

Report on the implementation of the EU LGBTI Guidelines



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"The EU aims to promote and protect all human rights of LGBTI persons on the basis of existing international legal standards in this area, including those set by the United Nations and the Council of Europe. Through the different tools available within its external action, including financial instruments available from both EU institutions and Member States, the EU will seek to actively promote and protect the enjoyment of these rights."

From the EU Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons

"The EU stands together with LGBTI people all around the world in the struggle to end discrimination on the grounds of sexual orientation and gender identity. All human beings are equal in dignity and all are entitled to enjoy their rights as enshrined in the Universal Declaration of Human Rights. The EU will continue to advocate measures to combat discrimination and violence against LGBTI persons, and to actively promote their rights."

Federica Mogherini, High Representative of the EU, on the International Day against Homo-, Trans- and Biphobia (2015)

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1. Introduction

The European Union's 'Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons' (hereafter the EU LGBTI Guidelines) were adopted on 24 June 2013 by the Foreign Affairs Council of the EU Council of Ministers. They form a part of the 'Strategic Framework on Human Rights and Democracy', which outlines the strategy of the EU to promote human rights in its external action.

The EU LGBTI Guidelines prescribe a pro-active attitude for EU Delegations and National Embassies of EU countries regarding the promotion of LGBTI rights. There are four priority areas on which the EU Delegation and Embassies should focus:

- Decriminalisation and combating discriminatory laws and practices
- Equality and non-discrimination
- Combating LGBTI-phobic violence
- Supporting LGBTI Human Rights Defenders

For the promotion of LGBTI rights in these areas, ten tools to be used by EU Delegations and/or Embassies are specifically described:

- Including of LGBTI rights in the human rights country strategies
- Monitoring human rights of LGBTI persons, in cooperation with authorities and civil society
- Including of the situation of LGBTI people in EU Heads of Mission (HoMs) reports
- Making demarches and public statements on LGBTI issues
- Taking specific action concerning individual cases of violation of the human rights of an LGBTI person
- Attending and observing court hearings and making prison visits
- Raising the human rights situation of LGBTI persons in political dialogues
- Supporting efforts by civil society
- Cooperating with international mechanisms, such as the UN, Council of Europe and the OSCE
- Encouraging visiting EU and Member States missions to raise LGBTI issues with their local counterparts and to meet LGBTI Human Rights Defenders

In 2017, the second Action Plan for the implementation of the Strategic Framework on Human Rights and Democracy will be evaluated. In that context, the implementation of the EU LGBTI Guidelines will be evaluated as well.

Mixed signals about implementation

Ever since the EU LGBTI Guidelines are in force, COC Netherlands and ILGA-Europe have been receiving mixed signals about their implementation from LGBTI civil society organisations across the world. In some countries, EU Delegations and National Embassies of some EU Member States have pro-actively taken up implementation and are in regular contact with LGBTI organisations to coordinate strategies and actions. In other countries however, they only occasionally take action on LGBTI rights, or take action without consulting LGBTI organisations, or there is no contact at all with local leading LGBTI organisations.

Considering the forthcoming evaluation of the Action Plan to implement the Strategic Framework on Human Rights and Democracy, COC Netherlands decided to conduct a broad survey into the experiences of LGBTI organisations across the world with the EU Delegations and National Embassies of EU Member States, in cooperation with ILGA-Europe. The results of this survey, conveyed in this report, can feed into the evaluation of the implementation of the EU LGBTI Guidelines that the European Commission will carry out. Results are combined with good practices and suggestions for improvement per priority area and tool, and hopefully serve as a source of inspiration to EEAS, EU Delegation and Member State Embassy staff.

COC Netherlands is convinced that a thorough implementation of the EU LGBTI Guidelines will give an important impetus to the promotion of LGBTI rights across the world and hopes this report will contribute to that.

Definitions

A number of terms and abbreviations are used throughout this report that deserve some explanation:

- **EU LGBTI Guidelines:** One of a set of Human Rights Guidelines for EU foreign policy. They are adopted by the Council of Ministers of Foreign Affairs of the EU, and give instructions to the EU Delegations as well as Embassies of all EU Member States in third countries. There is a toolkit that accompanies the LGBTI Guidelines.
- **EU Delegation:** Sometimes also called the EU Mission or the EU Embassy. This is the foreign service of the EU, led by the EU High Commissioner for Foreign Affairs, currently Federica Mogherini. The EU Delegations are staffed with diplomats from all EU Member States and coordinate the efforts of National Embassies of EU Member States and carry out Guidelines and other common foreign policies of the EU.
- **EU Head of Mission:** Sometimes also called EU Ambassador. This is the appointed head of the EU Delegation, who is primarily responsible for the work of his or her Delegation and who reports back to the High Commissioner and the European Parliament.
- **Human Rights Focal Point:** Has been appointed within most EU Delegations. The HRFP is the main point of contact for civil society organisations in the field of human rights and coordinates the input for the Human Rights Country Strategy and the Human Rights Dialogue.
- **Human Rights Country Strategy:** Was drafted for at least forty countries. They are confidential and set out the strategy to promote human rights in a specific third country.
- **Human Rights Dialogue:** Are held with governments in many countries. They are prepared with human rights civil society organisations.
- **National Embassies:** Also called Member State Missions or High Commissions when it concerns Canada or Great Britain. Here, the term National Embassy is used throughout.
- **LGBTI organisations:** Civil society organisations that concern themselves with LGBTI rights. In some cases, they are general human rights organisations that include LGBTI rights in their work, or they are registered as another type of organisation due to national circumstances.
- **Global regions:** Defined by the self-identification of LGBTI organisations. Generally, the regions mentioned are Europe (those countries outside the EU), Africa (all African countries except for the Northern African), MENA (Middle East and North Africa), South/Central/Latin America (South American mainland), Caribbean, Asia (Central, Near and Far) and other (mainly Australia and Polynesia).

2. Summary of results and recommendations

The EU LGBTI Guidelines are not fully implemented in the majority of assessed countries. More than half of the LGBTI organisations that reacted to a web-survey indicated that they had never had contact with the EU Delegation in their country. Only two of the LGBTI organisations in a round of qualitative interviews reported a near full implementation of the Guidelines by the EU Delegation in their countries, while the other 13 reported either a mix of good practices and missed chances, or that the EU Delegation had not, to their knowledge, engaged in LGBTI rights at all. LGBTI organisations made many suggestions for a better implementation of the EU LGBTI Guidelines, many of which would be quite easy and low-cost for the EU Delegations to carry out but valuable for LGBTI rights in these countries.

The most important recommendation is to consult regularly with LGBTI organisations. Only if action is taken in consultation with the organisations, can pitfalls be avoided and can actions feed into a larger strategy for the promotion of LGBTI rights in a country. Below follows a list of the suggestions made by LGBTI organisations across the world, which are further explained in this report. Not all suggestions are relevant everywhere of course, it depends on the local situation and the needs of the LGBTI organisations and community in a specific country what instruments will positively contribute.

General recommendations

- Consult regularly with LGBTI organisations to monitor the situation and take appropriate action that complies with the strategy of the organisations.
- Inform LGBTI organisations of what is done with the information they provide and what is discussed with their government regarding LGBTI rights.
- Make sure that the level of engagement and the actions taken depend on the needs of the LGBTI community in a country, not on the personal commitment of Delegation staff.
- Coordinate strategy and action not only with National Embassies of EU Member States, but also with Embassies of third countries such as the US or Canada and with international organisations such as the UN.

Decriminalisation and combating discriminatory laws and practices

- Consult with LGBTI organisations to tie in with their strategies to achieve decriminalisation. Sometimes striving for decriminalisation goes directly against the strategy chosen by local organizations and might even work counter-productive.
- Use the EU's position as provider of development or other funding to the government to exert influence on the government to change discriminatory laws and practices.

Promoting equality and non-discrimination

- Mainstream LGBTI rights in (EU-funded) projects in the areas of health care, education, the labour market or law enforcement, especially where explicit promotion of LGBTI rights is difficult.
- Support awareness campaigns to improve public opinion of LGBTI people, among the general public or among specific target groups like health care professionals or teachers.
- Help put draft legislation on the agenda and provide political support for the efforts of LGBTI organisations in this area.

Combating LGBTI-phobic violence

- Use the expertise that the EU has in the field of training of law enforcement officers to train police and other parts of the judicial chain elsewhere in the world.
- Use the leverage that the EU has, for example where the EU contributes to rule of law projects, to mainstream LGBTI rights in the capacity building of the justice chain.

Support for Human Rights Defenders

- Provide emergency support for LGBTI Human Rights Defenders who are persecuted by authorities or homophobic groups, among others by offering safe space, a fast-track visa procedure or access to a lawyer if arrested.

Monitoring human rights

- Monitor regularly and concentrate on the full picture instead of only broadly publicised incidents.
- Use up-to-date information from organisations on the ground to monitor the situation and assess opportunities to promote LGBTI rights.
- Use monitoring reports not only to report to Brussels, but as an advocacy and diplomacy tool towards authorities, in cooperation with LGBTI organisations.

Public statements

- Prevent backlash in the form of accusations of 'neo-imperialism' or 'imposing Western values' first and foremost by consulting LGBTI organisations, and by concentrating on a human rights narrative that condemns violence against LGBTI persons.
- Make public statements together with like-minded Embassies within and outside the EU.
- Draft editorials around important events, such as the International Day against Homophobia and Transphobia or a national Pride event, in consultation with LGBTI organisations.
- Make statements to support local allies who promote LGBTI rights, such as judges or public figures, to encourage them.

Individual cases

- Don't only concentrate on well-publicised incidents; also pro-actively support the victims in cases that do not attract media attention.

Court hearings and prison visits

- Only attend and observe court hearings in consultation with LGBTI organisations, to avoid negative backlash.
- Make more use of the tool of prison visits, as this may improve the situation of LGBTI prisoners considerably.

Political dialogue

- Make clear to LGBTI organisations for what purpose the information they provide to the EU Delegation will be used, and report back afterwards.
- Stimulate progress of legislative or other initiatives by regularly asking the authorities to provide information on progress.
- Encourage governments to sign international declarations to promote LGBTI rights and offer tools to implement these declarations.

- Enter into dialogue with the government on LGBTI rights especially there where LGBTI organisations cannot communicate with the government themselves.

Supporting efforts by civil society

- Provide access to the expertise that exists in the EU on monitoring methods for LGBTI rights and incidents.
- Assist in obtaining monitoring data from police and other authorities.
- Help LGBTI organisations bring their monitoring data under attention of the public, the government and international community.
- Facilitate exchange with LGBTI organisations from other countries, to provide capacity building or to compare experiences and strategies.
- Help LGBTI organisations obtain visa for visiting activists or artists from abroad.
- Share experiences from EU countries where progress on LGBTI rights was made relatively recently, such as Malta or Spain, to show this can happen without civil unrest.
- When attending events or offering visibility in other ways, make sure it promotes the visibility of the cause, not (only) that of the EU.
- Promote mainstreaming of LGBTI rights in the work of other human right organisations when the EU Delegation has contact with them or funds a human rights project.
- Offer premises for meetings and events organised by LGBTI organisations, especially in countries where LGBTI events are regularly threatened.
- Invite both government officials and LGBTI organisations to meet at the EU Delegation, to offer a platform for exchange that feels safe for both sides.
- Offer trainings and support to draft applications for EIDHR or other funding instruments.
- In the next review of the EIDHR, make it more easily accessible, also for not officially registered organisations and build in a measure of flexibility to deal with developments in countries where this is needed.

3. Methodology

The survey into the experiences of LGBTI organisations with EU Delegations and National Embassies of EU Member States made use of two survey methods; a web-survey and a series of qualitative interviews.

The web-survey was spread among LGBTI organisations across the world. It was included in the newsletter of ILGA-Europe and it was sent directly in an email to the relevant LGBTI organisations in the database of COC Netherlands. The web-survey received 55 reactions. While there were relatively more reactions from (Eastern) Europe, the other respondents were more or less evenly spread over the different regions of the world. The questionnaire used for the web-survey may be found in the attachments.

