

COC Netherlands, ILGA-Europe, Labrys, Amulet

ENGLISH only

High-level Conference on Tolerance and non-Discrimination  
Astana 29 June 2010\*

**Session 3: Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions**

**On the importance of explicitly addressing intolerance and discrimination on the grounds of sexual orientation and gender identity in the OSCE region**

Important steps have been achieved within OSCE institutions with regards to combating intolerance and discrimination on the grounds of sexual orientation, gender identity and gender expression.

The ODIHR's annual report on hate crime in the OSCE region includes well-documented developments on violent incidents against Lesbian, Gay, Bisexual and Transgender people. By doing so, the OSCE contributes to raise awareness about the incidence of hate homophobic and transphobic hatred.

In March 2010, with the adoption of the Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity, the Council of Europe committed to a universal application to human rights.

By doing so, an overwhelming majority of OSCE participating States recognised that "*non-discriminatory treatment by state actors*", but also "*specific action [are] required in order to ensure the full enjoyment of the human rights*" of LGBT persons.

Yet, severe violations of the freedoms of speech and assembly continue to occur in the OSCE region. Uzbekistan and Turkmenistan still criminalize homosexuality. LGBT public events in Europe are still subjects to bans, limitations or similar threats, as well as violent protests and attacks. Such cases occurred in 2010 in Moldova, Ukraine, Lithuania, Belarus, Slovakia and Russia.

We believe that the OSCE is long overdue in recognising sexual orientation and gender identity in existing discrimination grounds. We strongly recommend that the OSCE commits to a non-hierarchical approach to combating intolerance, and that:

- the ODIHR and the OSCE continue their work on monitoring all human rights;
- the Kazakh Chairmanship of the OSCE includes references to sexual orientation, gender identity and gender expression in the final conference declaration of the Chairmanship-in-Office;
- the mandate of the Personal Representative on combating Racism, Xenophobia and Discrimination makes an explicit reference to homophobia and transphobia;
- the OSCE participating States explicitly recognise sexual orientation, gender identity and gender expression as grounds of discrimination, intolerance, hate-motivated crimes and human rights violations in all relevant OSCE commitments.

What is at stake is the actual enforcement of Fundamental rights such as the Right to life, security and protection from violence; Freedom of association; Freedom of expression and peaceful assembly; the Right to respect for private and family life; the Right to seek asylum.