

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 52/002/2006 (Public)
News Service No: 191
20 July 2006

Latvia must protect the rights to freedom of assembly and expression for all

On Wednesday 19 July, Riga City Council announced it would not permit the “Riga Pride 2006” march to take place. Amnesty International is highly concerned and disappointed at this latest development in Latvia’s inability to protect the rights of the lesbian, gay, bisexual and transgender (LGBT) community. Amnesty International calls on the Latvian authorities to respect the right of its LGBT community to freedom of assembly and expression and to permit the “Riga Pride 2006” march to take place on 22 July 2006.

Riga City Council claimed that its decision was based on information it had allegedly received concerning several threats of violence against march participants if the march was allowed to go ahead, and that the police could not guarantee security and order during the march. In a similar situation last year, Riga City Council also withdrew permission for the Pride march to go ahead only a few days before it was planned. However, the march was eventually allowed to go ahead after the organizers of the march had filed a complaint with the Riga Administrative Court against the decision of the Riga City Council.

Amnesty International would like to remind the Latvian authorities of their obligations under international law with regards to the right to freedom of assembly and the rights to freedom of expression. The rights to peaceful assembly is recognized and protected by Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), while article 21 of the ICCPR and article 10 of the ECHR protect the rights to freedom of expression. Latvia is a State Party to both the ICCPR and the ECHR.

The Council of Europe’s European Court of Human Rights (ECtHR) also has jurisprudence regarding the right to assembly and the right to freedom of expression. In its 1985 ruling on *Plattform Ärzte für das Leben v. Austria*, the ECtHR stated that “a demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold a demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate.”

In its ruling on *Plattform Ärzte für das Leben v. Austria*, the ECtHR also established a positive duty on states to protect the right to freedom of assembly by stating that “genuine, effective freedom of peaceful assembly cannot, therefore, be reduced to a mere duty on the part of the state not to interfere: a purely negative conception would not be compatible with the object of Article 11. Like article 8, Article 11 sometimes requires positive measures to be taken.” This principle is re-affirmed in the *Stankov and the Macedonian Organisation Ilinden v. Bulgaria* ruling from 2001 which states that “the authorities were therefore bound to take adequate measures to prevent violent acts directed against the participants in Ilinden’s rally, or at least limit their extent. However, it seems that they...[...]...failed to discharge their positive obligations under article 11.”

In May 2006, the Council of Europe Commissioner on Human Rights, Thomas Hammarberg, re-enforced the Council of Europe’s commitment to freedom of assembly in a public statement with specific reference to LGBT marches in Council of Europe member states. In a resolution called “Homophobia in Europe” on 18 January 2006, the European Parliament “calls on Member States to ensure that LGBT people are protected from homophobic hate speech and violence”.

The claims of Riga City Council that security would not be able to be guaranteed to the participants of the march lacks credibility considering that Latvian law enforcement agencies had the capacity to effectively ensure security during previous events of a similar or larger scale such as the 2006 ice hockey World Championships, and are expected to do during the November 2006 NATO summit in Riga. The refusal to grant permission for the “Riga Pride 2006” may thus constitute a breach of Latvia’s international obligations under, *inter alia*, Article 2 of the ICCPR, Article 14 of the ECHR and Article 21 of the EU Charter of Fundamental Rights to prohibit discrimination.

Under international and European law, Latvia is not only obliged to respect the rights to freedom of assembly and expression, but also has a positive duty to take active measures to protect the march participants from attacks against them. The ban on the “Riga Pride 2006” march is therefore in violation of international human rights laws and standards and must be lifted immediately.

Amnesty International therefore calls on

- o The Riga City Council to give permission for the “Riga Pride 2006” march to go ahead.
- o The Latvian authorities to ensure, in accordance with its positive obligations under international human rights law, that the “Riga Pride 2006” demonstrators are properly protected in a manner which allows them to exercise their rights to freedom of assembly and expression.
- o Latvian law enforcement agencies to act under all circumstances with due diligence to protect LGBT people against violence from the wider community. The authorities should also make clear that such violence is a criminal offence and will be prosecuted as such.
- o The Finnish EU Presidency and the EU Commission to take active steps to promote fundamental rights and non-discrimination in Latvia and in particular to support the right to freedom of assembly, including the “Riga Pride 2006” and similar events in all EU member states.

Background

Over the past years, violations of LGBT rights have become an increasing concern in Latvia. In July 2005, the first Gay Pride march in the country’s history was originally banned by the Riga City Council. The Riga Administrative Court later overruled this decision and the march did take place. Leading up to the march, several leading Latvian politicians, including the deputy speaker of the Latvian parliament, had made homophobic remarks and statements. During the march, several LGBT persons were subjected to physical and verbal abuse by counter-demonstrators.

In June 2006, the Latvian Parliament voted against an amendment to article 7 of the Latvian Labour Law. The amendment would have explicitly banned discrimination on the grounds of sexual orientation. The EU’s Employment Equality Directive (EU 200/78/EC) explicitly requires EU member states to ban discrimination based on sexual orientation in the work place.