



EUROPEAN PARLIAMENT

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Plenary sitting

3.7.2012

B7-0389/2012

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on violence against lesbian women and LGBTI rights in Africa
(2012/2701(RSP))

Marina Yannakoudakis, Charles Tannock
on behalf of the ECR Group

**European Parliament resolution on violence against lesbian women and LGBTI rights in Africa
(2012/2701(RSP))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights (ACHPR),
- having regard to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), and the Beijing Platform for Action,
- having regard to UN Human Rights Council resolution A/HRC/17/19 of 17 June 2011 on Human rights, sexual orientation and gender identity, and the Report of the United Nations High Commissioner for Human Rights of 17 November 2011 on discriminatory laws and practices and acts of violence against individuals based on their 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 Community and its Member States, of the other part (the Cotonou Agreement), and 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 European Union and its Member States to upholding and promoting universal human rights and the protection of individuals in its relations with the wider world,
- Having regard to the European Union Plan of Action for Gender Equality and Women's Empowerment in Development 2010-2015
- having regard to the Council of the European Union's Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender People (the LGBT Toolkit),
- having regard to its previous resolution of 17 December 2009 on Uganda: anti-homosexual draft legislation, having regard to its previous resolution of 16 December 2010 on Uganda: the so-called 'Bahati bill' and discrimination against the LGBT population, and 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 resolution of 7 May 2009 on gender mainstreaming in EU external relations and peace-building/nation-building, and its resolution of 5 March 2012 on equality between women and men in the European Union,
- having regard to Article 9 of 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 2001 and revised in Ouagadougou on 23 June 2010 (the Cotonou Agreement)

– having regard to Articles 6, 7 and 21 of the Treaty on European Union (TEU), which commit the European Union and the Member States to upholding human rights and fundamental freedoms and provide means to fight discrimination and human rights violations at EU level and in the European Union’s external action

– having regard to the UN Resolution on Sexual Orientation and Gender Identity (A/HRC/17/L.9/Rev.1) which expresses grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity. whereas on 14 February 2012 Martine A., Estelle B., and Leonie D. were arrested for homosexual acts in Amamba, Cameroon and spent nearly a week in police custody,

– having regard to Rule 122 of its Rules of Procedure,

- A. whereas two women charged earlier this year under section 347 of Cameroon’s penal code were the first women to be charged with offences related to homosexual activity;
- B. whereas these women have been forced to leave their home town and move to Yaoundé where they still receive threats by telephone and SMS and these women have now been separated from their children who have been forced to move to their grandparents’ villages depriving them of access to education;
- C. whereas in March 2010 a lesbian woman living in Yaoundé , Cameroon was arrested for consensual same-sex sexual activity and severely beaten by police officers,
- D. whereas Ms. Alice Nkom, President of Cameroon’s Association for the Defence of Homosexuality (ADEFHO), has been routinely harassed and has received death and rape threats on several occasions;
- E. whereas Cameroon plans to increase penalties for consensual same-sex sexual acts to 15 years’ imprisonment and a fine of 2 million Central African francs (EUR 3,000);
- F. whereas consensual female same-sex sexual acts in Malawi were previously not criminalised, in December 2010, Malawi’s Parliament passed a bill amending the Penal Code to include Section 137A, which prohibits “any act of gross indecency with another female” which was enacted into law in January 2011,
- G. whereas Kenyan Prime Minister Raila Odinga has called for all homosexuals, including lesbian women, to be arrested in spite of the fact that no legislation exists to criminalise female same-sex sexual activity,
- H. whereas the government of Swaziland plans to criminalise female same-sex sex acts in the revision of its Sexual Offences law,
- I. whereas Sierra Leonean female LGBTI activist FannyAnn Eddy was gang-raped and murdered on September 29, 2004,

- J. whereas in Africa homosexuality is a criminal offence in 36 countries with 24 countries criminalising consensual female same-sex sexual acts; whereas Mauritania, Sudan and northern Nigeria punish homosexuality by death, although not for women.
1. Condemns the arrest of women in Cameroon for same-sex sexual acts and calls for their release;
 2. Condemns all acts of violence or humiliation committed against those arrested for homosexuality;
 3. Condemns the practice of so called “corrective rape” against lesbian women in Africa;
 4. Calls on the Cameroonian Parliament to decriminalise homosexuality;
 5. Calls on the Cameroon authorities to take action as to prevent violence and hatred against lesbian women and gay men;
 6. Supports of UN Secretary-General Ban Ki-moon’s 10 December 2010 call for the universal decriminalization of homosexuality;
 7. Calls on the European Commission, the Council and the European External Action Service to make full use of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People in their dealings with African nations, paying particular attention to lesbian women.
 8. Calls on the European Commission to maintain current funding to LGBT organisations Africa, in particular continuing its support to projects such as the Project to Provide Assistance and Guidance to Sexual Minorities (PAEMH) implemented by the Association for the Defence of Homosexuality (ADEFHO), the Collective of Families with Homosexual Children (COFENHO) and Youth Against AIDS (Sid’ado) which have been criticised the Cameroonian government;
 9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs, the President of the Republic of Cameroon, the Speaker of the National Assembly of Cameroon, the CEMAC Parliament and the African Union Commission.