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## Freedom of expression and assembly of LGBTI people in Europe

### Report<sup>1</sup>

Committee on Equality and Non-Discrimination

Rapporteur: Mr Christophe LACROIX, Belgium, Socialists, Democrats and Greens Group

### Summary

The rights to freedom of expression and assembly are fundamental rights which are guaranteed by numerous international legal instruments, including the European Convention on Human Rights (ETS No. 5). Respect for these rights is at the heart of any functioning democracy.

In recent years, there have been many situations in Europe where freedom of expression and freedom of assembly of LGBTI persons have not been guaranteed owing to the banning of events, ever more administrative hurdles, the lack of protection against attacks on gatherings or the enactment of laws preventing the dissemination of information about LGBTI rights. Restricting freedom of expression and freedom of assembly of LGBTI persons leads to their invisibilisation.

Implementing the judgments of the European Court of Human Rights, giving clear political support to the fight against all forms of discrimination, training law enforcement authorities, organising awareness-raising campaigns on LGBTI rights and combating prejudice from a very early age can help build a diverse and inclusive society where everyone's rights to freedom of expression and assembly are protected.

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1. Reference to committee: Bureau decision, Reference 4691 of 14 October 2022.



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## A. Draft resolution<sup>2</sup>

1. The rights to freedom of expression and freedom of assembly are fundamental human rights for all. Everyone must be able to enjoy these human rights equally and in safety, and the European Convention on Human Rights (ETS No. 5) guarantees these rights. The Reykjavik Principles for Democracy, adopted in May 2023 by the Heads of State and Government of the Council of Europe at the 4th Summit, reaffirm the commitment of the member States to protecting freedom of expression and freedom of assembly.

2. Undeniable progress has been made in the advancement of rights and in preventing and tackling violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people over the past two decades. More and more European cities are holding Pride marches. However, there have also been attacks on the freedom of expression and freedom of assembly of LGBTI persons in many member States of the Council of Europe. LGBTI events have been cancelled, stopped from taking place or have not been authorised, contrary to the case law of the European Court of Human Rights, which provides that concerns as to the maintaining of public order cannot justify banning peaceful public LGBTI events or imposing disproportionate restrictions on them.

3. Bans on LGBTI events, crackdowns on events by law enforcement authorities, non-existent or inadequate protection against attacks on gatherings, harassment, intimidation, physical attacks, online attacks, threats, the adoption of “anti-LGBTI propaganda” laws and censorship are all attacks on the freedom of expression and freedom of assembly of LGBTI persons. Attacks or obstacles intended to deny LGBTI persons these rights contribute to their stigmatisation and invisibilisation and make them more vulnerable to human rights violations. The visibility of LGBTI persons and movements must be protected, as it is an affirmation of the identity and existence of LGBTI persons in the public space. The Parliamentary Assembly expresses its serious concern for LGBTI persons living in the Russian Federation where the so-called “LGBTI international movement” has been designated as extremist by the country's Supreme Court, resulting in the criminalisation of a wide range of activities related to the exercise of freedom of association, assembly, and expression. It is imperative to safeguard the rights of LGBTI persons amidst such oppressive measures.

4. Anti-LGBTI hate speech is often used for political ends, targeting not only part of the population, which is potentially endangered as a result, but also human rights defenders, politicians, and others who recognise and support the equal enjoyment of human rights by LGBTI persons. The Assembly asserts that there is no such thing as so-called “LGBTI ideology” and that the rights of LGBTI persons are the same as those of all other people. It roundly condemns all bias-motivated speech on grounds of sexual orientation, gender identity and sex characteristics. Such hate speech fuels other bias-motivated crimes against LGBTI persons. It points out that political leaders have a duty to prevent and combat hate speech, whatever the motivation behind it. The creation within the Assembly of the Parliamentary Platform for the rights of LGBTI persons in Europe in 2022 demonstrates this commitment.

5. Fully guaranteeing freedom of expression and freedom of assembly is not just vital in any democratic society, but also a human rights obligation. The Assembly regrets that equality before the law, particularly for LGBTI persons, has not yet been fully achieved throughout Europe. It is especially concerned at the rising number of attacks on transgender people. It calls for transgender people's rights to be respected and for their protection in all circumstances and strongly condemns hate speech and transphobic violence against them.

6. The Assembly reiterates its call to the member States in Resolution 2417 (2022) “Combating rising hate against LGBTI people in Europe” to tackle hatred and discrimination against LGBTI persons with renewed energy and urgency. It also emphasises the importance of implementing Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.

7. In light of these considerations, the Assembly calls on the member and observer States of the Council of Europe, and States whose parliaments enjoy observer or partner for democracy status with the Assembly to:

7.1. ensure that judgments of the European Court of Human Rights relating to the rights of LGBTI persons are implemented;

7.2. refrain from adopting constitutional amendments contrary to the rights of LGBTI persons and to repeal any provision of this kind already in force;

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2. Draft resolution adopted unanimously by the committee on 18 March 2024.

- 7.3. ensure that laws against hate and discrimination are enforced, to amend them if they do not yet include provisions concerning discrimination on grounds of sexual orientation, gender identity, gender expression and sex characteristics, and to step up efforts to prevent and tackle intersectional discrimination;
  - 7.4. repeal “anti-LGBTI propaganda” laws if they have been enacted and implemented, and to allow all persons to access information about different types of sexual orientation, gender identity, gender expression and sex characteristics;
  - 7.5. work towards annulling all declarations and charters contrary to LGBTI rights adopted at local and regional levels, where applicable;
  - 7.6. support the visibility of LGBTI persons in the public space;
  - 7.7. support the holding of Pride marches and other demonstrations supporting LGBTI persons’ effective enjoyment of human rights, to protect them if necessary, to take adequate measures to facilitate access to gatherings and contain counter-demonstrators, and publicly condemn all illegal interference with the exercise of freedom of expression and peaceful assembly by LGBTI persons or human rights organisations that support LGBTI rights;
  - 7.8. investigate, prosecute and where appropriate punish perpetrators of bias-motivated violence against LGBTI persons;
  - 7.9. effectively combat strategic lawsuits against public participation (SLAPPs);
  - 7.10. implement Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and General Policy Recommendation No. 17 of the European Commission against Racism and Intolerance (ECRI) on preventing and combating intolerance and discrimination against LGBTI persons;
  - 7.11. establish the consultation of LGBTI organisations in legislative processes, especially in areas that may impact the human rights of LGBTI persons.
8. With regard to preventing violence, prejudice and discrimination against LGBTI persons, the Assembly calls on the member and observer States of the Council of Europe, and States whose parliaments enjoy observer or partner for democracy status with the Assembly to:
- 8.1. outlaw conversion practices, if they have not already done so, and to utilise existing domestic violence legislation to prosecute the perpetrators of conversion practices, where possible;
  - 8.2. invest in gender equality education and to train teachers on these issues;
  - 8.3. support programmes of sex and emotional education inclusive of LGBTI identities which are tailored to the ages of pupils in schools;
  - 8.4. train law enforcement officers to protect specific groups, including LGBTI persons, during demonstrations and public events;
  - 8.5. run awareness campaigns on LGBTI rights and diversity;
  - 8.6. guarantee legal recognition of gender identity;
  - 8.7. recognise, if this is not already the case, the right to marriage for same-sex couples.
9. The Assembly welcomes the creation of the Council of Europe’s Committee of Experts on Sexual Orientation, Gender Identity and Expression and Sex Characteristics (ADI-SOGIESC) and calls on the member States to appoint a member to it and to support its work.
10. The Assembly urges member States to recognise fears of persecution on grounds of sexual orientation, gender identity, gender expression or sex characteristics as grounds for granting asylum, to be supportive of asylum applications made by LGBTI persons who have been forced to flee their country for these reasons and to ensure their access to humanitarian and entry visas to grant access to their territories.
11. The Assembly also asks political parties to commit to tackling hate, whatever the basis for it, to oppose anti-LGBTI hate speech and disinformation, and to adhere to the principles and rules of the Charter of European political parties for a non-racist and inclusive society. It expresses support for LGBTI rights defenders and civil society organisations working to protect the rights of LGBTI persons.

