

ILGA-Europe
OSCE HDIM 2007

On the Importance of Combating Intolerance and Discrimination on the Grounds of Sexual Orientation and Gender Identity in the OSCE Region

ILGA-Europe recognises the progress made within the OSCE with regard to combating intolerance and discrimination on the grounds of sexual orientation, gender identity and gender expression. ODIHR does important and courageous work on collecting data on hate crimes on these grounds. The Tolerance and non-discrimination information system TANDIS with its section on homophobia is a very useful tool for this. We welcome warmly also the section on homophobia in the recent report on hate-based incidents.

More and more participating states express their concern with acts of discrimination and violence against lesbian, gay, bisexual and transgender people. Many states express their support for an explicit inclusion of sexual orientation in the tolerance and non-discrimination mandate of the OSCE.

In Latvia, Romania and Poland, despite bans on Pride parades earlier, this year the parades were protected by the authorities. In Budapest, the aggression and violence of the anti-LGBT demonstrators were strongly condemned by high-level politicians. ILGA-Europe is aware of the positive dialogue between the LGBT community and the authorities in Azerbaijan and in Georgia. Kazakhstan has introduced a very progressive legislation on transgender people. United Kingdom enforced a total ban on discrimination including a ban on discrimination in goods and services as well as a ban on discrimination in the adoption process.

While we recognise the significant positive developments, severe human rights violations continue taking place. The freedoms of assembly and association are violated. In Moscow, Zagreb, Chisinau and Budapest this year, participants of Pride parades faced severe opposition and aggression either from right-wing groups, from the general public or from the authorities.

In Zagreb, the police did not provide pride participants with adequate protection despite repeated requests. After protests from the civil society, the President of Croatia condemned the violence in a letter to ILGA-Europe. In Moscow, the police ignored the need to protect the participants of an LGBT gathering. The authorities refused to meet the international parliamentarians who wanted to provide the city of Moscow with an LGBT rights petition. Please see the joint report of ILGA-Europe and the Human Rights Watch for a detailed look at what happened in Moscow. http://www.ilga-europe.org/europe/guide/country_by_country/russia/report_on_moscow_pride_2007_in_english

In Moldova, Chisinau banned the Pride march despite a Supreme Court ruling that the ban was illegal. On the other hand there are encouraging news that the Moldovan authorities support the initiative of the Antidiscrimination Coalition to form an antidiscrimination legislative framework in Moldova. In

Lithuania, the authorities prevented the 'For diversity, against discrimination' campaign truck of the European Commission from entering the city of Vilnius.

The grave incidents reported from various OSCE participating states show that the stigmatisation of minorities is often reinforced by public authorities. The freedoms of speech and assembly are sometimes violated even when no rights are actually claimed. In Georgia earlier this year, the mere false rumour of a plan of a local NGO to organize an LGBT parade was used as an excuse to launch an excessive hate campaign in the media. Many members of the Georgian LGBT community still feel extremely discouraged.

Other international bodies, such as the Council of Europe through its Commissioner on Human Rights and the European Union through the definition of the agenda of the Fundamental Rights Agency, have taken an active role in raising LGBT human rights issues. A lot of work is still needed to give sexual orientation and gender identity the same recognition even in the OSCE context and in all of the participating states as is given to race, ethnicity, religion and belief. We call upon you to make this recognition explicit. We call upon the states that are supportive of our cause to be our voice in the OSCE. It is necessary for the OSCE to intensify its role in order to adequately address homophobia as a security concern impacting upon individuals as well as communities.

In this context, we strongly recommend that the ODIHR and the OSCE

- in the tolerance and non-discrimination session of the HDIM in 2008 put the focus on the 'other forms of discrimination'
- continue the valuable work on monitoring all human rights and
- include in the mandate of OSCE an explicit commitment to fight human rights violations on the grounds of sexual orientation.

We also suggest that the participating states each

- collect data on hate crimes and hate-based incidents, including hate crimes based on sexual orientation and gender identity
- provide adequate protection for activities and events of LGBT organisations and groups
- refrain from statements which are likely to have the effect of legitimizing or promoting discrimination or intolerance and
- put legislation in place to protect minorities, including LGBT persons, from all kinds of discrimination.

136 civil society organisations have signed a declaration to the OSCE to support these goals. We are confident that the political will of many of the OSCE participating states to enhance the human rights of lesbian, gay, bisexual and transgender people will translate into concrete actions and commitments within the participating states as well as within the OSCE.

ILGA-Europe together with its allies and partners is open to and accessible for dialogue in this regard. We believe that a true dialogue is very important for further progress.