

Travail écrit : "The European Union in global governance.The case of the European Union and human rights in the United Nations Organization."

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Faculté : Faculté de Droit, de Science Politique et de Criminologie

Diplôme : Master en sciences politiques, orientation générale

Année académique : 2020-2021

URI/URL : <http://hdl.handle.net/2268.2/12633>

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DÉPARTEMENT DE SCIENCE POLITIQUE

The European Union in global governance

The case of the European Union and human rights in the United Nations Organization

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Final Dissertation

2020-2021

Acknowledgements

Throughout the writing of this final dissertation I have received a great deal of support and assistance.

Therefore, I would first like to thank my supervisor, Professor Sébastien Santander for his valuable help, support and guidance throughout the writing of this final dissertation.

I would like to express my gratitude to Professor Antonios Vlassis for all the support and feedback he gave during the preparatory seminar to the final dissertation. His insightful feedback on my research question and methodology helped me to sharpen my thinking and brought my work to a higher level.

Further, I would like to thank Doctor Liridon Lika and Professor Vlassis (again) for being the readers of my final dissertation, I am looking forward to your opinions and remarks concerning this research.

In addition, I would like to thank my parents and sister for their wise counsel and sympathetic ear. I am also grateful for my friends, who made sure that there was enough distraction to rest my mind outside my research. I want to thank them all for the inestimable help and support during the year and during my process of writing.

Enjoy the reading of this final dissertation.

Justine Arkens

Abstract

In the context of regional integration and inter-regionalism, the European Union tries, as a regional organization, to profile itself as a global actor. To achieve this goal, it promotes multilateralism. By doing this, the EU tries to strengthen its status within in the international society beginning in the United Nations. Within the framework of regionalism and global multilateralism and out of a constructivist point of view, this research aims to profile an answer to the following research question: “Are regionalism and global multilateralism mutually reinforcing? The case of the European Union as permanent observer at the United Nations on the issue of human rights.” This final dissertation will handle two objectives that are related to the previously mentioned research question. First, there will be a brief explanation on how the Union is promoting its position and interests within the UN, more specific on the rights of LGBTI(Q) community. The second objective will handle how the European Member States view the involvement of the EU on this issue. The analysis shows that both of these objectives are contributing to the mutual reinforcement between the European Union and the United Nations.

Keywords: European Union – United Nations – regionalism – multilateralism – LGBTI rights

Table of Contents

LIST OF FIGURES	7
LIST OF ABBREVIATIONS	8
INTRODUCTION	9
1. PART 1: LITERATURE REVIEW	13
1.1. The position of regional organizations in the international community	13
1.2. The European Union in a multilateral world	16
1.2.1. Debates of the European Union in a multilateral world	16
1.2.2. The European Union in the United Nations	19
1.2.2.1. The role of the United Nations	19
1.2.2.2. The European Union in the United Nations	21
1.2.2.3. The future of the European Union in the United Nations	22
2. PART 2: THEORETICAL APPROACH	26
2.1. The constructivist school of thought	26
2.2. Case-study: Human rights	27
2.2.1. Human rights within the EU	28
2.2.2. Human rights within the UN	31
3. PART 3: METHODOLOGY	34
3.1. Case selection	34
3.2. Data collection	36
3.3. Data analysis	36
4. PART 4: ANALYSIS	37
4.1. Promoting the European position within the United Nations	38

4.1.1. The direct way of the European Union	38
4.1.2. The indirect way of the European Union	44
4.2. The point of view of the European Member States	47
4.3. Mutual reinforcement between European Union and United Nations	49
4.3.1. Reinforcement of the United Nations by the European Union	50
4.3.2. Reinforcement of the European Union by the United Nations	52
CONCLUSION	55
REFERENCES	59

List of Figures

Figure 1: Internal coherency of the Commissions list of actions and policy areas	30
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List of Abbreviations

ECHR	European Convention on Human Rights
ECOSOC	United Nations Economic and Social Council
ECtHR	European Court of Human Rights
EU	European Union
GoG	Government of Georgia
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ILO	International Labor Organization
LGBTI(Q)	Lesbian, Gay, Bisexual, Transgender/Transsexual, Intersex and (Queer/Questioning)
OHCHR	The Office of the United Nations High Commissioner for Human Rights
PACE	Parliamentary Assembly of the Council of Europe
SDG	Sustainable Development Goal
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNHCHR	United Nations High Commissioner for Human Rights
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
UPR	Universal Periodic Review

Introduction

On February 17, 2020, the Council of the European Union (EU)¹ declared that “the EU will actively uphold, defend and promote the United Nations (UN) Human Rights system as a priority of its external action throughout 2020.”² In order to keep up and to stay involved in the UN Human Rights system, the Union must, together with its 27 Member States, profile itself as a global actor. For reaching this goal, the organization must constantly promote multilateralism.³ By promoting multilateralism, the EU tries to strengthen its status within in the international society beginning in the United Nations.⁴ But this is no easy thing to do for the Union since the EU is involved in several debates relating to multilateralism, namely the debate on European regional integration theory (with neofunctionalism in particular)⁵ and the debate where the EU is trying to find balance between bilateralism on the one hand and regionalism and multilateralism on the other hand.⁶

This final dissertation aims to provide an answer on the following research question: “Are regionalism and global multilateralism mutually reinforcing? The case of the European Union as permanent observer at the United Nations on the issue of human rights.” The analysis and the research of this question will be based on a framework of regionalism and global multilateralism and through the lens of the constructivist school of thought.

In 2011, the United Nations General Assembly has adopted a resolution that changed the status of the EU within the UN. The Union was given the ability to speak early among other major groups, when speaking on behalf of the EU Member States, and invited the EU to intervene in the general debate at the opening of the General Assembly. It may also orally present proposals and amendments, and it has the right to reply once to a speech regarding the

¹ The European Union further be called as the “EU”, “Regional Organization” or “the Union”.

² European Council – Council of the European Union, *Human Rights: EU adopts conclusions on EU priorities at United Nations Human Rights Fora in 2020* [website], <https://www.consilium.europa.eu/en/press/press-releases/2020/02/17/human-rights-eu-adopts-conclusions-on-eu-priorities-at-united-nations-human-rights-fora-in-2020/>, (accessed 30 April 2021).

³ M. P. Karns, K. A. Mingst and K. W. Stiles, *International Organizations: The politics & processes of global governance*, 3rd edn., Boulder, Lynne Rienner Publishers Inc., 2015, p. 163.

⁴ T. Renard, ‘Partnerships for effective multilateralism? Assessing the compatibility between EU bilateralism, (inter-)regionalism and multilateralism’, *Cambridge Review of International Affairs*, vol. 29, no. 1, 2016, p. 24, <https://doi.org/10.1080/09557571.2015.1060691>, (accessed 22 February 2021).

⁵ F. Söderbaum and A. Sbragia, ‘EU Studies and the ‘New Regionalism’: What can be Gained from Dialogue?’, *European Integration*, vol. 32, no. 6, 2010, p. 568, <https://doi.org/10.1080/07036337.2010.518716>, (accessed 22 February 2021).

⁶ Renard, ‘Partnerships for effective multilateralism? Assessing the compatibility between EU bilateralism, (inter-)regionalism and multilateralism’, p. 26.

positions of the EU.⁷ Therefore, the investigated period of this dissertation will be from 2011 to the present, because the previous mentioned resolution is giving the Union more possibilities to intervene.

The Union can use this greater possibility to intervene for defending and promoting its values. These are mentioned in article 3(5) and article 21(1) of the Treaty on the European Union (TEU). Article 3(5) TEU states that “the Union shall uphold and promote its values and interest and contribute to the protection of its citizens. It shall contribute to [...] the protection of human rights [...] including respect for the principles of the United Nations Charter.”⁸ Complementary with this article, article 21(1) TEU states that “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: [...], the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principle of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organizations which share the principles [...].”⁹ It is clear that the Union is committed to human rights and wants to defend this on all possible forums, including the UN. Nevertheless, the discussion of EU action in the UN on human rights is a topic that is rarely discussed in the academic literature.¹⁰ Therefore, this final dissertation aims to contribute to filling this gap by focusing on the issue of the protection of the rights of Lesbian, Gay, Bisexual, Transgender/ Transsexual, and Intersex (and Queer/ Questioning) (LGBTI(Q)) people.