12. Lastly, the Assembly calls on the member States to give political and financial backing to the mandate of the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and to support the implementation of his recommendations.

## B. Explanatory memorandum by Mr Christophe Lacroix, rapporteur

### 1. Introduction

1. The rights to freedom of expression and assembly are fundamental rights for all which are guaranteed by numerous international legal instruments, including the European Convention on Human Rights (ETS No. 5). Respect for these rights is also at the heart of any functioning democracy; everyone must be able to enjoy these human rights equally and in safety.
2. For LGBTI persons, however, the rights to freedom of expression and assembly are of particular importance as all too often, they still feel compelled to hide for fear of being rejected by those around them or even of being verbally or physically attacked in the public space. They internalise a sense of shame due to the more or less strongly heteronormative context of our societies. Restricting LGBTI persons' freedom of expression and assembly contributes to their invisibilisation and perpetuates the stigmatisation of these people, who are then perceived to be less worthy than others of exercising their rights.<sup>3</sup>
3. More European cities than ever before are now holding Pride marches. However, attacks on these events are increasing, as are attempts by the authorities to restrict or prevent them. These threats take the form of administrative obstacles, abusive and repeated judicial proceedings (SLAPPs, for strategic lawsuits against public participation) against organisers of public events, insufficient security guarantees for authorised demonstrations, and "anti-propaganda" laws. The arsenal of methods that are used to harass and threaten LGBTI persons seems limitless.
4. Following the threatened ban on the EuroPride in Belgrade in September 2022, the Parliamentary Assembly held a current affairs debate on this issue on 13 October 2022. The various speakers highlighted the serious failings that had occurred on this occasion and also mentioned incidents that had taken place in previous months in other European countries (various cities in Türkiye and Georgia were mentioned) where Pride events had been banned, prevented or inadequately protected.<sup>4</sup>
5. In a report approved by the Committee on Equality and Non-Discrimination in September 2021, "Combating rising hate against LGBTI people in Europe" (Doc. 15425), our colleague Fourat Ben Chikha (Belgium, SOC) had already drawn attention to a number of restrictions and attacks on the freedoms of expression and assembly that were undermining the rights of LGBTI persons on our continent. In this regard, he referred to difficulties and violence that had affected events planned by LGBTI organisations in Bulgaria, Greece, Poland, Romania, Türkiye and Ukraine in the months prior to his report. These events had been banned, hindered by disproportionate restrictions, not adequately protected by law enforcement authorities, and sometimes even violently repressed by them.<sup>5</sup>
6. Other restrictions also remain problematic in this field, including so-called "anti-LGBTI propaganda" laws, which have already been condemned by the Assembly in its Resolution 1948 (2013) "Tackling discrimination on the grounds of sexual orientation and gender identity"; measures to limit or prevent children's access to books depicting non-heteronormative families or to eliminate any discussion of gender at all levels of education; or attacks aimed at obstructing the work of LGBTI human rights defenders or their organisations. All of these obstacles to the freedom of expression of LGBTI persons have serious effects on them and can constitute breaches of their rights.<sup>6</sup>
7. Pride marches and other public events such as conferences, symposia, demonstrations, queer film festivals and art exhibitions are, as our colleague Fourat Ben Chikha has pointed out, "a crucial means for LGBTI persons to reclaim the space and the dignity that the prevailing social order still denies them".<sup>7</sup>
8. In some countries, despite the clear and constant case law of the European Court of Human Rights in this field (see below), public events and demonstrations held by associations that defend the rights of LGBTI persons continue to be subject to bans and administrative obstacles.

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3. [Doc. 15425](#) "Combating rising hate against LGBTI people in Europe", chapter 2 "Heteronormativity, heterosexism, cisgenderism and anti-gender and gender critical movements" and chapter 6 "Freedoms of expression, association and assembly".

4. Official report of debates, Thursday 13 October 2022, afternoon.

5. Paragraphs 43 to 45.

6. *Ibidem*, paragraphs 40 to 41 and 46.

7. [Doc. 15425](#), op. cit., paragraph 42.

9. In 1987 – over 35 years ago – Antonio Banderas said, “I have received more hate mail for having kissed a man on the mouth in the film [*La ley del deseo (Law of Desire)*] than for killing them.” The French artist Hoshi was subjected to hate attacks and received death threats after kissing a young woman on stage during the Victoires de la Musique ceremony in 2020.<sup>8</sup> While attitudes towards LGBTI persons in Europe have become more open on the whole, the few facts mentioned above show alone that there is still a long way to go before LGBTI persons are not merely tolerated, but also genuinely accepted in all our societies. Fully guaranteeing their freedom of expression and assembly is an integral part of this process and is not only essential in any democratic society, but also a human rights obligation.

## 2. Scope of the report and working methods

10. Following the current affairs debate of 13 October 2022, the Bureau of the Assembly decided to ask the Committee on Equality and Non-Discrimination to prepare a report on the subject. I was appointed rapporteur and carried out desk research, taking into account the case law of the European Court of Human Rights and the work done by the Committee of Ministers in supervising the execution of its judgments. I looked at reports by the Council of Europe and international bodies and actors active in the field of LGBTI rights, such as the European Commission against Racism and Intolerance (ECRI) and the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

11. On 3 and 4 April 2023, I carried out a fact-finding visit to Hungary, where I had the opportunity to hold talks with representatives of the authorities, parliament and civil society.

