



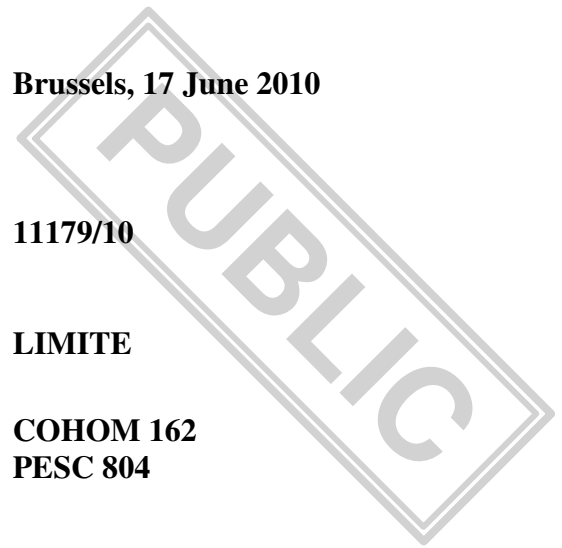
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NOTE

From: Working Party on Human Rights
To: Political and Security Committee

Subject: Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People

1. On 8 June 2010 the Working Party on Human Rights adopted the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People, as set out in the Annex.
2. The PSC is invited to take note of the LGBT Toolkit. This document will help the EU institutions, EU Member State capitals, EU Delegations, Representations and Embassies to react proactively to violations of the human rights of LGBT people, and to address structural causes behind these violations.

TOOLKIT TO PROMOTE AND PROTECT THE ENJOYMENT OF ALL HUMAN RIGHTS BY LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PEOPLE

I. Introduction and Purpose

The document aims to provide staff in the EU Headquarters, EU Member States' capitals, EU Delegations, Representations and Embassies with an operational set of tools to be used in contacts with third countries, as well as with international and civil society organisations, in order to promote and protect the human rights enjoyed by LGBT people within its external action. It seeks to enable the EU to proactively react to cases of human rights violations of LGBT people and to structural causes behind these violations. By doing so, the Toolkit will further contribute to reinforcing and supporting the EU's human rights policy in general.

Gender identity and sexual orientation continue to be used as justifications for serious human rights violations around the world. Lesbian, Gay, Bisexual and Transgender (LGBT) people constitute a vulnerable group and continue to fall victims of persecution, discrimination and gross ill-treatment, often involving extreme forms of violence. In several countries, sexual relations between consenting adults of the same sex are considered a crime and punished with imprisonment or with the death penalty.

The EU strongly supports the entitlement by all individuals, without discrimination, to enjoy the full range of human rights. The promotion and protection of human rights features as a key objective of the EU's external action. Through the different tools available to it within its external action, including the financial instruments available both through the EU institutions and the Member States, the EU will seek to actively promote and protect the enjoyment of all human rights by LGBT people.

According to the Treaty on European Union (“TEU”), the “Union is founded on the value of respect for human dignity [...], equality [...] and respect for human rights. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail” (Article 2 TEU). Article 3 TEU commits the Union to promote these values, combat social exclusion and discrimination, equality between women and man and uphold and promote its values in its relations with the wider world. Likewise, the EU treaties – following the entry into force of the Treaty of Lisbon - considerably expand the EU’s binding obligation on human rights both by stating, in Article 6 TEU, that the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, including the prohibition of discrimination on the grounds of sexual orientation (Article 21 of the Charter), and providing for the accession of the EU to the European Convention on Human Rights. In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on, inter alia, sexual orientation (see Articles 10 and 19 of the Treaty on the Functioning of the European Union).

This document takes full account of the EU Guidelines on Human Rights and International Humanitarian Law. The Guidelines on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, on human rights defenders and on violence against women and girls and combating all forms of discrimination against them are particularly relevant.

II. The enjoyment of all human rights by LGBT people

LGBT people have the same human rights as all individuals, which include the right to non-discrimination in the enjoyment of these rights. This principle is enshrined in numerous international instruments, providing for a wide scope in its application. Specifically, at the global level, it is embodied in Article 26 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (see **Annex 1**).

The EU unanimously supported the December 2008 United Nations General Assembly (UNGA) Statement on human rights, sexual orientation and gender identity ⁽¹⁾, supported by 68 countries from five continents. The Statement reaffirms the principle of non-discrimination and condemns executions, arbitrary arrest or violations of human rights on the basis of sexual orientation or gender identity.

