

ILGA-Europe's Memorandum to the Belgian Presidency of the European Union

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ILGA-Europe - the European Region of the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) - is a European NGO with nearly 300 national and local lesbian, gay, bisexual, transgender and intersex (LGBTI) member organisations in 46 countries. ILGA-Europe works for human rights and equality for lesbian, gay, bisexual, transgender and intersex people at European level. ILGA-Europe enjoys consultative status at Economic and Social Council of the United Nations (ECOSOC), participative status at the Council of Europe and receives financial support from the European Commission. It is a member of the Platform of European Social NGOs. ILGA-Europe was established as a separate region of the ILGA in 1996. (www.ilga-europe.org)

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ILGA-Europe's Five Points Call for Action

1. Positive leadership to ensure protection against discrimination and promotion of equality

1.1. Anti-Discrimination Directive

ILGA-Europe is pleased and encouraged to find clear reference to the anti-discrimination directive in the Belgian Presidency's priorities related to promoting equal treatment in all spheres of life. ILGA-Europe considers the European Commission's proposal for a Council Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation as an essential step towards putting an end to the hierarchy of rights between groups of individuals in the EU.

Extensive evidence demonstrates that this directive is necessary for those throughout the EU who continue to experience discrimination in housing, access to goods and services, access to healthcare, and access to education. ILGA-Europe has compiled evidence of the need for new legislation in relation to the ground of sexual orientation¹, evidence which is corroborated by the studies carried out by the EU's Fundamental Rights Agency in 2008 that showed that discrimination, harassment and violence against LGBT people is still widespread throughout the EU².

Given that the unanimity is required for this directive to be adopted, ILGA-Europe seeks strong political leadership from the Belgian Presidency to garnish support from Member States. The European Parliament re-affirmed its strong support for this directive in April 2009, and since then over one-fifth of newly elected MEPs signed ILGA-Europe's pledge for human rights for all, which includes working for passage of the anti-discrimination directive³. At the Equality Summit in November 2009, civil society organisations and trade unions again voiced their call for strong European anti-discrimination legislation⁴. We call on the Belgian Presidency to use the endorsement from NGOs, trade unions and members of the European Parliament in securing the support of *all* Member States for the anti-discrimination directive.

ILGA-Europe encourages the Belgian Presidency to act as a powerful leader for the adoption of a strong legal instrument against discrimination. The European Parliament has already published a report which improves the original proposal and takes into consideration, in a large extent, the amendments called for by organisations working on anti-discrimination⁵. The former Presidencies have built on the work of the European Parliament to address the concerns of

¹ Available online at: www.ilga-europe.org/europe/campaigns_projects/campaign_for_new_european_anti_discrimination_legislation/what_is_ilga_europe_s_position

² See *Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States Part II: The Social Situation* (2009) available online at: http://fra.europa.eu/fraWebsite/attachments/FRA_hdgso_report-part2_en.pdf

³ Available online at: http://ilga-europe.org/home/what_we_do/working_with_the_european_institutions/be_bothered

⁴ See *Joint Declaration by the Social Platform and European Trade Union Confederation* (November 2009), http://cms.horus.be/files/99907/MediaArchive/Policies/Equality_and_non-discrimination/091023_SP-ETUC_joint%20declaration.pdf

⁵ See ILGA-Europe's assessment of European Commission proposal as well as the Social Platform's consolidated proposal for amendments

Member States and other stakeholders. We call upon the Belgian Presidency to continue this work with the ambition to create a clear and effective instrument that provides legal certainty for Member States, avoiding the need for cases before the European Court of Justice. Most importantly, we encourage the Belgian Presidency to maintain the provisions of the horizontal anti-discrimination directive that extend the benchmark protections of the Race Equality Directive to the listed grounds and thereby remove the hierarchy of rights that currently exists, rather than accepting provisions that limit the extent of the proposed directive.

In this context, ILGA-Europe welcomes the opportunity to contribute our expertise to ensure that negotiations on the proposed text fully take into consideration the experience of organisations working in the area of anti-discrimination.

