

**OSCE HIGH-LEVEL CONFERENCE ON TOLERANCE AND NON-DISCRIMINATION
Astana, 29 – 30 June 2010**

Distinguished guests

Ladies and Gentlemen

My name is Beth Fernandez from ILGA-Europe and I make this intervention on behalf of :

ILGA-Europe, Labrys, Amulet and COC Netherlands,

ILGA-Europe

High-level Conference on Tolerance and non-Discrimination

Astana 29-30 June 2010*

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

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

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

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

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

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

What is at stake is the actual enforcement of Fundamental rights such as the Right to life, security and protection from violence; Freedom of association; Freedom of expression and peaceful assembly; the Right to respect for private and family life; the Right to seek asylum. Yet, serious violations of these rights continue to occur in the OSCE region.

LGBT public events in Europe are still subject to bans, limitations or similar threats, as well as violent protests and attacks. Such cases occurred in 2010 in Moldova, Ukraine, Lithuania, Belarus, Slovakia and Russia. Uzbekistan and Turkmenistan still criminalize homosexuality.

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

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