



NISO PROJECT

“Fighting homophobia through active citizenship and media education”

No. JUST/2009/FAC/AG/1179 – 30 – CE –
0377095/00/44

WS1: Analysing homophobic attitudes and stereotypes

D1.1: European Review of homophobia. Background secondary data analysis



European Commission
Justice

Project funded by the European Commission, Directorate General Justice, within the Specific Program “Fundamental Rights and Citizenship”

Contract Number: No. JUST/2009/FAC/AG/1179 – 30 – CE – 0377095/00/44

Project Acronym: NISO

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Made available to: Public

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Executive summary

This report presents the results of an analysis realized within the project NISO “Fighting homophobia through active citizenship and media education”, an initiative co-funded by the European Union Programme for Human Rights and Citizenship. It represents one of the components of the first activity of the project entitled “Analysing homophobic attitudes and stereotypes”. The aim of this activity is to identify youth homophobic attitudes and stereotypes in order to elaborate well socially-situated training material and schools activities on these issues.

This report contains a background and secondary data analysis on the situation of LGBT (Lesbian, Gay, Bisexual and Transgender) persons’ rights and homophobia in Europe and in the four countries participating in the project: Belgium, Estonia, Italy and the Netherlands. It is the result of a collaborative work carried out by various experts coming from these four countries.

The report is divided in two parts: one on the situation at European level, and the other one on the context at national level in the four countries involved.

The first chapter on the situation of the situation at European level presents first the general attitudes towards homosexuality and homophobia in Europe. Recent reports at European level carried out, including those of the EU Agency for Fundamental Rights and the Council of Europe, show that even if the situation has improved in the last decade, it is still far from satisfactory. Analysing the available statistical data, we can see that about half of the EU citizens consider that discrimination on the grounds of sexual orientation is still widespread in their country. The data regarding the “social distance” are also very significant: if a large part of EU citizens say they would be comfortable to have a homosexual neighbour, the data is much less positive when considered the possibility to have homosexual person holding the highest political position of the country. The data gathered show a big difference between the European countries. We note that in general, the attitude towards LGBT people tends to be more positive in countries with a high legislative protection of their rights. Another worrying aspect regards the diffusion of hate speech and hate crimes in Europe that has a big impact on the well-being of LGBT persons, even if we note a big lack of data on this aspect in all the countries.

The last two paragraphs of this part focus first on the general attitude at political level towards LGBT issues, which is very different in the various countries, and then on the relationship between homophobia and schools.

The second part of the first chapter analyses the legislative protection against homophobia in Europe, at European and then at national level. The European Union legislative framework is first described, as the fight against discrimination represents one of the main pillars of the EU policy in the past decades. The prohibition of all kind of discrimination, including the one based on grounds of sexual orientation, is included in the EU Charter of Fundamental Rights. The employment directive forces the States to take measures against all kinds of discrimination in all the fields related to employment. In parallel, the European Parliament has adopted a resolution asking the Member States to protect LGBT people’s rights.

At a larger level, the Council of Europe has decided recently to address this issue and the Committee of Ministers has adopted a Recommendation to the Member States on measures to combat discrimination on the ground of sexual orientation and gender identity.

Even if the European Union has settled a basic protection level for all, at country levels, the legislation situation of LGBT persons is very varied. Some countries have

extended the protection of discrimination foreseen by the Employment Directive to other fields covered by the Racial Directive, while others have restricted the protection to the employment sector. Only in 8 countries have a single equality body competent to deal also with the discrimination on the grounds of sexual orientation and gender identity. The legislative dispositions regarding hate speech and hate crimes are also very different: 12 countries consider a criminal offence to incite to hatred, violence or discrimination on grounds of sexual orientation, and in 10 States homophobic intent is an aggravating factor. In some of the other countries, there is no legislative protection against hate speech and hate crimes with homophobic basis.

In recent years, we note a positive improvement of the situation concerning equal treatment in free movement, family reunification law and asylum law. Regarding the enjoyment of freedom of assembly and expression for LGBT persons, the evolution is positive in some countries and negative in others. On the contrary, increment in protection against hate crime and hate speech is very limited. The Rainbow Europe Map and Index realized each year by ILGA-Europe looks at progress made by European countries towards respecting human rights and ensuring full legal equality of LGBT people. The 2011 map shows a gap between Northern and Western countries on the one hand and Eastern countries on the other. Most EU Member States are around or above the European average, which is already very low (2,99). The countries involved in NISO project score (on a scale with -7 the lowest and 17 the highest score): Belgium and the Netherlands 10, Estonia 2, Italy 0.

The map published recently regarding specifically trans people in Europe is even more worrying, as the European average is very low and show that the situation remains very critical in Europe for trans persons.

The second chapter of the report presents the situation in each one of the four countries involved in the project: Belgium, Estonia, Italy and the Netherlands. For each country the analysis, carried out by different national experts, follows the same structure in order to be able to confront the situation in the countries. Six aspects have been taken into consideration: 1. Homophobia/heteronormativity: attitudes, behaviours and stereotypes, 2. Homophobic discourse at institutional and non institutional level, 3. Legal provision regarding LGBT issues, 4. Homophobia as a political and social issue, 5. Sexual identity and sexual diversity in school and 6. Good practices.

As the analysis at European level had already hinted, Belgium and the Netherlands are in a situation definitively different from Estonia and Italy. Homosexuality is in general well accepted, the rights of LGBT persons are well protected and some interesting good practices have been carried out with the schools, even if homosexuality and homophobia are rarely included in school curricula. It is interesting to note that, in the Netherlands, LGBT issues have even become an important issue for nationalists groups that consider Dutch tolerance as an asset of their culture. Nonetheless, the situation cannot be described as idyllic. If we cannot speak anymore of "traditional homophobia", LGBT persons still suffer from "modern homonegativity". Forms of violence are still experienced by many of them, and LGBT's still often struggle with problems linked to minority stress or other difficulties. Another source of worry is the multiple discrimination that they have to face at times.

On the contrary, the situation in Estonia and Italy seems still quite negative for LGBT people. The level of legislative protection is very low, and no form of recognition of same-sex unions exists. In Estonia, following the independence, even if the population in general agrees that LGBT people should live their lives as they choose, the population is less tolerant towards same-sex marriage or adoption by LGBT persons. At political level, LGBT issues are not often discussed. In Italy, the general

attitude is rather conservative, linked also to the important influence of the Vatican on the country. Even if the political staff declares itself against all form of homophobia, no measures are taken to fight against hate crime and speech or to promote same-sex unions.

In the conclusion, we analyse how the main results of this analysis can be useful for the implementation of NISO project other activities, and in particular for the elaboration of the questionnaires of the two surveys that will be carried out with students and members of the LGBT community and for the organization of the game within the schools.

1 Introduction

This is the first deliverable of Workstream 1 (WS1), which aims at identifying youth homophobic attitudes and stereotypes in order to ensure a more socially-situated elaboration of training material and schools activities. The WS is divided in three steps: the background and secondary data analysis, the elaboration of a qualitative and quantitative survey and finally the identification of youngest most common attitudes and stereotypes.

The main purpose of the Background analysis and secondary data analysis is to frame the situation of LGBT persons in Europe and in the four countries represented by the NISO consortium: Italy, The Netherlands, Estonia and Belgium.

The deliverable is organised in two main part: the first one is dedicated to the European landscape and consider the statistical evidence of the inclusion of LGBT people as well as the legal instruments that are available for the protection of their rights. The second part of the deliverable is composed of four chapters, one for each of the represented country and offers a country profile. The country profiles follow all the same structure that is as follows:

- Homophobia/heteronormativity: attitudes, behaviours and stereotypes
- Homophobic discourse at institutional and non institutional level
- Legal provision regarding LGBT issues
- Homophobia as a political and social issue
- Sexual identity and sexual diversity in school
- Good practices

As evident, we do not consider only the legal framework that influence the status of LGBT people in a country, but also the cultural landscape in which the LGBT issues are inserted.

The conclusions session summarise the outcomes of the deliverable and describe how they will inform the future activities of NISO project.

One aspect of the following analysis deserves to be mentioned here: the NISO consortium discussed internally about the term homophobia and recognise its centrality in the on-going debate about LGBT issues. Never the less which to introduce another term/element in this discussion that is heteronormativity, in fact this term is wider than the term homophobia and can help explain the sense of isolation and loneliness experiences by some LGBTs. In fact, even without contrite actions against LGBTs, a society that is strongly heteronormative create an non-welcoming environment for LGBTs. With the term heteronormativity we define a cultural landscape in which being heterosexual is understood and represented as the normality, the rules and the natural orientation. Society that have a strong heteronormative accent often promote a clear and strong dichotomy between being a man or a woman by so doing producing a stigma for those persons (heterosexuals or homosexuals) that do not conform with such a clear distinction. NISO project will analyse and contrast, therefore, not only homophobic attitudes, acts and behaviours but also the heteronormative ones.

2 An overview of the situation at European level

The FRA¹ report on the social situation regarding homophobia and discrimination on grounds of sexual orientation and gender identity in EU Member States starts with a clear denunciation of the situation at European level:

“The work shows that the current human rights situation for lesbians, gay men, bisexuals, transsexuals and transgender persons is not satisfactory. Many LGBT persons experience discrimination, bullying and harassment, while, more worryingly, occurrences of physical attacks were also detected: Derogative words are used for gays and lesbians at schools. Harassment can be an everyday occurrence at the workplace. Relationships often lack the ability to secure one another as full legal partners. At retirement homes, awareness of LGBT persons’ needs is rare. Under these circumstances ‘invisibility’ becomes a survival strategy. In a European Union that bases itself on principles of equal treatment and non-discrimination legislation this is unacceptable.”²

As presented in this report, homophobia and discrimination affect all the moments of LGBT persons’ lives: from the early years in schools to the work place, in the media, in their family life, etc. One of the main impacts of the fear of discrimination and homophobia is the “invisibility strategies” adopted by LGBT persons in many parts of Europe and in many social settings, which contribute to the under-estimation of the real dimension of the phenomenon.

This overall situation is confirmed by the report on discrimination on grounds of sexual orientation and gender identity recently published by the Council of Europe³. This report is the largest study ever carried out on this issue in the 47 member states of the Council of Europe. For the situation on the EU member states, it used, among other sources of information, the FRA researches’ results. As the report has been published only recently, this analysis is based mainly on the results of the FRA reports. Nonetheless, the Report of the Council of Europe will represent an important source of information for the following activities of the NISO project, including the part with the recommendations.

The aim of the chapter is to give a general overview of the European situation, before looking more in details to the situation in the four countries involved in the NISO project. The first part of the chapter regards the general attitudes towards homosexuality and homophobia in Europe. After the presentation of some statistical data gathered through the Eurobarometer, we present the main results of the FRA reports regarding hate speech and hate crimes, the general political attitude, and finally the situation in the European schools.

The second part of the chapter focuses on the legislative aspects. It presents first the European Union legislation regarding discrimination on the ground of sexual discrimination. Then it gives a quick overview of the main differences regarding the national legislations of the various European countries.

¹ The Fundamental Rights Agency (FRA) reports on Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity to Members of the European Parliament, European Agency for Fundamental Rights, 2009, *Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States, Part II- The Social Situation*

³ Council of Europe, 2011, *Discrimination on grounds of sexual orientation and gender identity in Europe*, France, Council of Europe Publishing

2.1 General attitudes towards homosexuality and homophobia in Europe

2.1.1 Some statistical data

The Eurobarometer⁴ analysis on discrimination in the EU (2009) shows that almost half of EU citizens consider that discrimination on grounds of sexual orientation is widespread in their country (figure 1). This data has slightly diminished from 2008 (51%) to 2009 (47%) and it is still considered as the fourth most widespread ground for discrimination in Europe⁵. At national level, discrimination on the grounds of sexual orientation is seen as particularly widespread in the Mediterranean Countries (Cyprus, Greece, Italy, France). On the contrary, it is perceived as much less widespread in many of the new entrants to the EU (Bulgaria, Czech Republic, Slovakia, Estonia). At first glance it can appear strange to find Estonia among the countries in which discrimination on the grounds of sexual orientation is not considered as widespread; we interpret this data as the result of the fact that LGBT issues are not perceived as such in this country.

The Eurobarometer shows also distinction in the perception of this kind of discrimination inside the society: the youngest citizens (53%) see it as being more widespread than the oldest (42%), and so are the persons who stay in education for a longer time. Men perceive it a little more rare than women (45 vs. 42%). We think that this data can be explained by the fact that persons with a higher educational level are more aware to LGBT and discrimination issues, and therefore have a higher perception of effective discrimination inside the society. In the same way, the younger generations are more perceptive and open to the messages of LGBT movements.

⁴ *Special Eurobarometer 317 Discrimination in the EU in 2009*. The survey was based on interviews to a sample of 26.756 citizens aged 15 and over and resident in each EU Member States and 3 candidate countries, and fieldwork activities in the countries.

⁵ The 3 forms of discrimination that the European citizens consider as the most widespread in the EU are: the discrimination on grounds of ethnic origin (61%), discrimination on grounds of age (58%) and disability (53%) (*Eurobarometer 317*, 2009, p.15).

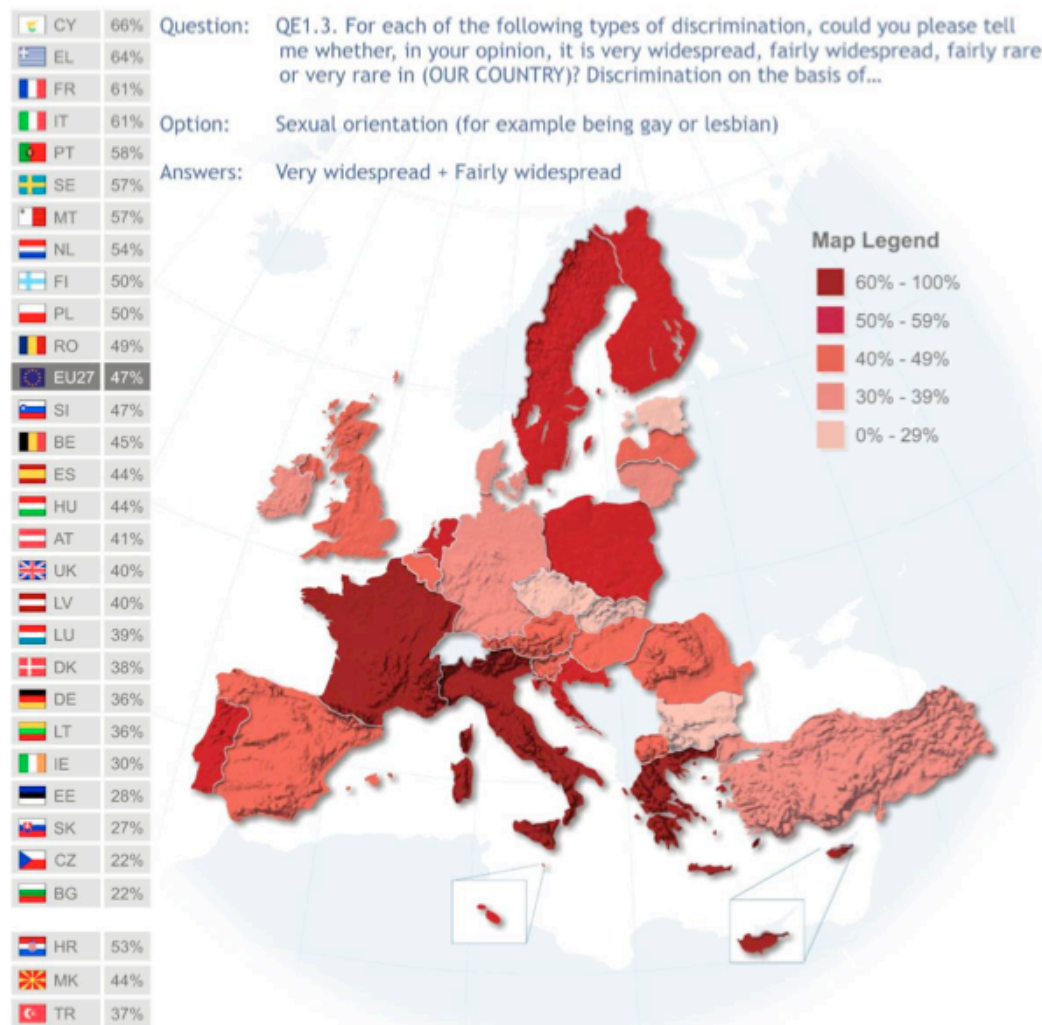


Figure 1: The perception of EU citizens of discrimination on the grounds of sexual orientation, Special Eurobarometer 317, 2009

At EU level, an average of 6% of EU citizens declare to have witnessed discrimination on grounds of sexual orientation in the last twelve months (figure 2). The Dutch (10%), Swedes and Austrians (both 9%) are the most likely to say this. On the contrary, only 1% of citizens across the EU report experienced discrimination on the grounds of sexual orientation over the year before the survey. With 4% of its citizens declaring to have experienced discrimination on grounds of sexual orientation, Italy is the country with the highest self-reported level⁶.

⁶ Please note that these data come from a survey and therefore show the perception of the interviewed citizens. They do not take into consideration concrete data such as the number of aggression reports to the police or other similar ones.





Proportion of citizens witnessing discrimination on grounds of sexual orientation of 12 months		
EU figure		EU average 6%
Highest results by country		Netherlands (10%)
		Sweden, Austria (9%)
Lowest results by country		Bulgaria, Czech Republic, Cyprus (1%)

Figure 2: Proportion of EU citizens witnessing discrimination on the grounds of sexual orientation in the last year, Special Eurobarometer 317, 2009

The statistical data show major differences between EU Member States regarding the general attitude towards LGBT people.

An interesting part of the report takes into consideration the “social distance”⁷ between homosexual and heterosexual persons, i.e. the level of closeness that is considered positive. With this respect, the average European is largely comfortable with the idea of having a homosexual person as a neighbour: The Special Eurobarometer 296 Discrimination in the EU 2008 show that 45% would be totally comfortable in such a situation, and only 5% very uncomfortable. On a scale 1 to 10 (1 being very uncomfortable and 10 totally comfortable), the EU average is 7,9.

It is interesting to note that 9% of the persons interviewed gave a spontaneous answer declaring they would be indifferent. Northern European countries have the highest scores (Sweden, Netherlands, Denmark), while new-EU countries have lowest scores (Bulgaria, Latvia, Lithuania). Here again the women show a higher comfort level than men (8,1 vs. 7,6), as well as well-educated and younger persons.

Data are less positive about the possibility of having a LGBT person holding the highest political position in the country. On average, 27% of Europeans would feel totally comfortable with this situation⁸ and 12% would feel very uncomfortable. The EU average in the 1 – 10 scale is 6,5, but we can see big differences among countries (figure 3).

⁷ Simmel, G., 1908, *Saggio sullo straniero*, Torino, Gallino, L. 2004 Dizionario di sociologia, Utet

⁸ Special Eurobarometer 317 Discrimination in the EU in 2009.







Level of comfort with a LGBT person in highest political position	
EU figure	 EU average 6.5
Highest results by country	 Sweden (8.7)
	 Denmark (8.4)
	 Netherlands (8.2)
Lowest results by country	 Romania, Turkey (3.4)
	 Bulgaria (3.2)

Figure 3: Level of comfort of EU citizens with a LGBT person in the highest political position, Special Eurobarometer 317, 2009

Moving to the aspects related to civil rights, an interesting data regards the general attitude towards same-sex marriage. The Eurobarometer Discrimination Survey in 2006⁹ found that the majority of the population in the Netherlands (82 %), Sweden (71 %) and Denmark (69 %) was in favour of same-sex marriage, but only a small minority of Romanian, (11 %), Latvian (12 %) and Cypriot (14 %) citizens would share this view.

We note that, as we could reasonably expect, in the countries that have more inclusive and protective legislations, including the right for a legal partnership, the general attitude towards LGB people tends to be more positive. Studies introduced so far also show that attitudes towards transgender persons are significantly more negative compared to attitudes towards lesbian women, gay men and bisexual persons.

2.1.2 Hate crime and hate speech in Europe

One of the main indicators of homophobia relevance in a country is the spread of hate crimes and hate speech. In its report on the social situation regarding homophobia and discrimination on grounds of sexual orientation and gender identity in EU Member States, the FRA notes that *“Homophobic hate crime affects LGBT persons in various ways. Verbal aggression is the most commonly experienced type of hate incident, and usually occurs in public spaces. Young people are subjected to assaults more than other age groups (including bullying at school), while lesbian and bisexual women are more likely to experience sexual assaults or assaults in private settings than gay or bisexual men”*.¹⁰

⁹ Special Eurobarometer 263 Discrimination in the EU, January 2007

¹⁰ European Union, Agency for Fundamental Rights, 2009, *Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States, Part II- The Social Situation*, p.10.

Hate speech against LGBT persons takes place not only in general media, but also in political debates concerning LGBT rights or during counter-demonstrations at public LGBT events such as Prides. The Internet appears to be often used as platform to diffuse hate speech, and as such represents an area of particular concern for LGBT NGOs and National Equality Bodies. This role taken by the Internet can be explained by the fact that, due to its nature, perpetrators are not easily fundable or prosecuted and feel therefore more free to express themselves.

Unfortunately, there is a lack of data regarding hate speech and especially hate crime in Europe. This is due, partially, to the absence of legislative instruments in some countries (that do not consider incitement to homophobic hatred or violence a criminal offense or homophobic intent as an aggravating factor). But it can be explained also by the fact that underreporting is a key feature of homophobic and transphobic crimes, like in other forms of hate crimes. Most Member States lack the necessary tools for reporting such incidents to the police, such as self-reporting forms or third party and assisted reporting.

2.1.3 General political attitude

Another indicator of the relevance of homophobia in a country is the general attitude of politicians and other key public figures towards LGBT issues, as they are often considered as “social models” and their attitude has an important impact at social level.

In some countries representatives of the governments, political parties, and in some case even religious organizations participate in the events organized to promote LGBT people’s rights such as Prides. For example in the Netherlands the 2008 Canal Pride in Amsterdam was joined by three Government Ministers, in Sweden, the Minister for EU Affairs opened the 2008 Stockholm EuroPride, in Spain, the 2008 Madrid Pride was joined by the Equality Minister and in France, the Mayor of Paris the Paris participated in the 2008 Gay Pride.

On the contrary, in other countries the fundamental right to freedom of assembly has been obstructed either by public authorities or by ‘counter-demonstrator’ attacks. Bans or administrative impediments created problems to the organization of lawful, peaceful LGBT demonstrations in Estonia, Latvia, Lithuania, Poland, Romania and Bulgaria, although, with the exception of Lithuania, LGBT NGOs subsequently managed to carry out the events in those Member States.

Furthermore, in various countries politicians and representatives of religious institutions or groups systematically oppose calls for improving the rights of LGBT persons.

The situation at European level shows that very often a negative general political attitude towards LGBT issues hinders the affirmation of equal rights and equal opportunities for LGBT persons, not only at a legislative level but also within society.

2.1.4 Homophobia and education in Europe

Finally, considering that NISO project organizes activities inside the schools, we will present briefly the main results of the FRA report on the issues linked to homophobic

incidents in the schools and the presence (or absence) of homophobia in the school curricula.

Reports show that homophobic bullying and verbal homophobia are very frequent in schools all across Europe.

The FRA report states that: *“Existing research and interviews with LGBT NGOs demonstrate that school authorities across the EU pay little attention to homophobia and LGBT bullying. Research also shows that teachers lack the awareness, incentives, skills and tools to recognize and tackle such problems”*.

The lack of integration of LGBT issues in school curriculum, and more in general the lack of recognition and representation of positive LGBT images in education in the majority of EU Member States represents another aspect stressed by NGOs. To affront this aspect would help, in their opinion to promote a wider awareness, sensitivity and understanding, and therefore would contribute to prevent the social isolation of LGBT students.

All the studies show that bullying and harassment have important consequences on LGBT youth, affecting school performance and well-being. Such experiences can lead to social marginalisation, poor health or dropping out of school.

2.2 The legislative protection against homophobia in Europe: the European legislation and the national frames

2.2.1 The European legislation

The European Union has developed a rather strong legislative framework to protect citizens against all kinds of discriminations, including those on the grounds of sexual orientation and gender identity.

In fact, the EU's Charter of Fundamental Rights, proclaimed on December 7th 2000, is the first international human rights charter to explicitly include "sexual orientation" in the fundamental rights to be protected. In particular, Article 21 of the EU Charter of Fundamental Rights states that:

"Article 21: Non-discrimination

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."