Qualitative interviews were held with 15 organisations, of which three umbrella organisations in South/Central America, the Middle East/North Africa and Europe. Two organisations operate at local level, in Istanbul and St Petersburg, while the other ten operate at national level in Tanzania, Nigeria, Mongolia, Pakistan, Peru, Belize (two organisations), Guyana, Jamaica and a country not to be named due to security reasons. An effort was made to speak with an umbrella organisation and two national organisations per global region. This succeeded in some regions, but not in others when there was no umbrella organisation or when it was not possible to arrange an interview with an umbrella organisation or with more than one national organisation. The countries were chosen for various reasons. The main reason was because there had been positive or negative developments there in the past few years regarding LGBTI rights, which the EU Delegation might have reacted to or had influence on in implementing the EU LGBTI Guidelines. Other countries were chosen because the LGBTI organisations there indicated they would like to be included in the qualitative interviews after receiving notice of the web-survey, or were referred by the regional umbrella organisation. The questionnaire used for the qualitative interviews is also included in the attachments.

The interviews were done via Skype or Meet.jit.si, the latter being more secure in those countries where LGBTI persons or organisations are actively persecuted by authorities. Two interviews that were planned could not take place within the timeframe of this survey. One was in Turkey, where at the time that the interview was planned the government had blocked the Internet following the arrest of several leading Kurdish politicians. The other was in Morocco, where a well-publicised incident involving two girls who were arrested in Marrakech for kissing each other demanded the full attention of the local LGBTI organisation.

While the web-survey could be called representative with 55 reactions from different countries and regions, comprising a little less than one third of the countries in the world, many countries could not be included within the scope of this survey. Since the implementation of the EU LGBTI Guidelines by EU Delegations varies considerably between countries, even within the same region, it is very likely that some countries where the EU Delegation does indeed pro-actively promote LGBTI rights were not included. A point in fact is that while the EU Delegation in Peru seems very pro-active in implementing the Guidelines according to the local LGBTI organisation in a qualitative interview, this does not reflect in the answers from the South and Central America in the web-survey. The qualitative interviews are of course even more selective regarding the choice of countries. Within the time frame, only 15 interviews could be included. Hopefully, the European Commission will carry out a comprehensive evaluation, including all countries.

This would be very relevant for another reason too. For this survey, only the experience of LGBTI organisations was assessed. The EU LGBTI Guidelines prescribe close contact and consultation of LGBTI organisations before taking action in this area, so it might be presumed that if there is little or no contact between the EU Delegation and LGBTI organisations, the EU Delegation is not implementing the Guidelines properly. Even so, the EU Delegations are diplomatic missions, which perform part of their work behind the scenes. The Human Rights Country Strategies for instance are confidential, as are the Human Rights Dialogues, so it may be the case that these tools are used by EU Delegations without the local LGBTI organisation being aware of this. The only body that can have a full overview of actions undertaken for the promotion of LGBTI rights by EU Delegations is the European Commission and in particular the High Commissioner for Foreign Affairs.

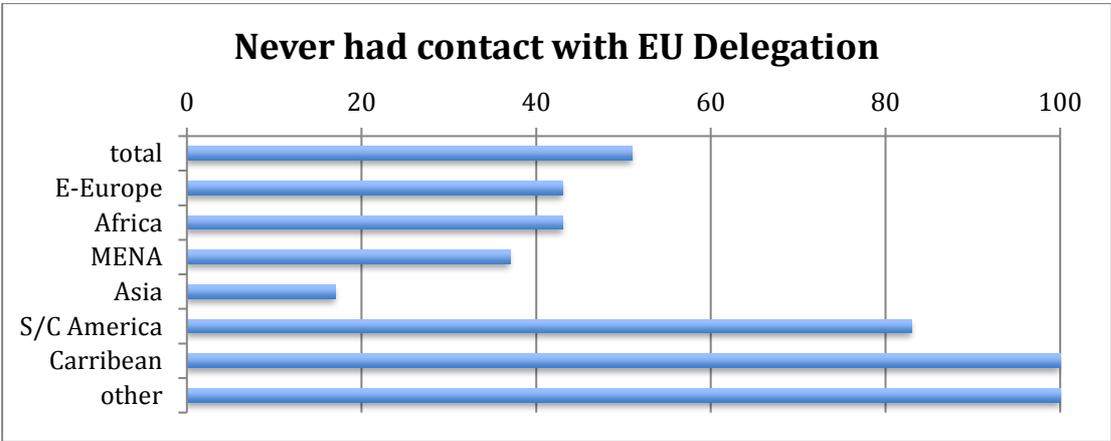
A last note on the methodology that needs to be made is that while for the qualitative interviews, leading LGBTI organisations were chosen, this cannot be ensured for the web-survey. It is possible that the EU Delegation does engage with an LGBTI organisation in a country, but not with the organisation that reacted to the web-survey. However, in many countries there is only one or very few LGBTI organisations and mainly the leading organisations have the capacity to react to such a web-survey. Therefore it might be assumed that most of the reactions to the web-survey were from leading LGBTI organisations in the national context.

4. Results of the survey

Both the web-survey and the qualitative interviews have turned out that the EU LGBTI Guidelines are not fully implemented in the majority of assessed countries. Only two of the LGBTI organisations in the qualitative interviews reported a near full implementation of the Guidelines by the EU Delegation in their countries, Jamaica and Peru, while the other 13 reported either a mix of good practices and missed chances, or that the EU Delegation had not engaged in LGBTI rights at all to their knowledge. Mainly, the respondents had many useful recommendations for action from EU Delegations within the realm of the Guidelines, which would promote LGBTI rights in valuable ways. Quotes from their remarks in the web-survey or in the qualitative interviews are included in the relevant sections. Where it concerned a remark made in the web-survey, this is indicated. Where it is not, it concerns a quote from a qualitative interview. Some of the remarks are indicated in green, these are good practices where the EU LGBTI Guidelines were implemented to the full content of local LGBTI organisations in that specific area.

4.a. Contact between EU Delegations and LGBTI civil society organisations

Among respondents to the web-survey, as many as 51% of LGBTI civil society organisations in countries outside the European Union indicated that they have never had contact with the EU Delegation in their country. This is most prevalent in South and Central America, where 83% of respondents have never had contact, and in the Caribbean where none of the respondents had been in contact. In Asia on the other hand, only 17% of respondents said they have never had contact with the EU Delegation in their country.



As the EU LGBTI Guidelines emphasise that any action on the part of the EU Delegation should happen only after consultation with civil society, and that supporting civil society is one of the tools to be used to promote LGBTI rights, this might be taken as a sign that in many cases no action at all is taken by the EU Delegation regarding LGBTI issues, or that any action that does take place is done without consultation of civil society.

'I didn't know there was an EU Delegation here. After the request for an interview, I asked around but also other organisations here and in neighbouring countries didn't know there are EU Delegations in our region'

South America

'We have tried several times to get into contact with the EU Delegation, but this has not had results. Mongolia has no EU Delegation of its own; the Delegation in China also covers Mongolia. We went to Beijing to talk to the Delegation staff and the staff of the Nordic countries of the EU. We had some that didn't lead to much, and the EU Delegation never even responded to our request for a meeting'

Mongolia

'Our country is authoritarian, and we cannot contact embassies and international organizations here, we can only contact anyone outside of the country. How can we meet with the EU delegation in our country, could you inform us on how we should do this?'

Uzbekistan - web-survey

'The EU Delegation supported our IDAHOT events in May, and we sent them recommendations after that. There was some contact with the EU Delegation at that time; they said LGBTI might become part of the human rights strategy. We haven't heard since though.'

Pakistan

'Our offer of cooperation and collaboration were refused because we are not a registered NGO.'

Eastern Europe - web-survey

'There is no funding coming from EU on LGBTQI projects. EU delegation is not proactively engaging in some serious events that are happening in Georgia unless asked to. And even if asked, their motivation and engagement might be very low.'

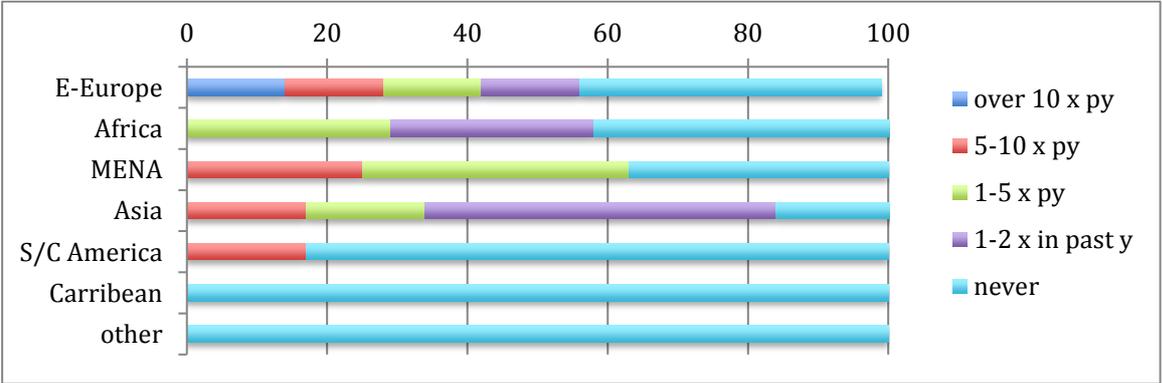
Georgia - web-survey

'Perhaps EU Delegations mainly engage with LGBTI rights in countries where the situation is really bad or where there are openings for improvement, and that they're thinking the situation is not bad enough here or will move in the right direction without them. However, after ten years of progress, we are experiencing a backlash with more religious conservatives coming into power, such as in Brazil. We need all forces including the EU to prevent losing what was gained for LGBTI rights in the past years'

South America

Frequency of contact

The frequency of contact is on the whole low. Of those organisations that do have contact with the EU Delegation, only 32% has contact more often than once or twice over the past years and 13% has contact more than five times a year in a typical year. Although in Asia relatively more organisations are in contact with EU Delegations, the frequency of this contact is lower compared to other regions. Half of the respondents from Asia indicated they only had contact once or twice over the past years. The contact is most intensive in Eastern Europe and the MENA region.



Individual commitment

In the qualitative interviews, multiple respondents indicated that personal engagement of the Head of Mission, the Human Rights Focal Point or another high-ranking or relevant official within the Delegation is one of the most decisive factors for the level of implementation of the EU LGBTI Guidelines. Where a high-ranking or relevant official took a personal interest, the implementation of the Guidelines was more likely to be more comprehensive. The same is true for National Embassies of EU countries.

'The level of engagement seems very dependent on the person. If an Ambassador is personally passionate about LGBTI-rights, they'll speak at events and in the media and engage when there are incidents. If not, other issues, such as corruption, seem to be priority.'

Guyana

'In the past, there was a political officer with great passion for promoting LGBTI rights. He was very committed and helpful and stayed in contact with us. Unfortunately he left. We have not had contact with the EU Delegation in the past two years.'

Nigeria

'There used to be a wonderful Human Rights Focal Point who invited us, helped access funds and stayed in touch regularly. After she left, we lost contact with the EU Delegation. They still organise civil society consultations, but without including LGBTI organisations anymore.'

