

Conference
“The lack of mutual recognition of same-sex partnership and marriages in the European Union and member states of the Council of Europe: an obstacle to the freedom of movement of persons?”

Strasbourg,
Agora Building,
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Welcome Address
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Director,
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Council of Europe
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Monsieur le Maire-Adjoint de Strasbourg,
Monsieur le Président de l'Autre Cercle Alsace,
Ladies and Gentlemen, Dear Friends,

It is a great pleasure for me to welcome you to this Conference, which is organised under the auspices of the Secretary General of the Council of Europe, Mr Thorbjørn Jagland.

Our Secretary General takes a strong interest in LGBT issues and has asked me to convey to you his greetings and best wishes for a fruitful event.

First of all, I would say that this Conference is a timely initiative.

Why?

The Committee of Ministers of the Council of Europe adopted in 2010 the first ever international instrument dealing specifically with LGBT issues: Recommendation (2010) 5 of the Committee of Ministers to member States on measures to combat discrimination on the grounds of sexual orientation and gender identity. This instrument is unique in Europe being applicable in 47 European countries.

Last month a specific Unit dealing with LGBT-Issues was created within my Directorate, the Directorate of Human Rights and Antidiscrimination.

Thanks to voluntary contributions of some member states, one of the main tasks of the Unit will be relating to the implementation of Recommendation (2010) 5 through a specific project involving a set of member states. More details on this topic will be given to you by Dag-Robin Simonsen, Project Manager within this Unit.

In an interview at the beginning of this month, the Secretary General mentioned the rights of LGBT's as a new issue that is coming up in most of the European countries and stressed that the Council of Europe's involvement in this issue is legitimate. According to our Secretary General, this is a good example of how the human rights agenda is expanding and has gained importance in Europe.

Moreover, the UK Chairmanship of the Committee of Ministers of the Council of Europe - which started last week for a six-month period - put among its priorities, in the promotion and protection of

human rights, a particular focus on developing practical measures in combating discrimination on the grounds of sexual orientation and gender identity.

Ladies and gentlemen,

The recent positive developments should not make us forget that the commitment of the Council of Europe to the LGBT cause has a long history. All its bodies – the Committee of Ministers, the Parliamentary Assembly (with a first recommendation in 1981), the Congress of Local and Regional Authorities, the Court of Human Rights, the Commissioner for Human Rights, the Conference of INGO contributed – and will contribute - to it.

This is perfectly understandable, as the work of the Council of Europe, its standards and mechanisms to promote and ensure respect for human rights and dignity concern every human being, including lesbian, gay, bisexual and transgender persons.

It is true that the Council of Europe has not so far engaged in specific work on the theme of your conference. However, useful elements can be found in the case law of the Court of Human Rights. Thus, the Court has recognised that the relation between same-sex partners enjoys protection under Article 8 of the European Convention on Human Rights on family life. Moreover, Article 14 of the Convention prohibits discrimination in the enjoyment of other Convention rights. Governments that treat same-sex couples differently from different-sex ones must show under this provision why they consider it necessary to exclude same-sex couples from rights or benefits granted to other families. In other words, the onus is on governments to show good reasons for treating same-sex couples differently. The Court is prepared to review closely the reasons invoked by Governments.

In addition to the work of the Court, I would like to mention that the Council of Europe Conference of Ministers responsible for Family Affairs, in the final communiqué of its 2006 session in Lisbon, highlighted same-sex cohabitation among the priorities which can be identified in member states in relation to current demographic trends. It recognised that there is a greater demand for acknowledgment of new family forms, indicating willingness for these new forms to take on the obligations that were, in the past, assumed by the traditional family. It states that - although the rate and pace of these changes vary between and within countries - the traditional or conventional family no longer constitutes the only family form or the principal normative and social environment in which children are born and reared.

With these considerations in mind, I invite you all to contribute to the success of our work in the field of LGBT issues. We are definitely looking forward to the results of your conference.

I wish you fruitful deliberations! Thank you very much.
Tous différents – Tous égaux