

## Spanish Presidency of the European Union

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### **Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on the International Day Against Homophobia, 17 May 2010**

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The European Union (EU) would like to draw the attention of the Permanent Council to the “Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on the International Day Against Homophobia, 17 May 2010”. The Declaration, issued on 17 May 2010, includes the list of countries that aligned themselves with it in Brussels:

“In the context of the International Day Against Homophobia, I, on behalf of the European Union, reaffirm the principle of non-discrimination which requires that human rights apply equally to every human being regardless of sexual orientation and gender identity. My own deeply held personal commitment to the equality and social justice agenda, in particular in the field of gay rights, goes back many years.

The European Union rejects and condemns any manifestation of homophobia as this phenomenon is a blatant violation of human

dignity. It considers that discrimination on the grounds of sexual orientation and gender identity is incompatible with the basic principles on which the EU is founded, and it is and will remain committed to the prevention and eradication of discrimination based on the six grounds mentioned in Articles 10 and 19 of the Treaty on the Functioning of the EU, which include sexual orientation.

The European Union recalls that discrimination on the grounds of sexual orientation and gender identity is also prohibited by international human rights instruments, such as the International Covenant on Civil and Political Rights (Articles 2, 16 and 17), the International Covenant on Economic, Social and Cultural Rights (Article 2) and the UN Convention on the Rights of the Child (Article 2), to which all EU Member States are party.

The European Union is deeply concerned by the violations of human rights and fundamental freedoms based on sexual orientation or gender identity wherever they occur, in particular the use of death penalty on this ground, the practice of torture or other cruel, inhuman and degrading treatment or punishment, arbitrary arrest or detention, denying the right to peaceful assembly and deprivation of economic, social and cultural rights, including the right to health.

This forms an integral part of the EU common foreign and security policy where several measures have been taken, specifically, the creation of a Taskforce on Lesbian, Gay, Bisexual and Transgendered People's (LGBT) rights within the Council Working Group on Human Rights (COHOM) and the upcoming adoption by the latter of a EU Toolkit on LGBT rights.

The European Union urges States to take all necessary measures to ensure that sexual orientation and gender identity may under no circumstances be the basis for criminal penalties and that such human rights violations are investigated and perpetrators held accountable and brought to justice.

The European Union urges States to ensure adequate protection of human rights defenders, and remove obstacles which prevent them from carrying out their work on issues of human rights and sexual orientation and gender identity.

The European Union recalls in this context, that 67 States from different regions condemned violations based on sexual orientation and gender identity in the General Assembly Statement on Human Rights, Sexual Orientation and Gender Identity of 18 December 2008. The European Union welcomes the ever increasing support to these principles in the world and urges States to continue in the promotion of these principles, as outlined in the World Congress on Human Rights, Sexual Orientation and Gender Identity on 15 of March, 2009.

The Candidate Countries Croatia\* and the former Yugoslav Republic of Macedonia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Montenegro and Serbia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Armenia and Georgia align themselves with this declaration.

\* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.”