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STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

Questionnaire on the implementation of
Committee of Ministers' Recommendation CM/Rec(2010)5
on measures to combat discrimination on grounds
of sexual orientation or gender identity

Introduction

1. The texts of 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 2010¹, as well as its explanatory memorandum, were prepared by the CDDH.
2. The Recommendation enhances the full enjoyment of all human rights by lesbian, gay, bisexual and transgender persons. 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. The text of the Recommendation is the first instrument drawn up by the Committee of Ministers dealing specifically with the question of discrimination based on sexual orientation and gender identity.
3. 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)R77AddVI) and transmitted it to the Committee of Ministers. At the 1189th Deputies' meeting (22 January 2014, item 4.1), it was agreed that the issue of the implementation of the provisions of the recommendation would be reconsidered in four years' time.
4. 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.
5. At its 88th meeting (5-7 December 2017, CDDH(2017)R88), the CDDH adopted its procedure and schedule. In particular, the CDDH decided that:
 - (i) the organisation of a possible conference on this theme under the aegis of the CDDH would be discussed again at a later stage; such an event could have the objective either to prepare decisions to be taken by the CDDH in its follow-up Report or to raise awareness as to this report's content if the conference takes place once the report is adopted;
 - (ii) the CDDH will adopt its follow-up Report to the attention of the Committee of Ministers at its 91st CDDH meeting (June 2019).
6. As per the CDDH's instructions, the SOGI Unit, in coordination with the Network of European Governmental LGBTI Focal Points, has elaborated the following questionnaire on existing measures and examples of good practices related to the implementation of the Recommendation, which has been approved by the Bureau of the CDDH and disseminated to member States, national HR institutions, and NGOs.
7. On the basis of the replies to the questionnaire, the Secretariat will prepare a report which will be submitted for adoption to the CDDH at its 91st meeting (June 2019).
8. The competent authorities are therefore kindly invited to submit the information requested by **30 June 2018** close of business to DG-CDDH@coe.int.

¹ At the 1081st meeting of the Ministers' Deputies.

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

Important – In order to facilitate member States' replies, the new questionnaire has been drawn up on the basis of the 2012 version, following strictly the structure of the Recommendation itself.

Information already communicated in reply to the 2012 questionnaire may be found in the CDDH report CDDH(2013)R77 adopted in March 2013, available [here](#). Member States that had submitted information under the previous review process are invited to validate, update or complete the information sent in 2012.

In addition, further information held by the Secretariat may be found on the SOGI database, available [here](#).

Section I – Implementation of the Recommendation

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

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;”

Question 1

Has a review been carried out of existing legislative and other measures which could result directly or indirectly in discrimination on grounds of

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

and are there measures in place to redress any such discrimination?

Yes No Partially

If appropriate, please provide examples of specific measures adopted and/or in preparation.

Question 2

Have legislative and other measures been adopted and/or implemented to collect and analyse relevant data on discrimination on grounds of

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices:

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;”

Question 3

Have legislative and other measures been adopted and/or implemented to combat discrimination on grounds of

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

and in particular a) by way of legislative measures?

Yes No

b) by way of a national action plan?

Yes No

c) by the inclusion of the Recommendation in existing plans?

Yes No

d) by the creation of cross-sectoral working groups for its implementation?

Yes No

e) by way of a comprehensive strategy aimed at combatting discrimination and/or biased attitudes and behaviour against LGBT persons within the general public, and at correcting prejudices and stereotypes?

Yes No Partially

If appropriate, please provide examples of measures adopted and/or in preparation.

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;”

Question 4

Have effective legal remedies for victims of sexual orientation or gender identity discrimination been adopted and/or implemented including sanctions for infringements?

Yes No Partially

a) Do the remedies include adequate reparation for victims?

Yes No Partially

b) Are the remedies effective, proportionate and dissuasive?

