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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Giusto Catania, Jonas Sjöstedt, Vittorio Agnoletto and Roberto Musacchio

on behalf of the GUE/NGL Group

on homophobia in Europe

European Parliament resolution on homophobia in Europe

The European Parliament,

- having regard to Articles 3, 6, 7, 29 and 149 of the EC Treaty, which commit the Member States to ensuring equal opportunities for all citizens,
 - having regard to Article 13 of the Treaty of Amsterdam, which enables the European Community to 'take appropriate action to combat discrimination based on sexual orientation',
 - having regard to Articles 10 (freedom of expression) and 14 (prohibition of discrimination) of the European Convention on Human Rights,
 - having regard to Article 21 (principle of non-discrimination) of the Charter of Fundamental Rights,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR),
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas recognition of the inherent dignity and of the equal and inalienable rights of all human beings is the foundation of freedom, justice and peace in the world,
- B. whereas many countries in the world are now in the process of granting the same civil, legal and human rights to lesbian, gay, bisexual and transgender (LGBT) people as to the rest of their populations; whereas, however, certain countries continue to discriminate against LGBT communities,
- C. whereas both the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms oblige states parties to guarantee all individuals the enjoyment of their human rights without discrimination on the basis of sexual orientation,
- D. whereas, on 15 November 2005, the Mayor of the city of Poznan, Ryszard Grobelny, banned a public event known as the 'Equality March', which had been organised by a number of Polish feminist and LGBT organisations and was set to take place on 19 November 2005 with the aim of providing a platform for discussion about tolerance, anti-discrimination and respect for the rights of sexual minorities,
- E. whereas during the March several extreme right-wing protestors attacked the peaceful marchers and the police arrested around 60 of the marchers, who now risk being prosecuted and having prison sentences and fines imposed on them,
- F. whereas the newly elected President of Poland, Lech Kaczyński, has on two occasions, when Mayor of Warsaw, banned peaceful anti-discrimination demonstrations and justified

his decisions by saying he is 'against propagating gay orientation', while making ambiguous statements on demonstrators, police behaviour and counter-demonstrators,

- G. whereas homosexuality was decriminalised in Poland already in 1932, but no legislation is yet in place protecting citizens against discrimination based on sexual orientation or identity,
- H. whereas the failure to combat discrimination based on sexual orientation, especially by public authorities, is a factor encouraging the persistence of the problems in society,
- I. whereas the Commission warned on 24 October 2005 that Poland must abide by Article 6 of the EU Treaty, and stressed that failure to comply with it could trigger Article 7 of the EU Treaty allowing the EU to deprive a Member State of its voting rights in the Council,
- J. whereas the Latvian parliament has tabled an amendment to the Latvian Constitution to prohibit same-sex marriage,
- K. whereas in July 2005 the Regional Administrative Court of Catania, Italy, upheld an appeal by a young man whose driving licence had previously been withdrawn on grounds of 'sexual identity problems'; whereas, in upholding the appeal, the Court stated that 'sexual preferences have no bearing whatsoever on the ability to drive a motor vehicle safely', since they are 'merely a personality disorder',
- L. whereas human rights education is a key to changing attitudes and behaviour and to promoting respect for diversity in societies,
- M. whereas the concept of civic rights includes not only basic human rights for sexual and racial minorities, but also economic and political rights for these groups,
 - 1. Strongly opposes any discrimination based on sexual orientation;
 - 2. Stresses that human rights and fundamental freedoms are the birthright of all human beings, that the universal nature of these rights and freedoms is beyond question and that the enjoyment of such rights and freedoms should not be hindered in any way on the grounds of sexual orientation;
 - 3. Calls on the Council, the Commission, the Member States and the candidate countries to urgently eliminate continuing trends of discrimination because of sexual orientation and to promote and protect the human rights of all persons regardless of their sexual orientation;
 - 4. Expresses especially strong concern about a climate of intolerance in Poland against the LGBT community and calls on the Polish authorities to stop hate speech and incitement to discrimination and violence, notably against minorities, and to step up the fight against discrimination on any grounds;
 - 5. Notes with great concern the recent abolition of the Polish government office responsible for the promotion of equal treatment for sexual minorities, which makes Poland the only Member State without a statutory equality watchdog;
 - 6. Asks the Latvian parliament, in accordance with Article 13 of the EC Treaty, to withdraw

the tabled amendment to the Latvian Constitution seeking to prohibit same-sex marriage;

7. Calls on the Italian Government to take exception to the statement from the Regional Administrative Court of Catania on homosexuality as ‘merely a personality disorder’;
8. Welcomes the promotion of a worldwide day against homophobia every 17 May;
9. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States and candidate countries.