Therefore, ILGA-Europe calls upon the Belgian Presidency to:

- Show leadership in harnessing existing support for this proposed anti-discrimination directive and in engaging in bilateral dialogue with Member States where needed, with a view of ensuring unanimous support for this proposal
- Continue the constructive dialogue on the text of the proposed anti-discrimination directive in the Council and build on the work of the European Parliament to improve the proposal
- Create a space for dialogue with civil society organisations and allow for contribution of legal and practical expertise

1.2. Equality Summit

ILGA-Europe is pleased with the continuous consultation that the Belgian government has had with civil society in the run-up to the fourth Equality Summit. We are also pleased to see that the Summit will primarily focus on the implementation of the two anti-discrimination directives that were adopted in the year 2000, namely Dir 2000/43/EC and Dir 2000/78/EC.

ILGA-Europe, however, also believes that the Equality Summit constitutes a unique opportunity to re-affirm political commitment for the proposed anti-discrimination directive and to remind Member States of the significance and relevance of this piece of legislation. Moreover, in keeping with the event's purpose, which is to develop more effective ways of combating all forms of discrimination and to promote equal rights in the EU, ILGA-Europe considers that the Summit can and should be used to foster the dialogue between ministers and officials, and other stakeholders . including equality bodies, NGOs and social partners . around the directive. This forum can contribute to ensuring that negotiations on the directive are based on objective facts and on extensive evidence of the need for this legislation rather than on political and technical considerations.

ILGA-Europe calls upon the Presidency to:

- Include the proposed anti-discrimination directive on the agenda of the Equality Summit and to use this event to create positive momentum and bring about a renewed commitment to adopting a strong and ambitious EU legislation on equal treatment
- Ensure high level ministerial representation at the Summit and create space for effective and meaningful dialogue between officials and stakeholders on the proposed directive

1.3. Gender Equality

It is important that the Belgian Presidency takes leadership to ensure the adoption of a strong follow-up strategy to the *Roadmap for equality between women and men 2006-2010*. On 16 June 2010 the European Parliament adopted a report entitled *Assessment of the results of the 2006-2010 Roadmap for Equality between women and men and forward looking recommendations*⁶ which clearly took on board the need to address multiple discrimination faced by minority women including lesbians, bisexual women and transgender people. Additionally, the report makes it clear that the next strategy should give particular attention to the ground of gender identity.

The above approach concurs very well with the approach suggested by ILGA-Europe as well as EQUINET in their contributions to the consultation on the roadmap for gender equality & follow-up strategy. ILGA-Europe's *contribution to the consultation on roadmap & follow-up strategy*⁷, listed the following aims for the EU follow-up agenda on gender equality:

- Ensuring effective legal protection against discrimination based on gender identity and/or expression both through existing and future legislation
- Tackling intersectionality/multiple discrimination on the grounds of gender, including intersectionality between sex, sexual orientation, gender identity and/or gender expression
- Ensuring that policies, including gender equality measures, fully take into consideration the needs of lesbians, bisexual women and trans people
- Combating gender-based stereotypes strengthening patterns of patriarchy, homophobia and transphobia, heteronormativity and gendernormativity

In addition to the above, it is important that any conferences that will be held by the Presidency to tackle pressing gender equality issues, do take into account that women are not a homogeneous group. Trans women, lesbians and bisexual women often experience an accentuated level of discrimination due to multiple discrimination.

Finally, it is important that gender equality legislation does not indirectly discriminate against LBT women either through omission or language use. Attention is therefore urged to the limitation of binary references to ~~men~~ and ~~women~~ or ~~fathers~~ and ~~mothers~~. Likewise, we would like to draw your attention to gendered references of the parents in parental leave legislation to ensure that lesbian, bisexual and transgender parents are not indirectly barred from equal access to maternity, paternity and other parental leave rights.

Therefore, ILGA-Europe calls upon the Belgian Presidency to:

- Ensure that LBT women form an integral part of the discussion towards the follow-up to the *Roadmap for equality between women and men 2006-2010*.
- Raise the intersectional dimensions of gender with LBT issues during gender equality conferences and high level meetings, particularly in view of the gender mainstreaming obligation and the implementation of current EU Gender Equality legislation.

⁶ See the adopted report at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0232&language=EN&ring=A7-2010-0156>

⁷ ILGA-Europe's contribution to the consultation on the roadmap for equality between women and men 2006-2010 and follow up strategy (November 2009) http://www.ilga-europe.org/europe/advocacy_lobbying/policy_papers/contribution_to_the_consultation_on_the_roadmap_for_equality_between_women_and_men_2006_2010_and_follow_up_strategy

- Ensure that the Maternity Leave Directive fully covers and protects lesbian and bisexual mothers.

