

## **Program of Demands in the Version Adopted by the General Assembly on September 3, 2022**

### **Preamble**

LGBTIQ is not everything we are, but it is part of everything we are. As long as homosexuality, bisexuality, and pansexuality, as well as the recognition of gender identity, are not taken for granted but are instead subjects of oppression, taboo, discrimination, fear, misery, loneliness, and despair, we will not stop fighting for the liberation and emancipation of lesbian, gay, and bisexual, transgender, intersex, and queer people.

In the 21st century, it is high time that an enlightened society recognizes that the choice of interpersonal, including sexual, relationships as well as the expression of one's individually felt gender identity is a fundamental human right.

Discriminating against people based on their sexual orientation or gender identity means disregarding their human rights, and thus destroys a fundamental basis of any free and humane society, which must be based on respect for the dignity and uniqueness of all people and their right to self-determination.

### **Legal Policy Program of Demands**

#### **I. Protection Against Discrimination**

We demand that legal protection against discrimination based on sexual orientation be aligned with the level that already applies to other protected categories (ethnic origin, disability, gender) ("levelling up"), since it is absurd to maintain a discriminatory hierarchy precisely in the area of anti-discrimination protections.

Furthermore, we demand the adoption of comprehensive anti-discrimination legislation that goes beyond the requirements of current EU directives.<sup>1</sup>

#### **II. Partnership Law**

People should be recognized and treated by the state in their autonomy. Wherever possible, rights should therefore generally be granted individually, regardless of the relationship of the partners and their marital status.

The now outdated patriarchal model of the support-based marriage must be legally abandoned, and the economic independence of each partner must be promoted. True freedom in choosing how to live together only exists if none of the individuals involved is economically dependent on another.

We demand the legal further development of registered partnerships. Especially since the opening of marriage to same-sex couples, there is no reason to model the registered partnership (EP) as a blueprint of marriage. Instead, there is now an opportunity to develop the EP as a modern alternative legal institution to marriage. This primarily concerns divorce provisions: for example, the period during which a partner can block the dissolution of the EP should be limited to a maximum of one year. Divorce based on fault, however, should be abolished for both the EP and marriage.

#### **III. Family Law**

We demand unrestricted access for women to artificial insemination within the scope of reproductive medicine (e.g., sperm banks), regardless of their marital status, including single women.

Regarding the issue of surrogacy, the desire of gay men for children and the necessity to protect women from exploitation are in conflict. In view of the economic inequalities between rich and poor, and between industrial, emerging, and developing countries, we see the danger that the economic situation of women is being exploited and that they are even forced into it in some regions of the world. Against this background, we reject surrogacy.

#### **IV. Constitutional Law**

Not least for fundamental reasons and as a signal to denounce discrimination based on sexual orientation, we demand an anti-discrimination provision at the constitutional level—specifically, the amendment of Article 7 of the Federal Constitutional Law (B-VG) to include the protection category “sexual orientation.”

#### **V. Civil Status Law**

The recognition of one's gender identity in official documents is a matter of human dignity. Therefore, we demand the free choice of civil status without bureaucratic obstacles—every person must be recognized by self-declaration in the gender they live in.

The gender entries already available for intersex people outside the binary entries of female and male must also be available for people outside the binary gender spectrum. We demand that trans and non-binary people have access to the entries “inter,” “diverse,” “open,” and “no entry.” Changes in civil status must not result in financial burdens and, consequently, debt. We demand the free reissuance of documents and the abolition of fees for changes to civil status and first names.

#### **VI. International Law**

We demand the initiation and support of initiatives at all levels of European and foreign policy to reduce discrimination against individuals based on their sexual orientation and gender identity. In the context of development cooperation, we demand active support for local LGBTIQ initiatives.

#### **VII. Asylum Law**

LGBTIQ asylum seekers often become victims of LGBTIQ-hostile attacks and assaults during the asylum process and in refugee accommodations, often mass shelters. We therefore demand consideration of the particular situation of queer refugees in care and housing, provided by appropriately trained personnel.

#### **Rehabilitation of Victims of Criminal Law**

Until 2002, people in Austria were criminally prosecuted and imprisoned because of their sexual orientation. Between 1945 and 1971 alone, around 15,000 convictions were handed down under § 129 I b StG (total ban on homosexual acts between both men and women); between 1971 and 2002, there were around 1,500 convictions under §§ 209, 210, 220, and 221 of the Criminal Code. These special criminal laws were contrary to human rights.

We therefore demand an apology from Parliament and the rehabilitation of the victims—specifically, a resolution by the National Council in which it:

1. Acknowledges its responsibility for the decades-long human rights-violating oppression and criminal prosecution of lesbians and gays in Austria;
2. Apologizes for the injustice and suffering caused to homosexual women and men;
3. Rehabilitates all victims of this legislation and creates the possibility to officially declare null and void judgments made under § 129 I b StG and, post-1971, under §§ 209, 210, 220, and 221 StGB, and to overturn them as miscarriages of justice, and to compensate the victims accordingly—provided these were not offenses still punishable today.

Such compensation should particularly include: crediting imprisonment periods as non-contributory periods for pension insurance, the repayment of imposed fines with appropriate interest, and a lump sum reimbursement for any legal and court costs and per month of imprisonment.

