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JOINT MOTION FOR A RESOLUTION

pursuant to Rule 103(4) of the Rules of Procedure, by

- Martine Roure, Michael Cashman, on behalf of the PSE Group
- Sophie In 't Veld, Alexander Alvaro, Sarah Ludford, Jeanine Hennis-Plasschaert, on behalf of the ALDE Group
- Giusto Catania, Mary Lou McDonald, Eva-Britt Svensson, Miguel Portas, Gaby Zimmer, Vittorio Agnoletto, André Brie, on behalf of the GUE/NGL Group
- Monica Frassoni, Kathalijne Buitenweg, Raul Romevaon behalf of the Greens/EFA Group

replacing the motions by the following groups:

- PSE (B6-/2007)
- ALDE (B6-/2007)
- ALDE (B6-/2007)
- PPE-DE (B6-/2007)

on Homophobia in Europe

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PE 387.119v01-00}
PE 387.121v01-00}
PE 387.124vo1-00}
PE 387.126v01-00} RC1

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The European Parliament,

- having regard to international instruments guaranteeing human rights and fundamental freedoms and prohibiting discrimination, among which notably the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), (ALDE visa 1)
- 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 uphold human rights and fundamental freedoms and provide European means to fight discrimination and human rights violations, (PSE visa 2)
- having regard to the Charter of Fundamental Rights of the European Union, especially Article 21 thereof, prohibiting discrimination based on sexual orientation, (ALDE visa 3)
- 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, (ALDE visa 4)
- having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies, and notably to the resolutions on homophobia in Europe, as well as on the increase in racist and homophobic violence in Europe, (ALDE visa 5)
- having regard to Rule 103(4) of its Rules of Procedure, (ALDE visa 6)
 - A. whereas the European Parliament has monitored a proliferation of hate speech targeting the LGBT community in a number of European countries (ALDE recital A modified)
 - B. Whereas statements and actions by political and religious leaders have a major impact on public opinion, they have an important responsibility in contributing positively to a climate of tolerance and equality; (new)
 - C. whereas this resolution, as well as the resolution on homophobia in Europe and that on the increase in racist and homophobic violence in Europe, were triggered by these and other series of worrying events, such as the prohibition imposed by local authorities to hold equality marches and gay prides, 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 or even breaking up peaceful demonstrations, violent demonstrations by homophobic groups, (ALDE recital C modified)
 - D. whereas equality and gay prides are planned throughout Europe and in the world in the forthcoming months, while participants and organisers facing possible physical violence targeted against them, despite their fundamental right to freedom of

expression and assembly, as recalled also by the Council of Europe Commissioner on Human Rights, (ALDE recital D)

- E. whereas a 16-year old Italian named Matteo, living in Turin, has committed suicide and left two suicide notes motivating his actions due to 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, (PSE recital U modified)
- F. whereas the EP has repeatedly asked for the completion of the anti-discrimination legislative package based on art. 13 TEC, and repeatedly asked the Commission to launch a directive prohibiting discrimination based on sexual orientation in all sectors, (ALDE recital E)
- G. whereas the European Parliament, in its resolution of 15 June 2006 on the Increase in racist and homophobic violence in Europe, already expressed its serious concern on the situation in Europe and notably in Poland, hereby condemning the declarations of incitement to hatred and violence by the leaders of the Party of the League of Polish Families and notably of the Vice-Prime Minister and Minister of Education, (ALDE recital F)
- H. whereas in March the Vice-Prime Minister and Minister for Education of the Polish government announced a draft law punishing "homosexual propaganda" in schools, and illustrated the contents of such a draft law which shall provide for dismissal, fines or imprisonment for school directors, teachers and pupils, in cases of LGBT rights' "activism" in schools, (ALDE recital G modified)
- I. whereas the Vice-Minister for Education of 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 thereby leaving it unclear whether the legislation is actually going to be proposed (ALDE recital H modified)
- J. Whereas the Vice-Prime Minister and Minister for Education of the Polish Government has expressed a desire to promote the adoption of similar laws at the European-level, (ALDE recital I)
- K. whereas the proposed legislation received the support of the Polish Government 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; (ALDE recital J modified)
- L. whereas the Polish Ombudsman for Children announced that she is preparing a list of jobs for which homosexuals are unfit, (ALDE recital K)