Lebanon

'The impression we get is that there is no consistent consultation of civil society by EU Delegations. It depends on the relationship between individuals. There are some wonderful people in EU Delegations that make a great effort, but many Delegations have a small staff and there are multiple Human Rights Guidelines to attend to, so it tends to come down to an individual who feels LGBTI is a priority'

Europe

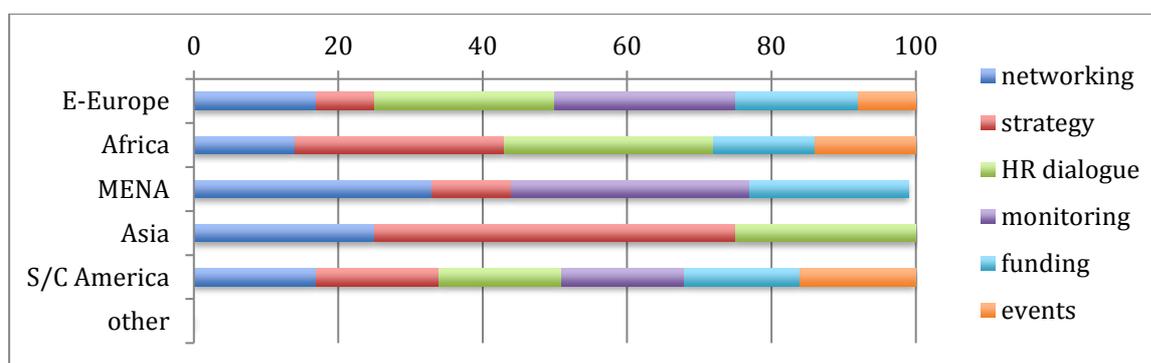
Good practice

'In Peru there was a recent change in staff of the EU Delegation, but the new staff has the same great spirit of promoting LGBTI rights as the former one. I thought that was the case everywhere!'

Peru

Nature of contact

The contact between EU Delegations and LGBTI organisations most often concerned general networking, preparation for a Human Rights Dialogue or strategy for LGBTI rights. Less often it concerned funding, monitoring or preparation for an event. The most common complaint of LGBTI organisations about the contact with EU Delegations is that while they are sometimes consulted before a Human Rights Dialogue or for a strategy for promoting LGBTI rights in their country, they tend not to receive any feedback afterwards. EU Delegations in general do not report back to LGBTI organisations either formally or informally what they did with the information gathered from these organisations.



Contact with National Embassies

LGBTI organisations have on the whole more frequent contact with national embassies of EU countries than with EU Delegations, but not all national embassies are equally active in implementing the LGBTI Guidelines. The Netherlands was mentioned by far the most often by LGBTI organisations, followed by the United Kingdom, France, Sweden and Germany. These national embassies are active across the world in multiple countries in the area of LGBTI rights. The Czech Republic was also mentioned by multiple organisations as being active in LGBTI rights, in the web-survey as well as in the qualitative interviews.

Respondents mentioned a number of other embassies once or twice; these are Spain, Malta, Italy, Ireland, Denmark, Belgium and Malta. Other Embassies are not mentioned at all. The qualitative interviews indicated that the difference seems to be that the national embassies that are most active in multiple countries are actively directed by their national governments to engage in LGBTI rights, while the actions of national embassies that are only active in a few countries depend on personal interest of the ambassador or of high-ranking diplomats stationed there.

'The Dutch embassy supported the LGBT Platform since its establishment in 2011. Through projects aimed at improving awareness in the society, capacity building, and cultural activities with an LGBT focus. We are very satisfied with the cooperation with the embassy. Proactive, exchange of ideas and together shaping project ideas'

South America

'Belgium, Denmark, The Netherlands, UN, Sweden - UPR engagement, very happy with the support Samoa received UK - UK High Commission has special funding for Pacific Projects and Samoa Association received a grant of 23,419 pounds sterling for some projects to support LGBTI in Samoa. Very happy with this engagement.'

Polynesia

'France. The cooperation with is a technical support, and they are in touch with us about the LGBTI situation in Cameroon. They have supported some Cameroonian activist for capacity building. The INITIATIVE cinq pour cent has also supported many Cameroonian associations. Germany. The embassy is just in touch with the civil society about human rights but there is no practical support. There are many other embassy here that can support the civil society but they are not doing anything'

Cameroon - web-survey

' We have contacted all of the embassies, but we received no reply whatsoever from some embassies. The embassies we do engage with are:

- *United Kingdom; marriages and civil partnerships between UK citizens and locals can be performed in the embassy, and those are offered a faster service regarding visa. We receive*

some emails from them and were offered help by the British council but that stopped at end of 2014.

- *Italy, even when handling cases of LGBTI Italian citizens here. Cases are being silenced or ignored. Never offered any kind of help to national LGBTI organizations.*
- *Germany used to be in good contact regarding monitoring the situation but not anymore.*
- *France, very helpful in many regards of monitoring LGBTI violations, issuing a statement, help through the CFC and visa accessibility to activists. However, there has been a change in the embassy staff and the new employees have not been contacted yet.*
- *The Netherlands, very supportive in terms of monitoring following cases, support of national LGBTI and human rights organisations.*
- *Sweden, the most supportive embassy and the most concerned with human rights and civil society situation.'*

MENA region - reaction to the web-survey (abbreviated)

'Dutch Embassy is the only embassy in Iraq, which is cooperating with us dramatically. We have more than one meeting with the Ambassador, met with a number of LGBT and is always the question About their situation in Iraq Embassy has arranged more than one meeting with us'
Iraq - web-survey

'In the past we received a moral endorsement from the German Ambassador to El Salvador regarding not only the importance of LGBTI equality but about events. The embassy of Spain has facilitated spaces for LGBT rights related events at their Cultural Centre.'
El Salvador - web-survey

'We have a bit of a luxury problem; all embassies want to do speeches at the LGBTI Human Rights Presentation but the event participants don't really want to listen to an endless line of speeches. It would be wonderful if the EU Head of Mission could speak for all EU Embassies, with the others accompanying but not all speaking themselves ;-)'
Peru

National Embassies of third countries

Multiple Embassies of countries outside the EU were mentioned as being supportive, but the most notable were Canada and especially the United States (US). US Embassies were mentioned in the web-survey as well as in the qualitative interviews as being the most consistently supportive, offering both financial and political support. Mainly, respondents appreciate the frequency and informality of contact with the US Embassy. Ironically, the actions prescribed in the EU LGBTI Guidelines seem to be more consistently implemented across the world by the US than by the EU.

'With the US embassy, we have a trusting and informal contact. We can just pick up the phone and call them when we need information, and they call us regularly too, to check in with us. With the EU Delegation, the contact is much more formal, they are not nearly as approachable'
Guyana

'We have never had contact with the EU Delegation responsible for Mongolia, but the US Embassy is consistently supportive. Among others, they financially support our Equality and Pride Days, and are present there. They also funded a large multimedia anti-discrimination campaign'
Mongolia

'The US Embassy are the only ones to consistently invite LGBTI organisations to their events. They also keep in contact with us, and report back to us about what they discussed with our government regarding LGBTI rights'
Belize

'The US Embassy is active here on LGBTI issues. They monitor, they use their diplomatic tools. And US Special Envoy for LGBTI Randy Berry was in Argentina not too long ago. We haven't had the same engagement from the EU, which is a pity because it would in fact work better coming from the EU. With the US there's sometimes a feeling of cultural imperialism, which there isn't as much from the EU.'

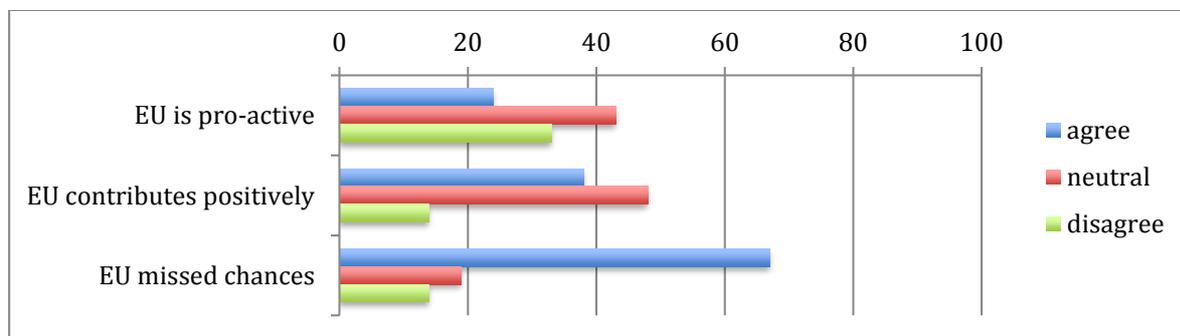
South America

'Only the Ambassador of the US is personally active on LGBTI rights. It would be great if the EU Head of Mission was more active too, that would be so valuable for the people in the movement. They often feel left alone'

Nigeria

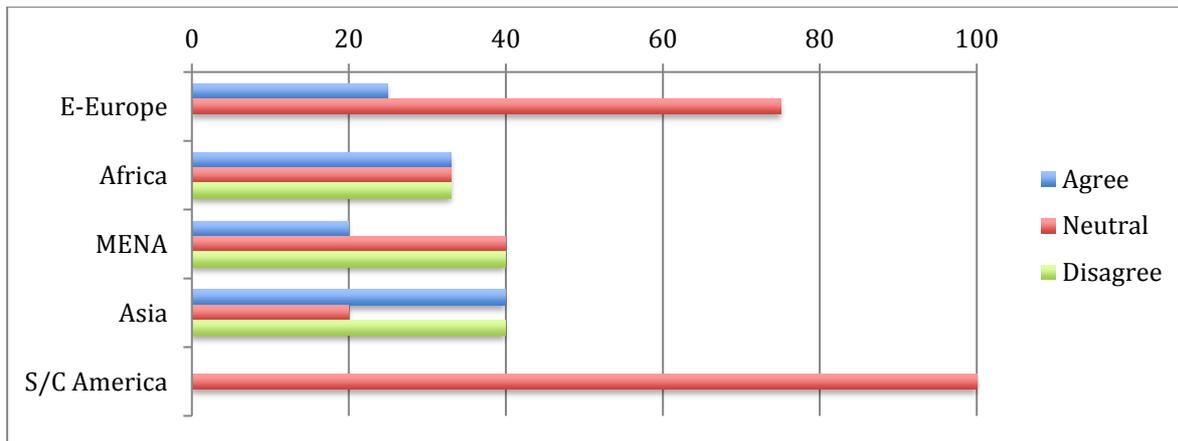
4.b. Opinions of LGBTI organisations

In the websurvey, respondents were asked about their opinion about the engagement of EU Delegations with LGBTI issues. Among others, they were asked whether EU Delegation in their country takes a pro-active approach to promoting LGBTI rights. Only 24% of organisations outside the EU agreed that this was the case. When they were asked whether the EU Delegation contributes positively, a little less than 40% agreed. Most notably, almost 70% of LGBTI organisations feel that the EU Delegation missed chances to take action on LGBTI rights and only 14% feel that this was not the case. This was also apparent in the qualitative interviews. In many countries, the EU Delegation could take opportunities to promote LGBTI rights and support the efforts of LGBTI organisations that would cost little funding and few human resources and yet be very valuable. Their recommendations are included below.



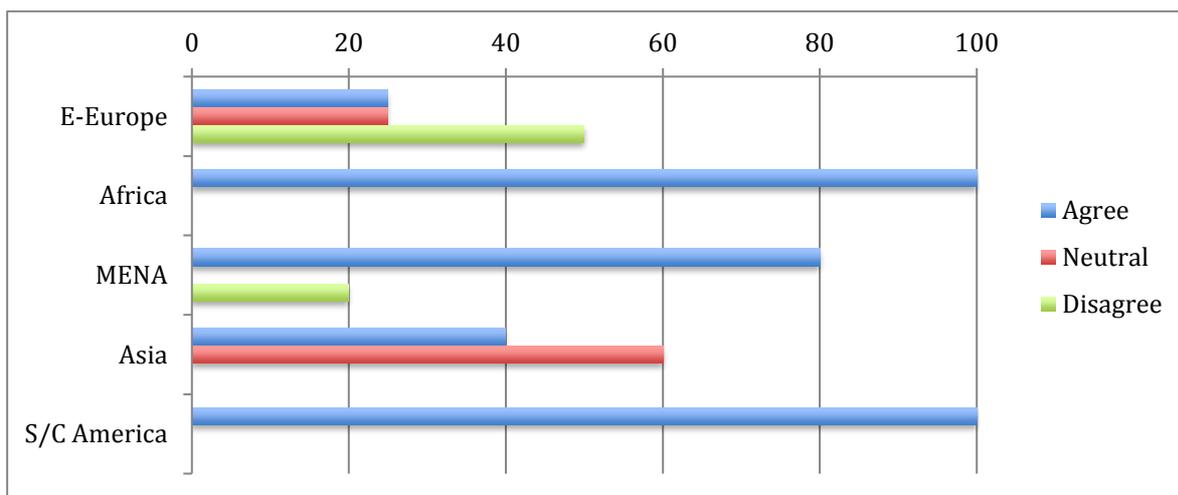
Pro-active approach

As said, only 24% of the organisations outside the EU indicated that they feel the EU Delegation takes a pro-active approach to promoting LGBTI rights. This does differ per global region. In Asia, organisations are the most positive about this, 40% there feels the EU Delegation is pro-active, while in the MENA region they are most negative with only 20% of organisations considering the EU Delegation pro-active.