This article has become even more important since the Lisbon Treaty (2009) that rendered the Charter of Fundamental Rights legally binding for EU Member States and Institutions.

Moreover, Article 13 of the Amsterdam Treaty (1997) granted the Community new powers to combat discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Consequently, two new EC Directives were enacted in the area of antidiscrimination: the Racial Equality Directive and the Employment Equality Directive. However, protection against discrimination on grounds of sexual orientation is only provided by the Employment Equality Directive in the area of employment and work.

The **Employment Directive** (Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation) aims to *"lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment."* (article 1)

The Directive considers as discrimination both direct and indirect discrimination, harassment and instruction to discriminate:

"2. a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds referred to in Article 1;

b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons unless:

i) that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary,

(...)

3. *Harassment shall be deemed to be a form of discrimination within the meaning of Article 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.*

4. *An instruction to discriminate against persons on any of the grounds referred to in Article 1 shall be deemed to be discrimination within the meaning of paragraph 1.”* (Article 2, emphasis of the author).

The sectors covered by the directive are not only the conditions for access to employment or occupation and employment and working conditions, but also the access to vocational training and the membership of and involvement in organizations of workers and employers (Article 3).

The directive states that Member States must ensure judicial and/or administrative procedures available for persons who consider themselves as discriminated in the framework in this framework and that associations or organizations should be allowed to engage judicial and/or administrative procedures on behalf or in support to potential victims (article 9). Moreover, the directive states clearly that the burden of the proof in such a case should rely on the respondent (Article 10).

Another important European act is the European Parliament resolution on homophobia in Europe (P6_TA(2006)0018) of the 18th of January 2006. In its resolution, the European Parliament (EP) condemns strongly any discrimination on the basis of sexual orientation and calls on Member States to ensure the LGBT people are protected from homophobic hate speech and violence, and that same-sex partners enjoy the same respect, dignity and protection as the rest of the society. Among other issues, it urges Member States and the European Commission to condemn officially hate speech or incitement to hatred and violence and to set up the fight against homophobia through education. It recommends the European Commission to present a proposal for a directive on the protection against discriminations on the basis of all grounds, and in the same way the Member States to enact legislation to end discrimination faced by same-sex partners in areas such as inheritance, property arrangements, tenancies, tax, social security, etc.

Besides the European Union, also the Council of Europe has tackled the issue of homophobia in Europe. In the Recommendation of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity CM/Rec(2010) it recommends that Member States:

1. *“examine existing legislative and other measures, keep them under review, and collect and analyse relevant data, in order to monitor and redress any direct or indirect discrimination on grounds of sexual orientation or gender identity;*
2. *ensure that legislative and other measures are adopted and effectively implemented to combat discrimination on grounds of sexual orientation or gender identity, to ensure respect for the human rights of lesbian, gay, bisexual and transgender persons and to promote tolerance towards them;*
3. *ensure that victims of discrimination are aware of and have access to effective legal remedies before a national authority, and that measures to combat discrimination include, where appropriate, sanctions for infringements and the provision of adequate reparation for victims of discrimination;*
4. *be guided in their legislation, policies and practices by the principles and measures contained in the appendix to this recommendation;*
5. *ensure by appropriate means and action that this recommendation, including its appendix, is translated and disseminated as widely as possible.”* (emphasis of the author)

In particular, in the Appendix, regarding the education, the Council of Europe urges Member States to take appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity. This includes, in particular, safeguarding the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity. Moreover, it encourages Member States to take appropriate measures to promote mutual tolerance and respect in schools (including objective information in school curricula and educational materials, access to adequate anti-discrimination training or support and teaching aids).

2.2.2 An overview of the legislation in the different European countries

Even if the EU legislation has set up a basic protection level in all European countries, through the EU Charter of Fundamental Rights and the Employment Directive already mentioned, the situation regarding LGBT person's rights and protection against homophobia is very unequal throughout the continent.

The FRA published a comparative legal analysis of discrimination on the basis of sexual orientation and gender identity in Europe in 2008 and then an up-date in 2010¹¹. Hereafter are presented some aspects described in these reports. Figure 5 summarizes the legal situation in key areas regarding LGBT rights in EU Member States in 2010.

Fight against discrimination

Regarding the fight against discrimination, the implementation of the Employment Directive has been variable across the Member States. In 8 Member States the Employment Equality Directive has been implemented as regards sexual orientation discrimination only in matters related to work and employment (Article 3 of the Directive). In 10 other Member States, the protection of discrimination on grounds of sexual orientation has been partially extended beyond employment and occupation, in order to cover certain, but not all fields covered by the Racial Directive (social protection, social advantages, education, and access to and supply of goods and services). In the nine remaining Member States, the scope of the protection from discrimination on grounds of sexual orientation has been extended to all fields covered by the Racial Directive. The FRA report notes a tendency within the States belonging to the first two groups to join the third group to have the prohibition of discrimination on grounds of sexual orientation in their domestic legislation extended to all areas to which the prohibition of discrimination on grounds of race and ethnic origin applies.

18 Member States have also implemented a single equality body or ombudsman, competent to deal with all discrimination grounds, even if it is requested only by the Racial Directive (Art. 13) for racial and ethnic discrimination, a figure which could rise in the next years. But the few available statistics on the use by the victims of the complaint mechanisms they can use show that, with the exception of the HomO in Sweden, these mechanisms are very rarely used by victims. The FRA explains this

¹¹ European Union, Agency for Fundamental Rights, 2008, *Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States: Part I – Legal Analysis*, and 2010, *Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity (up-date of the legal analysis)*.

data as “an indicator that it is still costly, in terms of reputation and risks to privacy, to report about one’s sexual orientation”¹².

Hate speech and hate crimes

Regarding hate speech and criminal law, in 12 Member States the criminal law contains provisions making it a criminal offence to incite to hatred, violence or discrimination on grounds of sexual orientation (a figure which appears to be increasing). In the other Member States, by contrast, hate speech against LGBT people is not explicitly defined as constituting a criminal offence. In most cases, generally worded offences may equally serve to protect LGBT persons from homophobic speech. To the contrary, in 4 States, the existing criminal law provisions against hate speech explicitly restrict the protection only to groups other than LGBTs (for example in Italy). This means that the legislation only considers hate speech those against, for example, Jewish, Blacks or disabled persons.

Moreover, 10 EU Member States define homophobic intent as an aggravating factor in committing common crimes, either for all common crimes, or for a specific set of criminal offences. In 15 other States, homophobic intent is not an aggravating circumstance for criminal offences. The notion of ‘hate crime’ is known in 6 of these States, however, and in at least 2 States – who do not restrict explicitly the notion of ‘hate crimes’ to crimes committed with a racist or xenophobic intent – the general formulations used might allow an extension to crimes committed with a homophobic motivation.

Freedom of movement

Regarding the freedom of movement, the Free Movement Directive (2004/38/EC of 29 April 2004) recognizes same sex relationships allowing a worker’s family to travel with him or her to another Member State, whether or not that family derives from a legal marriage in the origin country. People who are in a formally recognized union, like a civil union or partnership, qualify as family members along with either partner’s children, and so do those who have been living as partners for a significant amount of time but do not have the option of legal marriage.

Civil rights/marriage

To date, the Netherlands, Belgium, Portugal, Spain, Norway and Sweden are the only European countries to provide full marriage rights to all their citizens. Some other countries provide some level of protection and recognition of civil unions or partnerships (Czech Republic, Denmark, Finland, France, Germany, Hungary, Luxembourg, Portugal, Slovenia, and the UK). Figure 4 shows the situation of the European countries regarding same-sex marriage and other types of same-sex partnerships.

¹² European Union, Agency for Fundamental Rights, 2008, *Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States: Part I – Legal Analysis*, p.13

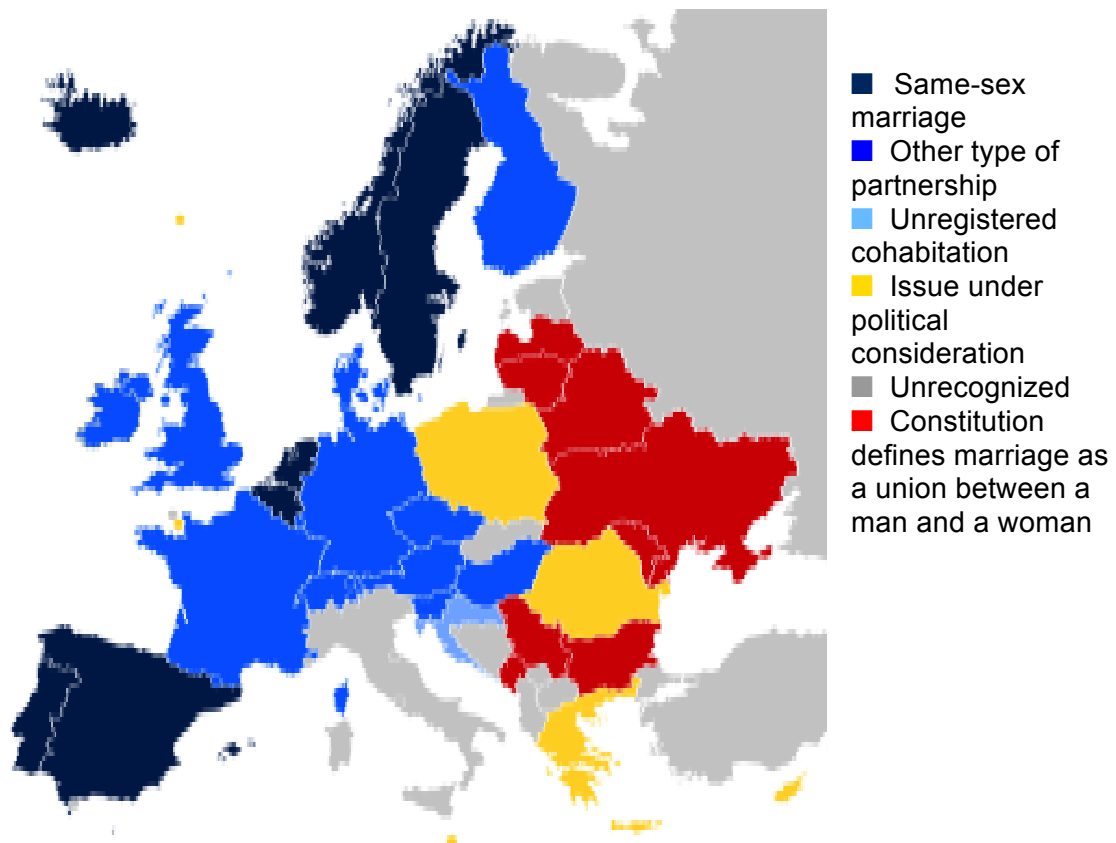


Figure 4: Status of same-sex marriage and other types of same-sex partnerships in Europe. Source: wikipedia, Silje L. Bakke, 2007

Lack of data

Finally, the FRA Report of 2008 highlights the lack of reliable statistical data that characterizes in general almost all the EU Member States, about the extent of discrimination on grounds of sexual orientation or about the impact of legislation on the situation of LGBT persons. The FRA explains this limit mostly by “the fear that collecting such data will result in a violation of the domestic legislation protection personal data”.

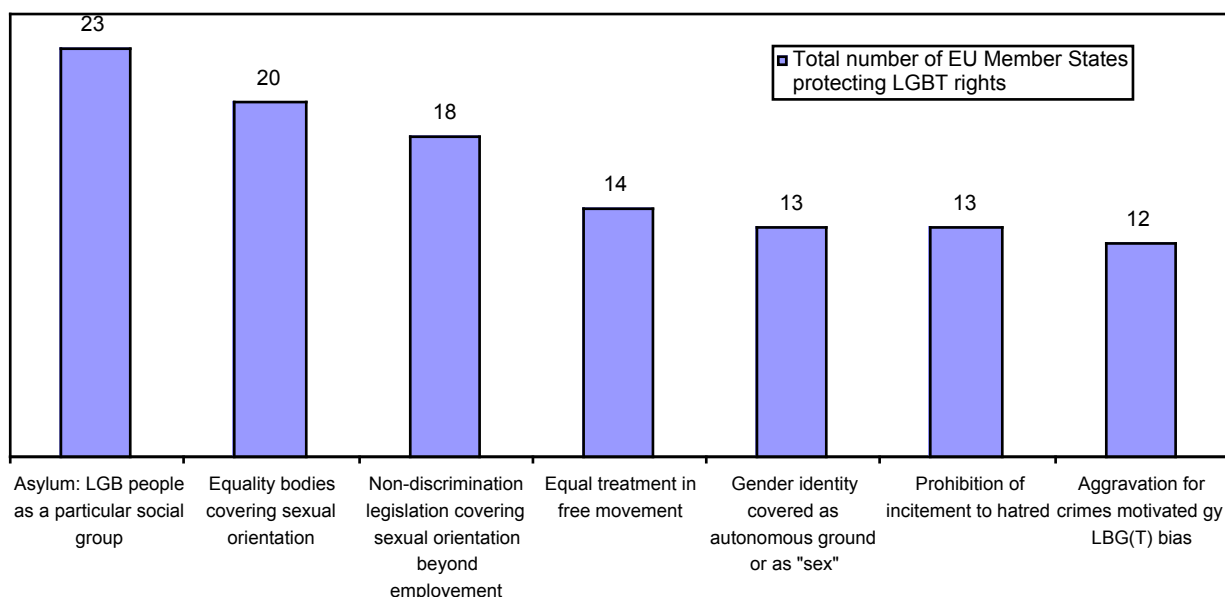


Figure 5: LGBT rights in EU Member States: legal situation in key areas, 2010 (source: FRA)

What changed in recent years

The FRA 2010 up-date report analyses the evolution of the legal situation between 2008 and the beginning of 2010 among EU Member States. The main trends are presented hereafter (figure 6).

In general the report notes progress in a number of Member States in relation to the scope of legal protection against sexual orientation and gender identity discrimination. The update reveals a mixture of positive and negative developments in relation to the enjoyment of freedom of assembly, and expression for LGBT people. For instance, in Poland, Romania and Bulgaria pride marches were held successfully for the first time. In contrast, in Lithuania the 2010 Baltic pride was threatened with cancellation at short notice, and in Latvia the right to organize marches continues to be challenged by elected officials despite several court rulings annulling attempted bans. On the contrary, the increment in protection against abuse and violence (hate speech and hate crime) is very limited.

Moreover, the report highlights a highest number of positive initiatives in the field of equal treatment in free movement and family reunification law. The meaning of the term 'family member' in the context of the law on free movement, family reunification, and asylum, has been or will be expanded in Austria, France, Hungary, Ireland, Luxembourg, Portugal, and Spain to include same-sex couples to differing degrees and in different areas. On the other hand, Bulgaria, Estonia and Romania have consolidated or amended their legislation to specify that marriage is reserved for different-sex couples only, and to deny recognition of same-sex partnerships and marriages concluded abroad. But we can note a substantial number of positive initiative in asylum law, with a clear trend towards legislative inclusion of LGB people as potential victims of persecution.

Finally, concerning the ban on the 'promotion' of homosexuality and same-sex relations to minors or in public, this update finds that Lithuania constitutes the only recent example of such legislation. In contrast, a number of Member States have taken action to foster education and dialogue, with the aim of challenging negative

attitudes towards homosexuality and LGBT people, namely Estonia, France, Germany, the Netherlands, Spain and the UK.

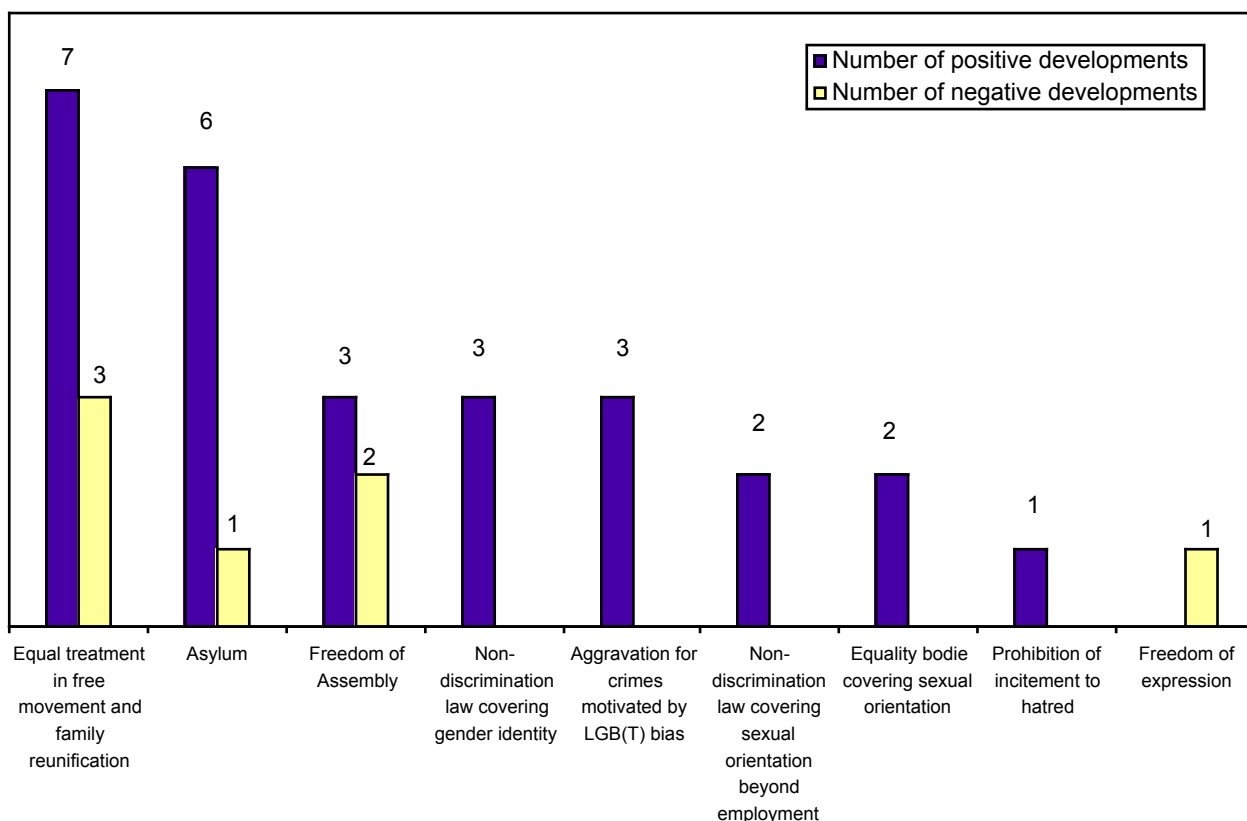


Figure 6: Areas most affected by legal developments, 2008-2010 (source: FRA)

ILGA - Rainbow Europe Map

Another very useful instrument to have an oversight on the evolution of LGBT person's rights at European level and on the situation in the various European countries are the annual Rainbow Europe Map and Index realized by ILGA-Europe. Every year ILGA-Europe looks at progress made by each country towards respecting human rights and ensuring full legal equality of lesbian, gay, bisexual and trans people (LGBT) and publishes the Rainbow Europe Map and Index. The Map and the Index take into consideration not only EU countries but all European countries.

The Rainbow Europe map reflects European countries' laws and administrative practices which protect or violate the human rights of LGBT people. This Map does not reflect the social situation of LGBT people. Each country is ranked according to an overall average of 24 categories detailed in the Rainbow Europe Index.

The Index is composed of various categories. For each of them "positive" or "negative" points are attributed to each country, following the analysis of its situation. On the basis of these categories, the countries are ranked on a scale between 17 (highest score: respect of the human rights and full legal identity



of LGBT people) and -7 (lowest score; gross violation of human rights and discrimination of LGBT people).

The categories regard the:

- inclusion of the grounds of sexual orientation and gender identity in anti-discrimination and anti-hatred/violence laws
- existence of legal/administrative procedure for legal gender recognition for trans people
- legal recognition of same-sex couples and parenting rights
- respect of freedom of assembly and association of LGBT people
- equality of age of consent for same-sex sexual acts
- discriminatory requirements to legal gender recognition of trans people.

The Figure below shows the situation of the European Continent on the basis of this analysis, as elaborated by ILGA-Europe in May 2011.



Figure 7: Rainbow Europe Map, ILGA-Europe, May 2011

This map shows significant variations between countries in Europe, and especially an important gap between Northern and Western countries on one hand, and the Eastern countries on the other hand. Regarding the countries involved in the NISO project, Belgium and The Netherlands score 10, while Estonia 2 and Italy 0.

When it comes to respecting human rights and ensuring legal equality of LGBT people, most EU Member States are either around or below the European average of 2,99. This is particularly worrying; in fact, the overall average is very poor. Moreover, there are 14 countries (including one EU Member State: Cyprus) in which important violations of human rights and discrimination are taking place.

While some countries have progressed in the past year (e.g. Germany, Portugal),

many others are not advancing towards greater recognition of rights (e.g. Cyprus, Italy, Latvia, Malta, Turkey, Ukraine), and in others (e.g. Lithuania, Hungary) we can observe even a risk of regression.

Finally, still none of the European countries can claim to provide for full legal equality for LGBT people. Every country in Europe still has work to do for achieving LGBT equality – even those which scored the highest on the Index (the United Kingdom (12,5 points) or Sweden and Spain (12 points)).

Recently, ILGA-Europe published two new individual maps and indexes, one specifically on sexual orientation and the other one on gender identity. The map regarding the legal situation for trans peoples in Europe is particularly worrying (Figure 8). The index has been created taking into consideration 12 categories (antidiscrimination legislation, legal gender recognition of trans people, criminal law, freedom of assembly) and ranks each country on a scale between 7 (highest score: respect of human rights and full legal equality of trans people) and –3 (the lowest score: gross violation of human rights and discrimination of trans people).

The European average is extremely low (0,29), and the average for the European Union countries is not much higher (1,06). 17 countries have a negative score, and 13 score zero, many of which members of the European Union. This map demonstrates that although some progress have been made in recent years to ensure the human rights of LBB persons and fight against discrimination on the grounds of sexual orientation, the situation of trans people remains very critical in Europe.



Figure 8: Individual map on gender identity, Rainbow Europe Map, ILGA-Europe, 2011

3 Country profiles

The third chapter of this report focuses more specifically on the situation regarding LGBT issues in the 4 countries involved in the NISO project: Belgium, Estonia, Italy and Netherlands.

Each part has been developed following the same structure, in order to be able to compare the different national situations. The chapters are divided in 6 paragraphs that regard different aspects of the homophobic phenomenon at national level:

- Major homophobic stereotypes, attitudes and behaviours with some statistical data,
- Homophobic discourse at institutional and non-institutional level,
- Legal provision in fighting homophobia,
- Homophobia as a political and social issue,
- Homophobia in school curriculum,
- Examples of Good practices.

Coherently with the data presented in the ILGA Rainbow Europe Map and Index, the situations in these four countries are very different. On the one hand in Belgium and the Netherlands the rights of LGBT persons are mostly respected and the society is less discriminating, on the other the situation in Estonia and Italy is far less positive.

3.1 Belgium

Liberal

Belgium¹³ is considered a liberal country regarding LGBT issues and attitudes toward granting the right to same-sex marriage are high above the EU average. Same-sex couples gained the right to marry or register in civil union in 2003 and the right to adopt children in 2006. Despite these legislations LGBT people are still confronted with discrimination, LGBT youngsters are at higher risk for mental wellbeing problems and LGBT issues are largely invisible in schools.

LGBT Prevalence

Research shows that 8% of the Belgian population identify as gay, lesbian or bisexual¹⁴. The prevalence for transgender persons is somehow more difficult to measure. But taking all contextual factors into account, De Cuypere and Olyslager estimate the inherent prevalence of transsexualism in the Netherlands and Flanders at between 1:2000 to 1:1000 for trans women and between 1:4000 to 1:2000 for trans men. These new insights consequently show that transsexualism is much more common than was often previously assumed¹⁵.

LGBT Community

Belgium has a large LGBT community and many LGBT organisations. Çavaria is the Flemish umbrella organisation who is funded by the Flemish minister of Equal Rights

¹³ Belgium is a federal state with a complex political and institutional structure. Belgium's two largest regions are the Dutch-speaking region of Flanders in the north and the French-speaking southern region of Wallonia. The Brussels-Capital Region, officially bilingual, is a mostly French-speaking enclave within the Flemish Region. A small German-speaking Community exists in eastern Wallonia. Belgium's linguistic diversity and related political and cultural conflicts are reflected in the political history and a complex system of government.

