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Ban on a Moscow demonstration by lesbian, gay, bisexual and transgender persons in 2007

Written question No 527 to the Committee of Ministers
presented by Mr Huss

In its response to the written question no. 497, "Ban on a Moscow demonstration by homosexuals", the Russian Federation, as Chairman of the Committee of Ministers, stated that it was committed to guaranteeing respect for all Convention rights to all individuals within its jurisdiction and recognized that "people belonging to sexual minorities enjoy the same right to freedom of expression and to freedom of assembly as any other individual within the jurisdiction of a member state".

Notwithstanding this statement, the Mayor of Moscow banned a Pride March due to take place on 27th May. In language that many would regard as an incitement to intolerance, he had earlier said that "the gay parade can be described in no other way than as satanic".

Unable to hold a demonstration, a group of human rights activists and European MPs attempted to present a letter at Moscow City Hall signed by 42 MEPs, calling on the Mayor to reconsider his ban. This was met with violence by extremists and was terminated by the police, who arrested a number of participants.

On 3rd May 2007, in the case of *Bączkowski and others v. Poland*, the Court of Human Rights delivered its first judgement specifically addressing the right to freedom of assembly of lesbian, gay, bisexual and transgender persons. In ruling the prohibition by the Warsaw authorities of the 2005 Equality assemblies a violation of Articles 11, 13 and 14 of the Convention, the Court drew attention to the positive obligation of the State to secure the effective enjoyment of Convention rights, stressing that "this obligation is of particular importance for persons holding unpopular views or belonging to minorities, because they are more vulnerable to victimisation". In referring to a public statement by the then Mayor of Warsaw that he would refuse permission to hold the assemblies, the Court emphasised that the exercise of freedom of expression by elected politicians "entails particular responsibility".

To ask the Committee of Ministers

Will the Committee of Ministers enter into dialogue with the government of the Russian Federation, drawing its attention to the judgment of the Court in *Bączkowski and others v. Poland*, and reaffirming its obligation to uphold the right to freedom of assembly, for all persons, including specifically lesbian, gay, bisexual and transgender persons?

Will it also draw the attention of the government of the Russian Federation to the Committee of Ministers Recommendation No. R (97) 20 on "Hate Speech", and request that it be widely circulated to public officials at the national and local level?

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What further actions will the Committee of Ministers now take to ensure that all member states respect the right to freedom of assembly of lesbian, gay, bisexual and transgender persons?

What further actions will the Committee of Ministers take to address the use of homophobic hate speech by leading political and religious figures in a number of member states?

*Signed*¹:

HUSS Jean, Luxembourg, SOC

¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group