Resolution on human rights, sexual orientation and gender identity at the United Nations

2011/2821(RSP) - 28/09/2011 - Text adopted by Parliament, single reading

Following the debate which took place on 27 September, the European Parliament adopted by 442 votes to 104 with 40 abstentions a resolution on human rights, sexual orientation and gender identity at the United Nations.

The resolution was tabled by the EPP, S&D, Greens/EFA, ALDE, ECR and GUE/NGL groups.

It welcomes the adoption of UNHRC resolution A/HRC/17/19 of 17 June 2011 on human rights, sexual orientation and gender identity, which is the first resolution, adopted at the United Nations dealing specifically with sexual orientation and gender identity and was supported by states from all regions and sponsored by 21 EU Member States. Whilst acknowledging the work already undertaken by the Human Rights Council, the UN Secretary-General, the High Commissioner for Human Rights, UN human rights treaty bodies, special rapporteurs and other UN agencies, Parliament reiterates its **concern regarding the numerous human rights violations** and widespread discrimination based on sexual orientation and gender identity, both in the EU and in third countries. It supports the organisation of a panel discussion during the 19th session of the Human Rights Council in spring 2012 to have a **dialogue on the issue of discriminatory laws** and acts of violence against individuals based on their sexual orientation and gender identity, stating that holding a respectful and open dialogue among UN Member States from all regions is indispensable.

Parliament roundly condemns the fact that homosexuality, bisexuality and transsexuality are still regarded as **mental illnesses** by some countries, including within the EU, and it calls on states to combat this, stressing the need for the de-psychiatrisation of the transsexual, transgender, journey, for free choice of care providers, for changing identity to be simplified, and for costs to be met by social security schemes. It also calls on the Commission and the World Health Organisation to **withdraw gender identity disorders from the list of mental and behavioural disorders**, and to ensure a non-pathologising reclassification in the negotiations on the 11th version of the International Classification of Diseases (ICD-11).

Members take the view that the High Representative, all EU institutions and Member States should uphold the key priorities mentioned by the Council Working Party’s Toolkit to Promote and Protect the Enjoyment of all Human Rights by LGBT, these being the decriminalisation of homosexuality in the world, equality and non-discrimination, and the protection of human rights defenders. They call on the High Representative and Member States:

- systematically to promote the respect of human rights in relation to sexual orientation and gender identity at the United Nations and in other multilateral fora, and bilaterally in their human rights dialogues, as well as through the European Instrument for Democracy and Human Rights (EIDHR) and other external financial instruments;
- to ensure consistency between the EU's external and internal action in the field of human rights, and asks Member States to engage constructively with the Universal Periodic Review and treaty body procedures to ensure that human rights in relation to sexual orientation and gender identity are fully upheld in the EU and in third countries.

Parliament goes on to recall **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, as laid down in Directive 2004/83/EC. It regrets that the rights of lesbian, gay, bisexual and transgender

people are not yet always fully upheld in the EU, including the right to bodily integrity, the right to private and family life, the right to freedom of opinion and expression, the right to freedom of assembly, the right to non-discrimination, the right to freedom of movement, including the right to free movement for same-sex couples and their families, the right of access to preventive health care, the right to medical treatment and the right to asylum

Lastly, Parliament reiterates its request that the Commission produce a comprehensive roadmap against homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity.