

## **Answer**

### **of the Federal Government**

**to the Major Interpellation tabled by the Members of the Bundestag Kai Gehring, Sven Lehmann, Ulle Schauws, further Members and the Alliance 90/The Greens parliamentary group  
- Printed paper 19/3061 -**

### **International human rights situation of lesbian, gay, bisexual, transsexual, transgender and intersex people**

#### Preliminary remarks of the questioners

The dignity of every human being is inviolable, all human beings are equal and of equal worth - here in Germany and worldwide. Human rights apply universally, unconditionally, without exception and indivisibly. It goes without saying that human rights policy must include the rights of lesbian, gay, bisexual, transsexual, transgender and intersex people (LGBTTI). State or non-state persecution on the grounds of sexual orientation or gender identity, transphobic and homophobic attacks violate fundamental human rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

In many countries, the human rights of LGBTTI people are curbed and ignored. Homosexuality is a criminal offence in over 70 countries. This means that almost half of the world's population lives in countries where sexual minorities are criminalised. In some countries, such as Iran, Yemen, Mauritania, Saudi Arabia, the United Arab Emirates and Sudan, they even face the death penalty.

For all LGBTTI people in the countries in question, the threat of criminal prosecution means they are forced to deny their true identity - a blatant infringement of the right to freely develop one's personality. It means a life of constant uncertainty and insecurity. This applies regardless of the number of acute convictions because relatively quiet phases of criminal prosecution can turn into a phase of large-scale repression at any time. Countries that threaten homosexuals with punishment and systematically discriminate against their way of life are not safe countries for homosexual people.

In 2000, recalling the past criminal prosecution of homosexuality in Germany, in a unanimously adopted resolution on the rehabilitation of homosexuals persecuted under National Socialism in assessment of Section 175 of the German Criminal Code (StGB), the German Bundestag expressly noted "that the human dignity of homosexual citizens has been violated by the threat of punishment that continued to exist after 1945" (Bundestag printed paper 14/4894, p. 4, Minutes of plenary proceedings 14/140 of 7 December 2000, p. 13745 A).

The European Court of Human Rights (ECHR) has ruled on multiple occasions that the criminal prosecution of homosexual acts contravenes human rights (ECHR, NJW 1984, 541 [Dudgeon v. United Kingdom]; EuGRZ 1992, 477 [Norris v. Ireland]; ÖJZ 1993, 821 [Modinos v. Cyprus]). The United Nations Human Rights Committee also recognised long ago that a total prohibition of homosexual acts violates the protection of sexual orientation provided by the International Covenant on Civil and Political Rights (Toonen/Australia, United Nations Human Rights Committee, U.N. Doc CCPR/C/50/D/488/1992 (1994) of 31 March 1994). A legally enshrined and state-organised or tolerated oppression of homosexuality is incompatible with civic equality, the rights to freedom of opinion, conscience and information, as well as the rights to privacy and physical integrity.

The protection of LGBTTI people must be systematically enforced in asylum and refugee policy here in Germany, too. The German Basic Law stipulates that neither political persecution nor inhuman or degrading punishment or treatment may take place in a country that Germany intends to designate a safe country of origin. A ruling by the Federal Constitutional Court in 1996 (BVerfGE 94, 115) goes a step further and demands: "In the states concerned, safety from political persecution must exist nationwide and for all groups of people and populations". This is not the case if certain groups of people such as LGBTTI people face (political) persecution and torture.

The right to self-determination of transsexual people is increasingly in the focus of international courts. On 6 April 2017, the European Court of Human Rights ruled that transsexual people must not be forced to be made incapable of reproduction in what in some cases are dangerous sex-adjustive operations. This, the court ruled, violates Article 8 of the European Convention on Human Rights, which guarantees the right to respect for one's private and family life.

Laws against so-called "homo-propaganda", like in Russia and Nigeria for example, also flout the rights of LGBTTI people. They fuel homophobic sentiment and open the door and floodgates to arbitrary actions by the authorities. They allow practically any public identification with homosexuality or transsexuality to be punished. Discriminatory laws of this kind restrict the rights of lesbian, gay, bisexual, transsexual, transgender and intersex people and contribute to a climate of exclusion and hatred towards LGBTTI people. Although in 2017, the ECHR ruled that regional precursors to the now nationwide ban on homo-"propaganda" in Russia violated Articles 10 and 14 of the European Convention on Human Rights, and in turn constituted unjust discrimination and an unlawful curtailment of freedom of expression, the laws continue to be applied in Russia nonetheless.

The psychopathologisation of homosexual and transsexual people is particularly inhuman and is only very slowly being done away with through changes in the World Health Organization (WHO) classifications and legal reforms in individual countries. One milestone was the deletion of homosexuality from the WHO list of mental illnesses in 1990. But people are still being exposed to pseudoscientific, mentally and physically damaging "conversion therapies". Transsexual people also face multiple curtailments to their self-determination by being forced to undergo surgeries or psychological assessment. In its Resolution 2048 of 22 April 2015 on the legal and social equality of transpersons, the Council of Europe called on its 47 Member States *inter alia* to eliminate all categorisations as mental disorders in this vein in their national classifications. The European Parliament had already called upon the European Commission and the WHO in 2011

to remove gender identity disorders from the list of mental and behavioural disorders and to ensure a non-pathologising reclassification in the negotiations on the 11th revision of the International Classification of Diseases (ICD-11). On 19 June 2018, the WHO announced that it would correct the ICD by no longer classifying transsexuality as a mental illness and instead as “gender incongruence” in the chapter on sexual health. Further reforms to change the classification of transsexuality, such as the new medical guidelines of the "Association of Scientific Medical Societies in Germany" (Arbeitsgemeinschaft der Wissenschaftlichen Medizinischen Fachgesellschaften - AWMF) on the treatment of gender dysphoria/gender incongruence, expected to be published at the end of 2018, provide hope that transsexual people will finally be de-pathologised.

Regrettably, various religious communities play a significant role in the persecution, discrimination and exclusion of LGBTTI people. Not only do some religious leaders condemn homosexuality and transsexuality as immoral, above all in African countries they are also calling for harsher criminalisation and are trying to prevent steps to do away with discrimination against and the exclusion of LGBTTI people.

Back in 2007, internationally recognised human rights experts presented the "Yogyakarta Principles" in Yogyakarta/Indonesia. The "Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity", in German: Hirschfeld-Eddy-Stiftung: Die Yogyakarta-Prinzipien. Prinzipien zur Anwendung der Menschenrechte in Bezug auf die sexuelle Orientierung und geschlechtliche Identität (= Schriftenreihe der Hirschfeld-Eddy-Stiftung, Bd. 1, Berlin 2008) are the result of a project by non-governmental organisations working in the field of human rights aiming to demonstrate the applicability of existing international law to human rights violations based on sexual orientation and gender identity.

In 2008, a statement on sexual orientation and gender identity regarding specific LGBTTI rights was adopted by the United Nations General Assembly and signed by 68 countries. The statement summarises elements of existing international agreements on human rights and formulates the goal of ensuring protection against all forms of discrimination, persecution and violence by states based on sexual orientation and gender identity.

In March 2011, a Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity was adopted at the session of the United Nations Human Rights Council in Geneva.

On 17 June 2011, the Human Rights Council adopted the first resolution on human rights, sexual orientation and sexual identity. The vote on this resolution was tabled by South Africa, which is particularly significant given that homosexuality is still widely subject to criminal prosecution on the African continent in particular.

On 26 September 2014, the Human Rights Council passed a second resolution on sexual orientation and sexual identity, stipulating that *inter alia* the Office of the United Nations High Commissioner for Human Rights is to present a list of the most effective measures to combat discrimination based on sexual orientation and sexual identity.

On 30 June 2016, the majority of the Human Rights Council adopted the decision to create the office of an independent expert to monitor the protection of the rights of gay, lesbian, bisexual and transsexual people. The representative's task

is to prepare reports on this for both the Human Rights Council and the UN General Assembly. He or she is also to work with governments to strengthen LGBTTI rights and counter hatred. Professor Vitit Muntarbhorn was designated the first LGBTTI Independent Expert of the United Nations. In his first speech to the UN Human Rights Council on 18 June 2018, his successor Victor Madrigal-Borloz said that millions of lesbian, gay, bisexual and transsexual people and other sexual minorities face cruelty every day simply because of whom they love.

On 29 September 2017, by a clear majority, the Human Rights Council adopted a landmark resolution calling on states that have not yet abolished the death penalty to no longer apply this punishment *inter alia* to consensual homosexual relationships.

There have also been positive developments in individual European, North American and Latin American countries. Several states have abolished the ban on marriage for lesbian and gay people. The situation of children living in rainbow families has improved significantly as they now have greater legal certainty and security. In a ruling announced in December 2017, the ECHR in Strasbourg condemned Italy for not recognising the marriages of same-sex couples who had married abroad. This was in breach of Article 8 of the European Convention on Human Rights, which sets forth the right to respect for one's private and family life, the court found.

When the German Bundestag opened marriage to same-sex couples on 30 June 2017, as one of the last Western parliaments to do so, it finally abolished the ban on marriage for lesbian and gay couples, taking a clear stance for the equality of all.

#### Preliminary remarks of the Federal Government

Advocating the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTTI) people is a priority in the Federal Government's human rights policy.

In many countries, people's rights are violated on the basis of their sexual orientation or gender identity. In some countries laws that punish homosexuality with lengthy prison sentences or even death still exist to this very day. Discrimination against LGBTI people is widespread in all areas of life in many countries around the world.

At the same time, there has been great progress in several regions of the world in championing the human rights of LGBTI people. In Latin America, in the Western Balkans and in India there have been impressive successes in recent years in some cases, often brought about by an active and courageous civil society that champions human rights applying to all.

In relation to the assessment of the human rights situation in the Member States of the European Union, the Federal Government refers the questioners to the relevant international mechanisms. In this regard, the Federal Government refers the questioners to the Federal Government Human Rights Report, which lists international reporting and monitoring mechanisms that monitor and assess the human rights situation in the Member States of the European Union on p. 157 ("C 2 Countries A - Z").

On the basis of the EU Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons, the Federal Government actively opposes discrimination and other human rights violations based on sexual orientation and gender identity. For instance, in 2016 Germany joined the Friends of LGBTI Rights Group in New York and is involved in the "Equal Rights Coalition" in concert with like-minded governments. At the bilateral and multilateral level, Germany works to ensure that LGBTI rights are respected worldwide as an indivisible part of human rights, for instance by addressing the issue in the Universal Periodic Review (UPR) of the United Nations Human Rights Council. This includes advocating and working towards the decriminalisation of homosexuality as well as calling for all states to actively protect the human rights of LGBTI people.

For LGBTI activists in difficult situations, international networking is particularly important. One focus of Germany's commitment in this vein is supporting capacity building and promoting networking between LGBTI organisations and civil society engaged in human rights work as a whole. The Federal Government is supporting various LGBTI organisations in sub-Saharan Africa, with regard to their international cooperation in particular with a regional measure, for instance. The Federal Government is also supporting initiatives by civil-society players, such as the cooperation between the Lesbian and Gay Association in Germany (LSVD) and LGBTI organisations in Southern Africa, the Middle East, North Africa, South Eastern Europe and Central America.

The Federal Government would like to point out here that the German or English translations of foreign legal norms quoted in the answers below are unofficial translations<sup>1</sup>.

- I. State and societal persecution and discrimination
  1. To the knowledge of the Federal Government, in which countries are consensual homosexual acts between adults prohibited under criminal law?

The Federal Government is aware of specific criminal law prohibitions on consensual homosexual acts between adults in Ethiopia, Afghanistan, Algeria, Bangladesh, Brunei Darussalam, the Cook Islands, Guinea, Gambia, Iran, Yemen, Cameroon, Qatar, Kenya, Kiribati, Lebanon, Liberia, Malawi, Malaysia, Mauritania, Myanmar, Nigeria, Oman, Zambia, Samoa, Saudi Arabia, Senegal, Sudan, South Sudan, Syria, Tunisia, Turkmenistan, Tanzania, Tonga, Tuvalu, Uzbekistan, the United Arab Emirates, the Central African Republic, as well as in Gaza and in the Indonesian province of Aceh.

In some countries homosexuality is not expressly subject to criminal prosecution, but there are vague criminal offences ("lewd acts", "acts against nature"), ("unnatural acts") with unclear definitions of when these apply, under which homosexual acts are also subsumed. This holds true for Egypt, Bahrain, Democratic Republic of Congo, Ghana, Kuwait, Myanmar, Niger, Pakistan, the Republic of the Congo, Uganda and the West Bank.

In Libya and Morocco, all extramarital sexual contacts constitute a criminal offence, which in practice makes homosexual acts punishable, since the law in these countries does not provide for same-sex marriages.

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<sup>1</sup> Note of the translator: the texts quoted in German in the original German text of the interpellation have been translated into English here, whilst the texts quoted in English in the original German text of the interpellation have been directly re-quoted

In the Republic of Korea, homosexuality between members of the military, including conscripts, is a criminal offence.

Some countries do indeed define criminal offences to this effect, but to the knowledge of the Federal Government no longer apply them, for example in Antigua and Barbuda, Barbados, Botswana, Dominica, Grenada, Guyana, Jamaica, Namibia, Papua New Guinea, Solomon Islands, Zimbabwe, Singapore, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Togo.

In Trinidad and Tobago, in 2018 the Supreme Court ruled that the laws still in place that criminalised homosexual acts could not be applied.

In a host of other states, including Honduras and Peru, undefined legal terms such as "public morality" also lead to the criminal prosecution of people who publicly profess their homosexuality.

- a) In which of these countries do same-sex sexual acts face the death penalty to the knowledge of the Federal Government?

To the knowledge of the Federal Government, the death penalty can be handed down for same-sex acts in Iran, Mauritania, Saudi Arabia, Sudan, the United Arab Emirates and Yemen.

If Sharia law is applied, the death penalty can also be imposed for same-sex sexual acts.

In Afghanistan and some states in northern Nigeria, for instance, Sharia law makes it possible to give the death penalty, but this is not carried out to the knowledge of the Federal Government.

- b) In which of these countries do same-sex sexual acts face corporal punishment to the knowledge of the Federal Government?

