

WRITTEN QUESTION E-1201/07
by Piia-Noora Kauppi (PPE-DE)
to the Commission

Subject: Gay rights violations in Gibraltar

Despite the contributions of members of the European Union and the activist organisation GGB (originally 'Gib Gay Rights'), the Government of Gibraltar, a territory of the United Kingdom, has ignored efforts to alter its laws and Constitution to bring equality between homosexuals and other citizens to the inhabitants of its state. Chapter III, Article 13 of Council Directive 2000/43/EC¹ of 29 June 2000 requires Member States to 'designate a body or bodies for the promotion of equal treatment of all persons without discrimination', yet the Gibraltar Government to date has not established such an organisation, and the wording of s.54 (1) (a) of the Gibraltar Ordinance makes it unclear as to whether the government ever intends to create one. Despite these actions, the UK, in its 'Non-implementation of EU Directives', stated that the Gibraltar Government believes that its record of compliance with EU directives is 'very good.'

Precedent, created by laws such as the Preamble to the Single European Act 1986 and Article 6 of the Treaty on European Union 1997 (Treaty of Amsterdam), shows that the European Union has a history of concern for the protection of human rights within the Community. Does the Commission find it acceptable then for Gibraltar and the UK to ignore EU precedent and allow the country's violation of human rights to continue? In 1970 the European Court of Justice, in *Internationale Handelsgesellschaft mbH v EVST*, decided that Community law is held to be supreme, overruling even Member States' Constitutions. The ECJ made a clear pronouncement that respect for fundamental rights 'forms an integral part of the general principles of law protected by the Court of Justice. The protection of such rights, whilst inspired by the constitutional traditions common to the Member States, must be ensured within the framework of the structures and objectives of the Community.' In order to uphold such structures, how does the Commission plan to react to Gibraltar and the United Kingdom's violation of EU directives? How does the Commission plan to address the flaws in Gibraltar's Constitution? Does it plan to enforce precedent and ensure the freedoms and safeties of all homosexuals with all its Member States?

¹ OJ L 180, 19.7.2000, p. 22.