12. On 22 June 2023, the Committee on Equality and Non-Discrimination held a joint hearing with the Parliamentary Platform for the rights of LGBTI people in Europe with the participation of Vladimir Simonko, Executive Director, LGL, Lithuania, Florina Presadă, Executive Director, Accept Romania, and Claire Vandendriessche, Spokesperson, Acceptess-T, France.

13. On 24 January 2024, I had a meeting with Dunja Mijatović, Commissioner for Human Rights of the Council of Europe.

14. I organised bilateral meetings with representatives of civil society in January and February 2024. On 25 January 2024, I talked to Cianán B. Russell, Senior Policy Officer, ILGA-Europe, and Ilaria Todde, Advocacy and Research Director, EL\*C (Eurocentralasian Lesbian\* Community). On 5 February 2024, I had the opportunity to talk to the Council of Europe SOGIESC (Sexual Orientation, Gender Identity and Expression, and Sex Characteristics) secretariat and Nancy Miranda Kelley, a UK-based activist. On 12 February 2024, I had an online bilateral meeting with Deekshitha Ganesan, Transgender Europe (TGEU) and Olena Shevchenko, President of the NGO Insight (Ukraine). On 19 February 2024, I had a meeting with Alexandra Demetrianová, representing Sapliňq (Slovak Republic), and Mar Cambrolle, President of Plataforma Trans (Spain).

## 3. Case law of the European Court of Human Rights

15. There is a wealth of case law from the European Court of Human Rights relating to freedom of expression and assembly for LGBTI persons. This case law clearly suggests that peaceful Pride demonstrations and the displaying of LGBTI identity are not the problem; it is the prohibition or obstruction of the free expression of sexual orientation, gender identity or expression or sex characteristics, or the political claims related to any of these personal characteristics, that is problematic.

16. This report does not provide an exhaustive list of the Court’s case law on the subject. However, I wish to draw attention to a number of important findings of the Court based on the different cases referred to it.<sup>9</sup>

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8. [La chanteuse Hoshi dénonce la campagne de cyber-harcèlement homophobe et misogyne qu'elle subit depuis trois ans](#) [French only], *Le Monde*, 13 January 2023.

9. See, *inter alia*, the following judgments: *Baczkowski and others v. Poland*, application no. 1543/06, judgment of 3 May 2007; *Alekseyev v. Russia*, application no. 4916/07, judgment of 21 October 2010; *Genderdoc-M v. Moldova*, application no. 9106/06, judgment of 12 June 2012; *Identoba and others v. Georgia*, application no. 73235/12, judgment of 12 May 2015; *M.C. and C.A. v. Romania*, application no. 12060/12, judgment of 12 April 2016; *Lashmankin and others v. Russia*, application no. 57818/09, judgment of 7 February 2017; *Alekseyev and others v. Russia*, application no. 14988/09, judgment of 27 November 2018; *Berkman v. Russia*, application no. 46712/15, judgment of 1 December 2020; *Association ACCEPT and others v. Romania*, application no. 19237/16, judgment of 1 July 2021; *Women’s Initiatives Supporting Group and others v. Georgia*, application no. 73204/13, judgment of 16 December 2021.

17. First of all, the Court has found on many occasions, and in particular in numerous judgments delivered since 2007 concerning the Russian Federation, Republic of Moldova and Poland, that banning public Pride events (parades or other events aimed, for example, at raising public awareness of discrimination against LGBTI persons and/or defending their rights) was not necessary in a democratic society, and was therefore contrary to Article 11 of the Convention (freedom of assembly).<sup>10</sup> The lack of an effective remedy to challenge such bans has been found to violate Article 13 (right to an effective remedy) taken in conjunction with Article 11<sup>11</sup> – including where the parade had eventually taken place despite the ban and an appeal provided for by law could only be exercised after the date of the event.<sup>12</sup> Such bans also violate Article 14 (prohibition of discrimination) taken together with Article 11 when there is a discrimination on grounds of sexual orientation.<sup>13</sup>

18. The persistent refusal by the Russian authorities to approve requests to hold LGBTI gatherings was condemned by the Court again in 2018 in a case involving 51 applications brought by seven applicants.<sup>14</sup> The Court underlined that States have an obligation to execute its judgments and again found that all of the violations mentioned above had occurred. In particular, it concluded that the rejection of the applicants' requests to hold public LGBT events could not be justified by concerns over public disorder and had breached their right to freedom of assembly; that the absence of any requirement for the authorities to make a decision on the events prior to the dates on which they were to be held had amounted to absence of an effective remedy; and that the decision to block LGBT events had clearly been motivated by the authorities' disapproval of the demonstrations and had thus amounted to discrimination, in violation of Article 14 of the Convention.

19. Disproportionate and unjustified restrictions taking the form of requirements regarding the location, time and date or manner of conducting peaceful LGBTI gatherings which had undermined their very purpose, as well as a wide range of other measures taken against the applicants on the basis of legal provisions that did not provide any protection against arbitrary and discriminatory use by the authorities of their powers, were moreover considered by the Court to have led to a violation of Article 11 interpreted in the light of Article 10 (freedom of expression) of the Convention.<sup>15</sup>

20. Authorities are also required, where gatherings and other LGBTI events are permitted, to take sufficient measures to facilitate access to the gathering and to contain LGBTI-phobic and violent counter-demonstrators so that the event can take place peacefully, using any means possible – for example, by making public statements before the demonstration to advocate a conciliatory attitude and in particular by assessing the resources necessary for the smooth running of the event at the time when it is being planned, and by deploying sufficient police personnel. In several cases concerning Georgia, Romania and the Russian Federation, failure to fulfil this obligation was considered to constitute a violation of Article 11 taken in conjunction with Article 14 of the Convention.<sup>16</sup>

21. In cases where the Georgian or Romanian authorities had failed to protect demonstrators from violent attacks by counter-demonstrators and/or had failed to carry out an effective investigation into such incidents, establishing, in particular, the discriminatory motive behind the attacks, the Court also found a violation of Article 3 (prohibition of inhuman or degrading treatment) taken together with Article 14.<sup>17</sup>

22. In the light of all of the above case law relating to Articles 3, 10, 11, 13 and 14 of the Convention, it can be concluded that concerns as to the maintenance of public order cannot justify banning peaceful public LGBTI events or imposing disproportionate restrictions on them. The authorities also have an obligation to ensure that an effective remedy is available if a request to hold such an event is refused. This includes being

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10. *Baczkowski and others v. Poland*, application no. 1543/06, judgment of 3 May 2007; *Alekseyev v. Russia*, application no. 4916/07, judgment of 21 October 2010; *Genderdoc-M v. Moldova*, application no. 9106/06, judgment of 12 June 2012.