This final dissertation will contribute to filling this gap by handling two objectives. The first objective is about the promotion of the LGBTI(Q) rights by the EU within the UN. This research has got to aim to formulate an adequate answer to the following sub question: “How is the European Union promoting its position and interests within the United Nations on LGBTI(Q) rights?” The assumption can be made that the EU is actively doing this. There has been chosen for LGBTI(Q) rights because it is currently a sensitive issue. At this moment, the UN consists out of 193 countries. Within these 193 countries, 70 of them are considering

⁷ European Council – Council of the European Union, *EU at the UN General Assembly* [website], <https://www.consilium.europa.eu/en/policies/unga/>, (accessed 30 April 2021).

⁸ Treaty on the European Union 2012 (TEU)

⁹ Treaty on the European Union 2012 (TEU)

¹⁰ K. E. Smith, ‘Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations’, *Journal of Common Market Studies*, vol. 44, no. 1, 2006, p. 115, https://www.researchgate.net/publication/4991705_Speaking_With_One_Voice_European_Union_Co-ordination_on_Human_Rights_Issues_at_the_United_Nations, (accessed 24 February 2021).

homosexuality as a crime. In 46 Member States of the UN, being lesbian for woman is also seen as a crime. These numbers are accompanied by the fact that in at least eleven countries you can be sentenced to death if you show any form of homosexuality. The counterweight of countries which are approving and are encouraging homosexuality, transsexuality and intersexuality is low. Only 26 countries are recognizing same-sex marriages and in only eleven countries LGBTI(Q) rights are included in the constitution.¹¹ LGBTI rights are high on the political agenda today. This nationally, regionally and internationally. Some actions have already taken place. For example, the World Conference on Human Rights has adopted the “Vienna Declaration and Programme of Action” in Vienna on 25 June 1993. This declaration and programme states that the promotion and protection of human rights is a matter of priority for the international community.¹² Another example is the establishment of a LGBTI Intergroup of the European Parliament that is responsible for the defense of the LGBTI(Q) in the European Member States and beyond. This will happen in cooperation with civil society groups at the European Level.¹³ But there is still a lot of work to do, and therefore, this final dissertation will also contribute to make this topic more visible.

The second objective will handle how the European Member States view the involvement of the EU on this issue and will answer the following sub question: “How are the European Member States viewing the involvement of the European Union in the United Nations?” Each of the European Member States are members of the UN. At this moment, they all have their own opinion and say within the international organization. It is possible that not all of the Member States of the Union want the role of the EU being expanded. But nevertheless, I expect to find that the European Member States are supporting the involvement of the EU in the UN and that they promote the Unions’ interests and position.

Taking these two objectives together, this research will formulate an adequate answer to the aforementioned research question. I make the assumption that the EU and the UN will reinforce each other’s policy on the issue of the rights of the LGBTI(Q) community. This will happen in the international play field, but also in the regional play field.

¹¹ Amnesty International, *LHBTI* [website], <https://www.amnesty.nl/wat-we-doen/themas/lhbt>, (accessed 28 June 2021).

¹² United Nations Human Rights Office of the High commissioner, ‘Vienna Declaration and Programme of Action’, *The United Nations Human Rights Office of the High commissioner*, <https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>, (accessed 28 June 2021).

¹³ The European Parliament’s LGBTI Intergroup, *Our Role* [website], <https://lgbti-ep.eu>, (accessed 28 June 2021).

The following structure will be applied in this final dissertation. The first part of this dissertation exist out of the literature review. In this review, the position of regional organizations in the international community will be handled. Where do they stand in the world, and how they are linked to the main concepts of this research will be explained. Since the European Union, as a regional organization, is trying to position itself as a global actor on the international field, the concepts of regionalism, multilateralism and global governance are playing an important role. Also, in order for the reader to understand the actions of the Union and in order to formulate a solid answer to the research question, these concepts must be clearly explained. Various definitions of these concept will be presented in this section, and there will be emphasized which definitions will be used in this dissertation. In another chapter, there will be explained how the European Union is related to these concepts.

The second section of the literature review will handle the place of the European Union in the world. First, there will be made a clear link to the concepts of the first section. This will have the form of a discussion about the debates where the Union positions itself in. Two debates will be discussed. The discussion about the debates will be followed by a brief overview of the role of the UN, the position and status of the EU in the UN and a possible future of the Union in the UN

The second part of this dissertation will explain the theoretical approach that will be used. The constructivist point of view will be applied in this dissertation. There will be briefly explained how other authors are applying this school of thought to the subject and what their assumptions are about the European Union. Next, I will explain how I will apply the constructivist school of thought to my research. In this part the case study of human rights within both organizations will be deeper explained.

The third part will enroll the research methodology that will be used. This part consists out of three sections. The first section is about the case selection, the second section handles the data collection and the third section will handle the method of the data analysis.

These three theoretical parts will be followed by the core business of this dissertation, namely how regionalism and global governance are reinforcing each other within the UN on the case of human rights. Therefore, the fourth part will deeply analyze how the Union is involved in human rights within the framework of the United Nations. Its position and involvement will be discussed thoroughly. This will give a clear overview of how the Union is positioned within the UN and its Human Rights bodies, what it is doing to strengthen its position, what the criticism of the European Member States on the involvement and position of the Union is, how the Union tries to reinforce the global multilateralism of the UN.

The conclusion will highlight and discuss the results of the previous sections. This section will also draw some perspective and make some suggestions for further research, remarks and footnotes.

1. PART 1: Literature review

As mentioned in the previous part, this final dissertation will focus on the involvement of the European Union in the United Nations focused on the issue of human rights within a framework of regionalism and global multilateralism. Therefore, this literature review will start with the explanation of the most prominent concepts of this final dissertation, namely: regionalism, multilateralism and global governance. These concepts are important to understand how the EU will position itself within the UN, linked to the protection of the rights of the LGBTI-people. This will be followed by how the Union positions itself within the concept of global governance. The third section will handle the position of the EU within the UN.

1.1. The position of regional organizations in the international community

Regional organizations are prominent present in the world, they can be defined as institutionalized co-operations among three or more countries within a geographic space.¹⁴ In order to understand the position of a regional organization the concepts regionalism, multilateralism and global governance are important. What these concepts entail will be shown in this section. The concepts can be an explanation, but also a framework for the motives for movement of a regional organization on the international stage. How these concepts are being used by the Union will be further explained in a following section of this final dissertation.

The legitimate organization of the international community is changing.¹⁵ Regions and their regional organizations are becoming more and more relevant in the international community. Therefore, a clear definition of regionalism is necessary. According to Jørgensen

¹⁴ A. Jetschke and T. Lenz, 'Does regionalism diffuse? A new research agenda for the study of regional organizations', *Journal of European Public Policy*, vol. 20, no. 4, 2013, p. 626, <https://doi.org/10.1080/13501763.2012.762186>, (accessed 22 February 2021).

¹⁵ Renard, 'Partnerships for effective multilateralism? Assessing the compatibility between EU bilateralism, (inter-)regionalism and multilateralism', pp. 19-21.

does regionalism refer to “state-led regional cooperative frameworks and/or institution-building among groups of countries at a regional level.”¹⁶ Mansfield and Milner state regionalism as an elusive concept that can be seen as an economic and a political process. In the terms of politics, regionalism refers to the political process that is characterized by economic policy cooperation and coordination among countries. The economic side of regionalism is all about the rapidly grow of economic flows among a given group of states in the same region. It is clear that regionalism cannot be regarded as an isolated concept but that it can be seen as an expression of multilateralism and as a part of the multilevel system of global governance where the relations between non-state actors and states and between two non-state actors are rising.¹⁷ The definition of JØrgensen will be applied in this thesis.

