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Parliamentary Assembly of the Council of Europe must stand up against discrimination on the basis of sexual orientation and gender identity

Amnesty International calls on the Parliamentary Assembly of the Council of Europe (the Assembly) to send a clear signal of its determination to end discrimination across Europe against people on the basis of their sexual orientation and gender identity. Adopting the current text of the draft Resolution and Recommendation on this issue, which will be debated during its forthcoming part-session from 25-29 January, the Assembly would send such a signal.

Amnesty International welcomes the Assembly's initiative aimed at ensuring greater respect for the human rights of lesbian, gay, bisexual and transgender (LGBT) people in the region, including the report and the draft Resolution and Recommendation prepared by the Assembly's Rapporteur Andreas Gross. As highlighted in Mr Gross' report, LGBT people continue to face deep-rooted prejudice and widespread discrimination.

Amnesty International shares the concern about serious violations of the human rights of LGBT people in many member states of the Council of Europe. Throughout Europe, homophobic and transphobic attacks still occur with alarming frequency; and the authorities too often fail to respond to violent crimes against LGBT people. The organization has documented violations of the rights of LGBT people to freedom of expression, assembly and association in a number of countries. In some countries LGBT activists have faced disproportionate and discriminatory obstacles in the registration of their organizations or attempts by the authorities to close them down. In some countries pride events have been prohibited; in others police have failed to provide adequate protection to Pride participants from violence. In a number of countries authorities foster a climate of hostility against LGBT people. The recent adoption of legislative amendments in one CoE member state that institutionalize homophobia and can be used to prohibit any legitimate discussion of homosexuality, is merely but one example.

Discriminatory laws and practices may act as an official incitement to or justification for violence against individuals on the basis of their sexual orientation and gender identity; and they reinforce systemic disadvantage. Denial of equal civil recognition of same-sex relationships, for instance, prevents many people from enjoying a range of other rights, such as rights to housing and social security. It may prevent a person from making decisions on a partner's behalf when he or she is sick or from sharing equal rights and equal responsibility for children in their care. Denial of recognition stigmatises those relationships in ways that can fuel discrimination and other human rights abuses against LGBT people. For this reason in 2000, the Assembly has called on states in Europe to adopt laws providing for registered partnerships; and to ensure that homosexual partnerships and families are treated on the same basis as heterosexual ones across borders.

As the report on discrimination on the basis of sexual orientation and gender identity that will now come before the Assembly emphasizes, the Council of Europe has a duty to promote a clear message of respect and non-discrimination so that everybody can live in dignity in all its member states. By adopting the draft

Resolution and Recommendation as contained in this report, the Assembly would show that it is determined to live up to this responsibility.

Background

The Parliamentary Assembly of the Council of Europe, which meets four times a year in Strasbourg, is composed of members of national parliaments of the 47 Council of Europe member states. During its upcoming meeting (25-29 January 2010) the Assembly will consider a report prepared by a Rapporteur of the Assembly's Committee on Legal Affairs and Human Rights, Mr Andreas Gross (SOC, Switzerland), *Discrimination on the basis of sexual orientation and gender identity*, Doc.12087, http://assembly.coe.int/ASP/Doc/DocListingDetails_E.asp?DocID=12903.

The Assembly has previously adopted a number of texts aimed at tackling discrimination on the basis of sexual orientation and gender identity, including Recommendation 1474 (2000) on the *situation of lesbians and gays in Council of Europe member states* and Recommendation 1470 (2000) on the *situation of gays and lesbians and their partners in respect of asylum and immigration in the member states of the Council of Europe*.

The Council of Europe's Committee of Ministers (composed of representatives of governments of the 47 member states) is also currently drafting a Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

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