¹⁴ Vlaamse O., 2006, *SCV Survey, Sociaal Culturele Verschuivingen in Vlaanderen*

¹⁵ Motmans, J., 2009, *Leven als Transgender in België. De sociale en juridische situatie van transgenderpersonen in kaart gebracht*. Steunpunt Gelijkekansenbeleid

and the Flemish minister of Culture (15 staff members). 'Arc-en-ciel Wallonie' and 'Tels Quels' are the Wallonian umbrella organisations, and receive unfortunately only very little funding. As a consequence, most LGBT research and initiatives indicated in this report, come from the Flemish community.

3.1.1 Homophobia/heteronormativity: attitudes, behaviours and stereotypes

Stereotypes

The most common stereotypes are related to gender. For example the idea that gay people are feminine, lesbians are masculine and the idea that in a gay relationship one partner takes the role of 'the man', the other the role of 'the woman'. Also being gay is often associated with wanting (anal) sex with everybody.

Bisexuality is a taboo, it is sometimes considered as a phase, not a real orientation, and bisexuals are thought of not being able to choose between men and women.

In general, people seem to accept homosexuals as long as they are not too visible and as long as they are not too feminine. For example, 40 % of young boys and 26 % of young girls in Flanders report that they find it irritating when a boy behaves like a girl. Same research showed that 31% of boys and 20% of girls find it irritating when a girl behaves like a boy¹⁶.

Attitudes

European-level surveys

As presented in Chapter 2, European-level surveys examining acceptance and attitudes toward homosexuality were carried out in 2006 and 2008. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Belgium was 8.8, compared with the EU average of 7.9 (Sweden was highest with 9.5 and Romania the lowest with 4.8). The 2006 *Eurobarometer* examined attitudes toward same-sex marriage in every Member State. 42% of EU citizens said such marriages should be allowed throughout Europe; the figure was 62 % in Belgium (Netherlands scored the highest with 82 % and Romania the lowest with 11 %). With regard to adoption, the level of acceptance decreases in the EU and in Belgium. 31% of Europeans felt that homosexual couples should be allowed to adopt children throughout Europe; the figure was 43 % in Belgium (Netherlands scored highest with 69 % and Poland and Malta the lowest with 7 %)¹⁷.

2008 <i>Eurobarometer</i> : 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable').	
Belgium score	8.8
EU average	7.9
Highest score	9.5 (Sweden)
Lowest score	4.8 (Romania)

2006 <i>Eurobarometer</i> : % of the interviewed persons that agree with the sentence

¹⁶ Dewaele, A. et al., 2009, *Het discours van jongeren over man-vrouw rolpatronen en holebiseksualiteit. Over flexen, players en metroseksuelen*, Steunpunt Gelijkekansenbeleid

¹⁷ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

“Homosexual marriages should be allowed throughout Europe”	
Belgium score	62 %
EU average	42%
Highest score	82 % (Netherlands)
Lowest score	11 % (Romania)

2006 Eurobarometer: % of the interviewed persons that agree with the sentence “Adoption of children should be authorized for homosexual couple throughout Europe”	
Belgium score	43 %
EU average	31%
Highest score	69 % (Netherlands)
Lowest score	7 % (Poland and Malta)

Table 1: Acceptance and attitudes toward homosexuality in Europe in Eurobarometer survey, synthesis

Modern Negativity

As time has gone by, Belgians have become more positive toward LGBT persons. However, the broad acceptance of LGBT persons goes along with a more implicit negative attitude toward homosexuality and bisexuality. Belgian society can still be described as heteronormative, with heterosexuality being the standard and homosexuality and bisexuality tolerated as long as they are invisible and LGBT persons follow the prevailing normative standards¹⁸.

As an illustration Table 2 shows the attitudes of the general population in Flanders towards homosexuals and homosexuality.

	I strongly agree	I agree	Neutral	I disagree	I strongly disagree	No meaning/ No answer
You would find it a problem when your child would have a gay/lesbian teacher	3,0	5,1	6,7	34,3	50,4	0,6
Gay people should be able to live their lives the way they want to.	36,4	51,9	5,8	3,8	1,7	0,4
It is a good thing that same sex couples can get married.	22,1	43,0	16,6	12,2	5,7	0,4
Couples of two men should get the same right to adopt children as straight couples have.	12,9	28,1	20,6	25,2	12,9	0,4
Couples of two women should get the same right to adopt children as straight couples have.	13,7	34,1	20,7	21,0	10,2	0,3

¹⁸ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

It is not good that men have sex with men and women have sex with women.	5,4	11,0	18,3	37,3	27,0	1,0
There is in general too much attention for LGBT issues.	6,5	28,6	22,5	35,5	6,4	0,5
Homosexuals shouldn't exaggerate that much.	7,3	32,4	26,0	27,1	6,5	0,6
If homosexuals want to be treated like anyone else, they have to stop emphasizing their sexual orientation.	8,9	39,6	22,2	23,5	5,5	0,4
All the attention for gay people is starting to get boring.	7,3	36,7	19,8	29,4	6,4	0,4
Homosexuals emphasize their sexual orientation too much.	6,2	34,0	23,4	30,7	5,2	0,6
You find TV documentaries on homosexuality unnecessary.	7,7	27,7	22,5	35,0	6,7	0,5
The battle of homosexuals for equal rights crosses the line for you.	4,9	21,2	23,2	41,8	8,3	0,7

Table 2: Attitudes of people in Flanders towards homosexuality, "SCV Survey", 2006

Further research among youngsters (at the age of 16) in Flanders showed that about one third stand negative towards gay rights, more specific 43 % of the boys and 14% of the girls. Especially youngsters from ethnic minorities and lower educated youngsters seemed to have more negative attitudes¹⁹.

Unfortunately, there is no data on the attitudes of the Belgians toward transgender persons and transsexuals.

Homophobic violence

Research

Violent homophobic acts have rarely been studied in Belgium. Limited information on hate crime in **Brussels** indicates, however, that verbal aggression is the most common offence, and was experienced by 60 per cent of LGB respondents. Furthermore, 20 per cent of LGB respondents had been threatened, 10 per cent had been physically attacked, 9 per cent had been robbed or experienced damages to their belongings and 3 per cent had been raped or physically assaulted. The offenders were mostly males between 18 and 30 acting in a group, and were mostly unknown to the victim. Many crimes were not reported because of a lack of confidence in police and justice, the fear of coming out or a former bad experience with the police.²⁰

¹⁹ Hooghe, M., 2007, *De houding van jongeren ten aanzien van holebirechten*. University of Leuven.

²⁰ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

A research on the wellbeing of **young lesbian and bisexual women** (18-23 years) in 2009 showed that 43 % of them were confronted with verbal or physical violence, at least once²¹.

In **schools** research shows that 11% of LGB youngsters is frequently confronted with bullying, in comparison with 5 % of straight youngsters²².

(Under)Reporting

The **Centre for Equal Opportunities and Opposition to Racism** (CEOOR) is the body competent to deal with issues relating to discrimination on the ground of sexual orientation. Their annual report of **2006** showed that 7 per cent of all complaints concerned sexual orientation. Most of them (111 in total) were related to social problems (for example fights with neighbours), denial of access to goods and services, representations of homosexuality in the media and discrimination on the labour market. Seven complaints concerned hate crime.

In **2010** only 4 cases of homophobic violence were reported to the office of the public persecutor. In 2008 the police registered 34 cases of homophobic violence, in 2009 56 cases and in the first half of 2010 (January - June) 30 cases. In 2010 the Centre opened 85 files of discrimination on the grounds of sexual orientation (Table 3). Only 8% of the files on 'sexual orientation' that the Centre opened came from lesbians. Lesbians are in other words less represented in the figures.

	2008	2009	2010
Cases of homophobic violence:			
reported to the office of the public persecutor			4
registered by the police	34	56	30 (January - June)
Files of discrimination on the grounds of sexual orientation opened by the CEOOR			85

Table 3: Reporting of cases of homophobic violence and discrimination in the past years, Belgium

As the figures show, only a minority of LGB victims goes to the police or reports it to the Centre. It seems that besides the known resistance (no support, psychological resistance, fear of not being treated well) also factors as fear of victimization, shame and pride play a role in the fact that victims of discrimination and hate crimes seldom report it.

Besides, people can report homophobic events to different institutions: they can report it to one of the 13 centres of anti-discrimination in Belgium, to the 'Holebifoon' (LGB helpline), to the police, to trade unions, to a social worker,... The Minister of Justice issued a letter in 2006 on the registration of all homophobic crimes and offences. It prescribed a uniform method for the registration of such crimes, which expressly takes account of their homophobic nature, enabling a better view of the extent of such complaints and contributing to more reliable statistical information. But still, not always the reports are recognized and registered as discrimination on the ground of sexual orientation or as a homophobic crime.

Campaigns

The Centre launched a new campaign and website on the 17th of May (International Day Against Homophobia) 2011 to stimulate LGBT people to report homophobic

²¹ Schoonacker, M. en Dumon, E., 2009, *Welebi. Onderzoek naar het mentaal en sociaal welbevinden van lesbische en biseksuele meisjes*. University of Brussels.

²² Dewaele, A. et al., 2008, *Onderzoek naar de schoolloopbaan van holebi- en heterojongeren*. Steunpunt Gelijkekansenbeleid

violence. Also the Brussels Community started in 2011 a new poster campaign towards LGBT persons in Brussels to stimulate them to report discrimination, homo- and transphobic violence to the police. Parallel to this campaign they will provide training to police staff on LGBT violence.

Mental wellbeing of LGBT's

Despite the positive evolution in Belgium and the relative positive attitudes towards homosexuality, LGBT's still struggle with mental health problems. Recently the influence of LGBT stigmatization on their mental health has received attention. According to a Flemish report, the odds are twice as high for LGB persons to have a chronic disease compared to the average Flemish citizen. Several reports refer to LGBT persons as a vulnerable group: youngsters and transgender persons seem most vulnerable.

LGB youngsters are at higher risk for suicidal behaviour and they report more depressive feelings than their heterosexual peers. A Flemish research showed that 42,6 % of young lesbian and bisexual women (age: between 18 and 23) are often ashamed of their sexual orientation and 37,5 % worries that their behaviour could be seen as 'typically lesbian or bisexual'. The same research showed dramatic numbers of suicidal thoughts and attempts. 56.6% of young lesbian and bisexual women reported suicide thoughts and 14.54 % reported to have taken minimum once in their life a suicide attempt (cfr. National Health Survey: respectively 17.1 % and 1.0 %)²³.

Research on the wellbeing of transgender persons showed even more dramatic numbers: 62.3 % of transgender persons experienced suicide thoughts, 22% committed a suicide attempt throughout their lives²⁴.

Research shows that being a victim of homophobic violence has a direct negative impact on the health of LGBT's. LGB' s who were a victim report significantly more anxiety and more depression. Mental health problems can thus for a part be explained by the heteronormativity and homophobia in society.

Multiple Discrimination

Some LGBT people face multiple discrimination, for example because they are from an ethnic minority, because they have a handicap or in a care institution.

For LGBT's from ethnic minorities it is often difficult to accept their sexual identity. Coming-out is often not even an option. 'Merhaba' is a specific lobby group for these LGBT's, they bring together LGBT's from ethnic minorities and raise awareness in society about these issues.

LGBT people with a mental disability face also multiple discrimination. Recently Çavaria is organizing activities for LGBT people with a mental disability in Flanders. And also the Flemish educational centre 'VMG' for people with a mental disability integrates LGB issues in their work.

Elderly LGB persons are also a group with specific needs, and care institutions and facilities are often inexperienced in the needs of this group. In 2011 the Flemish minister for equal opportunities will launch a campaign to raise awareness on LGB elders in society, and more specific in care institutions.

3.1.2 Homophobic discourse at institutional and non institutional level

²³ Schoonacker, M. en Dumon, E., 2009, *Welebi. Onderzoek naar het mentaal en sociaal welbevinden van lesbische en biseksuele meisjes*. University of Brussels.

²⁴ Motmans, J., 2009, *Leven als Transgender in België. De sociale en juridische situatie van transgenderpersonen in kaart gebracht*. Steunpunt Gelijkekansenbeleid.

Institutional level

The Catholic Church

Catholicism is the main religion in Belgium (about 75 % of the population considers themselves Catholic), though the day-to-day attitudes of Belgians are largely secularized. Persons of Turkish or Moroccan background are among the most visible groups of immigrants²⁵.

In the last decade the Catholic Church has been relatively silent concerning marriage between and adoption by same sex partners in Belgium. Very recently though the archbishop of Belgium made some very homophobic remarks. He called HIV a sort of 'immanent righteousness' and compared homosexuality to anorexia. The reaction of the Belgian people was huge. Çavaria launched a campaign against the bishop with the slogan 'nonsense is contagious'. The campaign was a tremendous success, posters were spotted everywhere and the image was largely shared on Facebook. This showed that Belgians, although many considering themselves as Catholic, don't share the conservative views of the Church and are dare to stand up for LGB rights.

Labour Market

In the area of private employment, the federal Anti-Discrimination Act should be mentioned. The Act, which prohibits discrimination on the basis of a number of grounds including sexual orientation, covers a broad range of spheres including employment. All spheres must respect federal jurisdiction, so the Act is not applicable to employment matters or goods and services under the authority of the communities or regions. Second, the private sphere may be excluded from the scope of the Act: the Act only explicitly applies to discrimination in the public domain. Though some awareness exists concerning LGBT discrimination and the difficulties of coming out at work, little is known about the position and representation of LGBT persons within various employment sectors in Belgium. Research shows that LGBT persons are faced with barriers to building satisfying careers. These barriers include direct discrimination such as being fired or passed over for promotion, but also indirect discrimination such as fear of coming out, unsatisfying or poor relationships with colleagues, negative reactions to coming out and abuse by managers. Up until now, Public Authorities have not prioritized improving working conditions for LGBT persons, although awareness is growing that action should be taken. In public as well as in private companies, diversity at work— including LGB relevant issues—has recently received more attention²⁶.

LGB people are quite open about their sexual orientation at work. Research shows that 38.9 % of LGB's is open at work about their sexual orientation. 22 % hide their sexual orientation²⁷.

Research on the position of transsexuals and transgender persons on the labour market shows that 15.6% of transgender persons is unemployed.²⁸

Table 4 shows specific strategies currently adopted in the labour market to address homophobia.

²⁵ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

²⁶ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

²⁷ Vincke, J., Dewaele, A., Van den Berghe, W. & Cox, N., 2006, *Zzip □ een statistisch onderzoek met het oog op het verzamelen van basismateriaal over de doelgroep holebi's*. University of Ghent & Steunpunt Gelijkekansenbeleid.

²⁸ Motmans, J., 2009, *Leven als Transgender in België. De sociale en juridische situatie van transgenderpersonen in kaart gebracht*. Steunpunt Gelijkekansenbeleid

Anti discrimination law	Discrimination on the basis on sexual orientation, race, ethnicity, religion,... is prohibited in areas of social security, health care, social advantages, good and services, employment.
Anti bullying law at the workplace	Violence, bullying and sexual intimidation at the workplace is forbidden. Bullying also means making hurtful remarks about religion, disability, gender, ethnicity, race and sexual orientation.

Table 4: Specific strategies currently adopted in the labour market to address homophobia.

Health Service

The Anti-discrimination Act of 2007 covers discrimination on the basis of 'current and future state of health', a ground that is relevant for the protection of persons with HIV or AIDS. This is (indirectly) also relevant for LGB persons, mainly for gay men, as discrimination of homosexuals regularly seems to be connected with fears and prejudices regarding HIV/AIDS and other sexually transmitted diseases. HIV/AIDS and safe sex-related behaviours are the most studied topics in Belgium concerning gay and bisexual men. 74% of new HIV diagnoses in Belgian males are due to homosexual contacts. Unsafe sex between men is also increasing. Therefore, the current situation concerning AIDS and HIV is seen as critical²⁹.

Sports

There are some initiatives in Belgium concerning LGBT issues and sport participation. In 2008 Çavaria launched a campaign and a sport charter to be signed by sport associations to raise awareness of LGB people in sports. Also some LGB sport associations have been created to meet the needs of LGB persons wanting to do sport in a LGB-friendly atmosphere.

Research on these issues is largely unavailable. But it is known that for many LGB athletes it is difficult to come out in a heteronormative sport environment where stereotypical gender roles are predominant. Belgium has only two lesbian role models in sports.

Non institutional level: representation of the LGBT community in the mainstream media

Written expressions are subject to a special protection regime that the Belgian Constitution offers to 'press crimes'. Such crimes are brought before a jury, meaning that in practice press crimes, including hate speech, are never prosecuted, given the risk of an acquittal by the jury³⁰.

Overall the media portrays a neutral picture of LGB persons. In newspapers and on the radio LGB issues are frequently addressed in a positive way. And the last years there are more and more LGB's on television, as well in the news, soap series, talk shows, reality TV,... Çavaria has even once been approached by a Flemish producer who wanted the help of NGO's in developing a lesbian character in a soap series. The picture of lesbian characters is quite diverse, whereas gay characters are mostly depicted stereotypical and are not always taken seriously.

²⁹ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

³⁰ Fundamental Rights Agency, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Belgium*.

Despite the growing attention for the LGB community and LGB issues in the media, there are still not many famous gay and lesbian role models on television.

The visibility of transgender persons or transsexual issues are less common, besides a couple of respectful documentaries on the subject. The picture seems slightly different for the French-speaking media. Attention for LGBT issues is low, and journalists generally seem to have little knowledge about LGBT issues.

3.1.3 Legal provision regarding LGBT issues

As we have seen in Chapter 2, on the Rainbow Europe Country Index, published on the 17th of May 2011 by ILGA Europe (International Lesbian and Gay Association), Belgium scores quite good, namely on the fourth place, under the UK, Spain and Sweden. Belgium scores high thanks to the anti-discrimination legislation and thanks to the equal LGB rights, but there is still some work to be done on the field of transgender rights.

Freedom of assembly

Freedom of assembly is also protected by the Belgian Constitution. However, meetings in public are subject to police regulation. There are no known cases where an LGBT assembly was refused or banned. Nor are there any known cases of LGBT assemblies being grossly disrupted. The city centre has been made available to the Belgian Lesbian and Gay Pride every year since 1996. There have, however been demonstrations against the rights or demands of LGBT persons³¹.

The anti-discrimination law

In 2003 sexual orientation is added as ground to the anti-discrimination law. Apart from the Brussels-Capital Region and the French Community, legislation at all other levels includes one or more criminal provisions regarding discrimination or hate speech on the basis of sexual orientation. However, the specific conduct that is criminalized differs greatly on different legislative levels. The Anti-Discrimination Act introduces three types of criminal provisions: 'Incitement to hatred, discrimination and violence'. This recognizes crimes committed out of hatred or contempt for persons on the basis of sexual orientation as aggravating circumstances. It also prohibits discriminatory conduct by civil and public servants.

Marriage and Adoption

As previously mentioned, in 2003 marriage for same-sex couples was approved in Belgium. In 2006, adoption for same-sex couples was approved. Theoretically, male same-sex partners can adopt children. But as the adoption process is long and few countries allow adoption by same-sex couples, very few have been able to adopt a child from abroad so far. And to adopt a child from Belgium, the waiting lists are very long and the number of children to adopt rather small (+ - 25 a year). For female same-sex partners the situation is more positive it seems, as many lesbian couples can make use of donor insemination. Since May 2011 the partner of the biological mother in a lesbian relationship has the right to get **paternity leave** (10 days after the birth of the child). Nevertheless the partner of the biological mother still has to follow a specific procedure to adopt the child of the biological mother (her partner), instead of being recognized directly as a parent.

³¹ Idem

Transgender rights

Discrimination against transgender persons is largely covered in Belgian legislation under the ground of 'sex' (rather than under the ground of 'sexual orientation'). With the exception of federal legislation, this makes little difference to the applicable principles and procedures. On the federal level, where discrimination on the ground of sex is the object of a separate piece of legislation (the Sexdiscrimination Act of 2007), it does entail a number of discrepancies as compared with discrimination on the ground of sexual orientation. One such peculiarity results from the fact that an entirely different equality body is responsible for combating gender discrimination, namely the Institute for the Equality of Women and Men.

A recent Act (May 2007) provides for a legal basis for the change of sex and name for transgender persons. The law structures the administrative procedure and should provide transgender persons with a faster, cheaper and psychologically less burdensome way of changing their official documents. There are, however, some preconditions for an official change of sex: the existence of a constant and irreversible inner conviction to belong to the other sex; a physical adaptation to the other sex; and the incapability of the person to get children in accordance with his/her former sex. These conditions need to be confirmed by a statement from a psychiatrist and a surgeon. For a change of name, a transgender person must give proof of medical treatment, but this does not need to include a sex change operation. Attention to transgender issues is quite new in Belgium, and the transgender movement is in its early years.³²

To conclude, table 5 gives an overview of all regulations in Belgium aimed at combating homophobia.

Criminal law	Consenting same-sex sexual acts are legal. The age of consent is equal for all sexual acts.
Anti-discrimination law	Discrimination on the basis on sexual orientation, race, ethnicity, religion,... is prohibited in areas of social security, health care, social advantages, good and services, employment.
The law against discrimination between women and men	Any direct discrimination on the grounds of gender reassignment is the same as a direct discrimination on the grounds of gender.
Partnership recognition	In Belgium same-sex couples are able to marry. It also provides registered cohabiting same-sex couples with a set of limited rights.
Parenting rights	Same-sex couples are eligible to jointly apply for a child adoption and each other's biological children. Medically assisted insemination is available to lesbian couples.
Law on hate and violence	Sexual orientation and race is included in the law on hate and violence, and is recognized as aggravating factor.
Law concerning transsexuality	The right to officially change the registration of first names and gender by a uniform administrative procedure

³² Idem

Table 5: Overview of ministerial guidelines/regulations aimed at combating homophobia

3.1.4 Homophobia as a political and social issue

Political

In 1999 Anne Van Asbroeck was the first Flemish minister of equal opportunities. Since then, LGB people were seen as an important group with specific needs and homosexuality became a political issue in Belgium. The laws mentioned above were reached thanks to the pressure of the LGBT movement and thanks to the lobby work of many politicians who supported our case. Especially the left wing parties lobbied for LGB(T) rights.

The legislation changed very quickly, but more time is needed to adopt the attitudes of people towards these laws. For example, there is still a lot of negativity towards adoption, especially towards adoption by gay couples. People fear it is not good for a child being raised by two (gay) fathers. Now equal rights are almost reached in legislation, there is also a part of the public opinion arguing that now LGBT people have their rights, they just have to live their lives and please be silent and invisible (again).

Social

On the other hand, in general, the public opinion has become quite LGB friendly. More and more LGB people do come out, so more and more people do know LGB people in their own environment: they have family members, friends or colleagues who are gay or lesbian. Bisexual people are far more invisible, as well as trans people. There is a long way to go to help them out.

Furthermore, Belgium has a rich LGBT subculture. There are more than 100 groups for LGBT people, about 8 community centres and many activities, party's and events are organized.

The work of associations and civil society

Belgium has many associations who stand up for LGBT's. There is one **umbrella organization** in Flanders and Brussels ('cavaria') and one umbrella organization in the southern part of Belgium ('Tels Quels'). These umbrella organizations cover more than 100 LGBT associations: groups for young LGBT's, groups for elderly LGBT's, sport clubs, religious groups, LGBT networks within companies, groups for LGBT's from ethnic minorities,... The umbrella organizations support these groups, lobby for LGBT rights and for the wellbeing of LGBT's and educate society on LGBT issues.

In the northern part of Belgium every province has an LGBT **community centre**, for example the 'Rainbouwhouse' in Brussels. These centres are meeting places for LGBT's and many of the centres are funded to do projects on various topics, for example projects on LGBT parents, projects for young LGBT's, for elderly LGBT's, for trans people, for LGBT's with a disability,... The umbrella organizations as well as the LGBT associations and the community centres organize frequently activities, conferences, parties and events.

Besides the work of these NGO's and associations, also researchers from Belgian universities are active on the field of LGBT's issues. Especially the last 10 years many researches have been done, mostly on the wellbeing of LGBT's.

3.1.5 Sexual identity and sexual diversity in school

Education is a competency of the communities, which means that there are different structures in place in the Flemish-, French- and German-speaking communities. Homosexuality and bisexuality is relatively invisible due to the cultural predominance of heterosexuality in the school environment, especially in the French- and German-speaking communities. In the Flemish-speaking communities LGBT issues are more addressed. To start with, they are integrated in the Flemish education guidelines and goals, see Table 6.

Curriculum secondary schools. Obligated learning goals, not subject related.	"Students can express themselves and act respectfully towards friendship, love, sexual identity, sexual orientation, sexual feelings and behaviour."
	"Students discuss opinions on medical, psychological and social aspects of family types, forms of cohabitation, safe sex, family planning, pregnancy and abortion."
	"Students take an active role in standing up for their rights and the rights of others."