Because regionalism can be understood as a form of ‘thick multilateralism’, it is important to understand what multilateralism means and how it is linked to the place of regional organizations on the international play field. This concept knows many definitions, it can be seen as an instrumental policy choice of the actors involved, but multilateralism can also be seen as a normative commitment to a particular way of conducting international relations.¹⁸ Ruggie defines this concepts as: “A coordination of relations among three or more states in accordance with certain principles.”¹⁹ These principles are generalized principles of conduct, including non-discrimination, indivisibility with respect to appropriate behavior, and diffuse reciprocity.²⁰ In other words, multilateralism is a way to achieve shared gains by developing mutually acceptable institutions and norms.²¹

¹⁶ K. E. JØrgensen, *International Relations Theory: A New Introduction*, 2nd edn., London, Red Globe Press, 2018, p. 308.

¹⁷ Renard, ‘Partnerships for effective multilateralism? Assessing the compatibility between EU bilateralism, (inter-)regionalism and multilateralism’, p. 2.
G. Finizio, ‘The Security Council Reform as a “Sustainable Process”. The Role of the European Union’, in G. Finizio and E. Gallo (eds.), *In Democracy at the United Nations: UN Reform in the Age of Globalisation*, Brussels, Peter Lang, 2013, p. 289.

M. Telò, ‘A World of Regions? New Regionalism as a Response to Globalisation and the Decline of US Hegemony’ US Hegemony’, in G. Finizio and E. Gallo (eds.), *In Democracy at the United Nations: UN Reform in the Age of Globalisation*, Brussels, Peter Lang, 2013, pp. 37-38.

¹⁸ E. Barbé, A. Herranz-Surrallés and M. Natorski, ‘Contending metaphors of the European Union as a global actor’, *Journal of Language and Politics*, vol. 14, no. 1, 2015, pp. 20-21, DOI: 10.1075/jlp.14.1.02bar, (accessed 22 February 2021).

¹⁹ J. G. Ruggie, ‘Multilateralism: the Anatomy fo an Institution’, *International Organization*, vol. 46, no. 3, Summer 1992, pp. 565-566, <https://www.jstor.org/stable/2706989>, (accessed 22 February 2021).

²⁰ R. Higgott, ‘Multilateralism and the Limits of Global Governance’, *Working Paper no. 134/04*, May 2004, p. 11, <https://warwick.ac.uk/fac/soc/pais/research/researchcentres/csgr/research/abstracts/13404/>, (accessed 22 February 2021).

²¹ JØrgensen, *International Relations Theory: A New Introduction*, p. 308.

As mentioned above regionalism can also be seen as a part of the multilevel system of global governance, a concept that is on the rise today. This rise is caused by five things. The first cause is the growing dissatisfaction with traditional models of public policy. Second, there is a growing recognition of the non-national manageability of policy problems. There is more interest in the importance of the portability of ideas in the policy process. The third cause is related to the changed view of sovereignty. Sovereignty is no longer been seen as a principle of legal control over a territory, but today it is being seen as a question of responsibility over that specified territory. The fourth cause for the rise in the use of the concept is linked to the increasing role of multi-level governance structures in key policy areas. And the last cause is related to the concept of governance. Today, governance is being seen as a hosting metaphor for identifying non-traditional actors that are working as agents for their states.²²

But what does global governance mean? First, a definition of governance. Governance can be defined as: “The sum of the many ways in which individuals and institutions, public and private, are managing their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated, and cooperative action may be taken.”²³ According to Higgott global governance has got a twofold definition. The first part states that global governance is the enhancement of effectiveness and efficiency in the delivery of global public goods via collective action problem-solving. The second part is about the demand for greater transparency, accountability and representation.²⁴ Karns et al. define global governance as “the sum of the informal and formal ideas, values, norms, procedures and institutions that help all actors (state or non-state) to identify, understand, and address trans-boundary problems.”²⁵ This definition will be applied in this final dissertation.

²² Higgott, ‘Multilateralism and the Limits of Global Governance’, pp. 8-10.

²³ Karns et al., *International Organizations: The politics & processes of global governance*, p. 2.

²⁴ Higgott, ‘Multilateralism and the Limits of Global Governance’, p. 10.

²⁵ Karns, Mingst and Stiles, *International Organizations: The politics & processes of global governance*, p. 2.

1.2. The European Union in a multilateral world

As well known, the European Union is an influential actor in the world and can be considered as a regional organization of the UN because the Union tries to promote the ideals that are included in the Charter of the UN.²⁶ In order to understand its role, this section will handle the place of the Union in the UN. First, the earlier mentioned concepts will be linked to the EU, followed by the status of the Union in the international organization. The last part of this section will handle the possible future of the EU in the UN.

1.2.1. Debates of the European Union in a multilateral world

The European Union covers a widely geographical area consisting out of 27 member states²⁷ and is considered to be a significant actor in the regional and multilateral system. In order to be this significant actor, there are several debates going on within the EU that are related to regionalism, multilateralism and global governance.

The first debate is about the European regional integration theory, with neo-functionalism in particular.²⁸ Neo-functionalists are focusing on political processes which intervene between functionality and the structure of authority.²⁹ They try to formulate an answer on how cooperation in specific economic policy sectors are leading to greater economic integration in Europe and then to wider political integration. They are answering this with the effect of functional and political spillover. The latter emphasizes the need and importance of supranational actors in integration processes, since these actors are creating further pressure for more integration to pursue their interests. As a result, European integration will be seen as a self-sustaining process by neo-functionalists. A process which will culminate in the creation of a new polity with its center in Brussels.³⁰ Hooghe and Marks mentions that when the integration

²⁶ Union of European Federalists, *On a single seat for the European Union in UN Security-Council* [website], <https://www.federalists.eu/news-uef/view/on-a-single-seat-for-the-european-union-in-un-security-council>, (accessed 24 February 2021).

²⁷ S. Santander, 'Regional, Interregional and Global Arrangements and Multilateral Organizations', 2014, pp. 411-412.

²⁸ Söderbaum and A. Sbragia, 'EU Studies and the 'New Regionalism': What can be Gained from Dialogue?', p. 568.

²⁹ L. Hooghe and G. Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining', *British Journal of Political Science*, vol. 39, no. 1, 2009, p. 3, <https://www.jstor.org/stable/27568377>, (accessed 12 May 2021).

³⁰ L. Hatton, *Theories of European Integration*, *Civitas*, 2011, p. 1.

is deepening and supranational institutions are gaining power, so more transnational interest would be drawn to the supranational level where supranational actors are demanding more authority.³¹ Linked to the EU this would mean that when the Union profiles itself as a supranational institution, it will demand more power from the UN as the Union integrates itself more closely.

Also, non-neo-functionalist authors, like Telò, are mentioning that the regional integration process of the EU can be considered as a regional democratic polity in the making with democratic consolidation based on several shared universal rules and procedures.³² Today, the regional integration process of the EU has passed through several important stages and results now in a Union that is a customs union, a common single market, a single currency, a Common Agricultural Policy, a Common Trade Policy, and a Common Fisheries Policy.³³ The single market gives the opportunity to the EU to shape global norms and to be the launch pad of an ambitious global agenda.³⁴ Neo-functionalist will tell that all of these developments are caused by functional and political spillover.

The second debate is about the EU that tries to find a balance between bilateralism, where the Union acts as a single actor, and regionalism/multilateralism.³⁵ This debate argues that multilateralism must be used by the EU as a tool to preserve only the best for its citizens by giving them certainties.³⁶ Multilateralism must be used for achieving shared gains by developing mutually acceptable institutions and norms.³⁷ Therefore, global governance is necessary. The EU is seen as the most successful case of multilateralism since this is the preferred form of global governance.³⁸ This debate is strongly linked to the constructivist school of thought since this calls for cooperation in order to define common interest and common

³¹ Hooghe and Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining', p. 3.

³² Telò, 'A World of Regions? New Regionalism as a Response to Globalization and the Decline of US Hegemony', p. 29.

³³ Santander, 'Regional, Interregional and Global Arrangements and Multilateral Organizations', pp. 411-412.

³⁴ D. Webber, 'Declining Power Europe: The Evolution of the European Union's World Power in the early 21st century', *European Review of International Studies*, vol. 3, no. 1, Spring 2016, p. 36, <https://www.jstor.org/stable/10.2307/26593546>, (accessed 24 March 2021).

³⁵ Renard, 'Partnerships for effective multilateralism? Assessing the compatibility between EU bilateralism, (inter-)regionalism and multilateralism', pp. 26-27.

