



**PERMANENT MISSION OF ICELAND
TO THE OSCE**

**STATEMENT BY ICELAND IN RESPONSE TO PROPOSED REGIONAL LEGISLATION
IN ST. PETERSBURG BANNING THE PROMOTION OF HOMOSEXUALITY**
As delivered by Ambassador Stefán Skjaldarson to the Permanent Council,
Vienna 16 February 2012

I am speaking on behalf of Canada, Norway, Switzerland and Iceland.

We are concerned by proposed new legislation in the St. Petersburg region and already introduced legislation in the Astrakhan, Ryazan and Kostroma regions in the Russian Federation banning the promotion of homosexuality and in the case of St. Petersburg also imposing fines of up to 50,000 rubles for “public activities promoting homosexuality (sodomy and lesbianism), bisexuality and transgender identity” as well as pedophilia among minors.

This apparent attempt to equate homosexuality, bisexuality and transgender identity with pedophilia, which we do not in any way condone, is also troubling.

International Human Rights law clearly recognises that each and every one of us is entitled to the same rights, regardless of our sexual orientation or gender identity. The principles of equality in dignity and rights and non-discrimination are fundamental in international human rights law.

Homophobia and transphobia are no different to racism or xenophobia. But whereas these forms of prejudice are universally condemned by Governments, homophobia and transphobia are too often overlooked.

History shows us the terrible human price of discrimination and prejudice. No one is entitled to treat a group of people as less valuable or less worthy of respect.

Although sexual orientation and gender identity are not expressly mentioned as prohibited grounds of discrimination in international human rights law, practice from the UN shows that the respective treaty bodies have interpreted sexual orientation and gender identity within the scope of the list of prohibited grounds of discrimination.

The European Court of Human Rights has issued several judgments on discrimination on grounds of sexual orientation in which article 14 of the European Convention of Human

Rights has been invoked in conjunction with substantive articles , in particular article 8 on respect for private and family life.

Other provisions of great importance for LGBT people are freedoms of assembly, expression and association. Far too often discriminatory reactions occur when LGBT persons join together to form associations, express their views or demonstrate in public.

Russia, as a member of the Council of Europe, should take due note of the recommendation adopted in march 2010 by the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. This recommendation states inter alia that member states should take appropriate measures to prevent restrictions on the effective enjoyment of the rights to freedom of expression and peaceful assembly resulting from the abuse of legal or administrative provisions, for example on grounds of public health, public morality and public order.

All OSCE participating States have in our view an obligation to ensure that the sexual life and sexual integrity of each person is protected as part of the right to privacy. Furthermore, states must ensure freedom from discrimination based on sexuality and freedom to sexual activity between consenting adults.

Necessary legislation must be in place, and go hand in hand with social change to enable LGBT persons to fully enjoy universally recognised human rights and fundamental freedoms.

We are ready to play an active role as an advocate for the human rights of LGBT people, and we urge the Russian delegation to convey our concerns to the respective regional authorities in this case.

Thank you, Mr. Chairperson