



15.1.2014

B7-0043/2014 }  
B7-0045/2014 }  
B7-0047/2014 }  
B7-0048/2014 }  
B7-0050/2014 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rules 122(5) and 110(4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0043/2014)

ECR (B7-0045/2014)

ALDE (B7-0047/2014)

S&D (B7-0048/2014)

GUE/NGL (B7-0050/2014)

on recent moves to criminalise lesbian, gay, bisexual, transgender and intersex  
(LGBTI) people  
(2014/2517(RSP))

**Véronique De Keyser, Michael Cashman, Marc Tarabella,  
Ricardo Cortés Lastra, Ana Gomes, Tanja Fajon, Pino Arlacchi,  
Liisa Jaakonsaari, Joanna Senyszyn, Lidia Joanna Geringer de Oedenberg,  
Mitro Repo, María Muñoz De Urquiza, Richard Howitt**

on behalf of the S&D Group

**Marietje Schaake, Sarah Ludford, Alexander Graf Lambsdorff,  
Graham Watson, Leonidas Donskis, Jelko Kacin, Kristiina Ojuland,  
Phil Bennion, Izaskun Bilbao Barandica, Louis Michel,  
Ramon Tremosa i Balcells, Johannes Cornelis van Baalen, Alexandra Thein**  
on behalf of the ALDE Group

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**Ulrike Lunacek, Raül Romeva i Rueda, Jean Lambert, Barbara Lochbihler,  
Marije Cornelissen, Tarja Cronberg, Judith Sargentini,  
Iñaki Irazabalbeitia Fernández, Nicole Kiil-Nielsen, Rui Tavares**  
on behalf of the Verts/ALE Group

**Charles Tannock**

on behalf of the ECR Group

**Cornelis de Jong, Martina Anderson, Willy Meyer, Alda Sousa,  
Matthias Groote, Helmut Scholz, Marie-Christine Vergiat,**

**Mikael Gustafsson**

on behalf of the GUE/NGL Group

**European Parliament resolution on recent moves to criminalise lesbian, gay, bisexual, transgender and intersex (LGBTI) people  
(2014/2517(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the African Charter on Human and Peoples' Rights and the Indian Constitution,
- having regard to UN Human Rights Council resolution A/HRC/17/19 of 17 June 2011 on human rights, sexual orientation and gender identity,
- having regard to the second revision of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Union and its Member States, of the other part (the Cotonou Agreement), and to the human rights clauses contained therein, in particular Articles 8(4) and 9,
- having regard to Articles 2, 3(5) and 21 of the Treaty on European Union and Article 10 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals,
- having regard to the Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons, adopted by the Council on 24 June 2013,
- having regard to the statement of 20 December 2013 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the adoption of the Anti-Homosexuality Bill in Uganda,
- having regard to the statement by US President Barack Obama on the adoption of the Anti-Homosexuality Bill in Uganda, and to his request for President Yoweri Museveni not to sign the bill into law,
- having regard to its previous resolution of 5 July 2012 on violence against lesbian women and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Africa<sup>1</sup>, to its legislative resolution of 13 June 2013 on the draft Council decision on the conclusion of the Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005<sup>2</sup>, and to its resolution of 11 December 2013 on the Annual Report on Human Rights and Democracy in the World

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<sup>1</sup> OJ C 349 E, 29.11.2013, p. 88.

<sup>2</sup> Texts adopted, P7\_TA(2013)0273.

2012 and the European Union's policy on the matter<sup>1</sup>,

- having regard to its previous resolutions of 17 December 2009 on ‘Uganda: anti-homosexual draft legislation’<sup>2</sup>, of 16 December 2010 on ‘Uganda: the so-called “Bahati Bill” and discrimination against the LGBT population’<sup>3</sup>, and of 17 February 2011 on ‘Uganda: the killing of David Kato’<sup>4</sup>,
  - having regard to its previous resolutions of 15 March 2012<sup>5</sup> and of 4 July 2013<sup>6</sup> on the situation in Nigeria,
  - having regard to its resolution of 11 May 2011 on the state of play in the EU-India Free Trade Agreement negotiations<sup>7</sup>,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas all human beings are born free and equal in dignity and rights; whereas all states have an obligation to prevent violence, incitement to hatred and stigmatisation based on individual characteristics, including sexual orientation, gender identity and gender expression;
- B. whereas as many as 78 countries continue to consider consensual activities between adults of the same sex to be a crime, with 7 providing for the death penalty for such ‘crimes’ (Iran, Mauritania, parts of Nigeria, Saudi Arabia, parts of Somalia, Sudan and Yemen); whereas these legal restrictions are outdated in light of the overall mainstreaming of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights over recent decades, and whereas the positive developments in many countries should serve as an example for global improvement in relation to LGBTI issues;
- C. whereas consensual acts between people of the same sex were already punished with 14 years’ imprisonment in Uganda and 7 years’ imprisonment in Nigeria (or the death penalty in the 12 states under Sharia law), and had been decriminalised in India by a 2009 ruling of the Delhi High Court;
- D. whereas on 20 December 2013 the Ugandan Parliament adopted the Anti-Homosexuality Bill, which punishes support for LGBTI people’s rights with up to 7 years’ imprisonment, the non-denunciation of LGBTI people with up to 3 years’ imprisonment, and ‘repeat offenders’ or HIV-positive offenders with life in prison, and whereas consensual same-sex conduct is already criminalised under Section 145 of the Ugandan Penal Code;
- E. whereas on 17 December 2013 the Nigerian Senate adopted the Same-Sex Marriage

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<sup>1</sup> Texts adopted, P7\_TA(2013)0575.

