

LGBTI in Africa

Widespread discrimination against people with non-conforming sexual orientations and gender identities

SUMMARY

Three out of five African countries have laws criminalising homosexuality and the public expression of sexual or gender behaviour that does not conform with heterosexual norms. These same laws even sometimes punish LGBTI (lesbian, gay, trans, intersex) rights advocacy.

Some African countries have partly decriminalised LGBTI persons or given them better protection. However, across the continent – with the notable exception of South Africa – such persons are still far from fully enjoying the same rights as other citizens. Furthermore, recent years have seen the emergence of a worrying trend: the adoption of tougher legislation coupled with clampdowns on homosexuals. An argument frequently used in support of discriminatory legislative and other measures targeting LGBTI persons is that non-conforming sexual orientations and gender identities were brought to Africa by Western colonisers and are contrary to the 'African values'. This claim has long been proven false by academic research, but tolerance for LGBTI is still very low in most African countries, and LGBTI people are all too often exposed to discrimination and violence.

Against this backdrop, the EU institutions and Member States have a difficult task: on the one hand, they are committed under the Treaties to promote the EU core values in their external relations, and to monitor and tackle abuses in their partner countries. On the other hand, their actions and declarations in this area risk reinforcing the perception that the EU is trying to impose non-African values on Africa, all the more so since the notion of sexual orientation and gender identity as grounds for discrimination is contested by African countries in the multilateral arena.



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Map 1 – Sexual orientation laws and tolerance for homosexuals in Africa



Data source: the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 2019; Afrobarometer, 2016 (% of respondents who said they would 'strongly like,' 'somewhat like' or 'not care' if they lived next door to homosexuals, in 33 surveyed countries).

Glossary¹

This briefing uses 'LGBTI' as a term unifying various acronyms, such as LGBT and LGBTIQ+.

In the definitions below, 'male', 'man' and 'female', 'woman' are used for convenience, although some LGBTI activists regard these binary gender notions as controversial.

LGBTI: Lesbian, gay, bisexual, trans, intersex.

Lesbian is most often used for gay females. 'A lesbian is a woman whose enduring physical, romantic and/or emotional attraction is to other women.'

Gay is used as a synonym of homosexual (expressing preference for same-sex*² sexual relations). 'Gay is often used to describe a man whose enduring physical, romantic and/or emotional attraction is to other men, although the term can be used to describe both gay men and lesbians.'

Bisexual 'describes an individual who is physically, romantically and/or emotionally attracted to both men and women'.

Trans: *Transgender* applies to people who do not identify with the gender they have been socially assigned. *Transsexual* rather applies when this feeling entails hormone therapy or surgery.

Intersex 'covers bodily variations in regard to culturally established standards of maleness and femaleness'.

LGBTIQ+: LGBTI, queer, and other gender and sexual expressions.

Queer is often used as a political position to confront traditional gender and sexual norms.

The + sign brings together other sexualities, gender identities and gender expressions that differ from mainstream assumptions on gender roles.

SOGI: Sexual orientation and gender identity.

SOGIESC: Sexual orientation; gender identity and expression; sex characteristics.

Sexual orientation 'refers to each person's capacity for emotional, affective and sexual attraction to, and intimate and sexual relations with, individuals of a different or the same gender or more than one gender'.

Gender identity 'refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth'.

Heteronormativity: The mainstream standard of heterosexual relations. Trans and intersex persons are in practice affected by homophobia, whether in the form of legal provisions or sentiments, as they do not conform with heteronormativity.. Conversely, few of the African laws protecting homosexual persons against discrimination explicitly cover 'non-conforming' gender identities. As a result, discrimination is often more acute for trans and intersex persons than for homosexuals.

(Various sources; quoted text from [Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex \(LGBTI\) persons](#), Foreign Affairs Council meeting, Luxembourg, 24 June 2013).