To the knowledge of the Federal Government, same-sex acts may result in corporal punishment in Brunei Darussalam, Iran, Libya, Malaysia, Saudi Arabia, Somalia, Syria, Tanzania and the Indonesian province of Aceh.

- c) What penalties do people face in other countries where same-sex sexual acts are prohibited under criminal law?

In many countries, people convicted of homosexual acts face imprisonment. To the Federal Government's knowledge this is the case for Bangladesh, Botswana, the Cook Islands, Guinea, Jamaica, Cameroon, Qatar, Kenya, Malawi, Malaysia, Samoa, Senegal, Somalia, South Sudan, Syria, Tonga, Tunisia, Turkmenistan, Uzbekistan, the United Arab Emirates, the West Bank and the Central African Republic.

In some states, people even face prison sentences ranging from over ten years to life, for instance in Ethiopia, Brunei Darussalam, Gambia, Gaza, Ghana, Kiribati, Nigeria, Zambia, Tuvalu and Pakistan. The criminal codes in Myanmar, Papua New Guinea and the Solomon Islands also set forth prison sentences of over ten years, but these are not applied.

- d) To the knowledge of the Federal Government, in which countries are there special criminal law provisions (for instance, different ages of consent) containing different rules for same-sex sexual acts than for heterosexual acts?

In Côte d'Ivoire, the definition of the criminal offence of causing a public nuisance sets forth for a higher penalty in the case of homosexual acts.

In Zimbabwe there are different ages of consent for homosexual acts than for heterosexual acts.

- e) What is the wording of the legal norms with a connection to homosexuality where they exist (please break down into individual countries)?

The following extracts from legal texts in the meaning of the question are available to the Federal Government partly in their German and partly in their English version or translation<sup>2</sup> (please refer to the note made in the preliminary remarks of the Federal Government on this subject):

Botswana: "Any person who [...] has carnal knowledge of any person against the order of nature [...] is guilty of an offence and is liable to imprisonment for a term not exceeding seven years."

Cameroon: "Any person who has sexual intercourse with a person of the same sex shall be punished with a prison sentence of between six months and five years and a fine of between twenty thousand and two hundred thousand CFA francs ".

Cook Islands: "Everyone is liable to imprisonment for a term not exceeding five years who, being a male [...] (b) Does any indecent act with or upon any other male; or (c) Induces or permits any other male to do any indecent act with or upon him. "

Ethiopia: "Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment."

Iran: "Sodomy is defined as the penetration of a man's sex organ, up to the point of circumcision, into another male person's anus [...] The punishment intended for sodomy shall be the death penalty for the active party if he has committed sodomy by using force, coercion, or in cases where he meets the conditions for "ihsan" [marriage] -, otherwise he shall be sentenced to 100 lashes. The sodomy penalty for the passive party, in any case (whether he is married or unmarried) shall be the death penalty."

"Homosexuality of a male person shall consist - in addition to sodomy, or rubbing of the penis between the thighs - of kissing and touching as a result of lust; this shall be punishable by 31 to 74 lashes of the sixth grade [...] The provisions of this article shall also apply to female persons."

"Lesbian intercourse shall be punished with 100 lashes."

Kenya: "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years."

<sup>2</sup> Note of the translator: the texts quoted in German in the original German text of the interpellation have been translated into English here, whilst the texts quoted in English in the original German text of the interpellation have been directly re-quoted (Botswana, Cook Islands, Ethiopia, Kenya, Kiribati, Malaysia, Syria, Singapore, Tuvalu, Zimbabwe).

Kiribati: "Any person who (a) commits buggery with another person or with an animal; or

(b) permits a male person to commit buggery with him or her, shall be guilty of a felony, and shall be liable to imprisonment for 14 years."

Mauritania: "Any Muslim of age who commits an indecent or unnatural act with a person of the same sex shall be punished by death by public stoning".

Malaysia: "Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature [...] Whoever voluntarily commits carnal intercourse against the order of nature shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to whipping."

Syria: "Any male person who commits liwat [sodomy] shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof. "

Oman: "Any person who commits an erotic act with a person of the same sex may be sentenced to a prison term of no fewer than six months and no more than three years."

Singapore: "Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years."

Somalia: "Whoever has carnal intercourse with a person of the same sex shall be punished, where the act does not constitute a more serious crime, with imprisonment from three months to three years."

Tanzania: "Any male person who, whether publicly or privately, performs any act of gross indecency with another male person or designates another male person to commit gross indecency with him or attempts to designate a male person for such act with himself or with another male person, whether publicly or privately, commits a criminal offence and shall be subject to five years imprisonment".

Autonomous region of Zanzibar: "Any person who has sexual intercourse with a boy is guilty of a criminal offence and shall liable to life imprisonment if convicted." (the law defines "boy" as "male person who is under 18 years of age or unmarried").

"Any woman who carries out a lesbian act with another woman, whether she assumes an active or passive role, is guilty of a criminal offence and shall be liable to a maximum term of imprisonment of five years or a fine of five hundred thousand shillings if convicted".

"Any person who (a) enters or arranges a union, whether amounting to marriage or not, of the person of the same sex [...] (c) lives as a husband and wife with another person of the same sex, shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding seven years."

Tunisia: "Persons who commit sodomy or tribadie shall be punished with imprisonment of three years, unless one of the criteria defined in the preceding articles has been met". (Note: In conjunction with or on the basis of other provisions, the penalty imposed may be lower in legal practice).

Turkmenistan: "Homosexual fornication, i.e. sexual intercourse between men, is punishable by imprisonment of up to two years with the condition of remaining in a certain area for a period of two to five years or without this condition".

Tuvalu: "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, shall be guilty of a felony, and shall be liable to imprisonment for 5 years."

Uzbekistan: "Consensual sexual intercourse between two male individuals shall be punished with a prison term of up to 3 years."

Zimbabwe: "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years."

2. In which countries have consensual homosexual acts between adult persons been prohibited under criminal law since the answer to the Major Interpellation in Bundestag printed paper 18/6970 in December 2015?

The Federal Government is not aware of any countries in which consensual homosexual acts have been prohibited under criminal law since the answer to the Major Interpellation in Bundestag printed paper 18/6970 in December 2015.

In Egypt a draft law expressly prohibiting homosexual acts is currently undergoing the legislative process.

3. What steps has the Federal Government taken to prevent these prohibitions?

The Federal Government has regularly raised the issue of improving the legal position of LGBTI people with the Egyptian government. On 1 November 2017, for instance, the Minister of State for Europe at the Federal Foreign Office, Michael Roth, sent a letter to his Egyptian counterpart to advocate the release and rights of LGBTI people in Egypt. In addition to this, in November 2017, the Federal Government participated in the request for a joint demarche on the rights of LGBTI people under the aegis of Canada and Chile. The Egyptian Foreign Ministry refused to receive the demarche. The German embassy in Cairo has repeatedly lobbied high levels of the Egyptian Foreign Ministry for the situation to be improved. The Federal Government is in close contact with Egyptian activists and repeatedly addresses the issue within the framework of the EU

and in bilateral talks with government contacts, stressing the need to uphold the rights of LGBTI people.

4. In which countries have prohibitions on consensual homosexual acts between adults been tightened since the answer to the Major Interpellation in Bundestag printed paper 18/6970 in December 2015?

What is the wording of the individual legal norms (please break down by country)?

5. What steps has the Federal Government taken to prevent the tightening of these prohibitions?

Questions 4 and 5 will be answered together.

The Federal Government is not aware of any case of prohibitions on consensual homosexual acts being tightened since the answer to the Major Interpellation in Bundestag printed paper 18/6970 in December 2015.

6. In which countries have consensual homosexual acts between adults been decriminalised since the answer to the Major Interpellation in Bundestag printed paper 18/6970 in December 2015?

The Federal Government is aware of decriminalisation in Mozambique, Nauru, Nepal and the Seychelles since December 2015. Rulings by the Supreme Courts led to decriminalisation in Trinidad and Tobago in April 2018 and in India in September 2018.

In some countries there may have been no formal decriminalisation, but there have at least been some legal improvements, for instance in Kenya, where forced anal examinations were banned in 2018, and in Oman, where the requirements for the initiation of criminal proceedings and for a conviction have been tightened.

7. To the knowledge of the Federal Government, which LGBTTI activists or human rights defenders who are or were campaigning for LGBTTI rights have been murdered, abducted, imprisoned or subject to other harassment on the part of state authorities or actors in society since the answer to the Major Interpellation in Bundestag printed paper 18/6970 in December 2015?

In many countries, LGBTI activists are forced to act in secret due to state persecution and social taboos, which is why the Federal Government has but little information on their situation.

In Egypt, the LGBTI activists Ahmad Alaa and Sarah Hegazy were arrested on 2 October 2017 for their alleged membership of an illegal group and incitement to sexual offences: On 2 January 2018, the judge in charge of the case ordered them to be released on bail.

In Afghanistan, reports range from violent attacks to the raping of homosexual men by the police. The victims have no access to health care and if "discovered" face losing their job and social exclusion. Organisations advocating the protection of sexual orientation work underground.

In Bangladesh, there was a mass arrest (27 people) in May 2017 at a meeting of alleged homosexuals near Dhaka. The Federal Government does not know whether those arrested included any activists.

In Belarus, police conduct regular checks at LGBTI clubs, for example on 30 June 2018 and 21 July 2018 at the Minsk club "Burlesque". The personal details of those present were recorded. On 28 June 2018, the Theatre Studies students Volha Ramashka, Nadzeya Krapivina and Dzmitry Yafremau were detained for a day when they arranged flowers in a rainbow pattern outside the Ministry of the Interior in protest at homophobic statements made by the Minister of the Interior. The journalist Andrei Shauliuha, who filmed this, was also arrested for one day. The individuals were sentenced to fines. On 16 July 2018, court proceedings took place against Vika Biran, who had made critical comments about the homophobic statements made by the Minister of the Interior.

In Brazil, human rights activist Marielle Franco was murdered on 14 March 2018. She was known as an activist against discrimination against women, black people, the poor and LGBTI people.

In Ecuador, the transsexual activist and Member of Parliament Diane Marie Rodríguez Zambrano has reported threats against herself and her family.

In Guatemala, several LGBTI activists have been murdered since 2016.

In Honduras, three human rights activists from the LGBTI scene have been murdered since 2015: René Martínez (Comunidad Gay Sampedrana), Paola Barraza (Asoc. Arcoíris) and Sherlyn Montoya (Asoc. Arcoíris). In 2015 there were five murders of LGBTI activists. In addition to this, there were at least three attempted murders of activists, kidnappings of family members of activists, robberies and defamatory actions against LGBTI organisations. They often receive death threats. At least one LGBTI activist has disappeared whilst in custody.

In Iraq, LGBTI people in areas under IS control have suffered the gravest of human rights violations. The United Nations High Commissioner for Refugees reported in November 2016 that sexual acts between men had been punished by death. In recent years, religious militias have repeatedly threatened and persecuted LGBTI people and have been linked to the murder of homosexual men.

In Cameroon, human rights defenders advocating LGBTI rights face a vast range of discriminatory actions. Jules Eloundou, president of the aid organisation "Humanity First", has said he left Cameroon in 2016 due to reprisals of this kind.

In Kenya there have been isolated cases of public calls for discriminatory actions and names of activists have been published.

In Kyrgyzstan, in 2015 an arson attack was carried out on the office of an LGBTI organisation and a private LGBTI event was forcibly disbanded by nationalist activists.

In Colombia, the Colombian non-governmental organisation (NGO) "Colombia Diversa" has reported that 22 human rights defenders who had campaigned for the rights of LGBTI people were killed between 2015 and 2017; another 43 activists received threats.

Most of these crimes are committed by successor organisations to the paramilitary or armed criminal organisations, but there are also cases of violence by guerrillas.

In Libya, the United Nations Support Mission in Libya and human rights organisations have reported militias arresting allegedly homosexual men. There are reports of the victims being raped in prison.

In Nigeria, LGBTI people have been arrested on multiple occasions, most recently 57 men at a birthday party on 28 August 2018 in Lagos, for instance.

In Peru, LGBTI activists report stigmatisation, defamation and, in some cases, death threats. The NGO "PROMSEX" lists eight homicides and 43 assaults against sexual minorities in 2016.

In Paraguay, human rights organisations report harassment by the police and the general population, with repeated cases of arbitrary arrests, stalking, accusations and hostility.

In Saudi Arabia there have been several reports of LGBTI activists being arrested since 2015. NGO reports state that the police beat two Pakistani transgender activists to death in Riyadh in February 2017 and arrested another 22 people.

In Slovenia, civil-society organisations report that in 2017 the public prosecution authorities failed to investigate the murder of three trans women. In April 2018, Andrea Ayala, director of the lesbian organisation EMULES, received WhatsApp threats from members of a police unit and was detained by the police for 15 hours in July 2018. In August 2018, four trans women from the organisation Estrellas reported police abuse.

In Tajikistan, several LGBTI organisations have been harassed by official agencies and authorities. It is likely that the chairwoman of the NGO "Rohi Zindaghi", Albina Ishqvatova, gave up her NGO due to this harassment.

In Tanzania there were several arrests, for example in December 2016 of people attending an HIV prevention workshop and in September 2017 of 20 people attending a workshop for parents of LGBTI people. In October 2018, four lawyers from Tanzania, South Africa and Uganda, nine members of the "Community Health and Education Services" and another human rights activist were arrested on charges of promoting homosexuality.

In Ukraine there were several attacks by right-wing extremist groups. On 30 September 2017, for instance, around 200 people attacked the "Equality Festival" in Zaporizhia, seriously injuring two women. On 21 January 2018, four representatives of the "Gay Alliance Ukraine" were attacked by unidentified assailants in Kryvyi Rih, two had to be treated in hospital. Right-wing extremist groups also disrupted LGBTI events on 19 March 2018 in Vinnytsia and Ivano-Frankivsk, 10 May 2018 in Kiev, 19 May 2018 in Chernivtsi and 30 June 2018 in Kryvyi Rih.

8. To the knowledge of the Federal Government, to what extent is it possible to determine centres of violence against lesbian, gay, bisexual, transsexual, transgender or intersex people in certain states or regions of the world?