Missed chances

Especially in South/Central America and in Africa, LGBTI organisations felt that the EU Delegation is missing chances to promote LGBTI rights. In Eastern Europe, this feeling is least prevalent. This may be because the EU Delegations there do not only rely on the EU LGBTI Guidelines to guide their actions on LGBTI rights, but also on either the Enlargement Strategy or the Eastern Neighbourhood Strategy, that both include economic as well as human rights dimensions and spur EU Delegations on to more action and monitoring on LGBTI rights in these countries.



100% want to be informed more

Regarding the opinions, the most conclusive answer to the websurvey was that all of the respondents, a full hundred percent, would like to be informed more about what the EU does in the realm of LGBTI rights. This is corroborated by the results of the qualitative interviews.

Multiple respondents remarked that they receive little information from the side of the EU Delegation. That is predictably true for those that have little or no contact with the EU Delegation in their country, but also for those that are in regular contact. In those cases, the EU Delegation does consult the local LGBTI organisations about the situation for the Human Rights Country Strategy or for the Human Rights Dialogue, but does not report back what was discussed or how the Delegation engaged with the government.

It also works the other way around; LGBTI organisations would often like to be better informed on what the EU would need from them to carry out their work in this area better, and to be briefed on the EU Guidelines more.

'I did not know the EU and its member states can help our in the Pacific. Duly noted and it is something I will be promoting within our region. Thank you very much.'

Polynesia - reaction websurvey

'As organisations, we don't know what tools the EU has to help. If we know what they can do, we'll know what to ask that would be most useful'

MENA region

'It would be helpful if we got more feedback from the EU and Embassies, to tell us what they would need from us as LGBTI organisations to carry out there work in the best way'

St. Petersburg

'LGBTI organisations should be consulted more by the EU Delegation, so we have a mutual understanding of priorities and strategies. We would love to have more meaningful discussion in informal settings.'

Guyana

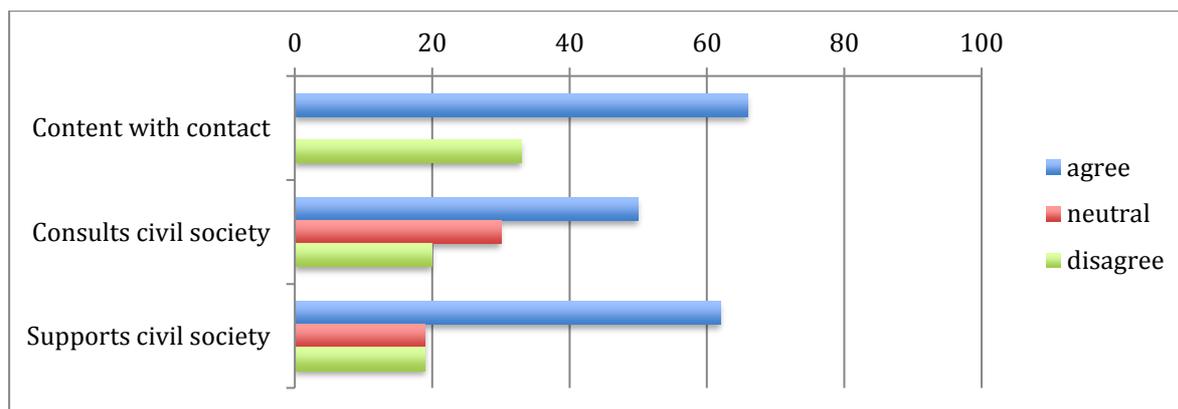
Consultation of civil society by EU Delegations

'The EU is keenly aware that the promotion of human rights on grounds of sexual orientation and gender identity in many areas around the world, including within the EU, can lead to sensitive discussions. However, building on international standards and its own legislative framework, the EU is committed to advancing the human rights of LGBTI persons in a meaningful and respectful way. It will do so by taking into account the local realities in which human rights defenders need to advance their struggle.'

From the EU LGBTI Guidelines

Most respondents emphasised that it is vital that EU Delegations and National Embassies consult LGBTI organisations first before taking action. They are the ones who know the situation on the ground best, the ones that have a strategy that the EU might reinforce and that know what pitfalls to avoid. Without consultation, action taken by the EU Delegation or National Embassies might even be counterproductive. While many respondents to the web-survey are in general content with the contact they do have with the EU, many would also like to be consulted more.

There are multiple reasons to take action in close consultation with civil society. For one, they know the situation on the ground and know where the opportunities to promote LGBTI rights lie. As the experience in Mongolia and Belize shows, countries that don't have their 'own' EU Delegation are at a disadvantage. LGBTI organisations there remarked that while there is a scope for change there, in contrast to the rest of their region, they feel that the EU Delegations don't seem to be aware of that. A good practice comes from Peru, where the EU Delegation regularly consults the LGBTI organisation not only through the Human Rights Focal Point, but through all relevant Delegation sections.



Good practice

'We are in contact with the EU Delegation around twice a month. Mainly with the Human Rights Focal Point, but when relevant also with the communications officer or with political strategists. Any action taken is first discussed with us, so we can reinforce each other.'

Peru

'LGBTI organisations should be consulted more by the EU Delegation, so we have a mutual understanding of priorities and strategies. We would love to have more meaningful discussion in an informal setting'

Guyana

'Neo-imperialism', 'neo-colonialism' or 'imposing Western values'

A very important reason for EU Delegations and Embassies to consult LGBTI organisations before taking action is the often heard accusation from anti-LGBTI forces that they might be 'imposing their Western values' elsewhere, or engaging in 'neo-imperialism', 'neo-colonialism' or 'cultural imperialism'. Depending on the country or region, a different term is used to cover the same basic concept, in which LGBTI rights are portrayed as not being universal human rights, but as European or Western constructs. Especially public statements could be counterproductive if the public at large would see the message in this light.

Some respondents to the qualitative interviews felt that Embassies are too afraid of that, leading to inaction on the side of the Embassy. All respondents from countries where this plays a role emphasised that there were ways to prevent the accusation of neo-imperialism. The most important one is to always consult with the local LGBTI organisations, who know what narrative to use and what to avoid to be effective. Also, through cooperation with the local LGBTI organisation it can be shown that it concerns local people who are faced with discrimination and violence, not an abstract value.

Another is to concentrate on breaches of human rights and violence against LGBTI persons instead of on equality issues. Even in countries where homosexuality is criminalised and public opinion of LGBTI is very negative, most people do understand that everyone wants to live a life free of violence. Equality can be addressed there too, but more covertly within activities aimed at for instance the health care sector or education, mainstreaming instead of emphasising LGBTI-rights. And to avoid being singled out for accusation, it is recommended to work together with other Embassies and send messages from multiple sides.

'Although there is a danger that EU embassies will be accused of 'wanting to push LGBTI rights on Nigeria', this danger mainly concerns same-sex marriage and issues around sexuality. If they would concentrate on combating human rights violations, violence and hate crime, this would not be such a problem. Even people who don't support LGBTI rights can understand that no one wants to face violence'

Nigeria

'The EU Delegation seems afraid of being accused of neo-colonialism, which might prevent them from taking political action to combat violence against LGBTI persons. That's a pity, it would be very helpful if they did support the government and us to monitor incidents, educate law-enforcement officers and assist victims.'

Guyana

'The United States Embassy drafts an LGBTI monitoring report together with civil society, using local information. Thereby they show that it is not an imposition of 'Western values' but a local issue here. Besides, foreign embassies should not be too afraid of this accusation. It seems that they don't mind about imposing their values when it comes to disarmament, but when it's about LGBTI rights, they suddenly do'

Pakistan

'It is highly important to know the situation on the ground. For instance here, a new government was just elected in the summer. The former government was left-wing, this one is right-wing. At first glance, you would expect the left-wing government to be more LGBTI-friendly than the right-wing one, but here the opposite is true. The new right-wing president is committed to LGBTI rights, while the former was homophobic. Chances for progress have opened that can be used'

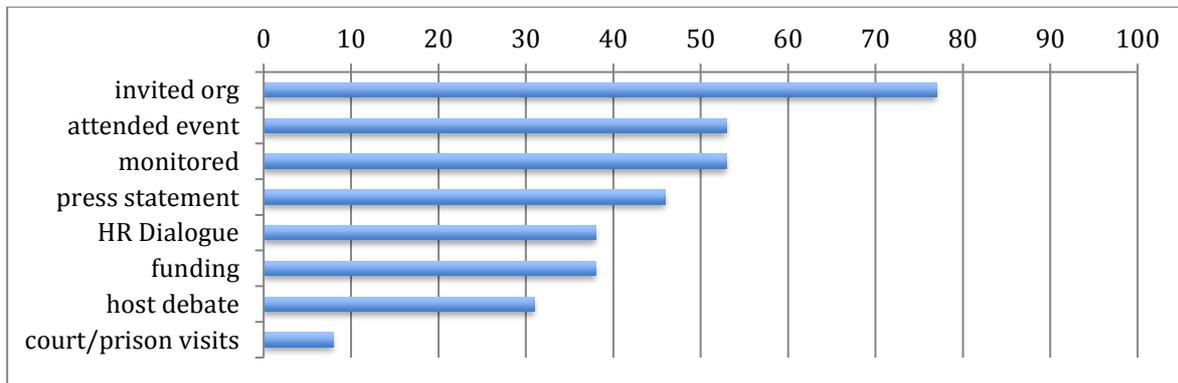
Peru

'The argument of neo-colonialism is used in many countries against Western powers that promote LGBTI rights, and if they are not careful, it might derail the debate. However, if they are indeed careful and consult civil society before making any public statements, it doesn't have to be a problem and public statements can be powerful'

Jamaica

4.c. Priority areas and tools

In the web-survey, respondents that do have contact with EU Delegations were asked to indicate which of the tools described in the LGBTI Guidelines were used by the Delegation in their country. Most often, this concerned visible actions, such as inviting LGBTI organisations to events organised by the Delegation, attending an event organised by LGBTI organisations or making public statements about developments or incidents. Also monitoring of the human rights situation of LGBTI people was mentioned relatively often. Other more strategic tools were used less often, such as offering opportunities for dialogue between civil society and government officials, facilitating information about funding opportunities, hosting a meeting of civil society and attending court hearings or making prison visits to LGBTI prisoners.



In South and Central America, the least different tools were used, while in Eastern-Europe the broadest range of tools were implemented. In Asia and the MENA region, the difference between the more visible tools that were used more and the more strategic tools that were used less was the most pronounced.

4.c.1. Priority area: Decriminalisation and combating discriminatory laws and practices

The EU

- a. Should actively condemn discriminatory laws, policies and practices, including the criminalisation of consenting same-sex relations between adults or transgender identities, in particular the use of the death penalty, torture or ill-treatment in this respect.
- b. Should also actively oppose other limitations on access to human rights, in particular legislative initiatives limiting the rights to freedom of expression, association and assembly.
- c. Should work to achieve the decriminalisation of consenting same-sex and transgender adult relations and the abolition of discriminatory practices against all persons, including LGBTI persons.

From the EU LGBTI Guidelines

The first priority area is decriminalisation and combating discriminatory laws and practices. EU Delegations should prioritise action in those countries where homosexuality or transgender identities are directly or indirectly criminalised. The results of the survey show that the engagement of the EU Delegations in practice does not depend on the legal situation for LGBTI persons in a country. EU Delegations are pro-actively promoting LGBTI rights in some countries where the legal situation for LGBTI persons is relatively better, while they do not in some countries where LGBTI persons are actively persecuted by the authorities. Where EU Delegations do engage, they don't always do so in the most effective way. Again, it is vital that the Delegation consults with the local LGBTI organisations to assess which actions against which pieces of legislation would be the most helpful.

