Resolution on the fight against homophobia in Europe

2012/2657(RSP) - 24/05/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 430 votes to 105 with 59 abstentions a resolution on the fight against homophobia in Europe.

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

It notes that several instances of 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. 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.** Parliament also states that it is committed to:

- forthcoming proposals for the mutual recognition of the effects of civil status documents;
- the proposed revision of the Framework Decision on Racism and Xenophobia to include homophobic crime;
- a comprehensive roadmap for equality without discrimination on grounds of sexual orientation or gender identity.

Situation in the European Union: Members strongly condemns any discrimination on the basis of sexual orientation and gender identity, and strongly regret that, in the EU, the fundamental rights of LGBT people are not yet always fully upheld. They note that 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, but these proposals were subsequently dropped. They also note that in Lithuania, it remains legally unclear whether public information may promote acceptance of homosexuality further to the Law on the Protection of Minors against the Detrimental Effects of Public Information, as amended in 2010. Furthermore, Members note that 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 this proposal has not yet been examined.

Parliament calls 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. It urges Member States and the Commission to 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.

Parliament 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;

- 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;

- 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**;

- with Member States, to implement the opinions contained in the report of the European Union Agency for Fundamental Rights entitled 'Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity' to the greatest possible extent;

- examine the future results of the Agency for Fundamental Rights' European LGBT Survey, and take appropriate action;

- 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 comprehensive information on the incidence of homophobia in Member States and proposed solutions to overcome it;

- produce a comprehensive roadmap for equality without discrimination on grounds of sexual orientation or gender identity.

Parliament feels 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, welcoming 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: citing recent instances in Russia, Ukraine and Moldova, Parliament states that it is gravely concerned by developments which restrict freedom of expression and assembly on the basis of misconceptions about homosexuality and transgenderism. It regrets that laws of this kind are already used to arrest and fine citizens. It 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. Members call on the Commission, the Council and the External Action Service to condemn these bans, particularly in the context of home affairs, bilateral dialogue, and the European Neighbourhood Policy. The Council and EEAS must 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.

With respect to Ukraine, Parliament condemns the violence surrounding Kiev Pride event on 20 May 2012, at which two gay pride leaders were beaten up, which resulted in the parade being cancelled. It recalls that EU agreements are conditional on respect for fundamental rights, and feels that **current developments in Ukraine are inconsistent with this requirement**. It calls on the Ukrainian authorities to 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.

The legislation adopted or proposed in Russia, Moldova and Ukraine are inconsistent with the International Covenant on Civil and Political Rights, to which Russia, Ukraine, Moldova and all EU Member States are parties. Members want 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.

Lastly, Parliament highlights that education is key and therefore urges Member States and the Commission to step up the fight against homophobia through education as well as through administrative, judicial and legislative means.