Lesbian women and gay men are homosexuals: people whose sexual orientation is towards someone of the same sex. Bisexuals are people whose sexual orientation is towards both sexes. Transgender is the state of one's "gender identity" (self-identification as male, female, both or neither) not matching one's "assigned gender" (identification by others as male or female based on physical gender). "Transgender" does not imply any specific form of sexual orientation ⁽²⁾ Sexual orientation (attraction towards others that may or may not involve sexual activity) is distinct from sexual activity.

The sex of a person is usually assigned at birth and becomes a social and legal fact from there on. However, some people do not feel that their correct sex has been assigned to them at birth. This can also be so for intersex people whose bodies incorporate both or certain aspects of both male and female physiology, and at times their genital anatomy. For others, problems arise because their innate perception of themselves is not in conformity with the sex assigned to them at birth. These persons are referred to as 'transgender' or 'transsexual' people. They also include cross-dressers, transvestites and other people who do not fit the narrow categories of 'male' or 'female'⁽³⁾.

Transgender persons are a particularly vulnerable group within LGBT people.

III. Priority areas of action

In order to effectively promote and protect the human rights enjoyed by LGBT people through EU external action, the EU should focus on the following areas:

1. Decriminalisation

Today, around 80 States still criminalise consenting same-sex relations, including through the death penalty in seven countries; we understand this to be incompatible with international human rights law. Further, such criminalisation has an adverse impact on the enjoyment of other human rights by LGBT people, such as the right to privacy and to health, as well as of association, assembly and expression. Moreover, criminalisation frequently brings about other human rights violations such as torture, cruel or inhuman treatment, and violation of the right to life with the implementation of the death penalty or increased tolerance of so-called “honour killings” of LGBT people and the accompanying impunity.

The EU should actively condemn the criminalisation of consenting same-sex relations and in particular, the use of the death penalty, torture or ill-treatment in this respect. The EU should work to achieve the abolition of such practices against all people, including LGBT people.

The actions of the EU in this area should be guided by the following:

- Prioritising its work in those countries where consenting same-sex relations are criminalised or where there are moves to change existing legislation (in either direction), raising the issue and encouraging States to make human rights sensitive legislative changes.
- Putting particular accent on situations where the death penalty is in force, and/or torture and ill-treatment take place, condemning these practises in the framework of the EU Guidelines on the death penalty and the EU Guidelines on torture and other cruel, inhuman or degrading treatment or punishment.

2. Equality and Non-Discrimination

Discrimination is the most common issue that LGBT people face in the majority of countries and on a daily basis on the grounds of sexual orientation or gender identity. Discriminatory practices can be found in the workplace and in the public sphere, specifically regarding access to health care and education.

Such practices go against the right to equality and non-discrimination in the enjoyment of human rights as stated in Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The EU should denounce any form of discrimination without a legitimate aim on any account that is contrary to these fundamental principles. In respect to LGBT people, EU laws and policies include equality and non-discrimination on the grounds of sexual orientation, enshrined in Articles 10 and 19 of the Treaty on the Functioning of the European Union (TFEU), and Article 21 of the Charter of Fundamental Rights of the European Union (CFREU).

TFEU Article 10

In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

TFEU Article 19

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

CFREU Article 21

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

The actions of the EU in this area should be guided by the following:

- Encouraging States to promote equality and non-discrimination in the enjoyment of all human rights by LGBT people, including by introducing national legislative measures and laws that promote equality and non-discrimination in the work place and education and seek to abolish laws discriminating against LGBT people.
- Identifying situations where political and financial support towards governmental and non-governmental initiatives in the promotion of non-discrimination would provide added value to this work.

3. Support and Protection for Human Rights Defenders

All States should respect human rights defenders as stated in the International Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (adopted in 1998 by the UNGA). In spite of this, human rights defenders (journalists, activists, lawyers, trade unionists etc.) working in the promotion and protection of the human rights of LGBT people frequently become targets for persecution and human rights violations. This is especially the case in countries where governments ban public discussion on sexual orientation and restrict freedoms of association and expression on these issues.

In order to be consistent with the progress made with regard to the implementation of the EU Guidelines on human rights defenders, the actions of the EU in this area should be guided by the following:

- Encouraging third countries to adopt a culture of general respect towards and recognition of the work carried out by human rights defenders, including those of human rights of LGBT people.
- Prioritising its work in countries where there is a poor record of respect towards human rights defenders in general and specifically defenders of human rights of LGBT people, in particular where legislative changes and the imposition of criminal sanctions have had a negative impact on the work carried out by human rights defenders in relation to the human rights of LGBT people.

