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# 1. Introduction

The United Nations' Agenda 2030 for Sustainable Development (United Nations, N.D.) and the EU Strategy on Gender Equality (European Commission, 2020) stress the **need to invest on LGBTQI+'s right to political participation** as an essential step to achieve social, economic and political inclusion for all; and subsequently global gender equality, human rights and sustainable democratic governance.

The aim of the present report is to provide insights on the national situations, as depicted by the VoiceIt research results, and the existing legal frameworks of LGBTQI+ rights in Greece, Cyprus and Italy. Based on the findings of the researches, it also introduces recommendations for EU and national policy reform. The involvement of LGBTQI+ people, government officials, representatives of political institutions and the general public allows a more cohesive mapping of the national situations, while their inputs inform the recommendations on policy reform, providing different views and perspectives.

The project '**VoiceIt: Strengthening LGBTQI+'s Voice in Politics**' aims to **contribute to the inclusion of LGBTQI+ people in political decision-making processes in Greece, Cyprus and Italy.**

To achieve this goal, Voice It works towards creating a shared vision regarding LGBTQI+ inclusion in politics; increasing LGBTQI+ people's participation in political decision-making and strengthening national and international networks for LGBTQI+ individuals.

The project also seeks to create an action plan for policy change for an LGBTQI+ inclusive society and to raise the awareness of the public and stakeholders about misconceptions regarding LGBTQI+ rights, their experiences of discrimination and the importance of including minorities in political decision-making processes.



## 2. Research Methodology

IN GREECE, CYPRUS & ITALY


<b>Methodology:</b> Desk Research & Online Survey	<b>Tool used for online survey:</b> LimeSurvey	<b>Period:</b> Jan-Apr 2020
<b>Online survey respondents:</b> <ul style="list-style-type: none"> <li>• 442 LGBTQI+ people</li> <li>• 83 government officials</li> <li>• 67 representatives of political institutions</li> <li>• 690 general public</li> </ul>		<b>Intended sample:</b> 1.200 in total <b>Sample reached:</b> 1.282 in total
		<b>Questionnaires dissemination:</b> <ul style="list-style-type: none"> <li>• project website</li> <li>• partners' websites</li> <li>• social media</li> <li>• targeted emails</li> </ul>

### Aim:

To map the current **situation of LGBTQI+ rights, national & European legal framework**, the **obstacles** and **frequency** of different forms of **discrimination** faced by LGBTQI+ people with and without a minority ethnic and/or cultural background, as well as the **needs for policy reform**. The research also aimed to identify potential **discrepancies amongst the target groups**.



## 3. Legal Framework<sup>1</sup>




### LEGAL FRAMEWORK

#### Hate speech

**Cyprus:** A section of the Criminal Code 134 (I) of 2011 regulates hate speech. The Law incriminates the incitement of violence or hatred against a person or group based on race, colour, religion, descent or national or ethnic origin. Following its amendment in 2015, the Law includes sexual orientation and gender identity in the list of protected characteristics.

**Greece:** Law No. 4285/2014 punishes public acts that have the intention to cause, incite, stimulate or provoke actions, verbally, through the press and the internet or other means, that may lead to discrimination, hate or violence against a person or a group, or their possessions, defined by reference to, amongst others, sexual orientation or gender identity (SOGI).

**Italy:** The legal framework does not include provisions for the banning of homo/bi/transphobia (Viggiani, 2020). NGOs and relevant actors may use the Legislative Decree no. 216 of July 2003 and the Legislative Decree no. 5 of January 2010 regarding harassment in the workplace, in order to bring cases of hate speech to court, in the same way as it successfully happens with regard to hate speech based on racial and ethnic origin (Bello 2019; Möschel 2019).



#### Equal treatment in employment

**Greece:** Law N. 4443/2016, introduced, apart from sexual orientation, gender identity and sex characteristics among the protected characteristics. It recognises direct and indirect discrimination, harassment, discrimination based on a relationship with person(s) that have the mentioned characteristics, discrimination based on perceived characteristics and multiple discrimination. It foresees the protection of employees who were unequally treated, from any kind of retaliation for reporting an incident or requesting the provision of legal protection.

**Cyprus:** Law N. 58(1)/2004 on the Equal Treatment in Employment and Occupation Law established a network aiming at the elimination of discrimination in employment based on racial or national identity, religion, opinion, age, or sexual orientation (Cyprus Government Gazette, 2004).

