



3.7.2012

B7-0397/2012

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))

Marietje Schaake, Sophia in 't Veld, Alexander Alvaro, Gianni Vattimo, Sonia Alfano, Robert Rochefort, Ramon Tremosa i Balcells, Marielle de Sarnez, Edward McMillan-Scott, Louis Michel, Sarah Ludford, Graham Watson, Nadja Hirsch, Leonidas Donskis, Frédérique Ries, Izaskun Bilbao Barandica, Jelko Kacin, Kristiina Ojuland, Johannes Cornelis van Baalen
on behalf of the ALDE 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,
- 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 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 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 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,
- 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 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 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 discrimination based on sexual orientation, gender identity and gender expression, and respect the principles of equality between women and men,
 - B. whereas violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people in all regions of the world is a shared global 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,
 - C. Whereas women that transgress social and cultural norms can be accused of being a lesbian, and risk becoming a target for male violent behaviours and/or degrading treatment, which has the effect of repressing the expression of all women’s sexuality and freedom of choices including for heterosexual women, and whereas sexual rights are related to bodily autonomy and freedom of choice for all women,
 - 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 private member’s bill before the Ugandan parliament may foresee the death penalty,
 - E. whereas LGBTI people are targeted victims of killings, torture, imprisonment, violence, discrimination and hate speech 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 Nigeria, discussions of the ‘Same-Sex Marriage Prohibition Bill’ are fuelling ongoing violence against LGBTI people;
- J. whereas in South Africa, despite strong constitutional and legal protection 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 Nkolonzi shot in the head because of her sexual orientation, and Neil Daniels stabbed, mutilated, and burnt alive because he was gay,
- K. 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,
- L. 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 including the death penalty; *whereas lawsuits and enquiries in Uganda and in the US revealed the role of US Evangelicals, among other religious groups, in spreading hate and intolerance on the basis of sexual orientation and in having the law introduced;*

Discrimination and violence against lesbian women in Africa

1. Strongly condemns all forms of violence and discrimination against lesbians in African countries where this is taking place, including extreme forms of violence, such as corrective rapes, and other forms of sexual violence;
2. Affirms that 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;
3. Is particularly concerned by discrimination and violence against lesbian, bisexual, transgender and intersex women at the hands of state and police forces, their families, and community members, and unreservedly condemns any such discrimination and violence;
4. Shares the view articulated in the Beijing Platform for Action that all women have the right to control and decide freely and responsibly on matters related to their sexuality free of coercion, discrimination and violence;
5. Confirms that the struggle for fundamental rights and human rights of lesbians in Africa is closely linked to the access of Sexual and Reproductive rights and health for all women, and therefore calls of European Union to make a firm commitment in terms of resources and policy in support of sexual and reproductive health and rights in its work

with partner countries in Africa;

6. Calls on the relevant authorities to effectively protect all women from murders, so-called 'corrective rape' and other sexual violence, and bring perpetrators to justice;
7. Notes that discrimination and violence against lesbian, bisexual, transgender and intersex women is often closely connected with discrimination 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;
8. 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

9. Calls on all 76 countries worldwide where homosexuality is illegal, including 38 in Africa, to decriminalise female and male homosexuality;
10. 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, discrimination and humiliation against them;
11. Calls on political and religious leaders to condemn persecutions and discriminations based on sexual orientation and take a firm stance against homophobia, hereby joining Archbishop Desmond Tutu's call against injustice and prejudice and for solidarity and justice;
12. 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;
13. Regrets that these issues cannot be discussed as part of the political dialogue of the ACP-EU Joint Parliamentary Assembly due to unilateral opposition; calls on the ACP Group of States to engage in an open, constructive and mutually respectful discussion;
14. Urges the European Commission, the EEAS and Member States to make full use of the LGBT Toolkit, encouraging third countries to decriminalise homosexuality, helping reduce violence and discrimination, and protecting LGBTI human rights defenders;
15. Expresses its strong support to campaigns and initiatives aimed at abolition of all discriminatory laws against women and LGBTI persons; and calls on those African countries who still have discriminatory laws in place to immediately abolish these, including laws that prohibit homosexuality and laws that discriminate against women in terms of civil status, property and inheritance rights.

16. Calls on the European Commission to continue funding non-governmental organisations working to protect the rights of LGBTI people, notably through the EIDHR;
17. Recalls Member States' obligation to protect or grant asylum to third-country nationals escaping or risking persecution in their country of origin on the basis of their sexual orientation and gender identity, according to Directive 2004/83/EC (recast);
18. Asks the Commission to include these issues in the Roadmap against homophobia which the European Parliament has requested it to draft several times¹;
19. Calls on the Commission and notably Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to take concrete action by mobilizing all appropriate instruments to exert pressure in order to protect persons from discriminations and persecutions based on sexual orientation and to raise these issues in its relations and dialogues with third countries;
20. 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.

¹ P7_TA(2011)0019, P7_TA(2011)0074, P7_TA(2011)0427, P7_TA(2012)0069, P7_TA(2012)0126 and P7_TA(2012)0222.