

Glossary

Our glossary will guide you through a list of ILGA-Europe's most commonly used phrases and acronyms.

By defining how and when we use particular terms, we hope to clear away any misunderstandings and make the jobs of LGBTI activists, journalists, policy makers, students and researchers easier.

Language is a living thing and its usage changes over time. ILGA-Europe will review the glossary regularly so please get in touch with our Communications Team if you have any comments or suggestions for terms we should include: emma@ilga-europe.org

Advocacy: monitoring and influencing the adoption of EU legislation and policies that will enhance the rights of LGBTI people. This means that ILGA-Europe try to bring the voices of LGBTI people and NGOs into consultations and debates on new legislative proposals. Our advocacy work takes place in 49 countries across the continent of Europe, not just focusing on EU member states. We work with the European Union institutions, as well as the Council of Europe and the Organization for Security and Co-operation in Europe. In close cooperation with our member organisations, we follow up on the implementation of EU legislation at European and national level.

Automatic co-parent recognition: covers when children born to same-sex couples are not facing any barriers in order to be recognised legally from birth to their parents.

Biphobia: the fear, unreasonable anger, intolerance or/and hatred toward bisexuality and bisexual people.

Bisexual: when a person is emotionally and/or sexually attracted to persons of more than one gender.

Capacity building: the diverse range of activities offered by ILGA-Europe that help our members (and any other relevant stakeholders) to effectively realise political, legal, institutional and social change. We can provide regional training, coaching, re-granting, study visits and various methods of in-country support to strengthen members' skills. Our capacity building work can be readily adapted to suit the changing needs of the LGBTI movement.

Civil union: see *Registered partnership*

Cohabitation rights: two persons living together at the same physical address can, in some European countries (and regions), make a legal agreement on some practical matters (which vary from country to country). The rights emanating out of cohabitation are limited.

Coming-out: the process of revealing the identification of a lesbian, gay, bisexual, trans or intersex person.

Council of Europe (CoE): The Council of Europe is Europe's oldest political organisation, founded in 1949. It groups together 47 countries. Its headquarters are in Strasbourg, France.

Important institutions, bodies or charters:

Committee of Ministers (CoM): the CoE's decision-making body; composed of the 47 foreign ministers or their Strasbourg-based deputies (ambassadors/permanent representatives).

European Convention on Human Rights (ECHR): is an international treaty to protect human rights and fundamental freedoms in Europe.

European Court of Human Rights (ECtHR): composed of one judge from each of the 47 member states. It makes judgments in respect of possible violations of the European Convention on Human Rights. Where the Court finds that a particular member state has violated the Convention, the government is obliged to take corrective action.

Parliamentary Assembly (PACE): the Parliamentary Assembly has 636 members (318 representatives and 318 substitutes) from the 47 national parliaments of the member states. The Parliamentary Assembly is a deliberate body and holds four week-long plenary sessions a year.

Custody rights: where an individual LGBTI person, trans parents or same-sex couple are treated in the same way as different-sex couples and single people when custody of children is discussed.

Different-sex relationship: a relationship containing people of two different sexes. This term is preferred instead of opposite-sex, as 'opposite' is based on the incorrect assumption that there are only two possible sexes and that they are immutable.

Discrimination: unequal or unfair treatment which can be based on a range of grounds, such as age, ethnic background, disability, sexual orientation or gender identity. Can be divided into four different types of discrimination, which all can lead to victimisation and harassment:

Direct discrimination: where a person is treated less favourably than others on grounds of his or her sexual orientation or gender identity.

Indirect discrimination: where an apparently neutral provision or practice would put people of particular sexual orientation or gender identity at a disadvantage compared to others.

Multiple discrimination: discrimination based on more than one ground.

Experienced discrimination: also called subjective discrimination, is the experience of being discriminated against. Experienced discrimination does not necessarily entail discrimination in the legal sense.

Victimisation: a specific term describing discrimination that a person suffers because they have made a complaint or been a witness in another person's complaint.

Harassment: any act or conduct that is unwelcome to the victim, which could be regarded in relation to the victim's sexual orientation, gender identity/expression and/or as offensive, humiliating or intimidating. It can include spoken words, gestures or the production, display or circulation of written words, pictures or other material.

European Union (EU): The European Union is an economic and political union of European countries. There are currently 28 EU Member States.

Important institutions, bodies or charters:

Charter of Fundamental Rights of the European Union: The European Union Charter of Fundamental Rights sets out in a single text the range of civil, cultural, political, economic and social rights of all persons resident in the EU. The Lisbon Treaty, which came into force in 2009, made the Charter legally binding.

Council of the European Union: The Council is, together with the European Parliament, one of the legislative institutions of the EU. Each EU country in turn presides over the Council for a six-month period. One minister from each of the Member States attends every Council meeting. Formerly known as the 'Council of Ministers', it is often only referred to as 'the Council'.

Court of Justice of the European Union (CJEU): The CJEU is the judiciary of the EU. It reviews the legality of the acts of the institutions of the EU, ensures that Member States comply with their obligations under the treaties, and interprets EU law at the request of national courts and tribunals. The Court is composed of one judge from each EU country, assisted by eight advocates-general. The Court of Justice of the European Union is located in Luxembourg.