In many countries, cases of violent attacks are generally insufficiently documented and rarely solved. This often applies especially so to attacks on LGBTI people. The state often fails to investigate such attacks or does not examine them from the perspective of them potentially constituting hate crimes. In some cases attacks also originate from the state, leading many victims to refrain from involving the police. In many countries, LGBTI people who suffer violence are reluctant to report the incidents, so it must be assumed that a high number of cases go unreported. The limited information available means that the Federal Government has no reliable findings regarding the centres of violence against LGBTI people. In many countries, the risk situation LGBTI people face varies, and there is often a contrast between comparatively tolerant large cities and conservative rural regions.

In the period under review, the Federal Government is aware of targeted, violent attacks against LGBTI people in Afghanistan, Egypt, Algeria, Bosnia and Herzegovina, China, Côte d'Ivoire, El Salvador, Haiti, Honduras, Indonesia, Iraq, Jamaica, Cameroon, Colombia, Liberia, Libya, Malaysia, Mali, Mexico, Moldova, Namibia, North Macedonia, the Philippines, Sri Lanka, Sierra Leone, South Africa, Tajikistan, Tanzania, Turkey and Uganda. As incidents of this kind are not systematically recorded, these countries where violent attacks came to light are not necessarily centres of violence against LGBTI persons within the meaning of the question.

The umbrella organisation "Transgender Europe" documents homicides of transsexual people worldwide and recorded a total of 325 murders of transsexuals between October 2016 and September 2017. The majority of the murders took place in Brazil (171), Mexico (56) and the United States (25).

In many Latin American countries - despite considerable improvements in the legal equality of LGBTI people - there is still widespread violence against this group, often especially so against transsexuals.

In Argentina, a total of 103 attacks against LGBTI people were recorded in 2017, including 13 murders - 12 of which of transsexual people. Four trans women died in custody.

In Brazil, "Grupo Gay da Bahia" reported 387 murders of LGBTI people in 2017, including 171 transsexuals.

In Peru, the NGO "PROMSEX" reported eight killings and 43 cases of bodily harm to LGBTI people in 2016. Cases of police violence have also come to light. LGBTI people are often the victims of arbitrary arrests, beatings, abductions, muggings or abuse.

In Russia homophobia is widespread. The situation for LGBTI people in the North Caucasus is especially problematic. In 2017, there was organised persecution of homosexuals in Chechnya, both by representatives of regional state authorities and by the general population. A new wave of persecution was reported in January 2019.

9. What steps has the Federal Government taken since December 2015 to work towards improving the situation of lesbian women in Africa threatened by so-called "corrective rapes" in the countries and regions concerned?

The Federal Government takes this form of severe sexual violence very seriously and addresses incidents of this kind in the scope of its work to protect women and girls as well as LGBTI people. During its talks and consultations, the Federal Government regularly cites the universality of human rights and urges political decision-makers to ensure effective protection and penalty mechanisms.

In South Africa, the German government sponsors EU projects such as the Young Women's Club and the project "Enhancing State Responsiveness to Gender-Based Violence: Paying the True Costs" by the Heinrich Böll Foundation, which support rape victims.

In Botswana, the Federal Government – in tandem with the EU and EU partners - supports projects to combat sexual violence against women, for example in the form of educational and discussion events at schools and in the media.

10. What steps has the Federal Government taken since December 2015 to work towards improving the situation of LGBTTI people in Russia and especially in Chechnya?

The Federal Government views the human rights situation of LGBTI people in Russia with concern. Although homosexuality does not constitute a criminal offence in Russia, the Federal Government is nonetheless aware that LGBTI people are the victim of discrimination and also homophobic violence on a regular basis. The "prohibition of propaganda promoting non-traditional sexual relations", in particular to supposedly protect minors, is often used in order to refuse to authorise events, to exert pressure on the media or to temporarily detain LGBTI activists, for example for waving a rainbow flag.

The Federal Government has repeatedly called on the Russian government to honour its obligations under international law, in particular in relation to the non-discrimination of LGBTI people. The Federal Government is also in contact with LGBTI organisations through its embassies and consulates in Russia. The Federal Government has also supported projects in this area in recent years, including in the scope of the "Expanding Cooperation with Civil Society in the Eastern Partnership Countries and Russia" programme.

In the case of the persecution of homosexuals in Chechnya, the Federal Government has called on the government of the Russian Federation to protect and ensure fundamental and human rights, *inter alia* in a letter initiated by the then Federal Minister of Foreign Affairs, Sigmar Gabriel, from Germany, France, Great Britain, the Netherlands and Sweden to the Foreign Minister of the Russian Federation, Sergei Viktorovich Lavrov, as well by Federal Chancellor Dr Angela Merkel actively addressing the subject with the President of Russia Vladimir Vladimirovich Putin. Both Minister of State for Europe at the Federal Foreign Office Michael Roth and the Coordinator for Intersocietal Cooperation with Russia, Central Asia and the Eastern Partnership Countries at the time, Dr Gernot Erler, called for the events to be investigated and the

perpetrators to be prosecuted. Immediately after reports of a second wave of persecution in early 2019, the Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance at the Federal Foreign Office, Dr Bärbel Kofler, called for the new allegations to be investigated and the recommendations of the OSCE Special Rapporteur Wolfgang Benedek to be implemented. In late 2018, he had identified serious human rights violations and shortcomings in the investigation of the persecution of LGBTI people in 2017 and called for full and effective investigations. The Federal Government had supported his appointment.

11. What knowledge does the Federal Government have of the situation of LGBTTI people in the Ukrainian Crimea peninsular, which was annexed by Russia in violation of international law, and what steps has the Federal Government taken to work towards improving the situation of LGBTTI people?

In the assessment of the Human Rights Monitoring Mission in Ukraine (HRMMU) of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the human rights situation in Crimea has deteriorated significantly since the occupation by Russia in violation of international law. The Federal Government shares this assessment. This also holds true for the situation of LGBTI people. In its 20th report on the human rights situation in Ukraine the OHCHR reported, for instance, that 13 municipalities in Crimea had banned LGBTI gatherings or meetings, thus violating the freedom of assembly and the prohibition of discrimination. On 13 June 2016, the NGOs "ADC Memorial" and "Center for Civil Liberties" publicly reported an increase in open violence against LGBTI people.

Unlike in the rest of Ukraine and Russia, the Federal Government has no way of funding LGBTI projects in Crimea because of the occupation of the country in contravention of international law. It does, however, regularly and clearly voice its concern about the human rights violations taking place there.

12. What knowledge does the Federal Government have of the situation of LGBTTI people inside the territories of eastern Ukraine not controlled by the Ukrainian government, the so-called People's Republics of Luhansk and Donetsk, and what steps has the Federal Government taken to work towards improving the situation of LGBTTI people?

In the assessment of the Federal Government, the situation of LGBTI people in the parts of the Donetsk and Luhansk territories not under the control of the Ukrainian government has deteriorated significantly.

Public condemnation of homosexuality is commonplace. Furthermore, since 14 March 2018 a law prohibiting the distribution of so-called "LGBTI propaganda" to minors has been in force in the part of the territory not under the control of the government. In the non-governmentally controlled parts of the Donetsk territory, the UN Human Rights Monitoring Mission in Ukraine (HRMMU) has documented some cases of LGBTI activists disappearing, of discrimination based on sexual orientation in the form of inhumane treatment during custody.

Like the HRMMU, the Federal Government assumes that the small number of documented violations of the rights of LGBTI people in these territories is attributable either to them fleeing to government-controlled areas or escaping the danger of threats and attacks by going underground.

The Federal Government is doing its utmost to secure a peaceful solution to the conflict in Eastern Ukraine and in turn improve the humanitarian and human rights situation on the conflict-stricken territory. The German embassy and the EU missions in Kiev are in regular contact with LGBTI organisations. The Federal Government supports projects by non-governmental and self-help organisations active in the area of LGBTI. It is supporting an HIV/AIDS project run by an association of parents of homosexual men and women, for instance, thus contributing to reducing social discrimination and prejudices against homosexuals and their relatives.

13. In light of the regular attacks on LGBTTI festivals and CSDs in Ukraine since December 2015, what steps has the Federal Government taken to work towards improving the situation of LGBTTI in Ukraine?

In the scope of its possibilities, the Federal Government supports the organisation of LGBTI events by actively approaching the authorities, promoting cooperation with security agencies, by making public statements and through other publicity measures. The German ambassador in Kiev has been one of the signatories of a joint statement marking the International Day Against Homophobia and Transphobia for several years now, for instance, which calls on the Ukrainian authorities to support the LGBTI community.

14. In light of the Human Rights Commissioner Dunja Mijatovic's reports of repeated detentions and forced medical examinations of LGBTTI activists, what steps has the Federal Government taken to work towards improving the situation of LGBTTI people in Azerbaijan (cf [www.theguardian.com/world/2017/sep/28/azerbaijan-police-crackdown-lgbt-community](http://www.theguardian.com/world/2017/sep/28/azerbaijan-police-crackdown-lgbt-community))?

The Federal Government has repeatedly called on the government in Azerbaijan to comply with its obligations under international law. Between July 2017 and July 2018, Germany actively supported four EU statements in the Permanent Council of the OSCE (Organization for Security and Cooperation in Europe) calling on Azerbaijan to protect LGBTI people. In addition to raising the issue, the Federal Government champions the rule of law in a targeted way through projects. The Federal Government is in contact with human rights organisations critically monitoring the situation in Azerbaijan. Furthermore, since 2016 the Federal Foreign Office has been supporting projects with Azerbaijani partners in this area in the scope of the programme "Expanding Cooperation with Civil Society in the Eastern Partnership Countries and Russia".

15. What steps has the Federal Government taken since 2017 to work towards improving the situation of LGBTTI people in Turkey?

The Federal Government advocates the interests of LGBTI people in its dealings with the Turkish government.

The German missions abroad in Turkey are engaged in a regular exchange with NGOs of LGBTI activists and support projects and activities by LGBTI organisations.

The activities of German foundations in Turkey should also be mentioned. Both the Friedrich Ebert Foundation and the Heinrich Böll Foundation regularly conduct LGBTI projects, often including in cooperation with local organisations.

16. What steps has the Federal Government taken to work towards improving the situation of LGBTTI people in Egypt?

The Federal Government continues to be very concerned about the arrest of numerous people for their advocacy of the rights of LGBTI people as well as about reports of the use of investigative methods that are in contravention of human rights.

The Federal Government has already repeatedly and emphatically voiced its concern towards representatives of the Egyptian government and condemned the actions taken by the Egyptian authorities against this group.

Please also refer to the answer to question 3.

17. What steps has the Federal Government taken to work towards improving the situation of LGBTTI in Nigeria since the law prohibiting same-sex marriage entered into force on 7 January 2014?

The Federal Government has made its critical stance towards the harsher penalties for homosexual acts clear to the Nigerian government on a number of occasions, both bilaterally and in the scope of the EU. Furthermore, the Federal Government promotes the rights of homosexuals on the African continent, in particular by developing civil-society networks.

18. What steps has the Federal Government taken to work towards improving the situation of LGBTTI people in Lebanon?

What steps did the Federal Government take to prevent Beirut Pride 2018 from being forcibly cancelled or to express its criticism thereof to the Lebanese government?

Advocating the rights of LGBTI people is part of the EU's human rights strategy for Lebanon. In this context, the EU delegation and the missions abroad of the EU Member States are in regular contact with civil-society organisations championing LGBTI rights. The promotion of human rights is also part of the regular political exchange between the EU Member States and the Lebanese government in the scope of the European Neighbourhood Policy. The EU is active here through its "European Instrument for Democracy & Human Rights" in particular.

The Federal Government liaised with its EU partners with regard to the forced cancellation of Beirut Pride 2018. The delegation of the European Union in Beirut discussed the situation of LGBTI people extensively with the Lebanese government in the scope of the Joint Subcommittee on Human Rights in October 2018.

19. What steps has the Federal Government taken to improve the situation of LGBTTI in Indonesia (cf [www.queer.de/detail.php?article\\_id=28052](http://www.queer.de/detail.php?article_id=28052))?

What steps is the Federal Government taking to prevent the discussed criminalisation of consensual homosexual acts between adults?

The Federal Government views the planned criminalisation of same-sex and extramarital sexual intercourse with great concern and regularly raises the issue of the protection of minorities, including LGBTI people, with the Indonesian government. In tandem with international partners, the German embassy in Jakarta has repeatedly expressed its concern to representatives of the Indonesian government and parliament about the planned reform of criminal law. During these talks, the criminalisation of same-sex orientations was strongly criticised and attention was drawn to the potential violation of Indonesia's international obligations to safeguard human rights and minorities, should the envisaged criminal law reform be adopted in its current form. The EU also raised this issue during the annual Human Rights Dialogue between the EU and Indonesia, which took place most recently on 1 February 2018.

In spite of assurances by the Indonesian government that human rights and the protection of minorities will be upheld in the scope of the criminal law reform, the Federal Government will continue to monitor the deliberations on the criminal law reform just as attentively and will respond to critical developments in coordination with EU partners and like-minded states. At the same time, the German embassy in Jakarta will continue to promote LGBTI organisations and shore up the work of political foundations active in Indonesia to promote human rights locally.

20. What steps has the German government taken to work towards improving the situation of LGBTTI people in Malaysia in light of discriminatory laws and guidelines, targeted raids at private gatherings, arrests and abuse by the authorities, against the trans community in particular (cf [www.queeramnesty.de/meldungen/artikel/jahr/2018/view/malaysia-schutz-der-rechte-von-lgbti-personen.html](http://www.queeramnesty.de/meldungen/artikel/jahr/2018/view/malaysia-schutz-der-rechte-von-lgbti-personen.html))?

The Federal Government advocates the protection of human rights, including the rights of LGBTI people, in its dealings with the Malaysian government. The Federal Government also raised this issue during Malaysia's Universal Periodic Review (UPR) in November 2018.

Improving the rights of LGBTI persons is part of the EU Human Rights Strategy in Malaysia. In the scope of this strategy, the German embassy regularly participates in local events to draw the attention of the government to the situation of LGBTI people.

