

Advancing LGBTI Equality in the EU: from 2020 and beyond

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The Human Rights of LGBTI people in enlargement, neighbourhood and third countries

The Universal Declaration of Human Rights first article reads: 'all human beings are born free and equal in dignity and rights'. LGBTI people are no exception, and the EU will continue to fight for 'equal human rights for all' regardless of sexual orientation, gender identity or sexual characteristics. As an example of this commitment, the EU High Representative Vice-President stated on the occasion of the 2019 International Day Against Homophobia, Transphobia and Biphobia: 'No person should be punished for loving someone'. However, the situation of LGBTI people around the world remains highly precarious, as they are targets of violence and hate crime. While legal protection exists in some countries, same-sex relations are still criminalised in 72 countries, and in numerous others laws often do not offer sufficient protection and support for ensuring the human rights and equality of LGBTI people.

The Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (hereafter: the report), submitted to the UN Human Rights Council in 2018, provides a clear overview of the position of LGBTI people in the world. According to the report, violence and discrimination based on sexual orientation and gender identity occur everywhere in the world. The report states that LGBTI and gender non-conforming people almost certainly experience violence in their lives. The report concluded that the violent acts committed globally against LGBTI people include, *inter alia*, physical and sexual violence, killings, the death penalty, bullying, harassment, hate speech and hate crime.

The report furthermore refers to the continued practice of forced medical examinations, such as anal examinations and conversion therapies, and the pathologisation of LGBTI and gender non-conforming people in many countries. Stigma and prejudice, often fuelled by discriminatory and persecutory laws, were identified by the report as one of the root causes of the violence and discrimination experienced by LGBTI people around the world. Moreover, the denial of the precariousness of the situation of LGBTI and gender non-conforming people or even of their very existence in certain countries and regions, as well as the resulting lack of reliable data further perpetuate the above-described practices¹. Attacks against human rights and non-discrimination language at the multilateral level are also frequent, and accusations are sometimes made that a 'Western agenda' is promoting same-sex relations or marriage.

¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/132/12/PDF/G1813212.pdf?OpenElement>

While some progress is being made in some enlargement and Eastern neighbourhood countries, severe human rights violations against LGBTI people have been documented in recent years in parts of the region (such as in Chechnya or Egypt) while homosexuality is still criminalised in some Eastern neighbourhood countries and almost all Southern Neighbourhood countries.

The global reach of the European Union means that the EU can and does play an extremely important role in promoting and supporting the human rights of LGBTI people around the world. Accordingly, in the 2015 List of actions to advance LGBTI equality, the Commission also committed to take action internationally. EU external action is guided by the EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) people², which were reinforced by the recently adopted EU Human Rights Guidelines on Non-Discrimination.

To facilitate the implementation of these guidelines, the EU uses a combination of political and human rights dialogues with third countries, as well as awareness-raising activities, partnerships with local civil society organisations and financial assistance to projects. Operational tools used by the EU at political level include not only political dialogues, but also public and private messaging, improved analysis of reports and threats, strong partnerships with local organisations, follow-up on individual cases and actions in international fora.

Regarding EU Enlargement Policy, non-discrimination, including on the grounds of sexual orientation and gender identity, remains a priority for the Commission, including in the context of accession negotiations and the Stabilisation and Association Process. The Commission issued its latest assessment on the rights of LGBTI people in each enlargement country in May 2019 as part of the Enlargement Package country reports.

The EU is one of the top donors worldwide to LGBTI organisations. Since 2016, the EU has supported 16 projects implemented by civil society organisations in Asia, Africa, Latin America and Eastern Europe worth €5.2 million, mainly through the European Instrument for Democracy and Human Rights and the Instrument for Pre-Accession (for enlargement countries). In 2018, the EU launched a specific call for proposals worth €10 million to support LGBTI Human Rights Defenders and their organisations worldwide.

Regarding the European region, in addition to the 2010 Recommendation by the Council of Europe (CoE) Committee of Ministers on discrimination against LGBTI people, there has been a series of resolutions from the CoE and jurisprudence from the European Court of Human Rights on the human rights of LGBTI people.

Questions for the workshop

- How can the EU, Member State representations and civil society organisations effectively engage in countries where the space for LGBTI civil society organisations is shrinking or non-existent?
- How could mechanisms to ensure protection of Human Rights Defenders be better tailored for LGBTI-specific situations and needs?

² https://ec.europa.eu/europeaid/guidelines-promote-and-protect-enjoyment-all-human-rights-lesbian-gay-bisexual-transgender-and_en

- How can EU tools be further leveraged to contribute to positive change in countries outside the EU?
- How can the EU, Member States and civil society more effectively counter the discourse calling for respect for moral and cultural values to justify homophobia?