese community of New York, is so well done it hardly qualifies as a lesbian romantic comedy. It's a great romantic comedy, period.
- Among the supporting cast of the 2011 Oscar-favourite **Biutiful** (Spain 2010) is a Chinese gay couple. Their love story is interestingly linked to global issues of inequality.
- In the BBC drama series **Mistresses** (UK 2008) the British-Indian Jessica fools around with tonnes of men, but when she finally falls in love it is with an Australian woman.

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