³⁶ Finizio, 'The Security Council Reform as a "Sustainable Process". The Role of the European Union', p. 294 and p. 307.

³⁷ JØrgensen, *International Relations Theory: A New Introduction*, p. 308.

³⁸ J. Wouters and A.-L. Chané, 'Brussels Meets Westphalia: The European Union and the United Nations', *Working paper no.144*, August 2014, p. 4.

action on the international level.³⁹ Others are mentioning that the Union must go beyond all of this and must develop itself as a “cosmopolitan Europe”.⁴⁰ Nevertheless is the Union with its organs (the European Council, the Council of Ministers, the European Commission and the European Parliament) a typical case of a movement towards a global governance.⁴¹ The Union is fully committed to be a major player on the international play field, especially on the field of human rights which includes the rights for the LGBTI community. It will do everything it can within her powers to defend these rights on all possible forums. Therefore, the EU must evolve to be a global actor within the UN in order to be part of global governance of the UN.⁴² Increasing the visibility in and the recognition by key international organs of the rights for the LGBTI-community will give a signal of acceptance but also a signal of (global) action, something the Union can be part of if it keeps building to its way of global governance.⁴³ It must be clear that this scenario is currently far away from the reality. This debate will be the foundation for this final dissertation.

³⁹ Smith, ‘Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations’, pp. 115-116.

⁴⁰ Telò, ‘A World of Regions? New Regionalism as a Response to Globalization and the Decline of US Hegemony’, p. 31.

⁴¹ J. P. Baratta, ‘World Government or Global Governance? The UN Project in Historical Perspective’, in G. Finizio and E. Gallo (eds.), *In Democracy at the United Nations: UN Reform in the Age of Globalisation*, Brussels, Peter Lang, 2013, p. 116.

⁴² Smith, ‘Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations’, p. 115.

⁴³ A. J., Langlois, ‘Review Article: Curiosity, Paradox and Dissatisfaction: Queer Analyses of Human Rights’, *Millennium: Journal of International Studies*, vol. 47, no. 1, p. 158, <https://journals.sagepub.com/doi/pdf/10.1177/0305829818783262>, (accessed 28 June 2021).

1.2.2. The European Union in the United Nations

1.2.2.1. *The role of the United Nations*

The UN, established after World War II, is an association of sovereign states based on universalistic principles.⁴⁴ It can be described as “The central site for multilateral diplomacy, with the UN General Assembly (UNGA) as the central stage and the UN Security Council (UNSC) as the core of the global security system and peace.”⁴⁵ In short, the UN was provided with an important mission, namely securing peace and condemning recourses to war. In order to accomplish this goal, the two main bodies, the UNGA and the UNSC, are partly fulfilling this with their own functions and goals.⁴⁶ The UNGA is the policymaking organ. This deliberative and representative organ is a forum for multilateral discussions with its 193 members and can be seen as the international community. The UNSC is the decisional organ of the UN. This organ will focus on the peace and threats to this peace and security. It consists out of 15 member states, of which five are permanent members with veto power, like China, France, Russia, the United Kingdom and the United States, and 10 are non-permanent members. Other organs of the UN are the Economic and Social Council, the Trusteeship Council, the International Court of Justice (ICJ), the Secretariat and 15 other specialized agencies, like the International Labour Organization (ILO).⁴⁷

In the aftermath of the second World War, the UN has established a period of growth and glory. There was social progress, economic growth and a burgeoning of proud, modern and national identities. Besides these positive impacts of the UN, there are also some limits to the system. First, the references to democracy is a problem today. Back then, after World War II, the states were the representatives of their populations. But over the years, people started to give more and more attention to the democratic aspects of states and institutions, national or international. The second limitation is the concept of economic and social development. The interpretation of these concepts is based on the context of that time. Which means that it was

⁴⁴ S. Amin, ‘Whither the United Nations?’, in G. Finizio and E. Gallo (eds.), *In Democracy at the United Nations: UN Reform in the Age of Globalisation*, Brussels, Peter Lang, 2013, p. 83.

Baratta, ‘World Government or Global Governance? The UN Project in Historical Perspective’, p. 114.

⁴⁵ Karns et al., *International Organizations: The politics & processes of global governance*, p. 109.

⁴⁶ Amin, ‘Whither the United Nations?’, p. 88.

⁴⁷ Karns et al., *International Organizations: The politics & processes of global governance*, p. 113-129.

based on the harmonious relationship between market and state, between the management of the economy and the exercise of political power.⁴⁸

This section started with the fact that the UN is built on universalist principles. These principles can be found in the UN Charter. According to Amin and Karns et al. the world-system philosophy of the UN and the UN Charter itself are based on two principles. The first principle implies the absolute sovereign equality of states. The second principle is about polycentrism. Which means that there is more than one center of power. There is some discussion if the UN Charter must be seen as a constitution for the international community or not.⁴⁹ According to Baratta⁵⁰, Fassbender⁵¹ and Karns et al.⁵² the Charter is a fundamental international treaty that expresses hopes and aspirations for a better world after World War Two. But nevertheless, some authors suggest that the Charter must be seen as a constitution. For example, professors Verdross and Simma are claiming that the Charter the constitution of the United Nations Organization is, which means that it is also the constitution of the universal community of the states.⁵³ Constitution or not, the goal was to establish several principles which would “maintain peace and security, develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, achieve international cooperation in solving international problems of economic, social cultural and humanitarian character, and it would be the center for harmonizing the actions of nations in the attainment of these common ends.” This can be read in the first article of the UN Charter.⁵⁴

Before going further on the place of the EU in the UN, it must be mentioned that the UN also has a place within the EU. Currently, the UN has a team in Brussels, the city where most of the European institutions are settled. This UN team consist out of 27 specialized agencies, funds and programmes that are established in order to handle the development, humanitarian and human rights work of the UN. Within the several institutions of the Union, the UN will be represented by the Director of the UN Office in Brussels, which is the representative of the UN Secretary-General. The goal of having a UN team in Brussels is to

⁴⁸ Amin, ‘Whither the United Nations?’, pp. 85-86.

⁴⁹ Amin, ‘Whither the United Nations?’, pp. 83-88.

Karns et al., *International Organizations: The politics & processes of global governance*, p. 86.

⁵⁰ Baratta, ‘World Government or Global Governance? The UN Project in Historical Perspective’, p. 119.

⁵¹ B. Fassbender, ‘The United Nations Charter as constitution of the international community’, *Columbia Journal of Transnational Law*, vol. 36, no. 3, 1998, p. 529.

⁵² Karns et al., *International Organizations: The politics & processes of global governance*, p. 110.

⁵³ Fassbender, ‘The United Nations Charter as constitution of the international community’, pp. 568-569.

⁵⁴ *Charter of the United Nations, 1945* (UNCh), s. 1.

work together with the EU in order to understand and to gain support for UN system activities within the EU institutions and in Europe.⁵⁵

1.2.2.2. *The European Union in the United Nations*

As a significant actor in the regional and multilateral system of the world, one should think that the Union has also an influential role within the UN. Within the UN, several statuses are possible. Before 2011, the EU had the “Observer Status” and was excluded from the right to vote, to raise points or order and to submit candidates. In May 2011, the resolution “Participation of the European Union in the work of the United Nations” passed the United Nations General Assembly (UNGA). This resolution “updated” the role of the EU in the UNGA and gave the EU an “Enhanced Observer Status”.⁵⁶ The Union was given the ability to speak early among other major groups, when speaking on behalf of the EU Member States, and invited the EU to intervene in the general debate at the opening of the General Assembly. It may also orally present proposals and amendments, and it has the right to reply once to a speech regarding the positions of the EU.⁵⁷

Nevertheless, this new status is not a win for the EU in order to act as a global actor within the UN.⁵⁸ Therefore, the Union still tries to have a certain influence by using its Member States that are also a member of the UN. According to Smith, this can go into two different ways. He gives two theoretical approaches for why the EU is able (or not) to act cohesively within the UN. The first explanation can be found in the constructivist view. This view implies that the Member States of the EU will first develop a “co-ordination reflex”. They will exchange views to create some common interest in order that the EU should act in international politics. Caused by this kind of coordination mechanism, there is a greater European unity within the UN. The constructivist view will be further explained in the next section. The second explanations start from the intergovernmental point of view. This means that the Member States will only agree

⁵⁵ United Nations, *United Nations Brussels – Partnering with the European Union* [website], <https://unric.org/en/united-nations-and-the-european-union/>, (accessed 1 July 2021).