21. What steps has the Federal Government taken to work towards improving the situation of LGBTTI people in Mexico in light of the murder of three LGBTTI activists in June 2018?

The Federal Government regularly discusses the human rights situation in the bilateral political dialogue with the Mexican government. Human rights have been an important topic during the visits by the Federal Chancellor, the Federal Foreign Minister and the Federal Government Commissioner for Human Rights and Humanitarian Assistance to Mexico in recent years. There are good working relationships in place with the human rights commissions and parliaments.

22. What steps has the Federal Government taken to work towards improving the situation of LGBTTI people and in particular of trans women in El Salvador (cf [www.queeramnesty.de/aktionen/artikel/jahr/2018/view/usael-salvador.html](http://www.queeramnesty.de/aktionen/artikel/jahr/2018/view/usael-salvador.html))?

The difficult situation of LGBTI people in El Salvador continues to be part of the human rights dialogue the German government is engaging in with the Salvadorian government.

The German embassy in San Salvador is engaged in an on-going exchange with the country's human rights commissioners, political decision-makers and representatives of the judiciary in order to work towards improving the situation of LGBTI people. In parallel with this, there is a regular dialogue with LGBTI activists in order to make Germany and the international community's interest in progress in this area visible.

As part of its support for LGTBI people, the Federal Government also engages in advocacy for trans women. If the embassy gains knowledge of specific threats, intimidation attempts or attacks against trans women or LGBTI activists, it raises them - after consulting with the people affected and at their request - with the responsible police chief and the Public Prosecution Department.

Furthermore, the Federal Government makes every effort in the scope of its possibilities to support LGTBI organisations with assistance projects.

23. What steps has the Federal Government taken since December 2015 to improve the situation of LGBTTI people in other parts of the world (please break down by country and measures)?

Over the past three years, the Federal Government has supported human rights projects by LGBTI organisations in Algeria, Equatorial Guinea, Belarus, Botswana, Côte d'Ivoire, Guatemala, Greece, Honduras, Indonesia, Cameroon, Canada, the Republic of the Congo, the Republic of Korea, Kosovo, Latvia, Montenegro, Mexico, Nigeria, Nicaragua, North Macedonia, Rwanda, Romania, Russia, Zambia, Sri Lanka, South Africa, Tajikistan, Turkey, Tunisia, Uganda and Ukraine. In addition to this, over the past three years the Federal Foreign Office has supported human rights projects by LGBTI organisations from Armenia, Belarus, Georgia and Moldova in the scope of the programme "Expanding Cooperation with Civil Society in the Eastern Partnership Countries and Russia".

One of the focuses of the funding is the Western Balkans. The German embassies in the region maintain close contacts with NGOs and participate in LGBTI events in a publicly visible way. LGBTI representatives are regularly invited to embassy events.

In recent years, the networking workshop organised by the "Salzburg Global LGBT Forum" and sponsored by the Federal Government, has been attended by human rights defenders and experts from the following countries *inter alia*: Albania, Egypt, Argentina, Bhutan, Bulgaria, China, Costa Rica, United Kingdom, India, Indonesia, Iran, Jamaica, Japan, Cambodia, Canada, Kosovo, Lebanon, Malaysia, Mozambique, Myanmar, Namibia, Netherlands, Austria, Philippines, Russia, Serbia, Zimbabwe, Spain, South Africa, Syria, Uganda, Hungary, USA and Venezuela.

In some places where LGBTI people are exposed to higher risks, German missions abroad support these activists, for instance by providing rooms for meetings or training events, although in these cases it is ensured that this support is not made public so as not to put those affected at even greater risk.

Worldwide, the Federal Government is a strong advocate of LGBTI rights, both publicly and in confidential talks and consultations. The persecution of homosexuals is a topic that regularly features in the dialogue under Article 8 of the Cotonou Agreement between the European Union and the African, Caribbean and Pacific (ACP) countries, for example. In an international context, Germany also raised the issue of the human rights of LGBTI people *inter alia* with regard to Ghana and Tajikistan. In Bangladesh, the German embassy enabled several LGBTI people under acute threat to leave the country for Germany.

In the period under review, German embassies participated in pride parades in Bulgaria, the Dominican Republic, Greece, Israel, Italy, Latvia, Lithuania, Romania and Serbia.

German embassies supported LGBTI-specific film festivals in Argentina, Botswana, Brazil and Tunisia in the period under review. German embassies supported other cultural events on LGBTI rights in the period under review, *inter alia* in the Republic of Korea. German embassies took part in events or social media campaigns on the International Day Against Homophobia *inter alia* in Brazil, the Dominican Republic and Moldova.

24. To the knowledge of the Federal Government, in which countries are there violent attacks by sections of the population on lesbian, gay and bisexual people where government authorities do not afford them sufficient protection (non-governmental persecution; please break down by country)?
25. To the knowledge of the Federal Government, in which countries are there violent attacks by sections of the population on transsexual, transgender and intersex people where government authorities do not afford them sufficient protection?

Questions 24 and 25 will be answered together.

The Federal Government does not have a systematic list of countries where government authorities do not afford sufficient protection from violence to LGBTI people.

Incidents of this kind have come to light in a number of countries, but in many cases without extensive research it is not possible to determine whether these are systematic abuses. The information available to the Federal Government indicates that the same countries where there are reports of a lack of state protection from violence for lesbian, gay and bisexual people also fail to provide state protection from violence for transsexual, transgender and intersex people.

The Federal Government has received specific reports of a lack of protection from violence for LGBTI people from Azerbaijan, Bangladesh, Ghana, Indonesia, Cameroon, Kyrgyzstan, Colombia, the Republic of Congo, Russia, Tajikistan, Venezuela and the Central African Republic.

In many other countries, violence against LGBTI people is a common problem. In many cases, the criminal investigation of acts of violence against LGBTI persons is not satisfactory, but the Federal Government has no reliable information on the extent to which government authorities systematically fail to provide protection. This applies, for example, to the countries of the Western Balkans, Argentina, Costa Rica, El Salvador, Guatemala, Honduras, India, Kazakhstan, Kenya, Malaysia, Mali, Mongolia, Nigeria, Pakistan, Paraguay, Somalia, South Africa, Tunisia and Uruguay.

26. To the knowledge of the Federal Government, in which countries is the freedom of association, assembly, expression or of the press of LGBTTI people denied or restricted by the state?

In many countries, freedom of association, assembly, expression and the press is severely limited in general. In some countries the state repression or social ostracism of LGBTI persons is so extensive that they have no opportunity to act publicly and in turn to exercise their freedom of association, assembly, expression or the press.

The Federal Government has concrete knowledge of restrictions of the freedom of association, assembly, expression or the press for LGBTI people specifically in Egypt, Ethiopia, Afghanistan, Honduras, Cameroon, Morocco, Mozambique, Russia, Zimbabwe, Singapore, Turkey, the Central African Republic and the Transnistria region.

There are also indications of specific restrictions of these rights for LGBTI people in Indonesia, Nigeria, the Republic of Congo and Tunisia.

There are isolated reports of specific restrictions from other countries, these do not seem to be of a systematic nature, though, such as Bosnia and Herzegovina, Georgia, Pakistan, Peru and Rwanda.

In some countries, including Ukraine, the situation has improved in recent years and LGBTI events can now take place on a regular basis.

27. What steps has the Federal Government taken since December 2015 to advocate and work towards the freedom of assembly of LGBTTI people in countries seeking membership of the European Union?

The freedom of assembly of LGBTI people is generally ensured in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. Above and beyond this, further reforms in the areas of the rule of law and human rights are of central importance in the view of the Federal Government for the Western Balkan states' alignment with the EU.

Representatives of the Federal Government engage in a close exchange with representatives of civil society in all said countries and advocate LGBTI rights in public as well as in confidential talks and consultations.

Please also refer to the answers to questions 15 (Turkey) and 23 (Western Balkans).

28. To the knowledge of the Federal Government, in which countries do so-called "homo-propaganda" laws apply which curb freedom of association, assembly, expression, the press and the arts?

The Federal Government is aware of such laws specifically restricting LGBTI people in Russia.

In some countries, there are generally worded laws that may restrict the freedom of association, assembly, expression, the press and arts in order to protect "good morals" or "public order", which may allow the rights of LGBTI persons to be restricted in particular. The Federal Government is aware of such laws in Egypt, Kenya, Mongolia, Peru and the United Arab Emirates.

Partial restrictions may also arise from educational laws that expressly require a traditional family image to be conveyed and imparted.

29. To the knowledge of the Federal Government, in which countries are laws against so-called "homo-propaganda" that restrict freedom of association, assembly, expression, the press and arts currently undergoing parliamentary consultation procedures?

In the United Arab Emirates, there are efforts to tighten security laws which could also have a negative impact on LGBTI rights.

In Kyrgyzstan, a law against so-called "homo-propaganda" is currently no longer being pursued after two readings in parliament in 2016.

In Moldova, one bill each was introduced in 2016 and 2017 against so-called "homo-propaganda", but these failed to secure a majority. The legislative initiatives remain on the parliamentary agenda and could be taken up again in the coming legislative period, so since the parliamentary elections on 24 February 2019.

In Haiti, two laws in this vein have been pending in parliament since 2017.

30. What steps has the Federal Government taken since 2015 to prevent the adoption of such laws (please break down by country)?

The Federal Government raises the issue of legislative measures of this kind, for example within the framework of the EU human rights dialogues, as it did with the United Arab Emirates most recently in July 2018.

31. What other steps has the Federal Government taken since 2015 to advocate and work towards ensuring freedom of association, assembly, expression and the press for LGBTTI people?

Many of the measures supported by the Federal Government (please refer in particular to the answer to question 23 on this) serve to raise the awareness of a wider public on the human rights of LGBTI people and in turn to also contribute to their freedom of association, assembly, expression and the press. This holds true, for instance, for the visible support and participation in "pride parades", the Day Against Homophobia, relevant film festivals and other public events. These measures regularly go hand in hand with press and public relations work, often with a special emphasis on social media.

In some countries, LGBTI organisations specifically ask international donors to exercise restraint in their press and public relations work in order to pre-empt potential accusations of interfering in a country's internal affairs.

German missions abroad make a specific contribution to freedom of assembly by providing LGBTI activists in difficult situations with meeting and events facilities.

The Federal Government supports the work of human rights organisations, shoring them up politically. It discusses the issue of guaranteeing freedom of association, assembly, expression and the press regularly with civil-society players and calls for governments to take action to ensure these freedoms.

32. To the knowledge of the Federal Government, how has legislation to stop discrimination developed in the US states since 2015 in relation to LGBTTI people?

To the knowledge of the Federal Government, the law now prohibits discrimination based on sexual orientation in 22 US states as well as in the District of Columbia, and discrimination based on gender identity is prohibited in 20 states and in the District of Columbia.

33. To the knowledge of the Federal Government, in their capacity as part of civil society, in which countries are LGBTTI people affected by the introduction of anti-NGO laws?

What tangible impacts is this having, for example on the financing possibilities of these NGOs?

The Federal Government is aware of NGO laws restricting LGBTI organisations in their capacity as part of civil society in Azerbaijan, China, Israel, Laos, Pakistan, Russia, Singapore and the Transnistria region.

The Federal Government is aware of legislative initiatives that could have similar impacts in Nepal, Slovakia, Tajikistan and Vietnam.

In countries like Egypt, Bangladesh, Brunei Darussalam, Saudi Arabia, Turkmenistan and Uzbekistan, state repression against LGBTI people is so strong that LGBTI organisations can already not act openly.

The Federal Government is not aware of any specific restrictions of the financing possibilities as a result of these laws.

34. What is the Federal Government doing to combat impunity for state or non-state persecution of LGBTTI people?

The Federal Government raises the issue of impunity in talks and consultations with government representatives, in some cases in tandem with EU partners, particularly in Argentina, Bangladesh, Brazil, Brunei Darussalam, Guatemala, Haiti, Honduras, Colombia, Kyrgyzstan, Malaysia, Mali, Mexico, Mozambique, Pakistan, Russia and Tajikistan.

In addition to this, the Federal Government specifically advocates and works towards an end to impunity through projects promoting the rule of law in Azerbaijan, Nepal, Tunisia and Ukraine.

## II. Pathologisation of homosexuality and transsexuality

35. To the knowledge of the Federal Government, in which countries is homosexuality regarded as a (mental) illness despite the unequivocal stance to the contrary of the World Health Organization (cf [www.euro.who.int/de/health-topics/disease-prevention/violence-and-injuries/news/news/2011/21/stop-discrimination-against-homosexual-men-and-women](http://www.euro.who.int/de/health-topics/disease-prevention/violence-and-injuries/news/news/2011/21/stop-discrimination-against-homosexual-men-and-women))?

In some countries, homosexuality is considered an illness or disease both by vast sections of society and by the authorities. To the knowledge of the Federal Government, this holds true for Egypt, Ethiopia, Indonesia, Kyrgyzstan, Nigeria, the Republic of the Congo and Zambia, for instance.

In other states this pathologisation stems from religious organisations in particular, without being shared by the majority of society in the assessment of the Federal Government, as is the case for instance in El Salvador, Indonesia, Peru and Rwanda.

The existence of homosexuality is subject to such strong taboos or denials in some countries that the disease or illness issue is not raised; to the knowledge of the Federal Government, this is the case in Iran, Mali and Mauritania.

36. On the international stage, is the Federal Government working to ensure that transsexuality is no longer classified as a mental illness?

If so, what measures has the Federal Government taken since 2015?

If not, what grounds does the Federal Government have for its position?

In the scope of the development process for the next International Statistical Classification of Diseases and Related Health Problems (ICD-11), the Federal Government has advocated and worked towards the de-psychopathologisation of transsexuality. To this end, it expressly voiced its support for the chapter change of the relevant classification to the World Health Organization (WHO). The classification previously located in Chapter F of the ICD-10 is now contained in a new chapter "Conditions related to sexual health" under the heading "Gender Incongruence".

37. To the knowledge of the Federal Government, in which countries are obviously harmful pseudo therapies being offered with a view to changing people's sexual orientation?

In which of these countries are the "therapies" financially supported by the state?

The Federal Government has no verifiable or reliable information on this.