Within the framework of this compensation, all other sanctions and measures imposed on the mentioned group—such as revocation of academic degrees, withdrawal of trade licenses or driver's licenses, etc.—must be reversed or annulled free of charge, or any expenses previously paid by those affected must be reimbursed accordingly.

## **Societal Policy Program of Demands**

### **I. Public Information**

We demand the inclusion of lesbian, gay, and bisexual, transgender, intersex, and queer people in all informational offerings from state institutions—regardless of whether at the federal, state, or municipal level—as well as from legally established interest groups (Chamber of Commerce, Chamber of Labor, etc.).

### **II. ORF (Austrian Broadcasting Corporation)**

We demand the preservation of public broadcasting to its current extent and the representation of lesbian, gay, and bisexual, transgender, intersex, and queer people in all ORF bodies in which other interest groups are also represented.

We demand appropriate content representation of lesbian, gay, and bisexual, transgender, intersex, and queer people and their culture and life realities in the programming of radio, television, and online media. This applies to news broadcasts and documentaries, as well as entertainment programming, particularly films and series (co-)produced by ORF.

### **III. Religion**

As a non-denominational association, we respect people's need for religion and spirituality. In the spirit of enlightenment and secularism, we demand the actual separation of church and state. Unjustified privileges and subsidies for religious communities should be abolished. Religious communities should not stand above the law in the context of protection against incitement and discrimination.

### **IV. Financial Support**

We demand the recognition of the socio-political significance of LGBTIQ projects (counseling, education and information, social gathering, art and culture, etc.). Furthermore, we demand a legal entitlement to financial support for such projects. For organizations that run such projects permanently, basic funding must be secured.

### **V. Working Life**

We support coming out in the workplace. We call on companies to actively engage in diversity work and to create an environment where people can thrive professionally regardless of their sexual orientation or gender identity.

### **VI. Medical**

Today's scientific consensus confirms that homo- and bisexuality are equal and natural variations of sexuality and not diseases. However, psychological and physical impairments can arise when the healthy development of identity is not ensured due to lack of acceptance or even aggression in the environment of family, school, work, or religion. Therefore, we demand measures to support the mental and physical health of LGBTIQ individuals.

We demand a ban on all therapies that claim to "cure" homo- and bisexuality or transgender identity. The disproportionately high prevalence of HIV/AIDS among men who have sex with men must be addressed with appropriate measures, especially target group-specific prevention programs. We demand maximum anonymity and protection of affected individuals from data sharing across the health and social system.

We also demand that the HIV prevention drug PrEP be covered by all health insurance funds. Furthermore, the Post Exposure Prophylaxis drug PEP must also be covered by all health insurance funds. Adequate prevention must not be a question of income.

It must be possible for transgender people in Austria to receive adequate medical care. Therefore, we demand the expansion of specialized centers so that all transgender individuals receive appropriate care without unreasonable waiting times.

We demand an end to the pathologization of intersex and trans individuals in Austria.

We demand a ban on medically unnecessary gender-modifying surgeries on intersex minors.

## **VII. Privacy Protection**

We demand a ban on disclosing information about a person's sexual orientation without their explicit consent.

In general, handling data related to sexual orientation and trans- and intersex status must be done with the utmost sensitivity.

## **VIII. Holocaust Remembrance**

We are committed to preserving the memory of the homosexual victims of National Socialism. We demand the establishment of an appropriate memorial at a prominent location in Vienna and the promotion and support of related academic work, memorial activities, and educational efforts.

## **Education and Cultural Policy**

An objective, serious, and humane education policy must treat different sexual orientations and gender identities impartially and equally.

### **I. Youth Education**

We demand the interdisciplinary integration of sexual orientation and gender diversity in all curricula. The representation of LGBTIQ individuals must be equal and factual. We demand that all schoolbooks and teaching materials approved for instruction be reviewed to ensure they meet these criteria.

Particular attention must be paid to the history of the persecution of LGBTIQ individuals and their emancipation movements.

We demand appropriate, well-founded training for teachers, which must also include awareness on the topic of bullying of students due to sexual orientation and gender identity.

We demand the establishment of a queer youth center in Vienna, in whose development and design we are structurally involved.

### **II. Science and Research**

At colleges and universities, we demand the support and promotion of research, particularly in the areas of Gender Studies and Queer Studies.

(Pseudo-)research that regards various forms of sexuality and gender identity as unequal or “unnatural” and attempts to influence sexual orientation or gender identity through surgical, pharmacological, or other methods—or that is based on unscientific premises—is ethically reprehensible and inhumane in our view. We categorically reject it.

We oppose all attempts to justify the discrimination and pathologization of lesbian, gay, and bisexual, transgender, intersex, and queer people through (pseudo-)scientific means. We demand that such research and methods receive no public funding.

### **III. Art and Culture**

We demand support for LGBTIQ art and culture, as well as general consideration of LGBTIQ ways of life in artistic projects. This should also be a criterion in the allocation of funding.

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<sup>1</sup> A draft for such a law was already developed in 2001 by Austrian non-governmental organizations, including HOSI Vienna.

Moreover, the list of grounds for discrimination urgently needs to be reviewed in order to take into account factors that have become relevant in today's society, such as "genetic characteristics."

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