

## **P6\_TA(2007)0167**

### **Homophobia in Europe**

#### **European Parliament resolution of 26 April 2007 on homophobia in Europe**

*The European Parliament,*

- having regard to international instruments guaranteeing human rights and fundamental freedoms and prohibiting discrimination, notably the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
  - having regard to Articles 6 and 7 of the Treaty on European Union (TEU) and Article 13 of the EC Treaty, which commit the EU and the Community, respectively, as well as the Member States, to upholding human rights and fundamental freedoms and which provide means at European level to fight discrimination and human rights violations,
  - having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which prohibits discrimination based on sexual orientation,
  - having regard to EC activities to fight homophobia and discrimination based on sexual orientation, in particular Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>1</sup> and Decision No 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) - towards a just society<sup>2</sup>,
  - having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies, and notably to those of 18 January 2006 on homophobia in Europe<sup>3</sup> and of 15 June 2006 on the increase in racist and homophobic violence in Europe<sup>4</sup>,
  - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas Parliament has monitored a proliferation of hate speech targeting the lesbian, gay, bisexual and transgender (LGBT) community in a number of European countries,
- B. whereas statements and actions by political and religious leaders have a major impact on public opinion, so that they have an important responsibility in contributing positively to a climate of tolerance and equality,
- C. whereas this resolution, like the above-mentioned resolutions, has been triggered by the proliferation of hate speech and other series of worrying events, such as the prohibition by local authorities of holding equality and gay pride marches, the use by leading politicians and religious leaders of inflammatory or threatening language or hate speech, and the failure by the police to provide adequate protection against violent demonstrations by

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<sup>1</sup> OJ L 303, 2.12.2000, p. 16.

<sup>2</sup> OJ L 146, 31.5.2006, p. 1.

<sup>3</sup> OJ C 287 E, 24.11.2006, p. 179.

<sup>4</sup> *Texts Adopted*, P6\_TA(2006)0273.

homophobic groups, even while breaking up peaceful demonstrations,

- D. whereas equality and gay pride events are planned throughout Europe and the world in the forthcoming months, with participants and organisers facing possible physical violence, despite their fundamental right to freedom of expression and assembly, as recalled *inter alia* by the Council of Europe Commissioner for Human Rights,
- E. whereas Matteo, a 16-year-old Italian citizen from Turin, recently committed suicide and left two suicide notes citing as the reason for his suicide the bullying that he suffered because of his sexual orientation; whereas civil society organisations in the United Kingdom have signalled an increase in instances of homophobic bullying in secondary schools throughout the United Kingdom; whereas a gay man was bludgeoned to death in the Netherlands solely for his sexual orientation and feminine appearance,
- F. whereas Parliament has repeatedly asked for the completion of the anti-discrimination legislative package based on Article 13 of the EC Treaty, and periodically asks the Commission to propose a directive prohibiting discrimination based on sexual orientation in all sectors,
- G. whereas in its above-mentioned resolution of 15 June 2006, Parliament has already expressed its serious concern at the situation in Europe and notably in Poland, condemning the declarations of incitement to hatred and violence by the leaders of the Party of the League of Polish Families and, notably, by the Deputy Prime Minister and Minister for Education,
- H. whereas in March 2007 the Polish Deputy Prime Minister and Minister for Education announced draft legislation punishing ‘homosexual propaganda’ in schools, and illustrated its content, which is to provide for dismissing, fining or imprisoning school heads, teachers and pupils in the event of LGBT rights ‘activism’ in schools,
- I. whereas the Polish Deputy Minister for Education confirmed that the administration is drafting such legislation and declared that ‘teachers who reveal their homosexuality will be fired from work’; whereas various members of the Polish Government reacted in different ways, leaving it unclear whether the legislation will in fact be proposed,
- J. whereas the Polish Deputy Prime Minister and Minister for Education has expressed a desire to promote the adoption of similar laws at European level,
- K. whereas the proposed legislation received the support of the Polish Prime Minister, who declared that ‘promoting a homosexual lifestyle for young people in school as an alternative to normal life goes too far, and that these kinds of initiatives in schools have to be stopped’, thus presenting a distorted interpretation of education and tolerance,
- L. whereas the Polish Ombudsman for Children has stated that she is preparing a list of jobs for which homosexuals are unfit,
- M. whereas in June 2006 the State Prosecutor’s office ordered checks on the funding of LGBT organisations in connection with ‘criminal movements’ and their presence in schools, in order to find traces of criminal activities, without any result,
- N. whereas on 8 June 2006 the Polish Government sacked the head of the Centre for Teacher