Table 6: Specific strategies currently adopted in education/training systems to address sexual orientation (in Flanders)

Moreover, the Flemish government have tried to address the impediments young LGBT persons experience at school for example through investment in educational materials and awareness raising campaigns. Since 1999 Çavaria - the Flemish LGBT umbrella organization - is funded to raise awareness on LGBT issues in schools by storytelling, teacher training and creating toolkits (see 'Good Practices'). There are some recent comparable initiatives concerning education in the French-speaking part of Belgium.

3.1.6 Good practices

Storytelling

Many groups for young LGBT's in Belgium do storytelling in schools. These volunteers talk about their own stories and experiences in schools and provide the pupils with background information on homosexuality.

Teacher training

Since 1999 Çavaria offers training to teachers of secondary schools on how they can tackle homophobia in their schools, on how they can talk about LGBT issues in their lessons, and on how they can create a safe space for LGBT pupils in their school. Once a year Çavaria organizes a conference for teachers on LGBT issues. Sensoa, the Flemish expertise centre for sexual health also integrates the topic homosexuality in their trainings and toolkits.

Toolkits

In 2006 Çavaria published a toolkit for teachers of primary schools. In the same year the government of the French Community of Belgium (Cabinet Arena) published the toolkit "Combattre l'homophobie – pour une école ouverte à la diversité", a toolkit for teachers in secondary schools. In 2009 Çavaria published a comparable toolkit 'Bank Vooruit!' for teachers in secondary schools. All toolkits contain background information on LGBT issues and methods to raise LGBT issues in different subjects.

Project "Gender in the blender."

This project (2008) aimed to inform teachers and social workers about gender and transgender issues. The result was a website and a toolkit with background information, tools for teachers and a DVD about a transgender child. The website and toolkit were presented on a conference for teachers. [www.genderindeblender.be]

Project "Open book."

In this project Çavaria screened handbooks for primary schools on heteronormativity and gender stereotypes. Çavaria created a checklist which publishers could use to make their handbooks more norm breaking.

Campaigns for Schools

In 2008 the Flemish government started a campaign against homophobia showing young people who were t-shirts with the slogan: "Fuck straight people, fuck gay people, I am tolero". The new word "tolero" means being tolerant towards the diversity within sexual identity. Posters were sent to all schools in Flanders. This concerned a large and easily accessible awareness raising campaign towards youngsters. Youth movements, schools, cinemas and youth internet community sites were used to spread this campaign. LGBT umbrella organizations were important partners in the making off this campaign. These organizations helped selecting the appropriate campaign presented by different advertising bureaus.

In January 2011, Çavaria together with Wel Jong Niet Hetero (the Flemish LGBT Youth organization) and 'Holebifoon' (LGB Helpline of Flanders), launched a new campaign in schools showing young LGB pupils. Posters were sent to all schools, together with an information package.

3.2 Estonia

With the restored independence in 1991 and abolishment of the Criminal Codex of USSR in 1992, same sex relations between adult males were decriminalized (the Soviet criminal codex never prohibited same sex relations between consenting women). It is noteworthy to mention that before the Soviet occupation in the Republic of Estonia same sex relationships were not criminalized. However that was most likely not due the fact of approval same sex relationships, but rather due to consideration of the topic as somewhat taboo.

The early nineties could be described as a silent period with respect to LGBT people. Some NGOs were established (Eesti Lesbiliit, Eesti Geiliit etc.), but it wasn't a topic on the public policies, even though Lilian Kotter (one of the founders of Eesti Lesbiliit) describes the attitudes of people more tolerant during that period as compared with post 2000.

The age of consent in Estonia is 14 and was equalized both for heterosexual and homosexual relations in 2011.

With the accession to European Union two important legislative acts came to force – Gender Equality Act (in 2004) and Equal Treatment Act (in 2009). Also the institution of Gender Equality Commissioner was established (in 2009 restructured to Gender Equality and Equal Treatment Commissioner). Gender Equality Act prohibits also discrimination on the ground of gender identity, even though it is not explicitly mentioned.

The first LGBT pride was organised in Tallinn in 2004 (followed by prides in 2005, 2006, 2007 and the Baltic Pride in 2011). The topic of prides is still controversial in Estonia, however, as a good sign, the pride in 2011 was supported by Estonian government both financially as well as contentwise. Several politicians also spoke out for gay rights during the pride festival week.

3.2.1 Homophobia/heteronormativity: attitudes, behaviours and stereotypes

Several researches have been conducted to measure the societal tolerance towards LGBT people. The special Eurobarometer in 2008, *Discrimination in the European Union: Perceptions, Experiences and Attitudes*³³, shows that 69% of Estonians are comfortable or fairly comfortable having a gay man or a lesbian woman as a neighbour (EU average being 79%). According to the European Social Survey (2008/2009) 78% of Estonian respondents agreed that LGBT people should live their lives as they choose.

According to Council of Europe Report *Discrimination on grounds of Sexual Orientation*³⁴ (2011) 21% of Estonians believe that homosexual marriages should be

³³ Special Eurobarometer 296 *Discrimination in the European Union: Perceptions, Experiences and Attitudes*.

Available at: ec.europa.eu/social/BlobServlet?docId=769&langId=en

³⁴ Council of Europe. 2011, *Report on Discrimination on grounds of Sexual Orientation and Gender Identity in Europe*. Available at: http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf

allowed throughout Europe, but attitudes become even more conservative in the question of adoption as only 14% of Estonians believe that adoption of children should be authorised for same sex couples throughout Europe (*ibid*).

Widespread low-level violence against homosexuals has been reported in recent years. The most significant incident took place on 12 August 2006, on the occasion of the yearly gay parade organised in Tallinn³⁵. The participants in the march were attacked physically and verbally by more than dozen Estonian nationalists, without any hindrance from law-enforcement officials accompanying the parade. In 2007 the parade took place with a much lower turn-out due to the violent incidents in 2006, as well as to the authorities' reluctance to issue the relevant permits and provide sufficient protection. On this occasion, the Northern Police Prefecture (N.B. - the same body having examined and rejected the applicant's complaint in the case at hand – see above §§19-22) issued a press release setting out their position in relation to the march:

“Considering the experience of the last years and possible threats involved in holding the event, the prefecture has advised that the organizers should find a place more suitable to it. Since the participants in the parade are many, holding it may disturb the constitutional rights of other citizens to walk the narrow street of the Old City” (Ibid).

In 2007 Ministry of Social Affairs conducted a qualitative survey *Equal Treatment of LGBT people in Estonia*³⁶. According to the survey respondents were hesitant in coming out for the fear of the reaction of close family members. The respondents also highlighted that there is a need for recognition of the same sex families from the government as this would give a positive signal to the society.

The abovementioned research is the most comprehensive **qualitative** research on LGBTs done in Estonia. The sample consisted of 30 people (15 respondents identified themselves as men, 15 as women and respondents came from different areas in Estonia, also rural areas. Also, mother tongue was Estonian for 22 respondents). When it comes to stereotypes the respondents expressed concern that especially with gay men the stereotype is that they are over sexual and everything comes down to sex. The other issue that was mentioned was that people tend to draw connections between homosexuality and paedophilia.

Even though the Eurobarometer shows that Estonian people do not perceive to be discriminated on the ground of sexual orientation, the abovementioned qualitative research shows that the respondents (especially over 30) perceive discrimination, but do not report it. This fact comes also to the light from the number of complaints filed to Gender Equality and Equal Treatment Commissioner (since 2005 she has received only one complaint on the basis of gender identity and very few on basis on sexual orientation). However, it is important to make the difference here between perceived discrimination and the actual discrimination as set in law.

³⁵ ILGA Europe, 2008, *Lesbian, Gay, Bisexual and Transgender Rights-Freedom of Assembly-Diary of Events by Country*; Available at: <http://www.ilga-europe.org/Europe/Campaigns-projects/Freedom-of-assembly-and-expression/LGBT-Rights-Freedom-of-Assembly-diary-of-events-by-country-August-2008>;

Amnesty International, 2006, *Estonia: The right to freedom of peaceful assembly must be protected*; Available at: <http://www.amnesty.org/en/library/info/EUR51/001/2006/en>

³⁶ Strömpl, J et al., 2007, *GLBT Inimeste ebavõrdne kohtlemine Eestis*, Sotsiaalministeerium. <http://www.sm.ee/fileadmin/meedia/Dokumendid/V2ljaanded/Toimetised/2008/1.1.pdf>

Some of the respondents (LGBTs) of the survey also tried to justify the perceived discrimination saying that it is important to blend in to the mainstream society as much as possible and not to draw any attention to the fact of being gay or lesbian.

Another important event with regards to information on LGBTs is the publishing of the book *Kapiuksed Valla* (Opening up the closet) in 2010. It is the first comprehensive collection of discussions on LGBT issues where the authors concentrate on the topics such as legislation, history of Estonian gay movement, homophobia, bisexuality, art, transgender people, etc.

3.2.2 Homophobic discourse at institutional and non-institutional level

Institutional level

The discourse at institutional policies on LGBT people could be divided to two strands: internal policies and foreign policies.

When it comes to foreign policy, Estonia has been supportive on LGBT issues. Estonia was active in supporting the strong version of the recommendations by the Council of Europe (CM/Rec(2010)5) and was a co-sponsor of the United Nations Human Rights Council resolution on human rights violations based on sexual orientation and gender identity in 2011. Estonia also supported adoption of EU LGBT toolkit in 2010.

In internal policies however the picture somewhat changes. Even though Estonian government wants to position itself towards Scandinavian countries, the provisions of equality legislation is rather weak (see paragraph 3.2.3).

With the adoption of Equal Treatment Act in 2009, the responsibility to co-ordinate related work came to Ministry of Social Affairs' Gender Equality Department. This is also the basis for LGBT related activities as Ministry of Social Affairs' Development Plans (since 2009) state LGBT people as a specific target group.

In 2009 Ministry of Justice launched an analysis on unregistered cohabitations. A thorough analysis was also made on how to regulate in addition to non-married heterosexual couples also same sex partnerships. The analysis was a basis for the following discussion and possible changes in the existing legislation (currently still however, Estonia does not recognize same sex partnerships).

In 2011 Chancellor of Justice gave an opinion the Ministry of Justice, which stated that the situation where same sex couples do not have possibility to register their cohabitation is not in compliance with the Constitution of Estonia. Chancellor of Justice encouraged Ministry of Justice to resolve the current situation.

Estonian politicians generally do not speak out against nor pro LGBT policies improvement. Naturally, there are exceptions. One of the most vocal parliamentarian against LGBTs has been Igor Gräzin from the *Reformierakond* (Reform party). Yet, from the same party very supportive statements have come (eg from Silver Meikar). When looking at the political parties in general then we can see rather wide division in their attitudes. The main parties and their attitudes are presented in Table 7.

Party	General attitudes on LGBT issues	Comments
Reform	In-between	As the ruling party Reform party has been in their comments rather supportive on same sex partnership law
Centre Party	Unclear	The main discourse is that the topic is rather insignificant
Social Democrats	Supportive	The only party that has confirmed their support to same sex partnership act.
IRL (conservatives)	Against	The discourse is that same sex partnership act would undermine the meaning of the family, the topic is insignificant as there aren't many LGBTs in Estonia, etc.

Table 7: Attitudes of main political parties in Estonia

As seen from the table 6, the only supportive political party is the Social Democrats and on the other end of the scale is IRL. Other parties have been trying to avoid giving too clear messages in fear of losing the electorate.

According to data collected in 2002³⁷, 12% of the LGB respondents have been victims to one or more violent attacks motivated by their sexual orientation of which only 22% reported the incidents to the police. Police reaction was hostile in 25% of the cases reported. A number of violent attacks against homosexual men took place in 2006 and 2007 at notorious gay-meeting venues, which resulted in criminal complaints³⁸.

Non-institutional level: representation of the LGBT community in the mainstream media

Another important environment where stereotypes on LGBT people are strengthened and homophobic discourse is present is media and especially on-line media. Even though within past years respectable media has made quite a progress on topic of LGBT people there are still exceptions (mostly tabloids) that still portray LGBT people in a stereotypical manner. Another issue is on-line media where people have the possibility anonymously comment on articles. Reimo Mets, a gay activist, filed a case to court on incitement on hatred in online media where 20 commentators in a tabloid newspaper *Õhtuleht* on-line version expressed strong homophobic views and comments could be classified as incitement to hatred - hate crime. Currently the process is pending.

3.2.3 Legal provisions regarding LGBT issues

Anti-discrimination Law

A general equality clause and a prohibition of discrimination are provided for in § 12 of the Constitution of the Republic of Estonia. Pursuant to § 15 of the Constitution,

³⁷ ILGA-Europe, 2002, *Sexual Orientation Discrimination in Lithuania, Latvia and Estonia*, Vilnius, available at: <http://www.ilga-europe.org/Europe/Guide/Country-by-country/Estonia/Sexual-Orientation-Discrimination-in-Lithuania-Latvia-and-Estonia>.

³⁸ Selection of domestic court decisions in cases of homophobic violence

everyone whose rights and freedoms are violated has the right of recourse to the courts. More specific provisions on discrimination are provided for in the Equal Treatment Act and Gender Equality Act. Pursuant to the Equal Treatment Act, which provides for protection against discrimination on the grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age disability or sexual orientation, discrimination disputes are resolved by the courts or by a labour dispute committee. Additionally, disputes regarding discrimination on the grounds of sex, race, nationality, colour, native language, origin, religious or other opinion, financial or social status, age, disability, sexual orientation or other ground provided for by law may also be resolved by the Chancellor of Justice pursuant to the Chancellor of Justice Act in voluntary conciliation proceedings.

The mandate of the Gender Equality Commissioner created in 2004 was expanded in 2009. This institution is now called the Gender Equality and Equal Treatment Commissioner. The Commissioner is an independent and impartial expert who acts independently, monitors compliance with the requirements of the Gender Equality Act and Equal Treatment Act, and performs other functions provided for by law. Anyone can submit an application to the Commissioner to request an opinion concerning a possible case of discrimination or to receive advice and assistance in submitting an official complaint. The Commissioner does not, however, have any power to resolve disputes or enforce compliance with the law.

The scope of application of the Equal Treatment Act varies according to the grounds of discrimination. The prohibition of discrimination on the grounds of sexual orientation is applicable only to the area of employment, not to the area of accessing goods and services.

Marriage and Adoption

Currently there is still no partnership act nor gender neutral marriage law options for the members of LGBT community. Chancellor of Justice has expressed his opinion in his letter to Ministry of Justice in 2011 that the current situation is not in line with the Constitution of Republic of Estonia.

According to *Perekonnaseadus* (the Family Law Act), marriage is contracted only between male and a female. Therefore, in the Estonian legal system only heterosexual marriages can be contracted. In addition, the only union between two persons that bring with it rights and obligations is the marriage (*ibid*, §1(2)).

Adoption rights are decided through the court order. It is not possible for the same sex couple jointly adopt children. However, it is possible to adopt children for the single parents (female, as well as male).

3.2.4 Homophobia as a political and social issue

Only in recent past few years we can see in Estonia that the LGBT issues have become more visible also in the media. Most of Ministry of Social Affairs' activities related to LGBT issues are targeted at raising tolerance of the society. Within the Baltic Pride in June 2011 several important statements were made:

The Chancellor of Ministry of Social Affairs, Marelle Erlenheim, told in her opening speech at the Diversity Enriches conference that it is government's responsibility to make Estonia more safe place to live for LGBT people, so that same sex couples wouldn't have to fear negative comments on the street whilst, for example, holding hands.

Kristiina Ojuland, member of European Parliament and Minister for Foreign Affairs in 2005-2005 stated at her Pride welcoming speech to LGBT community that it is important that more LGBT people would come out of the closet and it is equally

important that the government will work with the legislation granting more rights to same sex couples.

The Gender Equality and Equal Treatment Commissioner Mari-Liis Sepper as well as Rein Lang, Minister of Culture, signed the petition to support the regulation of same-sex partnerships. The petition was initiated by Kristiina Ojula and signed by 41 well known persons in Estonia.

Role of the associations and civil society

When looking at the LGBT organizations we can see that they are rather weak in Estonia. Currently there are two active organizations: NGO *Seksuaalvähemuste Kaitse Ühing (SEKÜ)* and NGO *Eesti Geinoored (EGN)*. There is no registered transgender organization and the community mostly meets online. The weakness of the organizations stems mostly from the fact that they work on the voluntary basis and people that are active in the organizations do it aside from their everyday jobs.

Transgender people in Estonia have been rather invisible in the public debate and have not been the subject of any specific public policy measures for combating discrimination. There is only one public figure in the media who is transgender (a musician) and who has openly talked about the issues she has been facing. Again, one of the main reasons behind the fact that there haven't been public policies to combat discrimination, is that the topic is not considered important in the governmental agenda as it is most likely seen as the problem of very small group of people. Other issue could be that the topic of gender reassignment is considered very private.

Policies regarding gender reassignment (procedures, documents required) are dealt with in the Ministry of Social Affairs. Currently there are no transgender organisations in Estonia. The NGO EGN reported that they have been trying to reach the transgender community as much as they can to include their perspective in their activities.

3.2.5 Sexual identity and sexual diversity in school

In 2011 the new version of National Curriculum was adopted. In the national curriculum the basic values of the schools have been set (including diversity, justice, gender equality, freedom, democracy, etc.) No specific mention is made to homophobia in the school system.

The appendix 5 to the National Curriculum (Gymnasium curriculum) sets down the topics to be covered under social studies. Even though the topics covered include family, love, parenting, specific mention to LGBT people has not been made. Therefore, it is left for the teacher to decide how to introduce (indeed if to introduce at all) the topic of LGBTs during the study programme.

As there has not been a thorough study on homophobia in schools we do not have sufficient information on the topic. However, one source that mentions the issue is the study conducted by Ministry of Social Affairs, named *The Estonian Teenagers' Interpretations of Violence (2007)* that states that for Estonian male children it is important to express their masculinity even through the homophobic acts.

In early 2000 a study on gender and study materials was conducted where we can see that most of the study materials in Estonian schools that are used reaffirm very normative gender roles.

3.2.6 Good practices

There are only handful good examples to illustrate the work with homophobia in Estonia. During the European Year of Equal Opportunities a book to teachers was published on how to tackle the LGBT topics at schools. However, the evaluators, stressed that there was no sufficient work done afterwards with the schools.

Ministry of Social Affairs has conducted most of its activities related to LGBT issues in co-operation with the Human Rights Centre at Tallinn University of Technology (hereafter HRC). This co-operation was formed in 2009 when Ministry of Social Affairs gave a mandate to HRC to apply for funding from PROGRESS programme. Ministry's expectation was that special focus should be paid to LGBT issues. The co-operation between governmental body (ministry), non-governmental institution (HRC) and university (Tallinn University of Technology) has been shown as a good practice on how three different sectors can work together in achieving the same objectives.

The projects led by HRC (in 2010 and 2011) with the focus on LGBT issues are more widely known as the Diversity Enriches campaign (www.erinevusrikastab.ee; <http://www.youtube.com/watch?v=tAmH8zfkLVg>). Ministry has financially supported the projects and also has given much of the input to the campaign. The main objective has been raising the tolerance towards the LGBT community. Main actions with regards to LGBT issues have been so far:

- LGBT newspaper inserts in major daily newspapers *Eesti Päevaleht* (2010) and *Postimees* (2011)
- Film Festival TARTUFF with the focus on different family models. In addition several public debates were held during the film festival (one of which especially concentrated on LGBT families)
- Outdoor media campaign *What if...?* Different questions were asked (eg what if your son would like to marry a man? what if your daughter falls in love with a woman? etc) <http://www.youtube.com/erinevusrikastab#p/f/0/D0thfxkpHk4> is an example on video clip: What if your son wants to marry a man.
- Art Exhibition *Untold Stories* at Tallinn Art House in 2011
- Conference *Diversity Enriches* (2010 and 2011). In 2010 there was one panel at the conference that was specifically designed to discuss LGBT issues (panel homosexuality and religion). In 2011 the conference centred on LGBT topics through 4 panels (partnership law versus gender neutral marriage, homophobic school bullying, veterans of gay wars, the role of media in LGBT issues). The panels can be viewed on www.erinevusrikastab.ee
- Events related to Baltic Pride 2011 in Tallinn (eg LGBT culture day, seminars etc)
- Other LGBT related events for the year 2011 include TV programme, discussion sessions with Active Youth Estonia, creating study materials, outdoor media campaign, etc.

The Diversity Enriches campaign has also very active Facebook community where different issues are raised and debated.

The Ministry of Social Affairs also supported Estonian Gay Youth financially in organising the Baltic Pride 2011.

As stated above, Estonian Gay Youth published a collection of essays *Kapiuksed Valla* in 2010 where gay activists, researchers and other analyze the topics from

various angles. Generally the collection has received good feedback and according to the Estonian Sexual Health Union the teachers of the society studies have been using the book as a reference material in their lessons.

3.3 Italy

Italy is characterised by a general absence of official data and statistics regarding discrimination on the ground of sexual orientation and gender and homophobic phenomenon³⁹.

The European Union Agency for Fundamental Rights (FRA), in its report “Homophobia and discrimination on Grounds of Sexual Orientation and Gender Identity in the EU member States, Part II The Social Situation, 2009” considers that one of the first things that need to be done in EU Countries is to acquire “a good knowledge of the situation based on robust data guiding the development of evidence based policies and actions”. This is particularly true in Italy where the national statistical surveys do not take into consideration sexual orientation, the absence of criminal or civil provision regarding “hate crimes/speech” or aggravating circumstance for crime committed on the ground of sexual orientation prevent the elaboration of national statistical data on this issue, and no official national survey has been carried out until now.

Nonetheless, there has been an increasing number of sociological researches and surveys on this subject in the last 15 years, and “it is possible to trace a picture of many aspects of gay and lesbian life in Italy”⁴⁰. The statistical and qualitative data presented in this report come from various sociological researches and surveys, carried out at national and European level, by associations, agencies or academics.

This report is divided in five parts, in order to give a wide presentation of the situation in Italy. The first part gives a general presentation of homophobia and discrimination on the ground of sexual orientation at national level, with reference to some statistical and qualitative data. The second chapter presents the formation and the main characteristics of homophobic discourse at institutional and non-institutional level in Italy. The third part presents the rights of LGBT persons in Italy and the legal protection against homophobia. The fourth part presents the development of homophobia as a social and political issue in Italy, and the last chapter deals with homophobia in the Italian schools, with the presentation of some examples of best practices.

3.3.1 Homophobia/heteronormativity: attitudes, behaviors and stereotypes

General attitude of Italian population towards LGBT people and homophobia

The major surveys carried out at European or international level (Eurobarometer, European Values Study, Word Values Survey) show that discriminations and

³⁹ In the “Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity”, February 2010, thematic Study on Italy, commissioned by the European Union Agency for Fundamental Rights (FRA), the authors note that, in Italy, no official statistical are available on the discriminations on the ground of sexual orientation, homophobic hate speech, or other issues in relation to sexual orientation: “The Minister of Equal Opportunities (...) and the Minister of the Internal Affairs personally answered, that data or statistics are unavailable”.

⁴⁰ C. Bertone, 2008, *The situation concerning homophobia and discrimination on grounds of sexual orientation in Italy*, Sociological Country Report

stereotypes on the ground of sexual orientation and gender are generally more diffused in Italy than the EU average.

At the question “Could you please tell me whether, in your opinion, discrimination on the basis of sexual orientation in your country is very widespread?” of the “Special Eurobarometer 317, Discrimination in the EU in 2009”, 61% of the Italian persons interviewed reply that they consider this kind of discrimination very or fairly widespread, for an average in EU of 47%.

The same survey shows that sexual orientation is considered by the persons who *felt* discriminated (22% of the persons interviewed) as the third most important ground of discrimination or harassment in Italy (4%), on the same level as ethnic origin, after gender (7%) and age (5%).

To the question “In the past 12 months, have you *witnessed* someone being discriminated against or harassed on the basis of one or more of the following grounds”, the discrimination on the ground of sexual orientation takes the second place (8%), after the ethnic origin (9%) (see figure 9).