**Italy:** Discrimination on the basis of sexual orientation is banned by the Legislative Decree N. 216 of July 2003, and the Legislative Decree N. 5 of January 2010. Art. 1468 of Legislative Decree N. 66 of 2010 which includes the 'Military Code' prohibits all forms of discrimination against LGB military personnel in terms of accessing, being recruited, assigned duties or transferred.



### LEGAL FRAMEWORK

#### Family rights

**Greece:** Law N. 4356/2015 introduced the right to sign a contract of cohabitation, while the relationship of the two parties follows the provisions for married couples, except if the parties have declared otherwise.

**Cyprus:** The Act 184(I)/2015 ensured the right to civil union for same-sex couples, allowing them the same rights as married couples.

**Italy:** Since 2016, same-sex couples can enter a registered union, as a "specific social formation" in Italy (art. 1, Law 20 May 2016, n. 76 - according to Art. 2 and 3 of the Italian Constitution). The Law foresees that the parties of the registered union have the same rights and duties, while they have a mutual obligation of moral and material assistance and cohabitation - Art. 11.



#### Child adoption & child fostering

**Greece:** Although child adoption by same-sex couples and/or co-parenting is not regulated by law in Greece, Law N. 4538/2018 introduced the right of child fostering by couples that have entered a civil union, regardless of their sex.

**Cyprus:** Same-sex parenting is not recognised, as the Law regulating the civil union partnerships, clearly states that although same-sex couples that have signed a contract of co-habitation have the same rights as married couples, this does not apply to the right of adoption.

**Italy:** Although the legal framework does not protect same-sex couples' right to adoption, it does stipulate that they can become 'social parents' (stepparents). Art. 44 par. 1(d) of the Law N. 184/1983 states that the same-sex partner of the biological parent must be living with them - and the child - or be a party of a registered union to be considered a step parent. The recognition of this kind of adoption also extends to same-sex couples who got married abroad. The prerequisites of this kind of adoption are the consent of the biological parent and the existence of an ongoing and stable relationship between the stepparent and the child (Official Journal, 1983).

<sup>1</sup> All Cypriot Laws mentioned in the current chapter refer to the legal framework of the Republic of Cyprus

## 4. Results of the online survey

### 4.1 Perceptions about LGBTQI+ rights

The majority of the survey participants in all three partner countries were **aware of the current status of LGBTQI+ rights** in their respective country in terms of **marriage equality** (civil union, marriage), **child fostering** and **child adoption**. LGBTQI+ people were the group more likely to know about these rights.

The majority of the sample from **Greece** and the **Cypriot LGBTQI+ respondents** was **aware** that **LGBTQI+ people are legally protected from hate crimes**. The majority of **Italian participants** stated that such **protection is not ensured** in their country, with 74.65% of LGBTQI+ people believing that such a law does not exist.

The majority of the **Greek sample** presented a **clear positive stance towards the protection of LGBTQI+ rights** and their **equal representation in the political life**.

The **majority** of the participants from all participating countries agreed that people should **freely express their SOGI**, that **LGBTQI+ individuals should have the same rights as cisgender heterosexual people**, be **treated equally** and that people should **not be fired or not hired because of their SOGISC**, and that these protections should be **enshrined in law**.

**Most** participants agreed that **same-sex marriage and child fostering by same-sex couples** should be **legal**; most **Greek and Italian** participants agreed that **child adoption** should be **legal** as well.

### 4.2 Perceptions on the occurrence of discriminatory incidents

**Participants did not find that the LGBTQI+ community is generally accepted in the participating countries.**

**voiceit** **Misgendering and dead-naming of trans people happens sometimes or often in all three countries.**

**Greek respondents** indicated that **verbal harassment and unequal treatment** due to people's **LGBTQI+ identity** **often** occurs, while **Cypriot and Italian participants** believe it happens **sometimes or often**.

Most of the **Greek and Cypriot respondents** believe that people are **sometimes excluded from an event or activity** due to their **LGBTQI+ identity**, whereas most participants from **Italy** believe this happens **rarely to sometimes**.

