

The European Union and the LGBT community

Simon van der Burgt

10007245

ES4e 4c



Dissertation supervisor: Mrs. Triest

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Academy of European Studies & Communication Management

The Hague University of Applied Sciences

Executive Summary

LGBT stands for the lesbian, gay, bisexual and transsexual community. Currently there is no encompassing legislation for the LGBT community within the European Union. This means that in every member state there is different legislation when it comes to protection of the LGBT community, recognising same-sex couples and allowing same-sex marriage and adoption by same-sex couples.

The goal of this research is to show the diversity of legislation within the member states of the European Union when it comes to the LGBT community. Moreover, the aim of the research is to find out whether the European Union should, both legally and ethically, implement one legislation for the LGBT community in all the 28 member states. The main research question is:

Should the European Union implement one LGBT legislation in all the member states covering same sex marriage and adoption of children?

The research is mainly based on desk research, as well as other studies about the legislation of the member states and the rate of acceptance of the LGBT community among the population of the member states. Moreover, in total 7 interviews have been conducted with members of the LGBT community in The Netherlands, the United Kingdom, Italy and Slovenia. To conclude, a short interview with the European lobby group for equality of the LGBT community, ILGA Europe, has been conducted.

The dissertation is divided into four chapters, followed by a conclusion and a recommendations section.

- In chapter 1 the slow process of establishing protection for the European LGBT community is described. This process only started at the end of the 1980s and mid-1990s. The LGBT community is now protected against discrimination on a European level. However, the Treaty of Lisbon laid down that member states have the exclusive right to decide about the recognition of same-sex couples, same-sex marriage and adoption by same-sex couples.

- In chapter 2 three lobby groups in favour of equal rights for the LGBT community are discussed as well as three lobby groups opposing equal rights for the LGBT community. The lobby groups opposing equal rights are characterised by vague argumentation and actions to oppose equal rights and a lack of transparency. ILGA Europe seems to be the most successful and transparent organisation when it comes to the three lobby groups in favour of

equal rights. ILGA Europe has a wide variety of knowledge and the ability to take concrete steps to improve the situation of the LGBT community in the European member states.

- In chapter 3 the differences between two European member states, The Netherlands and Italy, are compared. The Netherlands has complete protection for their LGBT community, as well as same-sex marriage and adoption by same-sex couples. However, Italy only implemented complete protection for their LGBT community recently and does not allow same-sex couples to marry or adopt. Moreover, same-sex relationships in Italy are not recognised.

- In chapter 4 the protection of the LGBT community in every region and member state of the European Union is discussed. Especially the member states in Northern and Western Europe and some member states in Southern Europe are leading the way when it comes to LGBT rights and protection. However, the differences with other Southern European member states and especially Eastern and Central European member states are numerous.

The conclusion states that the European Union should not implement one LGBT legislation in all the member states. The European Union does not have the legislative power and the differences between member states currently seem irreconcilable.

However, in order to reach more unity when it comes to LGBT legislation, the recommendations section proposes several options. European Commissioners, Members of the European Parliament and European Heads of Government who advocate one LGBT legislation in all the European member states should work more closely together in order to achieve this. This group of proponents does have the ability to pressure member states that lack equal rights. The main purpose of this group of proponents, together with the European Fundamental Rights Agency, should be to achieve recognition of same-sex relationships in the member states that currently do not recognise this since this recognition provides same-sex couples with rights. In addition to this, same-sex marriage and adoption by same-sex couples still is too controversial for several member states. To conclude, the European Union should consider special legislation to protect the transsexuals in the European Union and to organise a big conference with all the European Heads of Government and the aim of improving the rights of the LGBT community and creating publicity.

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Introduction

The rights of same-sex couples and transsexuals in the European Union differ greatly, from Sweden to Malta and from Latvia to Ireland. There is a single currency in 18 of the 28 European member states, a single market, abolishment of passport controls in most European member states, free movement of people, goods and services and capital, and an encompassing political structure. However, currently there is no encompassing legislation when it comes to the rights of same-sex couples and transsexuals in the European Union. In fact, The Treaty of Lisbon officially laid down that national parliaments have the right of opposition when it comes to family law. This means that when the European Union would decide that every member state should implement same-sex marriage, member states can object this and not implement this. Therefore this research can be considered as useless because it is not the European Union to take the final decision. However, this research does not necessarily asks a legal question but also an ethical question. The main goal is to provide information and an overview about the LGBT rights in the European Union. Moreover, this research will review several elements of gay and transsexual rights and protection within the European Union. This in order to answer the main research question:

Should the European Union implement one LGBT legislation in all the member states covering same sex marriage and adoption of children?

The term 'LGBT' stands for 'Lesbian, Gay, Bisexual and Transgender'. Some organisations and institutions also include 'Intersex' in this term (LGBTI) but this research is mainly focused on the LGBT community in the European Union.

In order to answer the main research question, the dissertation is divided into four chapters:

Chapter 1. The evolvement of the rights of the LBGT community in the European Union.

This chapter will look at important milestones when it comes to the evolvement of the LGBT rights and what these milestones changed for the LGBT community in the European Union.

Chapter 2. Lobby groups and LGBT rights in the European Union.

The importance and achievements of three different European lobby groups advocating equal rights for the LGBT community as well as three different European lobby groups opposing equal rights for the LGBT community will be covered in this chapter.

Chapter 3. A world of differences: the LGBT legislation and culture in The Netherlands and Italy.

The legal protection and cultural acceptance of the LGBT community in both The Netherlands and Italy will be discussed and compared.

Chapter 4. The LGBT legislation and culture in the other member states of the European Union

A general overview of the legal protection and acceptance of the LGBT community in all the member states of the European Union will be discussed in this chapter.

Moreover, in the conclusion the findings will be summarised and the main research question will be answered. The answer to the main research question will be supported by the recommendations section. In the recommendations section several recommendations in the field of LGBT rights will be explained.

The research mainly consists of desk research since a lot of information about the topic is available. The sources can be found in the References. In addition, one interview with the European LGBT organisation and lobby group 'ILGA Europe' is conducted and discussed in Chapter 2. Moreover, two interviews with Dutch LGBT members and two interviews with Italian LGBT members are conducted and discussed in Chapter 3. To conclude, two interviews with British LGBT members are conducted and discussed in Chapter 4 and one interview with a Slovenian LGBT member is conducted and discussed in Chapter 4 as well.

Even though more research has been done on LGBT rights in Europe, this research is unique since it focuses mainly on the question if one LGBT legislation in the European Union is possible or not. In addition, another unique element of this research is the fact that the legal protection and cultural acceptance of the LGBT community in each European Union member state is described. This will give an overview of the similarities and differences between the member states in order to answer the main research question.

Chapter 1. The evolvement of the rights of the LGBT-community in the European Union.

1.1. The European Coal and Steel Community and the European Convention on Human Rights

1.1.1. European Coal and Steel Community

“The pooling of coal and steel production will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims”(European Union, n.d.). French foreign minister Robert Schuman held his famous Schuman Declaration on May 9, 1950 and which laid down the foundation for the European Coal and Steel Community. The European governments of Belgium, France, Italy, Luxemburg, the Netherlands, and West-Germany decided to pool the coal and steel production in order to prevent another world war. The reason to pool the coal and steel production was the fact that coal and steel are important commodities to start up a war production. Especially to pool the coal and steel production of France and West-Germany was an important objective to prevent a war between these rival countries.

The Treaty that established the European Coal and Steel Community was signed in Paris on April 18, 1951 and entered into force on July 23, 1952 with a validity period up to 50 years. The European Coal and Steel Community evolved over the next decades and even though no concrete legislation outside the field of coal and steel was made, it became the first step towards the European Union in which we live now.

1.1.2. Council of Europe

On May 5, 1949 the Treaty of London was signed by 10 countries in Europe. Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom agreed to cooperate under the name ‘Council of Europe’. According to the website of the Council of Europe, the organisation advocates “freedom of expression and of the media, freedom of assembly, equality, and the protection of minorities”(Council of Europe, 2014). Where the European Coal and Steel Community emphasised on pooling the coal and steel production, the Council of Europe emphasised, and still does, on cooperation in the field of human rights and equality within the countries of Europe. Currently the Council of Europe consist of 47 European member states, as well as Russia, Ukraine, Turkey and the countries of the Caucasus. Even though the Council of Europe cannot be compared to the

European Union in terms of scope and intensity, it has had its own share of success, mainly in the field of human rights.

1.1.3. European Convention on Human Rights

The newly created Council of Europe booked its first success the year after its creation with the European Convention on Human Rights. According to Stonewall “the Convention provides a set of rights for each individual and places an obligation on the countries who have signed the Convention to guarantee these rights to each individual within their jurisdiction”(Stonewall, 2014). Clare Ovey and Robin C.A. White state in their book ‘The European Convention on Human Rights’ (2005, p.1-3) that the main reason to draft the European Convention on Human Rights was the Second World War, which was seen as the most serious human rights violation that the world had ever seen. Moreover, it was seen as a response to the growing number of communist states behind the Iron Curtain.

The European Convention on Human Rights entered into force on September 3, 1953. The European Convention on Human Rights consists of 18 articles. The articles tackle different subjects; torture, fair trial, privacy, expression, marriage, discrimination, abuse of rights and more. Moreover, over time several protocols were added to the Convention. Important for example is protocol 6, which forbids the death penalty. According to Stonewall several articles are important for the LGBT-community, namely Article 8, 10 and 14. Article 8 states the following: *“Everyone has the right to respect for his private and family life, his home and correspondence”*. Article 10 states the following: *“Everyone has the right to freedom of expression. The right shall include freedom to hold opinion and to receive and impart information and ideas without interference by public authority and regardless of frontiers”*. Article 14 states the following: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”*(Stonewall, 2014). However, none of these articles states something about the LGBT community or discrimination based on sexual orientation. And this caused some problems in the past. When people from the LGBT community wanted to use for example Article 14 before the European Court of Human Rights for protection against discrimination they faced, they could not. In fact, according to Stonewall, “the creators of the Convention designed the Article (14) in such a way that it did not specify sexuality”(Stonewall, 2014). However, this changed when a new protocol was added to the Convention only in 2000. This protocol, Protocol 12, states the following: “1.

The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. 2. No one shall be discriminated against by any public authority on any grounds such mentioned in paragraph 1 ''(Stonewall, 2014). Again sexual orientation is not mentioned. However, the European Court of Human Rights stated that sexual orientation can be seen as 'other status' and therefore the LGBT-community in the countries that signed and ratified this protocol are protected under the abovementioned articles combined with Protocol 12 ever since this protocol came into force in 2000.

1.2. 1993: The Treaty of Maastricht and the Copenhagen Criteria

1.2.1. The turbulent period before the Treaty of Maastricht and the Copenhagen Criteria

In the early 1990s, the rights of the LGBT community in Europe had progressed a bit compared to the early 1950s when the European Coal and Steel Community was created. The sexual revolution started in the 1960s in the United States and Western Europe. According to the results of the Kinsey Report ''homosexuality, extramarital sex, and other previously forbidden sexual acts were more commonly practiced. These new ideas caused a sexual liberation and many were no longer living by society standards'' (Let's talk about sexuality, 2009). More and more countries in Europe decriminalised homosexuality and deleted it from the list of mental illnesses, like The Netherlands in 1973 and Sweden in 1979. Moreover, the sexual revolution brought more awareness to the phenomenon transsexualism and sex reassignment surgery. However, the 1970s and the 1980s were seen as recoil for the LGBT-community compared to the sexual revolution in the 1960s. Partly because of the rise of HIV-infections among the LGBT community halfway the 1980s, as well as stagnation in political successes for the LGBT community. On the other hand, 1989 turned out to be a successful year for the LGBT community in Europe. Member state Denmark granted legal recognition to same-sex unions in the form of registered partnerships as the first country in the world. Moreover, on September 12, 1989 the European Parliament voted for a resolution on discrimination against transsexuals. According to the report 'Transgender Persons' Rights in the EU Member States' published by the European Parliament and written by Cristina Castagnoli in 2010, the resolution of 1989 meant that transsexual persons had to be completely protected. The European Parliament called Member States to enact provisions on

transsexuals' right to change sex by surgery, cosmetic treatment and banning discrimination. Moreover, the Council of Europe also addressed member states to ban discrimination and the fact that health insurances should cover the costs of psychological treatment and surgery of transsexuals. In addition, the Council of Europe addressed member states to support transsexuals who lost their jobs and/or accommodation (Castagnoli, 2010). So it was the transsexual community in the Member States that was the first group within the LGBT-community to gain protection against discrimination. However, the transsexuals remained the most discriminated group of the LGBT-community and most subjected to abuse and violence, also after this resolution in 1989.

1.2.2. Treaty of Maastricht

The Treaty of Maastricht was concluded on February 7, 1992 and came into force on November 1, 1993. This treaty led to the creation of the Euro, the pillar structure, the change of name from European Economic Community to European Union, as well as the Maastricht criteria, which are five criteria for member states to fulfill in order to join the Economic and Monetary Union of the European Union.

According to Gaetano Pentassuglia, who wrote a paper on the protection of minorities in Eastern Europe, "the protection of minorities was virtually absent on the EC agenda in the pre-Maastricht era" (Pentassuglia, 2001). The main results of the Treaty of Maastricht were ground-breaking in economic perspective, rather than on the perspective of human rights or the protection and/or granting equal rights for minorities, such as the LGBT community. However, while the Treaty of Maastricht mainly had an economic character, Article 6 of this Treaty was the main article of the Treaty related to human rights. Article 6 of the Treaty of Maastricht stated the following: "The Union shall respect fundamental rights, as guaranteed by the European Convention for (the Protection of) Human Rights (and Fundamental Freedoms) signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law" (Defeis, 2014). Article 6 of the Treaty refers to the European Convention on Human Rights but the LGBT community could only use the Articles 8, 10 and 14 for protection after Protocol 12 was added to this Convention in 2000. Therefore it can be stated that the Maastricht Treaty, so ground-breaking on economic and political level, did not mean anything for the LGBT community.

1.2.3. Copenhagen Criteria

The criteria for EU accession were defined in Copenhagen in 1993. The criteria, the so-called Copenhagen Criteria or Accession Criteria, are fundamental conditions for the candidate member states to satisfy in order to become a member state. The main goal of the Copenhagen Criteria was to prepare the new (mainly) Eastern European countries on EU membership and the European Union has the right to monitor and decide if a candidate member state has met these Copenhagen Criteria. Especially important for the LGBT community was the political criteria: "Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (Rettman, 2012).

The Copenhagen Criteria stated that respect for and protection of minorities is an accession criterion to become a member state of the European Union. However, it was not clear if the LGBT community was included in this term until only recently. In 2012 the European Commission has said in a written note that "respect for gay rights is a legal criterion for EU accession" (Rettman, 2012). Even though the Treaty of Maastricht and the Copenhagen Criteria did not mean anything for the LGBT community, it seemed to mark the beginning of the emergence of concrete rights for the LGBT community within the European Union. The reason for this might be a changing zeitgeist in especially Western Europe. According to Gaetano Pentassuglia "in the Maastricht (and post-Maastricht) era, emphasis on human rights issues has increased considerably" (Pentassuglia, 2001). And a concrete change would come soon for the LGBT-community.

1.3. 1997: The Treaty of Amsterdam and Article 19 (former Article 13).

1.3.1. The Treaty of Amsterdam

A growing number of countries introduced civil partnership in their legislation after Denmark in 1989, namely Norway in 1993 and Sweden in 1995. Civil partnerships provide legal recognition of relationships by same-sex couples who are unmarried. Civil partnership affords same-sex couples rights, benefits and responsibilities similar or even identical to heterosexual, married couples. In addition, the European Parliament drafted a resolution for protection of lesbian, gay and bisexual community in 1994. According to Stonewall, "the European Parliament called upon EU member states to provide lesbians and gay men with legal protection against discrimination" (Stonewall, 2014).

While the LGBT community started to receive legal protection against discrimination in 1989 and 1994, discussion started to evolve about the role of the European Union in the

demand for equal rights for the LGBT community. Some voices in the European Union found the protection of the LGBT community not a duty of the European Union, but rather a duty of the member states themselves. Still, the legal protection of the LGBT community expanded in a ground-breaking way in 1997 by the Treaty of Amsterdam.

The Treaty of Amsterdam was signed on October 2, 1997 and came into force on May 1st, 1999. In the first place the aim of the Treaty of Amsterdam was, just like every treaty, to enhance the previous one. However, according to Michael C.J. Lisèto-Smith "the Treaty of Amsterdam has expanded gay rights in Europe" (Lisèto-Smith, n.d.). What exactly made the Treaty of Amsterdam ground-breaking for the LGBT community and expanded gay rights in the European Union? The answer is current Article 19 of the relevant Treaty (former Article 13).

1.3.2. Article 19 (former Article 13)

"Without prejudice to the other provisions of this Treaty, and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission, and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" (CRE & UKREN, n.d.). Ground-breaking about this Article 13 was the fact that it was the first article in the history of the European Union to mention sexual orientation. This means that including the term sexual orientation in an article means that the European Union puts, in this case protection of the LGBT community, under its own competences rather than keeping the discussion alive whether the protection of the LGBT community is a duty of the European Union or the member states themselves.

The year 2000 was another successful year for the LGBT community. According to Stonewall, "in 2000, a new EU Directive was agreed requiring all EU member states to ban sexual orientation discrimination, as well as other forms of discrimination listed in Article 13, in employment by the end of 2003" (Stonewall, 2014). The European Union specified Article 13 with this Directive and obliged its member states to make sure that discrimination on sexual orientation in employment was not allowed. The European Union took another step forwards in protecting the LGBT-community in a short time frame.

1.4. 2007: Treaty of Lisbon

1.4.1. Treaty of Lisbon

The main goal of the Treaty of Lisbon was to improve the decision-making process after the 2004 and 2007 enlargement. However, the Treaty of Lisbon enhanced the position of the LGBT community as well. Though, at the same time this Treaty placed marriage officially under the competences of its member states.

In 2000, the Charter of Fundamental Rights of the European Union was drafted. It enshrines social, economic and political rights for EU citizens. This Charter of Fundamental Rights of the European Union was important for the LGBT community since it prohibits discrimination based on sexual orientation and for transsexuals it prohibits discrimination based on sex. However, the status of the Charter of Fundamental Rights of the European Union was uncertain and not legally binding when it was drafted in 2000. It was not until the Treaty of Lisbon that the Charter became binding. The most important article for the LGBT community is Article 21, paragraph 1:

1. "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited".

(European Union, 2000). However, this Charter of Fundamental Rights of the European Union also states the following about family: "the right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights" (Valera, 2011). This basically means that each member state has the right to decide about its legislation of marriage and adoption, and therefore also about implementing same-sex marriage and adoption or not.

The LGBT community was now protected by several different resolutions, treaties and directives. In 1989, the transsexuals were protected against discrimination by a resolution of the European Parliament. In 1994, the rest of the LGBT community followed thanks to another resolution drafted by the European Parliament. The Treaty of Amsterdam brought Article 19 (former Article 13) alive and in 2000 an EU Directive was drafted to ban sexual orientation discrimination in employment. In 2000, Article 8, 10 and 14 together with protocol 12 of the European Convention on Human Rights were finally useful for the LGBT community. These Articles already entered into force in 1953 but did not protect the LGBT community until protocol 12 was added in 2000. And in 2009 the Treaty of Lisbon made the Charter of Fundamental Rights of the European Union finally binding, with Article 21 important for the LGBT community. However, this Charter of Fundamental Rights of the European Union also meant that family legislation would now officially fall only under the

competences of the member states and not the European Union. Only member states can decide whether to implement same-sex marriage and adoption or not.

Chapter 2. Lobby groups and LGBT-rights in the European Union.

2.1. What are the main lobby groups advocating for equal rights for the LGBT community in the European Union?

This chapter will introduce three different lobby groups that are specialised in the LGBT rights, namely ILGA-Europe, Transgender Europe and NELFA. ILGA-Europe is the main lobby group for the LGBT community in general, Transgender Europe focuses only on the transsexual community and NELFA represents the LGBT families within the European Union.

Important to mention is the fact that ILGA-Europe was the only lobby group willing to take part in a small interview. And to clarify, ILGA Europe includes intersex in the term LGBT (so LGBTI). Intersex means that someone cannot be identified as male or female by chromosomes, gonads or genitals. There is not much awareness of the term 'intersex'. Worldwide legislation, as well as European legislation, leaves much left to be desired for this group.

2.1.1. ILGA-Europe

ILGA-Europe is the European branch of the International Lesbian, Gay, Bisexual, Trans & Intersex Association and strives for equality and human rights for lesbian, gay, bisexual, trans & intersex (LGBTI) people on a European level. According to the website of ILGA-Europe, the organisation is an international non-governmental umbrella organisation that brings together 407 organisations from 45 of the 49 European countries (ILGA-Europe, 2013). Interesting to see is that ILGA Europe is politically active on a large scale, whether it is about anti-discrimination or hate speech, the rights of families or asylum seekers. ILGA-Europe addresses governments, legislatures and other public authorities or institutions to implement anti-discrimination policies in order to tackle intolerance and prejudice in all sectors. In addition, the organization addresses legislators to prohibit discrimination, hostility and violence on all grounds. In general, ILGA-Europe wants to combat discrimination and violence for everyone, but of course the organization focuses mainly on discrimination towards the LGBT community. ILGA-Europe tries to guarantee the rights of the LGBTI community in every directive that could possibly influence this community. Their mission is clearly stated in their policy paper on hate speech: "ILGA-Europe call on public authorities to adopt comprehensive strategies to combat prejudice and to promote dialogue and mutual respect to achieve full inclusion of lesbian, gay, bisexual, trans and intersex (LGBTI) people in a society free from intolerance. ILGA-Europe believes that public authorities must

guarantee LGBTI people's freedom of expression, a necessary condition to combat intolerance, prejudice and incitement" (ILGA Europe, 2014). ILGA-Europe publishes policy reports on a large scale where they often state guidelines of what they want to achieve. An example is the policy paper 'Guidelines on the transposition of the Asylum Qualification Directive: protecting LGBTI asylum seekers, 2012'. In this paper Evangelia Tsourdi for ILGA-Europe describes several guidelines for the EU member states to achieve before 21st of December, 2013 in the field of asylum-seekers that fled from their country because of their sexual orientation or gender expression. The most important guidelines of this policy paper are:

- 1) "Make sure that where sexual orientation or gender identity is criminalized in the country of origin LGBTI applicants should not be required to invoke the protection of the authorities against non-State actors
- 2) Not allowing medical testing to establish an individual's sexual orientation
- 3) Make sure that it does not require asylum applicants to hide their sexual orientation or gender identity upon return to their country of origin in order to avoid persecution"

(Tsourdi, 2012). ILGA-Europe receives its largest funding from the European Commission ever since 2001. It is considered that 70 % of the funding of ILGA-Europe comes from the European Commission (Von Krempach, 2012). ILGA-Europe mainly spends this money on research and publications. For example, they spent 370.000 euros on an extensive LGBT survey. Moreover, ILGA-Europe received, according to report from the European Commission, 980.738,08 euros "to ensure equality for all, including on grounds of sexual orientation and gender identity" (European Commission, 2014). ILGA-Europe is considered to be the most important and biggest organisation advocating equal rights for the LGBTI-community in the European Union.

2.1.2. Transgender Europe

According to their website, "Transgender Europe envisions a Europe free from all discrimination, especially discrimination on grounds of gender identity and gender expression" (Transgender Europe, 2010). Transgender Europe was founded in 2005. Currently Transgender Europe has over 70 member organisations and over 120 individual members in 35 countries. Transgender Europe raises awareness at European institutions and the European population by providing expertise about the transsexual community and advocating for improvements of the rights of transsexuals. Moreover, Transgender Europe

facilitates studies about the situation of the transsexual community. For example, Transgender Europe released a research project named “Trans respect versus Transphobia Worldwide” with data about the situation of transsexuals in the world. Moreover, Transgender Europe cooperates with other organisations for the improvement of rights of the transsexuals.

Transgender Europe does not publish policy reports on a large scale. However, the organisation does publish several documents on their website. An example is the ‘Checklist for legal gender recognition’. The aim of this document is “to assist in assessing the human rights compatibility of legal texts or proposals regulating gender recognition procedures. It lists the minimum standards on the commonly known issues in procedures, requirements or effects of gender recognition procedures” (Transgender Europe, 2014). Another important document published on the website is the ‘Toolkit Legal Gender Recognition’. This document shows what should be improved or implemented within the EU for equal rights for the transsexual community. Transgender Europe uses different key-terms important for equal rights for the transsexuals community within Europe, such as ‘right to privacy’, ‘right to a fair trial’, ‘change of name’, ‘citizens living abroad and recognition of foreign procedures’ and ‘benefits of clear legislation’ (Köhler, Recher & Ehrt, 2013). Moreover, Transgender Europe publishes media releases on a large scale. Examples of media releases are the findings of Eurobarometer on the attitudes that European citizens have towards transsexuals. Interesting to see is that, according to this media release, 45 % of the European citizens feel that the transgender community is discriminated (Richard, 2012).

Several campaigns of Transgender Europe are financed by the European Commission. An example of a financed project is the EqualTrans project. Transgender Europe received, according to a report by the European Commission, 200.780,00 euros for this project (European Commission, 2014).

2.1.3. NELFA

NELFA (Network of European LGBT Families Association) is the most important organisation within Europe when it comes to the rights of LGBT families. The organisation was created in 2009 with the aim to bring together all the associations of LGBT parents and their children in one organisation. The core activities of NELFA consist of awareness-raising among the public about the situation of LGBT families and encouraging and promoting initiatives and projects with the aim of supporting LGBT-families. Moreover, NELFA is concerned with the fact that the children of LGBT families in Europe should enjoy the same rights as children in

‘traditional’ families. Moreover, NELFA encourages European countries to adopt equal opportunity policies for LGBT families with the eye on legal, financial, educational and social rights. According to their website, NELFA also strives to make sure that LGBT families can fully enjoy the right of freedom of movement between the member states (NELFA, 2014).

NELFA does not have public policy papers released on their website or via other websites. NELFA does publish the documents of ILGA-Europe sometimes because they both strive for equal rights for same-sex families. However, NELFA does publish press releases. Currently 18 press releases can be found on the website from the period March 2012 until May 2014. The topics of the press releases are diverse. There is a press release about a meeting of the European Rainbow Families Meeting in Cologne, Germany, published on the 4th of May. The aim is to provide readers who could not join the meeting an overview of the content of the meeting (NELFA, 2014). Another press release is about the International Family Equality Day 2014, which was held on the 4th of May. The motto of this edition was “welcoming family diversity” (NELFA, 2014). A very important press release is about a resolution of the European Parliament calling on free movement for all families within the European Union. According to this press release the European Parliament has proposed a resolution “to facilitate the mutual recognition of the effects of civil status documents. Civil status documents (like birth certificates, marriage certificates, etc.) aren’t automatically recognized from one Member State to the next. As a result, citizens may find it impossible to justify their civil status. This is particularly important for rainbow families” (NELFA, 2014). Obviously this is an important result for NELFA that aims for equal rights and opportunities for same-sex families.

Some projects, events or conferences organised by NELFA are funded by the European Commission, such as the conference ‘Rights on the Move’. NELFA also does not state how much funding they receive from the European Commission.

2.2. What did these lobby groups achieve in the past and what are the objectives for the future?

2.2.1. The achievements and objectives of ILGA Europe

The achievements of ILGA-Europe are numerous. According to their website, ILGA-Europe lobbied for inclusion of sexual orientation discrimination in the anti-discrimination provisions of the Treaty of Amsterdam and the EU Charter of Fundamental Rights and the organisation

monitored if the Employment Directive (prohibition on discrimination in employment based on sexual orientation) was effectively implemented in the EU member states. Moreover, ILGA-Europe exerted pressure on governments of candidate member states to repeal discriminatory laws targeting the LGBTI-community. ILGA-Europe also promoted the International Day Against Homophobia and Transphobia on a large scale and worked together with partners for the research and adoption of the EU Fundamental Rights Agency Report on homophobia. In 2004 ILGA-Europe led, together with Italian member organisations, a campaign against the nomination of Rocco Buttiglione for the position of Commissioner for Justice and Home Affairs since Rocco Buttiglione expressed homophobic and transphobic views. The campaign was successful since his nomination was withdrawn (ILGA-Europe, 2013). In addition, ILGA-Europe has been a great source of information for European citizens and institutions, as well as partner institutions. An example is the yearly published 'Rainbow Map'. According to the page 'Rainbow Europe' on the website of ILGA-Europe, the Rainbow Europe Map displays the legislation of 49 European countries' legislation and policies that have a direct impact on the enjoyment of human rights by LGBTI people. The Rainbow Map reflects the situation of each country when it comes to LGBTI protection and legislation and provides a total score on how far this country is on a scale between 0 and 100 (ILGA-Europe, 2013). Another very important yearly document published by ILGA-Europe is the 'ILGA-Europe Annual Review of the Human Rights Situation of LGBTI People in Europe'. This document provides an insight into the political and social developments and is more legally oriented compared to the 'Rainbow Europe Map', which is more accessible for citizens as well.

According to the conducted interview with ILGA-Europe, their objectives for the future are as follows: ILGA-Europe wants to be the European voice for the people who feel discriminated because of their sexual orientation or their gender identity. Moreover, ILGA-Europe wants equal rights for the LGBT community and no human rights violations, discrimination and violence based on sexual orientation, gender identity or expression and sex in the European Union anymore. The organisation wants to achieve this by encourage legal, political, institutional and social change. According to the same interview, ILGA-Europe has several expectations for the European Union to fulfil. They would like to see an enforcement of human rights for the LGBT community within the European Union and to see the European Union combating homophobic and transphobic violence on a larger scale. Moreover, the European Union should take a leading role in protecting trans rights and take action against bullying at schools. Moreover, discrimination and inequalities in the health care should be tackled and protection for LGBTI asylum seekers should be guaranteed. ILGA-

Europe wants the European Union to become the world champion of equality for LGBTI people. To conclude, ILGA-Europe is in favour of a singular LGBT-legislation in all the EU member states. They said the following about the role of the EU when it comes to one LGBT-legislation in the EU member states: *“the EU can be a driver for change within its competences”*. The interview can be found in Appendix 2.

2.2.2. The achievements and objectives of Transgender Europe

Several achievements of Transgender Europe are important. Together with ILGA-Europe a conference was organised called *“Putting Transgender on the European Agenda”* with the aim of achieving more success on European Union level and catching the interest of European politicians and organisations. Transgender Europe co-organised the International Day Against Homophobia and Transphobia and released a campaign called *“Trans Depathologization Campaign 2009”* with the aim of fighting against the pathologization of transsexualism (using medicines for the ‘illness’ transsexualism). More campaigns with the same aim, such as *“Stop Trans Pathologization 2012”* were organised as well. Moreover, Transgender Europe worked closely together with several organisations, such as Global Action for Trans Equality. Several publications of Transgender Europe have been important information sources for European Institutions and citizens, as well as partner-institutions. An example is the Trans Murder Monitor, that researches and publishes the number of transsexuals that have been killed worldwide because of their identity (Wiktor, 2012). Another very important publication by Transgender Europe is the ‘Trans Rights Europe Map’. The ‘Trans Rights Europe Map’ shows which European countries require sterilization of transsexuals before their gender identity is recognised, which European countries do not require sterilization and which countries do not have legal gender recognition (Transgender Europe, 2013).

According to their mission statement, the overall goal of Transgender Europe is to continue working on the improvement of the living conditions of transsexuals in Europe and to represent them on a European level. The organisation also wants to continue providing information and advice on transsexual issues and to have a leading role in lobbying at European and other international institutions on transsexual issues. Transgender Europe also wants to continue developing networks and training programs for the transsexual community in the member states and to work together with researchers who study issues that are relevant for the transsexual community in Europe (Transgender Europe, 2010).

2.2.3. The achievements and objectives of NELFA

NELFA is a young organisation but there are a few achievements worth mentioning. A year after their establishment in 2009 the organisation went from 7 founding associations to 17 associations and the number is still growing. Besides, NELFA organised several major conferences. Together with APGL (*Association des Parents et futurs parents Gays et Lesbiens*), NELFA organised a two-day conference in Paris that brought together LGBT families with politicians from all over the European Union. Another conference was organised together with FLG (*Associació de famíles Lesbianes i Gais*) in Catalonia. This conference lasted three-days and also brought together LGBT families and politicians from within the European Union. Moreover, NELFA is one of the main organisations involved in organising the International Family Equality Day, that has been held since 2012. Ever since 2012 this day takes place on the first Sunday of May, not only in Europe but also in the United States.

NELFA has several objectives for the future. One of the most important objectives for the organisation is to continue their mission to ensure that LGBT families and children have the same rights within the European Union as opposite-sex families and their children. Moreover, NELFA wants to increase the awareness about the situation of LGBT families among the European public. According to their website, NELFA wants to continue supporting equal opportunity policies within EU member states in relation to LGBT families regarding legal, financial, educational and social matters (NELFA, 2014). To conclude, NELFA wants to continue working with the European institutions, other organisations and the European population in order to enhance the situation of the LGBT-families.

2.3. What are the main lobby groups opposing for equal rights for the LGBT community in the European Union?

The three main lobby groups opposing equal rights for the LGBT community in the European Union are European Dignity Watch, the Federation of Catholic Family Associations in Europe and CARE for Europe. Important to mention is that all three of the organisations did not respond to a request for an interview. The organisations have been contacted via email and phone but did not respond. In addition, all three organisation opposing equal rights for the LGBT community seem less transparent and active when it comes to releasing in-depth reports, articles and information about funding, compared to the three lobby groups that advocate equal rights for the LGBT community.

2.3.1. European Dignity Watch

European Dignity Watch is a non-profit organisation founded in 2010 and based in Brussels. As stated on their website, European Dignity Watch defends the three most vital pillars in life, namely the right to life, the family and freedom (European Dignity Watch, 2010). European Dignity Watch believes that the most important right in the society is the right to life for every human being beginning at conception and ending with natural death. Therefore, European Dignity Watch opposes abortion and euthanasia. In addition, European Dignity Watch believes in the freedom for parents to educate their children according to their values and as long as the parents are a man and a woman and are having a stable relationship as the basis of a fulfilled family life. Equally important for European Dignity Watch is for people to act according to a religion or belief.

European Dignity Watch has spoken out about equal rights for the LGBT community on several occasions. The organisation published some reports on their website why they oppose the 'Equal Treatment Directive' (a new anti-discrimination directive). The reasons for opposition and therefore equal treatment for the LGBT community are described in a report written by Sophia Kuby and are as follows: "the directive establishes a very problematic and subjective definition of 'discrimination', it interferes in an unprecedented manner with citizens' freedom and rights, it distorts the concepts of 'justice' and 'equality', it will lead to legal uncertainty, it encourages frivolous litigation, it leads to the creation of new bureaucracy and institutionalised public control and it intertwines different subject matters that are better dealt with separately" (Kuby, 2010). Moreover, it is stated in this report that "equality of all sexual orientations would also mean equality for bestiality, incest, necrophilia, exhibitionism, voyeurism, sadism, masochism, intergenerational sexuality etc." (Kuby, 2010).

