



**Doc. 11931**

27 May 2009

## Discrimination against sexual orientation

**Reply to Written question<sup>1</sup>:** Written question No. 555 (Doc. 11743)  
Committee of Ministers

### 1. Question from Mr Elzinga

Which measures does the Committee of Ministers intend to take to fight against discrimination based on sexual orientation, still too present in our countries?;

How does it assess the words of the Minister of state of Monaco pronounced during the public session of the national Council on 28 April 2008 during the debate on the draft law no. 190 regarding the fight against domestic violence?;

Which measures will the Committee of Ministers take so that the legislation of Monaco be put in conformity with the European Convention on Human Rights and the Case Law of the European Court of Human Rights, in particular regarding discrimination based on sexual orientation?

### *Reply by the Committee of Ministers*

1. In reply to the question from the Honourable Parliamentarian, the Committee of Ministers would point out that it remains resolutely attached to the principle of equal rights for all human beings. It considers any contemptuous or intolerant attitude towards homosexuals to be incompatible with the message of tolerance and non-discrimination promoted by the Council of Europe.

2. It would also point out that all member states must respect the European Convention on Human Rights when drafting and implementing their national legislation in the light, in particular, of the Court's case law. The European Court of Human Rights has stressed on several occasions that any discrimination on grounds of sexual orientation is contrary to the Convention.<sup>2</sup> Furthermore, Protocol No. 12 to the Convention prohibits all discrimination based on sexual orientation (as specified in the explanatory report).

3. Monaco has informed the Committee of Ministers that the Monegasque authorities are aware of the importance of complying with the Convention and, in particular, with the principle of non-discrimination. The Committee of Ministers is therefore confident that the law currently being drafted to combat domestic violence will be fully in keeping with the case law of the European Court of Human Rights.

4. The Committee of Ministers would also draw attention to the decisions it took at its 1031st meeting (2 July 2008) to strengthen Council of Europe action to protect the rights of LGBT persons.<sup>3</sup> The Steering Committee for Human Rights (CDDH) has, in particular, been instructed to prepare a recommendation on measures to combat discrimination based on 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.

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1. adopted at the 1057th meeting of the Ministers' Deputies (20 May 2009)

2. See, for example, the *Karner v. Austria*, judgment of 24 July 2003, the *B.B. v. the United Kingdom*, judgment of 10 February 2004 and the *Baczowski and others v. Poland*, judgment of 3 May 2007.

3. Decisions adopted by the Ministers' Deputies on 2 July 2008, 1031st meeting, items 4.3 a, b and c, CM/Del/Dec(2008)1031, 4 July 2008.

