

OPEN LETTER - THE OBSERVATORY

Open Letter to the Legislative Assembly of Saint Petersburg

Address: 190107 St Petersburg
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Paris-Geneva, November 18, 2011

Re: concern about the approval in first reading by the Legislative Assembly of Saint Petersburg of a bill that could curtail human rights defenders' activities on the territory of St Petersburg

Dear members of the Legislative Assembly of Saint Petersburg,

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), is writing to you regarding the decision taken on November 16, 2011 by the members of the Legislative Assembly of Saint Petersburg to approve in first reading a bill providing administrative liability for public activities "promoting homosexuality, lesbianism, bisexuality and transgenderism among minors".

This bill, which aims at amending the Law "on administrative violations in St Petersburg", was introduced to the Legislative Assembly of St Petersburg on November 10, 2011. The bill provides administrative liability for public activities promoting the rights of lesbians, gays, bisexuals and transgender (LGBT), and could lead to fines of up to the equivalent of 1,600 USD for "public actions aimed at propaganda of sodomy, lesbianism, bisexuality, and transgenderism among minors". This could result in prohibition of certain activities of promotion of LGBT rights.

The Observatory warns that the entry into force of such a bill would breach the prohibition of discrimination and the rights of freedom of opinion and expression recognised in the Russian Constitution as well as in international and regional instruments ratified by the Russian Federation, such as Articles 8, 10 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (i.e. rights to private and family life, freedom of opinion and expression and prohibition of discrimination).

The Observatory also highlights that such a text would also violate the provisions of the United Nations Declaration on Human Rights Defenders, and in particular Article 6 (b) and (c) which states that "Everyone has the right, individually and in association with others [...] freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms"; "to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters", as well as Article 12.2 which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the [...] Declaration".



Accordingly, the Observatory respectfully requests the Legislative Assembly of Saint Petersburg to vote down the bill mentioned above, and to prevent any other bill or initiative that would limit the rights to promote LGBT rights and to fight against any kind of discrimination.

We express our sincere hope that you will take these considerations and requests into account.

Yours sincerely,

Souhayr Belhassen
FIDH President

Gerald Staberock
OMCT Secretary General