European Asylum Support Office (EASO): The EASO acts as a centre of expertise on asylum. It supports Member States in their efforts to implement a more consistent and fair asylum policy. It provides technical support to Member States and the European Commission, as well as operational assistance to countries facing particular pressures. The EASO is based in Valletta, Malta.

European Commission (EC): The European Commission is the executive body of the European Union. It is responsible for proposing legislation, implementing decisions, upholding the EU treaties and

managing the day-to-day business of the EU. The EC is appointed for a five year period by agreement between the EU countries, subject to approval by European Parliament. The Commission acts with complete political independence. It is assisted by a civil service made up of 36 "Directorates-General" (DGs) and services, based mainly in Brussels and Luxembourg.

European Council: The European Council consists of the heads of state or government of the EU countries, together with its President and the President of the Commission. It defines the overall general political direction and priorities of the European Union.

European External Action Service (EEAS): Abroad, the EU is represented by a network of 136 EU Delegations, which have a similar function to those of an embassy. This is being coordinated by the European External Action Service which serves as a foreign ministry and diplomatic corps for the EU under the authority of the High Representative for Foreign Affairs and Security Policy (HR), a post created by the Treaty of Lisbon.

European Parliament: The European Parliament is the elected body that represents the EU's citizens. It currently seats 751 national representatives. Members of the European Parliament (MEPs) are elected every five years. As an equal partner with the Council of the European Union, the European Parliament passes the majority of EU laws.

European Union legislation: EU law is an independent legal system which takes precedence over national legislation.

- **Primary legislation:** Primary legislation includes the treaties of the European Union and other agreements having similar status. Primary legislation is agreed by direct negotiation between EU countries' governments and defines the role and responsibilities of the EU institutions.
- **Secondary legislation:** Secondary legislation is based on the treaties and may take the following forms:

Regulations, which are directly applicable and binding in all EU countries, without the need for any national implementing legislation.

Directives, which bind the EU countries as to the objectives to be achieved within a certain time-limit, while the choice of form and means to be used to the national authorities.

Decisions, which are binding in all their aspects for those to whom they are addressed. They do not require national implementing legislation. A decision may be addressed to any or all EU countries, to enterprises or to individuals.

Recommendations and opinions, which are not binding.

Fundamental Rights Agency (FRA): The FRA is an EU body tasked with collecting and analysing data on fundamental rights with reference to, in principle, all rights listed in the Charter of Fundamental Rights.

The FRA's primary methods of operation are surveys, reports, provision of expert assistance to EU bodies, member states, and EU candidate countries and potential candidate countries, and raising awareness about fundamental rights. The FRA is based in Vienna, Austria, and was formed in 2007.

Fertility treatment: assisted insemination at a fertility clinic or hospital for women (single, or in different sex/same-sex couples) in order to become pregnant, either with a known donor or an unknown donor of sperm.

Freedom of assembly: the right to come together publicly and collectively express, promote, pursue and defend common interests.

Freedom of association: the right to form groups, to organise and to assemble together with the aim of addressing issues of common concern.

Freedom of expression: the right of all to express their views and opinions freely without any form of censorship.

Gay: a man who is sexually and/or emotionally attracted to men. Gay is sometimes also used as a blanket term to cover lesbian women and bisexual people as well as gay men. However, this usage has been disputed by a large part of the LGBTI community and gay is therefore only used here when referring to men who are emotionally and/or sexually attracted to men.

Gender: refers to people's internal perception and experience of maleness and femaleness, and the social construction that allocates certain behaviours into male and female roles.

Gender expression: refers to people's manifestation of their gender identity. Typically, people seek to make their gender expression or presentation match their gender identity/identities, irrespective of the sex that they were assigned at birth.

Gender identity: refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex they were assigned at birth.

Gender reassignment: refers to the process through which people re-define the gender in which they live in order to better express their gender identity. This process may, but does not have to, involve medical assistance including hormone therapies and any surgical procedures that trans people undergo to align their body with their gender.

Gender Reassignment Surgery (GRS): Medical term for what trans people often call gender-confirmation surgery: surgery to bring the primary and secondary sex characteristics of a trans person's body into alignment with his or her internal self-perception.

Gender recognition: A process whereby a trans person's preferred gender is recognised in law, or the achievement of the process.

Gender variant: can refer to someone whose gender identity differs from normative gender identity and the gender roles/norms assigned at birth.

Hate crime: offences that are motivated by hate or by bias against a particular group of people. This could be based on gender, gender identity, sexual orientation, ethnicity, religion, age or disability. *Also called bias crime.*

Hate speech: refers to public expressions which spread, incite, promote or justify hatred, discrimination or hostility towards minorities.

Heteronormativity: refers cultural and social practices where men and women are led to believe that heterosexuality is the only conceivable sexuality. It implies that heterosexuality is the only way of being "normal".

Homophobia: fear, unreasonable anger, intolerance or/and hatred directed towards homosexuality.