A bleak legal landscape

Criminalisation of same-sex relations

According to the international LGBTI association [ILGA](#), 33 of the 54 African states recognised by the United Nations (UN) have laws that [criminalise](#) same-sex sexual acts (see Map 1). The most recent criminalisation of same-sex sexual relations in the world is enshrined in Article 354 of [Chad's 2017 Penal Code](#). Criminalisation sometimes entails inhumane treatments, such as [forensic anal examination](#), which, according to Human Rights Watch, is performed in Cameroon, Egypt, Kenya, Tunisia, Uganda, and Zambia. The death penalty is provided for in Mauritania (for Muslim men),

Nigeria (in some northern states) and Sudan. The Islamic group Al Shabaab reportedly applies the death penalty to gay persons in the areas of [Somalia](#) it *de facto* runs.

In most of the 21 other African countries, homosexuality has never been criminalised in legislation. However, in some of them, provisions penalising 'acts against nature', 'indecentry' or 'debauchery' are used against LGBTI persons: in 2016, a Penal Code provision on 'affront to public decency' was used for the first time to jail gay people in [Côte d'Ivoire](#). Similar provisions were also used to arrest LGBTI persons in the [Central African Republic](#), Mali, [Burkina Faso](#) and the [Democratic Republic of Congo](#) block the registration of LGBTI organisations.

Decriminalisation. Only a few African countries have explicitly abolished criminalisation: South Africa (see boxed text below) and Guinea Bissau did so in 1993. The notion of 'vices against nature' was removed from [Mozambique's](#) Penal Code in 2015, and from [Angola's](#) in 2019.

Slow progress towards legal protection

Since 2007 in Mozambique and 2008 in Cabo Verde, the Labour Code prohibits employers from discriminating against their employees on the basis of the sexual orientation of the latter. In [São Tomé and Príncipe](#), equality of rights for all, 'regardless of their sexual orientation', is laid down in a 2008 law, and since 2012 the country's Penal Code has stepped up the sanctions applied when the crime committed is based on the victim's sexual orientation. A similar provision was added to [Cabo Verde's](#) Penal Code in 2015, envisaging additional sanctions not only whenever the reasons for the crimes perpetrated are linked to the victim's sexual orientation but also whenever they are linked to their 'gender identity'.

Decriminalisation does not necessarily go hand in hand with legal protection: despite having decriminalised LGBTI, Guinea Bissau did not proceed in the direction of legal protection. Conversely, [Mauritius](#) still criminalises 'sodomy' but the [Equal Opportunities Act of 2008](#) prohibits discrimination based on the 'status' of the person, including '[sexual orientation](#)'. Backward moves are also possible: the mention of sexual orientation as a prohibited ground of discrimination was [removed from Namibia's Labour Act](#) in 2007.

South Africa: the regional exception

South Africa is a regional pioneer in the advancement of LGBTI rights on the African continent. In 1996, it was the [first country in the world](#) to explicitly ban discrimination on the basis of sexual orientation in its Constitution. In 1998, anti-discrimination laws were further extended to protect sexual minorities' rights in the work place; furthermore, [same-sex marriage](#) was legalised in 2006, granting LGBTI couples the same rights as opposite-sex couples. Same-sex couples can also [adopt and raise children](#). South Africa is currently the only country in Africa where LGBTI persons enjoy such wide-ranging rights.

While South Africa has extensive legislation in place for the protection of LGBTI persons, many still report social unacceptance. [Churches](#), in particular, remain a source of homophobia. A 2016 study shows that while half of South Africans believe that LGBTI persons should have equal rights, and 72 % feel that same-sex sexual activity is '[morally wrong](#)'. In addition, an alarming four out of 10 LGBTI persons report knowing someone who has been killed for their sexual orientation or gender identity. Despite a recent surge in violence against sexual minorities, 88 % of respondents claim that they [have not reported](#) any hate crimes or discrimination. At the country's borders, LGBTI refugees are often refused entry, despite the legislative provisions in place for such persons.