38. What knowledge does the Federal Government have of the Polish organisation "Odwaga" (in English: courage), which offers obviously harmful pseudo therapies with a view to changing peoples' sexual orientation and which was awarded the "Truth - Cross - Liberation" prize in 2017 by the current Prime Minister of Poland, Mateusz Morawiecki?

"Odwaga" is a private organisation that – according to its own statements - carries out so-called "reparative therapies" (also called conversion therapies) at its centre in Lublin, the aim of which is to "reduce homosexual tendencies". In the view of the organisation, homosexuality is an "infliction" which is to be countered with the teachings of the Catholic Church.

39. To the knowledge of the Federal Government, in which countries have the obviously harmful pseudo therapies aiming to change people's sexual orientation been prohibited and how is this implemented in practice?

What were the grounds cited for these prohibitions?

To the knowledge of the Federal Government, in Ecuador and Malta the law prohibits such practices. In Brazil, professional associations prohibit the practice to the knowledge of the Federal Government. The practice is also prohibited from being performed on minors in the US states of Connecticut, Delaware, Hawaii, Illinois, California, Oregon, Maryland, Nevada, New Hampshire, New Jersey, New Mexico, Rhode Island, Washington State and Vermont. In practice the Federal Government is only aware of a few examples of prohibitions being implemented and according penalties being threatened; in Ecuador, for instance, numerous clinics using such practices are said to have been shut down following raids.

To the knowledge of the Federal Government, prohibitions are currently under preparation in Belgium and the United Kingdom.

### III. Role of religious communities

40. To the knowledge of the Federal Government, what role have African evangelical organisations and/or Protestant churches played in relation to the situation of LGBTTI people in African countries since 2015?
41. To the knowledge of the Federal Government, what role have American evangelical organisations, missionary agencies or churches played in relation to the situation of LGBTTI people in African countries since 2015?

Questions 40 and 41 will be answered together.

It is not possible to generalise the role of African and American evangelical organisations and Protestant churches in the issue of LGBTI people in African countries. In some African countries evangelical organisations criticise homosexuality as a practice forbidden by religion and demand or welcome government measures to prohibit it. Some organisations publically call for

LGBTI people to be attacked or take legal action against the legalisation of homosexual acts. In other countries evangelical organisations do not play a publicly visible role in the issue of LGBTI. It is a similarly varied picture for the Protestant churches in Africa.

Statements by radical leaders of various different faiths, including African and American evangelical organisations, contribute in some countries to the rejection of LGBTI people by society and in some cases also to attacks on LGBTI people.

42. To the knowledge of the Federal Government, what role have German evangelical missionary agencies or organisations such as Reinhard Bonnke and his missionary work "Christ for all Nations" played in relation to the situation of LGBTI people in African countries since 2015?

The Federal Government has no information on this.

43. To the knowledge of the Federal Government, what role has the Catholic Church played in relation to the situation of LGBTI people in African countries since 2015?

It is not possible to generalise the role of Catholic churches on the subject of LGBTI people in African countries. In some countries Catholic churches condemn homosexuality, generally churches adopt a passive attitude. In some countries, for instance in Zimbabwe, a constructive dialogue exists between the Catholic Church and interest groups representing the LGBTI community.

44. To the knowledge of the Federal Government, what role have Muslim scholars, imams and similar played in relation to the situation of LGBTI people in Asia since 2015?

Given the highly diverse social and political reality in Asia, it is not possible to make a meaningful statement on this for the region as a whole. LGBTI is a taboo subject in many countries of the Middle East and Asia in different ways and for the most part not something raised publicly, not by Muslim religious leaders and communities either. Please also refer to the answer to question 50.

In Bangladesh, Muslim scholars play a decisive role in shaping the overall opinion of the mainly Muslim society, adopting a strict interpretation of the rejection of homosexuality. Only occasionally are there liberal preachers who teach tolerance towards "those who think differently" in society.

In Nepal, LGBTI people occasionally report being treated with hostility by Muslim groups. In India there are Muslim religious leaders who describe homosexuality as unnatural. There are also individual religious initiatives advocating LGBTI rights, such as the "Queer Muslim Project" in Bangalore. Nevertheless, socially traditional prejudices against the LGBTI community and homosexual acts continue to persist in India's religious communities.

In Brunei Darussalam, homosexuality is cited as a criminal offence in Sharia law.

In Indonesia most Muslim scholars hold the view that homosexuality is expressly forbidden in the Koran and thus un-Islamic and reprehensible. Individual Muslim scholars have further fuelled the social hostility towards

LGBTI by making drastic public statements. Individual representatives of Indonesian Islam, however, have also called for LGBTI people to be treated with respect.

In the Muslim-dominated areas in southern Thailand and the Philippines, especially in Western Mindanao and the Sulu Islands, the situation of LGBTI people is significantly worse than in the other parts of the country. Acceptance among the general population is lower and discrimination in everyday life is more frequent. This is also due to the influence of Muslim clerics and imams.

The role of Muslim scholars and imams in Saudi Arabia in relation to the issue of LGBTI is dominated by a critical, conservative attitude. The majority of Saudi Arabian scholars are of the opinion that Islam does not provide for LGBTI rights. In Saudi Arabia - as in many states of the Middle East - the topic is taboo and scarcely addressed in public, not by Muslim religious leaders and communities either.

45. To the knowledge of the Federal Government, what role have Muslim scholars, imams and similar played in the situation of LGBTTI people in Africa since 2015?

It is not possible to generalise the role of Muslim scholars and imams in Africa on the topic of LGBTI. With regard to the question of homosexuality in particular, a dominance of conservative, critical positions can be observed among Muslim religious leaders. In some African countries, representatives of Islam engage vocally in the public debate and criticise homosexuality as a religiously forbidden or "immoral" practice or even condone violence against LGBTI people in individual cases. In other African countries, *inter alia* in those countries where the topic of homosexuality is not discussed in public, Muslim religious leaders do not speak publically on this issue. At the same time, there are a very small number of individual African imams adopting a tolerant approach to homosexuality.

In many countries Muslim scholars and imams adopt a predominantly critical stance towards LGBTI people and in particular towards decriminalising consensual sexual acts between people of the same sex. Homophobic attitudes are also widespread among the general population, though, regardless of whether those concerned describe themselves as religious or secular.

In Tunisia, the leadership of the Muslim Democratic People's Party Ennahda argues that sexual orientation is a private matter the state should not interfere in unless practiced in public.

46. To the knowledge of the Federal Government, what role have Muslim scholars, imams and similar played in relation to the situation of LGBTTI people in Europe since 2015?

Please refer to the answer of the Federal Government to question 40 of the Major Interpellation by the Alliance 90/The Greens parliamentary group in Bundestag printed paper 18/6970, which continues to apply.

47. To the knowledge of the Federal Government, what role has the Russian Orthodox Church played in relation to the situation of LGBTTI people in Russia as well as in other countries in Eastern Europe and Central Asia in which this church is present since 2015 (please provide examples)?

The Russian Orthodox Church condemns LGBTI practices as an offence against morality and generally demands they be banished from public life. In Russia it advocates legal restrictions being imposed to prevent minors being exposed to so-called propaganda showing non-traditional sexual relationships. In Eastern European countries in particular, where a significant section of the population is of Russian Orthodox denomination, such as Belarus, Moldova and Ukraine, the Russian Orthodox Church also publicly expresses negative views towards LGBTI people.

Although the Russian Orthodox Church is present in Georgia, the most influential church is the Georgian Orthodox Church. Public opinion in Georgia is strongly influenced by the conservative values of the Georgian Orthodox Church and is hostile towards LGBTI people. Since 2014, on the International Day Against Homophobia, the Georgian Orthodox Church has held the "Day of Purity of the Family", organising public church events and rallies and mass marriages.

The Ukrainian Orthodox Church of the Moscow Patriarchate (which was previously subordinated to the Moscow Patriarch as an autonomous church) speaks out against same-sex relationships and lobbies for LGBTI events to be banned. Violence against LGBTI people, however, is rejected as incompatible with church values. It rejects the introduction of laws prohibiting discrimination on the grounds of sexual orientation or gender identity as it sees these as the expression of an artificial "gender ideology" posing a threat to the traditional world view.

48. To the knowledge of the Federal Government, what role have the various churches present in Ukraine played in relation to the situation of LGBTTI people in Ukraine since 2015?

All the major churches present in Ukraine have a critical stance towards public advocacy of the rights of LGBTI people and point to the purported dangers of what they dub the "gender ideology". Please refer to the answer to question 47 on the role of the Russian Orthodox Church.

49. To the knowledge of the Federal Government, what role has the Serbian Orthodox Church played in relation to the situation of LGBTTI in Serbia and other countries in the Western Balkans region since 2015?

The Serbian Orthodox Church continues to condemn homosexuality and organises annual counter-demonstrations to the "pride parade" in Serbia. The number of people participating in these, however, is declining. In the Bosnian entity Republika Srpska, people often uncritically repeat statements made by Serbian religious leaders. The Metropolitan of the Serbian Orthodox Church in Montenegro often speaks disparagingly about sexual minorities in sermons.

50. To the knowledge of the Federal Government, what role did the Catholic Church play in the referendum on the reintroduction of the prohibition of marriage in Slovenia in late 2015?

In 2015 the Catholic Church of Slovenia was one of the vocal opponents to the law passed in March 2015 on the initiative of the "United Left" opposition alliance establishing complete equality for homosexual partnerships and heterosexual marriage. In its referendum campaign, the Catholic Church actively – and ultimately successfully - lobbied for a "no" vote.

51. To the knowledge of the Federal Government, what role did the Orthodox Church play in the referendum on the constitutional prohibition of marriage for all in Romania?

The Romanian Orthodox Church was a strong supporter of the “Coalition for Family”, which tried to change the definition of family in the Romanian Constitution and to define it as marriage between a man and woman. Signatures for the - ultimately unsuccessful - constitutional referendum were actively collected at church services, for instance.

52. To the knowledge of the Federal Government, what role have representatives of Hinduism played in relation to the situation of LGBTTI people in Asia since 2015?

There are individual reports by LGBTI people in Asia that Hindu groups have been hostile towards them, but the Federal Government is not aware of any Hindu representatives adopting a stance on the situation of LGBTI people.

53. To the knowledge of the Federal Government, what role have representatives of Buddhism played in relation to the situation of LGBTTI people in Asia since 2015?

In general, representatives of Buddhism do not play a prominent role in relation to the situation of LGBTI people. The social status of LGBTI people is heavily based on the fundamental moral concepts and views held by the general population. Their view leads in some instances to cases where - mostly at the instigation of the parents – there are attempts to “re-educate” LGBTI people, often involving entry into a monastery.

54. To the knowledge of the Federal Government, what role have the Christian churches and Islamic communities played in relation to the situation of LGBTTI people in Asia and especially in India since 2015?

The Federal Government has no systematic knowledge of the role played by Christian and Islamic communities in relation to the situation of LGBTI people in Asia. The role of Islamic communities is based on the leadership of Muslim scholars, please refer to the answer to question 44.

In Bangladesh, in 2016 a group of leaders from the Catholic communities publicly condemned the murders by extremists of the editors of an LGBTI magazine and called for equal rights for sexual minorities.

In Nepal, there are individual reports from LGBTI people that they face hostility from Muslim and Christian groups.

Christian groups are very active in the Republic of Korea. There are numerous independent church groups. At the "Queer Festivals" and other LGBTI events, Christian groups often stage counter-demonstrations. The Christian groups attempt to stop legislation from being liberalised.

In the Philippines, the Catholic Church rejects same-sex marriage. Some Christian communities have further-reaching reservations about LGBTI people whom they describe as immoral. This holds true especially for the "Iglesia ni Cristo" founded in the Philippines.

#### IV. Legal situation of transsexual and intersex people

55. To the knowledge of the Federal Government, in which countries are there legal possibilities under the law governing civil status for transsexual people to adopt a gender that matches their identity without be required to undergo sterilisation or a psychological or psychiatric assessment?

To the knowledge of the Federal Government, this is the case in Argentina, Belgium, Bolivia, Brazil, Denmark, Ecuador, France, Greece, India, Ireland, Israel, parts of Canada, Colombia, Malta, Nepal, Netherlands, Norway, Pakistan, Panama, Portugal, Switzerland, Uruguay as well as in 24 US states (California, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Illinois, Maryland, Minnesota, Montana, Nevada, New Hampshire, New Jersey [as of 1 February, 2009], New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia).

To the knowledge of the Federal Government, in Botswana, Chile, Italy and Romania decisions are made on a case-by-case basis.

56. To the knowledge of the Federal Government, in which countries are there legal possibilities under the law governing civil status for transsexual people to adopt a gender that matches their identity without being required to undergo sterilisation, but on the condition of undergoing psychological or psychiatric assessment?

A medical or psychological expert opinion, but not surgery or sterilisation is required in Bulgaria, Iceland, parts of Canada, Kazakhstan, Lithuania, Moldova, Montenegro, Austria, Spain, Hungary, Ukraine and 24 US states (Alabama, Alaska, Arizona, Arkansas, Colorado, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming).

In Egypt, Japan, Cuba, Latvia, Luxembourg, Mongolia, Panama, Sweden, Singapore, Slovenia, the Czech Republic, Vietnam and Cyprus, it is only possible to change one's gender under civil status law after undergoing gender-reassignment surgery.

57. To the knowledge of the Federal Government, in which countries are there no legal possibilities for transsexual people under the law governing civil status to adopt a gender matching their identity?

To the knowledge of the Federal Government, in Equatorial Guinea, Ethiopia, Afghanistan, Angola, Albania, Armenia, Azerbaijan, Bangladesh, Bahamas, Costa Rica, Dominican Republic, Ghana, Guinea, Honduras, Indonesia, Cameroon, Kenya, Cambodia, Kosovo, Kuwait, Jamaica, Laos, Libya, Micronesia, Marshall Islands, Mali, Mozambique, Mauritania, Nauru, Nigeria, Philippines, Palau, Papua New Guinea, Paraguay, the Palestinian Territories, Qatar, Rwanda, Saudi Arabia, the Solomon Islands, El Salvador, Somalia, Thailand, Tunisia, Turkmenistan, Tanzania, Vanuatu, Venezuela, the United Arab Emirates, the Central African Republic and three US states (Kansas, Ohio, Tennessee) there is no such possibility for transsexual people.