⁵⁶ J. Wouters, J. Odermatt, and T. Ramopoulos, ‘The Status of the European Union at the United Nations After the General Assembly Resolution of 3 May 2011’, *Opinion*, 2011, pp. 2-4.

⁵⁷ European Council – Council of the European Union, *EU at the UN General Assembly* [website], <https://www.consilium.europa.eu/en/policies/unga/>, (accessed 30 April 2021).

⁵⁸ Wouters, et al., ‘The Status of the European Union at the United Nations After the General Assembly Resolution of 3 May 2011’, pp. 2-4.

to initiate a common action or position when this is in their own benefit and interests.⁵⁹ This is also an explanation for some periods of radical change in the EU. Periods of fast integration can be declared by the fact that the interests of the Member States converged. A period of slower integration is due to the divergence between the Member States preferences.⁶⁰ The main difference between both school of thoughts is that constructivism starts from exchanging view in order to establish common interests while intergovernmentalism argues that any form of participation is linked to the own interest and not the common interests.

1.2.2.3. *The future of the European Union in the United Nations*

In this section I want to show that the future of the Union, as a regional organization in the UN, but also of the UN itself, is playing an important role in defending their principles, like maintaining peace and security, developing friendly relations among nations based on respect, self-determination of people and equal rights. This latter is especially for the LGBTI(Q) community.

The future of the UN, more specific of the Security Council, is uncertain. There are many voices that are rising in the question for a reform of the UNSC. For example, Volkan Bozkir, the President of the UNGA, tweeted the following: “Now, more than ever, it is crucial that the UN, including UNSC, is fit for purpose and reflects the realities of the 21st century. The effectiveness of the UN and all its bodies is important not only to individual Member States but for the reputation of the UN as a whole.”⁶¹ With this tweet, the current President is clearly pushing for reform within and of the UN, more specific a reform of the UNSC. The goal of this reform can be linked to the previously mentioned limitation of the UN, namely the reference to democracy. The President wants to reform following the five clusters: the categories of membership; the question of the veto; the regional representation; the size of an enlarged Security Council and its working methods; and the relationship between the UNGA and the UNSC.⁶²

⁵⁹ Smith, ‘Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations’, pp. 115-116.

⁶⁰ Hatton, *Theories of European Integration*, *Civitas*, p. 1.

⁶¹ UN News, *Security Council reforms must reflect 21st century realities, says UN Assembly President* [website], <https://news.un.org/en/story/2021/01/1082962>, (accessed 24 February 2021).

⁶² UN News, *Security Council reforms must reflect 21st century realities, says UN Assembly President* [website], <https://news.un.org/en/story/2021/01/1082962>, (accessed 24 February 2021).

By the founding of the international organization there were no regional organizations involved. Probably caused by the fact that they did not exist yet back then.⁶³ Nevertheless, Chapter VIII of the UN Charter concerning regional arrangements implies that continental organizations have priority over sub-continental ones. But that sub-continental entities such as the EU are transforming themselves into international actors with the necessary political will, institutional and technical capabilities, and quality standards for peace-keeping and implementing “effective multilateralism” is making them more important today.⁶⁴ Thus, the UN made sure that regionalism would have a place within the UN because it was one of the debates at the beginning of the UN. Chapter VII of the Charter is the only chapter that will refer to anything that has to deal with regionalism and regional organization, broader roles for regional organizations and their links to the UN and UN activities are further underexposed.⁶⁵

After the Cold War in 1990, there was more demand for regional involvement for maintaining peace and security. This was caused by the major amount of collapsing states and demands for peace operations which were majorly supported by the regional organizations.⁶⁶ Nevertheless, regional organizations currently have no real place within the UN, reforms are being pursued from various angles. These reforms can be a reform of the UN itself, but also of the UNSC. The EU is a direct supporter for the reinforcement of regional organizations. This would give the organization the possibility to enter the UNSC later in the process.⁶⁷ Since 2008, twenty-two organizations, also regional organizations, are involved in high-level meetings with the Secretary-General and the UNSC.⁶⁸ Progress has been made, but can we say that this is enough?

Back to the possible need of reform for the UN and its organs. According to Baratta the future of the UN can go in three general directions based on the fundamentals of international politics, namely balance of power, collective security and rule of law. The first direction implies that the UN needs to be seen as a state system that would act by bilateral diplomacy and would be used for services of multilateral diplomacy. The second direction states to develop a non-hierarchical system of more or less 100 international organizations. The last direction contains that the UN should be a federal government. This implies that the international organization will have more legislative, executive and judicial authority. All of these directions include a

⁶³ Karns et al., *International Organizations: The politics & processes of global governance*, p. 158.

⁶⁴ Telò, ‘A World of Regions? New Regionalism as a Response to Globalisation and the Decline of US Hegemony’, p. 38.

⁶⁵ Karns et al., *International Organizations: The politics & processes of global governance*, p. 158.

⁶⁶ Karns et al., *International Organizations: The politics & processes of global governance*, p. 159.

⁶⁷ Finizio, ‘The Security Council Reform as a “Sustainable Process”. The Role of the European Union’, p. 304.

⁶⁸ Karns et al., *International Organizations: The politics & processes of global governance*, p. 159.

certain place for the regional organizations, especially the second direction.⁶⁹ Would this imply that there is also a place for regional organizations in the main organs of the UN, like the UNGA and the UNSC?

Reforming the UNSC into an organ with regional organizations is not that easy. Köchler raises some question concerning the reform. What with the overlapping regions that are covered by several entities? And what with the different nature of some of those entities “mission statements”?⁷⁰ Therefore, Schwartzberg has developed some “guidelines” to make this organ “more regional”. First, given the rapidity of political change in the international play field, it must be possible to change the set of regions over time. Second, the amount of regions in the UNSC may not obstruct the efficiency of the decision-making. Thirdly, the regions must have a legitimate reason to have a place in the UNSC. They must be in possession of a population, territorial extent, and/or degree of economic importance. Fourth, the composition of a region must maximize the internal homogeneity, with regard to a multiplicity of factors. Fifth, if possible, a region should be consisting out of nations that are long-standing antagonists. Sixth, if possible, the voting weight of a single nation may not be greater than the voting weight of all the other nations of the multi-national region combined. Seventh, it must be possible that individual nations have the right to request membership in another region. This guideline is especially for nations in the periphery of a proposed region. The last guideline states that if there is a system of weighted voting, then the weights may not be so far away from the pre-existing system.⁷¹

What would this mean for the Union? By reforming to a regional system in the Security Council, the EU would be overrepresented in comparison with the other regions. But this problem will be solved by the system of weighted voting.⁷² By reforming the Security Council into a Council of regional organizations, like suggested by several authors, there would be an increase in the democratic nature, legitimacy and efficiency of the new Security Council. Therefore, it is, according to Finizio, important to allow the EU to entry into the Council,

⁶⁹ Baratta, ‘World Government or Global Governance? The UN Project in Historical Perspective’, pp. 114-116.

⁷⁰ H. Köchler, ‘Security Council Reform. A Requirement of International Democracy’, in G. Finizio and E. Gallo (eds.), *In Democracy at the United Nations: UN Reform in the Age of Globalisation*, Brussels, Peter Lang, 2013, p. 270.

⁷¹ J. E. Schwartzberg, ‘Universal Regional Representation as a Basis for Security Council Reform’, in G. Finizio and E. Gallo (eds.), *In Democracy at the United Nations: UN Reform in the Age of Globalisation*, Brussels, Peter Lang, 2013, pp. 234-235.