- Reacting to apparent violations of the rights of human rights defenders in third countries, highlighting the EU position in relation to this issue and carrying out its work in the framework of the EU Guidelines on human rights defenders.

IV. General measures

The Council Working Group on Human Rights (COHOM) will update this Toolkit at least every three years after its adoption. COHOM will also promote and oversee further mainstreaming of the LGBT issues within the EU's external action and actively disseminate this Toolkit and promote its implementation by the EU Member States, the European Union External Action Service, the European Commission and the European Parliament.

COHOM will compile a compendium of good practices and lessons learned on EU action in the promotion and protection of the full enjoyment of human rights by LGBT people, in order to promote cross-learning and policy coherence.

Particular attention will be paid to gender aspects, i.e. to considering both men's and women's rights, taking account of the fact that lesbian, bisexual and trans women make up a significant part of the LGBT group and are particularly vulnerable to gender-based and sexual violence. Also, women's civil society groups and organisations frequently play an important role in the promotion and protection of human rights enjoyed by LGBT people, particularly in countries where LGBT organisations are not permitted.

V. Operational Tools

Headquarters and EU Missions in partner countries have various tools and actions at their disposal, also using existing instruments and guidelines:

1. Regarding partner countries

Monitoring LGBT rights:

- Use the analysis/checklist in **Annex 2** to track and monitor the situation of the human rights enjoyed by LGBT people in the respective country to identify progress/setbacks.

- Keep contact with local authorities, regional organisations as well as local and international civil society organisations, in order to obtain information, including on individual cases of human rights violations of LGBT people.

EU Heads of Mission (HoMs) reports:

- Include in the periodic reports an analysis of the situation of LGBT people as well as the occurrence of violations of human rights towards LGBT people and human rights defenders.
- Identify individual cases of apparent violations of the human rights enjoyed by LGBT people.
- Detail measures (e.g. démarches, raising the issue in political dialogue, financing) that have been taken or planned to combat alleged or proven violations (any action on an individual case should only be carried out if the person concerned gives his or her agreement).

Human rights fact sheets:

- Address the situation of LGBT people in the human rights fact sheets, noting in particular the occurrence of human rights violations against LGBT people.

Démarches and public statements:

- Propose and carry out démarches and public statements on LGBT issues with a particular focus on high risk cases and situations.
- Positive developments made in the promotion and protection of the full enjoyment of human rights by LGBT people in third countries should also be reacted to.

Individual Cases:

- Propose specific action, e.g. démarches, when made aware of well-documented individual cases of alleged or proven violations of the human rights enjoyed by LGBT people (actions on individual cases should be determined on a case-by-case basis and may form part of a general démarche or statement).

Court hearings and prison visits:

- Attend court hearings and show visible support during legal procedures related to cases of violations of human rights enjoyed by LGBT people, paying special attention to the high-risk cases.
- Contact a state prosecutor or police authorities to ask for permission to visit LGBT people in detention.

Political Dialogues:

- Raise the human rights situation of LGBT people in the human rights component of political dialogues and specialised dialogues (human rights dialogues, consultations, subcommittees, and Article 8 Cotonou dialogues) with partner countries and regional organisations.
- Raise individual cases, with the consent of those involved, of human rights violations towards LGBT people.
- Encourage partner countries to initiate legislative changes to ensure equality before the law for LGBT people.
- Encourage partner countries to sign and/or ratify relevant international instruments, particularly the ICCPR and the ICESCR, and to lift any relevant reservations to these instruments.
- Encourage partner countries to invite UN Human Rights Special Procedures to conduct country and thematic missions, to accept their recommendations and implement them.
- Support those partner countries that are in favour of the promotion and the protection of human rights enjoyed by LGBT people, encouraging a closer cooperation in multilateral fora and promote their efforts as examples on a regional level.
- Encourage an exchange of information of good practices with partner countries that are in favour of the promotion and the protection of human rights of LGBT people in order to improve and contribute to EU measures (to be included in the compendium of good practices and lessons learnt).

Supporting efforts by civil society:

- Provide messages of political support when deemed useful.
- Facilitate information on the available funding (e.g. through the EIDHR or relevant instruments of the EU Member States).
- Provide information on the situation of laws and practices regarding LGBT people in the EU.
- As appropriate, promote the visibility of local organisations promoting the human rights enjoyed by LGBT people e.g. by hosting debates and seminars on relevant issues and including LGBT aspects and speakers; endorsing cultural events, conferences, or social projects.
- Consult civil society organisations on how to mainstream LGBT.
- Encourage civil society organisations to promote LGBT rights.