1.4. Transgender Equality

EU Gender Equality legislation covers the ground of gender identity due to various rulings by the European Court of Justice (ECJ) and European Court of Human Rights (ECtHR), as well as the references included to gender reassignment in the Goods and Services Directive (2004/113/EC), and the Gender Recast Directive (2006/54/EC). Nonetheless, most EU Member States are ill-informed as to what extent they are obliged to protect transgender people from discrimination. In fact, some are still uncertain as to whether gender identity falls under sex or sexual orientation or nothing at all⁸.

In the Trans Rights Conference that ILGA-Europe held in Malta with the support of Transgender Europe, the participants voted in favour of a [declaration](#)⁹ calling upon the European Institutions to:

- Monitor the implementation of case-law and gender equality legislation vis-à-vis trans people
- Make sure that future gender equality legislation expressly includes gender identity and gender expression
- Outlaws any form of discrimination against all trans people explicitly.
- Clearly include measures addressing trans equality issues within gender mainstreaming measures; funding programmes; and including the multi-dimensional gender identity and gender expression in internal and external policy
- Fund detailed research and data collection on trans equality and human rights issues
- Consult and involve trans equality and rights organisations in European gender equality and human rights policy development+

Therefore, ILGA-Europe calls upon the Belgian Presidency to:

- Raise the duty to tackle the rampant discrimination against transgender workers during gender equality conferences and high level meetings, particularly in view of the gender mainstreaming obligation and the implementation of current EU Gender Equality legislation.
- Make sure that any gender legislation and/or policy that is currently under discussion or that will be initiated by the Presidency take into account the specific dimensions relating to trans people

1.5. Gender-based Violence

ILGA-Europe is pleased that the Belgian Presidency has put violence against women as a key point on its agenda. As the Presidency will know, the Council of Europe is currently in the process towards drafting a convention on action to combat violence against women and

⁸ For a mapping of the current situation consult [Transgender people and the Gender Recast Directive - Implementation Guidelines](#) (2009) available online at: http://www.ilga-europe.org/home/publications/reports_and_other_materials/transgender_people_and_the_gender_recast_directive_implementation_guidelines_december_2009

⁹ Declaration of the Trans Rights Conference (October 2009, Malta) http://www.ilga-europe.org/europe/about_us/annual_conference/malta_2009/conference_day_by_day/trans_rights_pre_conference_28th_october/declaration_of_the_trans_rights_conference

domestic violence (CAHVIO). ILGA-Europe has provided a submission into this process calling for the express inclusion of lesbian, bisexual and transgender women into the text of the Convention. The Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly welcomed the submission and incorporated the proposal in its opinion on [Discrimination on the basis of sexual orientation and gender identity](#)¹⁰, stating that: *“The committee points out that discrimination on the basis of sexual orientation and gender identity can be magnified on the basis of sex and gender, with lesbian, bisexual and transgender women, in particular, running an increased risk of violence. There can be instances of sex discrimination also within the LGBT community. The committee proposes four amendments to gender mainstream the texts to be adopted.”*

Therefore, ILGA-Europe calls upon the Belgian Presidency to:

- Coordinate its efforts to tackle gender-based violence with the Committee of Ministers of the Council of Europe
- Take note of the opinion on [Discrimination on the basis of sexual orientation and gender identity](#) thus including lesbian, bisexual and transgender women in the scope of the actions and activities that it intends to carry out.

2. Proactive mainstreaming of equality in EU social policies

ILGA-Europe welcomes the opportunity for the Belgian Presidency to forge pathways for equality in EU social policies. This opportunity is especially evident in the area of education, and securing LGBT equality in this area would do much to increase the social inclusion of the members of this often marginalized group. We look forward to working together as the Presidency creates benchmarks and strengthens the Open Method of Coordination.

ILGA-Europe supports the Belgian Presidency’s evidence-based approach to an EU education strategy, and we encourage the Presidency to use the many materials available to gain knowledge of the issues that affect LGBT youth in education systems¹¹. By addressing the specific factors for LGBT youth, the Belgian Presidency can thereby reach its goals of combating early school leaving and promoting inclusive education policies.

ILGA-Europe is pleased to note the Equal Opportunities Seminar with a focus on LGBT education issues scheduled by the Flemish Government following the 2010 Equality Summit. We welcome the opportunity to discuss the important issues affecting LGBT youth in education, and we hope that the Belgian Presidency uses this chance to raise awareness with national governments of the EU-27 and their respective ministries for education on the need to address homophobia and transphobia in education.