'There are regular crack-downs on cross-dressing here. To our knowledge, the EU has not taken any action to combat this, but it would be very influential if they did. Guyana is dependent on development funding, and the government is highly likely to listen to the EU.'

Guyana

'The embassies seem to concentrate on the act that prohibits same sex marriage adopted in 2014, but there are other acts that are far more harmful for LGBTI persons. It would be great if the embassies would talk with us first about what strategies would have the most gain'

Nigeria

'Although we invited them to do so, the EU Delegation didn't actively condemn the ban of the Istanbul Pride'
Istanbul

4.c.2. Priority area: Promoting equality and non-discrimination

The actions of the EU in this area should be guided by the following:

- Encouraging states to promote equality and non-discrimination in the enjoyment of all human rights by LGBTI persons, including by introducing national legislation and policies, including awareness raising, that promote equality and non-discrimination in the work place, health sector and in education.*
- Identifying situations where political and financial support for governmental and nongovernmental initiatives to promote non-discrimination and equality would provide added value to this work.*

From the EU LGBTI Guidelines

Promoting equality and non-discrimination is the second priority area. From the qualitative interviews, it appears that EU Delegations take less action in this area than in the other priority areas. Partly, this could be because in many countries promoting equality and non-discrimination does not seem like a viable option yet. Before this can happen, homosexuality and transgender identities first need to be decriminalised in these countries, is the general feeling. The LGBTI organisations however pointed out that even there, it is possible to promote equality and non-discrimination by mainstreaming LGBTI issues in activities aimed at improving health care, education and the labour market, engaging directly with professionals in these sectors instead of through the government. Also, activities to raise public awareness can be helpful to promote equality and non-discrimination. This however is not happening in any of the countries covered by the survey.

'Promoting LGBTI equality directly is not really an option yet here, but it would be possible to mainstream LGBTI rights in for example projects on health care. If we strategize smartly, a lot is possible'

Pakistan

'The legislative situation in Mongolia is much better than in most Asian or African countries. Popular acceptance of LGBTI however is lacking. We as LGBTI organisation and our government need support for awareness campaigns to change this'

Mongolia

'The EU financially supported a project that lead to the formation of a special committee to review the laws which criminalize same-sex intimacy and cross-dressing, which was great. But they did not provide political backing, at least to our knowledge, to have the legislation changed. Unless there was closed-door diplomacy of which we're unaware, this was really a missed opportunity.'

Guyana

'This year, a new anti-discrimination unit was installed, but without inclusion of LGBTI. We tried to put it on the agenda but failed. Help from the EU in that might have really helped'

Istanbul

4.c.3. Priority area: Combating LGBTI-phobic violence

The actions of the EU in this area should be guided by the following:

- Encouraging states to acknowledge LGBTI-phobic violence and develop in conjunction with civil society legal and other measures to prevent, monitor and effectively prosecute perpetrators of LGBTI-phobic violence.*
- Contribute to combating any form of LGBTI-phobic violence by supporting civil society and governmental initiatives to: monitor cases of violence, to educate law enforcement personnel and to seek assistance and redress for victims of such violence.*

From the EU LGBTI Guidelines

The third priority area is combating LGBTI-phobic violence. In those countries where the EU Delegation does actively engage in promoting LGBTI rights, this is one of the main areas of involvement. As said above, this is often the best strategy where public opinion is still negative towards LGBTI issues. Also, it is of great importance to the victims and the LGBTI organisations to receive support in this area. Support that is offered by some EU Delegations mainly takes the form of helping to monitor and observe cases, and addressing them with authorities or in the media. Multiple respondents said that aside from that, it would be highly useful if the EU offered more possibilities for training of police and other law-enforcement personnel in handling hate crimes against LGBTI persons. The EU has broad expertise in this area, and could share this.

'It is so important that everyday LGBTI people who face hate crime have access to justice. Whatever the EU can do in that regard, the EU should do.'

Belize

'The EU is funding our police force for a considerable part, and is training them. It would make sense if they made demands regarding human rights in offering this funding, and made sure the police is also trained in LGBTI human rights'

MENA region

'Some work on human rights training at the police academy is taking place, but it might be very useful for the EU to contribute to that'

Jamaica

4.c.4. Priority area: Support and protection for Human Rights Defenders

In order to be consistent with the progress made in implementing the EU Guidelines on human rights defenders, the actions of the EU in this area should be guided by the following:

- *Encouraging third countries to adopt a culture of general respect towards and recognition of the work carried out by defenders of human rights, including those of LGBTI persons.*
- *Prioritising the EU's work in countries where there is a poor record of respect of human rights defenders in general and defenders of the human rights of LGBTI persons in particular, especially where legislative changes and criminal sanctions have had a negative impact on the work of human rights defenders.*
- *Reacting to apparent violations of the rights of human rights defenders in third countries, highlighting the EU position in relation to this issue and carrying out its work in accordance with the EU Guidelines on human rights defenders.*

From the EU LGBTI Guidelines

The last priority area is support and protection for Human Rights Defenders. Respondents to the qualitative interviews mentioned a number of good practices in this regard, where EU Delegations offered security grants, for instance to buy locks and camera's to secure the premises of LGBTI organisations, or relocation grants when an organisation or a Human Rights Defender had to move for safety reasons. Many respondents however emphasised that what they would need most is emergency support for Human Rights Defenders that are in danger of violence or persecution; such as safe place to go to, a fast track visa application for them and their families and access to a lawyer.

Good practice

'We received a relocation grant from the EU when our organisation had to move because of threats, and they also funded some office equipment'

Tanzania

'It would be very useful if the EU Delegation could offer immediate support for human rights defenders who are acutely facing violence and abuse or are under threat, such as a safe space for them to go to, or access to a lawyer if they are arrested'

Pakistan

'Sometimes LGBTI human rights defenders are suddenly in grave danger and need emergency support. It would be great if that sort of support could be offered'

MENA region

'What we really need is a way for LGBTI Human Rights Defenders to quickly leave the country with their family when they are persecuted, for instance by offering a safe place in the embassy and a fast-track visa procedure'

St. Petersburg

'My organisation and I specifically face harassment, among others because of our litigation against the law that criminalises same sex intimacy. While we have received two small security grants from the EU that we were happy with, we haven't received any political support, which would be helpful'

Belize

'The government doesn't directly sanction LGBTI Human Rights Defenders, but indirectly you are sanctioned by social stigma. If you are known to be an LGBTI-activist, you're stigmatised and not likely to get a job with the government or public service. People therefore are afraid to publicly identify as LGBTI. The EU could be more engaged on this.'

Guyana

'It would be great if the EU made moving around easier for Human Rights Defenders. As it is, we have to go to Mexico for a visa to go to Brussels. There's all kinds of bureaucratic problems that they could help us with'

Belize

'There are no direct attacks on visible LGBTI Human Rights Defenders here from the side of the government, arresting us would have too much political backlash. The police mainly target underprivileged and vulnerable LGBTI persons who badly need support'

Lebanon

4.d. Operational tools

In the EU LGBTI Guidelines, ten tools are described that should be used by EU Delegations and National Embassies of EU Member States when relevant. In the qualitative interviews, respondents were asked whether each of these tools are being used by the EU Delegation or Embassies in their country, and if not, whether it would be useful if they did.

4.d.1. Tool: Human rights country strategies

Address the situation of LGBTI persons in the human rights country strategies, noting in particular the occurrence of human rights violations and structural discrimination against LGBTI persons. A differentiated approach to these issues and priority focus may be required in different countries and regions.

From the EU LGBTI Guidelines

Since the human rights country strategies are not public, it could not be assessed to what extent LGBTI rights figure in these strategies. The LGBTI organisations interviewed would be interested to learn whether this is the case or not.

'I have the feeling that there is a strategy here on human rights, but that it addresses women's and children's rights mainly. LGBTI rights don't seem to be included so far'

Tanzania

4.d.2. Tool: Monitoring human rights of LGBTI persons

Track and monitor the situation of the human rights of LGBTI persons in the country concerned, to identify progress/setbacks.

- *Keep actively in contact with local authorities, regional organisations and local and international civil society organisations in order to obtain information, including on individual violations of the human rights of LGBTI persons.*

From the EU LGBTI Guidelines

As was shown in the web-survey, monitoring is the most widely used tool by EU Delegations around the world. Many of the respondents to the qualitative interviews have been invited by the EU Delegation to share information to draft a report on the situation of LGBTI in their country. In some cases this happens regularly, twice a year or more, in other cases it is more sporadic. The most heard comment about this is that the EU Delegation hardly ever reports back on what they

did with the information given. They are not informed whether it is solely meant for reporting to Brussels or whether it feeds into a strategy for their country or a discussion with their government. Another comment that was made multiple times is that some EU Delegations only inform about well-publicised individual cases of violence against LGBTI persons, and not about the situation in general and cases of hate crime that do not feature in the media. Especially in those countries where there is no EU Delegation but only a regional EU Delegation in a neighbouring country, respondents feel that opportunities are missed because the EU does not have up to date information from the ground, nor consults the LGBTI organisations properly to gain this information.

'EU always hears from LGBT activists but never fully informs them in return about potential actions the EU can take, or about funding opportunities.'

MENA region - reaction websurvey

'We are consulted each year on the situation of LGBTI persons here, for a report that is then sent to Brussels. However, we never hear back what happens to the information after that. It could also be used more to craft collective strategies for engaging our own government.'

Guyana

'It would be good if the embassies would check in with us regularly and discuss strategies for change, not only when there are broadly publicised issues and violence. So much more is happening than they seem to realise'

Nigeria

'There is real scope for change in Mongolia. We had recent advocacy success on hate crime, and the government is willing to take steps. But since there's no one from the EU on the ground here, they don't realise that there are chances now that they are missing. The EU seems to rely on international organisations like Amnesty International for information, but they don't have up to date information either. They still see Mongolia as a conservative country where little is possible. A waste of opportunities.'

Mongolia

'There seems to be a lack of understanding about how Belize fits into the region as far as LGBTI rights go. We manage to navigate the religious opposition and found good openings for advocacy. It's a pity that this is not noticed sufficiently by the EU'

Belize

4.d.3. Tool: EU Heads of Mission (HoMs) reports

- *Include in the periodic reports an analysis of the situation of LGBTI persons as well as violations of the human rights of LGBTI persons and human rights defenders.*
- *Identify and monitor individual cases of apparent violations of the human rights of LGBTI persons.*
- *Detail measures (e.g. démarches, raising the issue in political dialogue, financing) that have been taken or planned to combat alleged or proven violations (any action on an individual case should only be pursued if the person concerned gives his or her consent).*
- *Use the UPR reporting cycle and follow up on the recommendations made to the state under review.*

From the EU LGBTI Guidelines

Also the EU Heads of Mission reports are confidential. Therefore the respondents do not have any

information on whether or not LGBTI rights are included in these reports.

4.d.4. Tool: Démarches and public statements

- *Propose and make démarches and public statements on LGBTI issues with a particular focus on high-risk cases and situations.*
- *Respond to positive developments in promoting and protecting the full enjoyment of human rights by LGBTI persons in third countries.*
- *Publicly support, including, as appropriate, participation in, the exercise of freedom of assembly and expression (e.g., public events, "pride marches").*

From the EU LGBTI Guidelines

Of the respondents to the qualitative interviews, a few mentioned that the EU Delegation makes public statements on LGBTI rights. Good practices can be found in Jamaica and Peru, where the EU Delegation publicly speaks out for the human rights of LGBTI persons after consultation with LGBTI organisations and contributes positively with this. In many countries, LGBTI organisations emphasise how important it is that public statements are only used after consultation with them, to avoid backlash in the media. Especially in countries where public acceptance of LGBTI is low, it is of vital importance that the narrative used fits in with the broader strategy for change if it is to be productive. In almost all countries however, it would be helpful if the EU Delegation and Embassies of EU Member States spoke out more in public about LGBTI rights. Some respondents remarked that it would be particularly useful if the Embassies would publicly support allies within the local society, such as a judge who has the courage to rule in favour of LGBTI rights. These local allies are often under pressure from their peers and need to know they are supported internationally.