58. To the knowledge of the Federal Government, people from which countries may have their first names or their gender changed or recognised under the German Transsexuals Act, Section 1 (1) no. 3, letter (d) and Section 8 (1) no. 1?

If the applicant is a German within the meaning of the German Basic Law or a stateless or displaced foreigner habitually resident in Germany or a person entitled to asylum or a foreign refugee with residence in Germany, the person's origin has no bearing. If the applicant is a foreigner and has an unlimited residence entitlement or a renewable residence permit and is permanently and lawfully resident in Germany, the person is only entitled to file an application if the home country's law does not contain any provisions equivalent to the transsexuals law. Whether this is the case has to be assessed in each individual case on the basis of the current legal situation in the country in question.

Please also refer to the Federal Government's answer to questions 51, 52 and 53 of the Major Interpellation tabled by the Alliance 90/The Greens parliamentary group on the international human rights situation of lesbian, gay, bisexual, transsexual, transgender and intersex people, Bundestag printed paper 18/6970.

59. To the knowledge of the Federal Government, in which countries are there legal possibilities for intersex people to adopt a gender matching their identity (for instance a third gender category, no specification)?

What is the wording of these legal norms (please list by country)?

In Montenegro, a draft law from 2017 provides for the gender designation "other" in addition to the gender designation "female" and "male".

In Australia, on passports and other official documents "X" can be chosen as the gender category instead of "M" or "F". The prerequisite for this is confirmation from a doctor or psychologist confirming an "intersex/indeterminate/unspecified sex". Intersex people are required to have their identity entered uniformly on different documents. Exceptions are possible, however: They are not obliged to enter the "X" category on their passports if they do not wish to disclose their intersex identity when travelling abroad, for instance.

The "Australian Government Guidelines on the Recognition of Sex and Gender" are available at: [www.ag.gov.au/Publications/Pages/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.aspx](http://www.ag.gov.au/Publications/Pages/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.aspx).

Three Australian states (New South Wales, Australian Capital Territory, South Australia) provide for a third, "non-binary" category in their birth registers.

In Austria, on 29 June 2018 the Constitutional Court ruled that the current Civil Status Act does not mention only two options when registering a person's sex and that there should therefore also be a "third option" in the future. Possibilities discussed are "inter", "diverse" or "undecided".

In parts of Canada (Ontario, Alberta, Newfoundland and Labrador as well as Northwest Territories), it is possible for intersex people to adopt a gender corresponding to their identity in the form of an "X". It is not yet possible for this to be stated in people's passports, though. It is only possible for an additional document be issued, indicating that the person's sex is to be regarded as "X" and therefore as unspecified.

In Chile, if a person's sex is indeterminable after birth, the category "indeterminable sex" (sexo indefinido) is entered in the civil status register. This indeterminacy is indefinite until the person in question or their legal guardian decides on a sex.

In Nepal, intersex people have the option of registering a "third sex" in civil status documents if the outwardly perceivable gender does not correspond to the person's identity. The Supreme Court cited Article 12 of the Constitution in a ruling to this effect: "The person entitled to Nepalese nationality by descent may be issued with a Nepalese nationality document stating the person's gender identity on presentation of proof of descent from the father or mother".

In Vietnam, under Article 36 of the Civil Code intersex people can re-determine their gender if their gender is indeterminate or they suffer from congenital defects ("The re-determination of the gender identity of a person is implemented where the gender of such person is subject to a congenital defect or has not yet been accurately formed and requires medical intervention in order to identify clearly the gender").

To the knowledge of the Federal Government, possibilities to this effect also exist in India, Ireland, Norway and six US states (Oregon, Washington State, New York, California, Maine, New Jersey) and in the District of Columbia.

60. To the knowledge of the Federal Government, in which countries are there legal possibilities for all people to adopt a gender matching their identity (e.g. third gender category, no specification)?

What is the wording of the legal norms (please break down by country)?

In Argentina, the law on gender identity ("Ley de Identidad de Género de Argentina") contains a provision whereby it is possible to have a self-chosen gender legally recognised. This does not require any medical or psychological documentation. In addition to this, it is possible to indicate an unspecified gender on Argentinian passports, expressed in the form of an "X".

The provisions in Australia (cf answer to question 59) are not limited to intersex people. They do, however, require at least one medical or psychological confirmation that the person has the requested gender or that the person's gender is unspecified/indeterminate.

In Denmark, it is possible for an X to be entered on a person's passport under certain circumstances (cf [www.retsinformation.dk/Forms/r0710.aspx?id=159226#Kap5](http://www.retsinformation.dk/Forms/r0710.aspx?id=159226#Kap5), Section 4, (5) and (6)).

In Malta there is the option of using the neutral "X" in official documents to indicate gender. A notarised declaration is required to change the indicated gender. The relevant Act ("Gender Identity, Gender Expression and Sex Characteristics Act") is available at: <http://justiceservices.gov.mt/downloaddocument.aspx?app=lom&itemid=12312&l=1>.

In New Zealand, all people have the option of adopting a gender that matches their own identity. For the wording of the relevant provision please consult: [www.legislation.govt.nz/act/public/1995/0016/73.0/DLM359369.html](http://www.legislation.govt.nz/act/public/1995/0016/73.0/DLM359369.html).

In Pakistan this is governed by the "Transgender Persons (Protection of Rights) Act". For the wording of the provision please consult: [www.na.gov.pk/uploads/documents/1526547582\\_234.pdf](http://www.na.gov.pk/uploads/documents/1526547582_234.pdf).

61. To the knowledge of the Federal Government, how has the situation of transsexual and transgender people in the US changed since the beginning of 2017, in particular in terms of military service?

To the knowledge of the Federal Government, the situation for transsexual and transgender people engaged in US military service has not changed.

- V. Federal government initiatives to improve the situation of lesbian, gay, bisexual, transsexual, transgender or intersex people
62. In which international organisations and associations does the Federal Government plan to initiate its own initiatives or support initiatives by other states to improve the human rights situation of lesbian, gay, bisexual, transsexual, transgender or intersex people?

Supporting equal human rights for LGBTI people is an important transversal task. The Federal Government will embed and advance the issue in all policy areas both through specific projects to reduce discrimination based on sexual orientation and gender identity or characteristics as well as through mainstreaming. Here, the Federal Government is guided by the Yogyakarta Principles, the Sustainable Development Goals of Agenda 2030 and the EU "Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons".

The Federal Government liaises closely with civil-society players and international partners and actively participates in associations of states championing the human rights of LGBTI people. Germany is a founding member of the "Equal Rights Coalition" and member of the "Global Equality Fund", the "LGBTI Core Group" and the "European Governmental LGBTI Focal Points Network".

63. In what way does the Federal Government intend to make progress on the topic of the human rights of lesbian, gay, bisexual, transsexual, transgender or intersex people in the scope of the United Nations Human Rights Council?

In the United Nations Human Rights Council, too, the Federal Government will continue to advocate the human rights of LGBTI people, for instance by supporting resolution language which does not discriminate against people on the grounds of their sexual orientation and gender identity and by clearly raising human rights shortcomings, for example in the scope of the UPR. Here, too, the Federal Government liaises closely with civil-society players and international partners.

64. In what way does the Federal Government intend to make progress on the topic of the human rights of lesbian, gay, bisexual, transsexual, transgender or intersex people in the scope of the Council of Europe, the OSCE and the European Union?

In the Member States of the Council of Europe sexual identity is protected under the European Convention on Human Rights (ECHR), in particular under Article 8 of the ECHR (right to respect for one's private and family life). The Federal Government monitors the case law handed down by the European Court of Human Rights, also in terms of the extent to which the Member States do actually afford this protection. In the Council of Europe Committee of Ministers' Representatives, it advocates and works towards consistent implementation of the judgments of the European Court of Human Rights by the Member States concerned if the Court finds that there have been violations of the ECHR. If there is sufficient evidence of serious discrimination against LGBTI people, it also raises this in the Committee of Ministers' Representatives, usually in the form of joint EU statements. It addressed the situation of these people in Chechnya in October 2017 and May 2018 in the Council of Europe in this way, for instance.

In the OSCE, too, the Federal Government consistently advocates the protection of the human rights of LGBTI people, in particular by insisting, both as the EU block and in tandem with other partners, on the indivisibility of human rights in the political dialogue with critical participating states in which discrimination based on sexual or gender identity exists. The OSCE definition of hate crimes and the work of the Office of the Special Representatives of the OSCE Chairperson-in-Office on Gender Issues is seminal in this field. Between July 2017 and July 2018, Germany actively supported four EU statements on the OSCE Permanent Council calling on Russia, Azerbaijan and Tajikistan to protect LGBTI people. Specific human rights cases with an LGBTI connection were also the subject of co-ordination between OSCE States and OSCE institutions. An excellent example of the multilateral work to promote LGBTI rights is the statement marking the International Day Against Homophobia on 17 May 2018, which was issued jointly by 43 of the 57 OSCE participating States.

65. Is the Federal Government planning to support and protect the work of other lesbian, gay, bisexual, transsexual, transgender and intersex human rights defenders?

If so, what measures are planned?

The Federal Government plans to continue its measures to support LGBTI activists. In addition to this, the Federal Government will continue its efforts to support LGBTI activists in acute emergency situations. It plans to continue the support described in the answers to questions 9 et seq..

66. In what way are activities by German, foreign or international organisations of lesbian, gay, bisexual, transsexual, transgender or intersex people being supported by federal funds designated for human rights work?

In what form, through which projects and in which countries is this taking place?

In 2019, the Federal Government will support one human rights project each in Albania, Benin, Côte d'Ivoire, Myanmar, New Zealand, Nicaragua, Nigeria and Serbia with a focus on LGBTI organisations; in Tunisia and Ukraine two such projects each will be supported in 2019. Please also refer to the answer to question 74.

67. To what extent does the Federal Government plan to conduct its own reporting on the global human rights situation of lesbian, gay, bisexual, transsexual, transgender and intersex people at least once per electoral term?

The Federal Government presents a human rights report to the German Bundestag every two years, most recently on 13 February 2019 (available at: [www.auswaertiges-amt.de/de/aussenpolitik/themen/menschenrechte/menschenrechtsbericht/2189112](http://www.auswaertiges-amt.de/de/aussenpolitik/themen/menschenrechte/menschenrechtsbericht/2189112)), which also contains extensive reports on the situation of LGBTI people in Germany and on the global development of human rights for LGBTI people. Every five years, the Federal Government undergoes the UPR, most recently in May 2018 (all documents available at: [www.ohchr.org/EN/HRBodies/UPR/Pages/DEIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/DEIndex.aspx)). In addition to this, the Federal Government submits its national reports to the UN Treaty Bodies at the scheduled intervals or upon request; depending on the topic, these reports also contain information on the human rights situation for LGBTI people. The Federal Government furthermore regularly answers numerous parliamentary questions posed by Members of the German Bundestag on the global human rights situation of LGBTI people.

68. What is the Federal Government's assessment of proposals for human rights officers to work in the German embassies worldwide to advocate the interests of LGBTTI people?

The work to promote equal human rights for LGBTI people is an important transversal task for the German missions abroad throughout the world. The staff working there on the subject of human rights in particular are tasked with monitoring the situation of LGBTI people. The missions abroad work on the issue in the given local context and, together with like-minded governmental and civil-society players, develop ideas to support the work to promote the rights of LGBTI people.

69. To what extent is the topic of human rights of LGBTTI people addressed in the various training courses to enter the diplomatic service and in the preparation before assuming posts conducted by the Federal Foreign Office?

To what extent are the contents or modules voluntary or obligatory?

The subject of LGBTI human rights is addressed in all training for the three careers (intermediate, executive and administrative grades) of the Foreign Service.

One module addresses the human rights situation of LGBTI people. The topic of human rights of LGBTI people also forms part of the study of asylum law and is dealt with in further training units.

70. What further training courses on the human rights of LGBTTI people are offered to staff and diplomats of the Federal Foreign Office?

To what extent are the contents or modules voluntary or obligatory?

The subject of the human rights of LGBTI people is dealt with in the further training courses of the staff of the Federal Foreign Office, in particular in the legal and consular seminars on civil law and public law. This applies in particular to courses dealing with family and inheritance law, where the topics of marriage and registered civil partnerships and their impacts are addressed. These also address differentiations and discrimination in foreign law, including the possibilities of counteracting them in the German legal sphere.

71. To what extent has the issue of human rights of LGBTTI people been explicitly addressed at the Federal Foreign Office's Conferences of the Heads of German Missions to date?

The topic "Promoting the human rights of lesbian, gay, bisexual, transgender and intersex persons" was addressed at the 2014 Conference of the Heads of German Missions with the aim of providing participants with new input and ideas in dealing with the subject of LGBTI rights and for the cooperation with human rights organisations. Universal human rights - and in turn the rights of LGBTI people, too - are furthermore a transversal issue which was also discussed at other Conferences of the Heads of German Missions in various formats.

72. To what extent do the German embassies abroad in the field see themselves as partners for local/regional/national organisations of the LGBTTI community, and what specific form does this take?

In general, the German missions abroad are the point of contact for human rights defenders, including on the subject of LGBTI in particular. They are engaged in a close exchange with civil-society players and support them. The close cooperation is visible, for instance, in the high-profile presence of German embassies at "pride parades" and other LGBTI events. In addition to this there are public statements, for instance on the International Day Against Homophobia.

LGBTI representatives are regularly invited to embassy events. Before addressing the subject with local government agencies, the embassies regularly exchange views with NGOs and like-minded international actors.

Please also refer to the answer to question 23.

73. To what extent does the Federal Government aspire to implement the proposal by non-governmental organisations to create greater coherence in awarding funds in the scope development cooperation and in practice 'to review cooperation with local organisations in the partner countries to ensure that they are not involved in the persecution and stigmatisation of LGBTTI people or advocate depriving LGBTTI people of fundamental rights' (cf [www.lsvd-blog.de/?p=16225](http://www.lsvd-blog.de/?p=16225), no. 7)?

