



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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3.7.2012

B7-0401/2012

## **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))

**Marie-Christine Vergiat, Cornelia Ernst, Mikael Gustafsson, Younous Omarjee, Patrick Le Hyaric, Kartika Tamara Liotard, Willy Meyer**  
on behalf of the GUE/NGL Group

**B7-0401/2012**

**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, its previous resolution of 17 February 2011 on Uganda: the killing of David Kato, 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 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 many African countries have been at the forefront to uphold human rights and fundamental freedoms, and whereas South Africa's post-apartheid constitution was the first in the world to outlaw discrimination based on sexual orientation, and whereas South Africa was the initiator of the UN Human Rights Council resolution on Sexual Orientation and Gender Identity
- C. Whereas there are progressive forces, movements and political leaders that will be able to lead the way to changes and strengthening of human rights, women's rights, and the rights of LGBTI persons in Africa,
- D. 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,
- E. 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,
- F. 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 whereas laws that criminalize same sex relationships and sexuality contribute to creating a climate which encourages violence against women who are, or are perceived to be, lesbians,
- G. whereas LGBTI people are targeted victims of killings, torture, imprisonment, violence, discrimination and hate speech in all regions of the world; and whereas there has been repeated acts of violence and aggression against lesbians in several African countries,
- H. Whereas the struggle for visibility and rights of lesbians is closely connected to the struggle for women's human rights overall, to live lives free of discrimination in social, political, economic life; to end discrimination of women in areas of employment, housing, education, health and welfare services; and whereas lesbians also, like many other women, are subjected to violence, both on the basis of being a woman and on the basis of sexual orientation;
- I. Whereas African lesbians struggle for equality and justice are closely linked to the broader social struggles better living conditions, against poverty, for a strengthening of rights to education and health for all, and for more equality and access to resources for

women, as well as for the large majority of people.

- J. 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,
- K. 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,
- L. whereas in Malawi, female homosexuality was newly outlawed in January 2011, but whereas the new President Joyce Banda has said she would repeal laws criminalising homosexuality,
- M. whereas in Nigeria, discussions of the ‘Same-Sex Marriage Prohibition Bill’ are fuelling ongoing violence against LGBTI people;
- N. 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,
- O. 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,

### **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. Is particularly concerned by discrimination and violence against lesbian, bisexual, transgender and intersex women, or women that are perceived to be, at the hands of state and police forces, their families, and community members, and unreservedly condemns any such discrimination and violence;
3. 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.

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; Confirms that the struggle for fundamental rights and human rights of lesbians in Africa is closely linked to the access to 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;
5. 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;
6. 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;
7. Expresses its solidarity and support to all actors that mobilise for a stronger women's rights' agenda, including equal access to health and education, social rights and economic autonomy.
8. Calls on European Commission and EU Member States to support women's organisations and LGBT organisations in their struggle for equality and bodily autonomy and right to freedom in sexuality for all women and LGBT persons, and at the same time highlights the need to give greater visibility to lesbians within the LGBT movement and within the women's movement, as well as in other social movements, in order to denounce the double or sometimes multiple discrimination faced by lesbians, also in African countries;
9. Calls on the European Commission and the Member States to ensure that victims of discrimination and persecution based on gender and on sexual orientation are granted the right to asylum because, many women who have been persecuted on this basis are forced to flee their countries.
10. Calls on the European Commission, the European External Action Service and Member States to step up the implementation of the goals set out in the EU action plan for gender equality and women's empowerment in development, and 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**

11. Calls on all 76 countries worldwide where homosexuality is illegal, including 38 in Africa, to decriminalise female and male homosexuality;
12. 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;

13. 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;
14. 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;
15. 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;
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 times<sup>1</sup>;
19. 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.

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<sup>1</sup> 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.