European Dignity Watch is not very transparent when it comes to information about the organisation, policy papers or their funding. That is interesting since European Dignity Watch does criticise European funding for several projects or other organisations. Another interesting detail is that, according to Philip Ebels for EUobserver, there has been a link between several anti-gay rights lobbyists, such as European Dignity Watch, and US neo-conservative organisations (Ebels, 2012). And because of the lack of transparency when it comes to funding of the organisation, Philip Ebels raises questions whether their funding might come from these neo-conservative organisations in the United States. It is said that European Dignity Watch has an annual budget of €80,816 in 2012. This budget is made up of anonymous donations (Ebels, 2012). According to the same article, ILGA-Europe also

suspects that European Dignity Watch receives money from these US neo-conservative organisations (Ebels, 2012). However, because of the lack of transparency there is no actual prove.

European Dignity Watch does not provide any contact details on their website. Interviews were sent to the only email address that was found on the internet, but this email address was intended only for internship applications. A phone number was found, however, it is not clear whether this phone number is the actual phone number of European Dignity Watch since the phone calls were not answered.

2.3.2. Federation of Catholic Family Associations

The Federation of Catholic Family Associations in Europe (FAFCE) was founded back in 1997 and is based in Brussels. FAFCE is an official NGO and it works closely together with the European Union and the Council of Europe. The main interest of FAFCE is the political representation for family interests from a catholic perspective, on the basis of the teaching of the Catholic Church. According to the website of the organisation "FAFCE is the only European family organisation that explicitly refers to the social teaching of the Catholic Church" (Federation of Catholic Family Associations in Europe, 2013).

FAFCE states that marriage is exclusively for a man and a woman. Therefore it is logical from their perspective that they oppose equal rights, and thus gay-marriage, for the LGBT-community since they advocate traditional marriage between men and women. The president of FAFCE, Antoine Renard, published an open letter to all member of the European Parliament (MEPs). In this letter Antoine Renard states that one's private sex life should not be a guideline for public policies. He says "there should not be a categorisation of fundamental rights according to one's sexual inclinations" (Renard, 2014). He also states that promoting LGBT-rights and therefore focusing on a category of persons because of their individual sex life does divide European societies, rather than uniting them. And he also thinks that cohabitation, registered partnerships or same-sex marriage is an exclusive competence of member states and not a competence of the European Union (Renard, 2014).

The Federation of Catholic Family Associations does release plenty of press releases on their website. An example is the press release "Vote for Family 2014", in which FAFCE announces a launch of a campaign to strive for more family-friendly policies within the European Union (Federation of Catholic Family Associations in Europe, 2014). Another press release is about the 'International Day of Families' which was heavily promoted by FAFCE (Federation of Catholic Family Associations in Europe, 2014). Interesting to see is that there

is no information about the budget of FAFCE or whether the organisation does receive funding from the European Union or other institutions or individuals. Again the transparency level is low. Not only because no information about the budget is available, but also because the organisation does not release in-depth articles or reports about their activities, only general press releases.

2.3.3. CARE for Europe

CARE (Christian Action Research & Education) for Europe is a charity and ethical campaigning association and lobby group that mainly works for the European Parliament since 1992. The organisation is supported by more than 60,000 individual Christians and churches. CARE for Europe is especially popular in the United Kingdom. CARE for Europe presents at the European institutions the views of their supporters on several subjects, such as family life and marriage, bio-ethics, gambling, human trafficking, religious freedom and human rights. The following quote, which defines the organisation and its belief, can be found on the website: "Christianity, and nothing else, is the ultimate foundation of liberty, conscience, human rights, and democracy, the benchmarks of Western civilization. To this day, we have no other options (than Christianity). We continue to nourish ourselves from this source. Everything else is post-modern chatter"(CARE for Europe, n.d.). CARE for Europe longs for a European Union that maintains its Christian values and a Christ-like European Union. At first sight CARE for Europe does not explicitly mention anything in their reports or website about LGBT rights. However, CARE for Europe argued to the European Commission that "a general application of the rule of mutual recognition of civil status documents will result in a situation where the political and social choices of some member states would be imposed on all the others" according to an article on Europeandaily.com (Geitner, 2012). In other words, CARE for Europe stated that the implementation of gay-marriage or civil partnership between homosexuals within all the member states of the European Union would mean that some member states impose their beliefs on other member states. Gay-marriage does not seem to fit into the beliefs of CARE for Europe and their way of life based on Christianity.

CARE for Europe has published several policy papers on their website. The topics of these policy papers are diverse. The policy papers are organised within 7 different topics. The first topic, Bioethics, consist of policy papers about human genetics, biotechnology and human dignity. The second topic, Demographic Change, does consist of a submission by CARE for Europe to the European Commission Green Paper on Demographic Change. The

third topic, Europe's Social Reality, consist of a policy paper which is a response to the European Commission Consultation on social realities. The fourth topic, End of Life Issues, does consist of a submission by CARE for Europe to the Council of Europe Parliamentary Assembly about end of life problems. The fifth topic, Patient Mobility, consist of a policy paper about community action on health services. The sixth topic, Reproductive Health, consist of two policy papers about reproductive rights in the European Union and a response to a report about reproductive health matters. The last topic, Television Without Frontiers, consist of a policy paper on the protection of minors and human dignity in the audiovisual and information services industry (CARE for Europe, n.d.). Striking to see is that none of the policy papers does state anything about the LGBT-community or subjects related to LGBT matters. This also characterises the organisation. CARE for Europe does have the least information available about their view regarding the LGBT-community of all three lobby groups opposing equal rights for this community. However, their Christian character is more than present on their website which clashes with the call for equal rights for the LGBT community. An example of their Christian character can be found on their website. According to the sub page 'Get Involved' on their website, CARE for Europe "strongly believes in the power of prayer and want to seek God's will for Europe through prayer. We believe that He has the power to transform Europe and to establish His Kingdom here" (CARE for Europe, n.d.). CARE for Europe does not state anything about their funding and external sources about the funding of CARE for Europe do not seem to exist.

2.4. What did these lobby groups achieve in the past and what are the objectives for the future?

2.4.1. The achievements and objectives of European Dignity Watch

A success for European Dignity Watch was the collection of signatures through the European Citizen Initiative (a million signatures from at least a quarter of the European member states for a proposal means that there is an obligation for the Commission and the European Parliament to consider the proposal). An example of a success for European Dignity Watch through the European Citizen Initiative was about to put an end on the financing by the European Commission of destroying human embryos. As mentioned before, European Dignity Watch only exists since 2010. This means that the organisation is relatively new and still finding its way within the European lobby. However, even though their level of

transparency is low, they do publish articles and reports on matters important for the organisation. An example is the article ‘‘Tell the European Commission: no forced EU-wide recognition of same-sex marriage!’’ (European Dignity Watch, 2011). These articles and reports are fairly popular and shared on other websites too. However, only 8 articles and reports have been published on the website of the organisation since the establishment in 2010.

The main objective for European Dignity Watch is collaborating with similar organisations. The reason for this is the fact that European Dignity Watch believes that more can be achieved in the future by collaboration. In addition, raising awareness about matters important for European Dignity Watch together with similar organisation means more support and political influence within the European Union and its institutions. Part of raising awareness is also to provide journalists with information about the work of the organisation and its objectives.

2.4.2. The achievements and objectives of the Federation of Catholic Family Associations

The Federation of Catholic Family Associations in Europe tried to expand their network ever since the creation in 1997. Currently they have member organisations in Germany, France, Ireland, Italy, Austria, Lithuania, Slovakia, Czech Republic, Hungary, Poland and Romania and associated organisations in Croatia, Great Britain, Malta and Ukraine. This large network of the organisation helped FAFCE to spread their ideas and to gain some awareness within the European Union. Moreover, FAFCE organised plenty of events that support their ideas, such as the International Year of the Family and International Day of the Family, video screenings and conferences (e.g. on human trafficking, work-free Sundays or family values). Also, members of the organisation gave lectures about the ideology of the organisation. The president of FAFCE, Antoine Renard, gave a lecture in the Polish Parliament on the 24th of November 2012. Moreover, FAFCE is a source of information and research for European institutions and politicians on specific matters related to (traditional) family life.

The main objective of FAFCE for the future is to make the public, European institutions and politicians aware of the importance of family life. FAFCE states that family is the centre and starting point for the formation of human asset in society and the politics of the European Union should be based on the importance of natural and traditional family life and values. Moreover, FAFCE also wants to concentrate more on children because they are the future in the European Union. A European Union build upon solid values for the next

generation, as well as making the European policies more family friendly is the main goal of FAFCE for the future.

2.4.3. The achievements and objectives of CARE for Europe

The core achievements of CARE for Europe in the past are centred on informing institutions, individuals and politicians about issues important for the organisation. CARE for Europe has always seen raising awareness as one of their most important aims. The organisations tried to raise awareness on several issues, such as bioethics, reproductive rights and human trafficking. CARE for Europe organised plenty of (research) briefings, debates and participated numerous times in public hearings of the European Commission and the European Parliament. CARE for Europe also networked with other NGOs. CARE for Europe contacts members of the European Parliament since 1992 to provide them with information, for example in briefings. The topics of these briefings are different. There have been briefings taken place about human dignity, biotechnological patents, Sex Education Strategies, Human Cloning and much more. Important for CARE for Europe is to display their Christian opinion about these topics when discussing them.

The goal for CARE for Europe in the future is to keep providing their supporters, European institutions and politicians up-to-date with information about topics they find important, such as human life issues. CARE for Europe is a respected source of information for several other organisations and (European) institutions and politicians. The objectives of CARE for Europe are not literally described on their website or external sources. Moreover, CARE for Europe is not represented on social media. The organisation seems rather hesitant when it comes to external communication.

Chapter 3. A world of differences: the LGBT-legislation and culture in The Netherlands and Italy.

3.1. What is the current situation of the LGBT – community in The Netherlands?

3.1.1. The legal protection of the LGBT – community in The Netherlands

The Netherlands always had a liberal point of view regarding the lesbian, gay, bisexual and transsexual community compared to other countries. However, according to David Thackston who wrote an article for the website worldissues360.com about the history of the LGBT rights in The Netherlands, the stance of The Netherlands towards the LGBT community “isn’t so much a stance for the rights of these particular individuals however, but rather supportive measures for the rights of all people regardless of race or sexual orientation” (Thackston, 2013). In the early 1900s there started a focus in The Netherlands trying to understand the phenomenon ‘homosexuality’ even though the society widely condemned it or ignored it. However, this led in the 1920s and 1930s to government-funded research about the topic. In the years that followed homosexuality was regarded as a minor mental illness. The most famous Dutch LGBT organisation, COC, was created in 1946 and is regarded as the oldest LGBT organisation in the world. In 1973, after the sexual revolution, The Netherlands did not longer consider homosexuality as a mental illness and the military lifted its ban on homosexuals. In 1985, The Netherlands became one of the first countries to adopt legislation enabling transgender people to change their registered gender (Human Rights Watch, 2013). Since 1993 the Dutch LGBT community is protected against discrimination in employment, housing, and the provision of private and public goods and service by the Equal Treatment Act. In 1998 civil partnership for same-sex couples was implemented. The biggest breakthrough occurred in 2001 when The Netherlands became the very first country in the world to legally recognise same-sex marriage and adoption by same-sex couples. Moreover, in general the Dutch are one of the strongest supporters of same-sex marriage with a percentage of 82 % back in 2006 while the overall percentage within the European Union was 44 % (The Associated Press, 2006).

“All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or on any grounds whatsoever shall not be permitted” (Waalwijk, n.d.). This is the opening of the completely revised Dutch constitution in 1983. Discrimination based on sexual orientation was not covered in these two phrases. Adding ‘sexual orientation’ was rejected because it would leave other forms of discrimination uncovered and therefore permitted. After a long public and political debate, the Equal Treatment Act was finally implemented in 1993, exactly 10

years after the revised Dutch constitution. The enactment of the Equal Treatment Act needed strong support from several political parties. Moreover, strong support has come from non-governmental organisations and agencies. The Equal Treatment Act meant that the LGBT community in The Netherlands was now protected against discrimination on several matters and full equality would be reached several years later.

To summarise the rights of the LGBT community in The Netherlands: anti-discrimination laws in labour, anti-discrimination laws in the provision of goods and services, anti-discrimination laws in all other areas including indirect discrimination and hate speech since 1993, civil partnership of same-sex couples since 1998, same-sex marriage and adoption since 2001, the possibility to serve openly in the military, the right to change the legal gender, the access to IVF for lesbians.

3.1.2. The cultural acceptance of the LGBT – community in The Netherlands

The cultural acceptance of the LGBT-community in The Netherlands can be seen as high and still growing. According to Dutchnews.nl, only 4 % of the Dutch population disapproves homosexuality in 2013, while this number was 15 % in 2006 (Dutch News, 2013). However, according to the Dutch gay lobby group COC, “there is still a big gap between what people say and the reality” (Dutch News, 2013). For example, the rate of acceptance is not equal within the whole Dutch society. The Moroccan minority disapproves homosexuality with 62 %, the Turks with 54 %, and the churchgoers with 26 % (Dutch News, 2013). Interesting to see as well is the fact that 20 % of the Dutch people think that gay and straight people should not have equal rights to adopt, 29 % of the Dutch find it offensive to see two men kissing and 19 % to see two women kissing. However, it must be stated that 14 % of the Dutch in general feels the same about a man and a woman. Alarming is the fact that the acceptance of the transsexuals in The Netherlands is not equal to the acceptance of the gay and bisexual community. According to Transgender Netwerk 20 % of the Dutch population disapproves transsexualism in 2011. Almost 60 % of the Dutch population does not accept indistinctness about gender, 20 % does not want to associate with transsexuals and 40 % does not approve that fact that transsexuals receive a compensation for sex reassignment surgery (Kuyper, 2012). However, it must be said that these percentages are more positive than in plenty of other countries in the world.

It can be stated that the cultural acceptance of the LGBT-community is not only high because of the abovementioned percentages, but also because of the representation of the LGBT community in all layers of society. There is a gay nightlife in most of the Dutch cities,

with Amsterdam as one of the most gay-friendly cities in the world. In fact, Amsterdam was, and to some extent still is, considered to be the gay-capital of the world. There are special organised parties with a large fan base, such as Rapido and the PANN-parties (the origin of the name 'PANN' is unknown), there are several aid organisation to help gay people with their coming out or to support them mentally and physically, such as Schorer, Gay & Lesbian Switchboard and Outway, plenty of interest groups exist, such as COC and Homo Lesbische Federatie Nederland, as well as several youth organisations such as Apollo and Stichting PANN. These organisations do not only represent the gay community, but also organise events on a large scale and raise awareness on LGBT matters. In addition, there are numerous magazines and newspapers such as Gaykrant, Expreszo, Gay News and Winq, various websites such as gay.nl, and gaysite.nl and there are several (national) TV programs that pay attention to the gay community or the struggles of the gay community. The transsexual community in The Netherlands is represented by several other organisations as well, such as Transgender Netwerk Nederland and Transgendervereniging Nederland and several local organisations located in the different Dutch cities. These organisations strive to represent the approximately 170.000 transsexuals in The Netherlands and the approximately 670.000 people in The Netherlands with other transgender-related phenomena. Moreover, COC also helps and represents the transsexual community. In addition, there are several small organisations with a more specific aim, such as Steunpunt Transgender en Media that strives for a more positive imaging of the transsexual community in the Dutch media.

According to two conducted interviews with Dutch members of the LGBT-community, the situation in The Netherlands is good. One interviewee states that the situation of the LGBT community in The Netherlands is close to equal compared to the situation of heterosexuals, while the other interviewee states that the situation might be the best in the world when it comes to equal rights. In addition, both interviewees state that most political parties advocate equal rights for the LGBT-community. Interesting to see is that one interviewee states that there is nothing left to achieve for the LGBT community in The Netherlands and that therefore there is not much attention for the LGBT community when it comes to politics in The Netherlands. The two interviewees state that the Dutch society seems to fully accept the LGBT community. However, one interviewee states that the situation of transsexuals in The Netherlands seems to be still difficult while the other interviewee thinks that the older generation in The Netherlands has little more problems with accepting the LGBT community. When the two interviewees have to name difficulties for the LGBT community they state that coming-out remains difficult, also for the LGBT community in a relatively tolerant country and that bullying at schools is still an issue. One interviewee

has never been subjected to violence but was bullied in high school while the other interviewee noticed comments when walking hand in hand with a same-sex partner. In addition, both interviewees have not witnessed any violence against the LGBT community but witnessed bullying. Interesting to see is that both interviewees think that the minorities in The Netherlands, such as the Islamic minorities, tend to have more difficulties with accepting the LGBT community. One interviewee thinks that the reason for this might be the fact that their religion and culture are less tolerant than the standards in The Netherlands. None of the two interviewees is member of a LGBT organisation. One interviewee states that the reason for this is the fact that there is nothing serious to fight or protest for in The Netherlands because the people are used to the tolerance. This contributes to the fact that it is less attractive and necessary to join a Dutch LGBT organisation. Both interviewees think that the European Union should implement one legislation in all member states when it comes to LGBT rights. One interviewee states that the European Union wants to be a union but there is no united Europe when it comes to LGBT rights. The differences are too big according to this interviewee. Moreover, both interviewees have the feeling that the European Union is in a position to show the world that homosexuality is normal and that there is a possibility to create equality. Both interviews can be found in Appendix 3.

