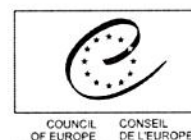




COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



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Strasbourg, 22 April 2010

MESSAGE TO THE PARTICIPANTS AT THE Moldovan LGBT Festival «Rainbow over the Dniester»

During my regular visits to Council of Europe member states I often witness discrimination, prejudice and intolerance against lesbian, gay, bisexual and transgender (LGBT) persons because of their real or perceived sexual orientation or gender identity. Some of those who speak up for LGBT rights - regardless of their sexual orientation or gender identity - have themselves in some instances been made target of verbal, physical and psychological abuse. Politicians and other leading figures in public life have used intolerant speech. Often there is no counter-reaction; few people stand up against homophobia and transphobia.

I am fully aware that on a number of previous occasions in recent years, you have faced obstacles in enjoying your human right to peacefully assemble. This right, enshrined in Article 11 of the European Convention on Human Rights, applies to all persons, including LGBT persons. States have a positive duty to protect the participants of a demonstration, even if this demonstration may annoy persons opposed to the ideas or claims that the demonstration seeks to promote. This was recently reiterated in the Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity, which was adopted on 31 March 2010 by all Council of Europe member States.

I trust that the necessary steps will be taken to ensure that no impediments are placed on the organisation of your Festival, in line with the 2008 *Law on Assemblies*. In this regard, I have also taken note of the current discussions in the Moldovan Parliament regarding the draft *Law on Combating and Preventing Discrimination*, and I look forward to its adoption and its full implementation. Including sexual orientation and gender identity in this Law would be a key step in improving the human rights of LGBT persons.

On my part, my Office has started a *comparative study on the situation concerning homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe member states*. The study will result in one policy-oriented, comparative report covering all 47 Council of Europe member states, including Moldova. I consider this report, which is expected to be launched in December 2010, to be a tool for my ongoing dialogue with authorities.

I wish you a good Festival.

Thomas Hammarberg