Good practice

'Around the International Day against Homophobia and Transphobia, the EU Delegation wrote an editorial on human rights of LGBTI persons, a powerful piece. It's good that they are vocal, and that they present it in the human rights frame, then its not seen as pushy.'

Jamaica

Good practice

'When the Pride happens, in June usually, the EU Delegation together with other Embassies takes out a full page in the newspaper with praise for LGBTI. That makes us feel supported and visible to the wider public in a positive way'

Peru

'The EU Delegation has not made any public statements in support of LGBTI rights here, but it would be helpful if they did. We need allies to address the issues'

Tanzania

'The EU Delegation sent an open letter on the International Day against Homophobia and Transphobia in 2015, but that was the only public statement we are aware of. It would be good if they spoke out more often, after consulting with us, to be more active and visible for instance against homophobic speech in the media. A missed chance was when a government minister and religious leader made homophobic statements in the media in 2014. The US embassy wrote an editorial about that, which was great. But it would have been more powerful if the message that this is unacceptable had also come from the side of the EU.'

Guyana

'The few authority figures such as judges who do take favourable decisions for LGBTI rights are often under pressure from their peers. It would be so helpful if they were supported by the EU more, with encouraging messages that applaud them for their courage so they don't feel they're standing alone'

Lebanon

'What the EU could do is applaud the efforts of the Prime Minister's wife. She puts herself on the line here for LGBTI rights, which is really wonderful, and we should make sure that she doesn't stand alone'

Belize

'Whether or not a public statement would be useful or harmful and what the right narrative would be can only be assessed case-by-case. It would be good if the EU Delegation consulted us regularly so we can take opportunities and make them work in the best way'

Lebanon

'It would be good if the EU stood up for freedom of expression and assembly, for instance at press conferences around the Equality and Pride Days. We were banned from going through the city by the metropolitan police two years in a row, and could have used a public statement from the EU then.'

Mongolia

'The EU Delegation and Embassies don't make public statements here, but it probably would not be useful either if they did. They'd run the risk of stepping into the framing of the government, which wants to pit 'traditional Russian values' against 'import of Western values'. More can be gained from strengthening civil society here. The only topic on which public statements would help is phobic violence. While equality for LGBTI persons is too far-fetched for the public here, the wish to be free from violence is more easily understood'

St. Petersburg

'The US Embassy sometimes does open letters or press statements. It depends on the situation whether this is a good idea or not. Issuing public statement that are constructive and acknowledge progress is helpful. In addition, outreach with LGBTI civil society has added value'

Belize

4.d.5. Tool: Individual cases

Propose specific action, e.g. démarches, when made aware of well-documented individual cases of proven violations of the human rights of LGBTI persons (actions on individual cases should be determined on a case-by-case basis and should only be pursued if the person concerned gives his or her informed consent and may form part of a general démarche or statement).

From the EU LGBTI Guidelines

As said above, many EU Delegations ask for information from LGBTI organisations when a case of violence against LGBTI persons is publicised in the media. There are however not many who take specific action to help the victim, such as with access to a lawyer or advocacy with the authorities and the judicial chain to promote investigation and prosecution. In some cases, no help was given even though the victim or an LGBTI organisation specifically asked for it.

'We were contacted several times regarding cases of LGBTI human rights violations. We were also consulted on how to handle cases of LGBTI European citizens in trouble here. We were offered help more than one time during our work.'

MENA region - web-survey

'We asked the EU Delegation for support in a case of a Trans woman who was gang-raped. It was very courageous of her to report, and we need support to take the case to court, to pay for a lawyer, to be present at hearings and to ask about progress on the case from authorities. We were however informed that the EU Delegation did not have the capacity to get involved'

Pakistan

'The EU Delegation asks us for information if there is a big case of LGBTI-phobic violence that gets media attention. There are however many more cases that don't attract media attention but are as severe. It would be good if the EU monitored cases more consistently'

MENA region

4.d.6. Tool: Court hearings and prison visits

- *Attend and observe court hearings during legal procedures concerning violations of the human rights of LGBTI persons, paying special attention to high-risk cases.*
- *Contact a state prosecutor, police authorities or an established and independent visiting body to ask for permission to visit places of detention in order, for example, to assess the situation of LGBTI persons in detention.*

From the EU LGBTI Guidelines

In general, few EU Delegations attend court hearings concerning violations of the human rights of LGBTI persons, and prison visits are made even less, to the knowledge of LGBTI organisations that responded to the web-survey or qualitative interviews. Regarding court hearings, respondents urged caution. In some cases, it might be counterproductive to be visibly present as EU Delegation or Embassy. Again, the most important thing is to consult with the local LGBTI organisation, who can assess whether visible presence would be useful or not. While prison visits are rarely made, almost all respondents to the qualitative interviews consider them highly useful. If the EU Delegation would visit LGBTI prisoners and monitor their situation, chances are that they are treated considerably better by prison staff.

Good practice

'The Embassies show up for court hearings when we invite them, especially when it concerns cases against organisations accused of being 'foreign agents''

St. Petersburg

'The EU Delegation attended a court hearing of someone arrested citing public morality, and only afterwards asked us. Its better if they're not visibly there. It makes the judge nervous and the sentence may end up higher. It would actually be very useful if they would do prison visits. Chances are that LGBTI prisoners are treated much better in prison if the prison staff feels they are being monitored. But they haven't done that so far'

MENA region

'They did attend when there was a public hearing on the prohibition of marriage act, but otherwise not. We are conducting a strategic litigation process now, where it would be useful for them to observe'

Nigeria

'Trans women and gay men are often put in isolation cells here, in bad conditions. It might help if the EU Delegation would make prison visits to them and would recognise the problems LGBTI persons face in prison'

4.d.7. Tool: Political dialogues

- *Raise the human rights situation of LGBTI persons in the human rights component of political dialogues and specialised dialogues (human rights dialogues, consultations, subcommittees, and Article 8 Cotonou dialogues) with third countries and regional organisations.*
- *Raise individual cases, with the consent of those involved, of human rights violations against LGBTI persons.*
- *Encourage third countries to initiate legislative changes to ensure equality before the law for LGBTI persons.*
- *Encourage third countries to sign and/or ratify relevant international instruments, particularly the ICCPR and the ICESCR, and to lift any relevant reservations to these instruments.*
- *Encourage third countries to establish independent bodies in charge of monitoring places of deprivation of liberty, including by ratification of the Optional Protocol to the Convention against Torture (OPCAT).*
- *Use the UPR reporting cycle and follow up on the recommendations made to the state under review.*
- *Encourage third countries to invite UN Human Rights Special Procedures to conduct country and thematic missions, to accept their recommendations and to implement them.*
- *Support those third countries that are in favour of promoting and protecting the human rights of LGBTI persons, encourage closer cooperation in multilateral fora and promote their efforts as examples on a regional level.*
- *Encourage an exchange of information on good practices with third countries that are in favour of promoting and protecting the human rights of LGBTI persons in order to improve and contribute to EU measures (to be included in the compendium of good practices and lessons learnt).*

From the EU LGBTI Guidelines

There are many forms of political dialogue that the EU engages in with third countries. For LGBTI rights, one of the most important institutionalised political dialogues are Human Rights Dialogues. These are usually prepared with human rights organisations in that specific country, after which the issues are addressed with the government there. The most common remark about these Human Rights Dialogue from respondents is that hardly any of the EU Delegations report back afterwards to the LGBTI organisations that provided input.

Peru and Jamaica are again good practices where this does happen and local LGBTI organisations are content with the way these dialogues are handled. Other forms of dialogue are less institutionalised and take place within the realm of diplomacy. In Peru, this works well, with the EU Delegation staying on top of important issues like the civil union bill. In most other countries, LGBTI organisations feel that the EU is missing chances. Where they themselves are not able to engage with the government, it would be useful if the EU steps in to address the issues. Also, it was remarked several times that it would be useful if like-minded Embassies such as the EU, the US and National Embassies in favour of promoting LGBTI rights would coordinate more in their efforts towards the government.

Good practice

'The EU Delegation asks us for information before the Human Rights Dialogue takes place, and then reports back afterwards. The exchange of information is very pleasant and easy with the EU Delegation, we can just call the Head of Mission on his mobile phone, or the other way around. There is a new one now whom we haven't met yet, but we hope the cooperation will stay this good.'

Jamaica**Good practice**

'The EU Delegation here regularly asks the authorities to report to them on the progress of the civil union bill, or of other policies and legislation. That strategy of politely asking instead of demanding is very useful to spur the process on, and cannot offend anyone. Great diplomacy.'

Peru**Good practice**

'Last year, UNESCO presented the Declaration against LGBTI-phobic bullying. The EU and mainly the Dutch Embassies sent messages to the Minister to convince him to sign it, and to our happiness, he did. The EU also works well with the UN on the Free and Equal campaign. The UN offers the expertise and tools for this campaign, while the EU offers the resources to carry it out. We're doing a follow-up campaign this year'.

Peru

'As far as we heard, LGBTI rights were discussed once in a Human Rights Dialogue. The government answered that 'there are no orders to go after the LGBTI community', and the EU seemed content with that. The situation on the ground though is that while there might not be explicit orders from the government, the police does persecute LGBTI persons by arresting them, blackmailing them, looking into their phones to identify gay friends, conducting raids on for instance hamams and even torture. They tend to target the most vulnerable, such as Syrian LGBTI refugees. The police pretty much do what they want and there is no protection for them. The EU should not be content with 'there are no orders', but look at the real situation.'

Lebanon

'There was a dinner a while ago where the EU wanted information on human rights. That might have been for a Human Rights Dialogue, but we have no idea what the EU Delegation did with the information'

Belize

'For us as a civil society organisation, there is no chance to communicate with the government; it would even put us in danger if we tried. The EU however could address LGBTI issues with the government, especially since the EU is funding human rights and democracy efforts by the government. They should be making demands to go with the funding!'

MENA region

'A number of years ago, the US Embassy gathered all like-minded embassies to discuss strategies for the promotion of LGBTI rights, which was very useful. Unfortunately, that Ambassador has left, and no one else has taken over this coordinating role'

Lebanon

'It would help if the EU Delegation and Embassies were more coordinated in their addresses to the local administration, for instance to ask questions jointly after an incident or development, and to jointly ask for protection for events. If they do so together, one Embassy does not run the risk of being singled out for reproach by authorities.'

St. Petersburg

4.d.8. Tool: Supporting efforts by civil society

- *Provide messages of political support when deemed useful and upon consultation with civil society.*
- *Facilitate information on the available funding (e.g. through the EIDHR or relevant instruments of the EU Member States).*
- *Provide information on laws and practices regarding LGBTI persons in the EU.*
- *As appropriate, promote the visibility of local organisations promoting the human rights of LGBTI persons e.g. by hosting debates and seminars on relevant issues and including LGBTI aspects and speakers and by endorsing cultural events, conferences, or social projects.*
- *Encourage a debate on LGBTI issues between state actors and civil society by providing opportunities for exchange.*
- *Consult civil society organisations on how to mainstream LGBTI issues.*
- *Encourage civil society organisations to promote the human rights of LGBTI persons.*
- *Encourage civil society organisations to properly document human rights violations affecting LGBTI persons.*
- *Support relevant academic research to assist in the development of domestic debate and advocacy efforts.*

From the EU LGBTI Guidelines

Most remarks regarding the actions the EU could take that would be helpful concerned this tool. That is of course not surprising, since all respondents are LGBTI organisations, who have a good insight into what support they could use best to support their work. Many recommendations were made in different areas. Below, the areas of monitoring, facilitating exchange, promoting visibility, mainstreaming LGBTI rights, offering premises, opportunities to exchange with the government and offering funding are addressed in turn.