3.2. What is the current situation of the LGBT – community in Italy?

3.2.1. The legal protection of the LGBT – community in Italy.

"Italy lags behind many of its neighbours in recognizing that discrimination based on sexual orientation or gender identity is wrong, it is time for Italy to send that message loud and clear" according to Judith Sunderland who is the senior Western Europe researcher at Human Rights Watch (Human Rights Watch, 2013). The developments of the LGBT community in Italy have been scarce for the last one hundred years. In fact, the LGBT community had, and still has, to fight for rights. Italy has gone through a chaotic last century in all aspects. For the LGBT community, like many other Italian communities, the Fascist government of Benito Mussolini has been more than painful. The Fascist government of Mussolini repressed homosexuals. According to official numbers of the government, 320 homosexuals were condemned during Mussolini's government. However, according to Eszter Andits who wrote a report about the repression of homosexuals during the Fascist period in Italy, it is estimated that 10.000 – 15.000 homosexuals were punished in various ways (Andits, 2010). This continued after Mussolini was arrested after his loss at the Grand

Council of Fascism in 1943. Italy turned into the Italian Social Republic, a puppet state of Nazi Germany. After the Second World War the violence against the LGBT community continued. In fact, after the Second World War there have been three attempts to re-criminalise homosexuality. These attempts were not successful, but the acceptance of the LGBT community did not make significant steps. Important for the LGBT community was the creation of Italy's first and biggest LGBT organisation: Arcigay. It was locally founded in 1980 and nationally established in 1985. In 2002 Franco Grillini, one of the founding members of Arcigay and Italy's most prominent gay-activist and politician, introduced legislation to prohibit discrimination based on sexual orientation in Article 3 of the Italian Constitution. Article 3 of the Italian Constitution does include a prohibition on discrimination based on sex, race, language, religion, political opinions and personal and social conditions but not on sexual orientation (Legislationline, n.d.). His attempt, however, was not successful. A success was booked in 2003 when discrimination based on sexual orientation in employment became illegal. In addition, Tuscany became the first Italian region in 2004 to ban discrimination based on sexual orientation in education, public services and accommodation. The region of Piedmont enacted similar measures. On May 16, 2013, a bill that prohibits discrimination based on sexual orientation and gender identity in all fields was presented. The bill was cosponsored by 221 MPs. The bill was unified with two other bills and called "Bill on the Contrast of Homophobia, Biphobia and Transphobia". On September 19, 2013 the bill was passed with a 228-58 vote (and 108 abstentions).

Currently same-sex couples in Italy have no shared rights for property, social security or inheritance. The reason for this is the fact that there is no same-sex marriage or registered partnership for same-sex couples, even though several bills for the recognition of same-sex couples have been unsuccessfully introduced. Moreover, adoption is only permitted for opposite-sex, married couples. On the contrary, there is now protection for the Italian LGBT community in employment, the provision of goods and services, and all other areas including indirect discrimination and hate speech thanks to the bill against discrimination in employment of 2003 and the 'Bill on the Contrast of Homophobia, Biphobia and Transphobia' in 2013. Moreover, gays and lesbians are allowed to serve openly in the military.

Important for the Italian transsexuals is the legal right to change gender. In fact, Italy became in 1982 the third country in the world to adopt legislation enabling transsexuals to change their registered gender, before The Netherlands and only after Sweden (1972) and Germany (1980). Moreover, in 2006 the first transsexual Member of the Parliament, Vladimir Luxuria, was elected into the Italian Parliament.

3.2.2. The cultural acceptance of the LGBT – community in Italy.

Italy has been under the influence of the Vatican for hundreds years and this might be the reason why Italy still is so conservative when it comes to LGBT rights and acceptance but also to issues such as abortion and euthanasia. While the influence of the Vatican nowadays is comparatively, the Catholic Church in Italy still has a share of power. The Catholic Church has the biggest private school network, private health care network, private universities and TV and radio channels. But this is not the only reason why the LGBT community does not yet have equal rights in the country. Machismo is, besides conservatism, an important character of the Italian society and this does not get along with LGBT rights. In general it can be stated that homosexuals receive less respect in a society influenced by machismo because homosexuals are associated with feminine attributes and a lower level of masculinity which does not match the valued characteristics of men in machismo-influenced society. Fascism, conservatism and machismo seem to be the main reasons why Italy lacks serious protection and equal rights for the LGBT community nowadays since especially conservatism and machismo still influence Italian politics regarding LGBT matters.

According to a research by Eurispes, 82 % of the Italians do not have different attitudes towards homosexuals than to heterosexuals. 51 % of the Italians consider 'homosexuality' as the same kind of love as 'heterosexual' love, while 35.1 % of the Italians tolerate homosexuality as long as it is not ostentatious. 41 % of the Italians think that homosexuals should be able to marry, while 61.4 % of the Italians think that there should be recognition of same-sex couples. 35.4 % of the Italians are against any law for homosexuals (Apocalisse Laica, 2011). Currently there are no reliable sources available that state the percentage of acceptance of Italian transsexuals. In total there are approximately 610.000 transsexuals in Italy. The number of transsexuals that recently were killed is high compared to other European countries. Reportedly, there were 5 transsexuals killed in Italy between November the 20th, 2012 and October 31st, 2013 (Transgender Europe, 2013). From January 2008 until December 2012 there were, reportedly, 20 transsexuals killed in Italy. This is by far the highest number of the European Union (Transgender Europe, 2013).

Gay nightlife is widespread in the bigger cities of Italy, with especially Rome, Florence and Milan having an extensive gay nightlife. Moreover, also Bologna is famous for its gay-friendly attitude, which can be traced back to the national establishment of Arcigay, which occurred in this city. Arcigay fights for equal rights for the LGBT community, holds conferences and events, raises awareness on the streets on several topics such as safe sex, supports gay people with their coming out or other issues such as acceptance of their

sexuality, and has often protested against the Vatican and its opposition to LGBT rights. Arcigay is represented in most of the Italian cities, for example Arcigay Napoli or Arcigay Salerno, which translates the activities of Arcigay to a local level. Most of these local Arcigay-branches have their own website, for example arcigaysalerno.it. Another famous organisation is *Circolo di Cultura Omosessuale Mario Mieli* (named after the famous Italian gay-rights activist), which helps and supports the LGBT community both mentally and physically (e.g. HIV-tests) but mostly organises cultural events. The most famous gay magazines in Italy are *Pride* and *LUI magazine*, the most famous websites are arcigay.it, mariomieli.net, gaynews.it, and several other websites. Deegay.it is a radio network for the LGBT community in Italy. The transsexuals in Italy are mainly represented by *Movimento Identità Transessuale (MIT)*, founded in 1988 in Bologna. Their main goal is to support and protect the transsexuals in Italy and recognition of their identity and promotes culture and information of the transsexuals. The organisation is non-profit and organises events and holds consultation hours. Also, MIT tries to reduce the number of transsexuals in the prostitution and takes care of victims of violence and exploitation. Some of their famous events are: *il Festival Internazionale del cinema transessuale* (International Transsexual Film Festival) and *Il Festival delle differenze* (Festival of the differences). The website of *Movimento Identità Transessuale (MIT)* is mit-italia.it and the organisation can be found on Facebook, just like the organisations Arcigay and Circolo di Cultura Omosessuale Mario Mieli.

According to a conducted interview with two Italian members of the LGBT community, the situation does not seem so bad in reality. One interviewee states that homosexuality is widely accepted, while the other interviewee is surprised that no one really cares when this person walks hand in hand with someone of the same gender. However, this person also states that especially young people do accept it while adults still have problems with accepting this community. Both interviewees tend to see a difference in the rate of acceptance in towns compared to the cities, where it is more accepted. According to one interviewee, Italian politics do not pay a lot of attention to homosexuals or transsexuals. Parties who seem to be interested in the LGBT community only seek an electoral advantage. In addition, the reason that Italy lacks equal rights for the LGBT community, compared to similar countries like Spain, is the fact that the Church still has a lot of power according to one interviewee. This influenced the ethics of the Italian people as well as Italian laws. Both interviewees have never been subjected to violence while one interviewee witnessed that the parents of a friend did not accept the sexuality of their son and obliged him to change his sexuality. One interviewee states that gay couples should obtain the same rights as heterosexual couples in Italy and that the European Union should implement one LGBT

legislation in the member states because it should not only be an economic union but also a social union. The other interviewee states the European Union should establish minimum rights in favour of same-sex couples. Both interviews can be found in Appendix 3.

The exact number of violent incidents against the LGBT community is not precise in both The Netherlands and Italy. The reasons for this are the fact that the number of police reports in both countries is not adequate since a lot of acts of violence are not reported. However, the results of the 2013 EU LGBT survey offer a good insight in the differences between these two countries. While 30 % of the Dutch LGBT respondents felt discriminated or harassed based on their sexual orientation during the last 12 months, the number for Italy was 54 % (European Union Agency for Fundamental Rights, 2013). Moreover, only 1 % of the Italian LGBT respondents said it was 'very widespread' for same-sex couples to hold hands while 83 % of the Italian LGBT respondents said it was 'very widespread' for opposite-sex couples to hold hands. Striking to see is that only 64 % of the Dutch LGBT respondents said that it is 'very widespread' for opposite-sex couples to hold hands but at the same time 5 % of the Dutch LGBT respondents said that is 'very widespread' for same-sex couples to hold hands. So in The Netherlands there tend to be less 'straight' couples holding hands than in Italy but the number of 'gay' couples holding hands is 5 times higher in The Netherlands than in Italy (European Union Agency for Fundamental Rights, 2013).

Chapter 4. The LGBT-legislation and culture in the other member states of the European Union

4.1. Northern Europe

Geographically, Northern-Europe consists of Iceland, Ireland, United Kingdom, Denmark, Norway, Sweden and Finland. Iceland and Norway are the only countries of Northern Europe that are not part of the European Union. The situation of the LGBT community in Northern Europe is generally good and it is considered to be the best place in the world to live for this community. Obviously there are differences per country. While Sweden and Denmark have a long tradition of tolerance regarding the LGBT community, Finland and Ireland fall behind compared to Sweden and Denmark. The United Kingdom is characterised by regional differences. More information about the rights of the LGBT-community per country can be found in Appendix 1.

Ireland only recently recognised civil partnerships between same-sex couples, namely in 2011. Ireland has always been a country influenced by the Catholic Church and this might declare the traditional and conservative attitude towards the LGBT community. Striking to see is the transsexual in Ireland cannot change their legal gender. A positive element for the LGBT community is the fact that, according to Henry McDonald for The Guardian, “an overwhelming majority of Ireland’s electorate will back the introduction of gay marriage in the one-time Catholic Church dominated Republic” (McDonald, 2014). Moreover, according to the same article, only just under 20 % of the Irish voters would oppose introducing same sex marriage into the Irish Constitution and more than three-quarters of the same voters said that they would support equality for lesbian, gay, bisexual and transsexuals (McDonald, 2014). It seems that Ireland will soon be ready to introduce same-sex marriage since a majority of the Irish population is in favour.

The situation of the LGBT community in Finland is comparable to the situation in Ireland. Same-sex marriage and adoption by same-sex couples is not possible and therefore it is the only country in Scandinavia without these rights for the LGBT community. An important difference compared to Ireland is the fact that transsexuals in Finland have the right to change legal gender since 2002. According to yle.fi, which published the results of The Taloustutkimus poll, “65 percent of the Finns support same-sex marriage” and “78 percent of the 24 to 35-year-old respondents support gay-marriage”? Moreover, “57 percent of the Finns support adoption by same-sex couples” (Yle, 2014). The Finnish society also seems to support same-sex marriage and there even is a majority of the Finns in favour of

adoption by same-sex couples.

Denmark and Sweden have been success stories when it comes to LGBT rights. Denmark became the first country in the world to recognise same-sex couples back in 1989. Sweden followed in 1995. Sweden has completely protected the LGBT community since 1987. While same-sex couples can marry and adopt in both countries, there are some negative elements. Especially Denmark has very slowly evolved LGBT rights since recognising same-sex couples in 1987. It took them another 13 years to implement same-sex marriage. Worrying to see is that transsexualism is still on the Danish list of mental illnesses, which must be painful for the Danish transsexuals. In addition to this, both the Danish and Swedish society are very tolerant towards the LGBT community. According to Saskia Keuzenkamp, Denmark requires the state church to perform gay weddings and almost 70 % of the Danes agree that gay marriage should be permitted in Europe (Keuzenkamp, 2011). Moreover, according to ILGA Europe, Sweden is the fourth best country out of 49 European countries when it comes to the legal human rights situation of LGBT people. Sweden scored 65 % out of 100 % in 2013 (ILGA Europe, 2013).

As mentioned before, the rights of the LGBT-community in the United Kingdom are characterised by regional differences. Civil partnership exists since 2005 nationwide and same-sex marriage followed in 2014 in England, Wales and Scotland. There is no same-sex marriage in Northern Ireland. Adoption is possible for same-sex couples in England and Wales since 2005, in Scotland since 2009 and Northern Ireland since 2013. Transsexuals have, nationwide, the possibility to change legal gender. Especially Northern Ireland seems to have difficulties following the rest of the United Kingdom when it comes to implementing LGBT rights. The reason for this might be the influence of Ireland and its more conservative attitude towards LGBT community.

According to interviews conducted with two members of the LGBT community, the situation in the United Kingdom is better now same-sex marriage has been implemented in all regions except Northern Ireland. According to one interviewee the general attitudes and misconceptions about the LGBT people are changing and moving in a positive direction. The other interviewee points out that the campaign for same-sex marriage derived from a slow evolution from the first gay pride marches in the early 1970s. And even though same-sex marriage has now been implemented, the LGBT community still faces issues of discrimination and inequality. An interesting statement from the same interviewee is that he calls 'gay' marriage 'equal' marriage and that the privileges afforded to straight people are now available for the LGBT community as well.

One interviewee points out that all the major political parties in the Westminster

Parliament voted for equal marriage. Especially the Labour Party introduced legislation to end inequality and discrimination. This interviewee emphasised that it was the Labour Prime Minister, Harold Wilson, who legalised homosexuality in England and Wales in 1967. In addition to this, the interviewee states that the Conservatives have a mixed track-record on LGBT rights. Margaret Thatcher introduced Section 28 in the late 1980s which prohibited the normalisation of being gay in schools. The only major political party in Britain against equal marriage is the UK Independence Party (UKIP). The interviewee states in the interview the former leader of the youth wing of UKIP was forced to resign as chair because he publicly attacked the party's opposition of gay-marriage.

The fact that there are regional differences in the United Kingdom comes, according to one interviewee, down to the dominance of Christianity in certain regions and on how this influenced the legislation and society. Moreover, this interviewee states that the LGBT community face much more challenges over their identity in Scotland and Northern Ireland than in England and Wales.

One interviewee has not experienced violence or intimidation because of his sexual orientation, while the other interviewee has experienced bullying for appearing to be gay and effeminate. In addition, both interviewees have witnessed fights and intimidation towards LGBT people. One interviewee states that most threatening behaviour comes at night in bars or clubs. Moreover, this interviewee has heard about attacks, bullying and even murders. The other interviewee has witnessed that many friends suffered because of homophobic abuse.

The impact of same-sex marriage is, according to both interviewees positive. However, one interviewee states that there are prominent LGBT figures, such as openly gay Member of the Parliament Ben Bradshaw and the Historian David Starkey, that were not so positive in welcoming equal-marriage because the LGBT population should not try to emulate their straight peers. Other people also say that marriage in general is an already outdated institution and therefore same-sex marriage is an anachronistic gesture according to this interviewee. This interviewee does not agree with them because marriage should not be denied for those who do want to marry.

Both interviewees have been or are active members of LGBT organisations. One interviewee is a member of LGBT-Labour which is the LGBT caucus of the British Labour Party. The other interviewee has been an active member of the LGBT society at university, has been the Social Secretary of the committee and is currently running for the position of LGBT officer which will mean that this interviewee will be in charge of the LGBT campaign.

One interviewee states that the European Union should be doing more to improve the situation of LGBT rights in the member states because the living conditions are so varied and

there is no stand of LGBT rights or legislation that clearly defines the rights LGBT people are entitled to. Moreover, this interviewee thinks that implementing one legislation in some member states would be nearly impossible but worth attempting. The other interviewee is not in favour of one legislation in all member states when it comes to LGBT rights because there is no mandate for such legislation to be passed in the European Union. However, this interviewee also states that, if the European Union is going to be more united, it should reassess the credentials of the human rights in some member states, including LGBT rights. A solution would be, according to this interviewee, to reassess the membership criterion concerning human rights in the European Union and a mandate given to legislators before singular legislation can be considered. The interviews can be found in Appendix 1.

4.2. Western Europe

Geographically, Western Europe consists of Germany, The Netherlands, Belgium, Luxemburg, France, Switzerland and Austria. Switzerland is the only Western European country that is not a member of the European Union. Moreover, The Netherlands will not be discussed as information regarding the situation of the LGBT community in The Netherlands can be found under Chapter 3 in this research. Like Northern Europe, Western Europe is one of the most tolerant regions in the world when it comes to equality and protection of the LGBT community. However, not all countries have implemented same-sex marriage or adoption measures for same-sex couples. Germany, Austria and Luxembourg are traditionally more conservative when it comes to granting equal rights for the LGBT community. More information about the rights of the LGBT-community per country can be found in Appendix 1.