**voiceit** The majority believes that **physical attacks** on the basis of people's **LGBTQI+ identity** **sometimes or rarely** happen. Most **Greek LGBTQI+ respondents** believe that people are **sometimes sexually harassed** for this reason; most respondents from the **general public** and **government officials** believe this happens **more often**. **Cypriot participants** believe that this happens **sometimes** and **Italian participants** believe it to happen **rarely or sometimes**.

**voiceit** Most **LGBTQI+ respondents**, members of the **public** and **government officials** from **Greece** and **Cypriot respondents** view that **organised physical attacks against an individual because of their LGBTQI+ identity** take place **sometimes**. **Italian participants** believe that such incidents happen **sometimes or often**.



### 4.3 Occurrence of discrimination

Although all survey participants believe that discrimination against the LGBTQI+ community is quite frequent in all partner countries, LGBTQI+ respondents reported to have experienced discrimination in a lower frequency. However, it should be underlined that this frequency is highly correlated to the personal experiences of the sample, and it could be that people who responded to the VoiceIt survey did not happen to experience discrimination in the perceived frequency of the four target groups.

**Cyprus:** Most LGBTQI+ respondents had rarely experienced several forms of discrimination. The most common reported forms (rarely or sometimes) are receiving negative comments for behaving in a different manner than expected according to their perceived gender, being outed without their permission, and receiving negative comments or not being treated equally because they are or are perceived to be LGBTQI+. The answers of Cypriot LGBTQI+ participants with and without a minority ethnic and/or cultural background did not vary greatly.

**Italy:** Most participants without a minority background reported to have sometimes or rarely received negative comments because they behaved in a different manner than expected according to their perceived gender and that people have rarely or sometimes disclosed that they are LGBTQI+ without their permission. More than half of transgender respondents indicated that people use their dead name to address them sometimes or often. Out of the total 142 LGBTQI+ respondents, six stated that they had a minority ethnic and/or cultural background. They indicated to have experienced discriminatory incidents/behaviour more frequently than those who did not consider themselves to have a minority background, in terms of disclosure of their LGBTQI+ identity (sometimes or often). Furthermore, people rarely or sometimes make negative comments about them because of their LGBTQI+ identity and not to be treated equally on the basis of their LGBTQI+ identity.

**Greece:** Out of the 123 LGBTQI+ respondents that did not consider themselves to have a minority ethnic and/or cultural background, 40% have rarely been verbally harassed, 33% have rarely been excluded from an event or activity, 36% have rarely experienced discrimination in public places, 27% have rarely been sexually harassed and 40% reported to have rarely been unequally treated. LGBTQI+ people with a minority ethnic and/or cultural background were more likely to report higher frequency, compared to non-minority LGBTQI+ respondents, in terms of negative comments, verbal harassment, unequal treatment, exclusion from events and activities, (organised) physical attacks and sexual harassment.

## 4.4 Involvement of LGBTQI+ people in politics

**LGBTQI+ participants from all three countries believe that the community is not equally represented in the political life.**

Most Greek and Italian participants suggested that there are not enough openly LGBTQI+ people involved in politics, and that there are not enough opportunities for LGBTQI+ people to participate. Even though most LGBTQI+ respondents from Cyprus agreed, representatives of political institutions tended to have the opposite view.

Most LGBTQI+ respondents from all three participating countries felt they cannot engage in political processes without the risk of discrimination and that in case they did, their positions would not be taken into account as much as a cisgender heterosexual citizen.

Forms of participation of LGBTQI+ people in the political life:





### 4.5 Needs for policy reform

Although the extent of agreement varied depending on the target group, the majority found that there is a need for policy reform in

→ public services	→ anti-discrimination law
→ social protection	→ labour policy
	→ education
	→ provision of health services
	→ civil and family rights protection





## 5. Recommendations for greater LGBTQI+ policy effectiveness

Currently, one of the greatest challenges to creating and implementing effective LGBTQI+ policy is to gain **access to high-quality data**. According to a joint UNDP/World Bank report (Badgett and Sell 2018), only a few countries collected such data on lesbian, gay and bisexual people, and none on transgender and intersex people. Currently, only 5% of global funding for LGBTQI+ issues go to research (World Bank Group and UNDP 2016). Because of this research void, a UN initiative to begin measuring LGBT inclusion was launched in 2015, with the creation of indicators around 5 dimensions: health, economic well-being, education, political and civic participation, and personal security and violence (UNDP 2016). These measures are needed to define problems, design programmes and document progress.

