

Brussels, 13 JAN. 2011  
C/2011/88

Dear President,

*The Commission would like to thank the German Bundestag for its interest and its constructive comments on the Commission's proposal for a Council decision concerning the signing, on behalf of the European Union, of the Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as revised in Luxembourg on 25 June 2005 {COM(2010)211}, transmitted by letter of Ms Wöhrl of 5 October 2010.*

*The Commission welcomes the support of the Bundestag for the second revision of the Cotonou Agreement as expressed in its opinion, especially as regards the new provisions on the progress towards the attainment of the Millennium Development Goals, on access to quality health care, the fight against AIDS/HIV and climate change.*

*With respect to the remarks of the Bundestag concerning the missing reference to non-discrimination on grounds of sexual orientation in the context of the political dialogue, the Commission would like to point out that during the negotiations on the second revision of the Cotonou Agreement, the EU suggested updating the non-discrimination clause in Article 8 (political dialogue), in line with the relevant language in the Lisbon Treaty, thus explicitly including 'sexual orientation' as ground of non-discrimination. This point was strongly opposed by ACP negotiators, with a compromise only reached at the final negotiation session to use the wording of the Universal Declaration of Human Rights i.e. "discrimination of any kind". The introduction of the concept of "discrimination of any kind", based on several grounds among others "sex or other status" will allow the EU to include discrimination on the basis of sexual orientation as a possible subject in political dialogue with our partner countries.*

*The Commission is committed to rejecting and condemning any manifestation of homophobia as a blatant violation of human dignity. The EU should continue to use the political dialogue to raise its concerns as regards discrimination on grounds of sexual orientation in some African, Caribbean and Pacific (ACP), such as the continued criminalisation of homosexuality and new signs of discriminatory legislation and attitudes towards sexual minorities in those countries.*

*The final text of the Amending Agreement was signed by all EU Member States and ACP States on 22 June at the Joint Council in Ouagadougou.*

*Yours sincerely,*

*Copy: Ms Dagmar Wöhrl*

*Mr. Norbert LAMMERT  
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