Nevertheless, society is becoming more accepting of sexual minorities overall, and authorities continue to address the country's discrimination problems. In March 2018, the South African Cabinet passed a [measure](#) criminalising hate crimes and hate speech. Shortly afterwards, the government closed a loophole through which civil servants could refuse to perform a marriage ritual for LGBTI couples based on their own religious or moral convictions.

Institutional support for LGBTI persons is thus very robust; however, public sentiment still lags behind in terms of social acceptance.

Unfavourable social environment

Cultural arguments

Laws criminalising same-sex relations are often a [legacy of the colonial past](#). Despite this, some political leaders justify these laws as the result of a supposed '[cultural difference](#)' and claim that homosexuality and non-heteronormative gender identities were brought to Africa by colonisers. This assumption is proven false: [historical evidence](#) of same-sex relationships and gender-expression versatility ('[boy wives, female husbands](#)') are well documented for many places in Africa, as are the varying degrees of tolerance that existed for sexual diversity.

In addition to the cultural arguments, [religious considerations](#) also play a role in anti-LGBTI laws in Africa. For instance, the influence of the Pentecostal Church is manifest in some of the most repressive states. Researchers and journalists have evidenced that some African homophobic campaigns have been funded or supported by Western Christian right-wing campaigners such as US evangelist [Scott Lively](#) in Uganda. Building on The Holy See's anathematisation of gender 'theory' as '[ideological colonisation](#)', Roman Catholic bishops are generally supportive of anti-homosexuality laws in countries where such are adopted. A [case study on Kenya](#) shows that Holy See statements on marriage and against 'the various forms of the ideology of gender' have clearly influenced – to the word – the Kenyan 2016 family policy. The same author notes that Muslim authorities also back anti-gay provisions not only in North African countries, which all criminalise homosexuality, but also south of the Sahara. Muslim religious leaders have reportedly called for tough sentences against homosexuals in The Gambia, Kenya, Malawi, Nigeria, Senegal and Uganda. The Islamic Sharia law, which applies in Mauritania, north Nigeria and Sudan, entails the death penalty for gay Muslim men.

Homophobia and violence against LGBTI

Recent polls show that [homophobic feelings](#) prevail across Africa, with few exceptions. A 2016 [Afrobarometer poll](#) in 33 African countries showed that Africans express high levels of tolerance for people of different ethnicities or religions and for immigrants or people living with HIV/AIDS. Tolerance for homosexuals, however, is very low: only 21 % of respondents would 'like or not care having homosexuals as neighbours'. Differences between countries are important: in only four countries, a majority of all respondents is tolerant of homosexuals: Cape Verde 74 %, South Africa 67 %, Mozambique 56 %, Namibia 55 %; only three more countries exceed a third of the respondents who are tolerant of homosexuals: Mauritius 49 %, Sao Tome and Principe 46 %, Botswana 43 %. In other countries, the tolerance level ranges from 3 % in Senegal to 26 % in Swaziland. Younger people (18-25: 25 %) are more tolerant than older ones (over 65: 17 %), educated people (post-secondary: 31 %) are more tolerant than people without a formal education (11 %), and urban residents (27 %) are more tolerant than rural ones (17 %). However, the proportion of people tolerating homosexuality is no more than a third of the overall proportion in any of the sub-categories by education, age or residence.

Homophobia can turn into discrimination and violence. Denial of health care, exclusion from school or work, lynching, rapes and killings are [documented](#) even in the most protective countries (see boxed text on South Africa above). When homophobic feelings are encouraged or not punished by the authorities, violence towards LGBTI people is exacerbated (see boxed text on Tanzania and Uganda below). Violence and harassment push LGBTI people to live in hiding, which increases their mental or physical [health problems](#), or forces them to [flee](#) to other countries.