ILGA-Europe calls on the Belgian Presidency to:

- Examine the available evidence and consult the specialised civil society actors on social policy, particularly education
- Include benchmarks related to the LGBT community in the Open Method of Coordination

¹⁰ See [Discrimination on the basis of sexual orientation and gender identity](http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc09/EDOC12099.htm) (15 December 2009)

¹¹ See http://ilga-europe.org/home/issues/education_and_schools

- Utilise the Equal Opportunity Seminar on LGBT and education at the Equality Summit to raise awareness on the need to tackle homophobia and transphobia in education

3. Tackling homophobia, transphobia and discrimination in the frame of the EU freedom, security and justice policy

The EU Stockholm Programme (2010-2014) in the area of freedom, security and justice (*an open and secure Europe serving and protecting the citizens*) has been adopted by the European Council of 10 and 11 December 2009. The Commission presented an Action Plan Implementing the Stockholm Programme in April.

ILGA-Europe calls on the Belgian Presidency to ensure that the protection of fundamental rights will remain an overarching priority of the legislative proposals to be discussed in the next months. The European Union has a significant responsibility to take action to actively respect, protect and fulfil fundamental rights through the standards that are set for the Union and for Member States.

All proposals in the field of freedom, security and justice must be built on the respect for the universality and indivisibility of the fundamental human rights of all in keeping with the EU Charter of Fundamental Rights and Article 6 of the EU treaty. The entry into force of the Lisbon Treaty has further strengthened these requirements.

ILGA-Europe would like to draw the attention of the Belgian Presidency to the EU Fundamental Rights Agency report on *Homophobia and discrimination on grounds of sexual orientation in the EU Member States*¹². In its legal and sociological studies, the FRA provides clear evidence for actions needed in order to respect, protect and promote the fundamental rights of LGBT persons across the EU. It offers a roadmap for Member States on how EU laws that impact LGBT people should be implemented in order to be in accordance with the requirements of fundamental rights, as required under Article 6 of the EU Treaty.

Several opinions provided by the FRA fall under the heading of justice and home affairs:

- FRA called for an EU legislation covering homophobia and transphobia to be adopted, following the model of the framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA). The Stockholm Programme also mentions that *criminal behaviour, in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis should become the object of common incriminations and common minimum levels of maximum sanctions*
- FRA called for a correct implementation of the freedom of movement within the EU and mutual recognition of civil status in relation to LGBT families. The Stockholm Programme stresses that unnecessary *obstacles restricting that right in everyday life should be removed*
- ILGA-Europe notes that the proposed Action Plan Implementing Stockholm Programme mentions the extension of the FRA Multiannual Framework to cover the domain of

¹² Available online at : http://www.fra.europa.eu/fraWebsite/products/publications_reports/comparative_reports/pub_cr_homophobia_p2_0309_en.htm

judicial and police cooperation in criminal matters, and calls on the Presidency to support this measure.

In the frame of the Stockholm Programme, ILGA-Europe calls on the Presidency to ensure that EU institutions and Member States will make concrete advances on the implementation of the FRA's opinions. [ILGA-Europe's contribution to the Commission's consultation on the Stockholm Programme](#) details how the EU can progress on the Agency's opinions over the next five years.

ILGA-Europe calls on the Belgian Presidency to:

- Ensure that the Stockholm Action Plan is correctly implemented and commits the EU to enhancing human rights protection for everyone in the EU and to mainstreaming fundamental rights, including the rights of LGBT people, into all EU law and policy.
- Ensure that the Stockholm Programme will effectively contribute to fighting homophobia and discrimination based on sexual orientation and gender identity over the next five years, in particular in relation to:
 - legislation, policies and programmes to combat homophobia and transphobia and incitement to hatred or discrimination against LGBT people, and to improve assistance to victims
 - *the development of a European police culture* mentioned in the Common Work Programme of the Belgian, Belgian and Hungarian presidencies, including through the activity of EU agencies such as the European Police College (CEPOL)
- Tackle the existing obstacles and limitations on the freedom of movement of same-sex partners and family members of LGBT people, including in relation to the portability of rights and the mutual recognition of civil status.