- M. whereas the implementation of the European Union "Year of Equal Opportunities 2007" in Poland is seriously delayed since the Polish government and administration have not yet decided on the projects to be promoted, among which are those proposed by LGBT organisations, which amounts in substance to a blocking of this project in Poland, (ALDE recital M)
- N. whereas in June 2006 the State Prosecutor's office ordered to check the funding of LGBT organisations in connection to "criminal movements" and their presence in schools, in order to find traces of criminal activities, without result, (ALDE recital N)
- O. whereas on 8 June 2006 the Polish government sacked the head of the Centre for Teacher Development and prohibited the distribution of a Council of Europe anti-discrimination official manual, and whereas the new head of the Centre stated on 9 October 2006 that "improper patterns must not be present at schools, because the objective of the school is to explain the difference between good and evil, beauty and ugliness (...) school has to explain that homosexual practices lead to drama, emptiness and degeneracy", (ALDE recital O)
- P. 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's 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 politics promoting homophobia (...) and homophobic behaviours being accepted by the Government", (ALDE recital R)
- Q. whereas the Polish government has also denied funding of 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 attitude among young people. Also, the role of Ministry is not to support cooperation of homosexual organizations", (ALDE recital P)
- R. Whereas a number of positive developments can be noted as well, such as the successful gay pride in Warsaw in June 2006, the massive demonstration for tolerance and democracy in Warsaw in November 2006 after the banning of a tolerance manifestation in Poznan, the protection of the gay rights march in Krakow in April 2007, and the fact that gay prides are no longer systematically banned; (ALDE recital S modified)
- S. 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 if the actions and declarations of the Polish Minister of Education are in conformity with Article 6 of the EU Treaty, while recalling the sanctions provided for its breaches, requests that remained unsatisfied, (ALDE recital T)

1. underlines that the European Union is first of all a community of values, where the respect of human rights and fundamental freedoms, democracy and the rule of law, equality and non-discrimination are amongst its most cherished values, (ALDE par.1)
2. affirms that EU institutions and Member States have a duty to ensure that human rights of people living in the EU are respected, protected and promoted, as foreseen by the European Convention on Human Rights, the European Charter of Fundamental Rights, articles 6 TEU and Directives 2000/43/EC and 2000/78/EC (ALDE par.1 modified)
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 as well as other individuals facing multiple discrimination continue to be at-risk of discrimination; calls for a worldwide de-criminalisation of homosexuality; (ALDE par.3)
4. will mark each year on May 17th the International Day against Homophobia; (ALDE par.4)
5. urges the European Commission to speed up the review of the implementation of the anti-discrimination directives and to bring Member States to Court in case of violation of EU obligations, (ALDE par.5)
6. recalls to 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; that in consequence discriminatory bans of Pride marches as well as not providing proper protection to those taking part in them contravene the principles protected by the ECHR and invites all competent authorities and notably local authorities to authorise the marches and properly protect participants, (ALDE par.6 modified)
7. condemns the discriminatory remarks by political and religious leaders targeting homosexuals, since they fuel hate and violence, even if withdrawn afterwards, and asks to the respective organisations' hierarchies to condemn them, (ALDE par.7 modified)
8. reiterates its invitation to all Member States to propose legislation to overcome the discriminations lived by same-sex couples, and asks to the Commission to make proposals to ensure that the mutual recognition principle is applied also in this field to ensure free circulation of all persons in the EU without discriminations, (ALDE par.8 modified)
9. Expresses its solidarity and support for fundamental rights activists and defenders of equal rights for LGBT people; (ALDE par.9 modified)
10. urges Polish competent authorities to refrain from proposing or adopting a law as described by the Vice-Prime Minister and Polish Minister of Education, or from implementing intimidating measures against LGBT organisations, (ALDE par.10)

11. calls on the Polish competent authorities to publicly 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 art. 6 TEU; (ALDE par.11)
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 of funding being conditional on ensuring that all grounds of discrimination are addressed equally in the national programmes, (ALDE par.12 modified)
13. Requests the Conference of Presidents to send a delegation to Poland for a fact finding mission, with a view to getting a clear picture of the situation and enter into dialogue with all parties concerned, (ALDE par.13 modified)
14. instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the accession and candidate countries and the Council of Europe. (ALDE par.14)