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STEERING COMMITTEE FOR HUMAN RIGHTS CDDH

Combating discrimination on grounds of sexual orientation or gender identity

Examination of the issue of follow-up to Recommendation CM/Rec(2010)5 of the Committee of Ministers

Introduction

1. The texts of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity, adopted on 31 March 2010,¹ as well as its explanatory memorandum, were prepared by the CDDH. As a reminder, the text of the Recommendation appears in the Appendix I below.
2. At its 88th meeting (5-7 December 2017), the CDDH is called to exchange views on the organisation of the work to be undertaken during the next biennium (2018-2019), regarding in particular the follow-up activities foreseen for this instrument.
3. To this end, the present document contains information and suggestions from the Secretariat. **The Bureau examined this text at its 98th meeting (21-22 November 2017) and made some suggestions concerning both the procedure (see §§ 13.1 and 13.2 below) and the schedule proposal which appears in Appendix II below.**

¹ At the 1081st meeting of the Minister's Deputies.

Contents of the Recommendation

4. The Recommendation invites member States to be guided in their legislation, policies and practices by the principles and measures contained in it. They are also invited to ensure, by means and appropriate actions, that the Recommendation is translated and disseminated as widely as possible.
5. The main message of the Recommendation is that discrimination and social exclusion on account of sexual orientation or gender identity may best be overcome by measures targeted both at those who experience such discrimination or exclusion, and the population at large. To this end, three actions are recommended to member States:
 - (i) Examine existing legislative and other measures, keep them under review and collect and analyse relevant data, in order to monitor and redress any direct or indirect discrimination on grounds of sexual orientation or gender identity;
 - (ii) Ensure that legislative and other measures aimed to combat discrimination on grounds of sexual orientation or gender identity, to ensure respect for the human rights of lesbian, gay, bisexual and transgender persons, and to promote tolerance towards them, will be adopted and effectively implemented;
 - (iii) Ensure that victims of discrimination are aware and have access to effective legal remedies before a national authority, and that measures to combat discrimination include, where appropriate, sanctions and provision of adequate reparation for victims of discrimination.

Follow-up to the Recommendation

6. Three years after its adoption, the CDDH, at its 77th meeting (19-22 March 2013) adopted its report on the implementation of the Recommendation (CDDH(2013)R77Add VI) and transmitted it to the Committee of Ministers.
7. This report was prepared by the Rapporteur Ms Liselot EGMOND (Netherlands) on the basis of replies received from 39 States. It agreed to transmit it to the Committee of Ministers for possible follow up. Two delegations made declarations on this report at the moment of its adoption.²

² The text of the declarations (appears in Appendix IV of the meeting report CDDH(2013)R77):

Bulgaria - Bulgaria reiterates the position expressed at the 76th meeting of the CDDH, according to which Recommendation CM/Rec(2010)5 of the Committee of Ministers does not provide for a follow-up of its implementation on a regular basis.

Russian Federation - The Russian Federation did not participate in the adoption of the report concerning the questionnaire on the follow-up of Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity and dissociated itself with the contents of the report, for the reasons expressed in the statement made by the Representative of the Russian Federation at the 1081st CM meeting on 31 March 2010, appended to the Records (Addendum to [CM/Del/Dec\(2010\)1081](#)), and in the declaration of the delegation of the Russian Federation appended to the report of the 76th meeting of the CDDH (document CDDH(2012)R76, Appendix VI).

8. At the GR-H from 28 May 2013, five delegations made a joint proposal pointing out that the CM agreed to reexamine in four years' time and on a regular basis thereafter, the implementation of the Recommendation and in particular the follow-up issues addressed in the conclusions of the CDDH report.³
9. The issue was further discussed at the GR-H meetings from 21 June 2013 and from 10 December 2013. The Deputies endorsed the conclusions of the CDDH report as it appears in document CM(2013)36 add2, while noting the declarations stated within the CDDH by two delegations. They decided to return to the implementation of the Recommendation in four years' time.
10. At the meeting of the Rapporteur Group on Human Rights (GR-H) of 10 December 2013, it was not possible to reach a consensus.
11. The issue was discussed again at the 1189th Deputies' meeting (22 January 2014, item 4.1, document [CM/Del/Dec\(2014\)1189/4.1](#)⁴. On this occasion, they agreed to reconsider the issue of the implementation of the provisions of the recommendation in four years' time.
12. The CDDH, at its 86th meeting (6-8 December 2016) exchanged views with the Director of the European Union Agency for Fundamental Rights (FRA), Prof. Michael O'FLAHERTY and noted the information provided by the latter.⁵
13. The CDDH, at its 87th meeting (6-9 June 2017, CDDH(2016)R87) noted that it would be invited to examine as from 2018 the issue of follow-up to the Recommendation **following** the first follow-up **done** in 2013. To this end, it decided to examine the follow-up given by member States to this instrument through a thematic conference, to be held in 2019, involving the CDDH and the civil society.

