



22.5.2012

B7-0234/2012 }  
B7-0236/2012 }  
B7-0238/2012 }  
B7-0242/2012 }  
B7-0243/2012 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(2) and (4), of the Rules of Procedure

replacing the motions by the following groups:

PPE (B7-0234/2012)  
Verts/ALE (B7-0236/2012)  
S&D (B7-0238/2012)  
GUE/NGL (B7-0242/2012)  
ALDE (B7-0243/2012)

on the fight against homophobia in Europe  
(2012/2657(RSP))

**Michèle Striffler, Simon Busuttil**

on behalf of the PPE Group

**Michael Cashman, Claude Moraes, Sylvie Guillaume, Knut Fleckenstein,  
Ana Gomes, Richard Howitt, Liisa Jaakonsaari, Britta Thomsen**

on behalf of the S&D Group

**Sophia in 't Veld, Sarah Ludford, Renate Weber, Sonia Alfano,  
Frédérique Ries, Kristiina Ojuland, Gianni Vattimo, Ramon Tremosa i  
Balcells, Marietje Schaake, Louis Michel, Jan Mulder, Edward McMillan-  
Scott, Alexander Alvaro, Nadja Hirsch**

on behalf of the ALDE Group

**Judith Sargentini, Ulrike Lunacek, Catherine Grèze, Marije Cornelissen,**

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**Jean Lambert**

on behalf of the Verts/ALE Group

**Cornelis de Jong, Mikael Gustafsson, Cornelia Ernst, Younous Omarjee,  
Marie-Christine Vergiat, Søren Bo Søndergaard, Marisa Matias, Alda Sousa,  
Nikolaos Chountis, Patrick Le Hyaric, Willy Meyer**

on behalf of the GUE/NGL Group

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**EN**

## **European Parliament resolution on the fight against homophobia in Europe (2012/2657(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to Articles 2, 3(5), 6, 7, 21 and 27 of the Treaty on European Union, Articles 10 and 19 of the Treaty on the Functioning of the European Union, and the EU Charter of Fundamental Rights,
- having regard to the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People adopted by the Working Party on Human Rights of the Council of the European Union,
- having regard to Council of Europe Parliamentary Assembly resolution 1728 of 29 April 2010 on discrimination on the basis of sexual orientation and gender identity, and the Committee of Ministers' recommendation CM/Rec(2010)5 of 31 March 2010 on measures to combat discrimination on grounds of sexual orientation or gender identity,
- having regard to the European Union Agency for Fundamental Rights report of November 2010 on Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity,
- having regard to its previous resolution of 18 April 2012 on human rights in the world and the European Union's policy on the matter, including implications for the EU's strategic human rights policy,
- having regard to its previous resolution of 14 December 2011 on the upcoming EU-Russia Summit,
- 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 19 January 2011 on the violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania,
- having regard to its previous resolution of 17 September 2009 on the Lithuanian Law on the Protection of Minors against the Detrimental Effects of Public Information,
- having regard to its previous resolutions on homophobia, and in particular those of 26 April 2007 on homophobia in Europe, of 15 June 2006 on the increase in racist and homophobic violence in Europe, and of 18 January 2006 on homophobia in Europe,
- having regard to Rule 110(2) and (4) of its Rules of Procedure,

- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and must uphold and promote these values in its relations with the wider world;
- B. whereas homophobia is the irrational fear of, and aversion to, male and female homosexuality and lesbian, gay, bisexual and transgender (LGBT) people based on prejudice, and is similar to racism, xenophobia, anti-Semitism and sexism, and whereas it manifests itself in the private and public spheres in different forms, such as hate speech and incitement to discrimination, ridicule and verbal, psychological and physical violence, persecution and murder, discrimination in violation of the principle of equality and unjustified and unreasonable limitations of rights, which are often hidden behind justifications based on public order, religious freedom and the right to conscientious objection;
- C. whereas, in Russia, criminal and administrative laws against the ‘propaganda of homosexuality’ were enacted in the regions of Ryazan in 2006, Arkhangelsk in 2011, and Kostroma and Saint Petersburg in 2012, and the regions of Novosibirsk, Samara, Kirov, Krasnoyarsk and Kaliningrad are currently considering such laws; whereas these laws provide for various fines of up to EUR 1270 for individuals and up to EUR 12 700 for associations and companies, and whereas the State Duma is considering a similar law;
- D. whereas, in Ukraine, the Parliament is examining two draft laws put forward in 2011 and 2012 which would make it an offence to ‘spread homosexuality’, including by ‘holding meetings, parades, actions, demonstrations and mass events aiming at intentional distribution of any positive information about homosexuality’ and provide for fines and up to five years’ imprisonment, and whereas the Committee on Freedom of Expression and Information of the Ukraine Parliament supports these bills;
- E. whereas, in Moldova, the cities of Bălți, Sorochi, Drochia, Cahul, Ceadâr Lunga and Hiliuți, as well as the Anenii Noi and Basarabeasca districts, recently adopted laws to prohibit the ‘aggressive propaganda of non-traditional sexual orientations’ and, in one case, ‘Muslim activity’, and whereas such measures have already been declared unconstitutional by the Chancellery of State in the case of Chetriș;
- F. whereas, in Lithuania, it remains legally unclear whether public information may or may not promote acceptance of homosexuality further to the Law on the Protection of Minors against the Detrimental Effects of Public Information, as amended in 2010;
- G. whereas, in Latvia, a member of the Riga City Council recently tabled a bill to prohibit the ‘propaganda of homosexuality’ with the aim of preventing the Baltic Pride March 2012 from taking place, and whereas this proposal has not yet been examined;
- H. whereas, in Hungary, the far-Right Jobbik party recently tabled several bills to create a new crime of ‘propagation of disorders of sexual behaviour’, and a local ordinance was tabled in the Budapest City Council by Fidesz to ‘limit obscene marches’ ahead of the Budapest Gay Pride, and whereas these proposals were subsequently dropped;

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- I. whereas the EU Delegation to Moldova has expressed ‘deep regret and concern’ about ‘these manifestations of intolerance and discrimination’;
- J. whereas the Commission has declared its commitment to ensuring respect for human rights and fundamental freedoms in the EU and has stated that homophobia has no place in Europe;
- K. whereas homophobia continues to manifest itself, in Member States and third countries, in such forms as murders, banned gay prides and equality marches, public use of inflammatory, threatening and hateful language, police failure to provide adequate protection, and authorised violent demonstrations by homophobic groups;
- L. whereas the European Parliament remains committed to equality and non-discrimination on the basis of sexual orientation and gender identity in the EU and, in particular, to the adoption of the Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, which has been blocked due to the objections of some Member States; to upcoming proposals for the mutual recognition of the effects of civil status documents; to the upcoming revision of the Framework Decision on Racism and Xenophobia to include homophobic crime; and to a comprehensive roadmap for equality without discrimination on grounds of sexual orientation or gender identity;

### **Situation in the European Union**

1. Strongly condemns any discrimination on the basis of sexual orientation and gender identity, and strongly regrets that, in the European Union, the fundamental rights of LGBT people are not yet always fully upheld; calls, therefore, on Member States to ensure that lesbian, gay, bisexual and transgender people are protected from homophobic hate speech and violence, and ensure that same-sex partners enjoy the same respect, dignity and protection as the rest of society; urges Member States and the Commission to firmly condemn homophobic hate speech or incitement to hatred and violence, and to ensure that freedom of demonstration – as guaranteed by all human rights treaties – is respected in practice;
2. Calls on the Commission to review the Framework Decision on Racism and Xenophobia with a view to strengthening and enlarging its scope to include hate crimes based on sexual orientation, gender identity and gender expression;
3. Calls on the Commission to ensure that discrimination on the basis of sexual orientation is prohibited in all sectors by completing the anti-discrimination package based on Article 19 of the Treaty on the Functioning of the European Union;
4. Calls on the Commission and the Member States to ensure that Directive 2004/38/EC on free movement is implemented without any discrimination based on sexual orientation, and calls on the Commission to propose measures to mutually recognise the effects of civil status documents on the basis of the principle of mutual recognition;
5. Draws attention to the findings of the European Union Agency for Fundamental Rights in its report ‘Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity’; calls on the Commission and Member States to implement the opinions

contained therein to the greatest possible extent;

