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Discrimination on the basis of sexual orientation and gender identity

Reply to Recommendation¹: Recommendation 1915 (2010)
Committee of Ministers

1. The Committee of Ministers carefully considered Parliamentary Assembly [Recommendation 1915 \(2010\)](#) on “Discrimination on the basis of sexual orientation and gender identity”. It has brought the recommendation to the attention of the governments of the member states and has also communicated it to the Ad hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO), the Steering Committee for Human Rights (CDDH) and the Steering Committee for Equality between Women and Men (CDEG) for information and possible comments.
2. The Committee of Ministers shares the Parliamentary Assembly’s concerns about the widespread instances of discrimination in Europe based on sexual orientation and gender identity. Through its Recommendation CM/Rec(2010)5 on measures to combat such discrimination adopted on 31 March 2010, it has laid down guidelines on which member states can base their national policies. This recommendation promotes a clear message of respect and non-discrimination. The Committee of Ministers recalls that when it adopted its recommendation, it decided to examine its implementation after three years.
3. The Committee of Ministers agrees with the need to define further Council of Europe action to combat all forms of discrimination, including on the grounds of sexual orientation or gender identity, through legal, educational and cultural measures. Such measures would facilitate the implementation of the recommendation in the member states and help prepare the review exercise to be carried out in 2013. The Committee of Ministers notes that a publication collecting all the relevant Council of Europe standards and documents dealing with discrimination on the basis of sexual orientation and gender identity is already under preparation.
4. An example of mainstreaming of issues relating to sexual orientation and gender identity is the instruction by the Bureau of the European Committee on Legal Co-operation (CDCJ) to its Working Group No. 3 on the new legal instrument on the rights and legal status of children and parental responsibilities (CJ-FA-GT3), to ensure the compliance and consistency of the draft future recommendation on the rights and legal status of children and parental responsibilities with the Committee of Ministers’ Recommendation CM/Rec(2010)5, as well as with Parliamentary Assembly [Recommendation 1915 \(2010\)](#) and [Resolution 1728 \(2010\)](#).
5. The Parliamentary Assembly recommends the Committee of Ministers to instruct a relevant Council of Europe body to review and address issues related to discrimination on the basis of sexual orientation and gender identity in member states. The Committee of Ministers notes that these issues are already, and could be further, addressed by the relevant bodies and institutions of the Council of Europe. For this reason, the Committee sees no reason to create a separate body to deal exclusively with this task.

1. Adopted at the 1110th meeting of the Ministers’ Deputies (30-31 March 2011).



6. The Committee of Ministers notes that the Office of the Commissioner for Human Rights is carrying out a comparative study on the situation concerning homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe member states, which will be launched in the beginning of 2011. In addition, the Office of the Commissioner for Human Rights intends to organise a few round tables in 2011 on the subject matter in order to further disseminate and discuss the findings and recommendations of the report with stakeholders. One of these roundtables is planned to be organised in co-operation with the European Union Fundamental Rights Agency.

7. The Committee of Ministers notes furthermore that the Action Plan "Taking up the challenge of the achievement of *de jure* and *de facto* gender equality", which was adopted by the 7th Council of Europe Conference of Ministers responsible for equality between women and men (Baku, 24-25 May 2010), in its priority VII, "Combating discrimination against vulnerable groups of women and girls", proposes action linked to the fight against discrimination of women and young girls on grounds of their sexual orientation or gender identity.

8. More generally, the Council of Europe Programme "Building a Europe for and with children – 2009-2011 Strategy" has as one of its key strategic objectives the eradication of all forms of violence against children. It has taken a number of steps to raise awareness of violence in schools, including bullying. This work, which relates to bullying for whatever reason, is likely to be pursued as a new strategy will be conceived and will cover the years 2012-2014.