Yes No Partially

c) Are there measures in place to raise awareness and facilitate access of victims to such remedies, even when the violation is committed by a person acting in an official capacity?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Section II – Implementation of the specific provisions in the Appendix

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.”

Question 5

Have legislative and other measures been adopted and/or implemented to ensure an effective, prompt and impartial investigation into alleged cases of crimes and/or other incidents, where there is reasonable ground to suspect that the victim was targeted due to their

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area, including in particular with respect to discrimination on multiple grounds:

Question 6

Is there an independent and effective procedure to receive and investigate reports of hate crimes and/or hate motivated incidents allegedly committed by law enforcement staff, particularly where sexual orientation and gender identity constitutes one of the motives?

Yes No Partially

Please indicate what procedures are in place and, if appropriate, provide examples of good practices:

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.”

Question 7

Have legislative and other measures been adopted or implemented to ensure that

- a) a bias motive may be taken into account as an aggravating circumstance when related to
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially
- b) “hate crimes” and other hate motivated incidents recognise as a possible motive
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area, including in particular with respect to groups affected by multiple discrimination:

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.”

Question 8

Have appropriate measures been taken or implemented to

- a) ensure that victims and witnesses of hate crimes and incidents against LGBTI persons are encouraged to report them ? Yes No Partially
- b) identify specific LGBTI groups with heightened vulnerability and adopt targeted measures to protect, in particular :
- lesbian, bisexual and trans women? Yes No
 - LGBTI persons of colour? Yes No
 - LGBTI persons of ethnic minority backgrounds, including Roma persons?
Yes No

- LGBTI persons from religious minorities? Yes No
- LGBTI sex workers? Yes No
- LGBTI persons with disabilities? Yes No

c) ensure that **law-enforcement** possess the knowledge and skills (and are able to apply them) to:

- identify hate crimes and other hate-motivated incidents?
Yes No Partially
- provide victim and witnesses with adequate assistance and support?
Yes No Partially

d) ensure that **the judiciary** possess the knowledge and skills (and are able to apply them) to:

- identify hate crimes and other hate-motivated incidents?
Yes No Partially
- provide victim and witnesses with adequate assistance and support?
Yes No Partially

e) ensure that **prison officials** possess the knowledge and skills (and are able to apply them) to:

- identify hate crimes and other hate-motivated incidents?
Yes No Partially
- provide victim and witnesses with adequate assistance and support?
Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Question 9

When a hate crime or other hate-motivated incident against LGBTI persons has occurred, are there, within the police

- a) units tasked specifically with investigating these incidents? Yes No
- b) liaison officers tasked with maintaining contact with LGBT communities in order to establish a relationship of trust? Yes No
- c) systems of anonymous complaints or online complaints to allow reporting by third parties of the occurrence of such incidents? Yes No

Please indicate the measures and, if appropriate, provide examples of good practices in this area, including in particular with respect to groups affected by multiple discrimination:

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."

Question 10

Have specific measures been adopted or implemented to ensure the safety and dignity of lesbian, gay, bisexual and transgender deprived of their liberty?

Yes No Partially

In particular:

a) Are there effective measures to minimise the dangers of physical assault, rape and other forms of sexual abuse?

Yes No Partially

b) Have the authorities adopted and implemented anti-bullying strategies to prevent violence against LGBT detainees?

Yes No Partially

c) Are trans prisoners given the possibility to be allocated to either a male or female facility based on their self-determined gender identity?

Yes No Partially

d) Do protective measures avoid placing LGBT detainees in solitary confinement?

Yes No Partially

e) Are there training programmes and/or codes of conduct for prison staff to ensure that prisoners are treated with respect and without discrimination with regard to their

- sexual orientation? Yes No Partially

- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."*

Question 11

Is there an effective system to register complaints and collect data on hate crime and hate-motivated incidents related to

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

and are there official statistics publicly available with regard to hate crime and hate-motivated incidents related to

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate methodologies in place to record hate crime and issue statistics, and, if appropriate, provide examples of good practices in this area, including in particular with respect to groups affected by multiple discrimination:

Question 12

Have measures been adopted or implemented to regularly gather data on the levels of social acceptance towards

- Lesbians, gay, and bisexual persons? Yes No Partially
- Transgender persons? Yes No Partially

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."*

Question 13

Have appropriate measures been taken to combat all forms of "hate speech" against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation?

