Statement by HR/VP Catherine Ashton to the European Parliament on 'Sexual orientation and gender identity at the United Nations Human Rights Council'

Catherine Ashton, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the Commission, issued the following statement today:

"Madame President, Members of the European Parliament

Today I reaffirm my own commitment and the commitment of the European Union to the entitlement of all people, wherever they are, to enjoy the full range of human rights – and to do so without discrimination. Around the world, the issues of gender identity and sexual orientation continue to be used as the pretext for serious human rights violations. Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people are still subject to persecution, discrimination and ill-treatment – and that ill-treatment often involves extreme forms of violence. There are 80 countries which still criminalise same-sex relations between consenting adults, and seven which apply the death penalty. Let us be clear: this is incompatible with international human rights law.

It is a cause for which I was proud to fight in my native country, and it is a cause which I take up now for the 27 Member States of the European Union. The EU continues to protest against these abuses, and to offer practical support as to how to end discrimination, and to encourage inclusiveness.
Through the channel of the United Nations, the EU takes this message to the world. Fifteen of our Member States were part of the group which prepared the statement on 'ending acts of violence and other human rights violations based on sexual orientation and gender identity', which was agreed by 85 countries at the UN Human Rights Council in March of this year. The EU also welcomed the Resolution on human rights, sexual orientation and gender identity, which was tabled by South Africa and adopted at the Council three months ago, in June.

Elsewhere in the UN system the EU has supported LGBT rights in the NGO Committee of the UN Economic and Social Council and, in December 2008, we were instrumental in delivering a UN General Assembly Statement on human rights, sexual orientation and gender identity, which had the support of nearly 70 countries on five continents.

That Statement reaffirmed the principle of non-discrimination, and condemned all executions and arrests made on the basis of sexual orientation or gender identity. It called on all states to decriminalize homosexuality, especially including capital punishment.

The EU is an organisation of values, and it brings those values into the heart of its relationships with its partners beyond its borders. With its African, Caribbean and Pacific partners, for instance, it proposed the amendment of Article 8 in the Cotonou Partnership Agreement. We wanted to adapt that non-discrimination clause to the language of the Lisbon Treaty, by introducing a reference to "sexual orientation".

The ACP side could not accept the proposal, and a compromise was agreed, using the language of the 1948 Universal Declaration on Human Rights: "The dialogue shall focus, [...] on [...] discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." We knew that a matter of principle had to be raised – and we will keep raising it.

I want to set out some practical examples of the EU in Action. Over the last year, we have raised the same principles with Uganda and Malawi – in Uganda, against a proposed Parliamentary bill further criminalising homosexuality and raising serious human rights issues; and in Malawi, over long prison sentences imposed on a gay couple. We spoke out and made public statements – together with MEPs - particularly those from the inter-group on LGBT issues - and NGOs, we worked behind the scenes with our delegations to argue the case for justice and human rights, with the two respective governments. In this, we succeeded.

The EU also uses its regular human rights dialogues with individual countries, to promote tolerance and non-discrimination to LGBT people. In countries like Moldova, those dialogues have resulted in expert level follow-up, and in countries like Russia, Croatia, Turkey, Montenegro and Brazil, the Union has used its Instrument for Democracy and Human Rights to support local and international NGOs in their own campaigns against discrimination.
That EU action has ranged from physical protection – which we offered to LBGT people who, in the wake of the assassination of David Kato in Uganda, had received death threats – to the practical promotion which saw 4,000 people attend a Gay Pride march in La Paz, Bolivia.

We can always do more. And to promote awareness throughout our delegations worldwide and to guide them in their work on the ground, in June of last year, we adopted a guide, a “Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People”. I much appreciated the support of this Parliament and joint working in order to produce the Toolkit. The toolkit sets out ways to bring about decriminalization, to promote equality before the law and in society, and to support and protect those who campaign for LGBT human rights. It also gives guidance on taking the issue onto the international stage in the United Nations.

So we stand by the principles of human rights, and we articulate that view. So, too, do we give practical support to establish those principles. We cannot allow discrimination over sexuality and gender, any more than we can over colour and creed. Human rights are as indivisible as they are universal.”