

EU Court: Persecuted Gays May Seek Asylum

Laws discriminating against gays can constitute grounds for granting asylum, the European Union's highest court said on Thursday in response to a request by Dutch judges for guidance.

The ruling related to three Africans seeking asylum in the Netherlands who told Dutch authorities they feared **persecution** for their sexual orientation if they returned.

But the issue is also part of a diplomatic row that flared up last month between the Netherlands and Russia.

After Dutch police entered the flat of a Russian diplomat and, according to Moscow, roughed him up, a Dutch diplomat was beaten in his home by masked assailants who scrawled "**LGBT**" (lesbian, gay, bisexual, and transgender) in lipstick on the mirror of his Moscow apartment.

This week, Foreign Minister Frans Timmermans said a new Russian law banning the spreading of gay "propaganda" could be grounds for asylum in the Netherlands, a country which has always been at the forefront of **gay rights** legislation.

The law, passed in June, has angered **gay rights activists** around the world, and some have called for a boycott of the Winter Olympics Russia will host in Sochi in February.

"A person's sexual orientation is a characteristic so fundamental to his identity that he should not be forced to renounce it," the Luxembourg-based European Court of Justice said in a statement, adding that it was not reasonable to expect gay people to conceal their sexual identity.

However, the mere existence of a discriminatory law would not in itself guarantee that an applicant should be offered asylum, the court said. There had to be a real risk of those laws being applied in practice.

The African asylum seekers were from Sierra Leone, Uganda and Senegal.

In addition to the assaults on diplomats and Dutch comments on Russia's **gay rights**, tensions have been strained by Russia's detention of environmental activists from the Amsterdam-based Greenpeace International, two of whom are Dutch, and the impounding of their Netherlands-registered vessel.

Reporting by Thomas Escritt; Editing by Robin Pomeroy

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