International mechanisms:

- Suggest that visiting UN Special Rapporteurs, EU Special Representatives and equivalent figures from the Council of Europe, the OSCE and other regional human rights bodies, meet local NGOs that work on the promotion and the protection of human rights of LGBT people.
- Encourage local groups to include information on the situation of LGBT people in their alternative reports to regional human rights mechanisms as well as the UN bodies. Include such information in the material for use in the Universal Periodic Review mechanism at the UN Human Rights Council.

Visiting EU and Member State missions:

- Include information on the situation of LGBT people in briefing materials for visiting EU and Member State missions and encourage them to raise the issue with local counterparts and to meet human rights defenders working on the promotion and the protection of human rights of LGBT people.

Throughout these actions special attention should be paid to: high risk cases including criminal sentences, the death penalty, torture or ill-treatment; cases of alleged and proven violations against human rights defenders of LGBT rights; good practices to achieve policy and legal change and to structural constraints including discriminatory legislation and practices, as well as impunity for human rights violations of LGBT people.

2. In multilateral fora:

United Nations

- Express the need for all countries to adhere and comply with the Universal Declaration of Human Rights (1948), where the principle of universality of human rights is enshrined in Article 1 proclaiming that “all human beings are born free and equal in dignity and rights”.
- Incorporate LGBT concerns in statements and in questions during interactive dialogues at the UN, reflecting the fact that the EU is deeply concerned by violations of human rights and fundamental freedoms based on sexual orientation or gender identity and condemning in particular the use of the death penalty on this ground, extrajudicial, summary or arbitrary executions, the practice of torture and other cruel, inhuman and degrading treatment or punishment, arbitrary arrest or detention and deprivation of economic, social and cultural rights.
- Encourage States to take all necessary measures, in particular legislative or administrative, to ensure that sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention; to ensure that these human rights violations are investigated and perpetrators held accountable and brought to justice; and also to ensure adequate protection of human rights defenders, and remove obstacles which prevent them from carrying out their work.
- Advocate increased UN Member State support to and ensure a follow-up to the 2008 UN General Assembly Statement on Human Rights, Sexual Orientation and Gender Identity, and where possible, collaborating on a cross-regional basis.
- Encourage States to take into consideration the recommendations contained in the report of the World Congress on Human Rights, Sexual orientation and Gender identity held in Paris in May 2009.

- When appropriate, commend the attention paid to these issues by special procedures of the Human Rights Council and Treaty bodies and encourage them to continue to integrate consideration of human rights violations based on sexual orientation or gender identity within their relevant mandate.
- When appropriate, include LGBT questions and recommendations in interventions during the UPR process at the Human Rights Council (HRC) in Geneva.

OSCE

- When appropriate, incorporate LGBT concerns in national statements and in questions during interactive dialogues at the OSCE.
- Continue to work actively for including “sexual orientation and gender identity” as explicitly recognised discrimination grounds in OSCE Commitments or Ministerial Council Decisions.
- According to the commitment of the participating States of OSCE in exchanging information on the abolition of the death penalty and make it available to the public (Copenhagen Document), incorporate in the EU Member States’ national statements within the OSCE’s Human Dimension framework information on the abolition of the death penalty related to LGBT people (measure contained in the EU Guidelines on the Death Penalty).

Council of Europe (CoE)

- When appropriate, incorporate LGBT concerns in national statements and in questions during interactive dialogues at the CoE.
- Welcome the positive outcome of the committee of experts on discrimination on grounds of sexual orientation and gender identity (DH.LGBT) within the Council of Europe.
- Include the human rights enjoyed by LGBT people when the CoE develops human rights protection, such as the draft Convention on Violence against Women.
- Take into consideration the work of the Commissioner for Human Rights who has prioritised discrimination based on sexual orientation and gender identity as one of the thematic areas for his Office.