Germany has an interesting history when it comes to the LGBT community. Berlin used to be relatively gay-friendly during the 1920s, while the LGBT community was targeted on a large scale only a decade later under the Nazi Germany regime. The current party in the German government, CDU/CSU, is the only major German party opposing equal LGBT rights, while all the other major parties in Germany support equal LGBT rights. Currently same-sex marriage in Germany is pending and recognition of same-sex couples in Germany exists since 2001. While Germany is not a frontrunner when it comes to granting equal rights to homosexuals, the country can be seen as a frontrunner for the rights of transsexuals. Transsexuals can change their legal gender already since 1980. In addition, Germany became the first European country where people could choose to neither identify as male or female on their birth certificate. This is especially in favour of intersex people (intersex means

that someone cannot be identified as male or female by chromosomes, gonads or genitals) and hermaphrodites (people with sex organs that can be identified as both male and female). Even though the LGBT community in Germany does not have equal rights, Michael Lipka for pewresearch.org published a map in his article which states that 81 % of the Germans agree that “gay men and lesbians should be free to live their own lives as they wish” (Lipka, 2013). However, this is lowest percentage of Western and Northern Europe, apart from Finland.

The situation in Austria is comparable to the situation in Germany. The recognition of same-sex couples came into force only in 2010 and only six out of nine Austrian republics have anti-discrimination laws to protect against discrimination based on sexual orientation, apart from discrimination in employment based on sexual orientation. However, there is a majority of Austrians in favour of same-sex marriage and adoption by same-sex couples according to a research of 2013, published in *Der Standard*. In total 61 % of the Austrians supports same-sex marriage and adoption by same-sex couples was supported by 56 % of the Austrians (Seidl, 2013). The percentages are lower than in other Western European countries but because of the majority it seems that Austria is ready to implement same-sex marriage and adoption measures for same-sex couples.

Like in Germany and Austria, Luxembourg does not allow same-sex couples to marry. However, the Luxembourgian Parliament will vote on same-sex marriage in 2014. Recognition of same-sex couples exist since 2004. Striking to see is that there is no specific legislation in Luxembourg to protect the LGBT community against hate crimes. On the other hand, Xavier Bettel, the Prime-Minister of Luxembourg, is the third openly gay head of government after Prime Minister Jóhanna Sigurðardóttir of Iceland and Prime Minister Elio Di Rupo of Belgium. According to a Politmonitor poll, conducted in 2013, 83 % of the Luxembourgian population is in favour of same-sex marriage and 55 % is in favour of same-sex adoption (Luxemburger Wort, 2013).

The LGBT-rights in Belgium have always been one of the most tolerant and progressive ones in the world. Same-sex marriage came into force in 2003, the second country in the world to implement this after neighbouring country The Netherlands, and adoption by same-sex couples is possible since 2006. And the percentage of Belgians that is in favour of same-sex marriage and same-sex remains high. According to a research article by Michael Lipka for pewresearch.org, 71 % of the Belgians were still in favour of marriage and adoption for same-sex couples in May 2013 (Lipka, 2013).

France became the first country in the world to legalise same-sex sexual activity, back in 1791. Homosexuality was still seen as immoral but it was officially decriminalised. This can

be considered as the first milestone in the long history of LGBT rights. France recently allowed same-sex couples to marry and adopt children, namely in 2013. These two laws were met with a lot of opposition and criticism in the country. Thousands of people protested against it before it was eventually signed by President Francois Hollande in 2013. According to Hugh Schofield for BBC News, ‘‘55-60% of French people supports gay marriage, but only about 50 % approves gay adoption’’ when the laws of gay marriage and gay adoption came into force (Schofield, 2013).

4.3. Southern Europe

Southern Europe consists of Portugal, Spain, Italy, Malta, Greece and Cyprus. Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro, Kosovo, Albania and the Former Yugoslav Republic of Macedonia are also considered to be Southern European countries. Currently, Portugal, Spain, Italy, Malta, Greece, Cyprus, Slovenia and Croatia are part of the European Union. However, Italy will not be discussed as information regarding the situation of the LGBT community in Italy can be found under Chapter 3 in this research.

The situation of the LGBT community in Southern European countries is diverse. While Portugal and especially Spain are frontrunners in this region when it comes to granting equal rights for the LGBT community, Italy, Greece, Cyprus and to a lesser extent Malta, Slovenia and Croatia still have a lot of work to do. More information about the rights of the LGBT-community per country can be found in Appendix 1.

Spain is, surprising to some, one of the most tolerant countries in the world regarding LGBT rights. Spain has a large Catholic population, as well as a dictatorial history under the regime of Franco. Under this regime, homosexuality was illegal and gay people were imprisoned on a large scale. Spain recovered from this dictatorial history and in 2005 same-sex marriage and adoption were legalised under the administration of the Spanish Worker's Party. According to Pew Research Center, which researched the rate of acceptance of homosexuality among the population in several countries in the European Union, Africa, Asia, the Americas, and Australia in 2013, Spain has the highest rate of acceptance with 88% (PewResearch, 2013).

Portugal is a rather special country when it comes to LGBT-rights. Same-sex marriage was implemented in 2010. However, according to a poll by Eurosondagem published in Express in 2010, ‘‘49.5 per cent of the respondents oppose marriages between people of the same sex, while 45.5 per cent favour them’’ (Angus Reid Global Monitor, 2010). Therefore it can be stated that same-sex marriage was implemented in Portugal while there was no public majority in favour of it. In addition, gay-couples cannot adopt children yet.

Recognition of same-sex couples came into force before the LGBT community was protected against discrimination, namely in 2001.

The smallest and most densely populated member state of the European Union, Malta, has a relatively tolerant attitude towards the LGBT-community. Anti-discrimination laws in employment were implemented in 2004, and in the provision of goods and service and a ban on indirect discrimination and hate speech in 2012. Civil partnerships for same-sex couples came into force in 2012 as well. And even though gay-couples cannot marry, they do have the possibility to adopt. And when it comes to the rights of transsexuals, according to Miriam Dalli for Malta Today, "Malta has become the first European state to have gender identity in its constitution" (Dalli, 2014). In contrast to this, according to Hilary White for lifesitenews.com, "41 percent of the population were in favour of same-sex marriage with 52 percent remaining opposed" in 2012 (White, 2014).

While especially Spain but also Portugal and to a certain extent Malta have improved their LGBT- legislation in favour of the LGBT community, Greece remains one of the most intolerant countries of the European Union when it comes to equal rights for the LGBT community. Same-sex marriage or adoption are not legal and the recognition of same-sex couples has been under consideration since 2010. There are some anti-discrimination laws in employment since 2005, but gender identity is not mentioned in these laws. No other anti-discrimination laws to protect the LGBT community exist in Greece. Moreover, there is the right to change legal gender but only after sterilisation. Alarming is the fact that gay conversion therapies are not illegal in Greece. According to Pew Research, who researched the question 'should society accept homosexuality?' in several countries around the world in 2013, 53 % of the Greek respondents said 'yes' while 40 % said 'no' (PewResearch, 2013). In another Southern European country where there is no same-sex marriage, adoption or even recognition of same-sex couples, Italy, 74 % of the respondents answered with 'yes' and only 18 % with 'no' (PewResearch, 2013). It is clear that there is still plenty of work to do in Greece to establish equal rights for the LGBT community.

The situation in Cyprus is comparable to the situation in Greece. Like in Greece, the Orthodox Church has a significant influence over the public opinion when it comes to LGBT rights. The LGBT community is protected against discrimination in employment, the provision of goods and services and indirect discrimination and hate speech since 2013. Moreover, there is a bill pending regarding the recognition of same-sex couples. According to Angelos Anastasiou for Cyprus Mail, "53.3 per cent of Cypriot citizens accept civil partnership legislation" (Anastasiou, 2014). More alarming is the fact that there is no possibility to change legal gender for the transsexual community.

In July 2013, Croatia became the 28th and newest member of the European Union. The LGBT community in Croatia is protected against discrimination in all areas and there is recognition of same-sex couples. However, the recognition of same-sex couples in Croatia is considered as 'unregistered cohabitations'. This means very limited rights and responsibilities, and this is not equal to the standard recognition of same-sex couples. However, a bill to provide same-sex couples with most rights and responsibilities was introduced before the Croatian Parliament in February 2014. Same-sex marriage seems far away in Croatia, since a referendum was held in 2013 to define marriage as a union between men and women. Even though the turnout was only 37 %, almost 66 % was in favour. The ILGA-Europe Rainbow Map ranked Croatia 13th out of 49 European states when it comes to the human rights situation of the LGBT community with 48 % out of 100 % (ILGA Europe, 2013).

In addition to Croatia, the LGBT rights of Slovenia can be considered to be one of the most progressive of the former Yugoslavia and Slavic Europe in general. In April 2014 the Ministry of Labour, Family, Social Affairs and Equal Opportunities has presented a bill for same-sex marriage. Another bill for same-sex marriage of 2009 was eventually rejected in 2012 by a referendum. However, since 2006 there is recognition of same-sex couples in Slovenia and there is complete protection against discrimination for the LGBT community in all areas since 2004. Moreover, the transsexuals in Slovenia have the right to change gender. However, according to the ILGA-Europe Rainbow Map of May 2013, Slovenia scored 35 % out of 100 % when it comes to the human rights situation of the LGBT-community (ILGA, Europe, 2013). This percentage is lower than in the other former Yugoslavian country Croatia.

According to an interview conducted with a Slovenian member of the LGBT community, the situation of the LGBT community is not as good as it should be. The main reason for this is the fact that the LGBT community in Slovenia is rather small according to the interviewee. However, this interviewee states that most people do accept the LGBT community in Slovenia, especially the younger generation in comparison to the older generation. In addition, the LGBT community is more accepted in the cities compared to the villages and the situation in Slovenia is, according to the interviewee, the best in Slovenia in comparison to other former Yugoslavian countries. The interviewee has not been subjected to violence or intimidation except for verbal violence and laughs. Moreover, the interviewee has not witnessed any violence or intimidation other than in the news. The things that should change in Slovenia when it comes to LGBT rights is, according to the interviewee, the fact that the Slovenians should not worry about what the LGBT community is doing as long as it

does not hurt or affect them. To conclude, the interviewee thinks that the European Union should implement one legislation for the LGBT community in all member states. But the interviewee is also convinced that intolerance will never stop and that more education is needed. The interview can be found in Appendix 3.

4.4. Central and Eastern Europe

The countries considered belonging to Central and Eastern Europe and that are member of the European Union are: Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Bulgaria and Romania. Bulgaria and Romania are the two countries that accessed the European Union in 2007, while the other countries joined the European Union in 2004. Traditionally, the situation of the LGBT community in most countries of Central and Eastern Europe is alarming. Even though all the current Central and Eastern European member states have fulfilled the Copenhagen Criteria and therefore reached a degree of equality for the LGBT community, the situation for this group remains worrying in this part of the European Union. More information about the rights of the LGBT-community per country can be found in Appendix 1.

Estonia has close ties with the Scandinavian countries and the Estonian language and culture are closely related to especially the Finnish language and culture. However, it seems to lack the tolerance towards the LGBT community that characterises the Scandinavian countries in general. According to Marike Teder for the Estonian newspaper Postimees, only 34 % of the Estonians supported same-sex marriage and 46% recognition of same-sex couples in 2012. Interesting to see in the same poll is the fact that there is a difference between the ethnic Estonians and the ethnic Russian minority. While 51 % of the ethnic Estonians supports recognition of same-sex couples, only 35 % of the ethnic Russians support this (Postimees, 2012). Moreover, according to Global Researcher that published a paper on gay rights, Estonia has taken legal steps to reserve marriage only for heterosexuals (Global Researcher, 2011). This happened in 2010. In addition, according to the article 'Minority rights after EU enlargement: A comparison of antigay politics in Poland and Latvia' by Conor O'Dwyer and Katrina Z.S Schwartz, (Gay) Pride-related events in Estonia have been met with violence once and the police failed to provide adequate protection (O'Dwyer & Schwartz, 2010). The transsexuals in Estonia have the right to change legal gender but there is no recognition of same-sex couples. It is clear that Estonia has a long way to go when it comes to equal rights for the LGBT community.

Latvia has one of the lowest rates when it comes to the acceptance of the LGBT

community by the population. This is partly reflected in the legislation and protection for the LGBT community. This means that Latvia is one of the few countries in Europe where there is no protection for the LGBT community in the provision of goods and services and all other areas. There is no recognition of same-sex couples either. Moreover, since 2005 marriage is defined as a union between a man and a woman. In contrast to this, it is interesting to see that Latvia is one of the few Eastern European countries that allow lesbians to undergo IVF-treatment and commercial surrogacy for gay male couples. Moreover, Latvian gay men have the right to donate blood. According to Dimitry Kochenov, who wrote the article 'Gay Rights in the EU: A long way forward for the union of 27', Latvia prohibited Equality Parades. However, it seems that the Latvian courts are playing an important role in assisting the LGBT community in their fight for equality when they annulled the prohibition of the Equality Parade (Kochenov, 2007). However, according to the same article, the former president of Latvia, Aigars Kalvitis, said the following about the Equality March in Riga: "Latvia is a state based on Christian values. We cannot advertise things which are not acceptable to the majority of our society" (Kochenov, 2007). Also, according to the article 'LGBT Rights in the EU Accession process' by Mattias Kristoffersson, the reason that Latvia has such a weak legislation when it comes to the protection of the LGBT-community is a combination of "weak external incentives (by the European Union), combined with lacking deliberative mechanisms to foster social learnings" (Kristoffersson, 2013). According to the Rainbow Map of ILGA Europe, Latvia scores 20 % out of 100 % when it comes to the human rights of the LGBT-community. This percentage places Latvia on the 34th place out of 49 European countries (ILGA Europe, 2013).

While the protection of the LGBT-community is slightly better than in neighbouring country Latvia, the current rights of the LGBT community are similar to the rights of the LGBT community in the other Baltic States, if not worse. Transsexuals in Lithuania do not have the right to change legal gender. There is no recognition of same-sex couples or same-sex marriage and adoption possible by the LGBT community. In addition, according to Conor O'Dwyer of the University of Florida for the London School of Economics and Political Science, "a law was proposed (in Lithuania) against 'homosexual propaganda' in schools" (O'Dwyer, 2013). According to Joe Morgan for Gay Star News, this law would have "outlawed gay prides parades, public speeches in support of LGBTI rights, gay rights campaign materials and audio-visual materials in support of the rights of LGBTI people" (Morgan, 2014). Eventually this law did not come into force, even though 39 MPs were in favour, 34 MPs voted against this law and 20 abstentions were recorded (Morgan, 2014). So there was a majority, but the majority was not big enough to implement this law.

The alarming situation in Lithuania is supported by the fact that marriage is only reserved for a man and a woman, like in the other Baltic States. Moreover, there were several attempts to forbid Pride-events, in 2010 and 2013. These attempts were unsuccessful. However, during the Baltic Pride 2013 in Vilnius, only 500 people participated and approximately 1000 people protested. A total of 28 people were detained during this event according to the Lithuania Tribune. This was only the second Pride-event in Lithuania (Editor, 2013). The public opinion in Lithuania about homosexuality is downright shocking. According to Delfi, who conducted a poll in 2013, only 7 % of the Lithuanians support recognition of same-sex couples and only 5 % supports same-sex marriage (Delfi, 2013). And according to another poll by Delfi conducted in 2009, 81.5 % of the Lithuanians considered homosexuality as a disease, paraphilia or perversion (Delfi, 2009).

Poland has a two-sided history when it comes to LGBT rights. Homosexuality has never been illegal in Poland and the country has not punished homosexuality in the early modern era. It can be stated that there have not been any anti-homosexuality law under a free Polish government. Poland is one of the most conservative and religious countries of the European Union and Poland is one of two big member states in the European Union, together with Italy, without recognition of same-sex couples, same-sex marriage or adoption by same-sex couples. Both the Communist history, when the LGBT community has been discriminated and detained on a large scale, and the importance of Christianity for the Poles seems the reason that equal rights and protection for the LGBT community remains behind. Moreover, according to Global Researcher, "Polish governments have drafted a bill to punish teachers who promoted homosexuality" (Global Researcher, 2011). In addition, another bill was proposed to ban all gay teachers in the country. In 2010, Warsaw hosted Europride, the first one held in Eastern Europe. The Europride was well received and policed. However, according to an article by Dimitry Kochenov about gay rights in the EU, the mayor of Warsaw at the time of the Europride said the following about the march: "sexually obscene and offensive to other people's religious feelings" (Kochenov, 2007). Moreover, the equality parades of 2004 and 2005 were forbidden by Lech Kaczyński, the mayor of Warsaw at the time. Even though all this is alarming for the LGBT community in Poland, there is hope. The public opinion in Poland tends to change slowly. In a Huffington Post article, published in 2013, it is stated that 69 percent of the Poles opposed gay marriage and adoption in a survey. However, 55 percent is in favour of recognition of same-sex couples (Huffinton Post, 2013). Moreover, the first openly gay member of the Parliament, Robert Biedroń, was elected into parliament as well as the first transsexual member of the Parliament, Anna Grodzka, who is currently the only openly transsexual member of a parliament in the world.

One of the success stories when it comes to the protection and acceptance of the LGBT community is the Czech Republic. Same-sex marriage is not allowed, but there is a small majority of 51 % of the Czechs in favour of same-sex marriage, according to a CVVM poll of 2013 (CVVM, 2013). Adoption by same-sex couples is not so much accepted, with a percentage of 34 % of the Czechs in favour, according to the same poll. (CVVM, 2013). The percentage of the Czechs in favour of adoption by same-sex couples in 2005 was 19 %. The rate of acceptance almost doubled in 6 years. There is complete protection against discrimination for the LGBT community in the Czech Republic since 2009 and recognition of same-sex couples since 2006. Even though same-sex marriage and adoption by same-sex couples is not legal, single homosexuals in the Czech Republic have the right to adopt a child. There is some work left for the Czech political institutions though, such as allowing same-sex marriage and adoption by gay-couples, but this country remains one of the most liberal countries of Central and Eastern European countries and can be considered to be more liberal than some Southern European countries as well.