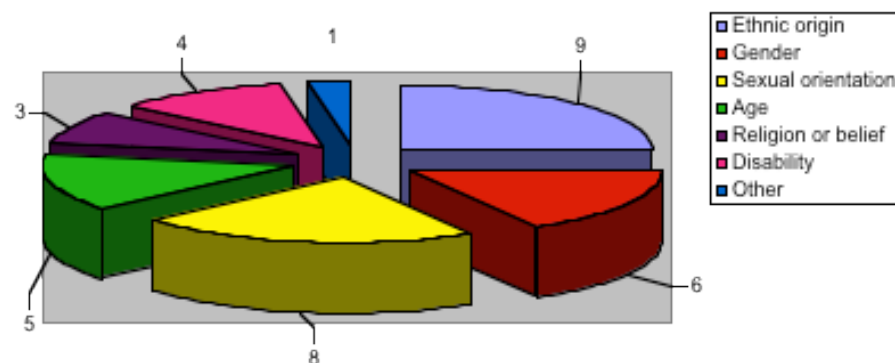


Figure 9: The main grounds of discrimination or harassment witnessed in Italy, Eurobarometer 317, QE3, 2009

The general attitude towards LGB or LGBT persons in Italy remains ambiguous. In the survey “Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes”, 2008, to the question: “How would you personally feel about having a homosexual as a neighbour?” (1 meaning “very uncomfortable” and 10 “Very comfortable”), the figure in Italy was 6,7, with an EU average of 7,9.

The following survey (Eurobarometer 317, QE6.2), shows that in average Italian people would feel little comfortable at having a homosexual President of the Council of Ministers. To the question “How would you feel about having a homosexual in the highest elected political position in your country?”, the average in Italy is 5,7. Even if this number seems to present a certain “neutrality” in Italian public opinion, we must consider that only 27% of the interviewed people declared to feel actually comfortable in front of such a situation, against average of 42% at European level (cf Table 9).

<i>How would you feel about having a homosexual as:</i>	Uncomfortable	A little uncomfortable	Comfortable	Indifferent (spontaneous)	Average (1 to 10)
Neighbour⁴¹					
EU 27	11%	18%	61%	9%	7,9
Italy	18%	31%	44%	6%	6,7
President/ First Minister⁴²					
EU 27	20%	27%	42%	N/A	6,5
Italy	24%	38%	27%	N/A	5,7

Table 9: Summary of the results of Eurobarometer surveys on EU citizens' attitude towards homosexuality, 2008-2009

These data are confirmed by the results of the World Values Survey (WVS) of 2005. To the question on the "justifiability of homosexuality", with an answer in the scale form running from 1-10, 1 being "never justifiable" and 10 being "always justifiable", the Italian figure was 4,83. 50.9% of the interviewed persons considered homosexuality "never justifiable", while only 6,2% considered it "always justifiable".

Even if Italian people appear less tolerant towards LGBT persons than the average in Europe, the situation has improved in the past decades.

The proportion of the population considering homosexuality immoral has reduced, from 66 per cent in 1981 to 30 per cent in 1999, according to the European Values Study. "Changes are especially noticeable in surveys of people aged 15-34: The proportion considering homosexuality acceptable according to their values was 37 per cent in 1983 and 50 per cent in 1996." (COWI, Danish Institute for Human Rights, "The social situation concerning homophobia and discrimination on grounds of sexual orientation in Italy", March 2009).

One of the questions of the Eurobarometer 317 survey of 2009 regarded the perception of the situation's evolution regarding the discrimination on the grounds of sexual orientation (QE2.3). In Italy 57% of the interviewed persons consider that it is less widespread, while 35% consider that it is more widespread (and 8% do not know).

The data reported by the associations that will be presented hereafter show that the situation has improved a little on some aspects in the last years in Italy, but that in general the perceived discrimination is under-evaluated respect to the effective discrimination.

⁴¹ From Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes, 2008, QA6.3

⁴² From Eurobarometer 317, Discrimination in the EU in 2009, QE6.2

Data on homophobic behaviours and discrimination on the ground of sexual orientation and gender in Italy

Italian LGBT associations, such as Arcigay and Arcilesbica, report that social stigma attached to LGBT persons is widespread. The consequence of the social stigma is often social exclusion of LGBT persons or persons perceived as having certain sexual or gender identities. Homophobic violence is part of the experience of many LGBT persons. While gay and bisexual men experience this violence more often in public places, lesbians and bisexual women are more likely to suffer physical or verbal attacks in private settings⁴³.

The media in general under-represent the homophobic phenomenon in Italy. For example, the OSCE report on Hate Crime for the year 2009⁴⁴ reported the murders of six transgender persons (source: TGEU), three incidents, including one case of assault, an attempted arson attack on a gay club, and one in which fire-crackers were thrown into a crowd (ILGA-Europe), and ten murders, 38 assaults, seven attacks on property associated with LGBT persons and eight threats (Arcigay).

In the same way, in its press release on cases of homophobic violence in Italy for the year 2010, ARCIGAY reports 2 homicides, 39 cases of violence, assaults and insults, 8 acts of vandalism, 6 extortions and 6 homophobic institutional declarations⁴⁵. In May 2011 already 8 cases of violence, discrimination and insults, 5 extortions and 1 case of bullying have been registered in the Italian media for the year 2011⁴⁶.

These data are very far from the numbers that emerge from the activities of Gay Help Line. Gay Help Line is a specific free service for both LGBT and heterosexual persons looking for assistance on LGBT-related topics. The operators can offer free counselling on a range of topics: legal, psychological, medical counselling and access to welcome groups, youth groups and cultural activities. In the last five years, it registered 100.000 contacts, 38% of which women and 62% men.

The requests of legal assistance received by Gay hep Line in the last five years regarded different topics (cf Figure 10), and about half of these requests regarded discrimination cases or violence and harassment events.

⁴³ COWI, Danish Institute for Human Rights, 2009, *The social situation concerning homophobia and discrimination on grounds of sexual orientation in Italy*

⁴⁴ OSCE, ODIHR (Office for Democratic Institutions and Human Rights), 2009, *Hate Crimes in the OSCE Region – Incidents and Responses, Annual Report for 2009*, Warsaw

⁴⁵ ARCIGAY, Associazione lesbica e gay italiana, 2010, *Report Omofobia in Italia – 2010, Rassegna stampa dei casi di violenza a gay, lesbiche e trans italiani*, Rome

⁴⁶ <http://www.arcigay.it/30297/omofobia-e-transfobia-in-italia/>

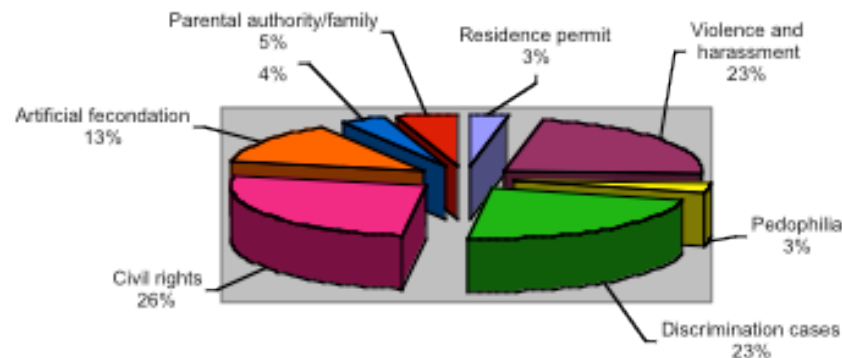


Figure 10: Themes of the requests of legal assistance to Gay help Line, Italy, 2006-2011

The FRA, in its report on the Social Situation⁴⁷ quotes an Italian survey carried out in Turin with 514 persons (C. Saraceno (ed.) (2003) 'Diversi da chi? Gay, lesbiche, transessuali in un'area metropolitana', Milan: Guerini) in which 51 per cent of male and 33 per cent of female respondents reported experiencing homophobic violence.

Statistics show that only 1 in 10 victims decide to report hate crimes to public institutions and to proceed judicially. This is another factor that limits the visibility of homophobia in Italy and contributes to the difficulty to assess the extent and characteristics of the phenomenon in the country.

The FRA report confirms that few hate crimes incidents are reported to the police or other public authorities in general in Europe. The report explains this tendency by several factors:

- some victims do not want to expose themselves as LGBT to avoid social stigma and prejudice;
- "internalized homophobia", that leads victims not to recognize hate incidents as crimes or discrimination;
- lack of information on how to report hate crimes;
- lack of confidence in the public institutions or experience of homophobia from police officers.

The absence of a specific legislation on this issue in Italy can also be considered one of the key factors to explain the difficulties for the victims to report hate crime and discrimination incidents.

⁴⁷ FRA, 2009, *Homophobia and discrimination on Grounds of Sexual Orientation and Gender Identity in the EU member States, Part II The Social Situation*

3.3.2 Homophobic discourse at institutional and non institutional level

Institutional level

On 24th of May 2007 in Florence, the National Conference on Family Issues “Cresce la famiglia, cresce l'Italia” (“If the family grows, Italy grows too”) was opened: through it the Government wanted to patronize an Institutional moment of listening, processing and participation to many issues regarding the Italian families. During this event, the dossier “La famiglia in Italia” (“The family issue in Italy”), realized by Istat (National Institute of Statistics) and Dipartimento per le politiche della famiglia (Department for Family Issues), was presented. LGBT families and association didn't participate at the Governmental Conference on Family Issues and no statistics about same-sex parents were taken into account.

As regard the homophobic discrimination, in Italy there is plenty of ambiguous opinions: if in 2008 the Ministry for Equal Opportunity refused to participate to the Rome Gay Pride because it declared that in Italy homosexual people are not victims of discrimination, in 2009 the same Ministry organized the first campaign in Italy against homophobia.

In Italy homophobia can be considered as an indissoluble characteristic of our DNA, being the final result of a social, religious and political tradition. Religious men and Politicians often refer to it with plenty of anathemas, prejudices and disapprovals. From a social point of view, common people still feel fear, caution, prudence and embarrassment when they talk about LGBT issues.

Pier Paolo Pasolini, in the Seventies, gave us a perfect interpretation of the climax of the Italian society: “I am like a black man in a racist society who finds satisfaction in its tolerant mood. I am tolerated.” (Pasolini, Lutheran Letters, 1975).

Discrimination against homosexuals is formed by a group of prejudices, fake information and beliefs, where amorality, immaturity and triviality are pivotal points:

- prejudice of amorality: the attitude of homosexuals to bad ethical behaviour. A person behaving as a homosexual, behaves in an immoral way (Joseph Ratzinger, 1992);
- prejudice of immaturity: a person is considered an adult when sexual instinct exceeds narcissism and homosexuality and becomes heterosexual (Guida al prelado per la formazione al celibato, 2002);
- prejudice of triviality: proliferation is useful to human race, and, as Good is useful and homosexuality is useless, homosexuality is evil (from the blog Riflessioni.it, 20 May 2006).

An important role in the origin of homosexual prejudices was played in Italy by the Catholic Church: ostracism against homosexuals and same-sex relationship recognition is based on the idea that they are “against nature”.

In the “Declaration on some issues of sexual ethic” (1975), the Congregation for the Doctrine of the Faith established a fundamental difference between homosexual condition and homosexual acts. Only homosexual acts are described as “intrinsic disorders” because they lack of the fundamental finality (love between man and woman and reproduction) and they cannot be accepted.

The homosexual act would go against a “vocation that must be lived with that kind of self-donation that is, according to the Gospels, the essence of a Christian life”. As in every moral disorder, homosexual activity prevents one's own fulfilment and happiness by acting contrary to the creative wisdom of God”.

“The homosexual couples go against the natural law and a firm same-sex relationship lived as a family, is contrary to nature” (Monsignor Elio Sgreccia, Vatican Radio, March 2007)

In September 2005, Cardinal Camillo Ruini tried to advance an anticonstitutional hypothesis of PACS in Bologna.

Non-institutional level: representation of the LGBT community in the mainstream media

Italian media mostly approach LGBT issues through rumours about homosexuality of celebrities. Their interest in celebrities sexual orientation reveals the attitude of the Italian people to the homosexual issue. All these scoops and gossips highlight that sexual orientation is still a front page news. Ricky Martin, Tiziano Ferro, Carmen Consoli, Alessandro Cecchi Paone and Nichi Vendola's coming outs were strongly overexposed on tabloid press, news broadcasts and panel discussions. Rumours about homosexuality of celebrities like Marco Carta, Virginio Simonelli, Valerio Pino and Roberto Bolle are always reported as big scandals.

Moreover, lively debates between supporters and detractors of same-sex marriage and adoption issues, often take place in Italian talk shows.

As regards the Italian political scene, lot of controversial debates took place on the legal recognition of the same-sex couples. Conservative Catholics and Church ideological positions often prevailed, and significant is the attitude of the Prime Minister who often speaks about homosexual issues through the use of cracks and jokes.

All these statements set up a kind of oppression, defined by Iris Young as “Cultural Imperialism”: in the Italian society stereotypes and prejudices give rise to supremacy-submission relationships, damaging groups of people (LGBT people in our case) and making for them difficult to understand themselves, to communicate who they are to the rest of the world, and to leave a mark of their existence in the predominant culture (Young, 1996). Television often strengthens this negative representations, giving a grotesque and derisory image of LGBT world. These same representations are absorbed by adolescents who hear about the homosexual issue only through television, and push LGBT people to internalized it.

A first legislative step was the law bill introducing an aggravating clause on homophobic hate-crimes, presented at the Parliament by the opposition MP Paola Concia. The bill was rejected as unconstitutional, with a motion moved by Udc (Union of the Centre), voted 285 to 222, with 13 abstentions.

Thanks to the Awareness Campaign carried on by LGBT associations, homophobic and transphobic hate-crimes are causing a great stir on Italian media. We want to remind the episode of a gay couple being assaulted by a man at the entrance of the Gay Village in Rome: media carefully followed the episode until the conviction of the aggressor, giving great echo to the Gay Help Line service as civil part of the process, and admitting the homophobic nature of the crime both in first and second instance.

Delia Vaccarello received the journalistic price “Sì alle diversità. No alle discriminazioni” (Yes to difference. No to discrimination.) in 2008, thanks to her

article published by the Italian newspaper L'Unità on 2nd September 2010 with the title "Vivere da gay, morire da etero" (Living as a gay, dying as a straight). This award goes to the web and printed paper journalists who contribute, through their work, to spread the advantages of differences and to struggle against discrimination. Delia Vaccarello is a lesbian journalist who works for the L'Unità, and is responsible for the section titled "1,2,3... Liberi tutti" (1, 2, 3... Everybody is free), giving voice to whom has to fight every single day against prejudices based on their sexual orientation or gender identity. Her prize-winning article - written after the airplane accident in Madrid in which the Italian steward Domenico Riso died with his boyfriend and their child - speaks about homosexual people who can't cry for their partner because they are not recognised by society and by their relatives as an essential part of the family. The motivation for the prize was: "Because it tells a deeply European story, which involves Spain, France and Italy; because it underlines the Italian cultural and normative delays in recognising certain rights and individual freedom; because the author stroke a discordant note in the discriminatory chorus of the Italian mass-media."

The only LGBT community annual event is the Gay Pride, organized every year in a different Italian city. There are few other events (Turin LGBT Film Festival, Gay Village in Rome) which have less success.

3.3.3 Legal provisions regarding LGBT issues

Homosexuality and homophobia remain almost completely invisible in Italian legislation, except for the legislative decree n°. 216/2003 implementing the "Employment Directive" (Directive 2000/78/CE). Some political proposals have been presented in the past years to promote LGBT persons' rights, but none has been successfully adopted yet.

Italian Constitution is the starting point of the Italian judicial system. There are few articles protecting LGBT people, between them:

- art. 2 (dignity, inviolable rights, social formations, like civil unions)
- art. 3 (formal and substantial equality)
- art. 32 (healthcare)
- art. 117 (respect for internal and communitarian duties)

Article 3 has a fundamental importance, as well as the clauses of the European Community Treaty of Nice and the European Convention on Human Rights. It states in its first paragraph the same social dignity of all the citizens, and gives the government the responsibility to "remove the economic and social obstacles limiting freedom and equality, stopping development of human being and participation of all the workers to the political, economic and social organization of the country".

Freedom of Assembly

Here again the freedom of assembly is guaranteed by the Italian Constitution that states in article 17 that: "Citizens have the right to assemble peacefully and unarmed." The right of assembly is never submitted to authorisation on the part of the local or national authorities, and meetings can be forbidden only for well-established reasons of security or public order. Meetings organised in public places, have only to be notified to the police administration by the promoters at least three days first. Therefore, in Italy, neither gay pride parades nor homophobic

demonstrations can be banned by public authorities if they are peaceful and unarmed.

Anti-discrimination Law

The only Italian legislation that takes into consideration the discrimination on the ground of sexual orientation is the legislative decree n°. 216/2003 implementing the European Directive 2000/78/CE ("Employment Directive"). Article 4 of the decree provides that all agreements aimed at discriminating against workers "on the ground of sexual orientation" are illegitimate. Following an infringement procedure issued by the European Commission in 2006 on the transposition of the Directive, some modifications to the legislative decree have been made by the legislator in 2008.

But the general interdiction of discrimination on the grounds of sexual orientation remains limited to the fields of employment and occupation and has not been extended to other areas (such as social protection, social advantages, education and access to and supply of goods and services including housing, area that are covered by the EU Racial Equality Directive (2000/43/EC)).

Moreover, Italy does not have an equality body responsible for dealing with sexual orientation discrimination (like twenty other EU Member States). Recently the Ufficio Nazionale Antidiscriminazione Razziali (UNAR – National Office against Racial Discrimination) is expanding its competence to other kinds of discriminations, including discrimination on the grounds of sexual orientation.

There is no criminal or civil legal provision regarding hate speech related to homophobia or discrimination on the ground of sexual orientation in Italy. Incitement to hatred, violence or discrimination against LGBT people is not explicitly defined as constituting a criminal offence in Italy.

There is likewise no aggravating circumstance for crime committed on the ground of sexual orientation motives. Homophobic intent is not considered as an aggravating factor in the commission of common crimes, such as violence against the person or damage to property.

The Italian legislation is more protective regarding racial and ethnic discrimination. For this kind of discrimination, both the act of disseminating ideas based on racial superiority or racial hatred, the commission of discrimination and the incitement to discrimination are punished.

Different attempts to introduce an aggravating circumstance for crimes motivated by hate against LGBT people failed in the past years. In 2008, the government crisis blocked the proposal. In 2009, the proposal was defeated in Parliament because the ruling majority considered that such an amendment would violate the equality clause of the Italian Constitution.

One of the first recommendations of the FRA in its report "Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity, Comparative legal analysis, 2010 update" regards precisely this aspect:

"Member States and EU institutions, as provided for by the Treaties, should take appropriate practical measures to combat all forms of expression inciting, spreading or promoting hatred or other forms of discrimination and crimes motivated by prejudice against LGBT persons. Equally, renewed commitment to countering anti-LGBT crimes and violence should lead to more effective action, exploring the potential of the new EU Treaties for the development of legal provisions at EU and national level, which would grant the same level of protection as the one granted to hate speech and crime motivated by racism or xenophobia" (p. 9).

Moreover, the fact that the Italian legal system does not take into consideration (in its legislation and in its case law) whether or not a common crime was committed with a homophobic motivation not only reduces the level of protection of LGBT persons, but it also hinders the possibility to collect data on the homophobic phenomenon.

Nonetheless, in parallel to this lack of national dispositions, thanks to the transfer of competencies in the educational and social sectors to the regional and local authorities, more and more Italian regions and provinces are adopting local laws to fight against homophobia and discrimination on the ground of sexual orientation and gender.

Marriage and Adoption

Italy is characterised by a general absence of homosexuality and homophobia in its legislation. Same-sex partnerships are not recognised by the national law, and no form of civil union exists. In the same way, access to adoption is denied to same-sex couples.

Transgender issues

Regarding sex re-assignment proceedings, a transgender person in Italy must make two requests to the judge: first he/she must ask authorization to have the required surgery, which allows the person to obtain this surgery in public hospital free of charge. Then he/she must ask for the judicial order which authorization to the change of the detail of their sex and name in the records of the Register of Civil Status. The law states that in such proceeding, the judge “may ask for a medical opinion regarding the psycho-physical condition of the person”. The correction of the record of the person's sex in the Register is allowed only after he/she has submitted the necessary surgery, and hormone treatments are not considered as sufficient.

Regarding the condition of a transsexual person that has already acquired the change of name and sex in Register, the Italian legal system provides absolute parity of treatment with the other persons. For example, a married transsexual person can adopt a child if the other conditions for adoption are respected.

The re-assignment surgery are performed free of charge in public hospitals if authorized by the judicial authority. On the other hand, for the persons who don't want to have the operation, the cost of hormone therapies and plastic surgeries are totally on their behalf.

The political initiatives and proposals

Italian Government never accomplished with a political line developing initiatives to regulate LGBT people rights. Occasional proposals were done by single Ministers and politicians. Every proposal for this kind of regulation was followed by lively debates, controversies and ostracism. And not even one law bill never passed. The political climax on these issues is a stalemate. Some of these proposals are hereafter presented.

In 2002 Mr Franco Grillini presented a proposal on the “Patto civile di solidarietà (PACS)”, (civil pact of solidarity). It established the rights and duties of partners, but at a lower level than marriage.

In 2007 a proposal about the “Diritti e doveri delle persone stabilmente conviventi (DICO) (rights and duties of persons living together permanently) was presented. It

provided a limited level of rights and duties protection, even lower than the civil unions (for example, inheritance rights would be recognised only after 9 years). In the same year another proposal was presented in Parliament: the “Contratti di Unione Solidale (CUS)” (life partnership contracts). The contract foresaw rights and duties similar to those in the DICO, and could be concluded with a joint declaration before a notary or a peace officer.

All these proposals fell with the crisis of the Government in 2008.

During the new legislation a new proposal was presented regarding civil unions: “Diritti e doveri di reciprocità dei conviventi (Di.do.re)” (reciprocal rights and duties of partners) by Minister Renato Brunetta and Minister Gianfranco Rotondi. It protects the right of access to the partner in case of illness and the opportunity to designate him/her as the representative for decisions on health, organ donation, treatment of the body and funeral celebrations. But no other civil right is linked to this kind of civil union. The text has not yet been discussed in Parliament.

To conclude, Table 10 gives an overview of the legal dispositions in Italy regarding homophobia and LGBT issues.

Criminal law	There is no criminal or civil legal provision regarding hate speech related to homophobia or discrimination on the ground of sexual orientation
Anti-discrimination law	The discrimination on grounds of sexual orientation is prohibited only in the fields of employment and occupation. Legislative decree n°. 216/2003 implementing the European Directive 2000/78/CE (“Employment Directive”).
The law against discrimination between women and men	All discrimination between men and women is prohibited. Constitutional law art. 3, 37, 51 e 117. Law 215/2003, 216/2003 and 76/2006.
Partnership recognition	None
Parenting rights	None
Law on hate and violence	There is no criminal or civil legal provision regarding hate speech related to homophobia or discrimination on the ground of sexual orientation
Law concerning transsexuality	It is possible to change one’s sex and name on the Register of Civil Status after a judicial decision and the required surgery. Law 164/82

Table 10: Overview of ministerial guidelines/regulations aimed at combating homophobia in Italy

3.3.4 Homophobia as a social and political issue

Here is a review of the social actions against homophobia:

- **Monitoring** of homophobic events (Gay Help Line)
- **Rapporto omofobia arcigay nazionale** (National Arcigay Report on Homophobia)
- **Rapporto fondazione Brodolini** (Brodolini Foundation Report)
- **Campaign** against homophobia (Department of Equal Opportunities, Gay Help Line, etc.)
- **Campaigns to promote LGBT persons' rights** and the right to same-sex marriage ("Primavera di una nuova era" committee) ([GHL: can we add the rete Lenford?](#))
- Development of LGBT **social spaces** in public places for LGBT persons (READY Network)
- AGEDO is an Association that helps LGBT people's **parents and families** fighting with relationship problems and acceptance of homosexuality
- **"Gionata"** is a voluntary project aiming to help society and the church to be open to understanding and accepting LGBT people
- Gay Lib : gay and lesbian of the **right party**
- Genitori Rainbow: **gay parents** with children from heterosexual marriage
- Famiglie Arcobaleno defend the **rights of individuals and gay and lesbian couples** to have children and adopt.
- Gay Sport Italia: federation of lgbt **sport group**, with more 30 association
- **And other 30 local group**

3.3.5 Sexual identity and sexual diversity in school

In the Italian School System there is no course on Sexual Education and there is no law regulating its teaching. Some courses were organized in few schools, including courses on discrimination and promotion of equal opportunities. But too often these courses includes as discriminating factors religion, ethnic group, impairment, and rarely homosexuality.

In 2010 the Ministry of Education carried out a research to analyse the perception of homophobic bullying among the school population, together with the collaboration of ARCIGAY⁴⁸.

