

AS ADOPTED BY EP on 26th of April 2007

(325+ / 124- / 150 abstention)

European Parliament resolution 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 on the Protection of Human Rights and Fundamental Freedoms (ECHR),
 - having regard to Articles 6 and 7 of the Treaty on European Union and Article 13 of the EC Treaty, which commit the EU and its Member States to upholding human rights and fundamental freedoms and provide European means to fight discrimination and human rights violations,
 - having regard to the Charter of Fundamental Rights of the European Union, especially Article 21 thereof, which prohibits discrimination based on sexual orientation,
 - having regard to European Union activities to fight discrimination based on sexual orientation and homophobia, in particular the anti-discrimination Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and the 2007 Year of Equal Opportunities,
 - having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies, and notably to those on homophobia in Europe, as well as the increase in racist and homophobic violence in Europe,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas the European Parliament has monitored a proliferation of hate speech targeting the 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 resolution on homophobia in Europe and that on the increase in racist and homophobic violence in Europe, was triggered by this and other series of worrying events, such as the prohibition imposed by local authorities on holding equality and gay pride marches, the use by leading politicians and religious leaders of inflammatory or threatening language or hate speech, the failure by the police to provide adequate protection against violent demonstrations by homophobic groups, even while breaking up peaceful demonstrations,
- D. whereas equality and gay pride events are planned throughout Europe and in the world in the forthcoming months, with participants and organisers facing possible physical violence

targeted against them, despite their fundamental right to freedom of expression and assembly, as recalled inter alia by the Council of Europe Commissioner on Human Rights,

- E. whereas a 16-year-old Italian named Matteo, living in Turin, has committed suicide and left two suicide notes giving as the reason for his actions the bullying that he faced 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 the European Parliament has repeatedly asked for the completion of the anti-discrimination legislative package based on Article 13 of the EC Treaty, and regularly asks the Commission to launch a directive prohibiting discrimination based on sexual orientation in all sectors,
- G. whereas the European Parliament, in its resolution of 15 June 2006 on the increase in racist and homophobic violence in Europe, 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 of Education,
- H. whereas in March the Deputy Prime Minister and Minister for Education in the Polish Government announced a draft law punishing 'homosexual propaganda' in schools, and illustrated the content of such a draft law, which was to provide for dismissal, fines or imprisonment for school heads, teachers and pupils in the event of GLBT rights 'activism' in schools,
- I. whereas the Deputy Minister for Education in the Polish Government confirmed that the administration is drafting such a law and declared that 'teachers who reveal their homosexuality will be fired from work'; whereas various members of the government reacted in different ways, leaving it unclear whether the legislation is actually going to be proposed,
- J. whereas the Deputy Prime Minister and Minister for Education in the Polish Government 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 to 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 Terry Davis, the Secretary General of the Council of Europe, reacted to these events 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. Also, 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 the European Parliament mandated 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 asked the Commission to verify whether the actions and declarations of the Polish Minister of Education are consistent with Article 6 of the EU Treaty, while recalling the sanctions provided for breaching it, requests that 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 European Convention on Human Rights, the European Charter of Fundamental Rights, Article 6 of the Treaty on European Union and Directives 2000/43/EC and 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 Treaty, without which lesbians, gays, bisexuals and other individuals facing multiple discrimination continue to risk discrimination; calls for a worldwide decriminalisation of homosexuality;
 4. Will mark International Day against Homophobia on 17 May each year;
 5. Urges the European Commission to speed up the review of implementation of the anti-discrimination directives and to take Member States to court in the event of violation of EU obligations;
 6. Reminds all Member States that the jurisprudence of the European Court of Human Rights has ruled that the right to freedom of assembly can be exercised even when the views are challenging to the majority of society and that, in consequence, discriminatory bans on pride marches, as well as not providing 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 properly;

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 free circulation of all persons in the EU without discrimination;
9. Expresses its solidarity with, and support for, fundamental rights activists and defenders of equal rights for LGBT people;
10. Urges the competent Polish authorities to refrain from proposing or adopting a law as described by the Polish Deputy Prime Minister and Minister of Education and 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 EU Treaty;
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 2007 Year of Equal Opportunities, 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 send a delegation to Poland on a fact-finding mission, with a view to getting 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, the accession countries and the candidate countries, and the Council of Europe.