The Federal Government's development cooperation is based on the principles of the protection of human rights - including protecting minorities from discrimination. One fundamental prerequisite for the award of funds to German development cooperation organisations is that they guarantee that they do not violate the law (as stipulated under Article 20 (3) of the German Basic Law). When funding projects by NGOs, the Federal Ministry for Economic Cooperation and Development (BMZ) also writes a commitment to human rights into its funding guidelines or guiding principles, for example in the funding guidelines for the title "private executing agency", which only allows projects that comply with international human rights conventions to receive funding. This requirement also applies to the local partner NGOs in the host country carrying out the projects on the ground planned in partnership with the German NGO. If the local German embassies become aware of human rights violations by local partners of German Development Cooperation (DC), they immediately report this back to the relevant BMZ offices.

74. What funds has the Federal Government disbursed over the past five years on development cooperation projects aimed at LGBTTI people (please break down by year, country and executing organisation)?

The Federal Government does not systematically record the funds disbursed on development cooperation projects aimed at LGBTI people as the target group; so the overview provided below does not claim to be exhaustive. In addition to commissioning government executing organisations, the BMZ also provides funding for the LGBTI target group through private executing agencies.

TC project:

Country	Project focus	Project duration	LGBTI connection
Republic of Uganda	Strengthening human rights	2014 – 2016	Supporting Ugandan civil-society organisations, including organisations working on LGBTI rights.
	Strengthening governance and civil society in Uganda	2017 – 2019	
Caribbean (regional project)	Regional health project in the Caribbean	2009 – 2015	Looking at LGBTI as particularly vulnerable target groups, <i>inter alia</i> through cooperation with a regional civil-society network
Africa (regional measure)	Measure to reduce discrimination based on sexual orientation and gender identity	2014 – 2016	Support for LGBTI organisations in African countries, e.g. forming networks, further training
Republic of South Africa	Multi-sectoral prevention of infectious diseases	2018 – 2020	Promoting the consideration of LGBTI rights, including in teachers' further training, peer education programmes and school health policy.
Ukraine	HIV/AIDS counselling and institution building	2007 – 2018 (completed)	Supporting an organisation of parents of LGBTI people and an LGBTI organisation
Global project	German BACKUP Initiative	2012 – 2020	Strengthening the integration of civil-society positions in all fields of action, in particular of vulnerable sections of the population (including LGBTI); in the past individual measures of the project have supported several LGBTI self-representation organisations in various countries
Latin America (regional project)	Project to strengthen members through the Ibero-American Association of Ombudspersons (FIO)	2015 – 2018	Strengthening the capacity of ombuds authorities in Latin America to protect the rights of LGBTI people

## Projects by private agencies:

Country	Project	Year	Agency
Sub-Saharan Africa (DCs only)	Strengthening civil society's capacity to act and regional alliances for human rights advocacy	2013	Lesben- und Schwulenverband in Deutschland (LSVD) e. V.
Namibia	Strengthening and supporting the human rights of young lesbian women	2015	Solidaritätsdienst-International e. V.
Republic of South Africa	Promoting human rights in Southern Africa by strengthening NGO activists, with a focus on women's rights and LGBTI rights.	2018	Lesben- und Schwulenverband in Deutschland (LSVD) e. V.
Costa Rica	Strengthening initiatives to protect the human rights of homosexual, bisexual, transgender and intersex people	2013	Evangelische Zentralstelle für Entwicklungshilfe e. V.
South Africa	Mainstreaming of HIV and AIDS, TB, gender	2014	Evangelische Zentralstelle für Entwicklungshilfe e. V.
Cambodia	Integration of people living with HIV and AIDS, access to education and development	2015	Evangelische Zentralstelle für Entwicklungshilfe e. V.
China	Community development and HIV/AIDS prevention Menglian	2015	Evangelische Zentralstelle für Entwicklungshilfe e. V.
Bolivia	Improving services in the health sector	2015	Evangelische Zentralstelle für Entwicklungshilfe e. V.
Brazil	Promoting human rights and HIV/AIDS prevention in the North East	2015	Evangelische Zentralstelle für Entwicklungshilfe e. V.
Costa Rica	Promoting social acceptance towards a diversity of sexual orientations	2016	Evangelische Zentralstelle für Entwicklungshilfe
Africa cross-reg.	Interdenominational work against stigma and discrimination in relation to sexual diversity	2016	Evangelische Zentralstelle für Entwicklungshilfe e. V.
Vietnam	Strengthening the rights of transsexual people	2017	Evangelische Zentralstelle für Entwicklungshilfe e. V.

Where it was not possible to link the funds to individual countries, regions have been named. Funds that are not linked to countries or regions are marked as "global project".

The KfW development bank does not finance any projects on behalf of the Federal Government whose (single or main) target group is LGBTI people.

75. To what extent is the Federal Government contributing to improving the situation of lesbian, gay, bisexual, transsexual, transgender or intersex people through development cooperation, health prevention and projects in the field of HIV?

The Federal Government supports the Global Fund to Fight AIDS, Tuberculosis and Malaria. Germany is the fourth largest donor and paid more than EUR 2.527 billion to the Global Fund from 2002 to May 2018. For the fifth financial cycle (2017 to 2019) the Federal Government is providing EUR 810 million;

including EUR 685 million as a core contribution, EUR 100 million in the form of debt conversions to benefit beneficiary countries' investments ("Debt2Health") and EUR 25 million for bilateral technical assistance through the Global "BACKUP Health" project.

Promoting and safeguarding human rights and gender equality are strategic objectives of the fund. Two of the six priorities of a special funding line focus on key groups, including LGBTI people, and doing away with barriers in people's access to HIV services. Since 1996, the Federal Government has also provided financial support to the Joint United Nations Programme on HIV/AIDS (UNAIDS) with a current annual contribution of EUR 5 million. Promoting and safeguarding human rights, gender equality and non-discrimination are central tenets of UNAIDS' work and are embedded in the strategy accordingly. This includes taking action against criminal laws, policies and practices that prevent an effective response to preventing and treating HIV.

76. What steps has the Federal Government taken to advocate and work towards the protection of lesbian, gay, bisexual, transsexual, transgender and intersex people as victims of human trafficking for the purposes of sexual exploitation?

The Federal Government actively combats human trafficking and organised crime. Since 2008, Germany has regularly presented a Resolution on the United Nations Human Rights Council against human trafficking in tandem with the Philippines, for instance. The protection criminal law affords victims of human trafficking and forced prostitution was further improved in 2016 by the Act transposing the EU directive against trafficking in human beings.

77. How and in which countries does the Federal Government address Germany's singular history of persecuting homosexuals, the lessons and the special responsibility Germany bears for the human rights of LGBTTI people?

In German history, LGBTI persons have repeatedly been the victim of state persecution, which reached its peak during the National Socialist tyranny. Even in the post-war period, state injustice towards LGBTI people persisted. Given this historical background, the Federal Government sees a special responsibility when it comes to protecting the human rights of LGBTI people and regularly examines how Germany's responsibility in past persecution can be better incorporated into public relations and project work.

The history of the persecution of homosexuals in Germany was discussed in Greece, Italy, Nepal, Poland, Romania, Slovenia, Tunisia and Ukraine on specific occasions.

78. To what extent does the Federal Government plan to promote the process of facing up to and dealing with Germany's colonial past, in particular with regard to the colonial powers' criminalisation of homosexual acts?

The Federal Government is examining the extent to which missionary and colonial history can also be more heavily integrated into foreign policy and development cooperation in connection with the efforts to advocate the human rights of LGBTI people.

## VI. Asylum and refugee policy

79. To what extent is the Federal Government ensuring that homosexuality is considered and recognised as one of the grounds for refugee status in asylum procedures in line with constitutional and human rights standards?

The Federal Office for Migration and Refugees (BAMF) examines each asylum application individually to determine whether one of the four forms of protection - entitlement to asylum, protection as a refugee, subsidiary protection or a ban on deportation - applies. If in the individual case an according set of facts is presented, under certain circumstances the homosexuality of an applicant may also constitute grounds for a status affording protection under asylum law. If there are indications of gender-specific persecution, the BAMF hearings are also conducted by decision-makers with special training on these matters.

80. In the view of the Federal Government, is there a risk that LGBTTI people, in particular gay men and men who have sex with men (MSM), may face persecution in Algeria given that consensual same-sex acts are subject to criminal prosecution there?
- a) If not, on the basis of what legal deliberations does the Federal Government consider its view to be compatible with Article 9 (2) letter c of Directive 2011/95/EU (Asylum Qualification Directive), which stipulates that disproportionate or discriminatory prosecution or punishment constitute acts of persecution?
- b) If so, on the basis of which legal deliberations does the Federal Government consider the categorisation of Algeria as a safe country of origin to be compatible with:
- Article 16a (3) of the German Basic Law, which stipulates that a state may only be categorised as a safe country of origin if "on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists";
  - Annex I to Directive 2013/32/EU (Procedural Directive), which states that a country may only be considered as a safe country of origin, "where on the basis of the legal situation there, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment or no threat by reason of indiscriminate violence in the context of an international or internal armed conflict"?

In Algeria, homosexual acts are punishable under Article 338 of the criminal code. This also applies to creating a public nuisance with links to homosexuality (Article 333). There is no systematic persecution of homosexual people, for instance by means of undercover investigations. Homosexuality is only criminally relevant for the authorities if practiced publicly and visibly.

81. In the view of the Federal Government, is there a risk that LGBTTI people, in particular gay men and MSM, may face persecution in Morocco given that consensual same-sex acts are subject to criminal prosecution there?
- a) If not, on the basis of what legal deliberations does the Federal Government consider its view to be compatible with Article 9 (2) letter c of Directive 2011/95/EU (Asylum Qualification Directive) which stipulates that disproportionate or discriminatory prosecution or punishment constitute acts of persecution?
- b) If so, on the basis of which legal deliberations does the Federal Government consider the categorisation of Morocco as a safe country of origin to be compatible with:
- Article 16a (3) of the German Basic Law, which stipulates that a state may only be categorised as a safe country of origin if "on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists";
  - Annex I to Directive 2013/32/EU (Procedural Directive), which states that a country may only be considered as a safe country of origin, "where on the basis of the legal situation there, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment or no threat by reason of indiscriminate violence in the context of an international or internal armed conflict"?

In Morocco, Article 489 of the criminal code criminalises consensual homosexual acts for both women and men. Homosexuality is tolerated by the state as long as it is practiced in private. Systematic persecution of homosexual people does not take place.

82. In the view of the Federal Government, is there a risk that LGBTTI people, in particular gay men and MSM, may face persecution in Tunisia given that consensual same-sex acts are subject to criminal prosecution there?
- a) If not, on the basis of what legal deliberations does the Federal Government consider its view to be compatible with Article 9 (2) letter c of Directive 2011/95/EU (Asylum Qualification Directive) which stipulates that disproportionate or discriminatory prosecution or punishment constitute acts of persecution?
- b) If so, on the basis of which legal deliberations does the Federal Government consider the categorisation of Tunisia as a safe country of origin to be compatible with:
- Article 16a (3) of the German Basic Law, which stipulates that a state may only be categorised as a safe country of origin if "on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists";

- Annex I to Directive 2013/32/EU (Procedural Directive), which states that a country may only be considered as a safe country of origin, "where on the basis of the legal situation there, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment or no threat by reason of indiscriminate violence in the context of an international or internal armed conflict"?

In Tunisia, under Article 230 of the criminal code, even consensual homosexual acts by men or women are subject to prison sentences of up to three years. The Federal Government is not aware of any systematic persecution of homosexual people.

83. In the view of the Federal Government to what extent is there a risk that LGBTTI people, in particular gay men and MSM, may face persecution in Georgia?

In Georgia, LGBTI people are not at a legal disadvantage. Since 2014, a comprehensive Non-discrimination Act has been in force prohibiting discrimination based on sexual orientation, gender identity and gender expression. LGBTI people do, however, often face unequal treatment in society and in professional life.

84. What is the Federal Government's assessment of the situation of lesbian, gay, bisexual, transsexual, transgender or intersex people in the countries of the Western Balkans that are categorised as safe countries of origin (please break down by country)?

In the countries of the Western Balkans, LGBTI people enjoy legal protection from discrimination and are not subject to state repression. At the same time, societal acceptance of LGBTI persons continues to be low. Please also refer to the answers to questions 23, 27 and 49.

85. What is the Federal Government's assessment of the situation of lesbian, gay, bisexual, transsexual, transgender or intersex people in Senegal, which is categorised as a safe country of origin?

In Senegal, same-sex sexual acts and public displays of homosexuality constitute a criminal offence (Article 319 of the Criminal Code). To the knowledge of the Federal Government, the last conviction under Article 319 was in 2015. There is no systematic persecution of LGBTI people.

86. What is the Federal Government's assessment of the situation of lesbian, gay, bisexual, transsexual, transgender or intersex people in Ghana, which is categorised as a safe country of origin?

In Ghana, LGBTI people often face discrimination. Improving their rights and equality with heterosexuals is not an issue that government or society addresses. The criminal provision under which performing a sexual act with a person "in an unnatural manner" may be deemed a criminal offence is not applied in practice due to its vague definition.

The lack of protection by the state against attacks by third parties for LGBTI people is problematic.

VII. Protocol 12 to the European Convention on Human Rights

87. What conclusions in relation to a potential ratification of Protocol 12 to the European Convention on Human Rights does the Federal Government draw from years of monitoring the development of ratification by other states and the position of the European Court of Human Rights?

Please refer here to the "Report by the Federal Government on the Status of the Signing and Ratification of European Agreements and Conventions by the Federal Republic of Germany for the period March 2015 to February 2017" (Bundestag printed paper 18/11866 of 31 March 2017, p. 7), which continues to apply. The report notes - taking past developments into account - that the Federal Government's position has not changed and that monitoring is on-going. To date, 20 out of 47 member states of the Council of Europe have ratified Protocol 12, including ten EU Member States.

88. Will the Federal Government sign Protocol 12 to the European Convention on Human Rights?  
If so, when?  
If not, why not?

The Federal Government signed Protocol 12 in November 2000. Please refer to the answer to question 87 regarding a ratification of Protocol 12. It is not possible at this time to say when a possible ratification could take place.