'They can do so many things. They can help us to create some square about the LGBTI rights. They can help us to lead our advocacy to the abrogation of all the homophobic laws we have here. Make easy the access to the protection of human rights process. They can help to obtain some funds coming from the EU to lead our advocacy toward the general population and to communities for the tolerance and the living together.'

Cameroon - web-survey

'There is talk of a shrinking space for civil society all over the world, among others in Eastern-Europe and Asia, but it is starting here too. We need to train new activists and to exchange internationally on strategies to regain and retain our space. The EU could really help there.'

South America

Monitoring

For their information, EU Delegations are in part dependent on monitoring by LGBTI organisations. Almost all LGBTI organisations around the world try to monitor cases of violence and discrimination of LGBTI persons. Respondents to the qualitative interviews however indicated a need for support in this area. They would like mainly technical and sometimes financial support for their monitoring efforts. Within the EU, much expertise has been built regarding ways to monitor and register uniformly and comparably. This expertise would be much appreciated in other parts of the world. A good practice is Peru, where the EU Delegation supports the drafting of the human rights report of the LGBTI organisation and uses the report for its advocacy with the local government.

Good practice

'We're happy with the financial and political support for our monitoring; our human rights report has an EU flag on the back! The EU Delegation uses the report for political strategies here, and to report to Brussels. The EU and UN also funded a report from the Ombudsman's office, the first ever report in Peru on public policies for equality, that included recommendations on combating violence against LGBTI persons and especially lesbian and trans women'

Peru

'We try to collect data, but it would be very good if we could gain more expertise on how to do that and make our data comparable, as well as support to get the data to the public and the international community'

Belize

'We work on documenting incidents of violence, but could really use help in accessing information from the police on this. They won't directly cooperate with us, but might cooperate if the EU asks. Also, it would be helpful if the EU could offer expertise on monitoring.'

Lebanon

'Our organisation monitors human rights violations, but is not sure how this is best done. It would be helpful if the EU could offer training on monitoring methods'

MENA region

Facilitating exchange

LGBTI organisations would be supported by exchange in several ways. Some are in need of capacity building, others of books and other information material. There is a general wish for possibilities to exchange with other LGBTI organisations, mainly internationally. Many organisations in countries where LGBTI rights are not well respected have little possibility to gain expertise in their own country and rely on capacity building and training from elsewhere. Also, they feel they might benefit from exchange between organisations in countries that may be located far from each other, but that are going through the same phase in LGBTI rights and awareness.

'We could really use technical support. Our organisation consists of good and trusted people. Trust is the most important thing for us, because we are continually threatened. But we don't have all the expertise and skills we need. It would help if we could get training and capacity building'

MENA region

'It is difficult to access information relating to LGBTI here. Civil society in this area, and the community, have to teach themselves, without many tools. Books are expensive, and many people don't have access to computers and the Internet. It would be great if the EU Delegation or embassies could facilitate some sort of library with materials, preferably in the local language'

Pakistan

'Organisations in some countries, even though the countries might be very different, are going through the same phase in promoting LGBTI rights. It would be very useful to have opportunities to exchange experiences with for instance Ugandan LGBTI organisations, learning about good practices and strategising, and sharing protection policies. It would be good if the EU could facilitate this sort of exchange.'

Pakistan

'Nigeria is a country with different states that have their own LGBTI organisations. It would be very helpful if an embassy could support a conference of the national and local LGBTI organisations in a safe place where we can talk about thematic areas, strategy and advocacy to reinforce each other more'

Nigeria

'It would be great if the EU Delegation or Embassies could assist with getting visa for visiting activists and artists from Europe. If an LGBTI organisation invites them, getting a visa is problematic, but if an Embassy or Consulate does the inviting it would work'

St. Petersburg

'What would be helpful is if the EU would share its own experience here. They can show from experience that addressing LGBTI rights can be done without civil unrest and without negative consequences for society, that it can actually improve things'

Belize

Promoting visibility

Promoting visibility of LGBTI organisations and their work can be done in multiple ways of course. For instance by being present at events organised by LGBTI organisations, by making statements at these events or by remarking on the work done by organisations. A majority of respondents indicated that the EU Delegation comes to an event if invited, although a number of Delegations don't react at all.

'We hold a concert every year, at which the US Embassy makes a statement. We always invite the EU Delegation to do the same, but they have never even responded to the invitations'

Mongolia

'There's small things that are symbolically important. The US Embassy for instance raised a rainbow flag with a ceremony for the occasion of the Pride in the US. That was such a nice touch'

Belize

'The EU Delegation will come to an event if we invite them, and also organises one human rights event each year that we are invited to. That is great. However, those events sometimes seem to be more about the visibility of the EU than about the visibility of the issues and a broader strategy to bring the issues forward seems to be missing.'

Guyana

Mainstreaming LGBTI issues

One of the things that few EU Delegations have engaged in, but that would be very useful is to mainstream LGBTI issues in the work of other human rights organisations. In many countries, it is difficult for LGBTI organisations to access networks and insert the issues in the human rights agenda. If other human rights organisations would support their efforts, that could be more successful.

'There is a lot of homophobia among the defenders of other human rights in our country. They are shocked if LGBTI issues come up in the debate. The EU should make it a point to always include LGBTI organisations and issues in consultations and discussions on human rights, and insist that all human rights defenders that attend respect LGBTI persons'

MENA region

'It would be useful if the EU invested in the mainstreaming of LGBTI in the work of other human rights organisations, and institutes like the ombudsman's office'

Belize

Offering premises

In some countries, it is difficult for LGBTI organisations to find suitable and secure locations for their meetings or events. EU Delegations or National Embassies of EU countries regularly offer

premises to organisations in a number of countries. In other countries, it is a missed chance to offer assistance that will not cost the EU Delegation much but is very helpful to the LGBTI organisations.

Good practice

'Our events are regularly threatened with attacks from homophobes, or by police, and it happens that venues cancel at the last minute. The diplomats of EU countries coordinate among themselves and work with us to organise protection for these events, or negotiate with venues'

St. Petersburg

Good practice

'For all of them I maintain a regular friendly relationship, I sometimes use their premises or culture centres for community events, especially United Kingdom and France and Sweden. The Swedish and Netherlands are the most supportive and offer financial support.'

MENA region - web-survey

'We need to change locations often because of our threatened position. It would be really helpful if the EU Delegation and National Embassies would be willing to host some activities'

MENA region

Opportunities for exchange with the government

One of the most useful things an EU Delegation can do is offer opportunities for exchange between LGBTI organisations and the government. For many organisations, it is difficult to make contact with the government themselves, but if the EU Delegation would invite officials, they would show up and communication can be established in an informal way. In St Petersburg, this happens regularly, which is felt to be very useful for the local LGBTI organisation, especially since it offers a sense of safety to both the organisation and the government officials. Especially the latter will not be publically seen to meet with LGBTI representatives, and are therefore more open to listen.

Good practice

'EU diplomats offer us platforms to network with other Human Rights Defenders, with the Ombudsman and with local authorities. We're always invited if a reception or event concerning human rights takes place'

St. Petersburg

'It would be very useful if the EU Delegation would create opportunities for us to exchange with the government, and also with mainstream human rights organisations'

Tanzania

'It would be great if the EU Delegation would provide a platform for the government to exchange with LGBTI civil society. It's hard for us to contact the government directly, but if the EU Delegation, as the main donor of development assistance, invited the government for a dinner or roundtable with us, they would surely come. That could really help.'

Guyana

'It would be really helpful if the EU could organise a space for dialogue with policy-makers, in an off-the-record meeting behind closed doors, where we can share our fears with them and they can listen without fear of political backlash'

Nigeria

'It would be so good if the EU Delegation would invite government officials to join them in attending human rights events. If we invite them, they won't come, but if the EU does, they probably will'

Belize

'Especially in Central and Latin America, it would be very useful if contact between governments and civil society were facilitated by the EU Delegation'

South/Central America

'Our government likes to think that lesbians and gays don't exist here, and they really don't want to hear that they do. If the EU tries to have us meet with the government directly, they'd get an instant rebuke from the government. However, the UN will organise a Human Rights Day event soon, and has invited government officials, the diplomatic community and human rights organisations including us. It will be interesting to see what happens there'

Pakistan

Offering funding and practical support

The main financial instrument of the EU that can benefit LGBTI organisations is the European Instrument for Democracy and Human Rights (EIDHR). Aside from that, there are also some possibilities to offer small security grants and help for Human Rights Defenders. When the respondents to the qualitative interviews were asked whether they did or would like to access EIDHR funding, most indicated that there were many problems in applying for funding. The application is experienced as complicated, the programming as too rigid, the requirements impossible in some countries. Only where the EU Delegation offers intense assistance to LGBTI organisations can these organisations successfully apply. A good practice comes from Peru, where the EU Delegation offers human rights organisations, among which LGBTI organisations, training and support to write successful applications. They in turn share this expertise with colleagues in neighbouring countries.

Good practice

'We receive funding from the EIDHR and are very happy with that. We applied twice before submitting a successful application, with the help of the EU Delegation. We have attended multiple meetings and trainings that the EU Delegation organised about the funding and how to apply for it, and so gained the necessary expertise for a successful application. Now we are spreading that expertise in the region, for instance by assisting our colleagues in Colombia with their application'

Peru

'It seems that to have a chance to access EU funding, you have to partner with a European organisation, and much of the money then goes to that organisation instead of to our causes'

Tanzania

'We tend to run away from EIDHR. It is far too complex to access such a large fund, and the rules of the fund don't take into account the legal environment. You have to be a registered NGO to apply, but what can you do if registering an LGBTI organisation is not possible in your country?'

Nigeria

'The EU Delegation has offered to give us information on funding opportunities, but says 'We'll put you in touch with the right person' and then never do'

MENA region

'We have benefited from EIDHR funding from 2011 on. We're very happy with the funding, but it would be helpful if the EU Delegation would back it up with a political strategy. We have regular contact, but only about the technical administration of the project and not on how to raise and frame issues and reinforce the strategy for change.'

Guyana

'We would like more information on EIDHR or other funding opportunities, but the EU Delegation would have to walk with us through the process to have a successful application. From what we heard in the MENA region, there is so much documentation to get just right, that it is only possible to access the fund with intensive assistance'

Lebanon

'The EIDHR is too rigid for us to work with. The challenges we face are constantly changing, we need to be flexible to react to developments and incidents. The EIDHR asks for a work plan that is then executed, but that does not fit the situation here at all. Also, because of the legislation on 'foreign agents' here, we are registered differently here which makes us ineligible for the fund.'

St. Petersburg

'We applied for a project around homelessness, but didn't get it. On the whole, our capacity is not sufficient to manage an EIDHR project'

Jamaica

'We received information on a call for proposals from the EU Delegation, but that was two weeks before the deadline. There was no way that we could do an application in that timeframe. We would need access to trainings, you really need a degree in proposal-writing to do this'

Belize

'One of our problems is that Mongolia is no longer considered a developing country. Development donors are gradually leaving. Unfortunately human rights are still lagging behind the economic progress and human rights NGOs are underfunded. We rely on the international support that is pulling back. We heard recently that the Netherlands is investing multiple hundred thousands in Chinese civil society and were astounded. Even € 50,000 spread over all human rights organisations here would go such a long way and help so much'.

Mongolia

It would already be helpful if the EU would publish calls for grants in Spanish instead of only in English. There are not that many activists in the region whose English is good enough to understand the requirements and write an application'

South America

Good practice

'A couple of years ago, the EU monitored the elections here. They donated the computers and office equipment they used for the monitoring mission to civil society afterwards, among others to us'

MENA region

4.d.9. Tool: Visiting EU and Member State missions

Include information on the situation of LGBTI persons in briefing materials for visiting EU and Member State missions and encourage them to raise the issue with local counterparts and to meet human rights defenders working to promote and protect the human rights of LGBTI persons.

From the EU LGBTI Guidelines

A good practice comes from Jamaica, where the EU Delegation and National Embassies do exert themselves to make the work of the LGBTI organisation visible, among others to a visiting government leader. Elsewhere, this tool was not used, as far as the LGBTI organisations were aware.