13.1 Such an event would be organised by the CDDH at its plenary meeting in December 2019, based on the preparatory work that would be undertaken in

³ Joint proposal from France, Germany, the Netherlands, Norway and the United Kingdom: see document [DD\(2013\)598](#) from 24 May 2013.

⁴ [Decisions by the Deputies](#) :

“The Deputies

1. took note of the CDDH report on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity, as it appears in document CM(2013)36-add2, and endorsed its conclusions;
2. encouraged member States to continue their efforts to implement the various provisions of the recommendation and to translate and disseminate it as widely as possible;
3. encouraged further the organisation, upon request from member States, of assistance and capacity-building activities to facilitate their implementation of the recommendation;
4. in the light of the conclusions of the CDDH report, agreed to revert to the issue of the implementation of the provisions of the recommendation in four years' time.”

See also related documents CM(2013)36-add2 and DD(2014)86.

⁵ See meeting report CDDH(2016)R86, Appendix III.

2018 by the Sexual orientation and gender identity (SOGI) Unit from DGII.⁶ The technical distribution of responsibilities within the Secretariat was decided by the relevant General Directorates (DGI and DGII). At its 98th meeting (21-22 November 2017), the Bureau of the CDDH underlined that even though the event is prepared by the SOGI Unit, it is up to the CDDH to ensure general supervision by giving guidance and its eventual approval at each step of the process, as for any other event organized by the CDDH.

13.2 In the framework of this preparation, the CDDH noted that:

- the SOGI Unit would prepare and send a questionnaire on the national implementation of the Recommendation. At its 98th meeting (21-22 November 2017), the Bureau of the CDDH underlined that the questions proposed should correspond in every way to the content and the wording of the Recommendation in question, without adding any aspects which are not included in it. In addition, it proposed that the SOGI Unit submit the draft questionnaire in January 2018 to the Bureau of the CDDH for a first review; the draft (amended by the Bureau if appropriate) would then immediately be sent to the CDDH as a whole for possible written comments concerning the draft questionnaire (its content and its wording) and not the topic in general. In light of eventual amendment proposals, the Bureau of the CDDH would then proceed to formal approval of the questionnaire. It would then be sent to the members of the *European Governmental LGBTI Focal Points Network*, composed by governmental experts from 33 member States with whom the SOGI Unit has been cooperating for a long time, as well as to the relevant departments of member States not included in the network would be contacted by the Unit, if necessary through the CDDH members. The CDDH should be in a position to take note of the responses to the questionnaire at its meeting in June 2018.

- in light of notably the replies to the questionnaire, the SOGI Unit would prepare a report (analysis, conclusions, suggestions), if necessary through a consultant, as a main working document for the Conference. At its 98th meeting (21-22 November 2017), the Bureau of the CDDH suggested that the CDDH should be in a position to approve the general outline of the draft report at its meeting in December 2018 and the final draft report at its meeting in June 2019;

- the draft programme (themes, speakers) would also be prepared by the SOGI Unit in consultation with the CDDH Secretariat for discussion and possible adoption by the CDDH in June 2019;⁷

⁶ At an inter-Secretariat DGI-DGII meeting on 15 November 2017, it was suggested to hold the Conference in June 2019, which would be more useful in a view of the preparation of the 2020-2021 terms of reference.

⁷ At the inter-Secretariat DGI-DGII meeting on 15 November 2017, it was suggested that the preliminary draft programme should be considered by the CDDH in June 2018 and that a consolidated draft programme should be examined and adopted by the CDDH in December 2018, with a view of the holding of the Conference in June 2019.

- the Conference could lead to proposals for **the biennium 2020-2021** concerning for example the interest to update some parts of the Recommendation, setting up a follow-up system of the implementation of the text or of certain provisions, etc.

13.3 In this context, the Secretariat of the CDDH met informally on 25 April 2017 the Counsellor for the Council of Europe of the NGO ILGA Europe - *The European Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association*.