4. Offering a higher degree of protection to LGBT asylum seekers in the Common European Asylum System

In numerous instances, despite the existing legislation that defines persecution on the ground of sexual orientation as a reason for persecution, national authorities and courts opt for the deportation of LGBT asylum seekers to countries that punish homosexual acts with imprisonment, torture, or even death. In 2008, the European Parliament called *on the EU institutions and Member States to take action to prevent similar situations*.

In the European Pact on Immigration and Asylum adopted in 2008, the European Council *solemnly reiterated that any persecuted foreigner is entitled to obtain aid and protection on the territory of the European Union in application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees*, and considered that *time has come to take new initiatives to complete the establishment of a Common European Asylum System [õ] to offer a higher degree of protection*. The European Council also supported a more sustained dialogue with the Office of the United Nations High Commissioner for Refugees (UNHCR).

ILGA-Europe would like to draw the attention of the Belgian Presidency to the on-going Parliamentary debates and Council negotiations on the recasting process of the EU legislation, in particular as regards the qualification for international protection directive (2004/83/EC) and the asylum procedures directive (2005/85/EC). The recast of the EU legislation is an opportunity

to improve the protection offered to LGBT asylum seekers, and in particular to transgender asylum seekers.

ILGA-Europe also considers there is a growing need to identify and spread good practices about asylum applications of LGBT people, and calls on the Belgian Presidency to closely monitor the establishment of the European Asylum Support Office (Regulation (EU) 439/2010 on 19 May 2010) in the light of the proposed Action Plan Implementing the Stockholm Programme, which includes actions to be undertaken by the EASO such as the development of *methods to better identify those who are in need of international protection in mixed flows*

Several recommendations provided by European institutions and international organisations should be given due consideration:

- The EU Fundamental Rights Agency (FRA) called for the development of concrete criteria and guidelines for the treatment of LGBT asylum seekers and for the handling of issues of sexual orientation and gender identity in the application procedures. The Agency also mentioned the need to ensure that officials dealing with LGBT asylum seekers are appropriately trained to deal with issues of sexual orientation and gender identity.
- FRA called for the protection of same-sex spouses in asylum and family reunification legislations.
- In 2008, the United Nations High Commissioner for Refugees (UNHCR) published a [Guidance note on refugee claims relating to sexual orientation and gender identity](#).
- In its Recommendation CM/Rec(2010)5, the Committee of Ministers of the Council of Europe called on States to ensure that *asylum seekers are not sent to a country where their life or freedom would be threatened [ō] on grounds of sexual orientation or gender identity* † and that *asylum seekers should be protected from any discriminatory policies or practices on grounds of sexual orientation or gender identity* †

ILGA-Europe calls on the Belgian Presidency to:

- Ensure that the negotiations on EU asylum law are adequately conducted and lead to an improvement of the protection offered to victims of persecution based on sexual orientation and gender identity.
- Ensure that the existing legislation is correctly transposed and implemented in the area of asylum and family reunification.
- Foster the mission of the EASO in the areas of exchange of information and of training for members of all national administrations, courts and services responsible for asylum matters, taking into consideration:
 - The above mentioned recommendations and guidelines as regards LGBT asylum seekers
 - The role of the Consultative Forum established by Regulation (EU) 439/2010 and the cooperation with the UNHCR.

5. Promoting LGBT rights in external relations

5.1 Enlargement

ILGA-Europe takes note that EU enlargement will be among the priorities of Belgian Presidency. We are also happy to note that while being a fervent supporter of the EU integration process the Presidency stressed that each country must meet necessary criteria and implement required reforms before being invited to join the Union.

The main focus of ILGA-Europe's advocacy work in the accession process with these countries is to ensure that human rights of lesbian, gay bisexual and transgender (LGBT) people are incorporated in the partnership agreements with the accession countries and that EU legislation relevant to LGBT rights are properly implemented and enforced through the appropriate administrative and judicial structures.

In this context, ILGA-Europe would like to draw the attention of the Belgian Presidency to the fact that sexual orientation ground has been deleted from the anti-discrimination law of the FYR Macedonia before its adoption on 8 April, 2010. As a candidate country to EU membership, the Former Yugoslav Republic of Macedonia is expected to introduce a comprehensive anti-discrimination law providing protection from discrimination on the grounds of age, ethnic origin, disability, religion, race and sexual orientation. Moreover, introduction of a comprehensive anti-discrimination law is a precondition set in the roadmap on visa liberalisation with FYR Macedonia.

