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Plenary sitting

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B7-0234/2012

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on the fight against homophobia in Europe
(2012/2657(RSP))

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B7-0234/2012

**European Parliament resolution on the fight against homophobia in Europe
(2012/2657(RSP))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to Articles 2, 3(5), 6, 7, 21 and 27 of the Treaty on European Union, Articles 10 and 19 of the Treaty on the Functioning of the European Union, and to the EU Charter of Fundamental Rights,
- having regard to Article 13 of the Treaty establishing the European Community which invests the European Union with the power EU to adopt measures to combat discrimination based, inter alia, on sexual orientation, and to promote the principle of equality,
- having regard to the Council of Europe Parliamentary Assembly resolution 1728 of 29 April 2010 on Discrimination on the basis of sexual orientation and gender identity, and the Committee of Ministers recommendation CM/Rec(2010)5 of 31 March 2010 on measures to combat discrimination on grounds of sexual orientation or gender identity,
- having regard to Article 21 of the Charter of Fundamental Rights of the European Union, which prohibits ‘any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation’,
- having regard to the Fundamental Rights Agency report of November 2010 on Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity,
- having regard to its previous resolution of 18 April 2012 on Human Rights in the world and the European Union’s policy on the matter including implications for the EU’s strategic human rights policy,
- having regard to its previous resolution of 28 September 2011 on human rights, sexual orientation and gender identity at the United Nations,
- having regard to its previous resolutions on homophobia, and notably to those of 26 April 2007 on homophobia in Europe, of 15 June 2006 on the increase in racist and homophobic violence in Europe, and of 18 January 2006 on homophobia in Europe,
- having regard to the fact that the freedom of expression and assembly in some non-EU countries continues to be restricted, based on the misconception of homosexuality,

discriminatory practices on grounds of sexual orientation and gender identity remains an issue of high concern,

- having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and shall uphold and promote these values in its relations with the wider world;
- B. whereas homophobia can be defined as an irrational fear of and aversion to homosexuality and of lesbian, gay, bisexual and transgender (LGBT) people based on prejudice, similar to racism, xenophobia, anti-Semitism and sexism;
- C. whereas homophobia manifests itself in the private and public spheres in different forms such as hate speech and incitement to discrimination, ridicule, verbal, psychological and physical violence as well as persecution and murder, discrimination in violation of the principle of equality, and unjustified and unreasonable limitations of rights, which are often hidden behind reasons of public order, religious freedom and the right to conscientious objection;
- D. whereas in a number of EU Member States there have still been incidents reported by the press and NGOs;
- E. whereas at the same time a positive, democratic and tolerant reaction has been shown in some cases by the general public, civil society and local and regional authorities that have demonstrated against homophobia, as well as by justice systems redressing the most striking and illegal forms of discrimination;
- F. whereas the Commission has declared its commitment to ensuring respect for human rights and fundamental freedoms in the EU and has stated homophobia had no place in Europe;
- G. whereas the European Parliament remains committed to equality and non-discrimination based on sexual orientation and gender identity in the EU;
- H. whereas further action is needed at EU level and in the Member States and third countries to eradicate homophobia and promote a culture of freedom, tolerance and equality among their citizens and in their legal order;
- 1. Is concerned by restrictions of freedom of expression and assembly based on misconceptions about homosexuality;
- 2. Highlights that national and international courts have consistently affirmed that public morality concerns do not justify differential treatment, including in relation to freedom of expression; points to the vast majority of countries in Europe that do not have such laws, and have thriving, diverse and respectful societies;

3. Calls on the relevant authorities of those countries, from which incidents have been reported, to demonstrate and ensure respect for the principle of non-discrimination, and reconsider these laws in light of international human rights law and their commitments thereunder;
4. Calls on the Commission, the Council and the External Action Service to take note of these incidents and prohibition laws in the neighbour countries, particularly in the context of home affairs, bilateral dialogue, and the European Neighbourhood Policy; further calls on the Council of the European Union and the External Action Service to raise this issue in relevant international fora, such as the Council of Europe, the Organization for Security and Co-operation in Europe, and the United Nations;
5. Strongly condemns any discrimination on the basis of sexual orientation;
6. Calls on Member States to ensure that lesbian, gay, bisexual and transgender people are protected from homophobic hate speech and violence and ensure that same-sex partners enjoy the same respect, dignity and protection as the rest of society;
7. Urges Member States and the Commission to firmly condemn homophobic hate speech or incitement to hatred and violence, and to ensure that freedom of demonstration – guaranteed by all human rights treaties – is respected in practice;
8. Calls on the Commission to ensure that discrimination on the basis of sexual orientation in all sectors is prohibited by completing the anti-discrimination package based on Article 13;
9. Urges Member States and the Commission to step up the fight against homophobia through education as well as through administrative, judicial and legislative means;
10. Regrets that even in the European Union, sometimes the fundamental rights of LGBT people are not yet always fully upheld; strongly condemns any discrimination, hate speech or violence on the basis of sexual orientation;
11. Calls on the Commission to review the Framework Decision on Racism and Xenophobia to strengthen and enlarge its scope to include homophobia;
12. Calls on the Commission and Member States to ensure that Directive 2004/38/EC on free movement is implemented without any discrimination based on sexual orientation;
13. Draws attention to the findings of the European Union's Fundamental Rights Agency in its report 'Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity';
14. Calls on the Commission to carefully examine the future results of the Fundamental Rights Agency's LGBT survey, and take appropriate action;
15. Calls on the Commission to ensure that the annual report on the application of the Charter of fundamental rights includes a strategy to strengthen the protection of fundamental

rights in the EU, including full and comprehensive information on the incidence of homophobia in Member States and proposed solutions and actions to overcome it;

16. Reiterates its request that the Commission produce a comprehensive roadmap for equality on grounds of sexual orientation;
17. Asks the Member States to take any other action they deem appropriate to combat homophobia and discrimination on the basis of sexual orientation, and to make the principle of equality an integral part of their society and legal order;
18. Instructs its President to forward this resolution to the European Commission, the Council of the European Union, the High Representative of the Union for Foreign Affairs and Security/Vice-President of the Commission.