<sup>2</sup> OJ C 286 E, 22.10.2010, p. 25.

<sup>3</sup> OJ C 169 E, 15.6.2012, p. 134.

<sup>4</sup> OJ C 188 E, 28.6.2012, p. 62.

<sup>5</sup> OJ C 251 E, 31.8.2013, p. 97.

<sup>6</sup> Texts adopted, P7\_TA(2013)0335.

<sup>7</sup> OJ C 377 E, 7.12.2012, p. 13.

(Prohibition) Bill, which punishes people in a same-sex relationship with up to 14 years' imprisonment, and people witnessing same-sex marriages or running LGBTI bars, organisations or meetings with up to 10 years' imprisonment; whereas the bill was signed into law by President Goodluck Jonathan in January 2014;

- F. whereas on 11 December 2013 the Indian Supreme Court overturned a 2009 Delhi High Court ruling that Section 377 of the Indian Penal Code, a colonial-era law outlawing homosexuality, violated the principle of equality enshrined in the Indian Constitution, and whereas it thereby re-criminalised homosexuality with terms up to life imprisonment;
  - G. whereas in June 2013 the Russian State Duma adopted a law banning so-called 'homosexual propaganda', which severely limits LGBTI organisations' freedom of expression and assembly, and whereas President Vladimir Putin has signed it into law;
  - H. whereas the media, the public, and political and religious leaders in these countries are increasingly seeking to intimidate LGBTI people, limit their rights and legitimise violence against them;
  - I. whereas numerous heads of states and government, United Nations leaders, government and parliamentary representatives, the EU (including the Council, the Parliament, the Commission and the High Representative) and numerous world figures have sternly condemned laws criminalising LGBTI people;
1. Strongly condemns these grave threats to the universal rights to life, to freedom from torture, cruel, inhuman and degrading treatment, to privacy and to freedom of expression and assembly, along with all discrimination against, and legal restrictions on, LGBTI people and anyone defending their human rights; underlines the fact that LGBTI equality is an undeniable element of fundamental human rights;
  2. Firmly condemns the adoption of ever more repressive laws against LGBTI people; reiterates that sexual orientation and gender identity are matters falling within the remit of individuals' right to privacy, as guaranteed by international law and national constitutions; calls on the aforementioned 78 countries to stop criminalising consensual acts between adults of the same sex;
  3. Calls on the President of Uganda to refrain from signing the Anti-Homosexuality Bill into law and to repeal Section 145 of the Ugandan Penal Code; reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;
  4. Strongly condemns the adoption and signing into law of the Same-Sex Marriage (Prohibition) Bill in Nigeria; calls on the President of Nigeria to repeal this law, along with Sections 214 and 217 of the Nigerian Penal Code;
  5. Highlights the fact that consensual acts between adults of the same sex are legal in Burkina Faso, Benin, Chad, the Central African Republic, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Guinea-Bissau, Côte d'Ivoire, Madagascar, Mali, Niger, Rwanda and South Africa, and that discrimination based on sexual orientation is

outlawed in the South African Constitution, demonstrating that African approaches to the matter are diverse;

6. Asks the Commission, the European External Action Service (EEAS) and the Member States to express their strongest opposition to the three laws in question, and to make it clear that they will have significant implications for the relevant countries' bilateral relationships with the EU and its Member States;
7. Welcomes the Indian Government's initiative of asking the Supreme Court to review its ruling on the grounds that it violates the constitutional principle of equality; calls on the Indian Parliament to abolish Section 377 of the Indian Penal Code should the Supreme Court fail to review its ruling;
8. Is deeply concerned by the negative consequences of the law prohibiting propaganda for 'non-traditional sexual relations' in Russia, which is increasing the level of discrimination and violence against LGBTI individuals; calls on the Russian authorities to repeal that law, and calls for continued international vigilance on the issue;
9. Recalls that laws criminalising consensual activities between adults of the same sex and the defence of LGBTI people's human rights represent a major obstacle in the fight against HIV/AIDS, systematically increase the transmission of HIV and sexually transmissible diseases, since at-risk groups fear interacting with medical professionals, and contribute to a climate of extreme homophobia and discrimination; notes that these laws will, among other things, make HIV/AIDS prevention even more difficult in countries with high prevalence rates;
10. Stresses that further criminalising consensual activities between adults of the same sex will make it even harder to achieve both the Millennium Development Goals, especially with regard to gender equality and combating disease, and any success in respect of the post-2015 development framework;
11. Calls on the Commission, the EEAS and the Member States to use all existing channels, including bilateral and multilateral forums and the ongoing negotiations for a free trade agreement with India, to voice in the strongest terms their opposition to the criminalisation of LGBTI people;
12. Calls on the Commission, the EEAS and the Member States to lend all possible assistance to NGOs and human rights defenders, using the Council's LGBTI Guidelines, the European Instrument for Democracy and Human Rights and other programmes;
13. Calls on the Commission and the Council to include an explicit mention of non-discrimination based on sexual orientation during the next revision of the Cotonou Agreement, as demanded on multiple occasions by Parliament;
14. Instructs its President to forward this resolution to the Commission, the Council, the European External Action Service, the Member States, the national Governments and Parliaments of Uganda, Nigeria and India, and the Presidents of Uganda and Nigeria.

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