

February 2013



EU-UK Balance of Competencies

Foreign Policy Report

Summary

1. This paper contains Stonewall's response to the Foreign Policy report which reviews the balance of competencies between the EU and the UK.
2. Stonewall is the leading lesbian, gay and bisexual (LGB) equality organisation in Britain and campaigns and lobbies to advance the human rights of lesbian, gay and bisexual people both in Britain and worldwide.
3. Stonewall welcomes this review. Stonewall's response to a number of key issues included in the inquiry's terms of reference is below.
4. The human rights abuses against LGB people globally are widely reported and recorded. Stonewall is deeply concerned about these continued abuses, which include: the criminalisation of consensual sexual activity between people of the same sex, violence and threats of violence by security services and members of the local community and discrimination in services such as healthcare and education.
5. The EU's Human Rights Strategy which pledges to '*put human rights at the centre of all relations with third countries*' provides a useful framework for EU members to work together on LGB equality work. Over the last year Stonewall has engaged with numerous Foreign Office geographical desks and diplomats based at overseas missions. Most cite the importance of working as a part of co-ordinated EU diplomacy to engage with foreign governments on LGB equality. In many cases, UK diplomats have suggested that EU multilateral diplomacy is the most appropriate way to raise real concerns and criticisms, especially if a public stance is required. This approach can complement British diplomacy behind the scenes. Joint EU action is also the most appropriate way of employing any type of sanction, such as travel bans, against countries which repeatedly violate the rights of LGB citizens.
6. In many cases the UK has taken a lead within the EU on LGB rights, particularly in African, Caribbean and Pacific countries. Around half of the 78 countries where same-sex is illegal are Commonwealth countries. The UK has a strong diplomatic presence in many of these countries and has used this to support the human rights

of gay people. Several examples are cited in the 2011 Foreign Office Human Rights and Democracy Report.

7. The EU Human Rights Dialogue has been a particularly useful instrument. Stonewall is aware that Foreign Office diplomats have been able to use this mechanism to raise LGB equality in the broader context of human rights and EU relations with different African Caribbean and Pacific countries. This type of joint EU action is also a useful way to engage on LGB equality with strategic partners of both the EU and the UK such as Russia.
8. The EU toolkit on LGB equality which was adopted in 2010 has helped EU missions and the missions of member states to work effectively for LGB human rights with African Caribbean and Pacific countries and beyond. This toolkit drew heavily from the UK's own toolkit on LGB equality. The EU is now in the process of upgrading this toolkit to guidelines, which will be adopted by the European Council and will become politically binding. The UK's role in helping to ensure this progress occurs is important.
9. In addition to its external policy work, the EU has played an important role in LGB equality both within the EU, with accession countries, and as a part of the European Neighbourhood Project. Every country in the Western Balkan region, with the exception of FYR Macedonia, has enacted comprehensive anti-discrimination which is inclusive of sexual orientation. This is mostly due to the human rights conditionality for EU membership.
10. The UK has played an important role in supporting countries on LGB equality as they prepare for ascension. For example the Foreign Office in Croatia and Stonewall have been working with the Gender Ombudsperson's office and activists in Croatia to support the Croatian government to bring forward a comprehensive civil partnership bill. Other integration instruments also offer a framework for dialogue on the rights of LGB people, for example visa-liberalisation policies.
11. It is critical to global LGB equality that the UK continues to engage with the EU on these matters. The UK is a strong voice for LGB equality in the EU and beyond and offers high standards which are embedded in UK domestic law. Likewise, the EU offers a number of mechanisms which can support the UK's foreign policy objectives on gay equality. These mechanisms need to be fully utilised and improved where necessary.