⁷² Schwartzberg, ‘Universal Regional Representation as a Basis for Security Council Reform’, pp. 240-241.

because this would give a great impulse to regional integrations. The EU would become a model of regional integration.⁷³ In order for the EU to play an important role in the reform of the UN and UNSC, the EU needs to give some attention to a Single European Foreign Policy. Today, this is still too divided and inconsistent, which makes it hard for the EU to speak with one voice. It would be better when the Union can express itself with one voice on foreign affairs (but also the internal affairs), like security and human rights.⁷⁴

A future where the EU plays a major role within the reformed UN and its Security Council sounds good, but is not that easy as it sounds. There are many obstacles that must be overcome with. These obstacles are in- and outside the EU, both of technical and political nature. First, the UN-Charter must be adjusted, which demands an agreement of two third of the members of the General Assembly.⁷⁵ Another obstacle is the fact that the EU still cannot achieve the goal to translate its high degree of voting cohesion into actual impact.⁷⁶

Like earlier mentioned will the constructivist point of view develop a co-ordination reflex, by using this co-ordination reflex, both organizations can push each other to continue their actions and goals for this group of people. By giving the EU a place in one of the main organs of the international organization it can be much easier to contaminate each other. The above-mentioned reform of the UN and its UNSC is one way the future can develop. Like earlier said the future of both organizations is uncertain and can develop in a whole different way. By involving the Union as a full partner and as a whole rather than different and separate countries, both organizations can have a positive effect on each other, like the constructivist point of view suggests. How this point of view will be further developed will be explained the section about the theoretical approach.

⁷³ Finizio, 'The Security Council Reform as a "Sustainable Process". The Role of the European Union', p. 306.

⁷⁴ Union of European Federalists, *On a single seat for the European Union in UN Security-Council* [website], <https://www.federalists.eu/news-uef/view/on-a-single-seat-for-the-european-union-in-un-security-council>, (accessed 24 February 2021).

⁷⁵ Finizio, 'The Security Council Reform as a "Sustainable Process". The Role of the European Union', p. 313.

⁷⁶ Wouters and Chané, 'Brussels Meets Westphalia: The European Union and the United Nations', p. 20.

2. PART 2: Theoretical approach

2.1. The constructivist school of thought

The power of the European Union within the United Nations on the case of human rights, more specific on the rights of LGTBI(Q) people, can be seen through several schools of thoughts. The school of thought that will be applied in this dissertation is the constructivist point of view. This constructivist or pluralist point of view combines the contextual factors with the intentional role construction. The end of this school of thought is an overview of various role visions.⁷⁷ Important concepts within this theory are ‘identity’ and ‘idea’. The theory looks at the ideas and identities and is putting this in the center by the formation of international relations, whereby it international politics sees as a socially conditioned reality created via the identities and actions of actors which are influenced by ideas, norms, social interaction and structure.⁷⁸

Applying constructivism to the EU, Smith mentions that even with the intergovernmental nature of the Union, it is still clear that the Member States must closely work together. The Member States will develop a co-ordination reflex where they are exchanging views, ideas and identities and will perceive common interests. Eventually, according to Smith, the outcome will be that they decide on the actions of the EU in international politics.⁷⁹ Webbers’ research about the power of Europe is also applying the constructivist point of view. He links this to the normative power of the Union that shapes the behavior of other international actors by ‘contaminating’ their behavior with their (peaceful) norms. Regarding the Unions’ aim to promote its democratic values and principles, the organization is using this normative power to promote human rights globally.⁸⁰

Constructivism will be applied in this paper by analyzing what the EU is currently doing within the framework of the UN on the protection of the LGBT(Q) people. Within the LGBTI(Q) human right the basic assumption is that everything is constructed, therefore constructivism a

⁷⁷ H. Tuominen, *The role of the European Union at the United Nations Human Rights Council*, MA diss., Helsinki, University of Helsinki, 2016, p. 30, <https://helda.helsinki.fi/handle/10138/162475>, (accessed 22 February 2021).

⁷⁸ G. Giedraitytė, *LGBT Rights in Foreign Policy: the Case of the United States*, MA diss., Kaunas, Vytautas Magnus University, p. 12, https://www.vdu.lt/cris/bitstream/20.500.12259/34675/1/greta_giedraityte_md.pdf, (accessed 19 June 2021).

⁷⁹ Smith, ‘Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations’, pp. 115-116.

⁸⁰ Webber, ‘Declining Power Europe: The Evolution of the European Union’s World Power in the early 21st century’, p. 33 & p. 43.

useful school of thought to use in this final dissertation.⁸¹ When regional and global multilateralism are reinforcing each other, both actors will work together to reach the same goal. Giedraitytė mentions that there are three base assumptions that must be made by using constructivism for analyzing international relations. First, the importance of ideas while interpreting the material world. Second, the agent versus structure duality and third, the constructions of intersubjective meanings. The latter is about the three main elements of a social structure: share knowledge, material resources, and practices.⁸² These three elements and assumptions are making it clear that actors within the international relations can ‘contaminate’ each other with their behavior, ideas and identity.

2.2. Case-study: Human rights

As mentioned in the introduction, the rights of LGBTI(Q)’s are standing high on the political agenda, this as well national, regional as international. On June 25, 1993, the World Conference on Human Rights has adopted the “Vienna Declaration and Programme of Action” in Vienna. This and programme states that the promotion and protection of human rights is a matter of priority for the international community.⁸³ Many of the existing policy documents are based on this document.

This section will handle the issue area of human rights. According to Smith, is the EU action within the UN on human rights an issue that has been discussed more rarely.⁸⁴ Therefore, this section will handle what the EU is already doing on its own for the rights of the LGBTI(Q) community. This will be followed by the actions of the UN for the LGBTI(Q) people.

⁸¹ Giedraitytė, *LGBT Rights in Foreign Policy: the Case of the United States*, p. 17.

⁸² Giedraitytė, *LGBT Rights in Foreign Policy: the Case of the United States*, p. 13.

⁸³ United Nations Human Rights Office of the High Commissioner, ‘Vienna Declaration and Programme of Action’, *The United Nations Human Rights Office of the High Commissioner*, <https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>, (accessed 28 June 2021).

⁸⁴ Smith, ‘Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations’, p. 115.

2.2.1. Human rights within the EU

According to the website of the Union, a distinction can be made between two schools of thoughts related to the EU's human rights policy. One school of thought implies the protection of the fundamental human rights for the EU citizens. The other school of thought is all about the promotion of human rights worldwide.⁸⁵ The fundamental treaties of the Union, namely the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), have several articles which mention that the Union shall act based on its principles which are a silver thread running through all the (external) policies of the Union.⁸⁶ Since human rights are falling under these principles, the Union will make sure that this will always be protected.⁸⁷ Article 3(5) TEU mentions that “the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to [...] the protection of human rights [...] including respect for the principles of the United Nations Charter.”⁸⁸ Article 21(1) TEU states that “The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: [...], the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principle of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organizations which share the principles [...].”⁸⁹

In 2012 the Council of the European Union adopted the “EU Strategic Framework and Action Plan on Human Rights and Democracy”. This document represents the action the Union intends to take in order to promote and protect the human rights of its citizens and to promote the universality of human rights.⁹⁰ More precisely, this means that the EU will continue to promote freedom of expression, assembly and association (on-line and offline); to promote freedom of religion or belief; to fight discrimination in all its forms; to protect the rights and

⁸⁵ European Union, *Human Rights and democracy* [website], https://europa.eu/european-union/topics/human-rights_en, (accessed 19 June 2021).

⁸⁶ Tuominen, *The Role of the European Union at the United Nations Human Rights Council*, 2016.

⁸⁷ M. Petersson, ‘Myanmar in EU-ASEAN relations’, *Asia Europa Journal*, vol. 4, no. 4, 2006, p. 564, <https://doi.org/10.1007/s10308-006-0085-z>, (accessed 13 April 2021).

⁸⁸ Treaty on the European Union 2012 (TEU).