The first relevant result of this research is that half of the schools contacted to participate in the quantitative part of the research refused to be involved (10 out of 20). This data is very indicative of the general attitude of school staff towards homosexuality and homophobia issues.

Hereafter are presented some of the results of the research:

- Only one student out of three did not hear in the last month any homophobic name or mockery against boys.
- For one student out of five these expressions are part of normal school life.
- One student out of 13 assisted at least once in the last month to physical homophobic aggressions.

⁴⁸ Coppola M., Saccà F., 2010, *Report finale della ricerca nazionale sul bullismo omofobico nelle scuole superiori italiane*, Bologna, Arcigay

It appears that the most frequent behaviours against girls are names, mockeries and gossips. About half of the students declared to have used names against friends and schoolmates that were considered gay, and about one out of four declared to have used them against a friend or a schoolmate that was considered lesbian.

In total, about 172 students (representing 19,93% of the population involved) could be qualified as bullies, following Fonzi (1997) and Olweus (1993) criteria, having weekly committed at least one typology of the indicated behaviours in the last month. This number reaches 115 students (13,33%) not taking in consideration the use of homophobic names.

A total of 32 students (3,71%) were weekly victims of homophobic bullying at school.

Another research has been carried out in 2007 by the Department of Social Research, University of East Piedmont. The results of this research show that 41% of gay men and 21% of lesbian women reported harassment or social isolation by other students when they were at school.

All these studies show that homophobic bullying and harassment in schools are very frequent in Italy. They analyse that, even if harassment by teachers seems rather rare, students refer their lack of interest and support. They result little or not at all aware of events of physical violence, cyber-bullying, and sexual harassment, and report only verbal violence.

The importance of these data is even more worrying considering that the school is the main place where LGBT people feel the first homoerotic attractions and relationships⁴⁹.

3.3.6 Good practices

In 2001 the City of Turin created a **LGBT Service**. It is an important work with the teachers to give them tools to face efficiently the difficulties and discriminations inside the class and to promote the inclusion of LGBT issues in the school curriculum.

In 2002-2005 it was developed “**Teach respect**” – Educare al rispetto, a Training program for teachers to combat homophobia, bullying and discrimination against LGBT people in schools (Certified as an official training program by the Italian Minister of Education), in 7 provinces and has reached about 200 teachers.

In 2002-2003 “**Freedom of being, freedom of loving**” – **libertà di essere, libertà di amare** a series of workshops for students on sexual orientation and diversity, and poster campaign supported by Municipality of Turin and Venice with four local high schools were runned.

In 2003-2005 **Towards an inclusive school**: an EU Socrates project on mainstreaming good practices to overcome social exclusion of LGBT students in schools was implemented. This initiative involved five schools from four European

⁴⁹ Barbagli, M., Colombo, A., 2001, *Omosessuali moderni*, Bologna, Il Mulino: 57% of interviewees feel homoerotic attraction before 12 years of age, 59% come out before the age of 18 and 86% remember having the first homoerotic feelings in primary school and the first relationships in secondary school.

countries (Italy, Austria, Germany, France). A video, training course and training handbook have been produced.

In 2009-2010, in Naples it was realised "Between arrogance and discriminations: a **project for the prevention of homophobic bullying in schools**", with Federico II University and the web platform www.bullismoomofobico.it: counseling groups with students of a high school to reflect on homophobia and bullying, a peer education program, discussion groups with teachers and creation of short videos by the students.

In 2010-2011 - **EURIALO** was runned. It starts from the Good Practice produced by the project "TRIANGLE, a transnational project which had the aim of exchanging information and good practice within the framework of the "Community Action Programme to Combat Discrimination" of the EU.

3.4 The Netherlands

The Netherlands has a long history of gay, lesbian, bisexual and transgender (LGBT) emancipation. Especially in the field of education, there has been a large number of research (<http://www.edudivers.nl/onderwijsbeleid/onderzoek>) and interventions (<http://www.edudivers.nl/lesgeven> and <http://www.edudivers.nl/onderwijsbeleid>). Because of this context it is necessary to focus this analysis and narrow the scope, in order to make it not too superficial. In this analysis, we will focus on the sector education and specifically on youth, teachers, management and policies in secondary education.

3.4.1 Homophobia / Heteronormativity: attitudes, behaviors and stereotypes

It has often been researched how Dutch people think about homosexuality. Therefore we do have a quite a good image of how attitudes of the general Dutch population have developed in recent years. But it remains difficult to say something about differences between specific population groups. Often, researchers have not been able to look into the opinions of younger and older people, rural residents, or immigrants. They often generalize answers on questions about gay men to lesbians, bisexual and different groups of transgenders, but we know these specific groups may have very different experiences and opinions. Another drawback of many researches has been that the prevalence of discrimination, violence and negative attitudes has been mapped, but often it was much less researched *why* such events or attitudes occur.

Behavior and attitudes in the general Dutch population

When we compare the attitudes of Dutch people with attitudes in other European countries, it seems the Dutch are very tolerant. However, when researchers ask more specific questions, it is clear the tolerance can be sometimes quite shallow. Dutch researchers prefer to speak about homonegativity rather than homophobia. Homonegativity is a collective term for all dimensions of negative behavior and attitudes toward homosexuality⁵⁰. These include violence against homosexuals, discrimination, harassment, verbal abuse and negative attitudes towards homosexuality. Van Wijk and colleagues distinguish between traditional and modern homonegativity. Traditional homonegativity is explicit and based on old-fashioned moral, religious ideas and misconceptions about homosexuality. For example, regarding homosexuality as a sin or an illness. Modern homonegativity is subtle and characterized by a discrepancy between attitudes and behavior. People know it is wrong to have prejudices against certain groups, but nevertheless feel threatened by these groups in their social position in society. An example of modern homonegativity is the argument that homosexuals may exist, but people prefer if they do not show it in public⁵¹. In public, LGBT people should therefore behave according to the heterosexual norm.

LGBT Youth

Recently, EduDivers (The Dutch Expertise Centre on Schools and Sexual Diversity) commissioned a meta-analysis of the situation of LGBT youth in secondary

⁵⁰ Wijk, van E., Van de Meerendonk, B., Bakker, F. & Vanwesenbeeck, I., 2005, *Moderne homonegativiteit. De constructie van een meetinstrument voor het meten van hedendaagse reacties op zichtbare homoseksualiteit in Nederland*, Tijdschrift voor Seksuologie, 29, 19-27

⁵¹ idem

education, as a fundament for a more evidence based approach⁵². The following paragraphs are taken from this analysis.

According to the most recent study by de Graaf et al⁵³ about 2% of the Dutch youths between 12 and 25 are having sex with someone of the same sex. This is not the same as same-sex attraction. 10% of the boys and 27% of the girls report enjoying fantasizing about sex with someone of the same sex. The numbers on the proportion of Dutch young people that can be classified as transgender are not known, but range from less than a percent (when relating to young people who would like to change sex) up to 30% (when relating to "sometimes not feeling at ease with my current gender"). Research also shows how same-sex attraction and experiences of gender change considerably during the years of puberty and adolescence. Such statistics show it is extremely difficult to generalize about the feelings, practices and attitudes of secondary school age young people.

Several studies find higher levels of stress, depression, anxiety, mistrust, suicide, experience with being sexually abused and unsafe sex among same-sex attracted teenagers as compared to heterosexual peers⁵⁴.

In the meta-analysis, two sets of risk factors were identified: behavior of young people themselves and environmental factors.

⁵² Kamps, Leonie; Dankmeijer, Peter, 2010,. *Wat moeten we doen om scholen echt homovriendelijker te maken? Intervention mapping toegepast op homo-emancipatie in Nederlandse scholen voor voortgezet onderwijs*. EduDivers, Amsterdam

⁵³ Graaf, H. de; Meijer, S.; Poelman, J.; Vanwesenbeeck, I., 2005, *Seks onder je 25e*, Rutgers Nisso Groep/Soa Aids Nederland, Utrecht
(http://www.rutgersnissogroep.nl/rutgersnisso_groep/rng/ektronlink?uid=0536575662f9813c2a17026792494ba8)

⁵⁴ Keuzenkamp, S., 2010, *Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland*. Sociaal en Cultureel Planbureau, Den Haag

Bos, H.M.W., Sandfort. T.G.M., de Bruyn, E.H. & Hakvoort, E.M., 2008, *Same-Sex Attraction, Social Relationships, Psychosocial Functioning, and School Performance in Early Adolescence*, *Developmental Psychology*, 44 (1), 59–68

Franssens, Dirk; Koning, Maaïke; Hospers, Harm, 2007, *Outcomes. Deelrapport 1 Homojongenscohort*. Universiteit Maastricht

Kersten, A., Sandfort, T., 1994, *Lesbische en homoseksuele adolescenten in de schoolsituatie*, Utrecht, Interfacultaire Werkgroep Homostudies

Metselaar, M., 2008, *Vrolijke scholen?->! Een onderzoek naar de invloed van de school als protectieve factor op het verminderen of voorkomen van psychosociale problemen bij jongeren met een Same Sex Attraction*. Masterscriptie Opvoedingsondersteuning Afdeling Pedagogische en Onderwijskundige Wetenschappen Universiteit van Amsterdam, Amsterdam

Ten Have, M., De Graaf, R., Van Dorsselaer, S., Verdurmen, J., Van 't Land H. & Vollebergh, W., 2006, *Suïcidaliteit in de algemene bevolking: gedachten en pogingen. Resultaten van de 'Netherlands Mental Health Survey and Incidence Study'*. Trimbos-insituut, Utrecht

Evans E, K. Hawton, K. Rodham & J. Deeks, 2005, *The prevalence of suicidal phenomena in adolescents: a systematic review of population-based studies*, *Suicide Life Threatening Behavior*, 35 (3), 239-50

Op de Coul, E.L.M. & van de Laar, M.J.W., 2005, *Welke factoren beïnvloeden de kans op hiv-infectie?* In: Volksgezondheid Toekomst Verkenning, Nationaal Kompas Volksgezondheid. Bilthoven: RIVM

Graaf, H. de; Meijer, S.; Poelman, J.; Vanwesenbeeck, I., 2005, *Seks onder je 25e*, Rutgers Nisso Groep/Soa Aids Nederland, Utrecht
(http://www.rutgersnissogroep.nl/rutgersnisso_groep/rng/ektronlink?uid=0536575662f9813c2a17026792494ba8)

The 4 behavioral factors were conformity to the heterosexual norm, self-isolation, not showing your same-sex attraction, and unsafe sex. For the purpose of this analysis, it is important to highlight the heteronormative conformity of LGBT young people. Young people in the Netherlands often come out to friends and acquaintances but don't want to relate to stereotypes about homosexuality. As LGBT young people recognize their same-sex attraction, they realize that these are minority feelings. They experience stress and uncertainty about this minority status⁵⁵. This is known as "minority stress"⁵⁶. To escape this stress young people try to conform to the heterosexual norm in their behavior, dress and attitudes. Compliance with this norm can have detrimental effects on their relations with other young people. Keuzenkamp concludes this based on interviews she conducted with LGBT youth. The young respondents people said they considered themselves to be "normal" and rejected "overly feminine" behavior of other peers. Buijs concludes "the heteronormative pressure is so great, that young people have little choice but to comply to it"⁵⁷.

There are 3 environmental factors: homonegative violence and discrimination, social exclusion and lack of support by peers. Each of these can be found on the interpersonal level, community level and societal level.

Research into the prevalence of violence, exclusion and lack of support shows 30% of LGBT youth are not out of the closet to their parents. 4% of LGBT youth say their parents do not accept their sexuality. If LGBT young people do not conform to traditional gender roles, the rejection by the parents is even greater. This is more so in religious families. In the extended family, the situation is even more negative. 38% of the LGBT youth state their wider families do know anything of their sexual orientation and 16% of young people says acceptance by their families is not optimal⁵⁸.

In 1995 a large number of pupils in secondary schools were questioned about sex. The researchers asked whether the students approved of sex between two same-sex attracted people. Seventy-five percent of the students approved of sex between a boy and a girl, 66% approved of sex between two boys and 67% approved of sex between two girls. This means that about 9% of the students seems to have a discriminatory opinion.

However, this impression may be tainted by 'modern homonegativity'. 25% to 50% of LGBT youth in school indicates that they are completely closeted about their sexuality because of fear of homophobic reactions⁵⁹. This fears appears not to be unjustified.

12% of the boys and 4% of the girls state they will break off friendship with their best friend if it turns out they are gay or lesbian. These numbers go up to about 80% among immigrant boys⁶⁰. Kersten notes that 47% of the secondary school students

⁵⁵ Keuzenkamp, S., 2010, *Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland*. Den Haag: Sociaal en Cultureel Planbureau

⁵⁶ Meyer, I.H., 2003, *Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence*, Psychological Bulletin, 129 (5) 674–697

⁵⁷ Buijs, L., 2010, *De afbraak van homocultureel Amsterdam* gevonden op 02.09.2010 op http://www.joop.nl/opinies/detail/artikel/de_afbraak_van_homocultureel_amsterdam/

⁵⁸ Keuzenkamp, S., 2010, *Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland*. Sociaal en Cultureel Planbureau, Den Haag

⁵⁹ idem; Dankmeijer, P., 2001, *Gerapporteerde onveiligheid door homojongeren vergeleken met heterojongeren*, Empowerment Lifestyle Services, Amsterdam

⁶⁰ Graaf, H. de; Meijer, S.; Poelman, J.; Vanwesenbeeck, I., 2005, *Seks onder je 25e*, Rutgers Nisso Groep/Soa Aids Nederland, Utrecht
(http://www.rutgersnissogroep.nl/rutgersnisso_groep/rng/ektronlink?uid=0536575662f9813c2a17026792494ba8)

intends to keep gay or lesbian peer at a distance, for example by not wanting to sit next to him or her, not making homework together, not having lunch together and certainly not sharing a room or tent during a school camp⁶¹.

When a gay or lesbian student would be harassed, 17% of the male peers would think that would be their own fault, 39% would do nothing, 32% would try to help if their own status would not be threatened and only 12% would help no matter what. This shows the lack of social support in school.

Buijs found 4 factors which precipitate violence in homophobic boys and young men⁶²:

1. The feeling of being provoked because LGBT people do not conform traditional gender roles
2. The feeling of being provoked by the visibility of homosexuality, due to the expectation that homosexuality should not be visible
3. The feeling of disgust of anal sex and the association that gay men are hypersexual and always have anal sex
4. The fear of being approached and seduced by gay men

All 4 factors are based on a lack of factual knowledge, on not knowing any LGBT people, on rigidly heteronormative views and norms within peer groups. Being confronted with LGBT people who are not conforming to heteronormative expectations poses homophobic boys a perceived threat to which they do not know how to respond than with aggression⁶³. These boys lack confidence and competences to communicate in a non-violent way.

3.4.2 Homophobic discourse at institutional and non institutional level

In the Netherlands, the formal discourses on sexual diversity have been quite positive over the past 20 years. The history of institutional change towards more equality for homosexuals and heterosexuals in The Netherlands dates back to the seventies. Until that time, the age of consent was unequal between homosexuals and heterosexuals, there were no partnership rights and no directives for equal treatment.

In 1973, the movement towards recognition of equal treatment started with the recognition of the COC association as a legal body. In 1994, the Equal Treatment Act was extended to sexual orientation. In 2001, civil marriage was opened for same sex couples and also adoption was made possible.

Institutional level

⁶¹ Kersten, A., Sandfort, T., 1994, *Lesbische en homoseksuele adolescenten in de schoolsituatie*, Interfacultaire Werkgroep Homostudies, Utrecht

⁶² Buijs, L., Hekma, G., Duyvendak, J.W., 2008, *Als ze maar van me afblijven. Een onderzoek naar antihomoseksueel geweld in Amsterdam*, Amsterdam University Press, Universiteit van Amsterdam

⁶³ Oosten, N., van der Vlugt, I & Brants, L., 2009, *Seksespecifieke hulpverlening voormaatschappelijk werkers*, Coutinho, Bussum

Buijs, L., Hekma, G., Duyvendak, J.W., 2008, *Als ze maar van me afblijven. Een onderzoek naar antihomoseksueel geweld in Amsterdam*, Amsterdam University Press, Universiteit van Amsterdam

Meer, Th. van der, 1995, *Potenrammen' als rite de passage. Daders van antihomoseksueel geweld in beeld*, SAD-Schorerstichting/NISSO, Amsterdam

Very few politicians make homophobic remarks in the Netherlands nowadays. Even the most right wing politicians make a point of stating that they are not intending to discriminate LGBT people. Religious leaders do quote now and again the Bible. However, while doing so and being questioned about such comments, they hasten to state that their comments are only meant to "explain the Bible" and not to judge LGBT people as a group of people.

A good example of the development towards acceptance and emancipation in Christian groups is the guidelines of the national board of orthodox reformed (reformatorsche) schools. This guideline on LGBT issues was developed in 2009. This guideline attempts to solve the controversy between the Biblical guidelines - which should be taken literal, according to the orthodox reformed community - and tolerance towards LGBT people. This is done by first stating that same-sex behavior is a sin in the eyes of God, secondly that it is not for humans to judge fellow citizens, and third, that all persons should be treated with love and compassion (because everyone has to wear the cross of the original sin).

With the rise of a series of right wing populist politicians over the last decade, the events of 11 September, and the murder of the publicist Van Gogh by a Muslim extremist, Dutch politics has made a swing to the right. There is a growing focus on Dutch nationalism. Gay and lesbian issues fulfill a particular role in this discourse. "Tolerance" is considered to be a key value and norm in the nationalist discourse. This tolerance extends to gays and lesbians as long as they are behaving heteronormative. In the right wing discourse, "Dutch tolerance and values" are being threatened by a "Muslim invasion". The violence of Moroccan young men and the incidental comments of imams fuel this discourse. As one politician has said: "Keep your filthy paws from our filthy homosexuals". The Party for Freedom (PVV) which is the main promoter of this discourse, has standard feedback in parliamentary discussions on gay and lesbian policy: "the only way to stop violence against gays and lesbians is to deport all delinquent Moroccans."

Non-institutional level: representation of the LGBT community in the mainstream media

The media have become increasingly interested about gay and lesbian issues, in the wake of the national discourse on tolerance. Almost every week, press releases by the national LGBT organization COC Netherlands are being published in mainstream newspapers and national LGBT leaders feature in news programs and talk shows. In this, the media are especially fuelled when there are examples of violence or discrimination and when the perpetrators are orthodox Muslim or Christian.

On the theme of education, the discussion about the "Single Fact Clause" of the Equal Treatment Act and the national campaign of COC Netherlands to promote mandatory education about homosexuality attract a lot of media coverage. During the Canal Parade on 2011, this debate was getting heated when Henk Krol, the editor of the largest Gay magazine the Gay Krant announced he would not take the invitation by the Minister of Education to take part in the parade by going along on the Government Float with the Minister herself. He refused the invitation to protest against the refusal of the Minister to make education about homosexuality mandatory in schools and because the Minister still allows conscientious objectors among the honorary civil servants who perform civil marriages who do not want to marry same-sex couples. The public announcement of Mr. Krol elicited a series of media comments by other more radical activists, who called for whistle concerts and throwing water and mud bombs at the Minister. Happily, such actions did not take

place, but the calls for these actions elicited a new opinion article "How tolerant are we gays ourselves", calling the activists "great inquisitors" and the parade a "gathering day of foot-stamping little bitches"⁶⁴.

Occasionally, there are media examples of "modern homonegativity". Two recent examples are the shock some media expressed when the Minister of Defense came out as homosexual (while other wondered why this should be shocking) and the wave of shock and internet discussions after a love scene between two boys in the nations most popular soap opera "Goede Tijden, Slechte Tijden" ("Good Times, Bad Times", see <http://www.youtube.com/watch?v=qQnyvs3RBcs>).

3.4.3 Legal provisions regarding LGBT issues

Freedom of Assembly

Freedom of assembly is protected by the Dutch Constitution. LGBT assemblies and parades are never refused or banned. There are incidental cases of disruption of parades, but these are minor incidents. The last major disruption was during the Pride Parade in Amersfoort in 1982. To everyone's surprise, about 50 young men attacked the crowd on Amersfoort central square, while being cheered by their fathers who stood behind them. This event shocked the nation and led to the first interdepartmental policy paper. It also led to the creation of hundreds of self-defense courses across the country.

Anti-discrimination Law

After a lengthy battle in parliament, the Equal Treatment Act was extended to (among other grounds) sexual orientation in 1994. The parliamentary discussion focused on the right for a gay or lesbian teacher to work in a religious school. The religious schools claimed an exception clause. The result of this negotiation was a clause which has become known as the "single fact clause". It states "Discrimination is not allowed when based on the single fact of sexual orientation". In principle, the clause opens an opportunity for religious institutions to not employ a gay or lesbian employee when the employee does not agree with the religious mission of the institution. However, this rejection cannot be based on 'the single fact' of the employee being gay or lesbian, but has to be based on a clear rejection of the institutions guiding principles by the employee. The Equal Treatment Commission, which can be called upon to make a judgment about complaints about unequal treatment, has been quite strict in her judgments on this issue: schools and other religious institutions have to show their guiding principles are formally recorded and very specific about the guidelines for public behaviour, and the assessment of the school has to be about specific behaviours or behavioural intentions of specific persons, and all of these also have to be properly recorded.

Although the "Single Fact Clause" in practice has not led to noticeable discrimination, the gay and lesbian movement has asked to remove the clause since its inception. This demand was not successful because there was no majority in parliament for it.

However, when in 2007 the Netherlands Equal Treatment Act was reviewed by the European Commission with the intent to check whether the European Equal Treatment Directives were implemented properly, the EU found the "Single Fact

⁶⁴ Loenen, G. van, 2011. *Hoe tolerant zijn wij homo's zelf*, Trouw
<http://www.trouw.nl/tr/nl/4328/Opinie/article/detail/2823383/2011/07/30/Hoe-tolerant-zijn-wij-homo-s-eigenlijk-zelf.dhtml>

Clause" insufficient implementation and demanded in 2008 a more direct translation of the European Directive into Dutch law. Since there is no parliamentary majority to change the Act, this posed a problem for the government, which referred the case to the Council of State (the advisory body of the government and highest court for administrative affairs). In 2009, the Council concluded that the current text in principle is a proper reflection of the EU directive, but that the translation could be closer to the EU directive text, and that it is desirable to solve the confusion concerning the "Single Fact Clause". However, the Council disagrees with the European Commission that granting churches the right to discriminate in the employment of ministers is incongruent with the directive.

Because the Equal Treatment Act and its implementation was being completely evaluated in 2009 and because there were elections in 2010, the discussion of the Equal Treatment Act has been stalled since.

The act against instigation to hate and violence

In articles 137 c-e of the Criminal Code, intentional insult, encouraging hate and supporting people who do this, is explicitly forbidden for a series of discrimination grounds including gender and sexual orientation. This has to happen in public, and the judge has limited this legislation in such a way that any expression with the aim to stimulate public debate, or which comes under the Freedom of Religion, is not punishable.

In the Netherlands, a judge can raise a punishment up to 25% when a crime is considered a hate crime. However, proving a hate crime is not easy. There are voices who plead to make this easier by calling a crime a hate crime when the victim perceives it as such (like the arrangement in the UK).

Marriage and Adoption

As early as the mid-eighties, a group of gay rights activists asked the government to allow same sex couples to marry. Parliament decided in 1995 to create a commission, which was to investigate the possibility of same-sex marriages. The commission finished its work in 1997 and concluded that civil marriage should be extended to include same-sex couples. In 1998, a Registered Partnership Act came into being which offered more or less the same rights as civil marriage (except adoption). The Registered Partnership Act does allow joint custody. In 2000 new legislation was approved by the Dutch Parliament, and since January 2001 same-sex marriage is possible. From this date, also the adoption of Dutch children by same-sex couples was legalized. The adoption of children from other countries is possible but also depends on inter-country agreements.

Since January 1st, 2002, two lesbians living as a couple are able to share joint authority automatically. In particular, when one of the women has given birth to the child and when the child would not otherwise have a father. The Dutch government is still working on legislation which makes it possible for same-sex couples to automatically recognize the child of one partner by the other as the father or mother. This entails a complete review of the paternity laws, because currently it remains the right of the biological parents to do this and thus may challenge the custody or adoption of the child.

