Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 12031
29 September 2009

Homosexual rights in Latvia

Reply to Written question[1]: Written question No. 568 (Doc. 11933)
Committee of Ministers

Written Question No. 568 by Mr Jensen (Doc. 11933)

Referring to the resolution adopted by the City Council of Riga on 14 May 2009 in order to ban the "Baltic Pride Parade" to be held in Riga on 17 May 2009.

To ask the Committee of Ministers,

Whether the Committee intends to address the Latvian government in order to condemn the violation of the European Convention on Human Rights committed by the local authorities of Riga, to ask the Latvian government if it agrees to the above-mentioned resolution, and to ask how it intends to ensure that the European Convention on Human Rights is respected in Latvia, including the right of homosexuals to freedom of expression and to demonstrate.

Reply by the Committee of Ministers

1. The Committee of Ministers has been informed that the resolution of the City Council of Riga referred to by the Honourable Parliamentarian has been overruled by the competent domestic court. As a result, the "Baltic Pride Parade" took place on 16 May as initially planned, and it proceeded without incidents.

2. The Committee of Ministers welcomes this decision of the Latvian judicial authorities, which on several occasions have overruled decisions of local authorities banning LGBT events. From the perspective of the European Convention on Human Rights, national courts have indeed an essential role and responsibility in providing effective protection of the rights set out in the Convention. The Committee of Ministers recalls that all member states are committed to guarantee respect for all rights set out in the Convention, including the rights to freedom of expression and freedom of assembly, to all individuals without any discrimination when they apply national law, notably in the light of the case law of the European Court of Human Rights. While the Convention allows for restrictions on the exercise of these rights, according to the established case law of the Court, peaceful demonstrations, be they in favour of the rights of LGBT persons or others, cannot be banned simply because of the existence of attitudes hostile to the demonstrators or to the causes they advocate. On the contrary, the state has a duty to take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully.

3. The Committee of Ministers further recalls the message that it adopted at the 1031st meeting of the Ministers' Deputies (2 July 2008) to strengthen the Council of Europe's action to protect the rights of LGBT persons. The Steering Committee for Human Rights (CDDH), notably, has been asked to prepare a recommendation on measures to combat discrimination on grounds of sexual orientation and gender identity, ensure respect for the human rights of LGBT persons and promote tolerance towards them. In the light of the Court's case law, freedom of expression and peaceful assembly will be among the topics covered by the recommendation.

1. adopted at the 1066th meeting of the Ministers' Deputies (23 September 2009)