Slovakia used to be united with the Czech Republic as Czechoslovakia. While the Czech Republic is fairly liberal and tolerant when it comes to the acceptance and protection of the LGBT community, it seems that Slovakia was the conservative part of Czechoslovakia, at least when you look at the current LGBT right and protection in Slovakia. The LGBT community is fully protected against discrimination in all areas since 2013 and legal recognition of same-sex couples, same-sex marriage and adoption by same-sex couples is not possible in Slovakia. According to the Huffington Post, ‘‘In Slovakia, which like Poland is strongly Catholic, parliament rejected a bill last year aimed at legal recognition for gay couples’’ (Huffington Post, 2013). Slovakia’s first Gay pride event took place in 2010 in Bratislava. According to a poll by Aktuálne, 47 percent of the Slovaks would vote in favour of recognition of same-sex couples (Harkotová, 2012). Even though that the Czech Republic and Slovakia used to be a united country, it seems that the situation of the LGBT community in Slovakia is more comparable to the situation of the LGBT community in Poland and not to the situation of the LGBT community in the Czech Republic.

The situation of the LGBT community in Hungary used to be, just like in the Czech Republic, more liberal compared to other countries in Central and Eastern Europe. There is recognition of same-sex couples since 2009, the transsexuals have the right to change legal gender and the LGBT community is completely protected against discrimination in all areas since 2003. However, instead of evolving rights, it seems that in Hungary the rights of the LGBT community slowly relapse. The conservative party Fidesz, with current prime-minister Viktor Orbán as president of the party, won the elections in 2010 and 2014 and changed

some important things. According to Pink News, a new constitution was approved by the Hungarian Parliament. Marriage is restricted to opposite-sex couples only now. Moreover, there is no concrete guarantee of protection against discrimination based on sexual orientation describe in the constitution anymore (Pink News, 2012). Discrimination based on sexual orientation remains banned through statute, even though it is not protected by the Constitution. However, this must feel as a major step backwards for the LGBT community. And even though there are Pride-marches since 1997, “in recent years these marches have taken place under threats of violence. In 2007 and 2008 these spilled over into running battles between the police and extremists” according to The Economist (G.E., 2010). Another concern for the LGBT community is the rise of the Jobbik Party in Hungary. Jobbik is considered to be radical, nationalistic and according to some also fascist and anti-Semitic. The party secured 20.22 % of the votes and is therefore the third party in Hungary. Jobbik can also be considered to be homophobic. Some people suspect Jobbik to be involved in homophobic incidents, and, according to Ádám Mirkóczy who is the spokesperson for Jobbik, “homosexuality should be criminalised and participants of the Gay Pride-events should go up to three years in jail” (Rkinga, 2012).

The LGBT community in Romania is completely protected against discrimination in all areas since 2006. However, homosexuality was decriminalised only in 2001. In addition to that, the transsexuals in Romania have the right to change legal gender since 1996. There is no recognition of same-sex couples in Romania and same-sex marriage or adoption by same-sex couples is not possible. Especially homophobia has been a problem in Romania for a long time. According to an article about the minority rights after the EU enlargement by Conor O’Dwyer and Katrina Schwartz, Romania banned a Pride-event when it still was a candidate member state of the European Union, one Pride-event in Romania was met with violence and Romanian politicians have used inflammatory language towards the LGBT community on two different occasions (O’Dwyer & Schwartz, 2013). Alarming are the results of some polls about the acceptance of homosexuality in the country. According to an article about the gay right’s battle in Eastern Europe in the Huffington Post, “a 2011 survey showed that 73 percent of respondents did not want gay people in their family; 45 percent did not want to work with gays or lesbians” (Huffinton Post, 2013). It is clear that there is still a long way to go for the LGBT community in Romania.

Bulgaria is another source of concern when it comes to LGBT rights. Homosexuals are protected against discrimination in all areas and against hate speech and indirect discrimination since 2003 but there is no law in Bulgaria that forbids hate crimes against the LGBT community. Currently there is a bill proposed to punish hate crimes against

homosexuals and the Bulgarian parliament will vote about it. Transsexuals have the right to change legal gender but laws that should protect the transsexuals do not exist in Bulgaria. In addition to this, there is no legal recognition of same-sex couples and same-sex couples have no right to adopt children or to marry. Moreover, marriage is officially defined as a union between a man and a woman. So far six Pride-events took place in Bulgaria, called Sofia Pride. The first Sofia Pride, back in 2008, drew 150 participants and those participants were subjected to violence. According to Vesti, the participants were attacked with petrol bombs, bottles and rocks (Vesti, 2008). 60 people were arrested. The editions in the years after were not violent and drew more participants. The biggest adversary of LGBT rights in Bulgaria seems to be the Bulgarian Orthodox Church. They called the Pride-events more than once “sinful”. One priest drew a lot of attention in 2012 when he stated that “gays should be beaten with stones”, according to Vsekiden (Vsekiden, 2012). Bulgaria scores 18% out of 100 % on the ILGA Rainbow Map when it comes to the human rights situation of the LGBT community. Bulgaria ends up 37th out of 49 European countries (ILGA Europe, 2013).

Conclusion

When the European Coal and Steel Community was established in 1952, the main focus was to pool the coal and steel community. There was no legislation in the field of human rights, and thus the LGBT community, adopted. This did not change with the Council of Europe and the European Convention on Human Rights several years later. However, the first achievement came in 1989 when the transsexuals were protected against discrimination thanks to a resolution of the European Parliament. The Treaty of Maastricht did not change something concrete when it comes to protection of the LGBT community or providing equal rights, neither did the Copenhagen Criteria. However, a change started to come up and the zeitgeist in the European Union slowly started to change. In 1994, the lesbian, gay and bisexual community in the European Union were officially protected against discrimination by another resolution of the European Parliament. The Treaty of Amsterdam contained Article 19 (former Article 13), which was the first Article to mention sexual orientation. Moreover, 2000 was a highly successful year with an EU Directive to ban sexual orientation discrimination in employment and Article 8, 10 and 14 together with protocol 12 of the European Convention on Human Rights finally also applied for the LGBT community. The Treaty of Lisbon was an important Treaty, also for the LGBT community. Article 21 of this Treaty mentioned a prohibition on all discrimination based on sexual orientation. However, the Charter of Fundamental Rights became binding. This meant that marriage legislation would now officially fall only under the competences of the Member States and not the European Union. This means that only member states can decide on same-sex marriage or adoption by same-sex couples.

Among the three lobby groups advocating equal rights for the LGBT community, it seems that only ILGA Europe can be capable of having a role in one LGBT legislation in all member states of the European Union. The reputation of the organisation, their broad scope, their role as umbrella organisation and the ability to set up large campaigns can make ILGA Europe a key link for achieving equal rights for the LGBT community and an improvement of their situation in the European member states. When it comes to the three lobby groups opposing equal rights for the LGBT community, a lack of transparency characterises these groups. All three of these lobby groups publish statements and reports opposing equal rights for the LGBT community but do not seem to take actual action to substantiate their views. Therefore it seems unlikely that these lobby groups will play a significant role when it comes to preventing equal rights for the LGBT community. Chapter 3 and 4 of this research clearly show how significant the differences between the member states are when it comes to

protection of the LGBT community and granting them with equal rights. While The Netherlands protects the LGBT community in all kinds of ways for decades now, Italy only recently protects the LGBT community in all areas. Moreover, The Netherlands became the first country in the world to legalise same-sex marriage and adoption by same-sex couples in 2001 while Italy does not yet recognise same-sex relationships. Italy seems to be influenced by the powerful Catholic Church, as well as the influence of machismo and conservativeness. However, both Italian LGBT interviewees state that the younger Italian generation seems much more tolerant towards the LGBT community. A change should be imminent in Italy.

The last chapter of this research concisely covered the situation of the LGBT community in all the member states. The legal situation of the LGBT community in all the member states is presented together with Appendix 1 while also the acceptance of the LGBT community among the population in the relevant member state is presented. This chapter shows especially how irreconcilable the differences between the member states are. Especially in Eastern Europe the situation for the LGBT community is difficult. And while most of the Western European and some Southern European member states seem to be on the right track, equality is far from fulfilled in most member states. However, the main differences lie particularly in the level of protection and the recognition of same-sex relationships or same-sex marriage and the implementation of adoption by same-sex couples.

This research wanted to show, legally but especially ethically, if the European Union should implement one legislation in all member-states covering same sex marriage and adoption of children for the LGBT community. And even though that the lack of equal rights in some member states of the European Union encounter international and European pressure for improvement, the differences between member states are irreconcilable. This makes it ethically difficult to strive for one legislation in all member states in the field of LGBT rights. This is reinforced with the fact that the European Union does not have the power to legislate when it comes to same-sex marriage and adoption by same-sex couples. However, this does not mean that European Union is stationed on the sidelines when it comes to LGBT rights. The European Union should strive, not only to maintain their political and economic unity, but also to become a unity in human rights. Therefore, this research has proposed several recommendations to reach a certain level of unity when it comes to LGBT rights. These recommendations can be found in the next chapter.

Recommendations

Because of the lack of judicial power in the field of for example same-sex marriage and adoption by same-sex couples, the European Union has to leave this to their member states. However, this does not mean that the European Union does not have a role when it comes to strive for singular LGBT rights in the member states. The following recommendations can be useful for the European Institutions, ILGA Europe and also the European Fundamental Rights Agency to better deal with the differences among the member states, as well as helping the European Union to reach some more unity without interfere with their member states.

1. The European Commissioners, European Members of the Parliament and European Head's of State advocating equal rights for the LGBT community should lobby for same-sex marriage and adoption by same-sex marriage in every member state and pressure member states lacking equal rights. However, convincing member states opposing same-sex marriage and adoption by same-sex couples will be difficult.

In total 11 out of 28 member states do not recognize same-sex couples and thus holding back rights that come with the recognition of same-sex couples. It should be a good first step for the European Commissioners, more specifically the Commissioner for Human Rights, the European Members of the Parliament and European Head's of States advocating equal rights for the LGBT community to pressure member states to at least recognise same-sex couples. Currently there seems to be a lack of real interest in LGBT matters. Because of the different views within all of the European Institutions, it will be difficult to act as a whole. But the European Commissioners, European Members of the Parliament and European Head's of States advocating equal rights for the LGBT community should stick their heads together in a better and more effective way in order to reach this.

2. The European Fundamental Rights Agency (FRA) would be a suitable institution to pressure the member states to recognise same-sex relations. The FRA is an official European Union body that collects and analyses data on fundamental rights and based on the rights listed in the Charter of Fundamental Rights of the European Union. This Charter calls on equality for all European citizens and thus also for the LGBT community. This would also mean that every European citizen, also the LGBT community, does have to right to marry and also to adopt. However, this Charter also gave the member states the exclusive right to decide on same-sex marriage and adoption by same-sex couples. The role of the European Fundamental Rights Agency

can be vague in this case. However, they should not only focus on same-sex marriage and adoption by same-sex couples in all European member states since this is not possible. It is better for the European Fundamental Rights Agency to emphasize on the equality for all the citizens in general since this is mandatory and currently there is no full equality for everyone.

3. The big and important organisation ILGA Europe is an important player when it comes to the provision of information, major campaigns and creating more awareness among the European citizens when it comes to the situation of the LGBT community in the European member states. ILGA Europe can be useful for the European Commissioners, European Members of the Parliament and European Heads of States advocating equal rights for the LGBT community in order to raise awareness among the European citizens, especially in the countries that currently lack equal rights for the LGBT community. Campaigning and providing information can also mean that those member states come to more realization and support for the LGBT community which should result in an improvement of the rights.
4. Candidate member states should be monitored in a better way when it comes to LGBT rights before the candidate member state will become an official member state. If the LGBT rights in the candidate member state are not in line with the legislation of the European Union, this candidate member state should not be allowed to join the European Union. It is important that the LGBT community in the candidate member state has, or will obtain on a short term, complete protection against discrimination in all areas. Moreover, it can be expected from the European Union to pressure the candidate member states to implement recognition of same-sex relations before these candidate member states join the European Union. As umbrella organization, the European Union is in a position to demand certain improvements before accession, even though there is no power in this field for the European Union.
5. There are some worrying facts mentioned in this research. 35 transsexuals in total have been killed in the European Union between January 2008 and December 2012. Very important for the European Union is to combat this because murder because of the gender identity of someone is unacceptable. Moreover, the transsexuals are generally the most targeted group of the LGBT community. The European Union should consider coming up with special legislation to protect the transsexuals in order to improve their situation. Legislation only focused on the transsexuals, rather than the LGBT community in general should help to better the situation of transsexuals.

6. In order to gain publicity for the rights of LGBT people in Europe, a big conference should be organised with short-term plans to improve the situation of the LGBT community in the European Union. Every member state should be present and all together short-term plans should be created and eventually signed. In other areas, such as environment, big conferences are common and often lead to improvement or at least concrete plans for the future. A big conference on LGBT rights will cause publicity, as well as a serious dialogue between member states only about LGBT matters and not under the broader section of 'human rights'. The differences will make it difficult to agree all together on short-term plans for the LGBT community but it is a good occasion to stress the equality of every human being within the European Union.

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Appendix 1 - The legal rights and protection per European Member State

Austria

Same-sex sexual activity is legal since 1971. Same-sex marriage or joint-adoption by same-sex couples is not possible while registered partnerships for same-sex couples were introduced in 2010. The LGBT community is protected against discrimination in employment since 2004. Six out of nine Austrian republics have other anti-discrimination laws within their area of competences to protect against discrimination based on sexual orientation. Transsexuals can change their legal gender since 1983.

Belgium

Same-sex sexual activity is legal since 1795. There is recognition of same-sex couples since 2001, same-sex marriage since 2003 and adoption by same-sex couples since 2006. Complete protection against discrimination in all areas for the LGBT community was established in 2003. Transsexuals in Belgium can legally change their gender since 2007. Homosexual do not have the right to donate blood.

Bulgaria

Same-sex sexual activity is legal since 1968. Homosexuals are protected against discrimination in all areas and against hate speech and indirect discrimination since 2003. There is no law in Bulgaria that forbids hate crimes against homosexuals. Transsexuals have the right to change legal gender. There are no laws for the protection of transsexuals in Bulgaria. There is no legal recognition of same-sex couples and same-sex couples have no right to adopt children or to marry. Single men very occasionally have the right to adopt a child. Homosexuals have the right to donate blood.

Croatia

Same-sex sexual activity is legal since 1977. The LGBT community is protected against discrimination based on sexual orientation in all areas since 2003 and there is recognition of same-sex couples since 2003. Same-sex marriage and adoption by same-sex couples is not possible. The transsexuals have the right to change legal gender in Croatia. Homosexuals do not have the right to donate blood.

Cyprus

Same-sex sexual activity is legal since 1998. The LGBT community is protected against discrimination in employment, the provision of goods and services and indirect discrimination and hate speech since 2013. Currently, there is a bill pending regarding the recognition of same-sex couples. Same-sex marriage or adoption is not discussed. There is no possibility to change legal gender for transsexuals.

Czech Republic

Same-sex sexual activity is legal since 1962. The LGBT community is protected against discrimination in employment since 2001, and the provision of goods and services and all other areas since 2009. There is recognition of same-sex couples since 2006. Same-sex marriage and adoption by same-sex couples is not legal. Single homosexuals in the Czech Republic have the possibility to adopt a child. Homosexuals have the right to donate blood. Transsexuals have the right to change legal gender.

Denmark

Same-sex sexual activity is legal since 1933. Recognition of same-sex couples exist since 1989. There is protection against discrimination in employment based on sexual orientation since 1996 and all other areas since 2004. Same-sex marriage came into force in 2012; joint adoption for same-sex couples became legal in 2010. Transsexuals have the legal right to change gender. Homosexuals have no right to donate blood.

Estonia

Same-sex sexual activity is legal since 1992. There are anti-discrimination laws in employment since 2004. This was expanded in 2008 when the LGBT community became also protected against discrimination in the provisions of goods and services and all the other areas, including indirect discrimination and hate speech. Transsexuals in Estonia have the right to change legal gender. There is no recognition of same-sex couples, same-sex marriage or adoption by the LGBT community.

Finland

Same-sex sexual activity is legal since 1971. There is recognition of same-sex couples since 2002 and transsexuals can legally change their gender in since 2002. Complete anti-discrimination laws for the protection of the LGBT community were fulfilled in 2005 while anti-discrimination laws in employment and the provision of goods and services existed since

1999. Currently same-sex marriage and joint adoption by same-sex couples is pending. Homosexuals have the right to donate blood.

France

Same-sex sexual activity is legal since 1791. There exist anti-discrimination laws in employment and provision of goods and services since 1985. Complete protection for the LGBT community was fulfilled in 2004. Since 1999 there is recognition of same-sex couples and same-sex marriage and adoption by same-sex couples became legal in 2013. Homosexuals have the right to donate blood. Transsexuals have the right to change legal gender since 1992; transsexuality was declassified as an illness in 2009.