11. *Alekseyev v. Russia*, application no. 4916/07, judgment of 21 October 2010; *Genderdoc-M v. Moldova*, application no. 9106/06, judgment of 12 June 2012; *Lashmankin and others v. Russia*, application no. 57818/09, judgment of 7 February 2017.

12. *Baczkowski and others v. Poland*, application no. 1543/06, judgment of 3 May 2007.

13. *Baczkowski and others v. Poland*, application no. 1543/06, judgment of 3 May 2007; *Alekseyev v. Russia*, application no. 4916/07, judgment of 21 October 2010; *Genderdoc-M v. Moldova*, application no. 9106/06, judgment of 12 June 2012.

14. *Alekseyev and others v. Russia*, application no. 14988/09, judgment of 27 November 2018.

15. *Lashmankin and others v. Russia*, application no. 57818/09, judgment of 7 February 2017.

16. *Identoba and others v. Georgia*, application no. 73235/12, judgment of 12 May 2015; *Berkman v. Russia*, application no. 46712/15, judgment of 1 December 2020; *Association ACCEPT and others v. Romania*, application no. 19237/16, judgment of 1 July 2021; *Women's Initiatives Supporting Group and others v. Georgia*, application no. 73204/13, judgment of 16 December 2021.

17. *Identoba and others v. Georgia*, application no. 73235/12, judgment of 12 May 2015; *M.C. and C.A. v. Romania*, application no. 12060/12, judgment of 12 April 2016; *Women's Initiatives Supporting Group and others v. Georgia*, application no. 73204/13, judgment of 16 December 2021.

able to exercise the remedy before the scheduled date of the event. Moreover, instead of hindering the organisation and running of such events, authorities must use all possible means of preventing possible attacks on them (at least reasonably foreseeable ones) and protecting them, as well as carry out effective investigations, including in relation to any possible LGBTI-phobic motivation, when attacks are nevertheless carried out.

23. Finally, I wish to draw attention to two other relevant cases relating to public events. In a case concerning homophobic threats and other verbal attacks by a group which interrupted the screening of a film on the rights of LGBTI persons, where the Romanian authorities had failed in their positive obligation to carry out an effective investigation in order to determine whether these facts amounted to a criminal offence motivated by homophobia, the Court found a violation of Article 14 in conjunction with Article 8 (right to respect for private and family life) and also held that the authorities had thus displayed their own prejudices against members of the LGBTI community.<sup>18</sup>

24. Furthermore, the arrest of a demonstrator during a rally to promote the rights of LGBTI persons and her transfer to a police station for the purpose of recording a simple administrative offence (despite the fact that the report could have been drawn up on the spot) were also considered to be in breach of Article 5, paragraph 1, of the Convention (right to liberty and security).<sup>19</sup>

#### 4. Attacks on freedom of assembly

25. I wish to emphasise that the same principles apply to all member States of the Council of Europe. As soon as one State has been condemned for certain acts by the European Court of Human Rights, all member countries are put on notice that any similar action by their authorities will also be deemed contrary to the Convention and should therefore be avoided.

26. Unfortunately, behaviour by authorities similar to that outlined above continues to occur in a number of our member States. Notwithstanding the cancellation or switching to online format of events of all kinds across Europe in 2020 and 2021 due to measures to combat the Covid-19 pandemic, and despite the acceptance of Pride events in increasing numbers of countries and cities, ILGA-Europe has identified numerous obstacles to the freedom of assembly of LGBTI persons in Europe over the past five years.<sup>20</sup>

27. Such obstacles are primarily administrative in nature, when authorities at different levels intervene to prevent or make it more difficult or more costly to hold events aimed at raising public awareness of the situation and rights of LGBTI persons or cultural events organised by or about LGBTI persons.

28. The Russian Federation has not been a member State of the Council of Europe since 2022. Nevertheless, together with Emanuelis Zingeris (Lithuania, EPP/CD), General Rapporteur on the situation of human rights defenders and whistleblowers, we wished to support the LGBTI community living in the Russian Federation following the Supreme Court's decision to ban the "international LGBT movement" and classify it as extremist.<sup>21</sup> This decision follows multiple restrictions and aims to completely remove a social group from the public space.

##### 4.1. Prohibition of LGBTI events

29. Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity stresses that "[m]ember states should take appropriate measures to prevent restrictions on the effective enjoyment of the rights to freedom of expression and peaceful assembly resulting from the abuse of legal or administrative provisions, for example on grounds of public health, public morality and public order."

30. In Türkiye, Pride marches were held peacefully for several years. However, since the failed coup in 2016, LGBTI persons and organisations have become the target of an increasing number of hostile statements by the President and in the media which encourage national and local authorities to restrict LGBTI events, and bans on such events are imposed regularly. Following the blanket ban on LGBTI events put in place in 2016 in Ankara, LGBTI persons were barred from holding events until a court lifted the ban in

18. *Association ACCEPT and others v. Romania*, application no. 19237/16, judgment of 1 July 2021.

19. *Berkman v. Russia*, application no. 46712/15, judgment of 1 December 2020.

20. ILGA-Europe is an independent, international, non-governmental umbrella organisation that brings together over 700 NGOs from throughout Europe and Central Asia promoting LGBTI rights.

21. "PACE General Rapporteurs condemn decision to label the LGBTI movement in Russia as 'extremist'", 30 November 2023.

February 2019. The İstanbul Pride march has been banned every year since 2015. In 2019, Pride marches were also banned in İzmir, Antalya and Mersin, a film screening was banned in Tunceli, and the Queer Olympix event was cancelled. In 2022, 11 Pride events were banned in Türkiye, including those planned at Boğaziçi University and Middle East Technical University (METU) and in Eskişehir, Ankara and İstanbul. Such bans are imposed even though the courts regularly declare them contrary to respect for freedom of assembly and underline that the State must allow peaceful gatherings.<sup>22</sup> The Commissioner for Human Rights of the Council of Europe has expressed concern to the Turkish authorities about the impossibility for LGBTI persons to exercise their right to peaceful assembly due to the sweeping restrictions imposed on LGBTI events by authorities at different levels over the years.<sup>23</sup>

31. In other cases, an initial refusal by local authorities to authorise an event has had to be challenged in court. The case of EuroPride in Serbia in September 2022, where remarks made by the country's President a few weeks before the event did much to create a climate of doubt and fear surrounding it, has been mentioned above.<sup>24</sup>

32. In Lithuania, the city council of Kaunas had initially refused to allow the first Pride event ever planned in the city to go ahead in September 2021, a decision that was ultimately overturned by the courts.<sup>25</sup> But this situation contrasts with that in Vilnius, where Pride events, including the Baltic Pride, have been held without incident for several years.