Transgender issues

The Civil Code (Book 1, Title 4, Article 28) of the Netherlands offers the right to amend the birth gender to request a new birth certificate to anyone who physically has changed to the desired sex. A precondition of this is still that the person must be unable to conceive or give birth to children. This requires the submission of an expert statement that the person involved has been made infertile. In principle all costs of a

sex change operation are reimbursed by the health insurance, but from 2004 to the government does not compensate the cost of hair removal any longer. Also recently, the cost for other cosmetic facial surgery was removed from the basic health insurance. Not all health insurances reimburse transition costs. The Transgender Network Netherlands is combating these barriers to complete transition. The Dutch government has agreed to remove the infertilization demand, but fears unequal treatment of women when transgenders would get special rights for cosmetic surgery.

The Equal Treatment Act explicitly forbids transsexual discrimination based on sex, but there is no specific legal protection for transgenders.

Table 11 presents a synthesis of the national legislation regarding LGBT issues and homophobia in the Netherlands.

Criminal law	Equal treatment, up to 25% extra punishment for hate crime, but hate crime is difficult to prove
Anti-discrimination law	Equal protection
The law against discrimination between women and men	Equal protection
Partnership recognition	Cohabitation, registered partnership and civil marriage are legal
Parenting rights	Equal treatment, apart from automatic recognition rights
Law on hate and violence	Encouraging hate is forbidden except when a religious leader expresses a religious opinion or when a comment is aimed to stimulate public debate
Law concerning transsexuality	Changing sex physically and legally is legal. A proposal to remove the demand to become infertile before changing sex is in development. There is no specific protection against discrimination as a transgender and not all costs of cosmetic surgery are reimbursed by the national health insurance

Table 11: Overview of ministerial guidelines/regulations aimed at non discrimination of sexual diversity

3.4.4 Homophobia as a political and social issue

The typical political and social history of the Netherlands as a commercial and multi-religious state has a profound influence on current politics. The Netherlands have a history of independence wars, in which commercial, religious and sexual motives have played their roles - and still do.

Antecedents of Dutch tolerance in social and political history

The Low Countries used to be part of the Spanish Empire, but several counties united against the Spanish king in the 16th century. The real reasons for wanting independence were commercial: the king tried to force high taxes to the rich Dutch cities while at the same time trying to curb their growing political influence. The Dutch political culture has been characterized as a commercial oligarchy, which has its

roots in the rise of commercial cities in the 16 and 17th centuries. To an extent, the political culture is still a rather closed circle in The Hague. This culture has consequences for how advocacy for gay and lesbian emancipation in the 21st century can be developed. It also has consequences for the kind of political populism in the 21st century.

However, in the Dutch Rebellion, the Reformation and opposition to the Catholic Church and the Spanish became part of the struggle. The protestants won and the Dutch Catholics had to go in hiding for more than a century. Only in the 18th century, the Catholics "emancipated" and mandatory equal treatment of all religions by the government was included as one of the core Dutch values in the constitution. This "freedom of religion" has an important influence on the discussion about LGBT emancipation in the 20th century. Part and parcel of this is that the Dutch key interpretation of the constitutional "freedom of education" is that every religion has a right to found their own religious schools, which are then paid for by public funds.

While the Dutch Catholics have lived their faith usually in a casual way, often not adhering very closely to the edicts of the pope, the ruling protestants were often quite strict. When the Dutch golden age was waning in the 18th century, the protestants blamed Sodomites for the loss of commerce and a ten year witch hunt for Sodomites ensued. Before 1730, same sex behaviour and cross dressing was frowned upon and seen as a bit immoral behaviour, but still quite common and public. After 1740, Sodomites were identified as persons with specific personalities, who were responsible for the social and commercial demise of the state. A secret subculture had to develop. Although the Napoleon Civic Code, installed in the early 19th century, abolished the criminalization of same sex behaviour, the negative attitude persisted and the criminalization was reinstalled in the early 20th century by a protestant proposal in the shape of a law against seduction of minors, with unequal ages for other sex and same sex relations.

Increase in social tolerance

Due to the growing self confidence since the late sixties, combined with more exposure to media images, statements of well know personalities and emancipation and education projects, the Dutch population has seen a dramatic increase of tolerance levels towards LGBT. In 1968, 65% of the Dutch said that homosexuals should have the right to live the life they choose. This increased to 95% in 1997⁶⁵. The trend still goes on. The number of people who are still negative about homosexuality decreased between 2008 and 2006 from 15% to 9%⁶⁶.

Nevertheless, there is an atmosphere of 'modern' homonegativity. For example, public display of homosexuality still encounters much resistance. 40% of the Dutch disapprove of two men kissing in public and 27% when it comes to women. This compares to a mere 13% disapproval of public kisses by heterosexual couples⁶⁷. Another example of 'modern' homonegativity is disapproval of adoption by gay couples. 20% of the Dutch are against adoption by gay couples and more than 10% would like close civil marriage again for same-sex couples⁶⁸.

⁶⁵ Graaf, H. de; Sandfort, T., 2000, *De maatschappelijke positie van homoseksuele mannen en lesbische vrouwen*, Nederlands Instituut voor Sociaal Sexuologisch Onderzoek, Uitgeverij Eburon, Utrecht/Delft

⁶⁶ Keuzenkamp, S., Bos, D., Duyvendak, J.W. & Hekma, G., 2006, *Gewoon doen. Acceptatie van homoseksualiteit in Nederland*. Sociaal en Cultureel Planbureau, Den Haag

Keuzenkamp, S., 2010, *Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland*. Sociaal en Cultureel Planbureau, Den Haag

⁶⁷ idem

⁶⁸ idem

Also, straightforward violence and discrimination against homosexuals still occurs. In 2009, the City of Amsterdam reported 381 formal reports of verbal or physical violence against gay people or threat thereof⁶⁹. It should be noted that research shows that 75% of the gay, lesbian and transgender victims of violence or discrimination do not even file a formal report or complaint, because of fear of repercussions or because they expect the police not to do anything about it⁷⁰.

In the last six years 10% of gay men was insulted or ridiculed at school or work by acquaintances. Some 30% of gay men had this experience with strangers⁷¹. Research among lesbian and bisexual women shows similar results⁷². These statistics refer to the LGBT population as whole; statistics among young people and especially teenagers are much higher.

There are a number of determinants which predict homonegative behaviour. First, certain groups in society are more negative towards homosexuality. These are, first, orthodox Protestants, and politically conservative people⁷³. In this group, moral and religious beliefs are likely to be a main cause of the rejection of homosexuality. These beliefs should not be seen as spiritual, but as normative group beliefs.

A second negative group consists of Muslims and more specifically first generation immigrants of Turkish, Moroccan and Surinamese origin⁷⁴. Their homonegativity is largely due to their lower education levels, low social status and their specific situation as immigrants⁷⁵. This is reflected in a study by Buijs (2008) who studied the perpetrators of anti-gay violence in the Netherlands⁷⁶. The perpetrators were predominantly male, young and 50% native Dutch and 50% with a Moroccan background. In the report the researchers state that Moroccans are thus overrepresented among perpetrators of violence because they only form a small percentage of the total population. This conclusion attracted a lot of media attention. However, later the researchers corrected this conclusion: they said they made the mistake of comparing national statistics on Moroccans with local Amsterdam anti-gay violence statistics. In Amsterdam, the percentage of Moroccans in the population is much higher than the national average. This correction did not attract much media attention.

It is striking that most of the perpetrators are unemployed, poorly educated and/or from a problematic family. The only possibility for these young men to gain respect and masculinity is to enact "tough" male behavior within their peer group. Nearly all

⁶⁹ COC Amsterdam, 2010, Toename *meldingen homo-gerelateerd geweld in Amsterdam*. (Persbericht 18 januari 2010), coc Amsterdam, Amsterdam

⁷⁰ Dinsbach, W., M. Coenders en I. Boog, 2009, *Kerncijfers 2008. Landelijk overzicht van discriminatieklachten geregistreerd bij antidiscriminatiebureaus en meldpunten in Nederland*. Art. 1, Rotterdam

⁷¹ Hospers, H., Roos, E. & Zuilhof, W., 2009, *Schorer Monitor 2009*, Schorer, Amsterdam

⁷² Stichting OndersteBoven/Universiteit van Amsterdam, 2009, *Onderzoek naar lesbische vrouwen en gezondheid*. Onderzoeksgegevens gepresenteerd tijdens bijeenkomst op 17 April 2009 te Amsterdam.

⁷³ Kuyper, L., Bakker, F., 2006, *De houding ten opzichte van homoseksualiteit. Eenbeschrijvende literatuurstudie*, Sociaal en Cultureel Planbureau, Den Haag

Keuzenkamp, S., 2010, *Steeds gewoner, nooit gewoon. Acceptatie van homoseksualiteit in Nederland*, Sociaal en Cultureel Planbureau, Den Haag

⁷⁴ idem

⁷⁵ Kuyper, L., Bakker, F., 2006, *De houding ten opzichte van homoseksualiteit. Eenbeschrijvende literatuurstudie*, Sociaal en Cultureel Planbureau, Den Haag

⁷⁶ Buijs, L., Hekma, G., Duyvendak, J.W., 2008, *Als ze maar van me afblijven. Een onderzoek naar antihomoseksueel geweld in Amsterdam*, Amsterdam University Press, Universiteit van Amsterdam

violent incidents are initiated by groups of young men. Individual boys do not feel able to resist group pressure to go along with the violence, even when they personally do not agree with it.

The role of associations and civil society

The Dutch movement for gay and lesbian emancipation started as a resistance movement against this law (Article 248bis). This movement was first carried forward by a sexologist, who created a safe space for 'homosexuals'. After the 2nd world war, these homosexual men and women founded the COC, the first gay and lesbian organization worldwide.

The COC started her advocacy by promoting the idea that homosexuals were 'normal'. With scientific lectures and by forcing her members to act in a non-provoking way, the COC 'proved' the acceptability of 'homophiles' to society.

Another favorite strategy of the COC, to mainstream gay and lesbian emancipation, was the "key person strategy". Board members and working group members of the COC talked in confidentiality with high status persons from the political oligarchy. Public statements by gays or lesbians in the fifties would not carry much political weight, but statements by straight and respected politicians and other high status personalities would. An important step forward was when the COC convinced a famous protestant minister with a radio program to state that homosexuality was not a sickness or a sin. This was a breakthrough not only in the media and for the public, but also and more importantly, towards the political establishment⁷⁷.

In the late sixties, the COC radicalized under the influence of the sexual revolution, which was instigated by left wing students. The view on 'normalcy' and the aim to 'get acceptance' was replaced by a perspective of liberation and a demand for integration of visible gay and lesbian lifestyles in society. Society should adapt, not the homosexuals. This new integration strategy resulted in a lot of social action initiatives and visibility in the media. From the early seventies on, gay parades became important events that created a contested visibility⁷⁸.

Despite the media coverage, this strategy did not have much political success. The action oriented approach estranged the gay and lesbian movement from the establishment and the key person strategy broke down.

However, the self confidence of gays and lesbians was boosted tremendously and hundreds of gay and lesbian organizations were created. Many of these organizations started in the COC but often left the organization because the COC was either considered too radical or too right wing/mainstream. There were also fierce internal struggles within the COC between male and female factions and on a range of issues like access to marriage and potential inclusion of bisexuals, transgenders and pedophiles.

Although the COC still remains the largest gay and lesbian organization and is often considered to be the spokesman for the LGBT movement, from the mid seventies on it has to constantly deal with the dilemma of whether it represents her own members or the Dutch LGBT movement as a whole. In the national advocacy for LGBT rights of the late 20th and early 21st century, this cooperation dilemma plays an important role in Dutch LGBT related politics.

In the late seventies, the internal struggles subsided and the key person strategy was picked up once more. At times, the COC succeeded to cooperate with other parts of the LGBT movement, which resulted in a range of strategic and political victories like

⁷⁷ Tielman, R.A.P., 1982, *Homoseksualiteit in Nederland: studie van een emancipatiebeweging*, Boom, Meppel

⁷⁸ idem

the establishment of an equal opportunities law, a close cooperation between the gay movement and the government on AIDS-prevention, the opening of civil marriage for same sex couples, abolishment of discriminatory rules for adoption and for people who transition their sex and since 2001 a national interdepartmental (all ministries) LGBT policy.

The bisexual and transgender movements in the Netherlands are quite recent developments. There is a National Network Bisexuality (LNBi), which has a largely social and - up to now - fairly non-political position. Since 2006, a coalition of 10 transgender organizations established a national Transgender Network of the Netherlands (TNN). This network is more political and oriented in breaking down barriers for transgenders to transition. In close collaboration with COC Netherlands, most of these political goals have been reached in 2011.

Recent developments in emancipation policies in the education sector

In the years 2002-2005 the ground work for the recent government policy was laid⁷⁹. The Gay & School website was set up by the APS (a national school support institute). EduDivers developed experiments with school policy by schools themselves. There was extensive research among gay teachers by the Rutgers Nisso Group⁸⁰.

The current Dutch education system is decentralized, which makes it impossible for the Ministry of Education to force schools to give specific attention to sexual diversity. Also, there is a growing stress on supporting the professional freedom and autonomy of teachers. It is believed that bureaucratic detailed prescriptions for teachers on what and how to teach will kill the enthusiasm of teachers and lower the professional quality of teaching. This is why the national gay and lesbian policy is geared towards awareness raising, to share good practices and to stimulate schools and teachers to feel responsible and to take ownership of an emancipation strategy themselves. In the early years of this strategy, the ministry did not want to support active campaigning towards schools. However, EduDivers (then called Empowerment Lifestyle Services) thought more stimulus was necessary and used its own resources to start the "Happy/Gay Schools Campaign"⁸¹. In this campaign, schools were invited to do a diagnostic test and identify necessary changes. The National School Inspectorate also decided to set criteria for proper attention to LGBT issues⁸².

After a first series of projects during 2002-2004, it became clear that schools were not initiating policies themselves. The Gay Schools Campaign only had marginal success, since most schools were not interested in specific attention to LGBT issues. In 2005, the Ministry of Education decided to fund a second phase of the Gay Schools Campaign. Unfortunately the campaign stalled in 2006 because of problems between the implementing civil society organizations. The national LGBT organization COC Netherlands broke relations with other partners and developed their own series of projects which focused on empowering LGBT young people, like

⁷⁹ Dankmeijer, P., 2001, *Adelmond doet 7 toezeggingen voor homobeleid*, Feit & Vooroordeel 12, www.edudivers.nl

⁸⁰ Graaf, H. de, Meerendonk, B. van de, Vennix, P., Vanwesenbeeck, I., 2003, *Healthy Teacher, Healthy School. Assessment of the Work Environment and Health of Gay and Bisexual Men and Women in Schools*, Enabling Safety for Lesbians Teachers/RutgersNissoGroep, Dekkers, Utrecht

⁸¹ Dankmeijer, P., 2003, *Vrolijke Scholen Campagne - draaiboek*, Empowerment Lifestyle Services, Amsterdam

⁸² Inspectie van het Onderwijs, 2003, *Iedereen is anders. Een handreiking van de Inspectie van het Onderwijs om scholen veilig te maken, in het bijzonder voor homoseksuele leerlingen en docenten*, Inspectie van het Onderwijs, Utrecht

"Young & Out" (empowerment of 16- young people) and "Gay/Straight Alliances" (groups of young people in secondary schools). COC Netherlands calls this the "inside-out approach", which refers a focus on bottom-up empowerment work. Evidence based work and mainstreaming policies are left to other NGOs.

In November 2007, the government initiated a new LGBT policy bill. For education, three policy tracks were initiated:

1. Advocacy and support for gay and lesbian young people (roles for the National Youth Council, the gay youth platform and COC Netherlands)
2. Strategic alliances between municipalities and other local stakeholders like local LGBT organizations and schools
3. National Gay-Straight Alliances of mainstream and LGBT organizations which aim to mainstream LGBT issues. One of the alliances is the National Education Alliance for Sexual Diversity, which consists of AOb (public teacher union), CNV Onderwijs (Christian teacher union), CBOO (network of boards of public schools), EduDivers (Expertise Centre on Schools and Sexual Diversity) and with an informative function of COC Netherlands.

In 2011, this strategy was prolonged for the years 2012-2016. The government announced to strengthen the current policy by initiating more national alliances and offering more funds.

There are still two political issues the government does not want to get involved to. One is the refusal to delete the "Single Fact Clause" of the Equal Opportunities Law, which allows Christian schools to refuse LGBT teachers when they don't conform to discriminatory Christian standards.

The other is that the government refuses to include sexual diversity as a mandatory theme in the national nuclear objectives for schools. This is a proposal by COC Netherlands, which has several times been supported by the parliament. However, the government and the education sector have a strong resistance against interfering with the autonomy of schools. Even LGBT groups in the Trade Unions have doubts about the effect of this demand to change the nuclear objectives. The Trade Unions would prefer to include a mandatory clause on LGBT issues in the Safety Plan which every school is obligated to draft.

3.4.5 Sexual identity and sexual diversity in school

There has been extensive research in the Netherlands on how sexual diversity is represented in schools. The research focuses on the curriculum, but also teaching/pedagogy and on school policies.

Sexual diversity in the curriculum

In 2001, the Dutch government commissioned a research into the attention given to LGBT issues in regular school curricula⁸³. In this paragraph we summarize the findings for secondary education.

Five methods (series of school books) were examined for basic and lower secondary professional education (12-16 years old students) and six methods for the second and pre-university phase of secondary education (15-18 years old students).

The results show sexuality education starts from second grade (when students are

⁸³ Korte, B., Leurink, A., Lodeweges, J., Ridderink, M., 2001, *Quick scan homoseksualiteit in leermiddelen*, Nationaal InformatieCentrum Leermiddelen, SLO Enschede

13 years old). In basic lower professional education, homosexuality is treated as a part of relationships and love. About 50% of the school books gave attention to homosexuality. They do this by explaining the difference between hetero- and homosexuality. Sometimes there is a picture of two boys or two girls. An example of how this is done:

"Imagine two boys are in love with each other in your class. What will, according to you, your other classmates think about this and what problems could these two guys encounter in this school? Will two girls who are in love with each other have the same problems? Explain your answer."⁸⁴.

In "Vision" (SMD Publishers), students must calculate how many gay students the school statistically has and they have to argue what the advantages and disadvantages of cohabitation of two men or two women are.

"Nectar Biology Second Phase" states that 4% of all men are homosexual and that homosexuality is a mix of genetic and environmental factors. The book adds: "One might wonder whether it is important to know the cause of sexual orientation. It is better to just appreciate this differentness" (p. 143, VWO Part 1). In "Pasteur" (ThiemeMeulenhoff) there is more emphasis on the likelihood that same sex orientation is caused by genetic factors. This book also stresses that the experience and expression of homosexuality is different from time and place and that it has to do with tolerance.

Only in a few books, bisexuality and transsexuality are addressed. An example of a task addressing transsexuality is: "What if someone who works in your area has a hormone treatment and plans to have a surgery for sex change?"

In the "Booklet Series Civic Education" by DGS (Reformed School Education Services) there is a section "Marriage and Family" which refers to the sexual revolution in a contemptuous manner. It describes in a denouncing way the efforts of how the NVSH (Dutch Association for Sexual Reform) tried to "abolish" the morality laws and to achieve equal rights for homosexuals. A task that is given to students, is to react to the following proposition: "Given the fact that AIDS is mainly a problem that is caused by objectionable promiscuous contacts, the scarce funds for health can be better used to treat other diseases". On the other hand, this book includes a comprehensive set of pro-homosexual and anti-homosexual articles.

In "Themes for secondary social studies 1" (Essener) the publishers use a formal complaint by the Gay Krant against the Pope (who said that homosexuality is a disorder and that homosexuals should refrain from sexual relations) to show that this Papal statement is a classic example of discrimination.

"Contact" by Wolters-Noordhoff is written for students with extremely low abilities. This book explains:

"Two men can have a love relationship. A lesbian relationship is a love between two women. Both relationships are homosexual relationships. Homosexuality is accepted in our country. In other countries this is not true. You can be in prison. Maybe you're still unsure. Do you like guys? Or do you like girls? Suppose: Your parents think you will get married. They think of grandchildren. You have to tell them that it will be different. Your parents have to get used to this. They will have to accept it. It's your choice, your future. And your happiness."

Since 2001, no research has been done on the content of curricula. EduDivers has proposed the government to repeat the 2011 review and to initiate a discussion in the

⁸⁴ "Active Biology", Nijgh Versluys, information book MHV 2, paragraph 4.2

education sector of what concrete content is desirable for different ages and competence levels and what kind of variation is warranted for different types of schools (like public, religious and multicultural schools).

However, regular school books are not the only resources available. Due to the increasing amount of funding for LGBT emancipation policy, a great number of external resources has been developed. An overview of these is available on the website of EduDivers⁸⁵:

1. School Visit (student participation game)
2. A happy school (brochure for teachers)
3. Double Divers (lesson plans for teachers)
4. Astrid and Tuana (curriculum Friends Without Borders 3; TELEAC mmv EduDivers)
5. Interactive Theater AanZ: Room 1.25 (all school types)
6. Theater Mind Mix (all school types)
7. Theater Black Out (vocational schools)
8. Theater Play Fire Dancers (the seemingly impossible love between an Algerian and a Dutchman)
9. Vogueing: Cultural project on homosexuality (dance workshop for the classroom)
10. Interactive Theater Valentine's Day (on cyber bullying, as exemplified homosexuality)
11. Interactive Theater Gay Tolerance (about dealing with coming-out)
12. Interactive Theater AanZ for teachers: And have a nice weekend
13. Make way for Reinier (DVD on a spastic gay young person)
14. Respect 2get 2give = (short series of lessons for young people in vocational schools)
15. HLB magazine (booklet for students, only in Amsterdam and after COC information)
16. Safe Sex Files (interactive CD-ROM for pre-university students)
17. Recipe Book Homosexuality in Education (developed by COC Netherlands in cooperation with EduDivers: folder with articles and tips)
18. I know who I am (Flemish education resource)
19. Expreszo school magazine 'Cool Scool' (magazine for students by Expreszo LGBT Youth Magazine)
20. Cool Scool Teachers Guide (teacher's guide by EduDivers)
21. Give a lesson on tolerance and intelligent design (resource by EduDivers)
Completely different (evangelical curriculum to teach students refrain from homosexual relations)
22. Gay in the Classroom (Christian curriculum for orthodox Christian schools, with peer-education by orthodox young Christians)
23. The six most commonly used classroom exercises (Article)
24. Discuss homosexuality with religious people (Article)
25. Coping with coming out in class (Article)
26. Tips for dealing with homosexuality in physical education (Article)
27. Everyone has something (report of an exploration of homosexuality and disability)

Sexual diversity in teaching and pedagogy

Although much resources are available, only about 15 to 25% of the teachers who teach relevant subjects like Social Studies, Biology or Nursing give attention to LGBT

⁸⁵ Dutch Expertise Centre of Schools and Sexual Diversity, http://www.edudivers.nl/lesgeven/voortgezet_onderwijs

issues⁸⁶. Until a few years ago, there was no research on this topic. In 2009, EduDivers commissioned a study by the Rutgers Nisso Groep (Institute for Social Sexual Research) on why teachers do not teach about LGBT issues in secondary schools⁸⁷. The purpose of this study was to gain insight into stimulating and obstructing factors in secondary schools to pay attention to the issue of homosexuality in order to make recommendations for implementation strategies.

The estimate is that about half of the teachers who do offer some information about homosexuality in class, do this by inviting gay and lesbian peer educators for a panel session. There are about 30 local volunteer peer-educator groups in the Netherlands, a 350 educators in total⁸⁸. A calculation shows these educators reach about 13%⁸⁹ of the schools and about 6% of all students annually⁹⁰. Up to 26% of all students may have one session of peer-educators during their school career⁹¹. The coverage of peer-education in schools seems to remain about the same across the last 2 decades.

Most of the teachers who were interviewed in this study actually did give attention to LGBT issues in class; the teachers who did not do this, did not want to be interviewed and could not be reached very well.

There seem to be two reasons why teachers pay attention to LGBT issues in their classes: they consider it to be a core teaching task because it is related to the subject they give, and most teachers also have additional personal and social reasons. The mostly mentioned personal reason is the pedagogical view that they should remove prejudices and ignorance about homosexuality. These personal reasons and styles of teaching were also clear in the strategies of lesbian and gay teachers in another study⁹².

The prevailing view of these teachers is that the issue of homosexuality belongs in secondary education, and certainly in the subjects they teach (especially like Social Studies, Biology or Nursing). It is within this context that teachers pay attention to LGBT themes. Research among young people shows that they see the school as the platform for debate about diversity⁹³. In some schools, LGBT issues are also treated by other teachers, like in Math or Physical Education. However, it seems that most

⁸⁶ Inspectie van het Onderwijs, 2009. *Weerbaar en divers. Een onderzoek naar seksuele diversiteit en seksuele weerbaarheid in het onderwijs*. Utrecht: Inspectie van het Onderwijs.

