

## **Motion for a resolution**

**tabled by the Members of the Bundestag Kai Gehring, Sven Lehmann, Ulle Schauws, Claudia Roth, Margarete Bause, Ottmar von Holtz, Filiz Polat, Luise Amtsberg, Dr Franziska Brantner, Agnieszka Brugger, Uwe Kekeritz, Katja Keul, Dr Tobias Lindner, Omid Nouripour, Cem Özdemir, Manuel Sarrazin, Dr Frithjof Schmidt, Jürgen Trittin, Dr Danyal Bayaz, Ekin Deligöz, Katja Dörner, Katharina Dröge, Erhard Grundl, Britta Haßelmann, Dieter Janecek, Maria Klein-Schmeink, Monika Lazar, Beate Müller-Gemmeke, Lisa Paus, Tabea Rößner, Stefan Schmidt, Margit Stumpp, Dr Konstantin von Notz, Beate Walter-Rosenheimer and the Alliance 90/The Greens parliamentary group**

**on the deliberations regarding the answer by the Federal Government to the Major Interpellation tabled by Kai Gehring, Sven Lehmann, Ulle Schauws, further Members of the Bundestag and the Alliance 90/The Greens parliamentary group**

**- Printed papers 19/3061, 19/9077 -**

### **International human rights situation of lesbian, gay, bisexual, transsexual, transgender and intersex people**

The Bundestag is requested to adopt the following motion:

I. The German Bundestag notes:

Human rights are universal, indivisibly binding, inalienable and interdependent. All states are obligated to respect, safeguard and guarantee the human rights of lesbian, gay, bisexual, transsexual, transgender and intersex people (LGBTTI) - because love is love, not a crime. Germany also has a special responsibility here arising from its history of persecuting homosexuals in the past.

In 2008, a statement on sexual orientation and gender identity relating to specific LGBTTI rights was adopted by the United Nations General Assembly. The "Yogyakarta Principles" presented back in 2007 in Yogyakarta/Indonesia are an important frame of reference for the application of international human rights norms and standards when it comes to sexual orientation and gender identity. This catalogue of fundamental rights

sponsored by non-governmental organisations has compellingly demonstrated that existing international law is applicable to human rights violations based on sexual orientation and gender identity.

In spite of this, the human rights of LGBTTI people continue to be subject to huge violations in many countries. In over 70 countries, people are criminalised and punished for whom they love or who they are (see <https://ilga.org/maps-sexual-orientation-laws>). Almost half of humankind lives in countries where LGBTTI people face discrimination and brutal persecution by the state. In some countries they face stoning, the gallows, corporal punishment or imprisonment as well as physical examinations in violation of human rights. In many places, discrimination, deprivation of rights, oppression and impunity for perpetrators are part and parcel of everyday life. 50 years after "Stonewall" and after decades of the queer civil rights and emancipation movement - despite all the progress that has been achieved elsewhere – this is a worrying, deeply inhuman and scandalous state of affairs. The prohibitions and persecutions violate human rights and must be outlawed internationally and systematically penalised.

Positive developments have been decriminalisation in Mozambique, Nauru, Nepal and the Seychelles (all in 2015) and in India, Trinidad and Tobago in 2018. But sexual and gender diversity must not be allowed to lead to discrimination or persecution anywhere in the world. That is why LGBTTI people need better protection from the Federal Government, the European and international community. As a current non-permanent member of the UN Security Council, Germany has the opportunity and duty to step up its commitment to and advocacy of LGBTTI rights worldwide and to provide ground-breaking input for the recognition and protection of sexual and gender diversity. It is an opportunity for the Federal Government to prove its desire to dovetail its work and commitment on the UN Human Rights Council with that on the UN Security Council.

Legally enshrined and state-organised oppression as well as any form of discrimination based on sexual orientation are incompatible with human rights. States are also obligated to protect LGBTTI people from social oppression and discrimination. Although virtually all states in the world have acknowledged this with the "International Covenant on Civil and Political Rights", it has been implemented in very varying ways, from being largely fulfilled to utterly flouted.