Appendices

- I. [Text of the Recommendation](#) (as a reminder)
- II. Schedule proposal presented by the Secretariat of DGI and DGII **containing proposed amendments by the Bureau of the CDDH at its 98th meeting (21-22 November 2017)**

APPENDIX I

(as a reminder)

**Recommendation CM/Rec(2010)5
of the Committee of Ministers to member states
on measures to combat discrimination on grounds of sexual orientation or gender
identity**

*(Adopted by the Committee of Ministers on 31 March 2010,
at the 1081st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, and that this aim may be pursued, in particular, through common action in the field of human rights;

Recalling that human rights are universal and shall apply to all individuals, and stressing therefore its commitment to guarantee the equal dignity of all human beings and the enjoyment of rights and freedoms of all individuals without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) (hereinafter referred to as "the Convention") and its protocols;

Recognising that non-discriminatory treatment by state actors, as well as, where appropriate, positive state measures for protection against discriminatory treatment, including by non-state actors, are fundamental components of the international system protecting human rights and fundamental freedoms;

Recognising that lesbian, gay, bisexual and transgender persons have been for centuries and are still subjected to homophobia, transphobia and other forms of intolerance and discrimination even within their family – including criminalisation, marginalisation, social exclusion and violence – on grounds of sexual orientation or gender identity, and that specific action is required in order to ensure the full enjoyment of the human rights of these persons;

Considering the case law of the European Court of Human Rights ("hereinafter referred to as "the Court") and of other international jurisdictions, which consider sexual orientation a prohibited ground for discrimination and have contributed to the advancement of the protection of the rights of transgender persons;

Recalling that, in accordance with the case law of the Court, any difference in treatment, in order not to be discriminatory, must have an objective and reasonable justification, that is, pursue a legitimate aim and employ means which are reasonably proportionate to the aim pursued;

Bearing in mind the principle that neither cultural, traditional nor religious values, nor the rules of a "dominant culture" can be invoked to justify hate speech or any other form of discrimination, including on grounds of sexual orientation or gender identity;

Having regard to the message from the Committee of Ministers to steering committees and other committees involved in intergovernmental co-operation at the Council of Europe on equal rights and dignity of all human beings, including lesbian, gay, bisexual and transgender persons, adopted on 2 July 2008, and its relevant recommendations;

Bearing in mind the recommendations adopted since 1981 by the Parliamentary Assembly of the Council of Europe regarding discrimination on grounds of sexual orientation or gender identity, as well as Recommendation 211 (2007) of the Congress of Local and Regional Authorities of the Council of Europe on “Freedom of assembly and expression for lesbians, gays, bisexuals and transgendered persons”;

Appreciating the role of the Commissioner for Human Rights in monitoring the situation of lesbian, gay, bisexual and transgender persons in the member states with respect to discrimination on grounds of sexual orientation or gender identity;

Taking note of the joint statement, made on 18 December 2008 by 66 states at the United Nations General Assembly, which condemned human rights violations based on sexual orientation and gender identity, such as killings, torture, arbitrary arrests and “deprivation of economic, social and cultural rights, including the right to health”;

Stressing that discrimination and social exclusion on account of sexual orientation or gender identity may best be overcome by measures targeted both at those who experience such discrimination or exclusion, and the population at large,

Recommends that member states:

1. examine existing legislative and other measures, keep them under review, and collect and analyse relevant data, in order to monitor and redress any direct or indirect discrimination on grounds of sexual orientation or gender identity;
2. ensure that legislative and other measures are adopted and effectively implemented to combat discrimination on grounds of sexual orientation or gender identity, to ensure respect for the human rights of lesbian, gay, bisexual and transgender persons and to promote tolerance towards them;
3. ensure that victims of discrimination are aware of and have access to effective legal remedies before a national authority, and that measures to combat discrimination include, where appropriate, sanctions for infringements and the provision of adequate reparation for victims of discrimination;
4. be guided in their legislation, policies and practices by the principles and measures contained in the appendix to this recommendation;
5. ensure by appropriate means and action that this recommendation, including its appendix, is translated and disseminated as widely as possible.

Appendix to Recommendation CM/Rec(2010)5

I. Right to life, security and protection from violence

A. “Hate crimes” and other hate-motivated incidents

1. Member states should ensure effective, prompt and impartial investigations into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator; they should further ensure that particular attention is paid to the investigation of such crimes and incidents when allegedly committed by law enforcement officials or by other persons acting in an official capacity, and that those responsible for such acts are effectively brought to justice and, where appropriate, punished in order to avoid impunity.