Germany

Same-sex sexual activity is legal in East Germany since 1968 and West Germany since 1969. Laws against discrimination in employment exist since 2006. The anti-discrimination laws in Germany differ per Bundesland; currently the LGBT community is protected against discrimination in all areas in every Bundesland. There is recognition of same-sex couples since 2001 and same-sex marriage is pending, as well as adoption by same-sex couples. Transsexuals can change their legal gender since 1980. Homosexuals do not have the right to donate blood.

Greece

Same-sex sexual activity is legal since 1951. There are some anti-discrimination laws in employment since 2005; gender identity is not mentioned in these laws. No other anti discrimination laws to protect the LGBT community exist in Greece. There is the right to change legal gender but only after sterilisation. Same-sex marriage or adoption is not legal and the recognition of same-sex couples has been under consideration since 2010. Gay conversion therapies are not illegal in Greece. Homosexuals do not have the right to donate blood.

Hungary

Same-sex sexual activity is legal since 1962. The LGBT community in Hungary is completely protected against discrimination in all areas since 2003. Same-sex marriage and adoption by same-sex couples is not possible. There is recognition of same-sex couples since 2009. Transsexuals have the right to change legal gender. Homosexuals are not allowed to donate blood.

Ireland

Same-sex sexual activity is legal since 1993. The LGBT community is protected against discrimination in employment since 1998, the provision of goods and services since 2000 and hate speech and indirect discrimination since 1989. Since 2011 there is civil partnership for same-sex couples. No legal gender recognition is possible in Ireland. No same-sex marriage or adoption by same-sex couples is possible in Ireland. Homosexuals have no right to donate blood.

Italy

Same-sex sexual activity is legal since 1890. Anti-discrimination legislation in employment to protect the LGBT community since 2003 and complete anti-discrimination legislation in all areas to protect the LGBT community since 2013. No recognition of same-sex couples, same-sex marriage or joint-adoption by same-sex couples. Transsexuals have the right to change legal gender since 1982. Homosexuals in Italy have the right to donate blood.

Latvia

Same-sex sexual activity is legal since 1992. There are anti-discrimination laws in employment to protect the LGBT community since 2006. There is no recognition of same-sex couples, same-sex marriage or joint-adoption by same-sex couples. Transsexuals in Latvia have the right to change legal gender. Homosexuals in Latvia have the right to donate blood.

Lithuania

Same-sex sexual activity is legal since 1993. The LGBT community is protected against discrimination in employment and the provision of goods and services since 2005, hate speech and indirect discrimination towards the LGBT community is being addressed in most cases. There is no recognition of same-sex couples or same-sex marriage and adoption possible by the LGBT community. Transsexuals in Lithuania do not have the right to change legal gender. Homosexuals do not have the right to donate blood.

Luxembourg

Same-sex sexual activity in Luxembourg is legal since 1794. The LGBT community is protected against discrimination in employment and goods, but there is no specific legislation to protect this community against hate-crime. There is recognition of same-sex couples since 2004. Same-sex marriage or joint-adoption by same-sex couples is not possible. The

Luxembourgian Government will vote on allow same-sex marriage in 2014. Transsexuals in Luxembourg have the right to legally change their gender. Homosexuals are not allowed to donate blood.

Malta

Same-sex sexual activity is legal in Malta since 1973. Anti-discrimination laws in employment were implemented in 2004, anti-discrimination laws in the provision of goods and service and a ban on indirect discrimination and hate speech were implemented in 2012. Protection against discrimination based on sexual orientation and gender identity is included in the Constitution of Malta since 2014. There is recognition of same-sex couples and joint-adoption by same-sex couples possible since 2014. Same-sex marriage is not legal. In Malta there is the right to change legal gender for transsexuals. Homosexuals do not have the right to donate blood.

Poland

Same-sex sexual activity is legal in Poland since 1932. The LGBT community is protected against discrimination in employment since 2003, not in the provision of goods and services and all other areas, including indirect discrimination and hate speech. There is no recognition of same-sex couples and same-sex marriage or adoption by same-sex couples is not possible. Transsexuals in Poland have the right to change legal gender and homosexuals have the right to donate blood.

Portugal

Same-sex sexual activity is legal since 1982. Recognition of same-sex couples came into force in 2001, anti-discrimination laws to protect the LGBT community in employment in 2003 and complete protection in all other areas was fulfilled in 2004. Same-sex marriage became legal in 2010; adoption by same-sex couples is not possible. Homophobia is illegal since 2007, transphobia since 2013. The legal right to change gender and sex assignment surgery are allowed since 2011. Homosexuals have the right to donate blood since 2010.

Romania

Same-sex sexual activity is legal since 1996. Transsexuals in Romania have the right to change legal gender since 1996. The LGBT community in Romania is protected against discrimination in employment and the provision of goods and services since 2000 and all the other areas, including hate speech and indirect discrimination, since 2006. Homosexuality

was decriminalised in 2001. There is no recognition of same-sex couples, same-sex marriage or adoption by same-sex couples.

Slovakia

Same-sex sexual activity is legal since 1962. The LGBT community is fully protected against discrimination in all areas since 2013. Discrimination in employment against the LGBT community has been illegal since 2004, and in the provision of goods and services since 2008. Legal recognition of same-sex couples, same-sex marriage and adoption by same-sex couples is not possible. Transsexuals have no right to change legal gender.

Slovenia

Same-sex sexual activity is legal since 1977. Discrimination in employment based on sexual orientation is banned since 1998, and complete protection against discrimination for the LGBT community in all areas came into force in 2004. Since 2006 there is recognition of same-sex couples in Slovenia, same-sex marriage and joint adoption by same-sex couples is not legal. Transsexuals have the possibility to change legal gender. Homosexuals are not allowed to donate blood.

Spain

Same-sex sexual activity is legal since 1979. Civil partnership for same-sex couples started in 1998 in Catalonia and the last region to allow civil partnership for same-sex couples was Cantabria, just before the implementation of same-sex marriage and adoption in 2005. The complete anti-discrimination legislation to protect the LGBT community was completed at the beginning of the 21st century and transsexuals can legally change gender with or without sex reassignment surgery and sterilisation or castration. Homosexuals have no right to donate blood.

Sweden

Same-sex sexual activity is legal in Sweden since 1944. Transsexuals have the right to change their legal gender with sex reassignment surgery since 1972. Since 1987 there is complete anti-discrimination legislation for the LGBT community. Same-sex partnership is officially recognised since 1995. Adoption by same-sex couples is legal since 2003 and same-sex marriage since 2009.

The Netherlands

Same-sex sexual activity legal since 1811. Complete protection against discrimination in all areas for the LGBT community exist since 1993, there is no specific anti-discrimination legislation on the ground of gender identity or expression. Recognition of same-sex couples exist since 1998, same-sex marriage and adoption since 2001. Transsexuals have the legal right to change gender. Homosexuals do not have the right to donate blood.

United Kingdom

Same-sex sexual activity is legal in England and Wales since 1967, Scotland followed in 1981 and Northern Ireland in 1982. Civil partnership exists since 2005 nationwide and same-sex marriage followed in 2014 in England and Wales and Scotland. There is no same-sex marriage in Northern Ireland. Adoption is possible for same-sex couples in England and Wales since 2005, in Scotland since 2009 and Northern Ireland since 2013. Anti-discrimination laws in all areas concerning sexual orientation and transsexualism exist since 2010 nationwide. Laws against hate-speech based on sexual orientation exist since 2008 in England and Wales, not in Scotland and Northern Ireland. Nationwide there exist no laws against hate-speech based on gender identity. Transsexualism is declassified as an illness since 2002 and the right to change gender is possible since 2005 nationwide

Appendix 2 – Interview ILGA Europe

RE: Collected information from Email contact form

Nanna Moe (nanna@ilga-europe.org)

10-4-2014

Aan: 'simon_vander_burgt@hotmail.com'

Van: **Nanna Moe** (nanna@ilga-europe.org)

Verzonden: donderdag 10 april 2014 11:22:48

Aan: 'simon_vander_burgt@hotmail.com' (simon_vander_burgt@hotmail.com)

Hello Simon

Thanks for your email.

Firstly I just want to emphasize that EU can not legislate within family legislation, as it is not in the competences of the EU. Therefore there will not be any attempts to legislate on marriage equality and adoption rights for same sex couples. So you might want to shift your focus.

Regarding your questions - then it is really difficult to answer in a simple manner.

1. Our achievements have been many (luckily) but they vary topic wise, and therefore hard to justify why one victory is more significant than others. I would suggest you to have a look on our website section on our achievements: [http://www.ilga-europe.org/home/about us/what is ilga europe/our achievements](http://www.ilga-europe.org/home/about_us/what_is_ilga_europe/our_achievements)

2. I would suggest you to have a look at our newly published strategic plan for 2014-2018 as it hints about where we foresee that our work will take us within the next few years: [http://www.ilga-europe.org/home/about us/organisational documents/strategic plans](http://www.ilga-europe.org/home/about_us/organisational_documents/strategic_plans)

3. I think the best source on this one, is to have a look at our European election campaign, Come Out. Here we have formulated a pledge, where we highlight the most significant areas where EU can make a difference: [http://www.ilga-europe.org/home/how we work/european institutions/ep2014/candidate/pledge](http://www.ilga-europe.org/home/how_we_work/european_institutions/ep2014/candidate/pledge)

4. Yes, EU can be a driver for change within its competences.

Hope this helps

Very best wishes

Nanna Moe
Communications Officer
ILGA-Europe
Direct line: + 32 2 609 56 53

rue Belliard straat 12, B-1040 Brussels, Belgium
Tel.: +32 2 609 54 10 • Fax: +32 2 609 54 19 • www.ilga-europe.org

-----Original Message-----

From: Nanna Moe
Sent: 31 March 2014 16:02
To: Nanna Moe
Subject: Collected information from Email contact form

The following information was collected:

Subject:
Research for dissertation:

Dear Sir/Madam,

My name is Simon van der Burgt and I am currently studying European Studies in The Hague, The Netherlands. I contact you since I am conducting a specific research for my dissertation. The topic of my dissertation is 'should the European Union implement one LGBT legislation in all the member states covering same sex marriage and adoption of children?'. One of my subchapters is about the lobby groups in the European Union and LGBT-rights and ILGA Europe seems a very important lobby group linked to LGBT-rights. Therefore, I wonder if there is a possibility for ILGA Europe to answer 4 short questions which I can include in my dissertation. The questions are very general, in order to sketch an image about ILGA Europe and the work that the organisation has been doing over the years. The 4 questions are as

follows:

- 1) What are the biggest achievements of ILGA Europe in the field of LGBT-rights?
- 2) What is the objective of ILGA Europe for the future in the field of LGBT-rights?
- 3) What should, according to ILGA Europe, change in the European Union in the field of LGBT-rights?
- 4) Is ILGA Europe in favour of one central European Union - legislation in the field of LGBT-rights for all the member states?

I would be more than grateful to receive a reply from your organisation.

Yours faithfully,

Simon van der Burgt

Your email:

simon_vander_burgt@hotmail.com

Appendix 3 – Interviews LGBT members & Informed Consent Forms

Interview 1 – The Netherlands

- 1) Can you tell me something about the general situation of the LGBT community in The Netherlands?

I think that the situation of the LGBT-community in The Netherlands is good. We don't miss any rights and we can be who we want to be to a certain extent. This does not mean that everyone of the LGBT-community lives in easy circumstances. Coming out is always difficult and there will always be people that don't accept the LGBT-community, also in The Netherlands where the situation is maybe the best in the world.

- 2) What is the view of the major Dutch political parties regarding LGBT-rights?

I don't think there is one party in The Netherlands that has something against homosexuality. But because there is nothing really important to achieve for the LGBT-community on a political level, there is not much attention for the LGBT-community from the political parties either, which is kind of logical.

- 3) To what extent does the Dutch population accept the LGBT-community? *I think that most people accept the LGBT-community. Maybe the lower class people and minorities have more problems with homosexuals and transsexuals. I noticed from some transsexual friends that their situation is still a bit difficult when it comes to being out in public and receiving a lot of negative comments.*

- 4) The Netherlands is considered to be a tolerant country when it comes to LGBT-rights, but are there currently any problems or lapses when it comes to LGBT-rights in The Netherlands? *I don't think there is anything particular that is difficult for the LGBT-community now. But of course teenagers still face problems with their coming out and self-acceptation. At schools there is still bullying and walking hand in hand with someone of your own gender can result in comments or awkward situations.*

- 5) Have you ever been subjected to violence or intimidation because of your sexual orientation? *No fortunately not. There were some people who made minor comments when I walked hand in hand with my partner but nothing serious.*

- 6) Have you ever witnessed violence or intimidation towards the LGBT community? *I witnessed bullying but no real violence or major intimidation.*

- 7) What is the acceptance of the LGBT-community within the minorities in The Netherlands, since The Netherlands is considered to be a multicultural country? *I think minorities still have some problems with homosexuals and transsexuals as well. I don't know why exactly but that is probably because they live according to the standards of their religion and culture of the country where they are originally from and in most cases those countries or religions are less tolerant than we are used to in The Netherlands.*

- 8) Are you currently active in LGBT-organisations in The Netherlands, have you been active in LGBT-organisations in The Netherlands, or do you wish to be active in LGBT-organisations in The Netherlands in the future? *No. I am doubting about it and I would love to mean something for people who are still in the closet but there is nothing serious to fight or protest for in The Netherlands which makes it less attractive to join a LGBT-organisation. We are used to the tolerance in The Netherlands.*
- 9) Do you think the European Union should implement one legislation for the LGBT-community in all the member states? *I know that the European Union does not have the power because it is within the power of the member states. But still I think yes. The European Union is in a position to show the world that homosexuality or Tran sexuality is normal and that a lot of countries see that too (and a lot of countries in Europe don't). But maybe the European Union should stimulate the member states in a better way.*

Interview 2 – The Netherlands

- 1) Can you tell me something about the general situation of the LGBT-community in The Netherlands? Currently the homosexuals in The Netherlands are close to equal compared to heterosexuals in The Netherlands. I feel safe in The Netherlands and I feel like no one really cares about my sexual orientation. Of course this is not always the case but in general I feel happy and proud to live in a country that implemented same-sex marriage as the first country in the world.
- 2) What is the view of the major Dutch political parties regarding LGBT-rights? I suppose that most political parties, except for the extreme Christian SGP and maybe the ChristenUnie, are in favour of equal rights for the LGBT-community. There is no such thing as a party that is against homosexuals or equal rights. It just does not really play a big role in the politics nowadays since everything seems to be achieved for the LGBT-community.
- 3) To what extent does the Dutch population accept the LGBT-community? I think that most people accept homosexuality and equal rights for homosexuals. There might be a difference in the acceptance among the older generation but I think I can say that at least 75 % of the Dutch population is totally fine with homosexuals. I find it difficult to answer for the transsexual community. I think that the transsexual community is less accepted in society and people give weird looks sometimes to the transsexual community. However, I still think that the situation of the transsexual community is way better than in most countries. For me, I just really don't know a lot about the situation of the transsexual community, unfortunately.
- 4) The Netherlands is considered to be a tolerant country when it comes to LGBT-rights, but are there currently any problems or lapses when it comes to LGBT-rights in The Netherlands? The main problem is the fact that a lot of people in high schools are bullied when they are open about their sexuality. I don't know if this is a problem in other (Western) countries too, but last year there were some cases of young people who committed suicide because of their sexual orientation linked to bullying. It was big news so at least there is attention for it but I suppose something drastically has to change on high schools.
- 5) Have you ever been subjected to violence or intimidation because of your sexual orientation? I have been bullied on high school because of my looks and sexual orientation, even though I was not openly gay back then. It was never physical, and I

guess that a lot of children were bullied in a much heavier way, but still it was bullying and it still hurts me a bit and influenced my personality.

- 6) Have you ever witnessed violence or intimidation towards the LGBT-community? No physical violence but bullying.
- 7) What is the acceptance of the LGBT-community within the minorities in The Netherlands, since The Netherlands is considered to be a multicultural country? This is another problem in The Netherlands when it comes to LGBT-rights and protection. A lot of minorities are not yet comfortable with the open and tolerant attitude of Dutch people in general towards homosexuals and transsexuals. They have a different view and less openness within their community. I mainly speak about Islamic cultures in The Netherlands. Especially Moroccans seems to have problems to integrate when it comes to acceptance of homosexuals and transsexuals. This does not mean the whole community, but there were some cases of bullying and violence in the past.
- 8) Are you currently active in LGBT-organisations in The Netherlands, have you been active in LGBT-organisations in The Netherlands, or do you wish to be active in LGBT-organisations in The Netherlands in the future? No, but in the future I am planning to contribute.
- 9) Do you think the European Union should implement one legislation for the LGBT-community in all the member states? Yes. I think the European Union should demand their member states to treat every citizen equally. The European Union wants to be a union but there is no united voice when it comes to LGBT rights. I think the European Union is in a position to lead the equalisation of rights for homosexuals since so many countries in the European Union are already frontrunners when it comes to equal rights. On the other hand, the differences are currently too big. I think that the European Union should seek for unity and keep in mind that they are in a position to create equality.

Interview 1 – Italy

- 1) Can you tell me something about the general situation of the LGBT-community in Italy?
- 2) What is the legal protection of the LGBT-community in Italy?
- 3) What is the role of politicians and political parties in Italy regarding LGBT-rights?
- 4) To what extent does the Italian population accept the LGBT-community?
- 5) What is, according to you, the reason that LGBT-rights and acceptance in Italy stay behind compared to similar countries like Spain and Portugal?
- 6) Are there regional differences in the acceptance of the LGBT-community in Italy (e.g. North and South)?
- 7) Have you ever been subjected to violence or intimidation because of your sexual orientation?
- 8) Have you ever witnessed violence or intimidation towards the LGBT-community?
- 9) What does the European Union, according to you, mean to the LGBT-community in Italy?
- 10) Do you think more or less involvement of the European Union in Italy regarding LGBT-rights will result in a better situation for the LGBT-community?
- 11) Do you think the European Union should implement one legislation for the LGBT-community in all the member states?
- 12) What should, according to you, change in both Italy and the European Union regarding LGBT-rights?