At the same time, Montenegro has not yet adopted a comprehensive anti-discrimination law.

In the countries where the laws are adopted (Serbia, Croatia, Albania, Bosnia and Herzegovina) the level of protection against discrimination as well as judicial prosecution of acts of discrimination against LGBT people is not in line with EU standards.

Without explicit and strong anti-discrimination protection in the laws and efficient mechanisms to enforce those laws LGBT people in accession and pre-accession countries will continue to be forced to live as second-class citizens, under the constant pressure of secrecy, job discrimination, violence and social isolation.

ILGA-Europe calls on the Belgian Presidency to:

- Emphasize the obligation of accession and pre-accession countries, in particular the government of FYR Macedonia, to transpose the EU acquis into national legislation and provide protection from discrimination on required six grounds (including sexual orientation) as a precondition for EU membership.
- Monitor the actions of the governments to respect and uphold LGBT people's rights in light of the requirement to respect the human rights and fundamental freedoms and the rule of law as a precondition for EU membership.

5.2 European Neighbourhood Policy/ Eastern Partnership

ILGA-Europe welcomes the particular emphasis placed by the European Union on pursuing closer regional integration with Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

through the Eastern Partnership. We are however concerned that despite the overarching commitment to respect human rights and fundamental freedoms within the Joint Declaration of the Prague Eastern Partnership Summit, LGBT people risk remaining invisible unless it is clearly communicated in human rights dialogues and in ENP action plan successor agreements that the categories of vulnerable groups and minorities requiring tolerance and non discrimination include LGBT people.

ILGA-Europe therefore calls on the Belgian Presidency to:

- Use bilateral engagement with ENP countries to ensure that all ENP action plan successor agreements include a commitment to pass comprehensive anti discrimination legislation and that it is clearly stated that references to vulnerable groups and minorities include LGBT people.
- Ensure that in multilateral engagement, the approximation of legislative and regulatory framework support involving relevant EU services includes anti discrimination legislation.
- Work with the Moldovan and Ukrainian authorities to ensure that the respective national anti discrimination laws currently in draft form, are adopted inclusive of LGBT people.
- Urge Russian Authorities for a clear message that existing anti-discrimination legislation also applies to LGBT people and to take all necessary measures to guarantee the exercise in practice of the right to peaceful association and assembly for the LGBT community in Russia.

5.3. Human Rights in third countries

The EU has the possibility to act as a powerful force for positive change on human rights, including in relation to LGBT rights, on the global stage. ILGA-Europe welcomes the adoption of the [Toolkit to Promote and Protect the Enjoyment of all Human Rights by LGBT People](#)¹³ as an important step towards consolidating EU policies in this field, as well as making them a visible and inalienable part of EU human rights foreign policy. Over the last year, the EU and its Member States have demonstrated their leadership and ongoing support for LGBT rights at the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe, and the United Nations. Such a leadership is crucial to achieve global decriminalization of homosexuality¹⁴ and international legal recognition of sexual orientation and gender identity as prohibited grounds of discrimination. EU leadership is also needed in relation to the protection of defenders of LGBT human rights, which many UN human rights bodies have recognised as a particularly vulnerable group.

ILGA-Europe calls on the Belgian Presidency to:

- Ensure that the situation of LGBT people is included in the human rights dialogues with Central Asian countries and raise decriminalization of consensual same sex relations in Uzbekistan and Turkmenistan.
- Take a strong stance in support of explicit recognition of LGBT rights in international forums such as at the OSCE, the Council of Europe's Committee of Ministers and Parliamentary Assembly, the United Nations' Human Rights Council and General Assembly

¹³ Available online at: <http://www.consilium.europa.eu/uedocs/cmsUpload/st11179.en10.pdf>

¹⁴ ILGA-Europe has produced a report - ['Rights, not crimes: the EU's role in ending criminalisation of same-sex acts in third countries'](#), on the role that the EU can play to put an end to these breaches of human rights. Available online at: http://www.ilga-europe.org/europe/publications/non_periodical/rights_not_crimes_april_2005

- Raise concerns for human rights of LGBT people with the third countries with which summits are organised during its Presidency
- Ensure the implementation of the EU's Human Rights Guidelines on Death Penalty, Torture and Human Rights Defenders, as well as start full implementation of the COHOM Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People, including popularizing the tool among relevant staff of EU Delegations in third countries.