⁸⁹ Treaty on the European Union 2012 (TEU)

⁹⁰ Council of the European Union, ‘EU Strategic Framework and Action Plan on Human Rights and Democracy’, Luxembourg, 2012, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf, (accessed 21 June 2021).

empowerment of women. The Union will intensify its efforts to promote economic, social and cultural rights; universality and non-discriminatory access to basic services and the implementation of the UN Guiding Principles on Business and Human Rights. All the EU's actions will be holding these "goals" in mind in order to create a world that is built on respect for human rights, peace and stability.⁹¹ Another important document related to the Unions' human rights policy is the "Charter of Fundamental Rights of the European Union". This charter has been adopted in 2012 and implies the will of the EU to strengthen the protection of fundamental rights of the EU citizens in the light of changes. This charter is consistent with the European convention on human rights, with the same meaning and scope as the charter.⁹²

The Union is trying to profile itself as an important actor in the field of human rights. Besides the fact that the EU is trying to protect and promoting the human rights within the EU, it is doing the same thing on the international play field. For example, the "EU guidelines on the promotion of compliance with international humanitarian law", but also "EU guidelines on human rights dialogues with non-EU countries".⁹³ For promoting and monitoring the rights and situation of the LGTBI(Q) community, the European Parliament has established the LGBTI Intergroup. This group is responsible for the defense of the LGTB people in EU Member States, and beyond and they will liaise with civil society groups to relay their concerns at the European level.⁹⁴ Besides this, the European Commission has established a list of actions that it would take to advance LGBTI equality. The Commission wants to improve the rights and wants to ensure the legal protection of LGBTI people and their families in key areas of EU competence. Second, The Commission wanted to give a strong monitoring and enforcement of existing rights of LGBTI people and their families under EU law. Third, they established the goal to reach citizens, fostering diversity and non-discrimination. Fourth, the Commission want to support key actors that are responsible to promote and advance equal rights for LGBTI people in the EU. The fifth action the Commission wants to take is to make figures and facts for policymakers on LGBTI challenges at the EU. They want to collect data and organize research activities.

⁹¹ G. Baranowska, A.-L. Chané, D. D'Hollander, A. Hauser, J. Jaraczewski, Z. Kędzia, M. Mariusz Lewicki, and A. Połczyńska, 'EU Human rights engagement in UN bodies', *Work Package No. 5*, 2014, p. 20, <https://fp7-frame.eu/wp-content/uploads/2016/08/13-Deliverable-5.1.pdf>, (accessed 21 July 2021).

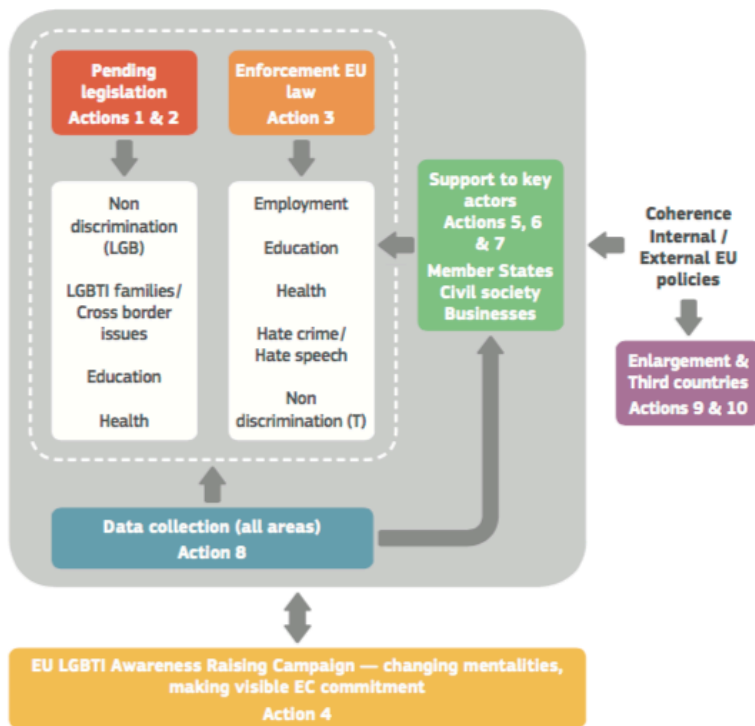
⁹² European Commission, 'Why do we need the Charter?' [website], https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights/why-do-we-need-charter_en, (accessed 13 April 2021).

⁹³ EUR-Lex, 'Human rights in non-EU countries' [website], <https://eur-lex.europa.eu/summary/chapter/1302.html>, (accessed 13 April 2021).

⁹⁴ The European Parliament's LGBTI Intergroup, *Our Role* [website], <https://lgbti-ep.eu>, (accessed 28 June 2021).

Sixth, the Commission will also take some external action, more specific they want to discuss LGBTI issues in Enlargement, Neighborhood and Third countries.⁹⁵ How these actions influence each other is visible in the next figure.

Figure 1: Internal coherency of the Commissions list of actions and policy areas



Source: European Commission, ‘#UnionOfEquality - LGBTIQ Equality Strategy 2020-2025’, 2020.

The European Court of Human Rights (ECtHR) has also issued a number of rulings that are specifically enrolled for the protection of LGBTI(Q) rights since the European Convention on Human Rights (ECHR) does not mention any specific about the rights of gay men, lesbians, bisexuals, transgender persons, homosexuals or heterosexuals.⁹⁶ Besides the ECtHR, the Parliamentary Assembly of the Council of Europe (PACE), the continent’s leading human rights organization, meets regularly to discuss resolutions that are designed to advance and

⁹⁵ European Commission, ‘#UnionOfEquality – LGBTIQ Equality Strategy 2020-2025’, Brussels, 2020, https://ec.europa.eu/info/sites/default/files/lgbtiq_strategy_2020-2025_en.pdf, (accessed 23 July 2021).

⁹⁶ A. S., Winer, ‘Levels of Generality and the Protection of LBGT Rights Before the United Nations General Assembly’, *Faculty Scholarship*, vol. 265, 2015, pp. 107-108, <https://open.mitchellhamline.edu/facsch/265/>, (accessed 24 July 2021).

protect human rights, for example Resolution 1728 “Discrimination on the Basis of Sexual Orientation and Gender Identity.”

At this moment, the European legislation only protect people against discrimination based on sexual orientation in the area of employment. In other words, when you live in Europe you are not protected against these violations in areas like access to goods and services, social protection and social advantages, education and health care.⁹⁷ But the Union is trying to make progress in the field of LGBTI(Q) rights, this on the level of Europe itself, but also on the international level. Therefore, she calls for help of the UN, in order to be able to tackle the problem worldwide. How the EU is doing this within the framework of the UN and if both organizations are reinforcing each other on this issue, will be analyzed in the fourth part of this final dissertation.

2.2.2. Human rights within the UN

Human rights is an important theme within all the policies and programs of the UN. Therefore, a short overview of what the UN does and already did for promoting human rights. By the foundation of the UN in 1945 founders decided to construct the United Nations Economic and Social Council (ECOSOC) in 1946. This main organ of the UN established the Commission on Human Rights, the Commission on the Status of Women and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. All of these (Sub-) Commissions are all devoted to some form of human rights. In this final dissertation, there will be emphasized on the Commission on Human Rights. This Commission was by the start of its existence responsible for drafting and negotiation the major document that elaborate and define human rights norms. In 2006, the Commission on Human Rights was replaced by the United Nations Human Rights Council (UNHRC), consisting out of 47 States.⁹⁸ The goal of the UNHRC is to promote and protect all human rights around the globe. The intergovernmental body must address all the situations of human rights violations and must look for recommendations to improve the situations in the problematic regions and countries, this includes also responding to human rights emergencies.⁹⁹

⁹⁷ ILGA Europe, ‘What is the current legal situation in the EU?’ [website], <https://www.ilga-europe.org/what-we-do/our-advocacy-work/campaigns/equality-all/legal-situation>, (accessed 24 July 2021).

⁹⁸ Karns et al., *International Organizations: The politics & processes of global governance*, pp. 480-481.

⁹⁹ United Nations Human Rights Council, *United Nations Human Rights Council* [website], <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, (accessed 13 April 2021).