1) the LGBT-community in Italy is self-referential. It does not affect the living conditions of the Italian homosexuals. it is distinguished by organizing parties for profit

2) The most important protection is given by the prohibition of discrimination on the job. Italian law states that an employee can not be subject to discriminatory conduct on the basis of sexual orientation and in case of dismissal should be compensated and reintegrated in the workplace

3) there is a substantial lack of parties and politicians towards the LGBT issue. parties who seem interested only seek an electoral advantage

4) It is widely accepted

5) lack of political courage

6) I don't think so. Rather there are differences between the small towns/villages and cities

7) no

8) no

9) the jurisprudence of the Court of Justice goes in the direction of a more 'wide recognition of the civil rights

10) may be yes

11) yes

12) They should establish the minimum rights in favor of same-sex couples

Interview 2 – Italy

- 1) Can you tell me something about the general situation of the LGBT-community in Italy?

As in every other country there are people who do not accept the LGBT community. The situation does not seem that bad for us, but unfortunately many people committed suicide recently due to homophobic attacks

- 2) What is the role of politicians and political parties in Italy regarding LGBT-rights?
- 3) To what extent does the Italian population accept the LGBT-community?

Every time I walk hand keeping the hand of my bf or I kiss him on the street I am surprised that no one really matter and these episodes make me think that daily the extent of population who accept our community is larger. Nowadays most of young people accept it, but still too many adults don't, especially in villages. I want to be positive saying that almost the 50% of Italian population accept it.

I've done a small vox pop with my friends and the perception about it is very heterogenic, some feel like it can be the 40%, other like the 70% of tolerance

- 4) What is, according to you, the reason that LGBT-rights and acceptance in Italy stay behind compared to similar countries like Spain and Portugal?

First of all the religion issue: Italy is strongly linked with the church that had represented a very important reference point for Italians after the second world war, and that had influenced a lot Italian ethic and created strong link between politic and religion power witnessed by some laws.

Of course it may seem strange that another catholic country such Spain had accepted LGBT-rights, while Italy has not yet, but I think that Spain did it in order to maintain the monarchy that would had appeared closed minded in case they did not accepted these rights.

- 5) Are there regional differences in the acceptance of the LGBT-community in Italy (e.g. North and South)?

More than North and South i think it's about cities: in big towns people are more tolerant than smaller one

- 6) Have you ever been subjected to violence or intimidation because of your sexual orientation?

No, I have never

- 7) Have you ever witnessed violence or intimidation towards the LGBT-community?

Yes. Once parents of a friend of mine discovered that he was gay and they obliged him to change his sexuality and avoid all gay relationships (he is not my bf :P) this episode is an example that I want to emphasise because when gays are not even accepted by the family that means that society is very close minded

- 8) What should, according to you, change in Italy regarding LGBT-rights?

Consider gay couples and give them the same rights of a married couple if they want to live together.

- 9) Do you think the European Union should implement one legislation for the LGBT-community in all the member states?

Yes of course! Europe was born also to make a land zone grow up together, not only economically but also about social issues: LGBT community is bigger and bigger that it can not be unconsidered an important question.

Interview 1 – United Kingdom

1) Can you tell me something about the general situation of the LGBT community in Great Britain?

As you probably are aware, on the 29th March this year, same sex couples were, legally, allowed to marry in England and Wales for the first time. This is the biggest advancement in LGBT rights in Britain since Civil Partnerships were introduced in (England and Wales) 2005. The campaign for this can be derived from a slow evolution from the first gay pride marches in the early 1970s. There has never been an ultimate victory for people to feel comfortable enough to stop campaign activity. Neither should this, the LGBT community still faces issues of discrimination, thus inequality based on their sexual orientation, regardless of their right to marry.

However, for this time, it feels people outside of the LGBT community are with us in celebrating this achievement, with the average from a few opinion polls coming to around 60% in favour of it. Moreover, around 80% from the 'under 30' demographic group supported equal marriage. It is not 'gay' marriage - it is equal marriage – the privileges afforded to straight people are now available to us. The next step is to persuade people that LGBT groups are not lobby groups or special interest organisations, but rather organs to achieve equality with our fellow straight citizens.

2) What are the views of major British political parties regarding LGBT rights?

The leaders of nearly all the major political parties in the Westminster Parliament voted for equal marriage. These parties are Labour, Conservatives, Liberal Democrats, Greens, Scottish National Party, and Plaid Cymru (Welsh Nationalists).

The Conservatives have a mixed track-record on LGBT rights. Thatcher introduced Section 28 in the late 1980s which prohibited the normalisation of being gay in schools. It left a whole generation coming out in more difficult circumstances and a lot later than those like myself and our generation. Section 28 was overruled by Blair and the Labour government in 2003. Although recently Cameron has led the party to 'modernise' its social attitudes – which showed in his introduction of equal marriage - but a lot of older Conservative voters and politicians are still unashamedly homophobic.

Labour has been traditionally seen as the LGBT friendly party because of its history on introducing legislation to end inequality and discrimination. It was the Labour Prime Minister, Harold Wilson who legalised Homosexuality in England and Wales in 1967. The highest proportion of politically active self-defining LGBT people are members of the Labour

Party compared to any other party.

While never in power to implement major changes, the other smaller parties, (Liberal Democrats et al.), have also been supporters and advocates of LGBT rights. The only major political party in Britain whose leader is against equal marriage is Nigel Farage and the UK Independence Party (UKIP). One of their councillors in Oxfordshire attributed the recent heavy rain to a judgment by God on the legalisation of equal marriage. Again, their attitudes can be attributed to their membership – white, male, and over 60. The demographic group probably most attributed to homophobia in the UK. The former leader of UKIP's youth wing, Olly Neville (I know his girlfriend) – Young Independence – was forced to resign as its chair because he publicly attacked the party's line on opposing gay marriage.

3) To what extent does the British population accept the LGBT community?

I think the recent findings from the equal marriage debate do highlight to some extent the amount of acceptance there is of LGBT people. Moreover, the acceptance of LGBT people outside of the paradigms of the equal marriage debate is probably even higher. High profile LGBT people in all fields of public life are proud and unashamed of their sexuality. The 'coming out' of Tom Daley last year proved that the British population were understanding and mature about sexuality. Furthermore, sport is now at the vanguard of encouraging people to 'come out' in public. With high-profile rugby and football stars (albeit slowly) starting to go public with their sexuality, finding almost universal acceptance from their team-mates and the public, it is encouraging others to come out in traditionally 'macho' environments. More encouragingly, a journalist I know called Ben Butterworth, interviewed the leaders of the three major political parties earlier this year and, for the first time, on the record said that they could see a gay Prime Minister in their life-time.

4) Are there regional differences in the acceptance of the LGBT community in Great Britain (e.g. differences between Scotland, Wales, England and Northern Ireland)?

There are pronounced differences, both in the eyes of society and the law, and both aspects are facilitated by the other. It essentially comes to down the dominance of Christianity in certain regions of the UK on how much legislation and society. Such differences have been more distinct since devolution in the late 1990s.

England and Wales has had a decrease of regular church attendance on average 18% per decade since 1945. With just under 10% attending church. Male homosexuality between consenting adults over the age of 21 was decriminalised in 1967 in England and Wales.¹

In Scotland and Northern Ireland, with a higher proportion of more conservative (with a small 'C') churchgoers than England and Wales, decriminalisation of homosexuality was only achieved in 1980 and 1982 – voted in the Westminster Parliament.

I would say that (maybe outside of Glasgow and Edinburgh) the LGBT community face much more difficult challenges over their identity in Scotland and Northern Ireland than in England and Wales. Civil Partnerships in 2004 were the only time when LGBT rights were extended to all the nations at the same time through a vote in Westminster.

Equal Marriage, however, has been devolved to the smaller parliaments. England and Wales passed it first in Westminster, then Scotland in Holyrood. The Northern Irish Parliament at Stormont did vote on it but the bill failed to pass. While Scotland have caught up with the liberal social outlook of England and Wales in the past 30 years, Northern Ireland has not – they still have very strict laws on abortion compared to the rest of the UK.

5) Have you ever been subjected to violence or intimidation because of your sexual orientation?

Not really. I think this comes down to my physical appearance; I don't necessarily conform with what many people (straight or gay) consider as a gay man in terms of aesthetics, neither do I make effeminate gestures that could invite criticism from others (except maybe while dancing...) Moreover, being tall, moderately built and holding confrontational attitude towards people outside of the subject of homophobia, I think many would be intimidated to directly criticise me even if they did take issue with my sexuality. There was one incident, last year, when someone shouted 'faggot' at me in the street for holding a boy's hand. The young man, probably around the age of 15, was on the other side of the street. I told him to come on my side of the street and say it again to my face... He didn't.

6) Have you ever witnessed violence or intimidation towards the LGBT community?

Not personally, but I have encountered many of my gay friends suffering at the hands of homophobic abuse. There is also a lot of press coverage of violent 'hate crimes' against the LGBT community

¹ Female Homosexuality has, historically, never been illegal in any part of the United Kingdom.

7) What is the impact of the legalisation of same-sex marriage in England and Wales so far?

As expected, we're not all 'rushing down the aisle' to get married, but it has been nice to hear of older couples, together for decades, enjoying the right of marriage. I believe it's just another part in the acceptance of the LGBT community in parity with the universality of heteronormativity in mainstream society. However, there are some prominent LGBT figures (like the openly gay MP Ben Bradshaw and the Historian David Starkey²) that have been lukewarm in welcoming equal-marriage, arguing that the LGBT population shouldn't try to emulate their straight peers. Some also say it is an anachronistic gesture to extend an already outdated institution. I think there is some pertinence in these arguments but we shouldn't deny those who do want to get married that right – which both figures have conceded. I am personally interested in the divorce rate of same-sex married couples, which will materialise in a decade's time. I don't think it will differ from that of man-woman marriages – which is about 50% in England and Wales.

8) Are you currently active in LGBT organisations in Britain, have you been active in LGBT organisations in Britain, or do you wish to be active in LGBT organisations in Britain in the future?

I am a member of LGBT-Labour, the LGBT caucus within the British Labour Party.

9) Do you think the European Union should implement singular legislation for the LGBT community in all the member states?

No. Irrespective of the horrific societal and political conditions some LGBT citizens are subjected to in member countries like Hungary, Romania, Greece, and Bulgaria, there is no mandate for such legislation to be passed in the EU – referring to the Lisbon Treaty of 2005. Consent by European citizens for the EU to legislate on issues outside of those strictly affecting the economy and trade should be given by those of all member countries. This is obviously not a realistic assumption in the paradigms of the EU as it is now. This is why I believe that if the EU is going to be more united and cohesive, it should re-assess the credentials of some member states when it comes to human rights - including LGBT rights – and how this ethical approach can shape how Europe trades.

The EU has lost control of the 'common binds' which the Rome Treaty alluded to in 1957. While the western states have by and large grown together in progressing LGBT rights, the

² Double check these names.

recent Eastern states (arguably through no fault of their own) have been lacking considerably. The neo-liberal approach to the EU policy of 'expansion at all costs' into socially conservative countries is making consensus on basic human rights issues no-go areas, or lame-ducks when the Commission does issue statements. This, to me, is a travesty and a failure of what European unity could achieve. Moreover, the powerless organ of the European Parliament will not represent the will of the European Union's population due to low turn-out at elections, and the increasing size of socially conservative extreme right-wingers and neo-fascists, from west and east alike. The membership criterion concerning human rights in the European Union needs to be re-assessed and a mandate given to legislators before singular legislation can be considered.

Interview 2 – United Kingdom

1) Can you tell me something about the general situation of the LGBT-community in Great-Britain?

In Britain the LGBT community is doing really well at the moment, same-sex marriage was recently legalised and general attitudes and misconceptions about the LGBT people are changing and moving in a positive direction. Compared to other countries Britain is very progressive when it comes to LGBT rights, although this doesn't mean life is necessarily easy for us. Many young people are still bullied for having an alternative sexuality and with particular regards to trans* people there is still a lot of hate and intolerance.

2) What is the view of the major British political parties regarding LGBT-rights?

Many politicians now support LGBT rights, though this is mainly because of the lash-back they would get if they weren't supportive, many of them use it just to harbour extra votes. The only party that has prominently supported LGBT rights is the Liberal Democrat party. It is the smallest of the three major parties and although support for it was growing in recent years, after events following last election (where they were in a coalition with the Conservative party) no one trusts the LibDems anymore and they are unlikely to be in power for a long time.

3) To what extent does the British population accept the LGBT-community?

I would say that the British population is mostly accepting nowadays, the majority of people in the older generations are still clearly uncomfortable with the idea but among young people now there is a much more accepting atmosphere. I think this comes down to better education and the changing representation in the media of LGBT people, it isn't such a strange concept for people anymore.

4) Are there regional differences in the acceptance of the LGBT-community in Great-Britain (e.g. differences between Scotland, Wales, England and Northern Ireland)?

Like with most minorities, LGBT people are generally more widely accepted in big cities. Cities tend to have larger LGBT populations as well because people usually want to live around other people like them, and I think the higher population means non-LGBT people see more of the community and grow accustomed to it.

5) Have you ever been subjected to violence or intimidation because of your sexual orientation?

In school I was bullied for appearing to be gay and effeminate, although I wasn't openly gay until after I left. I have never felt like I have been seriously threatened with violence (in Britain) but having things shouted at me on the streets or having people act threateningly towards me and my friends in bars or clubs used to be a regular occurrence, and it is often very intimidating because it usually comes from groups of young men. One of my most embarrassing experiences was when I was kicked out of party because the host didn't want a gay person in his house, none of the 'friends' I had gone with contradicted him and one of them walked me to the end of the road and then went back to join the others.

6) Have you ever witnessed violence or intimidation towards the LGBT-community?

I have seen fights and intimidation towards LGBT people, though most threatening behaviour comes at night when people are in bars or clubs, there is definitely an element of cowardice in this though because the person acting intimidatingly usually knows that if they did same thing in the light of day where people could see and hear them they could be arrested. It doesn't stop this happening though as I know some people who have been physically attacked in public simply for telling someone they are LGBT. Also through the media I have heard about the horrendous extent some young LGBT people are bullied to, and heard about attacks and even murders. Britain is considered a very progressive country and very accepting of the LGBT community but this is still the kind of danger we often face.

7) What is the impact so far in England and Wales because of the legalisation of same-sex marriage?

So far, the main outcome of same-sex marriage being legalised is that same-sex couples are getting married. Before it happened there were people predicting the end of times and the downfall of modern civilisation if we allowed it, but hopefully now these people will realise that allowing LGBT people the same civil rights as heterosexual and cisgendered people does not have negative consequences for anyone.

8) Are you currently active in LGBT-organisations in Britain, have you been active in LGBT-organisations in Britain, or do you wish to be active in LGBT-organisations in Britain in the future?

I have been an active member of the LGBT society in my university, The University of Kent, since I first began studying in 2011, and for a year was the Social Secretary on the

committee. I am currently running for the position of LGBT Officer for the university, a student representative role, and if I am elected I will be in charge of the LGBT Campaign. This is a separate group from the society which deals with campaigning for changes in our university, campus and community to better the lives of LGBT students. I hope in the future to go on to work with other organisations that do similar work on a nation-wide or even international scale.

9) Do you think the European Union should implement one legislation for the LGBT-community in all the member states?

I think the EU should definitely be doing more to improve the situation of LGBT rights in all its member states. The living conditions of LGBT people across Europe are so varied that there is no real standard of LGBT rights, legislation that clearly defines the rights LGBT people are entitled to would help make a big difference in theory, although in practicality actually implementing this kind of legislation in some member states would be nearly impossible (though still worth attempting).

Interview – Slovenia

- Can you tell me something about the general situation of the LGBT-community in Slovenia?

It is not as open as some people would like it to be. But then again the community is very small and almost everybody knows each other. Which is kind of sad because we should stick together.

- What is the role of politicians and political parties in Slovenia regarding LGBT-rights?

I don't really follow the politics in our country or any for that matter. Some people say that I should but we all have our own views on politics. I think some of them are for it and some aren't as in most countries in the world.

- To what extent does the Slovenian population accept the LGBT-community?

They do most of them. The younger generation I think is more open to it than the old one. There are people from the southern Balkan who still find it disgusting and inappropriate and you have your closet cases as well...

- Are there regional differences in the acceptance of the LGBT-community in Slovenia (e.g. North and South)?

Not so much North and South but more City and Village. In the bigger cities it is more accepted than in villages.

- What is the difference in situation of the LGBT-community in Slovenia compared with the situation of the LGBT-community in other former Yugoslavian countries?

I think it is the best.

- Have you ever been subjected to violence or intimidation because of your sexual orientation?

The most opposition I got was laughs and giggles and verbal violence.

- Have you ever witnessed violence or intimidation towards the LGBT-community?

No not really. Other than on the news.

- What should, according to you, change in Slovenia regarding LGBT-rights?

I am not the person to put things in boxes so I would say in general people need to stop worrying what other people are doing so much as long as you do not hurt anyone in any way.

- Do you think the European Union should implement one legislation for the LGBT-community in all the member states?

I think yes. But the intolerance will never stop we need to educate people about it and show them that gay couples are just like any other couple in the world.