Despite progress in some states, such as the liberalisation of marriage to include same-sex couples, the right to joint adoption and a clear non-discrimination policy, elsewhere we see continued discrimination or even huge steps backwards: The recent introduction of the death penalty for homosexuality in Brunei cautions Germany, the European and the international community to go on the offensive in the fight for equal LGBTTI rights. Contrary to the claims by the Sultanate of Brunei, no supposed tradition or "family line" can justify the state criminalisation or even execution of human beings. In Iran, Mauritania, Saudi Arabia, Sudan, the United Arab Emirates and Yemen, homosexuals still face the threat of the death penalty. The death penalty is a violation of human rights, always and no matter what the circumstances.

When governments, authoritarian rulers and regimes harass LGBTTI people and violate their fundamental rights, clear lines need to be drawn and tangible consequences triggered. The Federal Government's activities to combat the precarious human rights situation of LGBTTI people are far from sufficient in many parts of the world: they must therefore be systematically strengthened. As an internationally recognised partner and an influential EU Member State, Germany must finally become a forerunner and role model in the protection of sexual and gender minorities worldwide.

Many governments, non-state players and religious fundamentalism contribute to a climate of exclusion and hatred towards LGBTTI people. The

worldwide trend towards limiting civil societies' scope of action ("shrinking space") thus impacts LGBTTI people, their organisations and human rights defenders in particular. Discriminatory laws against so-called "homo-propaganda" are being used - like in Russia and Nigeria for instance - to institutionally violate the human rights of LGBTTI people. Any public profession, a mere suspicion or accusation of being homosexual or transsexual can be punished with this legislation. This engenders not only stigmatisation and harassment, but also huge uncertainty, especially among young people in the process of coming out. This is also what makes the support provided to LGBTTI people from civil society and human rights defenders so important. So it is more than regrettable that in its answer the Federal Government states it "is not aware of any specific restrictions of the financing possibilities" resulting from NGO laws.

The fact that the Federal Government "does not systematically record the funds disbursed on development cooperation projects aimed at LGBTI people as the target group" (cf answer of the Federal Government to question 74, Bundestag printed paper 19/9077) means that it can only provide very limited information on human rights coherence. This urgently needs to change. Activities aiming to address and face up to Germany's missionary and colonial past, especially in relation to the criminalisation of homosexual acts by the colonial powers, are also only being examined by the Federal Government. This is where "blind spots" appear in the German culture of remembrance, which Germany's historical responsibility requires it to remedy.

In its answer to the Major Interpellation in Bundestag printed paper 19/9077, the Federal Government complains of a lack of centralised information on the human rights situation of LGBTTI people, which it says makes it impossible to identify "systematic abuses", without drawing the conclusion that action needs to be taken. It claims this means it has "no verifiable or reliable information" on harmful pseudo therapies.

It also answered it has "no systematic knowledge" of the role of religions and religious fundamentalism in homophobia and transphobia, for instance in Asia and Africa. Likewise, it states it has "but little information" from other parts of the world on the actual situation of LGBTI activists. Due to the "limited information", the Federal Government also answers that it has "no reliable findings on the centres of violence against LGBTI people". In the interests of a coherent and intersectional human rights policy, these gaps in knowledge must be closed immediately and the Federal Government needs to produce regular, comprehensive reports on the situation of LGBTTI people.

In international comparison, Germany itself is falling behind - in view of the progressive laws in other countries - in areas such as civil status law and transsexuals law. This also holds true in terms of enshrining protection against discrimination on the grounds of sexual identity in the constitution. What is more, in spite of amended case law and sexual orientation and gender identity being recognised as a cause of persecution, LGBTTI refugees are being deported to countries where they face persecution. Countries that criminalise homosexuality are not safe for homosexuals.