33. In Poland, many decisions by local authorities to prohibit Pride or equality marches have had to be challenged in court by civil society and have been overturned by the courts. In 2019, this happened in the cities of Gniezno, Gorzów Wielkopolski, Kielce, Lublin (where it had also happened in 2018) and Nowy Sącz. While Pride events were able to take place in about 30 Polish cities in 2022, parades in about 30 other cities and villages that had adopted anti-LGBTI resolutions had to be held in the metaverse.<sup>26</sup>

34. In Romania, a Pride march was able to go ahead in Iași for the first time in October 2021 following an initial refusal by the city council which the organising associations successfully challenged in court. Elsewhere in the country, stringent health-related restrictions (limiting the number of participants to 100, then 500) continued to affect events in public places held by civil society in 2021 even though these restrictions had been lifted for religious, cultural and sporting events. As a result, following the Pride marches that took place in Bucharest and Cluj, which exceeded the number of authorised participants, the organisers of these events were fined.<sup>27</sup> After announcing that the Bucharest Pride march would take place in 2022, the organisers received several death threats. The police were slow to react to make the event safe. According to Florina Presadă, in recent years there has been a rise in hatred against LGBTI persons which has been encouraged by some politicians. At the hearing of the Committee on Equality and Non-Discrimination, she called on parliamentarians to combat hate speech.

35. Finally, in Bosnia and Herzegovina, a Pride march was able to take place for the first time in September 2019. While this was an important step forward in this country, and the parade passed off without incident and with sufficient protection, the organising associations had to bear the high costs of hiring private security firms and installing metal or concrete barriers all along the route of the parade, and excessive administrative constraints again affected Pride events in 2022.<sup>28</sup> In Croatia, the city council of Zagreb initially demanded significant fees for the holding of the Pride march in 2018, a decision that was eventually overturned following a complaint from the organising associations.<sup>29</sup>

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22. Doc. 15425, op. cit., paragraph 44 and sources cited therein; for more recent information, see ILGA-Europe, Annual Reviews 2019 to 2023.

23. "Memorandum on freedom of expression and of the media, human rights defenders and civil society in Türkiye", Commissioner for Human Rights, 5 March 2024.

24. See also my [statement](#) of 30 August 2022, "EuroPride: equality and freedom of expression and assembly must be respected", says PACE General Rapporteur".

25. ILGA-Europe, Annual Review 2022.

26. ILGA-Europe, Annual Reviews 2019, 2020, 2021 and 2023; see also Kampania Przeciw Homofobii, "The Impossible Parade", 24 June 2022.

27. ILGA-Europe, Annual Review 2022.

28. ILGA-Europe, Annual Reviews 2020 and 2023.

29. ILGA-Europe, Annual Review 2019.

#### **4.2. Repression by law enforcement authorities**

36. The second main type of scenario, which has arisen too often in recent years, is where peaceful demonstrations have been held with or without prior notification and have been the subject of violent repression by law enforcement authorities, or the latter have arrested or detained participants, sometimes unlawfully.

37. In Türkiye, Pride parades held despite having been banned by the local authorities (see above) have often been violently repressed by the police over the past five years.<sup>30</sup> In May 2019, a Pride march held on the campus of METU in Ankara was broken up by law enforcement officers who used pepper spray, rubber bullets and tear gas. Although the event was peaceful, 22 people were arrested and prosecuted before eventually being acquitted in October 2021, after more than two years of proceedings. Also in 2019, police violently attacked people who had gathered in central İstanbul during Pride week.

38. In recent years, events held on the occasion of International Women's Day (8 March) or the International Day for the Elimination of Violence against Women (25 November) have also been violently repressed, including with tear gas, and LGBTI flags carried by some of the demonstrators have been confiscated. In 2022, the repression of peaceful Pride events that went ahead despite having been banned unlawfully was particularly violent. In many cases, rubber bullets and tear gas were used. A total of 530 people were detained during the 37-day Pride season in Türkiye, including 373 for the İstanbul gathering alone. Subsequently, more than 200 people were again arrested in İstanbul during the 25 November event.

39. In Poland, LGBTI activists regularly organise actions, often in response to anti-abortion and anti-LGBTI demonstrations. In 2020, several activists were arrested by plain-clothes police officers, creating a climate of harassment and fear. The arrest of non-binary activist Margot Szutowicz in August 2020 was followed by a protest demonstration during which 48 people were arrested; in 2022, courts ultimately ruled that 41 of these arrests had been unlawful, unjustified or irregular.<sup>31</sup>

40. In Azerbaijan, events held in 2019 and 2021 on 8 March to promote women's rights and protest against discrimination on the grounds of sexual orientation or gender identity were broken up by the police and participants were arrested.<sup>32</sup>

#### **4.3. Insufficient protection of gatherings**

41. The third major obstacle to the freedom of assembly of LGBTI persons results from insufficient protection of gatherings against attacks from individuals or non-State entities. Such attacks have taken place in a very large number of countries and the perpetrators are far-right or even neo-Nazi groups, religious groups, politicians or LGBTI-phobes. They take the form of physical and/or psychological violence manifested as insults and verbal abuse, physical attacks, eggs and bottles being thrown at participants, acts of vandalism, and even death threats. Among the countries concerned (to differing degrees) during the last five years are Armenia, Bulgaria, Czechia, France, Georgia, Germany, Greece, Ireland, Italy, Lithuania, the Republic of Moldova, North Macedonia, Poland, Romania, Serbia, Slovenia, Sweden, Türkiye and Ukraine.<sup>33</sup>

42. Recommendation CM/Rec(2010)5 is clear on this point: "Member States should ensure that law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons from any attempts to unlawfully disrupt or inhibit the effective enjoyment of their right to freedom of expression and peaceful assembly."

43. In Georgia, acts of vandalism were committed on the premises of LGBTI associations during the Pride week in 2021, and numerous acts of LGBTI-phobic violence disrupted the week, culminating in the cancellation of the final parade due to extremely violent attacks carried out by opponents.<sup>34</sup> The first-ever Pride parade held in Rhodes (Greece) in 2022 was disrupted by individuals wearing neo-Nazi symbols who threatened participants, spat at them and threw eggs at them, without the police intervening to prevent these acts. In North Macedonia, seven activists and three police officers who tried to help them were violently

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30. [Doc. 15425](#), op. cit., paragraph 44 and sources cited therein; for more recent information, see ILGA-Europe, Annual Reviews 2019 to 2023.

31. ILGA-Europe, Annual Reviews 2021 and 2023.

32. ILGA-Europe, Annual Reviews 2020 and 2022.

33. ILGA-Europe, Annual Reviews 2019 to 2023.

34. For more details, see my report entitled "Alleged violations of the rights of LGBTI people in the Southern Caucasus" (Doc. 15429), chapter 4.

attacked by about 20 people who threatened them with rape and death following the holding of the first-ever Pride parade in Skopje in 2019. Thanks to the intervention of other police officers, however, the assailants were arrested and prosecuted.

