



Resolution 2543 (2024)¹

Freedom of expression and assembly of LGBTI people in Europe

Parliamentary Assembly

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 protect 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, in recent years, there have also been attacks on the freedom of expression and freedom of assembly of LGBTI people 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 for the maintenance 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 people. Attacks or obstacles intended to deny LGBTI people these rights contribute to their stigmatisation and “invisibilisation” and make them more vulnerable to human rights violations. The visibility of LGBTI people and movements must be protected, as it is an affirmation of the identity and existence of LGBTI people in the public space. The Parliamentary Assembly expresses its serious concern for LGBTI people living in the Russian Federation where what is called the “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 people in the face of 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 people. The Assembly asserts that there is no such thing as “LGBTI ideology” and that the rights of LGBTI people 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 people. 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 people in Europe in 2022 demonstrates this commitment.

1. *Assembly debate* on 17 April 2024 (11th sitting) (see [Doc. 15953](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Christophe Lacroix). *Text adopted by the Assembly* on 17 April 2024 (11th sitting).



5. Fully guaranteeing freedom of expression and freedom of assembly is not just vital in any democratic society but it is also a human rights obligation. The Assembly regrets that equality before the law, particularly for LGBTI people, 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 member States in [Resolution 2417 \(2022\)](#) "Combating rising hate against LGBTI people in Europe" to tackle hatred and discrimination against LGBTI people 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 people are implemented;
- 7.2. refrain from adopting constitutional amendments contrary to the rights of LGBTI people and repeal any provision of this kind already in force;
- 7.3. ensure that laws against hate and discrimination are enforced, amend them if they do not yet include provisions concerning discrimination on grounds of sexual orientation, gender identity, gender expression and sex characteristics, and step up efforts to prevent and tackle intersectional discrimination;
- 7.4. repeal "anti-LGBTI propaganda" laws if they have been enacted and implemented, and allow all people 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 the rights of LGBTI people adopted at local and regional levels, where applicable;
- 7.6. support the visibility of LGBTI people in the public space;
- 7.7. support the holding of Pride marches and other demonstrations supporting LGBTI people's effective enjoyment of human rights, protect them if necessary, take adequate measures to facilitate access to gatherings and contain counterdemonstrators, and publicly condemn all illegal interference with the exercise of freedom of expression and peaceful assembly targeting LGBTI people or human rights organisations that support the rights of LGBTI people;
- 7.8. investigate, prosecute and, where appropriate, punish perpetrators of bias-motivated violence against LGBTI people;
- 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 consultation with LGBTI organisations as part of legislative processes, especially in areas that may affect the human rights of LGBTI people.

8. With regard to preventing violence, prejudice and discrimination against LGBTI people, the Assembly calls on 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 utilise existing domestic violence legislation to prosecute the perpetrators of conversion practices, where possible;
- 8.2. invest in gender equality education and train teachers on these issues;
- 8.3. support sex and emotional education programmes inclusive of LGBTI identities and tailor the programmes to the ages of pupils in schools;
- 8.4. train law-enforcement officers to protect specific groups, including LGBTI people, during demonstrations and public events;

- 8.5. run awareness campaigns on the rights of LGBTI people 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 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 people 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 defenders of the rights of LGBTI people and civil society organisations working to protect the rights of LGBTI people.

12. Last, the Assembly calls on 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 or her recommendations.