VIII. Yogyakarta Principles

89. Which of the Yogyakarta Principles adopted in 2006 does the Federal Republic of Germany comply with in the view of Federal Government (please break down by principles and implementation method)?
90. Which Yogyakarta Principles does the Federal Republic of Germany not comply with in the view of the Federal Government (please break down by principles)?
91. Does the Federal Government plan to comply with the principles listed in the answer to question 75?  
If so, when?  
If not, why not?
92. What role have Yogyakarta Principles played in the Federal Government's foreign policy since 2015?

Given the related nature of their content, questions 89 to 92 will be answered together.

The "Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity" are the outcome of a project by several NGOs working in the field of human rights designed to

demonstrate the applicability of existing international law to human rights violations based on sexual orientation and gender identity. The Yogyakarta Principles presented in March 2007 do not give rise to any international law obligations.

The Federal Government, which has consistently worked to combat discrimination against LGBTI people at international level for a long time, sees the Yogyakarta Principles developed by international human rights experts as an important frame of reference, particularly with regard to protection against unequal treatment due to sexual orientation or gender identity, and promotes their global implementation. The Yogyakarta Principles have played an important role in developing the EU Guidelines to promote and protect the enjoyment of all human rights of LGBTI persons (2013), which Germany co-drafted.

93. How has the Federal Government responded to the expansion of the Yogyakarta Principles in 2017 to include intersexuality and the aspects of gender identity, gender expression and gender characteristics ("Yogyakarta Principles plus 10", cf <https://yogyakartaprinciples.org/>)?

The Federal Government welcomes the expansion of the Yogyakarta Principles to include intersexuality and the aspects of gender identity, gender expression and gender characteristics. Please also refer to the answers to questions 89 to 92.

IX. Equal treatment of same-sex couples and their children

94. To the knowledge of the Federal Government, in which countries does the Constitution expressly protect its citizens from discrimination on the grounds of sexual identity (sexual orientation and/or gender identity)?

To the knowledge of the Federal Government, the Constitution expressly affords protection from discrimination on the grounds of sexual orientation and gender identity in Albania, Ecuador, Estonia, Kosovo, Malta, Mexico, Nepal, Sweden and Spain.

In some countries, the Constitution affords protection from discrimination, but does not expressly mention sexual orientation and gender identity as grounds for discrimination. To the knowledge of the Federal Government this applies to Angola, Armenia, Belgium, Bosnia and Herzegovina, Brazil, Costa Rica, the Dominican Republic, Guinea, Greece, Honduras, Kazakhstan, Kyrgyzstan, Columbia, Luxembourg, Malaysia, Morocco, Montenegro, Mozambique, Namibia, North Macedonia, Panama, Peru, Poland, Portugal, Serbia, Slovenia and Tunisia.

In Switzerland, the Constitution prohibits discrimination on the grounds of a person's way of life.

In India, Italy and Ukraine, Supreme Court case law has interpreted the Constitution as affording protection from discrimination based on sexual orientation and gender identity. In the Republic of Korea, the Constitution protects against discrimination based on gender identity, but not based on sexual orientation.

95. To the knowledge of the Federal Government, in which countries or parts of countries do lesbian, gay, bisexual, transsexual, transgender or intersex people enjoy the same protection from discrimination as other groups, in particular under labour law or civil law?

To the knowledge of the Federal Government, ordinary law protection from discrimination on the basis of sexual orientation and gender identity exists at least for parts of civil law - particularly in labour law - in Albania, Argentina, Australia, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Denmark, Ecuador, Estonia, Fiji, Finland, France, Greece, United Kingdom, Honduras, Ireland, Iceland, Israel, Italy, Kosovo, Montenegro, Mozambique, Latvia, Luxembourg, New Zealand, Netherlands, Norway, Austria, Peru, Poland, Portugal, Samoa, Serbia, Spain, Taiwan, Thailand, Czech Republic, Ukraine, Uruguay and 21 US states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, New Hampshire, Rhode Island, Utah, Vermont, Washington).

To the knowledge of the Federal Government exceptions exist in Australia, for instance for schools and hospitals run by religious organisations. In Thailand, unequal treatment on religious grounds or on grounds of national security, for instance, is not deemed to constitute unlawful discrimination.

To the knowledge of the Federal Government, a ban on discrimination under ordinary law whose applicability to sexual orientation and gender identity is not specified exists in Armenia, Belarus, China, Guinea, Guinea-Bissau, India, Japan, Kazakhstan, Colombia, Moldova, Namibia, Hungary, Rwanda, Romania, Russia, Slovakia, Slovenia, Sweden and Cyprus.

The UN statement on the protection of sexual orientation, which also gives rise to a ban on discrimination, was adopted by the EU Member States and Albania, Andorra, Argentina, Armenia, Australia, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Ecuador, Gabon, Georgia, Guinea-Bissau, Iceland, Israel, Japan, Canada, Cape Verde, Colombia, Cuba, Liechtenstein, Mauritius, Mexico, Montenegro, Nepal, New Zealand, Nicaragua, North Macedonia, Norway, East Timor, Paraguay, San Marino, São Tomé and Príncipe, Switzerland, Serbia, Uruguay, Venezuela, the United States and the Central African Republic.

96. To the knowledge of the Federal Government, in which countries or parts of countries are same-sex couples not prohibited from marrying?

To the knowledge of the Federal Government, Egypt, Albania, Angola, Argentina, Australia, Belgium, Bosnia and Herzegovina, Brazil, Denmark, Finland, France, United Kingdom, Guinea, Ireland, Israel, Japan, Jordan, Cambodia, Canada, Colombia, Luxembourg, Malta, the Netherlands, Norway, Austria, Poland, Portugal, Sweden, Slovenia, Spain, South Africa, Tanzania, Tunisia, Uruguay, the United Arab Emirates, the United States and Vietnam do not expressly prohibit same-sex couples from marrying.

In some of these countries, the absence of a specific ban means that same-sex couples can marry. In some countries, however, there is no specific ban because in legal practice it is seen as self-evident that only marriages between men and women are lawful.

To the knowledge of the Federal Government, in Kosovo there is a prohibition of marriage under ordinary law, which might be invalid due to it contradicting the Constitution.

97. To the knowledge of the Federal Government, in which countries or parts of countries are same-sex marriages recognised?

To the knowledge of the Federal Government, same-sex marriages are recognised in Argentina, Australia, Belgium, Brazil, Denmark (including Greenland and the Faroe Islands), Finland, France, United Kingdom (with the exception of Northern Ireland), Ireland, Israel, Canada, Colombia, Luxembourg, Mexico, Malta, Mali, Nepal, New Zealand, the Netherlands, Norway, Portugal, Spain, Sweden, South Africa, Uruguay and the United States.

There is also partial recognition in some cities and districts in Japan.

98. To the knowledge of the Federal Government, in which countries is there an explicit or actual constitutional prohibition of same-sex marriages?

What is the wording of the legal norms?

The Federal Government is aware of prohibitions on same-sex marriages in the Constitutions of some states, but does not systematically collect data and the wording of provisions to this effect. If the wording of a legal norm is available to the Federal Government, this is indicated. In some cases, German working translations are available, in some cases original English texts or working translations.<sup>3</sup> Please refer to the relevant note on this in the preliminary remarks of the Federal Government.

In Burkina Faso Article 23 (following the reform of the Constitution Article 34 in the future) stipulates: "Marriage is based on the voluntary consent of the husband and wife".

In Bulgaria, since 1991 the Constitution has defined marriage as the union between man and woman.

In Bolivia, the Constitution defines civil marriage as the union of citizens of different sexes.

In the Democratic Republic of the Congo, Article 40 of the Constitution expressly defines marriage as a union between couples of the opposite sex.

In Cuba, Article 36 of the Constitution to date defines marriage as "the voluntary union of a man and a woman for the purpose of a shared life". The planned new Constitution is expected to also enable same-sex marriages.

In Ecuador, Article 68 of the Constitution states that marriage is a union between man and woman.

In Gabon, a draft constitutional amendment stipulates that marriage is founded by the wedding of partners of different sexes.

In Georgia, since the constitutional amendment of 2018, marriage has been expressly defined as a relationship between man and woman. Article 30 (1) states: "Marriage, as the union of a woman and a man for the purpose of forming a family, is based on equal rights and voluntary consent of the spouses".

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<sup>3</sup> Note of the translator: the texts quoted in German in the original German text of the interpellation have been translated into English here, whilst the texts quoted in English in the original German text of the interpellation have been directly re-quoted (Kenya, Kyrgyzstan, Somalia, South Sudan, Uganda)

In Honduras, since a constitutional reform in 2004, marriage has been expressly defined as a union between a man and a woman: "Marriage and non-marital partnerships of persons of the same sex are prohibited. Marriages and non-marital partnerships between persons of the same sex entered into or recognised under the laws of other countries shall have no validity in Honduras."

In Kenya, there is an implicit prohibition of same-sex marriage based on Article 45.2 of the Constitution: "Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties."

In Kyrgyzstan, since the constitutional amendment of 2016, marriage has been expressly defined as a union between a man and a woman. Article 36, (5) reads: "A man and a woman reaching the age of consent shall have the right to marry and create a family."

In Lithuania, Article 38 (3) of the Constitution states: "Marriage shall be entered into by free agreement between a man and a woman".

In Latvia, the Constitution expressly rules out same-sex marriages. Article 110 states: "The State shall protect and support marriage - the union between a man and a woman, [...]".

In Moldova, Article 48 (2) of the Constitution defines: "Family shall be based on marriage between a man and a woman entered into by free consent".

In Poland, Article 18 of the Constitution places marriage as a union between a man and a woman under the protection of the State.

In Paraguay, the Constitution defines marriage as the union between a man and a woman in various provisions, for instance under Article 49 ("The family is the foundation of society. Its comprehensive protection shall be promoted and guaranteed. This encompasses the stable union of a man and a woman [...]"), Article 50 ("Everyone has the right to found a family, in the establishment and development of which the woman and the man shall have the same rights and obligations") and Article 52 ("The union of a man and a woman in marriage is one of the cornerstones of the foundation of a family").

In Somalia, the transitional constitution of 2012 states that marriage can only be entered into between a man and a woman (Article 28 (V): "A marriage shall not be legal without the free consent of both the man and woman [...]").

In South Sudan, Article 15 of the Constitution makes explicit reference to marriage between persons of the opposite sex: "Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry."

In Slovakia, since 2015, Article 41 of the Constitution has described marriage as a "unique union between a man and a woman".

In the Seychelles, Article 32 (2) provides that "restrictions [...] shall include the prevention of marriages between persons of the same sex [...]".

In Turkmenistan, Article 40 of the Constitution stipulates: "Men and women who have reached marital age shall have the right to marry and to found a family by mutual consent".

In Uganda, Article 31 (2a) of the Constitution prohibits same-sex marriages: "Marriage between persons of the same sex is prohibited."

In Ukraine, Article 51 (1) of the Constitution stipulates: "Marriage shall be based on an agreement between a man and a woman based on free will".

In Zimbabwe, Article 78 (3) of the Constitution contains an explicit prohibition: "Persons of the same sex are prohibited from marrying each other."

99. To the knowledge of the Federal Government, in which countries do same-sex couples enjoy the possibility of legal protection in the form of a legal institution other than marriage under family law?

To the knowledge of the Federal Government, the following countries offer same-sex couples the possibility of legal protection in the form of a legal institution other than marriage under family law: Australia, Belgium, Brazil, Chile, Ecuador, Estonia, France, Greece, United Kingdom, Israel, Italy, Canada (with slightly different arrangements depending on the province), Croatia, Liechtenstein, Luxembourg, Malta, New Zealand, Netherlands, Austria, Portugal, Sweden, Switzerland, Slovenia, Spain, South Africa, Czech Republic, Hungary, Uruguay and Cyprus.

In Taiwan, many cities allow a homosexual partnership to be registered in the household register.

100. To the knowledge of the Federal Government, which countries legally recognise a same-sex marriage entered into in Germany (please break down by country)?

To the knowledge of the Federal Government, a same-sex marriage entered into in Germany is legally recognised in Argentina, Australia, Belgium, Brazil, Denmark, Finland, France, the United Kingdom (except Northern Ireland), Ireland, Israel, Canada, Kazakhstan, Columbia, Luxembourg, Malta, Mexico, Nepal, New Zealand, the Netherlands, Norway, Portugal, Sweden, South Africa, Spain, Peru, Uruguay and the United States.

In Italy, Liechtenstein, Northern Ireland, Austria, Switzerland, Slovenia, Czech Republic, Hungary and Cyprus a same-sex marriage entered into in Germany is recognised as a registered partnership or other family law institution that is customary in that there.

In some countries, the Federal Government assumes that a same-sex marriage entered into in Germany will be recognised, even if there has been no actual experience of this yet. This holds true for Albania and Kosovo.

Partial recognition – for instance for residence purposes - is assumed in parts of China (in particular Hong Kong), the Dominican Republic, Japan, Taiwan and, pursuant to ECJ case law, in all EU States that do not grant full recognition. Please refer to the answer to question 102 on this.

101. What is the Federal Government doing to promote mutual recognition of the partnership constellations of lesbian and gay people in Europe and non-European countries with comparable legal institutions or marriage provisions?

On 5 September 2018, the Federal Government adopted a draft Act to implement the Act introducing the right to marry for persons of the same sex (Bundestag printed paper 19/4670), which the German Bundestag passed with minor amendments and which came into force on 22 December 2018. It also contains conflict of laws provisions

in order - in addition to the already existing rules for life partnerships – to ensure effective recognition in Germany of marriages entered into abroad where the spouses are of same sex or where at least one of the spouses does not belong to either the female or male sex. Please also refer to the answers to questions 23, 28, 72, 96 and 99.

102. To the knowledge of the Federal Government, which European countries do not legally recognise a same-sex marriage entered into in Germany (please break down by country)?

To the knowledge of the Federal Government, same-sex marriages entered into in Germany have not been recognised to date in Ukraine and Romania.

The ruling by the ECJ on 5 June 2018 in the case "Coman et al. (Case C-673/16) could, however, have an impact on residence law if, in the case of a same-sex marriage entered into in Germany of an EU citizen, the spouse comes from a non-EU country and both wish to settle in Romania together.