Homosexual: People are classified as homosexual on the basis of their gender and the gender of their sexual partner(s). When the partner's gender is the same as the individual's, then the person is categorised as homosexual. It is recommended to use the terms lesbian and gay men instead of homosexual people. The terms lesbian and gay are being considered neutral and positive, and the focus is on the identity instead of being sexualised or pathologised

Intersex: a term that relates to a range of physical traits or variations that lie between stereotypical ideals of male and female. Intersex people are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male. Many forms of intersex exist; it is a spectrum or umbrella term, rather than a single category.

Joint adoption: where a same-sex couple is allowed to apply for adoption of a child.

Lesbian: a woman who is sexually and/or emotionally attracted to women.

LGBTI: Acronym for lesbian, gay, bisexual, trans and intersex people. This is the acronym that ILGA-Europe use to reflect our advocacy priorities; our members may use different formulations to more accurately describe their own work, for example LGBT*, LGBTQ.

Marriage equality: where national marriage legislation also includes same-sex couples – e.g. gender neutral reference to the spouses. Sometimes media outlets and decision makers incorrectly refer to the extension of existing marriage legislation to same-sex couples as 'gay marriage'. What

they really mean is marriage equality; no country has created a marriage law specifically for same-sex couples

OSCE: The Organization for Security and Co-operation in Europe (OSCE) is the largest regional security organisation in the world with 56 participating states from Europe, Central Asia and North America.

Important institutions, bodies or charters:

Office for Democratic Institutions and Human Rights (ODIHR): the OSCE institution which deals with elections, human rights and democratisation.

Out: being openly gay, lesbian, bisexual, trans or intersex

Pride events: Pride events and marches are annual demonstrations (against homophobia/transphobia and in favour of LGBTI rights) that take place around the world.

Queer: has become an academic term that is inclusive of people who are not heterosexual - includes lesbians, gay men, bisexuals and trans people. Queer theory is challenging heteronormative social norms concerning gender and sexuality, and claims that gender roles are social constructions. Traditionally the term "queer" was an abusive term and therefore for some still has negative connotations. Many LGBTI persons however have reclaimed the term as a symbol of pride.

Rainbow flag: A symbol celebrating the uniqueness and diversity within the LGBTI community. The flag has six stripes, each a different colour, ranging from purple to red.

Registered partnership: a legal recognition of relationships; not always with the same rights and/or benefits as marriage - synonymous with a civil union or civil partnership.

Same-sex relationships or couples: covers relationships or couples consisting of two people of the same sex.

Same-sex marriage: the term same-sex marriage does not exist in reality. There is no country which has a specific marriage law solely for same-sex couples. The right term is marriage equality, as the aim is to open marriage laws to same-sex couples to give them the same rights as different-sex couples. See *marriage equality*

Second parent adoption: where a same-sex partner is allowed to adopt their partner's biological child(ren).

Sex: refers to biological makeup such as primary and secondary sexual characteristics, genes, and hormones. The legal sex is usually assigned at birth and has traditionally been understood as consisting of two mutually exclusive groups, namely men and women. However, "[t]he Court of Justice

has held that the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex. In view of its purpose and the nature of the rights which it seeks to safeguard, it also applies to discrimination arising from the gender reassignment of a person." (This language comes from the preamble of the Gender Recast Directive 2006). In addition to the above, the legal definition of sex should also include intersex people.

Sexual orientation: refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

Strategic litigation: Strategic litigation is the use of court cases as part of a strategy to achieve broader legal and social change. In the case of ILGA-Europe, strategic litigation is about using European courts to advance the rights of LGBTI people, usually as part of a wider advocacy campaign. The use of European courts to ensure full recognition and implementation of human rights for everyone – irrespective of their sexual orientation, gender identity or sex characteristics – is one of the working methods of ILGA-Europe to achieve full equality for LGBTI people in Europe.

Successive adoption: where a same-sex partner is allowed to adopt their partner's adopted child.

Surrogacy: an arrangement in which a woman carries and delivers a child for another couple or for another person.

Transsexual: refers to people who identify entirely with the gender role opposite to the sex assigned to at birth and seeks to live permanently in the preferred gender role. This often goes along with strong rejection of their physical primary and secondary sex characteristics and wish to align their body with their preferred gender. Transsexual people might intend to undergo, are undergoing or have undergone gender reassignment treatment (which may or may not involve hormone therapy or surgery).

Trans person/people/man/woman: is an inclusive umbrella term referring to those people whose gender identity and/or a gender expression differs from the sex they were assigned at birth. It includes, but is not limited to: men and women with transsexual pasts, and people who identify as transsexual, transgender, transvestite/cross-dressing, androgyne, polygender, genderqueer, agender, gender variant or with any other gender identity and/or expression which is not standard male or female and express their gender through their choice of clothes, presentation or body modifications, including undergoing multiple surgical procedures.

Transphobia: refers to negative cultural and personal beliefs, opinions, attitudes and behaviours based on prejudice, disgust, fear and/or hatred of trans people or against variations of gender identity and gender expression.