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Plenary sitting

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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))

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on behalf of the PPE 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), the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), and the Beijing Platform for Action stressing that all women have the right to control and decide freely and responsibly on matters related to their sexuality free of coercion, stigmatisation and violence,
- 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 UN Human Rights Council discussion on the global rights of the LGBT world-citizens and sexual orientation-based discrimination and violence held on 7 of March 2012,
- having regard to the Statement by UN High Commissioner for Human Rights Navi Pillay to the Panel on ending violence and discrimination against individuals on the basis of their sexual orientation and gender identity at the Human Rights Council 19th Session on 7 of March 2012 ,
- having regard to the Amnesty International report *State of the World's Human Rights* of May 2012 claiming that anti-LGTB intolerance has increased in Africa,
- having regard to 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 statements by the Vice-President of the European Commission/High Representative of the European Union for Foreign Affairs and Security Policy and of the President of the European Parliament on the International Day Against Homophobia in 2010, 2011 and 2012,

- 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,
 - having regard to its previous resolution of 17 February 2011 on Uganda: the killing of David Kato
 - 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 Rule 122 of its Rules of Procedure,
- A. whereas all human beings are born free and equal in dignity and rights; whereas all States have the obligation to prevent violence and stigmatisation based on sexual orientation, gender identity and gender expression,
- B. whereas the rights of lesbian, bisexual, transgender and intersex women are the same human rights as those of all women and all men, which must be protected regardless of their sexual orientation, gender identity or gender expression;
- C. whereas there is increasing stigmatisation and violence against lesbian, bisexual, transgender and intersex women at the hands of state and police forces, their families, and community members in Africa, which is a shared concern, as exemplified by the numerous statements by UN Secretary-General Ban Ki Moon, UN High Commissioner for Human Rights Navanethem Pillay, and UNHRC Resolution A/HRC/17/19 of 17 June 2011 on Human rights, sexual orientation and gender identity,
- D. whereas in Africa, female homosexuality is legal in 27 countries and illegal in 27, whereas male homosexuality is legal in 16 countries and illegal in 38, and whereas homosexuality is punishable by death in Mauritania, Sudan, parts of Somalia and Nigeria, and a Bill before the Ugandan parliament may propose the death penalty,
- E. whereas killings, torture, imprisonment, violence, stigmatisation and hate speech against LGBTI people are reported in all regions of the world; whereas such hostility towards LGBTI people has increased in numerous African countries,
- F. whereas in Cameroon, ten women were arrested and three charged for the first time with practicing homosexuality in February 2012; whereas further arrests and police beatings are ongoing, including no later than on 24 June 2012; whereas lawyer Alice Nkom has received death and violence threats on numerous occasions for defending people accused of homosexuality; whereas an LGBTI meeting in Yaoundé was violently broken up by a gang on 19 May 2012,
- G. whereas in Liberia, the Senate is currently debating a proposal to outlaw same-sex relationships further than currently foreseen by the law; whereas the media and public opinion are increasingly seeking to intimidate LGBTI people, and whereas two lesbian women were recently attacked by armed men,

- H. whereas in Malawi, female homosexuality was newly outlawed in January 2011; whereas the new President Joyce Banda has said she would repeal laws criminalising homosexuality,
- I. whereas in South Africa, so-called ‘corrective rapes’ of lesbian and transgender women continue unabated; whereas ongoing debates around constitutional protection on the ground of sexual orientation are fuelling violence against LGBTI people; whereas gay activist Thapelo Makutle was recently tortured and killed, 22-year-old lesbian Phumeza shot in the head because of her sexual orientation, and Neil Daniels stabbed, mutilated, and burnt alive because he was gay,
- J. whereas in Swaziland, positive efforts are made to prevent and cure HIV/AIDS in at-risk populations, including men who have sex with men, despite the criminalisation of male homosexuality,
- K. whereas in Uganda, human rights activists’ private meetings were ended without police warrants in February and June 2012 by police forces and the Minister for Ethics and Integrity, disregarding citizens’ freedom of assembly; whereas the Minister plans outlawing 38 organisations understood to work for the human rights of LGBTI people; whereas the Anti-Homosexuality Bill first proposed in 2009 is still under discussion, and may include unacceptable provisions such as the death penalty,
- L. whereas in October 2011 David Cameron threatened to withhold UK aid from governments that do not reform legislation banning homosexuality

Discrimination and violence against lesbian women in Africa

1. Calls on the relevant authorities in Africa to effectively protect all women from murders, so-called ‘corrective rape’ and other sexual violence, and bring perpetrators to justice;
2. Notes that stigmatisation and violence against lesbian, bisexual, transgender and intersex women is often closely connected with stigmatisation and violence against all women; takes the view that achieving equality and non-discrimination requires protecting every woman’s human rights, in all areas of life;
3. Calls on the European Commission, the European External Action Service and Member States to pay particular attention to the rights of lesbian, bisexual, transgender and intersex women in their relations with third countries, and when lending support to non-governmental organisations and human rights defenders;

LGBTI rights in Africa

4. Calls on all 76 countries worldwide where homosexuality is illegal, including 38 in Africa, to decriminalise homosexuality;
5. Denounces incitements to hatred and violence on grounds of sexual orientation, gender identity or gender expression; calls on the aforementioned countries to effectively uphold LGBTI people’s right to life and dignity, and condemn all acts of violence, stigmatisation and humiliation against them;

6. Welcomes the fact that some African countries, including Cape Verde, the Central African Republic, Gabon, Guinea-Bissau, Malawi, Mauritius, Rwanda, São Tomé and Príncipe, South Africa and Swaziland have made known their opposition to criminalisation, ensured access to healthcare for LGBTI people, or pledged to decriminalise homosexuality;
7. Stresses the importance of South African leadership in the follow up to the historic June 2011 UN Human Rights Council resolution on human rights, sexual orientation and gender identity
8. Calls on the ACP Group of States to engage in an open, constructive and mutually respectful discussion;
9. Calls on the African countries to ensure security for LGBT human rights defenders, and on the EU to assist local civil society with capacity building programmes in Africa,
10. Calls on the European Commission to continue funding non-governmental organisations working to protect the rights of LGBTI people, notably through the EIDHR;
11. Instructs its President to forward this resolution to the Council, the Commission, the High Representative/Vice-President for Foreign Affairs and Security Policy, Member States, the Secretary-General of the ACP Group of States, all Ambassadors of ACP states to the European Union, the South African Parliament, and the African Union and its institutions.