6. Calls on the Commission to carefully examine the future results of the Agency for Fundamental Rights' European LGBT Survey, and take appropriate action;
7. Calls on the Commission to ensure that the annual report on the application of the Charter of fundamental rights includes a strategy to strengthen the protection of fundamental rights in the EU, including full and comprehensive information on the incidence of homophobia in Member States and proposed solutions and actions to overcome it;
8. Reiterates its request that the Commission produce a comprehensive roadmap for equality without discrimination on grounds of sexual orientation or gender identity;
9. Considers that LGBT people's fundamental rights are more likely to be safeguarded if they have access to legal institutions such as cohabitation, registered partnership or marriage; welcomes the fact that 16 Member States currently offer these options, and calls on other Member States to consider doing so;

### **Homophobic laws and freedom of expression in Europe**

10. Is gravely concerned by developments which restrict freedom of expression and assembly on the basis of misconceptions about homosexuality and transgenderism; considers that EU Member States should be exemplary in the application and protection of fundamental rights in Europe;
11. Regrets that laws of this kind are already used to arrest and fine citizens, including heterosexual citizens, who express support for, or tolerance or acceptance of, lesbian, gay, bisexual and transgender people; also regrets that these laws legitimise homophobia and, sometimes, violence, as in the case of the violent attack on a bus carrying LGBT activists on 17 May 2012 in Saint Petersburg;
12. Condemns the violence and threats surrounding Kiev Pride event on 20 May 2012, at which two gay pride leaders were beaten up, which resulted in the parade being cancelled; recalls that EU agreements are conditional on respect for fundamental rights, as laid down in the Treaties, and therefore calls on Ukraine to introduce legislation to prohibit discrimination, including discrimination on grounds of sexual orientation; is of the opinion that current developments in Ukraine are inconsistent with this requirement; calls on the Ukrainian authorities to immediately revoke the relevant draft laws, propose legislation to prohibit discrimination – including discrimination on the grounds of sexual orientation – and commit to making a safe Kiev Pride event possible next year;
13. Underlines the fact that the term 'propaganda' is rarely defined; is dismayed that media outlets have demonstrably censored themselves, citizens are intimidated and fear expressing their opinions, and associations and companies using gay-friendly insignia, such as rainbows, may be prosecuted;
14. Highlights the fact that these laws and proposals are inconsistent with the International

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Covenant on Civil and Political Rights, which precludes discriminatory laws and practices<sup>1</sup> based on sexual orientation, and to which Russia, Ukraine, Moldova and all EU Member States are parties; calls on the Council of Europe to investigate these human rights violations, verify their compatibility with the commitments linked to Council of Europe membership and the European Convention on Human Rights, and take appropriate measures;

15. Furthermore, highlights that education is key and therefore expresses the need for good, accessible and respectful sexual education; urges Member States and the Commission to step up the fight against homophobia through education as well as through administrative, judicial and legislative means;
16. Finally, stresses that national and international courts have consistently affirmed that public morality concerns do not justify differential treatment, including in relation to freedom of expression; points to the vast majority of countries in Europe that do not have such laws, and have thriving, diverse and mutually respectful societies;
17. Calls on the relevant authorities in Russia, Ukraine, Moldova and all EU Member States to demonstrate, and ensure respect for, the principle of non-discrimination and to reconsider these laws and proposals in light of international human rights law and their commitments thereunder;
18. Calls on the Commission, the Council and the External Action Service to take note of these bans and condemn them, particularly in the context of home affairs, bilateral dialogue, and the European Neighbourhood Policy; further calls on the Council of the European Union and the External Action Service to raise this issue in the relevant international fora, such as the Council of Europe, the Organization for Security and Co-operation in Europe, and the United Nations;
19. Instructs its President to forward this resolution to the European Commission, the Council of the European Union, the High Representative of the Union for Foreign Affairs and Security/Vice-President of the Commission, the governments and parliaments of Member States, the national governments and parliaments of Russia and Ukraine, the regional parliaments of Russia cited herein, and the Moldovan local councils cited herein.

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<sup>1</sup>*Toonen v. Australia*, Communication No. 488/§992, UN Doc. CCPR/C/50/D/488/1992 (1994); *Young v. Australia*, Communication No. 941/2000, UN Doc. CCPR/C/78/D/941/2000 (2003); *X v. Columbia*, Communication No. 1361/2005, UN Doc. CCPR/C/89/D/1361/2005 (2007)