



Strasbourg, 6 November 2009

DH-LGBT(2009)010

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

**COMMITTEE OF EXPERTS FOR
THE DEVELOPMENT OF HUMAN RIGHTS
(DH-DEV)**

**COMMITTEE OF EXPERTS ON DISCRIMINATION ON
GROUNDS OF SEXUAL ORIENTATION AND GENDER IDENTITY
(DH-LGBT)**

Meeting report

3rd meeting

Strasbourg, Wednesday 4 November (9h30) – Friday 6 November 2009 (13h)

Agora building, room G05
Council of Europe

Item 1: Opening of the meeting and adoption of the agenda

1. The Committee of Experts on Discrimination on Grounds of Sexual Orientation and Gender Identity (DH-LGBT) held its 3rd meeting in Strasbourg on 4-6 November 2009 with Mr Hans YTTERBERG (Sweden) in the Chair. Mr Jeroen SCHOKKENBROEK, Head of the Human Rights Development Department (Directorate General of Human Rights and Legal Affairs, DG-HL) made an opening statement to welcome all participants. The list of participants can be found in Appendix I. The agenda as adopted and the references to the working documents appear in Appendix II.

Item 2: Report by the Chair on the exchange of views on the draft Recommendation of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity, in the 39th Meeting of the Committee of Experts for the Development of Human Rights (DH-DEV), 12-14 October 2009

2. The Chair presented a report of the exchange of views on the draft Recommendation that had taken place during the 39th meeting of the DH-DEV. He informed the Committee of the guidance given to DH-LGBT on certain issues by the DH-DEV (see document DH-DEV(2009)004) and the Bureau of the CDDH. This guidance was subsequently taken into account by the Committee in its review of the Recommendation. The Committee also discussed the proposals submitted in writing by two delegations concerning the text of the draft recommendation, and other proposals made by delegations during the meeting, and agreed on a number of changes to the text. The revised draft can be found in document DH-LGBT(2009)11.

Item 3: Draft explanatory memorandum to the draft recommendation of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity

3. The Committee examined the entire text of the draft explanatory memorandum as it appeared in document DH-LGBT(2009)009, taking into account the written comments that had been submitted by several delegations and other proposals made by delegations during the meeting. The revised draft appears in document DH-LGBT(2009)009rev.

Item 4: Other business

4. At the conclusion of its work, the Committee approved the draft Recommendation and the draft Explanatory Memorandum, as they can be found respectively in documents DH-LGBT(2009)011 and DH-LGBT(2009)009rev. The delegation of the Russian Federation expressed its disagreement with the text of the draft Recommendation and of its Explanatory Memorandum. Reiterating the statement made at the first meeting of the Committee, this delegation considered in particular that existing international regulation in this field was sufficient, that in some cases the provisions proposed amounted to positive discrimination, and expressed doubts about the selection of the sources and of the case-law. The Committee decided to transmit these texts to the CDDH in view of their examination and adoption at its 69th meeting (24-27 November 2009).

5. The Committee considered that it had fulfilled the received mandate. The Chairperson warmly thanked all participants for the constructive approach and spirit of compromise shown during the discussion on these complex and sensitive issues.

Appendix I

List of participants / Liste des participants

MEMBERS / MEMBRES

AUSTRIA / AUTRICHE

Dr. Katharina GRÖGER, Familienrechtsabteilung, Bundesministerium für Justiz, Wien

BELGIUM / BELGIQUE

Mme Stéphanie GRISARD, Attachée, SPF Justice, Direction générale de la Législation et des Libertés et Droits fondamentaux, Service des droits de l'Homme, Bruxelles

CROATIA / CROATIE

Mr Branko SOČANAC, Head of Human Rights Section, Human Rights Department, Ministry of Foreign Affairs and European Integration of the Republic of Croatia, Zagreb

FINLAND / FINLANDE

Ms. Martina TÖRNKVIST, Legal Officer, Unit for human rights courts and conventions Ministry of Foreign Affairs of Finland

GERMANY / ALLEMAGNE

Ms Nicola WENZEL, LL.M., Desk Officer, Federal Ministry of Justice, Unit of the Agent for Human Rights, Berlin

HUNGARY / HONGRIE

Ms Beáta SÁNDOR, Advisor, Budapest

THE NETHERLANDS / PAYS-BAS

Mr Ben BAKS, Ministry of Education, Culture and Science, The Hague

NORWAY / NORVÈGE

Dag Robin Simonsen, Senior Adviser, Ministry of Children and Equality, Dept. of Family and Equality Affairs, Oslo

POLAND / POLOGNE

Ms Agnieszka TORRES DE OLIVEIRA, Ministry of Foreign Affairs, Warsaw

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Ms Maria KOSTIANAYA, Deputy for Human Rights, permanent Representation of the Russian Federation of the Council of Europe, Strasbourg

Mr Konstantin KOSORUKOV, Deputy for Legal Affairs, permanent Representation of the Russian Federation of the Council of Europe, Strasbourg

SWEDEN / SUÈDE

Mr Hans YTTERBERG, Chair of the Committee / Président du Comité, Director General, Ministry of Integration and Gender Equality, former ombudsman for LGBT-matters in Sweden, 103 33 Stockholm

SWITZERLAND / SUISSE

Mme Cordelia EHRICH, Juriste, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction droit public, Droit européen et protection internationale des droits de l'homme, Berne

**"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE
YUGOSLAVE DE MACÉDOINE"**

Ms Svetlana GELEVA, Head of Multilateral Department, Ministry of Foreign Affairs, Skopje