Development and prohibited the distribution of an official Council of Europe anti-discrimination manual, and whereas the new head of the Centre stated on 9 October 2006 that ‘improper patterns must not be present in schools, because the objective of school is to explain the difference between good and evil, beauty and ugliness... school must explain that homosexual practices lead to drama, emptiness and degeneracy’,

- O. whereas Secretary-General of the Council of Europe Terry Davis reacted to the events described by stating that ‘the Polish Government is free to decide whether it wishes to use Council of Europe material for human rights education, but if the teaching material is optional, the values and principles contained therein are certainly not’ and expressed concern about ‘some policies promoting homophobia ... and homophobic behaviours being accepted by the government’,
- P. whereas the Polish Government has also denied funding for projects sponsored by LGBT organisations in the framework of the European Youth Programme, and illustrated this decision in a letter to those organisations by stating that ‘the policy of the Ministry does not support actions that aim to propagate homosexual behaviour and such an attitude among young people ... [and] the role of the Ministry is not to support cooperation with homosexual organisations’,
- Q. whereas a number of positive developments may also be noted, such as the successful gay pride event in Warsaw in June 2006, the massive demonstration for tolerance and democracy in Warsaw in November 2006 after the banning of a tolerance demonstration in Poznan, the protection of the gay rights march in Krakow in April 2007, and the fact that gay pride marches are no longer systematically banned,
- R. whereas Parliament has asked the European Monitoring Centre on Racism and Xenophobia to conduct an inquiry into the emerging climate of racist, xenophobic and homophobic intolerance in Poland, and has asked the Commission to verify whether the actions and declarations of the Polish Minister for Education are consistent with Article 6 of the TEU, while recalling the sanctions provided for breaching it, and whereas those requests have remained unmet,
  - 1. Underlines that the European Union is first and foremost a community of values, with respect for human rights and fundamental freedoms, democracy and the rule of law, equality and non-discrimination among its most cherished values;
  - 2. Affirms that the EU institutions and Member States have a duty to ensure that the human rights of people living in Europe are respected, protected and promoted, as provided for by the ECHR, the Charter of Fundamental Rights of the European Union, Article 6 of the TEU, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>1</sup> and Council Directive 2000/78/EC;
  - 3. Reiterates its request to the Commission to ensure that discrimination on the basis of sexual orientation in all sectors is prohibited by completing the anti-discrimination package based on Article 13 of the EC Treaty, without which lesbians, gays, bisexuals and other individuals facing multiple discrimination continue to be at risk of discrimination; calls for a worldwide decriminalisation of homosexuality;

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<sup>1</sup> OJ L 180, 19.7.2000, p. 22.

4. Will mark International Day against Homophobia on 17 May each year;
5. Urges the Commission to speed up the review of implementation of the anti-discrimination directives and to institute proceedings against Member States in the event of violations of their obligations under Community law;
6. Reminds all Member States that, in accordance with the case law of the European Court of Human Rights, the right to freedom of assembly may be exercised even when the views of those exercising that right challenge the views of the majority and that, in consequence, discriminatory bans of pride marches, as well as the failure to provide proper protection to those taking part in them, contravene the principles protected by the ECHR; invites all competent authorities, including local authorities, to authorise such marches and protect participants adequately;
7. Condemns the discriminatory remarks by political and religious leaders targeting homosexuals, since they fuel hate and violence even if later withdrawn, and asks the respective organisations' hierarchies to condemn them;
8. Reiterates its invitation to all Member States to propose legislation to overcome the discrimination experienced by same-sex couples, and asks the Commission to make proposals to ensure that the mutual recognition principle is applied in this field also, in order to ensure the freedom of movement for all persons in the EU without discrimination;
9. Expresses its solidarity with, and support for, fundamental rights activists and defenders of equal rights for members of the LGBT community;
10. Urges the competent Polish authorities to refrain from proposing or adopting legislation as described by the Polish Deputy Prime Minister and Minister for Education or from implementing intimidating measures against LGBT organisations;
11. Calls on the competent Polish authorities publicly to condemn and take measures against declarations by public leaders inciting discrimination and hatred based on sexual orientation; believes that any other behaviour would constitute a violation of Article 6 of the TEU;
12. Requests the Polish authorities to facilitate the implementation of the Year of Equal Opportunities 2007, and requests the Commission to monitor the implementation of the Year, in particular the clause whereby funding is conditional on ensuring that all grounds for discrimination are addressed equally in the national programmes;
13. Asks the Conference of Presidents to authorise the sending of a delegation to Poland on a fact-finding mission, with a view to obtaining a clear picture of the situation and entering into dialogue with all the parties concerned;
14. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the candidate countries, and the Council of Europe.