Creating evidence-based policy requires **investing in research and building a climate of cooperation and data sharing**. However, it is not always a straight line from evidence to policy. This process is often fraught by communication issues, mismatched priorities between researchers and decision makers, and lack of political will. Some ways to address these challenges include: engaging communication professionals to assist with the task of translating research findings for policymakers; involving policymakers in the research process from the beginning in order to align objectives and engaging a diversity of voices to participate in a project.

Data that reveals people's perceptions of LGBTQI+ issues is necessary to identify the barriers facing policy change towards LGBTI+ rights and inclusion. For example, the survey results clearly reveal the need to **create tolerance from a young age**, specifically through including LGBTQI+ voices in school curricula and creating a zero-tolerance policy for violence, bullying and discrimination against LGBTQI+ students. Further, **raising awareness around legislation** proves key, as results show that not



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### RECOMMENDATIONS EDUCATION & TRAINING

- EDUCATION & TRAINING 1**

Content on LGBTQI+ identities and issues should be included in school textbooks and curricula. Exposing students to SOGISC diversity from a young age will help to cultivate tolerance and raise a generation of citizens committed to LGBTQI+ justice.
- EDUCATION & TRAINING 2**

Intervention to address bullying, violence and discrimination against LGBTQI+ students: concrete and structured guidelines for addressing incidents of discrimination against LGBTQI+ students and fostering their inclusion for professionals.
- EDUCATION & TRAINING 3**

Guidelines should be provided to students on ways they can contribute to an inclusive school environment and support their classmates and for reporting cases of SOGISC-based bullying/violence/discrimination that they may witness or experience.
- EDUCATION & TRAINING 4**

Schools should implement support services for victims of SOGISC-based bullying/violence/discrimination.
- EDUCATION & TRAINING 5**

Trainings on SOGISC matters should be provided to all mental health professionals, education professionals, social workers and other front-line professionals who may encounter LGBTQI+ people in need of support.

all members of society are aware of existing anti-discrimination legislation, making it less effective if would-be discriminators do not know they would face consequence for their actions, and LGBTQI+ people are not aware of their rights.

Policy change requires the **engagement of actors nationally and internationally** – be they NGOs, community associations or activists/volunteers – to organize, raise funds, implement programming and lobby for change.



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## RECOMMENDATIONS LEGAL PROTECTIONS & AWARENESS RAISING

- LEGAL PROTECTIONS 1**  
Clear references protecting LGBTQI+ rights should be integrated into national legal frameworks in order to prevent all forms of discrimination and ensure equality, including intersectional discrimination.
- LEGAL PROTECTIONS 2**  
Clear references protecting LGBTQI+ rights should be integrated into national legal frameworks in order to prevent all forms of hate speech, both based on one and/or an intersection of characteristics.
- AWARENESS RAISING 3**  
Awareness raising campaigns around family rights (marriage equality and child adoption/ co-parenting) should be implemented so as to foster public support of the aforementioned rights. This could be a first step towards including these rights in the legal framework.
- AWARENESS RAISING 4**  
Awareness raising campaigns should focus on the different forms of discrimination that LGBTQI+ people face, as well as popular misconceptions, in order to motivate the general public to work towards a more inclusive society, engaging key actors like politicians and public figures.
- AWARENESS RAISING 5**  
Awareness raising campaigns should engage LGBTQI+ actors, fostering their participation in political decision-making processes to ensure such efforts to end discrimination and promote inclusion respect their rights, dignity and voice.



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## RECOMMENDATIONS RESEARCH & FUNDING

- RESEARCH 1**  
Further research should be conducted on LGBTQI+ rights and inclusion in national contexts, data which can be harnessed to foster justice and equality. A special focus should be placed on LGBTQI+ people with multiple minority backgrounds.
- RESEARCH 2**  
The results of projects and tools produced should be disseminated to relevant stakeholders, public authorities, and other researchers and activists, nationally and globally, in order to inform policy and strengthen data. Simultaneously, projects should be correlated in order to have a more holistic approach and fill in existing gaps.
- FUNDING 3**  
Provision of support to organisations and NGOs working on LGBTQI+ rights should be prioritised, especially to community-based organisations. Projects aimed at the protection and promotion of LGBTQI+ rights should be funded, in order to provide support, raise awareness and establish networks.

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