2. Member states should ensure that when determining sanctions, a bias motive related to sexual orientation or gender identity may be taken into account as an aggravating circumstance.

3. Member states should take appropriate measures to ensure that victims and witnesses of sexual orientation or gender identity related “hate crimes” and other hate-motivated incidents are encouraged to report these crimes and incidents; for this purpose, member states should take all necessary steps to ensure that law enforcement structures, including the judiciary, have the necessary knowledge and skills to identify such crimes and incidents and provide adequate assistance and support to victims and witnesses.

4. Member states should take appropriate measures to ensure the safety and dignity of all persons in prison or in other ways deprived of their liberty, including lesbian, gay, bisexual and transgender persons, and in particular take protective measures against physical assault, rape and other forms of sexual abuse, whether committed by other inmates or staff; measures should be taken so as to adequately protect and respect the gender identity of transgender persons.

5. Member states should ensure that relevant data are gathered and analysed on the prevalence and nature of discrimination and intolerance on grounds of sexual orientation or gender identity, and in particular on “hate crimes” and hate-motivated incidents related to sexual orientation or gender identity.

B. “Hate speech”

6. Member states should take appropriate measures to combat all forms of expression, including in the media and on the Internet, which may be reasonably understood as likely to produce the effect of inciting, spreading or promoting hatred or other forms of discrimination against lesbian, gay, bisexual and transgender persons. Such “hate speech” should be prohibited and publicly disavowed whenever it occurs. All measures should respect the fundamental right to freedom of expression in accordance with Article 10 of the Convention and the case law of the Court.

7. Member states should raise awareness among public authorities and public institutions at all levels of their responsibility to refrain from statements, in particular to the media, which may reasonably be understood as legitimising such hatred or discrimination.

8. Public officials and other state representatives should be encouraged to promote tolerance and respect for the human rights of lesbian, gay, bisexual and transgender persons whenever they engage in a dialogue with key representatives of the civil society, including media and sports organisations, political organisations and religious communities.

II. Freedom of association

9. Member states should take appropriate measures to ensure, in accordance with Article 11 of the Convention, that the right to freedom of association can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity; in particular, discriminatory administrative procedures, including excessive formalities for the registration and practical functioning of associations, should be prevented and removed; measures should also be taken to prevent the abuse of legal and administrative provisions, such as those related to restrictions based on public health, public morality and public order.

10. Access to public funding available for non-governmental organisations should be secured without discrimination on grounds of sexual orientation or gender identity.

11. Member states should take appropriate measures to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression to which they may be exposed, including when allegedly committed by state agents, in order to

enable them to freely carry out their activities in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities.

12. Member states should ensure that non-governmental organisations defending the human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons.

III. Freedom of expression and peaceful assembly

13. Member states should take appropriate measures to ensure, in accordance with Article 10 of the Convention, that the right to freedom of expression can be effectively enjoyed, without discrimination on grounds of sexual orientation or gender identity, including with respect to the freedom to receive and impart information on subjects dealing with sexual orientation or gender identity.

14. Member states should take appropriate measures at national, regional and local levels to ensure that the right to freedom of peaceful assembly, as enshrined in Article 11 of the Convention, can be effectively enjoyed, without discrimination on grounds of sexual orientation or gender identity.

15. Member states should ensure that law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons from any attempts to unlawfully disrupt or inhibit the effective enjoyment of their right to freedom of expression and peaceful assembly.

16. Member states should take appropriate measures to prevent restrictions on the effective enjoyment of the rights to freedom of expression and peaceful assembly resulting from the abuse of legal or administrative provisions, for example on grounds of public health, public morality and public order.

17. Public authorities at all levels should be encouraged to publicly condemn, notably in the media, any unlawful interferences with the right of individuals and groups of individuals to exercise their freedom of expression and peaceful assembly, notably when related to the human rights of lesbian, gay, bisexual and transgender persons.

IV. Right to respect for private and family life

18. Member states should ensure that any discriminatory legislation criminalising same-sex sexual acts between consenting adults, including any differences with respect to the age of consent for same-sex sexual acts and heterosexual acts, are repealed; they should also take appropriate measures to ensure that criminal law provisions which, because of their wording, may lead to a discriminatory application are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination.

