



Recommendation 2021 (2013)¹
Provisional version

Tackling discrimination on the grounds of sexual orientation and gender identity

Parliamentary Assembly

1. Following Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity, the Council of Europe has strengthened its activities in this area. The Parliamentary Assembly affirms its full support for this course of action and encourages the Committee of Ministers to continue in this direction with a view to ensuring the full implementation of Recommendation CM/Rec(2010)5.
2. Recalling its [Resolution 1948 \(2013\)](#) on tackling discrimination on the grounds of sexual orientation and gender identity, the Assembly regrets that, despite significant improvements in the protection of human rights for lesbian, gay, bisexual and transgender persons (LGBTs) in some Council of Europe member States, violence, prejudice, hostility and discrimination against them remain a serious problem.
3. Furthermore, the Assembly expresses deep concern at the repeated infringement, in some Council of Europe member States, of the rights of freedom of assembly and freedom of expression in relation to LGBTs and at the clear setback in this area due to the introduction of laws and draft laws on the prohibition of so-called homosexual propaganda.
4. The Assembly considers that Council of Europe action in the area of discrimination on the grounds of sexual orientation and gender identity is highly important to ensure that the same human rights standards are applied in all Council of Europe member States and that the respect for diversity is a shared value without geographical or political divides.
5. In light of the above, the Assembly recommends that the Committee of Ministers:
 - 5.1. ensure regular follow-up of Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity and conduct periodic reviews of its implementation;
 - 5.2. devote special attention to the issue of legislation on so-called “homosexual propaganda” and ensure that Council of Europe member States respect the recommendations expressed by the European Commission for Democracy through Law (Venice Commission) in its Opinion on this matter;
 - 5.3. ensure that its activities in the areas of youth, equality, human dignity and intercultural dialogue, including its religious dimension, mainstream the issue of non-discrimination on the grounds of sexual orientation and gender identity;
 - 5.4. intensify its work against homophobia and transphobia, with a particular emphasis on prevention in schools and sports;
 - 5.5. set up a model online training course on homophobia, transphobia and discrimination on the grounds of sexual orientation and gender identity for the police, prosecutors and the judiciary, which could subsequently be adapted at national level;

1. *Assembly debate* on 27 June 2013 (26th Sitting) (see [Doc. 13223](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Haugli). *Text adopted by the Assembly* on 27 June 2013 (26th Sitting).

- 5.6. explicitly include sexual orientation and gender identity as prohibited grounds of discrimination in all its future relevant conventions;
- 5.7. consider the feasibility of joint action with the European Union Agency for Fundamental Rights (FRA) in order to ensure the collection of comparable Council of Europe-wide data and information on the situation of LGBTs;
- 5.8. ensure that the judgments of the European Court of Human Rights, including those concerning discrimination on the grounds of sexual orientation and gender identity, are effectively implemented without delay, including through the adoption of general measures to prevent further violations.