

“Germany’s arguments against the Directive are flimsy”



The main opposition against the proposed Directive is coming from Germany. We asked a German Member of the European Parliament to highlight and counter the main arguments of the opposition and examine why the Directive is important not just for Germany, but for the entire European Union.

Since its foundation, the European Union has been a strong supporter of human rights. With the Treaties of Maastricht and Amsterdam in the late 1990s, the European Union became competent on a number of social issues. Article 13 of the Amsterdam Treaty gave the EU a clear mandate to create a society founded upon the principles of equality and non-discrimination. It effectively gives a legal basis to the EU to take legal measures to end discrimination on the basis of gender, age, disability, sexual orientation, ethnic or racial origin, and religious belief.

The European Parliament in particular has played an active leading role in Europe's efforts to create a society in which all people, regardless of their sexual orientation, may live freely and without fear of homophobic reprisals for being who they are. As the only directly elected institution of the European Union, it is especially important for the

European Parliament to be at the political forefront of anti-discrimination.

As Vice-president of the European Parliament's Gay and Lesbian Rights Intergroup, and also with the Parliamentary Group of European Socialists, I fight for the core European principles of tolerance and diversity. We play a decisive role in working to realise progressive anti-discrimination politics in Europe. During the plenary session of the European Parliament in Strasbourg in May, we, the Members of the European Parliament, called for a ban on all forms of discrimination in the EU. Despite conservative opposition, 362 Euro MPs urged the Commission's President Barroso to ban all forms of discrimination in the EU by adopting the new EU anti-discrimination directive.

When José Manuel Barroso was appointed President of the European

Commission, he committed himself to presenting a horizontal directive to fight discrimination on all grounds. The European Parliament reminded him with this vote that he must keep his promises. Initially, the Commission announced only a Directive prohibiting discrimination on the grounds of disability would be drafted. This was not acceptable because it would create "a hierarchy of human rights" at European level. The new anti-discrimination directive proposal includes prohibition of discrimination on ALL grounds mentioned in Article 13 – discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

In the coming months we have to defend the directive and in some parts even strengthen it. As I am appointed rapporteur for the new directive in the Culture Committee I will put forward amendments to include ideas and defend the rights of LGBT people. In Germany in particular there is opposition to this new directive coming from conservative and liberal groups and from German businesses and trade associations. Despite all the fine words of the conservatives in Germany, who all

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say in their 'Sunday speeches' that they are against discrimination, they do not do anything to implement good legal instruments to fight discrimination. Their arguments are flimsy. They refer to the principle of subsidiarity, the costs that would arise for small and medium sized businesses, too much bureaucracy and the wish to regulate anti-discrimination at the national level. This deviousness on the part of the conservatives is unacceptable. History shows that agreements on a voluntary basis are not enough. Although modern businesses have begun to understand that discrimination does not pay, the trade associations still live in the past and miss out on the opportunity to look to neighbouring European countries for examples of best practice. But apart from the socialists in Germany there are a lot of groups, NGOs and organisations that are pressuring the government in Germany to end this violation of the fundamental values of the European Union. We all need to join forces and, through close networking, move rapidly along the road of equality until LGBT people in Europe and worldwide are no longer deprived of their basic rights solely on the ground of their sexual orientation or gender expression.

The horizontal directive is important to improve legislation to introduce equal rights and fight discrimination against LGBT people in all the Member States. Equality is our goal. Germany is one of the biggest Member States of the European Union and cannot afford to tolerate discrimination. As new family models arise, the socialist family wants to send a strong signal of solidarity and support.

I would like to express my support and solidarity for your annual conference and your continued struggle for equal rights for all citizens of Europe and this world, despite massive opposition from conservative political and religious forces.

LISSY GRÖNER

Member of the European Parliament



Handbook on monitoring and reporting homophobic and transphobic incidents

Incidents and violence motivated by hatred against lesbian, gay, bisexual and transgender (LGBT) people take different forms: physical violence, hate speech, threats of violence, verbal abuse, etc. They take place in different places, including public areas, schools, the workplace, or in the privacy of the home.

The incidents motivated by hatred against LGBT people cited in this Handbook have been reported by human rights and LGBT organisations. Unfortunately, many similar cases are not reported and thus remain unknown to national or international authorities.

The consequence of under-reporting homophobic and transphobic incidents is that the issue of violence targeting LGBT people remains invisible. It remains invisible in data on hate crimes and therefore invisible among law enforcement officials, law-makers and public officials.

The lack of documented facts on the occurrence of homophobic and transphobic violence constitutes an important barrier to taking a case against an aggressor and to advocating for legislation on combating hate crime against LGBT people.

Ultimately, the absence of legislation specifically prohibiting violence motivated by homophobia contributes to legitimising homophobia and transphobia and to creating an environment of impunity for perpetrators of violence against LGBT people.

The aim of this publication is therefore to contribute to increased and better reporting of homophobic and transphobic incidents by providing tools and a methodology to document and report violence motivated by hatred against LGBT people in a systematic and factual manner.

This publication is designed for LGBT and human rights organisations who intend to monitor the occurrence of homophobic or transphobic incidents and violence, in order to advocate for legislative changes to increase legal protections from violence motivated by homophobia, lesbophobia and transphobia at national, European and international levels.

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