Tanzania and Uganda: stigmatisation and violence encouraged

In [Tanzania](#), the sanction for same-sex acts is 30 years to life in prison, but is rarely applied. However, in 2017 the government threatened to disclose the names of gay people allegedly involved in online prostitution. This encouraged overtly homophobic politicians to step up clampdowns. For instance, the regional commissioner for Dar es Salaam on several occasions called upon the citizens to report gay people in order

to have them arrested. Such a call in November 2018 provoked an [international outcry](#). Succumbing to international pressure, the government later distanced itself from its stance. However, many people reported to NGOs of [being attacked](#) on the grounds of their supposed homosexuality. Under permanent threat, LGBTI people are forced to live in hiding and do not dare use health services; in a country where 1.5 million people live with HIV, this can have serious consequences.

In Uganda, in 2014 a planned [anti-homosexuality act](#) providing for the death penalty was eventually annulled in court. However this acted as a green light for a newspaper to disclose gay persons' names, putting them at risk of being attacked or killed, as had [already happened](#) in the past. A report by the Ugandan NGO SMUG showed that persecution based on [sexual orientation](#) has increased since the announcement of this act.

Difficult advocacy

Amidst widespread homophobia, [LGBTI advocacy](#) is more demanding and less rewarding than other fights for social justice. Some LGBTI groups have gained visibility owing to [plans to fight HIV/AIDS](#), but have had to reduce their scope of action due to public health concerns. Such a move is often more favourable for gay men – as they are identified as a group vulnerable to HIV/AIDS – than for lesbian, trans and intersex persons, who are further marginalised because of this. Besides, better access to health care rarely translates into full legal protection, and sometimes HIV/AIDS programmes also lead to [increased control of and penal measures](#) applied to people living with HIV.

Even in countries where LGBTI organisations may have a legal existence, their freedom of expression is often challenged. Many of them depend on donors from the global North, a situation which triggers competition over limited funds, rather than collaboration, and increases the influence of donors on the African activists' agenda. This (at least partial) [lack of ownership](#) can reinforce the notion that the fight against 'heteronormativity' is a 'colonial import'. In addition, reporting to donors and sponsors demands organisational and language skills that less educated, grassroots activists do not possess. Against this backdrop, some activists and scholars are trying to find new ['paths for the African queers'](#) through increased visibility and mobilisation, achieved by building on momentum created by political turmoil (as was [the case](#) in South Africa) or social challenges (such as the HIV/AIDS epidemics).

Kenyan and Botswanan activists challenge discrimination in court

Kenyan penal laws envisage prison terms for actions 'against the order of nature', a provision often used to penalise sex between two men, with sentences ranging from five to 14 years. According to official reports, the government is supposed to have prosecuted nearly 600 individuals under this law between 2010 and 2014. In recent years, Kenya's National Gay and Lesbian Human Rights Commission (NGLHRC), a non-profit organisation lobbying for legal reform, has successfully challenged some of the country's harsh anti-LGBTI laws. In its landmark ruling of March 2018, the Kenyan justice system declared the practice of forced anal exams and sexually-transmitted disease testing to be unconstitutional, following a constitutional challenge filed by the organisation. In March 2019, NGLHRC successfully appealed an earlier decision that barred the group from [registering as an NGO](#). In a different ruling, transgender activist Audrey Mbugua won a court case that enabled her [to change her name and gender](#) on academic certificates, a first case in the country. In what could possibly be a turning point for the country's sexual minorities, Kenya's rigid anti-LGBTI laws are currently [being challenged in court](#). While the ruling has already been delayed twice, a final decision on the matter is set to be announced on 24 May 2019.

An identical development is taking place in Botswana, where LGBTI-activists have also brought [legal charges](#) against the country's laws criminalising homosexuality. Botswana's high court is expected to announce its ruling on 11 June 2019.