⁸⁷ Redde, H., Kruijer, H., Wijssen, C., Mouthaan, I., 2009, *Een kwestie van persoonlijkheid? Aandacht voor homoseksualiteit in het voortgezet onderwijs*, Rutgers Nisso Groep

⁸⁸ Kersten, A., Sandfort, T., 1994, *Lesbische en homoseksuele adolescenten in de schoolsituatie*, Interfacultaire Werkgroep Homostudies, Utrecht

Dankmeijer, P., 1994, *Gay and lesbian education in Dutch schools*, Promotion & Education, Vol.I, No.4

Schouten, M., Blaauw, J., 2011, *De LHBT voorlichtergroepen in Nederland*, COC Nederland/Edudivers, Amsterdam

⁸⁹ Kersten, A., Sandfort, T., 1994, *Lesbische en homoseksuele adolescenten in de schoolsituatie*, Interfacultaire Werkgroep Homostudies, Utrecht

Inspectie van het Onderwijs, 2009. *Weerbaar en divers. Een onderzoek naar seksuele diversiteit en seksuele weerbaarheid in het onderwijs*. Utrecht: Inspectie van het Onderwijs.

⁹⁰ Schouten, M., Blaauw, J., 2011, *De LHBT voorlichtergroepen in Nederland*, COC Nederland/Edudivers, Amsterdam

⁹¹ idem

⁹² Dankmeijer, P., 1993, *The Construction of Identities as a Means of Survival: Case of Gay and Lesbian Teachers*, in: De Cecco, J., Elia, J.P., *If You Seduce a Straight Person, Can You Make Them Gay? Issues in Biological Essentialism versus Social Constructionism in Gay and Lesbian Identities*, Harrington Park Press, Binghamton New York

⁹³ Inspectie van het Onderwijs, 2009, *Anders zijn is van iedereen. Gesprekken met schoolgaande jeugd over hetero- en homoseksualiteit*. Inspectie van het Onderwijs, Utrecht

teachers act on their own initiative and there is little or no communication or coordination on citizenship, diversity of LGBT education in schools.

At the same time, teachers consider it important that the LGBT theme is offered in a more integrated way, for example in the context of a spiral curriculum on citizenship (ongoing and age-appropriate attention within a series of subjects such as personal empowerment, sexuality, relationships, conflict resolution, democracy, non discrimination) and complemented by school policy like the establishment of a proper non-discrimination code and complaints procedure.

In general the goals teacher set are primarily in the areas of awareness, attitude and behavior and less on the field of knowledge. Respect, tolerance and the elimination of prejudices are the most important pillars. The most common working method is the classroom discussion. In addition, some teachers make use of personal stories, external volunteer peer-educators⁹⁴ and interactive activities.

Many teachers said "you should have it in your fingers", meaning the key for successful teaching about LGBT issues should be a balanced mix of personal skills and interest. This entails a certain level of self awareness and an interest in discussing attitude and behaviour. In practice this results in an 'open' teaching style⁹⁵. The methods are usually eclectic and teachers make a creative use of a range of existing materials and methods. They especially like to make or tailor their own resources, sometimes by cutting up professional educational resources. This use of materials is also noted in another study dealing with hard-negotiable issues in the classroom⁹⁶.

The teachers note two promoting factors for effective teaching about LGBT issues: the skill of the teacher and the situation in the classroom. Besides pure teaching skills, more general communication skills and a certain enjoyment to discuss controversial issues are important. The teacher has to have such an authority, that he or she is able to act as a facilitator in heated discussions, and be able to provide a safe atmosphere and fun in discussing difficult topics.

The situation in the classroom was also mentioned as an important factor in the success of education about LGBT issues. This situation can be influenced by the teacher and the respondents gave the following suggestions:

1. Determine the starting point (given differences in cultural background, age and competence level)
2. Don't set your goals too high
3. Compare the opinion of pupils about homosexuality with their opinion about other relationships or other forms of discrimination
4. Provide recognition for students' views, allow students to tell their own experiences
5. Give space to the need of students to express emotions, opinions and prejudices and do not punish them for expressing their opinion
6. Provide reliable information
7. Work partially in small groups, this creates social safety
8. Have students ask their questions anonymously
9. Use news items, work with hot items

⁹⁴ Dankmeijer, P., 1994, *Gay and lesbian education in Dutch schools*, Promotion & Education, Vol.I, No.4

Schouten, M., Blaauw, J., 2011, *De LHBT voorlichtergroepen in Nederland*, COC Nederland/Edudivers, Amsterdam

⁹⁵ Timmerman, G., 2009, *Seksuele vorming en de persoonlijkheid van de leraar*, Pedagogiek, 29, 45-60

⁹⁶ Hendrix, L., Snijders, H., 2007, *Het probleem komt vanzelf de klas in. Omgaan met moeilijk bespreekbare kwesties in de klas*, Diversion, Amsterdam

10. Keep the discussions light, don't make it too heavy
11. Keep the lessons relatively short
12. Use materials that are not overly "physical" or explicit (for example, images of boys kissing)

The teachers mention four challenges in discussing LGBT issues in class. The first is how to deal with raw prejudices, particularly when they are uttered in a very loud way or when they are very persistent in nature. This is something especially teachers have to deal with in vocational schools and in schools with low-ability students and in schools with multicultural (migrant) populations. The second is how to recognize and deal with socially desirable answers. This is something teachers have to deal with in pre-university schools and with somewhat more older students (15-18 years old). A third challenge is discussing the sexual aspect of LGBT relationships. Teachers find it difficult to answer questions about AIDS and homosexuality, anal sex, open relationships and the rumors students hear about semi-public sex in sauna's and darkrooms. Also, dealing with questions about lesbian sex can be difficult because of the crude prejudices of students about this, which are often based on heterosexual porn. The fourth challenge is how to focus the discussion about LGBT issues in a classroom where one or more students are gay or lesbian.

The teacher who were interviewed did not feel much need for support, as they considered themselves quite successful. Their suggestions for teacher support were therefore directed at prospective and new teachers. They indicated that Teacher Education Institutes should have a greater focus on the competencies that are important for giving sex and relationship education⁹⁷. Support through materials, policies, management involvement and coordination with colleagues are seen as very important but as secondary. Teachers appreciate it if the school is supportive, but view dealing with controversial subjects as their own responsibility⁹⁸. Some other studies show that schools feel that gay rights should be included in the integral safety plan of the school⁹⁹, or that schools choose to not address sexual diversity explicitly or as an isolated theme¹⁰⁰.

Sexual diversity in school policy

A large study on education staff in several education sectors found that schools with a good diversity policy have a much better working environment for gay and lesbian teachers (and probably also for students). A good school policy includes:

1. Clear guidelines on social behavior, introduction of these rules within 3 weeks and effective enforcement of these during the whole school career by the whole school team
2. Mutual social support
3. An open attitude towards each other, especially around diversity and discrimination
4. Information on diversity / discrimination, especially gender roles and homosexuality
5. Having a complaints procedure and independent complaints committee

⁹⁷ Bongardt, D. van, Mouthaan, I., Bos, H., 2009, *Seksuele en relationele vorming in het voortgezet onderwijs*, Pedagogiek, 29, 60-78

⁹⁸ Hendrix, L., Snijders, H., 2007, *Het probleem komt vanzelf de klas in. Omgaan met moeilijk bespreekbare kwesties in de klas*, Diversion, Amsterdam

⁹⁹ Schoenmakers, M., 2004, *Homo-emancipatie in het Voortgezet Onderwijs in Amsterdam. Is expliciete aandacht voor homo-emancipatie gewenst?* Stichting leerplanontwikkeling (SLO), Enschede

¹⁰⁰ Inspectie van het Onderwijs, 2009, *Weerbaar en divers. Een onderzoek naar seksuele diversiteit en seksuele weerbaarheid in het onderwijs*, Inspectie van het Onderwijs, Utrecht

6. Having a school counsellor who maintains is to complaints of discrimination and who has the right to maintain confidentiality

Following these findings and based on a review of all Dutch research on sexual diversity in education, EduDivers and the national Hetero-Homo Education Alliance have developed a 10-point criteria list to assess whether a school has an adequate LGBT policy:

1. **School vision.** The school has a vision on diversity and discrimination; the school staff is aware of this and promotes it.
2. **A shared vision on bullying and LGBT bullying.** The school has a vision on how to prevent and stop negative behaviour, harassment and bullying in general and towards LGBT; the school staff is aware of this and promotes it.
3. **Education about gender.** The school offers lessons on equal treatment of men and women and nuances stereotypical gender roles.
4. **Education about discrimination.** The school offers classes on discrimination. These classes focus -among other things- on the prevention of negative behaviour towards LGBT people.
5. **Correct negative behavior towards LGBT immediately.** School staff corrects negative behavior and comments towards LGBT people immediately when it occurs. The school has a clear team agreement on how to handle such negative behaviour.
6. **Explicit denouncement of homophobia and transphobia.** The school makes very clear that negative behaviour towards LGBT people is unacceptable, especially when students or teachers discriminate, bully, call names or otherwise marginalize them. It is not enough just to discipline negative behavior, but also to explain the impact of the hateful intentions.
7. **Counselors deal with LGBT related issues.** The school has counsellors or mentors who can be approached when there are problems concerning LGBT issues. These could be LGBT students who question their feelings and who have to deal with stigma, but it could also be homophobic students who need to learn more adequate defence mechanisms (for example: being curious instead of aggressive) and better pro-social behaviour.
8. **Systematic quality policy.** The school management develops a quality policy, which systematically raises the awareness and creates action by management, staff and students to prevent and stop negative behaviour and the appreciation of diversity. Such a plan of action should be embedded in the broader context of the policy on school security, good citizenship, positive social behavior and non discrimination.
9. **Support when coming-out.** When a LGBT student or staff member comes out, she/he gets support by the staff. This can be done by moral support, information sessions, discussion about peer support with peers, changing the school administration to accommodate names and sex changes, assigning toilets to transgender students and dealing with discomfort about sharing showers.
10. **Support for school-improving initiatives.** When LGBT students or staff propose plans for improvement of the situation, the school management takes these in serious consideration. The creates of Gay/Straight Alliances are welcomed.

3.4.6 Good practices

Although there are many interventions and resources in the Netherlands, the effect of these on norms, attitudes and school safety is still limited. Therefore, there is a search for how to be more effective in creating real change in schools. For this, EduDivers developed the "DECS" model. "DECS" stands for Diagnosis, Environment, Curriculum and Student support. This model states that an adequate school policy on diversity should be a coherent package of interventions in four areas: diagnosis, school environment, curriculum and student care. Implementation of change is seen as a phased approach.

Diagnosis: exploration of the situation and aims couples: The school adapts its strategy for citizenship and tolerance by periodically making a fresh diagnosis of the situation. Based on such a diagnosis, the management can develop a renewed strategy vision, which integrates attention for LGBT issues.

Environment and school climate: Strategies to improve the school environment include agreements on how the staff sets rules for behaviour and how they implement these rules. They also include how the staff deals with bullying, name-calling, and with coming-out of other staff and students. It also involves screening and improving a range of school procedures, like the complaints procedure and disciplinary guidelines. It is necessary the school team agree on strategies that are feasible to all.

Curriculum, integration in lessons, pedagogy: LGBT issues should be embedded in the curriculum and need to be flanked by school policy. A structural approach starts with the school management stipulating how sexual diversity will be addressed: in which subjects, in which years, how to link the content of different subjects and years in an on-going spiral curriculum on citizenship and how LGBT issues are systematically included.

Student support: Students who are confronted with problems, need some counselling and sometimes professional care. The school counsellors should not be afraid to ask for sexual preferences of students and know the referral opportunities to LGBT friendly professional care. Homophobic and transphobic students should not only be disciplined after negative behaviour, but also be adequately counselled on how to develop more adequate defence mechanisms and pro-social behaviour.

In the implementation of diversity policy four general stages may be distinguished:

1. Single teacher action: Before planning an integrated approach, often one or more teachers do something with the subject of sexuality. They may offer support to LGBT students, or include attention to LGBT issues in their classes. This individual involvement must be appreciated, but needs to be followed up by a systematic approach. Diversity policy must not remain a personal 'hobby'.

2. Manager action: A next stage is the school management commissioning a diagnosis of the situation of the school. This can be done for example by doing a survey, interviews or by convening a small committee of interested teachers and students to discuss the challenges. Based on the results, the principal proposes a coherent action plan to the staff team or to a core staff group.

3. Team action: A third stage is to involve the entire staff team, otherwise the impact of the strategy will remain too limited. There will be teachers who feels unable to deal with some kinds of diversity, like traditions of non mainstream cultures, religions or with LGBT issues, or with sexuality in general. Divergent opinions should be respected, as long as others are not damaged by intolerant personal opinions. Divergent opinions should not lead to undermining the diversity policy as a whole. This would be the case, for example, when a teacher refuses to teach objective sex education or voices only negative opinions about LGBT people.

4. Student action: An integrated approach finally gets implemented effectively when students start to commit themselves to the diversity policy. This implies they have a real stake and influence in the development of such a policy. Examples are students starting gay/straight alliances or school clubs, inviting LGBT people to parties, offering suggestions for classes about citizenship and diversity or staging inclusive events themselves.

These aspects are summarized in the following matrix: (with some examples)

Action level: → Action area: ↓	Single Teacher action	Manager action	Team Action	Student action
Diagnosis	<i>A teacher asks students how they feel about sexual diversity</i>	<i>The principal gets together a small team to explore LGBT safety and develop an action plan</i>	<i>The team meets and each staff member determines his or her view and role in how to deal with sexual diversity</i>	<i>Students meet, discuss their views and decide on collective action</i>
Environment	<i>A teacher corrects a student when he calls someone a faggot in the hallways</i>	<i>The management enhances and specifies procedures on how to register incidents, how to stop homophobic bullying, how to deal with complaints</i>	<i>The staff members implement the new procedures, share experiences and give feedback to the management in order to enhance the procedures</i>	<i>Students correct each other when they see or hear phobia or discrimination</i>
Curriculum	<i>A teachers invites peer-educators or gives a lesson on sexual diversity</i>	<i>The principal and heads of sections decide about what should be teacher when and where about sexual diversity</i>	<i>Teachers give lessons about sexual diversity and share their experiences</i>	<i>Students do joint projects on sexual diversity and share their findings with other students</i>
Student support	<i>A teacher supports LGBT students or behaves like a role model</i>	<i>The student care team explores good practices for guidance of LGBT students and makes a list of health professionals to refer to if necessary</i>	<i>All counsellors signal potential problems of LGBT teenagers and offer support when needed</i>	<i>Students support LGBT students when coming out or when they are bullied</i>

In school consultancy, EduDivers has worked out this phase model in a more detailed model which allows for planned consultancy and a targeted approach to deal with resistance to change in schools¹⁰¹. This model is based on the 8-stage model of John Kotter.

¹⁰¹ Dankmeijer, P., 2009, *Schoolbegeleiding over homo-emancipatie in Amsterdam. Wat houdt dat nu in?*, in: *Evaluatie project Veiligheid en Seksuele Diversiteit VO Amsterdam*.

1. **Create a sense of urgency** (convince management and other pioneers homophobia and transphobia are real problems but also that they can be tackled).
2. **Form an internal coalition** (which includes preferably a representative from the management, the safety and the care coordinator, and a few interested teachers willing to input energy).
3. **Develop a school vision** (which outlines how the school views social security and support for LGBT students and staff within the existing larger social security and citizenship education framework, and how the school will deal with critical questions from parents and students).
4. **Share the vision with the staff team**, and formulate a concrete implementation plan (formal and informal spiral curriculum, pedagogy, discipline, students support, safety in the hallways and other school areas)
5. Ask and support the staff to overcome problems (team discussions, training, coaching, individual advice).
6. **Ensure that short-term successes are seen and rewarded** (fun lessons, enthusiastic responses from students, appreciation for teachers and students with inspiring and practical ideas).
7. **Consolidate the improvements and keep moving** (integrate the tested interventions into regular classes and activities, make sure they become part of the regular school routine).
8. **Anchor the change** (make arrangements which ensure news staff and students adopt and learn how to continuously implement the new routines, for example by introductory training of new teachers, introduction to the school ethos and guidelines with new students and codifying guidelines, procedures and curriculum content).

Conclusion

How to address homophobic attitudes in schools in the Netherlands

When we compare the attitudes of Dutch people with attitudes in other European countries, it appears the Dutch are very tolerant. However, when researchers ask more specific questions, they show the social tolerance can be sometimes quite shallow. Van Wijk and colleagues (2005) distinguish between traditional and modern homonegativity, the latter being more common in the Netherlands. Modern homonegativity is subtle and characterized by a discrepancy between attitudes and behaviour. People know it is wrong to have prejudices against certain groups, but nevertheless feel threatened by these groups in their social position in society. An example of modern homonegativity is the argument that homosexuals may exist, but it would be preferable if they did not show it in public. In schools, this results in 47% of the secondary school students keeping gay or lesbian peer at a distance and a lack of social support in school. Homophobia in schools is usually initiated by adolescent boys. The four factors igniting homophobic attacks are feeling provoked by nonconforming gender roles, by the visibility of homosexuality, disgust of anal sex and fear of being approached and seduced by gay men. To summarize, heteronormativity, social distance and these four igniting factors need to be addressed most urgently.

How to address the role of the media

The media have become increasingly interested about gay and lesbian issues, in the wake of the national discourse on tolerance. In this, the media are especially fuelled

when there are examples of violence or discrimination and when the perpetrators are orthodox Muslim or Christian. Politically, the discourse focuses on removal of the "Single Fact Clause" from the Equal Treatment Act and the national campaign of COC Netherlands to promote mandatory education about homosexuality. Both discussions are highly polarized and require a good deal of background information to be able to form a sound opinion and useful action strategies. These are good themes to be discussed with students.

Tension between core values

The social tolerance in the Netherlands is a central value but it is historically also linked to the freedom of religion (the right to found religious schools). This creates a tension between the right to voice religious opinions including homonegative comments about same sex relationships, and the right to be protected against discrimination. This is a heated debate which is inevitable in any discussion about sexual diversity in schools, in the media and in parliament. Good practices show how these discussions can only be fruitful through building trust and dialogue with mutual respect across different communities, with respect for the unique values of each community. This would be a central learning issue in the NISO game.

Key person strategy

The "key person strategy", that is: gay and lesbian spokespeople advocating change privately to high-placed straight people in the political establishment, has been one of the most powerful emancipation strategies in the Netherlands. Representatives of the NISO project need to formulate clear and feasible demands and strategies and contact specific key persons who can pull leverage to make these strategies happen. The voice of young people can be a powerful help in this. The National Education Alliance for Sexual Diversity can be a valuable partner in reaching out to key persons.

The role of teachers in the NISO Project

Teachers like to make eclectic use of materials and the majority prefers to "cut and paste" their own classroom resources. It is important to take this into account when developing new materials and programs.

A minority of about 15% of the teachers discusses controversial issues and specifically LGBT issues in their classrooms. These teachers state personal skills and interest are essential in discussing such issues in class. Any intervention that aims to be successful in its implementation needs to link into the enthusiasm and needs of these 'early adopter' teachers.

The provision of attention to LGBT issues is mainly offered within subjects that have national nuclear objectives which relate to citizenship, social skills and non discrimination: Social Studies, Biology and Nursing. Implementation of successful interventions should take this structural context into account, because it offers a formal framework and legitimizes attention.

The relationship of the NISO game to school policy

Research shows a good school policy includes clear guidelines on social behaviour, mutual social support, an open attitude towards each other, information on diversity / discrimination, especially gender roles and homosexuality, having a complaints procedure and a school counsellor. The National Education Alliance for Sexual Diversity formulated a checklist for schools. Using this checklist in the NISO game will be a valuable instrument for awareness and education, and may provide the school management with an impetus to enhance school policy. This will give the NISO game a more sustainable effect.

In the school consultancy, it was learned how it is important to start school change with the formation of an internal coalition, which develops a draft school vision and

starts to share this draft vision with the school staff. This process-approach fits well in the planned structure of the NISO school game. The students groups can involve key persons (like the principal, guidance counsellors and safety coordinator) in their discussions. This is also a way to ensure the sustainability of the game results in the school.

4 Conclusion

This report shows that the situation of LGBT people's rights and living conditions in the various European countries, and in particular in the countries involved in the NISO project, are quite different, even if some aspects are common to all countries.

At legislative level, Belgium and the Netherlands offer a higher protection of their rights to LGBT persons than Estonia or Italy: among other things, the legislation includes a legal recognition of same-sex relationship, strict measures against hate crimes and hate speech, forms of protection against discriminations in all fields of everyday life, etc. In Italy and Estonia, the juridical protection is almost limited to the minimal framework imposed by the European Union. We can note nonetheless that the Italian system is quite favourable to transgender persons, as all the medical interventions are free of charge when authorized by the judicial authority.

At political level, the issue of LGBT rights is more accepted in Belgium and in the Netherlands than in Italy and in Estonia. In the Netherlands, it is even an issue used by the nationalist political parties as a symbol of the national tolerance against the "Muslim invasion", as long as LGBT persons behave in an heteronormative way. In Estonia, while the government seems very supportive at foreign policy level, LGBT issues are almost never discussed in internal politics. In Italy, even if the public authorities have sustained campaigns to fight against discrimination on the grounds of sexual orientation – especially at local level – there is still a strong reluctance to recognize same-sex relationships or other LGBT rights improvement.

The position of the major religious communities is also different in the various countries. In the Netherlands, we note a development towards acceptance and emancipation of LGBT people in Christian groups. In Belgium the main religious communities are rather silent on this issue. On the contrary, in Italy the Vatican is clearly against any form of recognition of same-sex relationship and homosexual acts in general.

Even if the situation of LGBT persons is very different in the four countries at various levels, the report highlights also some common aspects. First of all, the experts note that there is a general lack of information in Europe on the situation of LGBT people and this has impacts on the approach of the issue at political and society level.

Another important aspect that characterizes the four countries is the low level of denunciation of the homophobic violence or discriminations suffered by LGBT persons.

In parallel, whether under traditional forms or modern ones, a general negative attitude towards LGBT persons is still very diffused in the four countries. We can call it "Homonegativity", a collective term for all dimensions of negative behaviour and attitudes toward homosexuality (violence, discrimination, harassment, verbal abuse and negative attitudes towards homosexuality). Traditional homonegativity is explicit and based on old-fashioned moral, religious ideas and misconceptions about homosexuality. It is still quite diffused in Italy and Estonia. Modern homonegativity is more subtle: people know it is wrong to have prejudices against certain groups, but nevertheless feel threatened by these groups in their social position in society. An example of modern homonegativity is the argument that homosexuals may exist, but people prefer if they do not show it in public. This "modern homonegativity" is still diffused in the four countries involved in the project. The persistence of homonegativity and discrimination on the grounds of sexual orientation and gender identity in Europe often has important consequences on the well-being of LGBT people.

The fact that the project organizes activities in countries characterized by quite different situations, even if faced with similar problems, is one of the interesting aspects of working within EU funded projects. One of the objectives of the project is to exchange and work together in order to learn from each other and confront each other's experiences. In NISO project, the partners coming from the four countries are working together to define a common methodology and approach to the project activities, that will then be implemented independently in each country. At the end of the project, there will be a moment to exchange on the various experiences. Besides the fact that this is a way to learn a lot from one-another, it enables also the project to experiment the developed methodology in different contexts and see how it works in each one.

This analysis will be useful for the preparation and implementation of the following steps of NISO project. In fact, not only it helps the partners to understand and know better the context of implementation of the project, but it gives also useful information for the two surveys that will be carried out among the LGBT Community and the pupils in the four countries, and for the organization of the game in the schools.

In the elaboration of the questionnaires to the LGBT Community members and to the pupils, some aspects highlighted by the report have been taken into consideration. For example, in order to obtain information on traditional and modern homonegativity, questions have been included not only on the opinions of the pupils towards LGBT persons, but also on how they would actually act in specific situations (for example if they would feel at ease making homework with a gay or lesbian student, or share a room with him/her on a school trip).

Considering that the studies often lack information on the different attitudes of different population groups, both questionnaires start with information about the age, social group, religion and ethnical origin of the person, in order to analyse if these aspects have an impact on the general attitudes of people towards LGBT issues.

Besides this report, another analysis will be elaborated in the coming months within the NISO project on the basis of the results of the two surveys, to identify youngest most common homophobic behaviours and stereotypes in the four countries involved in the project. Together, these two reports will give a clear overview of homophobic attitudes and behaviours in the intervention context of NISO, in order to ensure a more socially-situated elaboration of the training material and schools activities.

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