19. Member states should ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used by public institutions including in particular within law enforcement structures, except where this is necessary for the performance of specific, lawful and legitimate purposes; existing records which do not comply with these principles should be destroyed.

20. Prior requirements, including changes of a physical nature, for legal recognition of a gender reassignment, should be regularly reviewed in order to remove abusive requirements.

21. Member states should take appropriate measures to guarantee the full legal recognition of a person's gender reassignment in all areas of life, in particular by making possible the change of name and gender in official documents in a quick, transparent and accessible way; member states should also ensure, where appropriate, the corresponding recognition and changes by non-state actors with respect to key documents, such as educational or work certificates.

22. Member states should take all necessary measures to ensure that, once gender reassignment has been completed and legally recognised in accordance with paragraphs 20 and 21 above, the right of transgender persons to marry a person of the sex opposite to their reassigned sex is effectively guaranteed.

23. Where national legislation confers rights and obligations on unmarried couples, member states should ensure that it applies in a non-discriminatory way to both same-sex and different-sex couples, including with respect to survivor's pension benefits and tenancy rights.

24. Where national legislation recognises registered same-sex partnerships, member states should seek to ensure that their legal status and their rights and obligations are equivalent to those of heterosexual couples in a comparable situation.

25. Where national legislation does not recognise nor confer rights or obligations on registered same-sex partnerships and unmarried couples, member states are invited to consider the possibility of providing, without discrimination of any kind, including against different sex couples, same-sex couples with legal or other means to address the practical problems related to the social reality in which they live.

26. Taking into account that the child's best interests should be the primary consideration in decisions regarding the parental responsibility for, or guardianship of a child, member states should ensure that such decisions are taken without discrimination based on sexual orientation or gender identity.

27. Taking into account that the child's best interests should be the primary consideration in decisions regarding adoption of a child, member states whose national legislation permits single individuals to adopt children should ensure that the law is applied without discrimination based on sexual orientation or gender identity.

28. Where national law permits assisted reproductive treatment for single women, member states should seek to ensure access to such treatment without discrimination on grounds of sexual orientation.

V. Employment

29. Member states should ensure the establishment and implementation of appropriate measures which provide effective protection against discrimination on grounds of sexual orientation or gender identity in employment and occupation in the public as well as in the private sector. These measures should cover conditions for access to employment and promotion, dismissals, pay and other working conditions, including the prevention, combating and punishment of harassment and other forms of victimisation.

30. Particular attention should be paid to providing effective protection of the right to privacy of transgender individuals in the context of employment, in particular regarding employment applications, to avoid any irrelevant disclosure of their gender history or their former name to the employer and other employees.

VI. Education

31. Taking into due account the over-riding interests of the child, member states should take appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity; this includes, in particular, safeguarding the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity.

32. Taking into due account the over-riding interests of the child, appropriate measures should be taken to this effect at all levels to promote mutual tolerance and respect in schools, regardless of sexual orientation or gender identity. This should include providing objective information with respect to sexual orientation and gender identity, for instance in school curricula and educational materials, and providing pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity. Furthermore, member states may design and implement school equality and safety policies and action plans and may ensure access to adequate anti-discrimination training or support and teaching aids. Such measures should take into account the rights of parents regarding education of their children.

VII. Health

33. Member states should take appropriate legislative and other measures to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity; in particular, they should take into account the specific needs of lesbian, gay, bisexual and transgender persons in the development of national health plans including suicide prevention measures, health surveys, medical curricula, training courses and materials, and when monitoring and evaluating the quality of health-care services.

34. Appropriate measures should be taken in order to avoid the classification of homosexuality as an illness, in accordance with the standards of the World Health Organisation.

35. Member states should take appropriate measures to ensure that transgender persons have effective access to appropriate gender reassignment services, including psychological, endocrinological and surgical expertise in the field of transgender health care, without being subject to unreasonable requirements; no person should be subjected to gender reassignment procedures without his or her consent.

36. Member states should take appropriate legislative and other measures to ensure that any decisions limiting the costs covered by health insurance for gender reassignment procedures should be lawful, objective and proportionate.

VIII. Housing

37. Measures should be taken to ensure that access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity; such measures should in particular seek to provide protection against discriminatory evictions, and to guarantee equal rights to acquire and retain ownership of land and other property.