- Yes No Partially

In particular, are legislative measures adopted or implemented to criminalise “hate speech” against LGBTI persons on the internet?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area, including in particular with respect to groups affected by multiple discrimination:

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.”

Question 14

Have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”

Question 15

Are trainings, awareness raising activities or any other form of guidance provided to public officials and state representatives to promote tolerance towards LGBTI persons whenever they engage with civil society, media and sports organisations, political organisations and religious communities? Yes No

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 16

Is the freedom of association of LGBTI human right organisations ensured by

- a) the possibility to obtain official registration? Yes No
- b) the removal of discriminatory administrative procedures and/or restrictions based on public health, morality and public order? Yes No
- c) the involvement or consultation of such organisations when policies that concern or affect LGBTI persons are being adopted or implemented? Yes No

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

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

Question 17

Is public funding available for non-governmental organisations the purpose of which is, or includes, the protection of the rights of LGBTI persons?

Yes No

If yes, please provide examples of good practices in this area:

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.”*

Question 18

What measures are in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression?

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Question 19

Are LGBTI human rights organisations able to

- a) work with national human rights institutions? Yes No
- b) work with the media? Yes No
- c) work with other human rights organisations? Yes No
- d) take part in training sessions or conferences ? Yes No

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.”*

Question 20

Have measures been taken to 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?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 21

Are there measures in place to ensure the freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, including

- a) Organising activities that support the human rights of LGBTI persons?
Yes No Partially
- b) Publishing material that raises awareness on the human rights of LGBTI persons?
Yes No Partially
- c) Securing visibility via media coverage?
Yes No Partially
- d) Disseminating or accessing information on safe sexual practices?
Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 22

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

Yes No Partially

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

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.”*

Question 23

Do 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?

Yes No Partially

And are law enforcement officers sensitized and trained to protect specific social groups, including LGBT persons, during public demonstrations?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 24

What measures are in place to prevent the abuse of legal or administrative provisions on grounds of public health, public morality or public order resulting in restrictions on the effective enjoyment of the rights to freedom of expression and peaceful assembly by LGBTI persons or human rights organisations supporting the rights of LGBTI persons?

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 25

Have public authorities publicly condemned any unlawful interferences with the exercise of freedom of expression and peaceful assembly by LGBTI persons or human rights organisations supporting the rights of LGBTI persons?

Yes No

If yes, please provide examples:

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."

Question 26

Have measures been taken to repeal, amend or apply in a manner which is compatible with the principle of non-discrimination, any criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area, including in particular with respect to groups affected by multiple 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."

Question 27

Are there measures in place to ensure that personal data are not collected, stored or otherwise used when referring to

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

And are existing records that do not comply with this principle destroyed?

Yes No Partially

Please provide examples of exceptions to this principle, if any:

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."

Question 28

Are legal gender recognition procedures available that are quick, transparent, accessible and based on self-determination?

Yes No Partially

In particular, is legal gender recognition of transgender persons

a) conditional on undergoing an operation or treatment entailing irreversible sterilisation against their wishes?

Yes No

b) conditional on undergoing hormonal treatment or any other form of medical treatment or surgical procedure?

Yes No Partially

c) conditional on a psychological diagnosis or expert statement?

Yes No Partially

d) conditional on the capacity to demonstrate a period of "life experience" in the self-determined gender?

Yes No Partially

e) accessible irrespective of

- age? Yes No Partially
- medical status? Yes No Partially
- financial situation ? Yes No Partially
- police record? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."

