

ILGA-Europe
OSCE HDIM 2009

On the importance of Combating Intolerance and Discrimination on the Grounds of Sexual Orientation and Gender Identity in the OSCE Region

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Yet, severe violations of the freedoms of speech and assembly continue to occur in the OSCE region. Uzbekistan and Turkmenistan still criminalize homosexuality. LGBT pride events were banned in Ukraine and in Russia. Activists were arrested by the police. In Serbia, the authorities de facto cancelled the Belgrade parade because of threats of violence, only conceding an unsatisfying alternative for the event's venue. Violent incidents happened in LGBT pride contexts in Croatia and in Slovenia. The overall number of incidents reported in the last year increased significantly in some countries such as Italy.

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The OSCE is long overdue in recognising sexual orientation and gender identity in existing discrimination grounds. We strongly recommend that:

- the participating States transpose into their policies the Yogyakarta Principles on the application of International Human Rights Law in relation to Sexual Orientation and Gender Identity;
- the participating States collect data on hate crimes, including those based on sexual orientation, and that they provide adequate protection for the activities of LGBT groups;
- the participating States introduce criminal sanctions for violence on the grounds of sexual orientation and gender identity;

- the ODIHR and the OSCE continue their work on monitoring all human rights;
- the Greek 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, so committing itself to a non-hierarchical approach to combating discrimination.

42 out of 56 participating States supported, in December 2008 in the UN General Assembly, a statement confirming that international human rights protections include sexual orientation and gender identity. The Holy See's delegation, although it didn't sign the statement, said they "*appreciate the attempts made in the declaration [...] to condemn all forms of violence against homosexual persons as well as urge states to take necessary measures to put an end to all criminal penalties against them.*"

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