44. In Poland, although a record number of 24 Pride marches took place in 2019, some were violently attacked by counter-demonstrators. In Romania, an unidentified person threw gas bombs at the audience attending the closing concert of the Pride festival held in Bucharest in 2022; in Iași, a far-right group threw eggs at participants in the second Pride parade held in June of the same year. In Ukraine, far-right groups have carried out numerous violent actions in recent years with the aim of disrupting events held by LGBTI associations. The Odessa Pride Parade was the subject of particularly violent attacks in 2020, in the absence of adequate police protection. In 2021, dozens of police officers were injured while protecting demonstrators from attacks by neo-Nazis. In all of these cases, the attacks took place after political or religious leaders had spoken out publicly against the events in question, often making openly LGBTI-phobic remarks.

45. To end on a more optimistic note, I would like to point to progress made in the Republic of Moldova. After violent attacks on the Pride march held in Chișinău in 2017, the 2018 event received increased police protection. Orthodox Christians attempted to disrupt the parade but were prevented from doing so by the rapid response of the police. The following year, counter-demonstrations were held but no violent incidents took place. In 2022, despite the city mayor's stated desire to ban the event, the largest Pride march ever held in the country took place in Chișinău without incident. It was attended by several hundred people including six members of parliament.

## 5. Attacks on freedom of expression

46. With regard to freedom of expression, so-called "anti-gay propaganda" laws prohibiting the supposed "promotion" of LGBTI identities are in force in several European countries including Hungary, Lithuania, Poland, the Russian Federation (which is no longer a member of the Council of Europe but whose relevant legislation has been closely scrutinised by the European Court of Human Rights, which found a violation of Article 10 as well as a violation of Article 10 in conjunction with Article 14 of the Convention) and Türkiye.<sup>35</sup> Most often, protecting minors from the allegedly harmful effects of the public dissemination of certain information is cited as the "justification" for these laws. However, they clearly limit freedom of expression disproportionately as they are used, for example, to support the banning of children's books featuring LGBTI characters or to prevent the provision of inclusive sex education.

47. The European Court of Human Rights has already condemned such provisions, holding that regulating public debate on LGBT issues could not be justified on the basis of protecting morality and that such regulations did not help to realise this legitimate aim.<sup>36</sup> It has also pointed out that by adopting such legislation, "the authorities reinforce stigma and prejudice and encourage homophobia, which is incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society."<sup>37</sup>

48. I would also like to draw attention to the negative impact on freedom of expression in education of "anti-gay propaganda" laws and also simply of "traditionalist" education policies. The refusal to provide sex education that is inclusive of LGBTI identities and, in the worst cases, the prohibition of any representation of these identities in schools, prevent children from accessing information that is essential to their understanding of the world around them and contribute to the perpetuation of shame and stigmatisation of LGBTI persons. Such restrictions on freedom of expression have no place in a democratic society.

49. In 2021, the Hungarian Parliament adopted even more restrictive amendments to several pieces of legislation<sup>38</sup> prohibiting the "propagation or portrayal of divergence from personal identity corresponding to sex at birth, changing of sex or homosexuality". Following the strong criticism of these provisions made by the European Commission for Democracy through Law (Venice Commission),<sup>39</sup> the Assembly has already called on Hungary twice to repeal them.<sup>40</sup> However, they remain in force to this day. I am particularly concerned

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35. ILGA-Europe, Rainbow Index 2022.

36. *Bayev and others v. Russia*, application no. 67667/09, judgment of 20 June 2017, paragraphs 65-71 and 83.

37. *Ibidem*, paragraph 83.

38. New Section 6/A of the Child Protection Law; new Section 8(1a) of the Advertising Law; new Section 9(6) of the Media Law; Section 32(4a) of the Media Law; and Section 5/A of the Family Protection Law.

39. Opinion No. 1059/2021 on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children, CDL-AD(2021)050.

40. See Resolution 2417 (2022) "Combating rising hate against LGBTI people in Europe", paragraph 12.1, and Resolution 2460 (2022) "The honouring of membership obligations to the Council of Europe by Hungary", paragraph 12.5.5.

about these provisions, which go much further than those in force in other countries – already condemned by the European Court of Human Rights – and seem to have the effect of prohibiting any representation at all of LGBTI persons in the public domain. Civil society organisations have also alerted me to the fact that these provisions contribute to worsening a climate that is already hostile towards LGBTI persons in Hungarian society.<sup>41</sup>

50. During our discussions, the authorities emphasised the protection of so-called “traditional” family values and minors. I pointed out that the great majority of sexual violence against children was committed within their family circle and household. I have seen that hate speech is now completely uninhibited in that country and used by politicians. In theory, all citizens have the same rights and duties in Hungary. If they are LGBTI, we cannot but note that their rights and freedoms are restricted. For example, it is illegal to express LGBTI characteristics in public spaces or in the media before 10 pm. Sex and emotional education classes have been removed from the mainstream curriculum. In adolescence, it can be difficult to address these issues in a family context, which is why it is important to have this type of programme in lower and upper secondary schools. As far as freedom of association is concerned, rights are respected and there have been no major obstacles to the holding of Pride marches.

51. In Lithuania, many restrictions are based on provisions introduced in 2009 in the Law on the Protection of Minors which prohibit the dissemination of information that is “harmful” to minors, which can be interpreted as censorship of LGBTI content. While some argue that the law has not been used against LGBTI persons, the relevant provisions have never been repealed. The case of *Macaté v. Lithuania*, in which the European Court of Human Rights ruled in January 2023 that Lithuania had violated the applicant’s freedom of expression, concerned a collection of six children’s stories, two of which featured married people of the same sex. Vladimir Simonko said at the hearing held by the Committee on Equality and Non-Discrimination that the distribution of the book had been suspended after its publication and then resumed after labels warning that the content of the book could be harmful to children under 14 had been affixed. This case must send a clear message to the Lithuanian authorities that they must repeal the relevant provisions of the Law on the Protection of Minors. Mentalities are changing and there is growing public support for Pride marches.<sup>42</sup>

52. In Belgium, during the carnival of La Louvière in 2023, Gilles’ costumes (transformed into Gilettes), proposed by the LGBTI community and approved by the city council and the organisers were complained about by a part of the population on the spurious ground that they could be disturbing to children. Fourat Ben Chikha shared his concern with the members of the committee. In 2024, the LGBTI community renewed its request to participate in the carnival parade. It was subjected to such a campaign of hatred and threats on social media that it preferred to withdraw from the carnival (despite the support of the organisers), thereby practicing self-censorship (which is often the case in similar circumstances). In 2023, the far-right former federal MP (Vlaams Belang) Dries Van Langenhove used the International Day Against Homophobia, Biphobia and Transphobia to spread hate speech against the LGBTI community: on his accounts and social media, he called the LGBTI flag a paedophile flag. In June 2023, young members of far-right groups held up slogans equating homosexuality with paedophilia near a drag show, and a debate on the situation of LGBTI Muslims had to be cancelled due to the outcry triggered by the event. Incidents such as these contribute to a toxic climate.