Question 29

Have appropriate measures been adopted and/or implemented to guarantee full legal gender recognition of a person in all areas of life, including adapting official documents, and educational or work certificates issued by non-state actors?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."

Question 30

Are there legal and other measures in place to protect the right of transgender persons to marry?

Yes No Partially

a) In particular, are transgender persons allowed to marry a person of the sex opposite to their reassigned sex?

Yes No Partially

b) Where married trans persons are required to divorce prior to obtaining the legal recognition of their self-determined gender, are measures in place compensating for a loss in acquired rights of spouses?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."

Question 31

Does national legislation confer rights and obligation on unmarried couples?

Yes No Partially

If so, have measures been adopted and/or implemented so that the same rights and obligations apply to same-sex couples and different-sex couples?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."

Question 32

Do same-sex couples have access to registered partnerships under national law?

Yes No

a) If so, are the legal status, rights and obligations of same-sex couples equivalent to those of different-sex couples in a comparable situation?

Yes No Partially

b) And have legal measures been adopted and/or implemented to ensure that the same-sex partner of a national may obtain a residence permit for family reasons?

Yes No Partially

c) If same-sex couples do not have access to registered partnerships, are there measures in place to provide them with the possibility to address the practical problems related to the social reality in which they live?

Yes No Partially

Please indicate what form(s) of legal recognition are available to same sex couples and provide, if appropriate, examples of good practices in this area:

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.”*

Question 33

Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child’s best interest, as well as without discrimination based on

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 34

When national legislation permits unmarried different-sex couples to adopt each other's children (a second-parent or step-parent adoption), does it also apply to unmarried same-sex couples?

- Yes No Partially

Please specify what measures are in place and, if appropriate, good practices in this area:

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.”*

Question 35

Does national law permit assisted reproductive treatment for single women?

- Yes No Partially

If so, are there measures in place to ensure that access by single women to assisted reproductive treatment is without discrimination based on sexual orientation?

- Yes No Partially

Question 36

Where national law permits assisted reproductive treatment for unmarried different sex couples, does it also permit such treatment for unmarried lesbian couples?

Yes No Partially

Please indicate what measures are in place, and, if appropriate, provide examples of good practices in this area:

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."

Question 37

Does legislation prohibit discrimination in employment

- a) in the public sector on grounds of
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially
- b) in the private sector on grounds of
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially

Question 38

Are there measures in place to provide effective protection against discrimination in

- a) Access to employment on grounds of
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially
- b) Promotion, dismissals, pay and other working conditions employment on grounds of
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially
- c) Prevention and punishment of harassment employment on grounds of
- sexual orientation? Yes No Partially
 - gender identity? Yes No Partially

Do those measures take into consideration the heightened vulnerability of specific LGBTI groups, such as:

- lesbian, bisexual and trans women? Yes No
- LGBTI persons of colour? Yes No
- LGBTI persons of ethnic minority backgrounds, including Roma persons?
Yes No
- LGBTI persons from religious minorities? Yes No
- LGBTI sex workers? Yes No
- LGBTI persons with disabilities? Yes No

In particular, is the privacy of transgender persons protected so as to prevent the disclosure of transgender persons' gender history and former name in the context of employment?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices split according to sexual orientation and gender identity (where available) in this area:

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.”*

Question 39

Taking into due account the over-riding interests of the child, are there 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? Yes No Partially
- gender identity? Yes No Partially

If so, are there measures in place concerning in particular:

- a) Anti-discrimination training or support and teaching aids?
Yes No Partially
- b) Information, protection and support for pupils and students?
Yes No Partially
- c) Respect for the self-determined name and gender marker of pupils and students in form of address, educational documents, and use of gendered facilities/classes?
Yes No Partially
- d) Objective information on sexual orientation and gender identity in school curricula?
Yes No Partially
- e) School equality and safety policies and action plans?
Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."

