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Moldova: European Court of Human Rights re-affirms LGBT people's right to freedom of assembly

On 12 June, the European Court of Human Rights (the Court) has ruled that the ban of a lesbian, gay, bisexual and transgender (LGBT) demonstration in May 2005 violated the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Amnesty International welcomes the Court's ruling. The rights to freedom of peaceful assembly and to freedom of expression cannot be restricted only because some parts of the population may feel shocked or offended by the messages conveyed by those who exercise these rights.

Refusal by the city authorities of Chişinău, capital of Moldova, to allow the demonstration organised by GENDERDOC-M, LGBT organization in Moldova, in May 2005 violated their rights to assembly and association and to be free from discrimination. The Republic of Moldova is to pay GENDERDOC-M 11,000 Euros within three months.

On 7 April 2005, GENDERDOC-M applied to Chişinău Municipal Council for authorization to hold a peaceful demonstration in front of the Parliament on 27 May 2005, to encourage the adoption of laws to protect sexual minorities from discrimination. However the Chişinău Municipal Council and the Mayor's Office rejected GENDERDOC-M's application on the ground that their demonstration was 'baseless', since a law on the protection of minorities in Moldova had already been adopted.

Amnesty International has repeatedly documented violations of the right to freedom of assembly of LGBT people in Moldova. In April 2010, the Chişinău Appeal Court upheld a ban on a pro-equality march organized by LGBT rights activists due to "security and public morality concerns". Chişinău city authorities applied to the Appeal Court to ban the march in response to numerous petitions from a range of religious and other anti-LGBT groups. A counter-demonstration organized by those groups took place on the same day.

The 12 June ruling against Moldova is of particular importance especially against the background of discriminatory bills being recently discussed or adopted in several European countries at either the state or the local level and aimed at "preventing the propaganda of homosexuality".

Such initiatives have been condemned by several European institutions including the European Parliament and the Parliamentary Assembly of the Council of Europe. For instance, on 24 April the European Parliament has approved a resolution condemning laws being proposed or adopted in Moldova, Ukraine, Russia, Lithuania, Latvia and Hungary. The European Parliament also expressed its grave concern over "developments which restrict freedom of expression and assembly on the basis of misconceptions about homosexuality and transgenderism."

Amnesty International calls on all European states to ensure that LGBT people can enjoy their rights to freedom of expression and to peaceful assembly without discrimination and on EU institutions to keep supporting human rights of LGBT people in its internal and external policies.

Background information

Amnesty International has been supporting the rights of LGBT people to freedom of expression and to freedom of assembly for many years, especially in contexts where LGBT people are discriminated against in the exercise of these rights.

Amnesty International has recently expressed concerned over bills being discussed or adopted in several European countries that are aimed at “preventing propaganda of homosexuality”. For example, Amnesty International has condemned local regulations adopted with this purpose in several municipalities in Moldova. Amnesty International has also regretted that the Moldovan anti-discrimination law adopted in May 2012 fails to adequately protect individuals from discrimination on the grounds of sexual orientation and gender identity. Under the new law, while discrimination on other grounds such as race, ethnicity, religion or belief and disability is generally forbidden in all areas of life, discrimination on the ground of sexual orientation is explicitly prohibited only in employment (article 7(1)).

Amnesty International monitors Pride marches at risk of violence by dispatching observation teams in the countries concerned. This year Amnesty International attended with a delegation of forty activists the Baltic Pride in Latvia, which has been the most successful and peaceful Pride march in the Baltic countries so far. The organization has also monitored the Split Pride which took place on 9 June 2012.

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