

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Hungary: Authorities must ensure freedom of peaceful assembly and non-discrimination of LGBT people

Amnesty International urged the Hungarian authorities today to reverse a resolution issued by the Budapest Police on 11 February banning the Gay Pride march scheduled for 18 June 2011 as part of the Budapest Pride events.

Amnesty International expressed its deep concern that the banning of the Pride march is a violation of the rights to freedom of expression, peaceful assembly and non-discrimination as set out in several international human rights conventions to which Hungary is party.

According to the police resolution, the banning of the Pride March's proposed route is justified by an alleged disruption of traffic which, according to the authorities, could not be rectified by selecting alternative routes.

Amnesty International is concerned that such a decision is disproportionate and without reasonable justification and that it does not take into consideration the rights to peaceful assembly and freedom of expression of lesbian, gay, bisexual and transgender (LGBT) people in Hungary.

According to information provided by the Rainbow Mission Foundation, organizers of the Pride, the Pride march and its route had been registered in September 2010. Reportedly no objections had been raised by police then. However, after the organizers requested an extension to the route in February 2010, in order to end the march closer to the Hungarian parliament, the police issued a resolution that prohibited the march altogether.

As to the proposed extension, Amnesty International notes that in light of the issue the Pride march intends to draw attention to, the Hungarian Parliament clearly is of considerable symbolic importance. Hungarian authorities have a duty to apply the principle of proportionality and therefore have to facilitate the Pride march within range of its intended audience as far as possible.

On 15 February, the Rainbow Mission Foundation, assisted by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee, appealed to the Budapest Metropolitan Court against the Budapest Police resolution.

Diversity and tolerance, equality before the law for all, no discrimination on sexual orientation and gender identity grounds, are all messages that LGBT rights activists are planning to take to the streets of Budapest on 18 June 2011. The authorities are obliged by international law to enable them to do so.

Amnesty International calls on the Hungarian police and government authorities to ensure that the rights of the LGBT community to freedom of peaceful assembly, freedom of expression and non-discrimination are guaranteed, including through the cooperation of the relevant authorities with the organizers, so that they are able to make preparations for, and participate in, the 2011 Budapest Pride without obstruction, hindrance or threat.

Background

The rights to freedom of peaceful assembly and association are recognized in numerous human rights treaties including in 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) to which Hungary is a state party.

Under international law, any restrictions on the right of freedom of peaceful assembly must be necessary in order to address a legitimate aim. As the “Guidelines on Freedom of Peaceful Assembly” published in 2007 by the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) note at Principle 4, when states impose restrictions on freedom of assembly, they should use the “least intrusive means” and may “not routinely impose restrictions that would fundamentally alter the character of an event, such as routing marches through outlying areas of a city.” The Guidelines additionally state that “If, having regard to the relevant factors, the authorities have a proper basis for concluding that restrictions should be imposed on the time or place of an assembly (rather than merely the manner in which the event is conducted), a suitable alternative time or place should be made available. Any alternative must be such that the message that the assembly seeks to convey is still capable of being effectively communicated to those it is aimed at — in other words, within sight and sound of the target audience”. In considering means of imposing legitimate restrictions of the right to freedom of assembly, Principle 15 of the OSCE/ODIHR Guidelines states, “A broad spectrum of possible restrictions that do not interfere with the message communicated are available to the regulatory authority. As a general rule, assemblies should be facilitated within sight and sound of their target audience.”

The Budapest Police resolution justifies the resolution in that the extended route of the Pride March may infringe the right to freedom of movement of others, not participating in the march. However, the OSCE/ODIHR note that “[m]ere disruption, or even opposition to an assembly, is not therefore, of itself, a reason to impose prior restrictions on it. Given the need for tolerance in a democratic society, a high threshold will need to be overcome before it can be established that a public assembly will unreasonably infringe the rights and freedoms of others. This is particularly so given that freedom of assembly, by definition, amounts only to temporary interference with these other rights.”

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