International and regional positions

United Nations

In the framework of the [Universal Periodic Review](#) (UPR) – a peer-reviewed assessment of human rights progress in the UN – most recommendations by other UN member states to decriminalise or better protect LGBTI get rejected by the African states concerned. Those of them that provide reasons for their rejection, bring up the fact that sexuality is a private matter ([Algeria](#), [Namibia](#), [Senegal](#)), or argue that the recommendations are contrary to their nation's values, customs or religions ([Botswana](#), [Burundi](#), [Eritrea](#), [Nigeria](#), [South Sudan](#), [Tanzania](#) and [Togo](#)), thus contesting the expression of sexual or gender preferences as a universal human right.

Indeed, the Universal Declaration of Human Rights (1948) and other [human rights instruments](#) do not explicitly address sexual orientation and gender identity,³ but the UN bodies have [repeatedly confirmed](#) that discrimination on the grounds of sexual or gender preferences is contrary to the declaration. A series of UN General Assembly (UNGA) [resolutions](#) call on governments to punish summary killings of persons for any discriminatory reasons, including sexual orientation and gender identity.⁴ The UN Human Rights Council (HRC) was the first UN body to adopt a [resolution](#) dedicated to condemning 'violence and discrimination based on sexual orientation and gender identity', in 2011. Following this resolution and a subsequent [report](#) by the High Commissioner for Human Rights, a [panel discussion](#) on sexual orientation and gender identity took place at the HRC on 7 March 2012, during which state delegations and civil society panellists reaffirmed the universality of human rights. However, before the discussion started, a number of representatives left the Council chamber to signal 'their opposition to any discussion of sexual orientation and gender identity'; [reportedly](#), most African delegates did so. Some of the remaining panellists highlighted the fact that:

...concepts of 'sexual orientation' and 'gender identity' had no foundation in international human rights law because they had not been sufficiently well defined and were not mentioned in any international human rights instrument. In the absence of universal agreement to require States to recognize sexual orientation and gender identity as prohibited grounds for discrimination, no State should not be compelled to do so against their wishes. Any attempt to force through change in this respect challenged the principles of universality and cultural pluralism and threatened the common ownership of the international human rights programme.

[Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity](#), Geneva, 7 March 2012, summary of the discussion, point 19.

Again, what is contested is not the principle of the universality of human rights, but the inclusion of sexual orientation and gender identity in the set of human rights; however, this view is not shared by all African countries.

In 2016, none of the African member states of the HRC voted in favour of the [resolution](#) establishing a mandate for an [independent expert](#) on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI). The UN African group tried to delay the establishment of the IE SOGI until UN member states reach 'a common understanding of the notion[s] of sexual orientation and gender identity', but failed to have an amendment to this effect adopted by the 71st UNGA. An [analysis of the votes](#) and declarations in UNGA committees and in plenary shows that African countries do not uniformly consider that the notions of sexual orientation and gender identity are imposed on them by the global North and have to be subject to further consultations before the universality of human rights applies to them.

African Union

If the African regional organisations assume a commitment with regard to the protection of LGBTI persons under the human rights principles enshrined in international conventions, not only would

they help refute the idea that non-conforming sexual orientations and gender identities are un-African, but they would also help afford LGBTI persons such protection in practice. The [African Charter on Human and Peoples' Rights](#) (the 'Banjul Charter') – ratified by all African Union (AU) members except South Sudan and Morocco – does not explicitly mention sexual orientation or gender identity. The African Commission on Human and Peoples' Rights (ACHPR), which is tasked with interpreting the Charter, has nevertheless confirmed that equality of treatment should be [irrespective of sexual orientation](#). In 2014, for example, the ACHPR raised its voice against prohibiting the promotion of LGBTI rights and condemned the threats against sexual minorities, notably in [Nigeria](#) and [Uganda](#). It furthermore adopted a [resolution](#) urging States to 'enact and effectively apply' laws against violence 'targeting persons on the basis of their imputed or real sexual orientation or gender identities'. In 2017, it provided [legal guidance](#) on Article 5 of the Banjul Charter, which deals specifically with the right to redress for victims of torture and other inhuman or degrading punishment or treatment. This guidance clearly identifies 'corrective' rape and forced anal testing as such forms of treatment, and sexual orientation and gender identity as grounds of discrimination. Although the ACHPR's statements are not binding, they show that it has become a [forum](#) for the advancement of LGBTI rights in Africa.