Other Mechanisms

- Encourage other relevant international organisations to take appropriate steps to animate states to ratify and comply with the relevant international norms and standards relating to the enjoyment of human rights by LGBT people.
- Incorporate, when appropriate, LGBT human rights concerns in statements and in questions during interactive dialogues at international mechanisms.
- Encourage third countries to invite human rights special procedures from different international organisations to do country and thematic missions, to accept their recommendations and carry out their implementation.
- Where possible, make efforts to collaborate on a cross-regional basis in organising side-events on promoting and protecting the enjoyment of the human rights by LGBT people, in particular to discuss good practices on LGBT issues; pay attention to the recommendations adopted by all different international organisations, encouraging States to take them into consideration to improve the local human rights situation of LGBT people.
- Identify possible like-minded States to advance LGBT equality in the enjoyment of human rights.
- Stimulate Office of the UN High Commissioner for Human Rights (UNOHCHR), other UN entities, Council of Europe (CoE) and OSCE local offices to address LGBT human rights issues in their work.
- Include civil society members in side-events that take place in multilateral fora to promote LGBT human rights issues.

Annexes:

Annex 1 International and Regional Legal Instruments, Declarations, Statements and other available standards for the promotion and protection of human rights enjoyed by LGBT people

Annex 2 Elements for analysis/checklist of situation regarding LGBT human rights issues

Annex 1: International and Regional Legal Instruments, Declarations, Statements and other available standards for the promotion and protection of human rights enjoyed by LGBT people

International Legal Instruments:

- Convention of the Rights of the Child (CRC), 1989
(*Art. 2*)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984
(*Art. 1*)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
(*Arts. 2, 10, 11, 12, 13*)
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
(*Arts. 2, 3, 7, 12, 13, 14*)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965
- International Covenant on Civil and Political Rights (ICCPR), 1966
(*Arts. 2, 3, 7, 9, 14, 17, 18, 19, 22, 24, 26*)
- International Labour Organisation (ILO) Convention No. 111, 1958

Regional Legal Instruments:

(a) Europe

- Treaty on Functioning of the European Union (TFEU), 2010
(*Art. 10 and Art. 19*)
- Charter of Fundamental Rights of the European Union, 2000
(*Art. 21*)

- European Convention on Human Rights (ECHR), 1953
(*Art. 8, 12, 14*)
- EU secondary legislation: Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, 2000

(b) Americas

- American Convention of Human Rights, 1978
- Inter-American Commission on Human Rights, 1959

(c) Asia

- ASEAN Charter, 2007

(d) Africa

- African Charter on Human and People's Rights, 1981

Declarations

- Universal Declaration of Human Rights, 1948
(*Arts. 1,2,3,5,7,12,16,18,19,20,22,23*)
- UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, 1999
(*Arts. 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 18*)

Other regional documents

- Council of Europe “Recommendation on Measures to Combat Discrimination on Grounds of sexual orientation and gender identity”, 2010
- OAS resolution “Human rights, sexual orientation and gender identity”, 2008
- OAS resolution on “Human rights, sexual orientation and gender identity in the Countries of the Americas”, 2009

Statements

- UNGA Statement on human rights, sexual orientation and gender identity, 2008

Annex 2:

Elements for analysis/checklist of situation regarding LGBT human rights issues:

Human rights issue	Indicators	Sources of Information
1. Right to life		
1.1. Is the death penalty being used to penalise consenting same sex relations?	Does the law provide for death penalty for consenting same sex relations? Is the legislation being enforced (investigations by police and/or sentencing by courts)?	Criminal code; newspaper reports; crime statistics; NGOs, blogs and websites.
1.2 Are LGBT people being targeted for extra-judicial killings on the basis of their sexual orientation or gender identity?	Are there reliable reports of LGBT people being murdered or being threatened to be murdered either by or with the involvement of the police or other security officials? Have such cases been investigated and prosecuted?	Testimonies; newspaper reports; NGOs, blogs and websites; reports of UN Special Rapporteurs or other representatives of international organisations.

<p>2. Right to freedom from torture or cruel, inhuman or degrading treatment</p>		
<p>2.1 Are LGBT people systematically subjected to torture by police or other security forces?</p>	<p>Are there reliable reports of LGBT people being tortured by police or other security forces during investigations or detention? Have such cases been investigated and prosecuted?</p>	<p>Testimonies; newspaper reports; NGOs, blogs and websites; reports of UN Special Rapporteurs or other representatives on international organisations.</p>
<p>2.2 Do police and other security officials offer adequate protection to LGBT people?</p>	<p>Are violent crimes against LGBT people investigated and prosecuted?</p>	<p>Testimonies; newspaper reports; crime statistics; NGOs, blogs and websites;</p>
<p>3. Right to equality before the law and non-discrimination</p>		
<p>3.1 Do LGBT people have equal and effective protection against discrimination before the law?</p>	<p>Does legislation discriminate on the basis of sexual orientation or gender identity? Does anti-discrimination legislation cover sexual orientation and gender identity? Is this legislation being enforced by the police and the courts system?</p>	<p>Testimonies; anti-discrimination legislation; legal codes generally; legal associations; NGOs, blogs and websites.</p>

