

Council of Europe: Parliamentary Assembly must robustly condemn bans on “homosexual propaganda”

Thursday 27 June 2013, Strasbourg: We the undersigned organisations strongly urge the Parliamentary Assembly of the Council of Europe (PACE) to condemn so-called “homosexual propaganda” bans as incompatible with the rights to freedom of expression, freedom of assembly, and the prohibition of discrimination. The Assembly should vote in favour of today’s resolution and recommendation on tackling discrimination on the grounds of sexual orientation and gender identity.

On 27 June 2013 parliamentarians from the 47 member states of the Council of Europe will debate and vote on a proposed resolution, and a proposed recommendation to the Committee of Ministers, on tackling discrimination on the grounds of sexual orientation and gender identity. These have been tabled together with a report by the Rapporteur for the PACE Committee on Equality and Non-Discrimination, Håkon Haugli.

The undersigned organisations welcome Haugli’s report and share his deep concern following the recent introduction of laws prohibiting the dissemination of information regarding sexual orientation and gender identity in a number of Council of Europe member states.

The adoption on 11 June 2013 by the Russian State Duma of a federal ban on “propaganda of non-traditional sexual relationships which was confirmed on June 25 by the Federation Council, requires immediate action from PACE, as well as from Member States and the Committee of Ministers of the Council of Europe.

Once signed by President Putin, the federal law will join similar bans on so-called “homosexual propaganda” at the regional level in ten Russian oblasts as well as throughout a number of cities in Moldova. At the same time, the Parliaments of Ukraine and Lithuania are considering analogous legislation or amendments to existing legislation that would likely silence the voices of lesbians, gay, bisexual and trans (LGBT) people and marginalise them from public debates that affect LGBT people.

The proposed PACE resolution specifically calls on the Parliaments of the Russian Federation and Ukraine to abandon their respective draft laws, and calls upon the local and regional authorities in the Russian Federation to repeal legislation prohibiting so-called homosexual propaganda.

The European Court of Human Rights has made clear in rulings against Russia, Poland and Moldova that the right to freedom of expression encompasses the right to freely express one’s sexual orientation or gender identity, as well as the freedom to seek, receive and impart information on issues related to sexual orientation or gender identity. The resolution calls on the competent authorities in each of these countries to fully execute these judgments, which are binding under the European Convention on Human Rights.

The undersigned organisations additionally note that the UN Human Rights Committee found in a decision against Russia that the prohibition on “homosexual propaganda” in Ryazan Oblast violated Article 19(2) and Article 26 of the International Covenant on Civil and Political Rights. The principles of this decision and those from the European Court of Human Rights’ judgments have been affirmed in the 18 June 2013 opinion of the Venice Commission, which considered that bans on “homosexual propaganda” are “incompatible with the ECHR and international human rights standards.”

The above-mentioned judgments of the European Court of Human Rights and the decision by the UN Human Rights Committee, in addition to the conclusions of the Venice Commission, have rejected attempts made by States to justify bans on “homosexual propaganda” on the basis of protecting the rights of children or protecting public morals, and reiterated that homosexuality is a variation of sexual orientation and as such protected under international human rights law. They have found that these bans stigmatise LGBT people, exclude them from public debates and legitimise violence and discrimination against them. They create a climate of self-censorship that deprives all people, in particular the young, of access to vital information and ideas, including in areas of critical importance such as health and education.

We therefore call on all the Assembly members to vote in favour of the proposed resolution and recommendation rejecting any amendments limiting its scope and robustly condemn bans on so-called “homosexual propaganda” as incompatible with universally guaranteed human rights, including the rights to freedom of expression and non-discrimination.

Signed By

- ARTICLE 19
- Amnesty International
- Analytical Center for Interethnic Cooperation and Consultations (ACICC)
- Albanian Helsinki Committee
- Avers (Obverse), Samara LGBT Movement
- Belarusian Human Rights House Civil Rights Defenders
- Center for Civil Liberties (Ukraine)
- Center for National and International Studies (Azerbaijan)
- Civil Rights Defenders
- COC Netherlands
- Development of Democracy and Human Rights (Russia)
- Freedom House
- Georgian Young Lawyers’ Association (GYLA)
- The Helsinki Committee Armenia
- Helsinki Foundation for Human Rights (Poland)
- Human Rights Club (Azerbaijan)
- Human Rights Monitoring Institute (Lithuania)
- Human Rights Watch
- ILGA-Europe
- Index on Censorship
- International Partnership for Human Rights (IPHR)
- Kazakhstan International Bureau for Human Rights and Rule of Law
- Norwegian Helsinki Committee
- Stonewall

For the full text of the draft resolution and draft recommendation that PACE will vote on, please refer to the report of the Committee on Equality and Non-Discrimination on “tackling discrimination on the grounds of sexual orientation and gender identity”, available [here](#).