38. Appropriate attention should be paid to the risks of homelessness faced by lesbian, gay, bisexual and transgender persons, including young persons and children who may be particularly vulnerable to social exclusion, including from their own families; in this respect, the relevant social services should be provided on the basis of an objective assessment of the needs of every individual, without discrimination.

IX. Sports

39. Homophobia, transphobia and discrimination on grounds of sexual orientation or gender identity in sports are, like racism and other forms of discrimination, unacceptable and should be combated.

40. Sport activities and facilities should be open to all without discrimination on grounds of sexual orientation or gender identity; in particular, effective measures should be taken to prevent, counteract and punish the use of discriminatory insults with reference to sexual orientation or gender identity during and in connection with sports events.

41. Member states should encourage dialogue with and support sports associations and fan clubs in developing awareness-raising activities regarding discrimination against lesbian, gay, bisexual and transgender persons in sport and in condemning manifestations of intolerance towards them.

X. Right to seek asylum

42. In cases where member states have international obligations in this respect, they should recognise that a well-founded fear of persecution based on sexual orientation or gender identity may be a valid ground for the granting of refugee status and asylum under national law.

43. Member states should ensure particularly that asylum seekers are not sent to a country where their life or freedom would be threatened or they face the risk of torture, inhuman or degrading treatment or punishment, on grounds of sexual orientation or gender identity.

44. Asylum seekers should be protected from any discriminatory policies or practices on grounds of sexual orientation or gender identity; in particular, appropriate measures should be taken to prevent risks of physical violence, including sexual abuse, verbal aggression or other forms of harassment against asylum seekers deprived of their liberty, and to ensure their access to information relevant to their particular situation.

XI. National human rights structures

45. Member states should ensure that national human rights structures are clearly mandated to address discrimination on grounds of sexual orientation or gender identity; in particular, they should be able to make recommendations on legislation and policies, raise awareness amongst the general public, as well as – as far as national law so provides – examine individual complaints regarding both the private and public sector and initiate or participate in court proceedings.

XII. Discrimination on multiple grounds

46. Member states are encouraged to take measures to ensure that legal provisions in national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity; national human rights structures should have a broad mandate to enable them to tackle such issues.

APPENDIX II

Schedule proposal

presented by the Secretariat of the DGI and the DGII
 containing proposed amendments by the Bureau of the CDDH
 at its 98th meeting (21-22 November 2017)

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| 16-17 November 2017 | <p>Meeting of the European Network of Governmental LGBTI Focal Points:</p> <ul style="list-style-type: none"> • presentation of the timeline and agreement on the role of the Network of Focal Points in the review process • agreement on taking stock of the existing data during the international organisations coordination meeting (FRA, OECD, OHCHR, UNESCO, World Bank, ILO, EC) |
| 5-8 December 2017 | 88 th meeting of the Steering Committee for Human Rights (CDDH) - Decision on the deadlines |
| End of 2017 | Updating of the Council of Europe online SOGI database by the Network of Focal Points and the Council of Europe SOGI Unit (good practices, policies, legislation) |
| End of 2017 | Drafting of the questionnaire by the SOGI Unit in coordination with the Network of Focal Points |
| January 2018 | <p>Internal approval by the SOGI Unit of the draft questionnaire.</p> <p>Review of the draft questionnaire by the Bureau of the CDDH, then (modified, if necessary) by the CDDH as a whole and then by the Bureau for final approval. Dissemination of the approved questionnaire to stakeholders (member States, national HR institutions, NGOs)</p> |
| May 2018 | Deadline for submission of answers to the questionnaire |
| June 2018 | 89 th meeting of the CDDH – The CDDH takes note of the answers to the questionnaire. Presentation by the SOGI Unit of an outline of a conference programme; exchange of views and possible amendments by the CDDH |
| July 2018 - January 2019 | The SOGI Unit undertakes desk research, analyses the submissions and drafts a general outline of the draft Report |
| December 2018 | 90 th meeting of the CDDH - Presentation by SOGI Unit of a general outline of the draft Report and approval of the outline by the CDDH; presentation of the SOGI Unit of a consolidated draft conference programme, and approval of the programme by the CDDH |

February - April 2019

Finalisation by the SOGI Unit of the draft Report

May/June 2019

91st meeting of the CDDH – Presentation by the SOGI Unit of the draft Report and approval by the CDDH of the Report, which will be the main document of the Conference. Decision by the CDDH concerning the dates for the Conference.