## II. The German Bundestag calls on the Federal Government,

1. to advocate and work towards the death penalty being outlawed worldwide and, in accordance with UN Human Rights Council Resolution 36/17 of September 2017, to lobby states which have not yet abolished the death penalty to no longer apply it;

2. at European level, to advocate and work towards a human rights-specific sanctions mechanism against individuals who have committed serious human rights violations so as to exert pressure on those in power and regimes that oppress and persecute LGBTTI people with targeted sanctions (such as entry bans, freezing foreign accounts);
3. to work within the European Union to ensure that the European Commission can deprive authoritarian national governments in Member States undermining democracy and the rule of law of control over EU funds;
4. to systematically address and deal with human rights violations against LGBTTI people in dialogues with other states on the rule of law and human rights;
5. to work towards the abolition of anti-NGO laws in its dealings with the states concerned;
6. when publishing the announced LGBTTI-inclusive concept for foreign policy and development cooperation aiming to ensure better human rights coherence, to demonstrate how the Federal Government intends to implement the Yogyakarta Principles with the involvement of civil societies in Germany and abroad;
7. to significantly expand support for LGBTTI activists and human rights defenders abroad and, in cases of acute threats, to examine the possibility of issuing humanitarian visas or residence permits on humanitarian grounds in Germany;
8. to durably bolster the human rights work done by civil society for LGBTTI people and to focus more on especially vulnerable and currently under-represented groups, such as intersex people;
9. to improve the staffing of the German embassies with human rights officers so that LGBTTI people's rights can be better protected and intersectionally embedded worldwide: analogously to the EU delegations, to systematically deploy liaison officers for human rights defenders and to support activists and victims of persecution at all German embassies;
10. to raise the status of the post of Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance to that of a State Secretary and, in the long term, to strive for the Commissioner to be attached to the Federal Chancellery;
11. to make LGBTTI rights and non-discrimination elementary parts of diplomatic corps training and preparation at the German sending organisations;
12. to expand the training offered on LGBTTI human rights beyond existing legal and consular seminars;
13. to continue to continuously update travel warnings in terms of the situation of gender and sexual minorities in order to inform potential tourists about risk and threat situations;
14. to expand the recognition criteria for development cooperation in the areas of gender equality and women's rights (known as GG1 and GG2 measures) to include aspects of work to raise awareness on gender stereotypes and discrimination based on sexual orientation;
15. to advocate the implementation of sexual and reproductive rights and health;

16. to take the special vulnerability of LGBTTI in camps for refugees and internally displaced persons more into account and support according precautions to ensure their safety;
17. not to categorise countries in which homosexuals face criminal prosecution as safe countries of origin;
18. to continue to fund human rights projects for and with LGBTTI people in the scope of the programme 'Cooperation with civil society in the Eastern Partnership countries and Russia';
19. in the dialogues between the Federal Government Commissioner for Global Freedom of Religion and religious dignitaries, to critically address fundamentalist positions leading to or encouraging LGBTTI persecution;
20. to develop a concept for dealing with and facing up to the impacts of colonialism on the human rights situation of LGBTTI people and to implement it jointly with civil society organisations in Germany and abroad;
21. to initiate a dialogue with the tourism industry through the Federal Government Commissioner for Tourism with a view to ensuring that states in which LGBTTI people are persecuted no longer become partner countries to major tourism trade fairs in future;
22. to introduce a separate and comprehensive report once per electoral term on the global human rights situation of LGBTTI people, in order to improve the lack of available data the Federal Government itself has bemoaned and to use this to develop well-founded recommendations for action to protect the persecuted and bolster civil society, and to include a more detailed intersectional assessment of the situation of LGBTTI people in the Federal Government's human rights report.

Berlin, 25 June 2019

**Katrin Göring-Eckardt, Dr Anton Hofreiter and the Alliance 90/The Greens parliamentary group**