Question 40

Are there appropriate measures in place to ensure that

- a) the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of
 - sexual orientation? Yes No Partially
 - gender identity? Yes No Partially
- b) education, prevention, care and treatment programmes and services in the area of sexual and reproductive health are available to all individuals, regardless of their
 - sexual orientation? Yes No Partially
 - gender identity? Yes No Partially
- c) the specific needs of LGBTI persons are taken into consideration in the development of national health plans, including

- suicide prevention measures? Yes No
Partially
- health surveys? Yes No
Partially
- medical curricula and training programmes? Yes No Partially
- in the monitoring and evaluating of quality of health-care services? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Question 41

Are patients in hospital able or subject to medical emergencies free to identify their “next of kin”?

Yes No

And are rules on issues regarding “next of kin” applied without discrimination on grounds of

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”

Question 42

Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment specialised psychological, endocrinological and surgical services without being subjected to unreasonable requirements?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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."

Question 43

Where legislation provides for the coverage of necessary health-care costs by public or private social insurance systems, are there measures in place to ensure that gender reassignment procedures are covered?

Yes No Partially

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

Question 44

Are there legislative or other measures in place ensuring that no person is subjected to gender reassignment procedures, including so-called "conversion therapies", without their informed consent?

Yes No Partially

In particular, are there measures in place to ensure that, unless necessary for health reasons, no child has their body irreversibly changed by medical practices designed to impose a gender identity because of their sex characteristics without their full, free and informed consent?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 45

Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 46

With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.*

Question 47

Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 48

May a well-founded fear of persecution be recognised as a valid ground for the granting of refugee status and asylum under your national law, when based on

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

and are measures in place to ensure that asylum requests may not be turned down on the ground that the claimant can escape persecution in the country of origin by keeping their sexual orientation or gender identity secret?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 49

Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

a) In particular, does your country remove from the lists of safe countries of origin any state that criminalise or persecute same-sex relations or transgender identities?
Yes No Partially

b) Are there measures in place to ensure that applicants will not be asked to provide detailed account of their sexual practices or to produce “evidence” such as images or films of intimate acts to prove their sexual orientation or gender identity in asylum claims?
Yes No Partially

c) Are there measures in place to ensure that applicants will not be subjected to psychological tests to determine there
- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”*

Question 50

Are specific measures in place to prevent violence against LGBT asylum seekers deprived of their liberty?

Yes No Partially

In particular, are alternatives to detention offered to LGBT asylum seekers whose protection cannot be guaranteed?

Yes No Partially

Question 51

Is the self-determined name and gender identity of a transgender asylum seeker respected throughout, including in particular related to placement, use of gendered facilities, form of address, and official documents?

Yes No Partially

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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.”

Question 52

Are National Human Rights Structures (equality bodies, ombudsperson, national human rights institutions, and/or National Preventive Mechanisms) clearly mandated to address discrimination on grounds of

- sexual orientation? Yes No Partially
- gender identity? Yes No Partially

If so please explain and indicate, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

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.”

Question 53

Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity?

Yes No

Question 54

Are there measures in place pro-actively identifying, protecting and/or supporting groups affected by multiple discrimination? Yes No

In particular, with regard to

- | | |
|---|--|
| - lesbian, bisexual and trans women? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| - LGBTI persons of colour? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| - LGBTI persons of ethnic minority backgrounds, including Roma persons? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| - LGBTI asylum seekers and refugees? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| - LGBTI persons from religious minorities? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| - LGBTI sex workers? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| - LGBTI persons with disabilities? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Section III - General assessment and dissemination of the Recommendation and its Appendix

Question 55

How would you assess the status of implementation of the Recommendation in your country?

Fully satisfactory Adequate Insufficient Absent

Please explain your reply:

Question 56

Which obstacles, if any, have been encountered in the implementation of the Recommendation?

Question 57

Has the Recommendation, including its Appendix, been translated in all your national languages?

Yes No Partially

Question 58

Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible?