



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Address by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, to the participants of the Side by Side LGBT International Film Festival Saint Petersburg, (15-23 October 2010)

Dear participants,

The human rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons continue to be violated, sometimes grossly, in many countries. During my visits to Council of Europe member states I often witness discrimination, prejudice and intolerance against LGBT persons because of their real or perceived sexual orientation or gender identity. This is tolerated - and even condoned - all too often. Moreover, 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 and physical abuse or harassment. Politicians and representatives of state authorities have used intolerant speech, sometimes going so far as to incite hatred against LGBT persons. We cannot remain indifferent to such destructive and retrograde attitudes. Therefore, the human rights of LGBT persons constitute an important area of work for my Office.

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 a comprehensive policy-oriented report covering all 47 Council of Europe member states. I consider this report, which is expected to be launched at the beginning of 2011, to be a tool for my ongoing dialogue with authorities of different European countries.

You have brought to my attention the challenges you experienced when organising and holding the previous festival. This is a matter of concern to me, as certain fundamental human rights are affected. Apart from the need for LGBT persons to be protected from discrimination - which I have already mentioned - I would stress that the right to freedom of expression constitutes one of the essential foundations of a democratic society, one of the basic conditions for its progress and for the development of every individual. It should be borne in mind that the right to freedom of expression includes all forms of expression, through any medium, including films, books, information pamphlets, and with any content. The reason for extending freedom of expression is that the overall aim of this right is to protect pluralism, tolerance and broadmindedness, which are essential features of a democratic and open society.

I have been informed about the two recent decisions by St Petersburg courts in favour of freedom of assembly, irrespective of sexual orientation or gender identity, and I welcome them. I look forward to positive feedback following the third Side by Side LGBT International Film Festival, and it is my hope that we will see a positive change of attitude and an end to persisting patterns of homophobia and transphobia.