However, the independence of the ACHPR is fragile, and it is not protected against political pressure from the African Union member states. A case in point is the [withdrawal](#) by the ACHPR of the Coalition of African Lesbians' (CAL) observer status in 2018. The CAL was granted this status in 2015, but the AU Executive Council asked the ACHPR to withdraw it, arguing that the CAL could 'attempt to impose [values contrary to the African values](#)'. In August 2018, the ACHPR eventually [complied](#) with the request, after having [resisted](#) to implementing it for three years. Such a backlash demonstrates that it can be [counterproductive](#) to push for the AU to adopt a position on LGBTI rights. Even AU member states – [such as South Africa](#) – that have codified decriminalisation and protection, have not played a significant role in advocating for change at AU level.

EU action and European Parliament's position

EU guidelines and practice

In 2013, the EU adopted [LGBTI guidelines](#) that require EU delegations and the national embassies of EU Member States to take a pro-active attitude regarding the promotion of LGBTI rights. EU delegations (and Member States' embassies) are required to focus on several priority areas, including decriminalisation and combating discriminatory laws and practices, combating LGBTI-phobic violence, and supporting LGBTI human rights defenders. The EU delegations are already monitoring the human rights of LGBTI persons, in cooperation with civil society. The EU has also issued statements to point out legal changes in LGBTI rights or to condemn discrimination against LGBTI individuals or organisations. So far, such statements, or even sanctions (for example, Denmark [withheld aid](#) to Tanzania in 2018), have not compelled African countries to modify their legal framework.

According to a [2015 report](#) by the European Commission, 'the EU continues to raise the issue in its human rights and political dialogues with third countries'. However, as human rights clauses in international agreements with African countries do not specify sexual orientation and gender identity as grounds of discrimination, they often lead to different interpretations by the signatories. Besides, although the guidelines also concern the EU's role in international fora, the EU has concentrated its advocacy for LGBTI rights at the level of individual African countries, rather than at the regional level. Neither the Joint Africa-EU strategy's [roadmap for 2014-2017](#) nor the [joint political declaration](#) after the fifth AU-EU Summit in 2017, mention LGBTI. This comes as no surprise, considering the gap between both unions' positions. As mentioned above, pushing for this kind of statement might be counterproductive, if the AU eventually delivers a common position on sexual orientation and gender identity contrary to the expectations of LGBTI defenders. On the other hand, in [accepting that the topic is not touched upon](#) in the framework of its relations with the African

Union, the EU risks feeding the idea that full enjoyment of all human rights by LGBTI depends on cultural values.

In 2015, a [report](#) by the UN High Commissioner on Refugees found that [LGBTI asylum seekers](#) were 'subject to severe social exclusion and violence in countries of asylum by both the host community and the broader asylum-seeker and refugee community'. In some EU countries, invasive and other [humiliating techniques](#) to determine asylum-seekers' sexual orientation were [condemned](#) by the EU Court of Justice in 2014. In 2018, the court dismissed the use of a [psychological test](#) in order to determine an asylum-seeker's sexual orientation.

EP resolutions

Parliament has repeatedly stressed the importance of LGBTI rights on the African continent, and has passed a number of resolutions on the wellbeing of sexual minorities. During its 2014-2019 term, Parliament denounced the increase in discriminatory laws and violent behaviour against persons based on sexual orientation and gender identity in its [resolution of 14 December 2016](#) on the 'EU Annual Report on human rights and democracy in the world'. It called on countries that criminalise homosexuality or

heavily restrict freedom of expression and assembly of LGBTI persons, to repeal such laws that infringe on the universal human rights of sexual minorities. Consequently, Parliament requested that the European External Action Service (EEAS) intensify operations in countries where violence and abuse against LGBTI are most prevalent.