4. Right to privacy		
4.1 Is criminal law being used to penalise consenting same sex relations?	Do police arrest people on suspicion of same sex relations? Are people tried and punished for such relations?	Testimonies; criminal code; newspaper reports; crime statistics; NGOs, blogs and websites.
4.2 Are other laws concerning morality or public order used to outlaw same sex relations?	Do the authorities raid private parties, or prevent people from advertising for companions on internet sites?	Testimonies; newspaper reports; NGOs; criminal code; associations of lawyers.
4.3 Are there differences in the age of consent for heterosexual and homosexual acts? Are these enforced?	Are there investigations and/or prosecutions? Do young people under the age of consent get punished for same sex acts when they would not be for sexual acts with the opposite sex?	Testimonies; newspaper and website reports of court cases; NGOs; criminal codes; police reports.
4.4 Can transgender people change their gender designation in official documents?	Does the law and/or administrative regulation permit this?	Official registration agencies; LGBT NGOs.
4.5 Can a transgender person enjoy all of the rights of her/his new reassigned gender, including the right to marry	From a legal perspective, is a transgender person who has had his/her gender reassigned treated the same way as any other person of the same gender?	Legal associations; officials authorised to conduct marriages.

5. Right to association		
5.1. Can LGBT people establish associations to represent their interests?	Does the law forbid such associations? If not, are they effectively outlawed by official harassment? Does membership involve any adverse consequences for the members? Do associations feel obliged to conceal their true vocations by using euphemisms?	Law on NGOs/associations; existence of websites; reports of NGOs; trade unions.
6. Freedom of Assembly		
6.1 Can LGBT associations organise public events like Gay Pride Marches or cultural or social events?	Do such events take place without excessive political obstacles? Do the police protect the events if there is public hostility? Is pressure put on owners not to hire premises for LGBT events?	Law on assemblies; news reports; NGO reports; websites of local civil liberties/LGBT groups.
7. Freedom of information and Expression		
7.1 Does the law permit journals/websites/radio/TV programmes/films that feature LGBT subjects? Can these effectively operate?	Are journals available on public sale? Can radio, TV shows and films feature aspects of LGBT life? Is reporting LGBT issues intended to be informative or to incite hatred? Is there official pressure on distributors and broadcasters to discourage positive images of LGBT people?	Appearance on newsstands around the country; newspaper and website reports; human rights and LGBT NGO reports; discussions with media groups.

8. Right to Work		
8.1. Do people who are known, or suspected, to be LGBT suffer discrimination in the right to work?	Do LGBT people have to hide their sexual orientation/gender identity at the workplace or when applying for work? Are they lawfully dismissed if their LGBT status is discovered? Is there any legal protection against discrimination on the grounds of sexual orientation or gender identity?	Testimonies; newspaper and website reports; LGBT groups and blogs; trade unions.
9. Right to health		
9.1 Do LGBT people enjoy equality in access to health facilities for issues relevant to them?	Is there access to confidential and adequate health services for LGBT people? Is there adequate information on HIV/AIDS/STD prevention targeting them? Do adverse criminal laws prevent or make access to health facilities more difficult for LGBT people? Are some health services denied to LGBT people, e.g. reproductive health care to lesbians?	LGBT groups; professional medical associations; ministry of health.

9.2 Can transgendered people obtain health care appropriate to their condition if it is available?	Are psychiatrists and doctors permitted to assist transgendered people to change their gender?	Ministry of health; professional associations of doctors and psychiatrists; patient organisations; LGBT groups.
10. Rights of children		
10.1 Do children suffer from discrimination as a result of sexual orientation or gender identity?	Are children discriminated against because of their own sexual orientation or gender identity? Does the sexual orientation or gender identity of an LGBT parent have a negative impact on the status of his or her children?	Anti-discrimination legislation; laws on the rights of children; laws on guardianship, inheritance, legal associations; children's rights and LGBT NGOs.

⁽¹⁾ Full text available on <http://www.droitslgbt2008.fr/documents/?mode=download&id=2>

⁽²⁾ These terms, used in the present document, are not globally applied.

⁽³⁾ Definition from the Council of Europe's Commissioner for Human Rights' "Issue Paper on Gender Identity". Although the definition of gender identity in the document is not a legally binding one, it provides a valuable commitment to the protection of human rights of transgender persons.