53. In Switzerland, the neo-Nazi group Junge Tat disrupted a “drag story time” in Zürich in October 2022 with queerphobic slogans and tear gas.

54. In Ireland, three people were attacked after the Dublin Pride march and had to be hospitalised (transphobic hate crime). In July 2022, a “drag story time” in Mayo was targeted by members of a far-right group who gathered outside the bookshop and threatened attendees.

55. In Türkiye, in July 2023, RTÜK (the Radio and Television Supreme Council) fined Netflix, Disney+, Prime Video, MUBI, BeIN and Blu TV for broadcasting LGBTI content.<sup>43</sup> In August, a concert to be given by the singer Gökçe was banned by the mayor of Sandıklı because she had expressed her support for LGBTI persons by posting “love is love” on social media.<sup>44</sup>

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41. Bilateral meeting with representatives of the Rainbow Coalition, finalist for the Václav Havel Prize 2022, 10 October 2022.

42. *Macaté v. Lithuania*, application no 61435/19, judgment of 23 January 2023.

43. “RTÜK imposed sanctions on streaming platforms”, KAOS GL, 27 July 2023.

44. “Stage ban for the musician who celebrated the Pride month”, KAOS GL, 9 August 2023.

56. The violent attack on the screening of LGBTI films in Banja Luka,<sup>45</sup> Bosnia and Herzegovina, on 17 March 2023, was strongly condemned by the Commissioner for Human Rights of the Council of Europe. The authorities responded to threats of violence by banning the event instead of ensuring its safety and thereby adequately protecting LGBTI person's freedoms of assembly and expression.

57. In Poland, more than 100 municipal or regional councils have adopted anti-LGBTI resolutions in recent years.<sup>46</sup> Most of these resolutions, although annulled by the courts, are still in force.

58. The destruction of rainbow flags and other LGBTI symbols should also be mentioned. In 2023, flags were damaged or destroyed in Germany, Bulgaria, Finland, Iceland and the Netherlands, among other countries. In 2023 in Spain, the far-right Vox party banned the LGBTI flag on public buildings in the city of Naguera.

59. Restrictions on gender expression can also affect freedom of expression. In some countries, it is impossible to express gender identity freely and without fear.

60. I would also like to express my concern about the rise of transphobic rhetoric in Europe. According to Claire Vandendriessche, “the French media landscape is awash with transphobic opinions, and this has repercussions on health care and the school environment.” She also pointed out that “transgender minors are the main targets, but attacks on all transgender people are increasing and also extend, for example, to complaints about the presence of children's books featuring LGBTI characters in public libraries.” I have also received worrying information about transphobic hate speech in Spain and the United Kingdom. Some LGBTI rights organisations have ended their activities in relation to transgender people due to a large number of threats, or have chosen to keep quiet about them.

## 6. Strategic lawsuits against public participation (SLAPPs)

61. In a number of countries, LGBTI organisations are also repeatedly subjected to abusive criminal, administrative or civil proceedings that have the effect (and even the aim) of preventing them from carrying out their work. These are strategic lawsuits against public participation (“SLAPPs”), the aim of which is to silence individuals or organisations that speak out to raise public awareness of issues of public interest or report on them. Our colleague Stefan Schennach (Austria, Soc) was rapporteur on this subject for the Committee on Culture, Science, Education and Media and his report was discussed during the January 2024 part-session.<sup>47</sup>

62. SLAPPs are attempts to deter civil society, journalists and human rights defenders from engaging in activism or expressing themselves by forcing them to participate in expensive, time-consuming and resource-draining legal proceedings. These proceedings have a deterrent effect that disrupts and hampers their efforts to contribute to the expression of dissident opinions or highlight human rights violations.

63. Abusive litigation against defenders of the rights of LGBTI persons and their associations infringe their freedom of expression, association and assembly. SLAPPs undermine the democratic principles of freedom of expression and assembly and erode the foundations of an open and democratic society.<sup>48</sup>

64. In Poland, in 2021, three activists expressed their concern at the increase in anti-LGBTI hate by publishing a representation of the Virgin Mary with a rainbow halo. They were charged with “offending religious beliefs”, which could have led to a two-year prison sentence.<sup>49</sup> The activists were acquitted at first instance, but prosecutors challenged the decision in the Court of Appeal. In January 2022, the Court of Appeal dismissed the case. This highlighted how the judicial system can be used to target human rights defenders.

65. Atlas of Hate is a Polish civil society organisation that monitors and disseminates information about resolutions passed by local governments in Poland which discriminate against the LGBTI community.<sup>50</sup> The organisation gathers data on resolutions which declare “LGBT ideology”-free zones and resolutions linked to the “Family Rights Charter”, which is used to “protect” so-called traditional family values as a response to

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45. “High time for the authorities to accept LGBTI people and their rights, the perpetrators of the attack in Banja Luka must be sanctioned”, Council of Europe Commissioner for Human Rights, 21 March 2023.

46. ECRI report on Poland (sixth monitoring cycle), adopted on 26 June 2023.

47. Doc. 15869 “Countering SLAPPs: an imperative for a democratic society”. See also Resolution 2531 (2024) adopted by the Assembly.

48. “Time to take action against SLAPPs”, Commissioner for Human Rights of the Council of Europe, Human Rights Comment, 27 October 2020.

49. Amnesty International. “Poland: ‘Rainbow Halo’ Women's Acquittal Shows Tactics of Intimidation Against Activists”, 2 March 2021.

initiatives/attempts to promote and protect LGBTI rights in Poland. Multiple defamation cases have been brought against this organisation by several local governments. The United Nations Special Rapporteur on the situation of human rights defenders and other United Nations experts wrote to the Polish Government to voice their concern,<sup>51</sup> followed by a number of exchanges of correspondence.<sup>52</sup> The aim of these legal actions was to silence the organisation through abusive court proceedings.

66. In 2019, the European Court of Human Rights found that an LGBTI organisation's right to freedom of association had been breached by its non-registration by the authorities.<sup>53</sup> Associations such as this are vital as they give LGBTI persons a voice and enable them to express their identity and defend their rights.

## 7. Online hate attacks, self-censorship and instrumentalisation

67. Many LGBTI activists are targeted by online hate attacks. Repeated, violent and aggressive, these attacks can lead to the closure of a social media account or fewer postings by the person who is attacked, as they engage in a kind of self-censorship in order to protect their mental health. They feel rejected and endangered and can seek refuge in anonymity. The low number of convictions for online hate speech has repercussions for the exercise of freedom of expression.

