

Rights, not crimes

[Report, Legal Protection, Decriminalisation](#)

ILGA-Europe's report on the EU's role in ending criminalisation of same-sex acts in third countries.

This report looks into the role of the European Unions (EU) institutions can play towards countries which still criminalise consensual same-sex acts. The document first highlights that such legislation contravene international standards of human rights. In particular, breaches of the right to private life and the discriminatory aspect of these laws have been established at European and United Nations (UN) level. Furthermore, several UN bodies have declared that criminalisation of consensual same-sex acts amounts to degrading, inhumane treatment and torture. The report argues that the EU institutions have a responsibility in relation to human rights of lesbian, gay, bisexual and transgender people in several third countries. This responsibility flows from the fact that the EU member states have signed agreements with those countries which contains human rights clauses. To ensure the respect for human rights in those countries, the EU institutions have several tools: economical (withdrawal of aid), political (political dialogues) and legal (human rights clauses in agreements). The report gives a few examples of agreements with countries which criminalise consensual same-sex acts.

The paper then turns the issue of death penalty as a sentence for consensual same-sex acts. Despite guidelines and declarations condemning the use of the death penalty, the EU has signed agreements with countries which execute people on the sole basis of their sexual orientation. The report provides a list of these countries which receive financial help from the EU. Finally, it contains a list of recommendations targeted at the EU institutions. They are ordered of three kind: to put pressure on governments to stop violations of the human rights of people because of their sexual orientation; to raise awareness and visibility on the fact that rights of LGBT people are human rights and to protect people fleeing persecution.

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