UNITED KINGDOM / ROYAUME-UNI

Ms Emma REED, Government Equality Office

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**OBSERVERS AND OTHER PARTICIPANTS / OBSERVATEURS ET AUTRES
PARTICIPANTS**

Parliamentary Assembly / Assemblée Parlementaire

Ms Agnieszka SZKLANNA

**Council of Europe Commissioner for Human Rights / Commissaire aux Droits de l'Homme du
Conseil de l'Europe**

Mr Dennis Van der VEUR, Advisor to the Commissioner for Human Rights

**European Committee on Legal Cooperation (CDCJ) / Comité européen de coopération juridique
(CDCJ)**

Mr Milos HATAPKA, Director, Private International Law Division, Ministry of Justice, Bratislava,
Slovak Republic

Ms Sabrina CAJOLY, Administrator, Directorate General of Human Rights and Legal Affairs (DG-HL

Holy See / Saint-Siège

M. Grégor PUPPINCK, Directeur du Centre européen pour la Justice et les Droits de l'Homme,
Strasbourg

Mexico / Mexique

Mrs Maria-Fernanda GONZALEZ, Attachée, Mission of Mexico at the Council of Europe, Strasbourg

**European Union Agency for Fundamental Rights (FRA) / Agence des droits fondamentaux de
l'Union européenne (FRA)**

Dr. Israel Butler, Seconded National Expert, European Union Agency for Fundamental Rights, Vienna
Austria

**OSCE Office for Democratic Institutions and Human Rights (ODIHR) / Bureau de l'OSCE des
institutions démocratiques et des droits de l'homme (BIDDH)**

Ms Kirsten MLACAK, Head, Human Rights Department, OSCE Office for Democratic Institutions and
Human Rights (ODIHR), Warsaw, Poland

Amnesty International

Mr Johannes HEILER, Assistant Adviser, International Law and Organizations Programme

International Commission of Jurists (ICJ) / Commission internationale de juristes (CIJ)

Excusé/excused

**International Lesbian and Gay Association – Europe (ILGA – Europe) / Association
internationale lesbienne et gay - Europe (ILGA – Europe)**

Mr Nigel WARNER, ILGA-Europe's Council of Europe adviser

TransGender EU (TGEU)

Prof. Stephen WHITTLE, OBE, PhD, MA, LLB, BA, Vice-President, Press for Change

Mr James MORTON

Human Rights Watch

Mr Boris O. DITTRICH, Advocacy Director, Lesbian, Gay, Bisexual and Transgender Rights Program, Human Rights Watch, New York

Conference of European Churches (KEK) / Conférence des Eglises européennes (KEK)

Ms Diane MURRAY, Consultant, Conference of European Churches, Strasbourg

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SECRETARIAT

Directorate General of Human Rights and Legal Affairs

Direction générale des droits de l'Homme et des affaires juridiques

Council of Europe/Conseil de l'Europe, F-67075 Strasbourg Cedex

Mr Jeroen SCHOKKENBROEK, Head of Human Rights Development Department / Chef du Service du développement des droits de l'Homme

Mr Nicola Daniele CANGEMI, Head of the Human Rights Law and Policy Division / Chef de la Division du droit et de la politique des droits de l'homme, Secretary of the DH-DEV-FA / Secrétaire du DH-DEV-FA

Mr Matthias KLOTH, Administrator, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Mme Estelle FAURY, Programme Officer / Officier de programmes, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Ms Claire ASKIN, Administrative assistant, Human Rights Law and Policy Division / Assistante administrative, Division du droit et de la politique des droits de l'Homme, Co-secretary of the DH-DEV-FA / Co-secrétaire du DH-DEV-FA

Mme Caroline ROCHE, Stagiaire / Trainee, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière des droits de l'Homme

Ms Andrea WILLE LUND, Stagiaire / Trainee, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière des droits de l'Homme

Ms Heli JÄRVINEN, Stagiaire / Trainee, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière des droits de l'Homme

Mme Frédérique BONIFAIX, Assistant / Assistante, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Interprétation

Ms Corinne MCGEORGE

Ms Jennifer GRIFFITH

Appendix II

Agenda

Item 1: Opening of the meeting and adoption of the agenda

Item 2: Report by the Chair on the exchange of views on the draft Recommendation of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity, in the 39th Committee of Experts for the Development of Human Rights (DH-DEV), 12-14 October 2009

Item 3: Draft explanatory memorandum to the draft recommendation of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity

Working documents

Report of the 2nd meeting of the Committee of Experts DH-LGBT (2009)008rev
(including the draft of the future Recommendation of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity)

Draft explanatory memorandum to the draft recommendation of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity DH-LGBT (2009)009

Meeting report of the 39th meeting of the Committee of Experts for the Development of Human Rights (DH-DEV) (12-14 October 2009) DH-DEV(2009)004

Terms of reference and decisions of the Committee of Ministers DH-LGBT(2009)001rev1

Relevant sources of the Council of Europe (including the European Court of Human Rights' case-law) and of other international organisations DH-LGBT(2009)003rev

Addendum to relevant sources of the Council of Europe (including the European Court of Human Rights' case-law) and of other international organisations DH-LGBT(2009)003add

Addendum to relevant sources of the Council of Europe (including the European Court of Human Rights' case-law) and of other international organisations DH-LGBT(2009)003add2

Information documents

Parliamentary Assembly Committee on Legal Affairs and Human Rights, Discrimination on the basis of sexual orientation and gender identity
Introductory memorandum, Rapporteur: Mr Andreas Gross, Switzerland, Socialist Group Declassified
ajdoc16 2009

Human Rights and Gender Identity (Document of the Commissioner for Human Rights) CommDH/Issuepaper
(2009)02

Item 4: Other business

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