

Catherine Ashton

High Representative of the Union for Foreign Affairs
Vice President of the European Commission

**AMNESTY
INTERNATIONAL**



European Institutions Office

Brussels, 8 October 2013

Ref: B 1485

Dear Baroness Ashton,

EEAS MUST MAINTAIN EU COMMITMENTS ON LGBTI RIGHTS, INTERNATIONAL JUSTICE AND HUMAN RIGHTS IN AFRICA

Amnesty International deeply regrets the recent public [statements](#) by the European External Action Service (EEAS) Managing Director for Africa Nicholas Westcott, on lesbian, gay, bisexual, transsexual and intersex (LGBTI) rights and on international justice in Africa. It is regrettable and sets a potentially emblematic precedent for such a public stance to have been adopted by a high-ranking EEAS official. We call for the EEAS to publicly re-iterate its commitment to LGBTI rights, international justice and to human rights more generally.

Mr Westcott's public statements stand in direct contradiction with international human rights law and key EU internal and external commitments on LGBTI rights, including the EU Charter of Fundamental Rights, the EU Strategic Framework and Action Plan on Human Rights, and most recently the June 2013 EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by LGBTI persons. It is particularly unfortunate for an EEAS official to designate LGBTI rights as a "cultural issue" just as we celebrate the 20th anniversary of the adoption of the Vienna Declaration and Programme of Action. As you know, the Declaration underpins the universality of human rights as a principle; the EU has defended this at UN level whenever the international human rights framework has been challenged as standing in contradiction with 'traditional values'. Contrary to Mr. Westcott's statements, the EU's commitments on LGBTI rights and on human rights in general, are both part of the EU's own "fundamental values" and "useful" in the European Union's engagement with Africa.

These statements also compare the EU approach on LGBTI rights to the "very quiet" EU stance toward African counterparts on the International Criminal Court (ICC). In doing so, they do great disservice to the EU's long-standing support for international justice and the International Criminal Court (ICC) as reflected in the Common Position 2003/444/CFSP, the Council Decision 2011/168/CFSP and its related Action Plan, the EU Strategic Framework and Action Plan on Human Rights and Democracy, and the Joint EC-EEAS Staff Working Document on Advancing the Principle of Complementarity (SWD-2013-26).

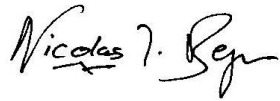
We are seriously concerned that these EEAS statements come at a crucial time when international justice in Africa stands at a crossroads. African commitments to the ICC are under discussion at the same time as Kenya may become the first African state to formally withdraw from the Rome Statute. In line with the EU's commitment to the Rome Statute, we call upon you to publicly re-affirm the EU's commitment to the ICC.

Where much EU and EEAS engagement on human rights takes place in the form of "quiet diplomacy", such an explicit public stance undermines the substantial and ongoing efforts of the EU and civil society on human rights in Africa. At the same time, other policy interests such as trade and aid should not be seen to take precedence over human rights in EU external action.

We urge you to explicitly, pro-actively, and publicly reaffirm the EU's legal and political commitments to LGBTI rights, international justice and human rights in Africa.

We thank you in advance and look forward to your response.

Yours sincerely,



Dr. Nicolas J. Beger
Director
Amnesty International European Institutions Office

Cc:

Nicolas Westcott, Managing Director for Africa, EEAS
Stavros Lambrinidis, EU Special Representative for Human Rights
Bert Theuermann, Chair of the Working Party on Human Rights, Council of the European Union
Veronique Arnault, Director for Human Rights and Democracy, EEAS