Good practice

'In general, the EU Head of Mission and other Ambassadors are strident to mention our work and give it visibility. When for instance Prime Minister Cameron visited Jamaica, the UK High Commission made sure that LGBTI organisations were present and could meet with him, which was good for our visibility and the cause'

Jamaica

5. Conclusion

Since their adoption in 2013, mixed signals were received about the implementation of the EU LGBTI Guidelines. In some countries, there were signals that the EU Delegation and some National Embassies of EU Member States are pro-actively implementing them, in consultation with the local LGBTI organisations. In most countries however, LGBTI organisations reported that the Embassies were inactive, carried out only symbolic actions without a broader strategy or took action without consulting the LGBTI organisations, which was therefore sometimes counterproductive.

A survey was carried out to assess these signals. Over 70 LGBTI organisations worldwide participated, either in a web-survey or in a series of qualitative interviews. The survey confirms that the EU LGBTI Guidelines are implemented to widely varying degrees in different countries. This difference does not reflect the severity of the human rights situation for LGBTI persons in a country, the EU Delegation and Embassies are not generally more active in countries where the situation is worse and less active where it is relatively better. Rather, the level of implementation seems to depend on individual personal interest in and commitment to LGBTI rights of the EU Head of Mission, Deputy Head of Mission or Human Rights Focal Point.

In over half of the countries assessed, the LGBTI organisation had never been in contact with the EU Delegation. Some were not aware that an EU Delegation exists in their country, while others had actively invited the EU Delegation to open lines of communication but did not get a reply. This was most prevalent in South and Central America, where 83% of organisations reported never having been in contact with the EU Delegation.

Those LGBTI organisations that are in contact with EU Delegations reported that this contact mainly concerned general networking, preparation for a human rights dialogue or discussing strategy for the promotion of LGBTI rights. Less often it concerned funding, monitoring or preparation for an event. One of the main remarks was that the EU Delegations who do consult LGBTI organisations on the situation in their country hardly ever report back what they used the information for. They would like to be informed better of how the information feeds into any action that the EU Delegation takes concerning LGBTI rights. In general, a 100% of respondents indicated that they would like to be informed more by the EU Delegation, among others about possible action that the Delegation can take for the promotion of LGBTI rights.

It is felt in many countries that the EU Delegation has missed chances to take action. Almost 70% of respondents indicated this, while only 15% feel that the Delegation has not missed chances. In the qualitative interviews, LGBTI organisations had many valuable suggestions for actions that could be taken. Surprisingly, most of these suggestions would not cost the EU Delegations much in terms of financial or human resources, while they would indeed be highly helpful to promote LGBTI rights.

The most important recommendation was that consultation with local LGBTI organisations before taking action is absolutely vital. To contribute positively, any action by the EU Delegation needs to tie in with the broader strategy to promote LGBTI rights in a country. Without consultation, the action will be merely symbolic and stand-alone, or in the worst case be counterproductive. Public statements by EU Delegations for example can be a very powerful tool, but only if the narrative and wording takes account of local sensitivities. If not, they might be cast aside as neo-imperialism

or an attempt at imposing Western Values or even spark homophobic reactions instead of combating homophobia.

In a few of the countries assessed, the EU contributes financially to the promotion of LGBTI rights, either in the form of small security grants or in the form of a project funded by the European Instrument for Democracy and Human Rights (EIDHR). Most LGBTI organisations however find the EIDHR unworkable. It is difficult to submit a proposal that is technically correct, some tried but were rejected because of small technical mistakes. It is also too rigid, especially in countries where the situation for LGBTI persons is difficult. Organisations there need flexibility to tie in with developments. A last comment is that EIDHR is not accessible for organisations that are not formally registered as an NGO under national law. In some countries however, it is impossible for LGBTI organisations to register, excluding them from any chance to access funding. Paradoxically, those are of course the countries where assistance is needed the most. Only in those countries where the EU Delegation actively supports organisations in drafting and submitting project proposals, offering consultation and training, have organisations managed to submit successful applications.

In two countries included in the series of qualitative interviews, the EU Delegation is taking action in almost all areas described in the EU LGBTI Guidelines in close consultation with the LGBTI organisations. These are Peru and Jamaica. The organisations there are on the whole very happy with the engagement of the EU in promoting LGBTI rights in their country and praise the commitment shown. The EU could make a significant difference for LGBTI people across the world if EU Delegations in all countries would follow their example and implement their good practices.

In conclusion, it must be emphasised that although this survey can be called representative with the participation of over 70 respondents, many countries could not be assessed within its scope. There may well be many other good practices of EU Delegations engaging in the promotion of LGBTI rights that are not included here. Also, because of the nature of the work of EU Delegations, which includes diplomacy behind closed doors, LGBTI organisations cannot have a full overview of the actions that are taken. Therefore, it would be good if the European Commission would carry out a more comprehensive evaluation of the implementation of the EU LGBTI Guidelines.

Annex 1: Questionnaire web-survey

1. Currently, I work and live in the following region: choice of global regions
2. In the country in which I currently work and live
 - There is an EU Delegation
 - I am not sure if there is an EU Delegation
 - There is no EU Delegation
3. In a typical year, I'm in touch with the EU Delegation
 - More than 10 times
 - Between 5-10 times
 - Between 1-5 times
 - I met a representative once or twice over the past years
 - Never
 - Other (please specify)
4. My contact with the EU Delegation was related to (more answers possible)
 - EU project funding
 - monitoring of human rights
 - preparation for an event
 - preparation for a human rights dialogue
 - EU political strategy for LGBTI rights
 - general networking
5. To your knowledge, has the EU Delegation undertaken any of the following actions in the past two years? (multiple answers possible)
 - monitor violations of LGBTI rights
 - made public statements/press releases concerning LGBTI rights
 - supported and/or participated in public LGBTI events (closed events, Pride march, etc)
 - invited LGBTI civil society to human rights debates, seminars or other events
 - attended court hearings concerning violations of LGBTI rights
 - hosted or endorsed debates, seminars or other events of LGBTI civil society
 - facilitated dialogue between the government and LGBTI civil society
 - facilitated information on EU funding for human rights projects to LGBTI civil society
 - none of the above
 - Other (please specify)
6. Please indicate your opinion on the following statements.
Concerning the EU delegation in your country in the past two years (choice between strongly agree, agree, neutral, disagree, strongly disagree, no opinion)
 - I am content with the contact my organisation has with the EU Delegation
 - The EU Delegation is pro-active concerning LGBTI issues
 - I would like to be informed more on actions by the EU Delegation
 - The EU Delegation consults civil society on strategy concerning LGBTI issues
 - The EU Delegation supports LGBTI civil society
 - Actions by the EU Delegation concerning LGBTI issues contributed positively
 - The EU Delegation missed chances to take action concerning LGBTI rights
7. For my LGBTI rights work I'm in touch with embassies of the following EU countries (more answers possible)
 - Belgium
 - Bulgaria
 - Czech Republic
 - Croatia
 - Cyprus
 - Denmark

- Germany
- Estonia
- Finland
- France
- Greece
- United Kingdom
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- The Netherlands
- Austria
- Poland
- Portugal
- Romania
- Slovenia
- Slovakia
- Spain
- Sweden

I have never been in touch with an embassy from an EU country

Please, shortly specify per embassy the nature of your cooperation and level of satisfaction.

8. For my LGBTI rights work I'm in touch with the following non-EU embassies (open question)

9. Feedback

Feel free to use this field to leave any comments

Annex 2: Questionnaire qualitative interviews

Questions for interviews on the implementation of the LGBTI Guidelines of the EU

1. Contact with EU Delegation

- How often do you have contact with the EU Delegation in your country?
- On whose initiative does this contact usually take place?
- With whom do you usually have contact? Is there a Focal Point for Human Rights?
- Of what nature is the contact with the EU Delegation?
- Does the EU Delegation consult you on actions for LGBTI rights they undertake?

2. Contact with national embassies

- Which national embassies of EU countries do you have contact with? How often and of what nature?
- Which national embassies outside of the EU do you have regular contact with?

Areas of pro-active promotion of LGBTI rights

3. Decriminalisation and respect for freedom of expression and assembly

- Were there cases of limitation of freedom of expression in the past two years?
- If so, to your knowledge, have the EU embassy or have national embassies of EU countries taken action to combat this? And if so, which?
- Was this action effective in your opinion?
- Could they have done (even) more, or something different that would be helpful?
- Has the EU embassy consulted the LGBTI community in your country on these issues? To what extent?

4. Equality and non-discrimination

- Does your country have legislation and policies to promote equality and non-discrimination? Have legislation and policies been debated in your country in the past two years?
- If so, did the EU embassy or national embassies of EU countries contribute to promoting this, to your knowledge?
- If not, are they actively working to encourage this, to your knowledge?
- Was this action effective in your opinion?
- Could they have done (even) more, or something different?

5. LGBTI-phobic violence

- To what extent is LGBTI-phobic violence an issue in your country?
- To your knowledge, does the EU embassy or do national embassies of EU countries actively encourage your government to prevent and combat violence against LGBTI-persons?
- To your knowledge, does the EU embassy or do national embassies of EU countries support your government and civil society to monitor incidents, educate law-enforcement officers and assist victims?
- Was this action effective in your opinion, if any was taken?
- Could they have done (even) more, or something different?

6. Support Human Rights Defenders

- Does your country have a poor record of respect for human rights, or is it in a period of legal change concerning human rights, or do HRDs face criminal sanctions?
- To your knowledge, does the EU embassy or do national embassies of EU countries actively encourage your government to respect and recognise the work of LGBTI Human Rights Defenders and/or react to violations of their rights?

7. Monitoring human rights (of LGBTI persons)

- To your knowledge, have the EU embassy and/or national embassies of EU countries kept actively in contact with the government and civil society to obtain information on violations of human rights of LGBTI persons?
- If so, how and how often?

8. EU Heads of Mission

- The EU Head of Mission is the EU ambassador in your country. Do you know who he/she is? Have you met?
- To your knowledge, does he or she monitor individual cases of violations of human rights of LGBTI persons and take measures to combat these violations? If so, which?

9. Public statements on incidents and developments

- To your knowledge, have the EU embassy or national embassies of EU countries made public statements or released a press release on LGBTI issues in your country (concerning either negative or positive developments)?
- If not, was there cause to do so in the last two years and would a public statement have been constructive (missed chance)?
- If so, what issue was addressed by which embassies and did this contribute positively (good practice)?

10. Public statements on assemblies and freedom of expression

- To your knowledge, have the EU embassy or national embassies of EU countries publically supported and/or participated in public LGBTI events such as a Pride march in your country?
- If not, was there cause to do so in the last two years (missed chance)?
- If so, what issue was addressed by which embassies and did this contribute positively (good practice)?

11. Court hearings and prison visits

- To your knowledge, have the EU embassy or national embassies attended and observed any court hearings concerning violations of human rights of LGBTI persons, and/or visited LGBTI persons who are in detention?
- Were there any good practices or missed chances?

12. Support efforts by civil society

- To your knowledge, have the EU embassy or national embassies provided messages of political support when useful, after consulting with civil society?
- To your knowledge, have the EU embassy or national embassies facilitated information on available funding from the EU for human rights projects?
- To your knowledge, have the EU embassy or national embassies promoted the visibility of civil society organisations promoting LGBTI rights, for instance through hosting debates and seminars and endorsing cultural events, conferences or social projects?
- To your knowledge, have the EU embassy or national embassies encouraged debate on LGBTI issues between state actors and civil society by providing opportunities for exchange?
- To your knowledge, have the EU embassy or national embassies encouraged civil society to properly document human rights violations affecting LGBTI persons, and/or supported relevant academic research that assists in the development of domestic debate and advocacy efforts?

13. Multi-lateral fora

- To your knowledge, have the EU embassy or national embassies suggested that relevant Rapporteurs and Representatives of the UN, Council of Europe or OSCE meet local civil society promoting LGBTI rights?