On [16 January 2014](#), Parliament condemned the adoption of 'ever more repressive laws' against LGBTI people in some African countries. It expressed concern over the dramatic rise in violence and discrimination against LGBTI persons in Burundi, in its resolutions of [17 December 2015](#) and [19 January 2017](#). Parliament further addressed the matter in its [resolution of 12 May 2016](#) on The Gambia, calling on authorities to guarantee LGBTI people's freedom of expression and to decriminalise homosexuality in Gambian law. In its [resolution of 5 July 2018](#) on Somalia, Parliament condemned the criminalisation of homosexuality under Somalian law and the sexual violence against both adults and minors; it furthermore called on the government to increase the protection of vulnerable groups in society and to promote gender equality. Similarly, in its [resolution of 13 December 2018](#) on Tanzania, Parliament requested authorities to end the violence against LGBTI persons, to protect their rights and to repeal anti-homosexuality laws. Following the increasingly frequent persecution of LGBTI persons by the Egyptian government, Parliament adopted a couple of resolutions: one [of 17 July 2014](#), and more recently another [of 13 December 2018](#), calling on the authorities to cease criminalising LGBTI people and to respect their freedom of expression and assembly. On [14 September 2016](#), Parliament also called for a reform of the Tunisian Penal Code and the repeal of Article 230, which envisages a three-year term of imprisonment for homosexuality.

LGBTI in the EU-ACP and EU-Africa parliamentary relations

Some 78 Members of the European Parliament together with 78 members of parliaments of African, Caribbean and Pacific countries (ACP) form the ACP-EU Joint Parliamentary Assembly (JPA), set up by the ACP-EU Partnership Agreement (Cotonou Agreement). Parliament gave its consent to the ratification of the 2010 amended version of the Cotonou Agreement [on 13 June 2013](#), but expressed 'its strongest reservations' about, in particular, the absence of an explicit clause on 'non-discrimination on the basis of sexual orientation'. In its [resolution of 11 February 2015](#) on the work of the JPA, the Parliament condemned the criminalisation of LGBTI and expressed the wish that the [successor of the Cotonou Agreement](#) explicitly provide for sanctions for 'discrimination based on ... sexual orientation or gender identity'. On [13 March 2014](#), Parliament called on the Commission to launch a procedure to suspend Uganda and Nigeria from the Cotonou Agreement, after they decided to adopt laws to further criminalise homosexuality. Even though the European Parliament has called on the JPA to hold a debate on the discrimination against non-heteronormative sexual orientations and gender identities, the JPA has never done so during its plenary meetings.

As concerns the European Parliament's relations with the AU parliamentary body, the Pan-African Parliament, a joint declaration in the margin of the fourth Africa-EU Summit (April 2014) clearly notes that 'on the issue of discrimination on grounds of sexual orientation, there was a [divergence of opinion](#) between Members of the European Parliament and their African counterparts'.

MAIN REFERENCES

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ENDNOTES

- ¹ These definitions are not legally binding and have not been formally adopted by an intergovernmental body.
- ² In this briefing 'same-sex relations' (and similar wording) means 'same-sex consensual sexual acts or relationship between adults'.
- ³ The [Yogyakarta Principles](#) (2007, expanded in 2017) describe how international human rights principles can be applied to the various abuses LGBTI people are subjected to, but it is not a binding document, even though it has inspired several judgments or recommendations.
- ⁴ 'Gender identity' is first mentioned along with 'sexual identity' in UN General Assembly Resolution [A/RES/67/168](#), adopted on 20 December 2012.

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