68. The issue of LGBTI rights has also been instrumentalised during election campaigns. During the current affairs debate held in the Assembly in October 2022, our colleague Max Lucks (Germany, SOC) underlined that "Lesbians, gays, bisexuals and trans people are not playthings for autocrats. They are human beings – human beings with inalienable rights ... When LGBTI people are free, society is free."<sup>54</sup>

69. The Commissioner for Human Rights of the Council of Europe has also highlighted the risk of manipulation involving LGBTI rights. "Some politicians are instrumentalising existing societal prejudices and verbally attacking LGBTI people to achieve political objectives for their own benefit (...) the exploitation of societal homo/transphobia has proven a convenient way to divert public attention away from government failure to address pressing social issues and rising inequalities and broader attacks under way on human rights and democracy." She also noted an increase in the influence of anti-gender movements in political circles.<sup>55</sup>

70. Over the last few years, laws restricting freedom of expression and assembly have been passed in the Russian Federation. We have witnessed a rise in foreign interference targeting LGBTI rights, particularly during election campaigns.

## 8. Protecting the freedom of expression and freedom of assembly of LGBTI persons

71. The aim of restricting the freedom of expression and assembly of LGBTI persons is to make them invisible. This desire stems from an anti-LGBTI climate which develops in a context of mistrust of human rights.<sup>56</sup> Combating disinformation and exploitation of the issue of LGBTI rights should therefore be a priority. LGBTI persons are not a threat to families. LGBTI rights do not take anything away from women's rights. In fact, LGBTI rights defenders are often vigorous champions of women's rights. However, in countries ruled by undemocratic regimes, these rights are among the first to be attacked and the place of LGBTI persons in the public space is challenged.

72. It is our duty to call on the member States to implement judgments of the European Court of Human Rights, particularly in relation to these issues, in order to ensure that the rights and freedoms of everyone, including LGBTI persons, are respected.

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50. "Atlas Nienawiści: Mapa Zjawisk Dyskryminacyjnych w Polsce" Atlas Nienawiści, <https://atlasnienawisci.pl/> [Polish only]

51. "Poland: 'Atlas of Hate' – Battling Multiple Legal Cases (Joint Communication)" Strategic Risk Defenders, 27 April 2022.

52. "Poland: 'Atlas of Hate' – Battling Multiple Legal Cases (Joint Communication)" UN SR Human Rights Defenders ([srdefenders.org](http://srdefenders.org)), 27 April 2022.

53. See *Zhdanov and others v. Russia*, application no. 12200/08, judgment of 16 July 2019.

54. Current affairs debate held on 13 October 2022.

55. "Pride vs. indignity: political manipulation of homophobia and transphobia in Europe", Commissioner for Human Rights of the Council of Europe, 16 August 2021.

56. International Human Rights Conference, Europride 2022 – closing remarks, Speech by Dunja Mijatović, Council of Europe Commissioner for Human Rights, Strasbourg, 16 September 2022.

73. Political decision makers and religious leaders bear an undeniable responsibility and can contribute to a climate of hatred. Clear and strong political support for the battle against all forms of discrimination is vital. Participation in the Parliamentary Platform for the rights of LGBTI persons in Europe should be encouraged.

74. Freedom of expression must be protected at all levels, including in schools. To combat prejudice and discrimination, it is important to support programmes of sex and emotional education that is inclusive of LGBTI identities. Valuing and respecting diversity will enable our societies to move forward. Campaigns raising awareness of LGBTI rights can have a positive effect and help to counter hatred.

75. Law enforcement officers must be trained to fulfil their duty to protect demonstrations and other events, investigate complaints of physical and online violence and welcome people in all their diversity.

76. Anti-LGBTI hate is amplified in an online context. Websites should be held to account for failing to moderate or inadequately moderating hateful remarks, which can have tragic consequences.

77. The situation of LGBTI persons in the Russian Federation is particularly worrying now that the Supreme Court has decided to class the LGBTI movement as an extremist movement. One concrete form of support for them would be to grant asylum to LGBTI applicants who leave the country in order to live in safety.

78. I am deeply concerned about discrimination and violence against transgender people. I therefore wish to recommend that a report specifically on this subject be prepared by the Committee on Equality and Non-Discrimination. Legal recognition of gender identity is a fundamentally important step in the advancement of LGBTI rights and should be recommended. It should be done in a timely, transparent and accessible manner.

79. Graeme Reid, the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, is currently preparing a report on the freedom of expression of LGBTI persons around the world. He plans to present this report to the United Nations Human Rights Council in June 2024. The Parliamentary Platform for the rights of LGBTI persons in Europe could consider inviting him to present his work in the autumn of 2024 and discuss the development of co-operation between our organisations in this regard. He has expressed concern at the proliferation of laws intended to restrict the freedom of expression of LGBTI rights organisations. Concrete co-operation with the Council of Europe's Committee of Experts on Sexual Orientation, Gender Identity and Expression and Sex Characteristics (ADI-SOGIESC), which is commencing its work this year, could also be instituted.

## 9. Conclusions

80. In recent years, there have been many situations where the freedom of expression and freedom of assembly of LGBTI persons have not been guaranteed in Europe owing to the banning of events, the repression of demonstrations by law enforcement authorities, ever more administrative hurdles, the lack of protection against attacks on gatherings, or the enactment of laws preventing the dissemination of information about LGBTI rights. There have also been harassment and intimidation strategies accompanied by anti-LGBTI hate speech.

81. Repression and a lack of protection can be regarded as green lights for an increase in violence perpetrated by third parties. A State cannot claim to be truly democratic if LGBTI rights are not respected in it. LGBTI persons should be able to expect protection from law enforcement authorities. Attacks on freedom of expression and assembly can have long-term impacts, especially on the younger generations.

82. Dunja Mijatović, the Commissioner for Human Rights of the Council of Europe, has underlined that "Freedom of peaceful assembly and of expression stand at the core of a free, inclusive and pluralist democracy, where everyone can enjoy their human rights equally and safely, and societal issues are discussed through peaceful dialogue."<sup>57</sup>

83. Many LGBTI persons continue to remain silent because of the shame imposed on them by society. This enforced silence can have tragic consequences. All too often, LGBTI persons are driven to suicide. No matter how much societies torture, imprison, "convert" or try to eliminate LGBTI persons, there will always be LGBTI persons. By accepting everyone and protecting diversity we will all progress. To protect LGBTI rights is to protect the dignity of every person, the right to live without hiding, the right to love and the right to exist.

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57. "Serbian authorities should withdraw the ban on Europride march and protect participants", Dunja Mijatović, Council of Europe Commissioner for Human Rights, 13 September 2022.