A milestone in the history of the UN regarding human rights is the signature of the “Universal Declaration of Human Rights” (UDHR) on 10 December 1948. The UDHR is a document established by the General Assembly resolution 217 A (III) and implies that all the Parties who have signed this document must hold this constantly in mind during negotiations, policymaking and their actions in order to make sure that the rights in this document will be universally protected. Together with the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol on the complaints procedure and the Optional Protocol on the death penalty; and the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol, it forms the International Bill of Human Rights. The International Human Rights Law has been expanded with some more treaties and instruments, like the Convention on the Prevention and Punishment of the Crime of Genocide, the International convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities.¹⁰⁰

In order to know for the HRC if the UN Member States are following up the rules of the HRC and respecting the principles of the UDHR, the HRC has developed a mechanism called the Universal Periodic Review (UPR). Through this mechanism, the UN Member States can declare what actions they have taken to improve the human rights situations in their own countries. The goal is to improve the global human rights situation by prompting, supporting and expanding the promotion and protection of human rights. The mechanism may assess the Member States’ human rights records and may address human rights violations when these occur. It may also give technical assistance when necessary.¹⁰¹

Since the UN pays a lot of attention to the universal protection of human rights, it was only on June 17, 2011 that the HRC of the organization has adopted its first resolution on rights for homosexuals and transgendered individuals. In this resolution the organization is calling for an end to sexual discrimination and recognizing it as a priority issue of the UN.¹⁰² It was already in 1990 that more and more countries were recognizing the urgency for action and were pressing

¹⁰⁰ United Nations, *Global Issues Human Rights*’ [website], <https://www.un.org/en/global-issues/human-rights>, (accessed 13 April 2021).

¹⁰¹ United Nations Human Rights Council, *Basic facts about the UPR* [website], <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>, (accessed 13 April 2021).

¹⁰² Library of Congress, *U.N. Human Rights Council: First Resolution Against Discrimination Based on Sexual Orientation* [website], <https://www.loc.gov/item/global-legal-monitor/2011-06-28/u-n-human-rights-council-first-resolution-against-discrimination-based-on-sexual-orientation/>, (accessed 13 April 2021).

for action at the UN.¹⁰³ Also in 2011, the UN published its first report on human rights of gay and lesbian people, this report was an outline of a pattern of HR violations, but also an overview of the actions that the international organization was going to take from then on.¹⁰⁴ Some progress has been made over the years, but this progressively path of LGBTI rights has been slow and inconsistent. For example, several countries around the world have instituted anti-LGBTI(Q) legislation, which often consists out of the prohibition of same-sex marriage or even same-sex love.¹⁰⁵ This issue needs to be tackled. All the Member States of the UN must approve same-sex marriages and must respect the rights of the LGBTI(Q) community. As mentioned in the introduction, there is still a lot of work to do.

The Office of the UN High Commissioner for Human Rights (OHCHR) is the prominent UN agency to address LGBTI rights and has published two reports in order to defend these rights. The first report, published on November 17, 2011, is about the “Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity.” This report investigated all the way in which governmental and private actors around the world discriminate against LGBTQI people. In 2012, the OHCHR published a second report about “Born Free and equal: Sexual Orientation and Gender Identity in International Human Rights Law.” This report sets out the core obligations that States have towards the LGBTI(Q) community and its people.¹⁰⁶ In 2017 the HRC Staff gave several ways in which the UN has protected LGBTQI rights in the last decade. First, in 2011 the UNHRC passed the before mentioned resolution on human rights, sexual orientation and gender identity. Second, in 2012, the UNGA passed a resolution on extrajudicial killings that included crimes which were motivated by the victim’s sexual orientation and gender identity. Followed in 2013 by the launch of the “UN’s Free & Equal Campaign” by the UNHCHR. The goal of this campaign was to promote the understanding of the LGBTQI rights. Fourth, in August 2015 the UNSC held its first meeting to address the LGBTQI rights under ISIS. Six, the UN refugee agency played a major and crucial role in assisting the LGBTQI people that were fled their countries where they were violated and persecuted to find them a home in countries where

¹⁰³ ‘A History of LGBT Rights at the UN’ [online video], UN Free & Equal, 2013, <https://www.unfe.org/un-leaders-sport-stars-activists-join-forces-equality/>, (accessed 13 April 2021).

¹⁰⁴ UN News, *UN issues first report on human rights of gay and lesbian people* [website], <https://news.un.org/en/story/2011/12/398432-un-issues-first-report-human-rights-gay-and-lesbian-people>, (accessed 13 April 2021).

¹⁰⁵ Winer, ‘Levels of Generality and the Protection of LBGT Rights Before the United Nations General Assembly’, p. 101.

¹⁰⁶ Winer, ‘Levels of Generality and the Protection of LBGT Rights Before the United Nations General Assembly’, pp. 104-106.

LGBTQI people are welcome. Seventh, in 2016 the first Independent Expert on Sexual Orientation and Gender Identity was pointed. The role of this expert is to reduce the violence and discrimination against LGBTQI people. Eighth, in July 2017 the UN Human Rights Office gave a critic on the proposed U.S. ban on qualified transgender people serving in the military. Ninth, the international organization has published several reports where they give guidelines and recommendations to national governments in the fight against discrimination and violence against individuals based on their sexual orientation and gender identity.¹⁰⁷ Some of these reports and resolutions will be further discussed and analyzed in this final dissertation in order to analyze if there is any possible influence of the EU.

3. PART 3: Methodology

3.1. Case selection

This final dissertation aims to formulate an answer on the following research question: “Are regionalism and global multilateralism mutually reinforcing? The case of the European Union as permanent observer at the United Nations on the issue of human rights.” As the research question suggests, the case of this final dissertation will be the European Union within the United Nations. This needs to be narrowed down to the field of human rights, more specific to the rights of LGBT people. In order to formulate an answer to this question, this dissertation will also handle two objectives. Just like the research question, a hypothesis will also be linked to the objectives.

The first objective is about the promotion of the LGBTI(Q) rights by the European Union within the United Nations. The following question can be asked: “How is the European Union promoting its position and interests within the United Nations on LGBTI(Q) rights?” Next hypothesis is stated for this objective:

¹⁰⁷ Human Rights Campaign, *Ten Ways the United Nations has Protected LGBTQ Human Rights* [website], <https://www.hrc.org/news/ten-ways-the-united-nations-has-protected-lgbtq-human-rights>, (accessed 24 July 2021).

H1: The European Union negotiates and intervenes according her own principles and guidelines in order to promote her position and interests in the UN.

The second objective handles how the European Members States are viewing the involvement of the European Union within the United Nations with the question: “How are the European Member States viewing the involvement of the European Union in the United Nations?” Next hypothesis will be tested:

H2: The Member States of the European Union are supporting the interests of the European Union and they promote the involvement of the European Union in the United Nations.

The third hypothesis will be linked to the main question of this dissertation, namely the mutual reinforcement of both organizations on the issues of the rights for the LGBTI community.

H3: The European Union and the United Nations reinforce each other’s policy on the issue of human rights, more specific on the issue of the rights of LGBTI people.

The starting point of this research will be 2011. From this year on the status of the Union changed within the UN, it got the ability to speak early among other major groups when speaking on behalf of the EU Member States, and is invited to intervene in the general debate at the opening of the meetings of the UNGA. Besides this, the Union also has the ability to orally present proposals and amendments, and it has the right to reply once to a speech regarding the positions of the EU.¹⁰⁸

¹⁰⁸ European Council – Council of the European Union, *EU at the UN General Assembly* [website], <https://www.consilium.europa.eu/en/policies/unga/>, (accessed 30 April 2021).

3.2. Data collection

The sources that will be used for this analysis are primary sources, namely policy documents of both organizations. The primary sources of the United Nations are consisting out of meeting records, decisions, speeches, readings, working papers, resolutions, reports, drafts, letters and notes verbal which are collected by the United Nations Digital Library System.¹⁰⁹ The UN bodies that will be screened for policy documents related to the issue of LGBT are the Economic and Social Council (ECOSOC), the General Assembly, the International Court of Justice, the Secretariat, the Security Council and the Human Rights Bodies, like the Human Rights Council, the Universal Periodic Review (UPR), the Commission on Human Rights, the Special Procedures of the Human Rights Council, the Human Rights Council Complaint Procedure, The Committee on the Elimination of Racial Discrimination and the Human Rights Committee.¹¹⁰ The search terms will be: “LGBT”, “sexual orientation” and “gender identity”. It is possible that not all the above-mentioned organs and bodies have published documents related to these subjects.

Policy documents written and published by the European Union will also be analyzed in this final dissertation. These documents are consisting out of resolutions of the European Parliament and Strategies of the European Commission collected by the resource list of the European Parliament’s LGBTI Intergroup.¹¹¹ By analyzing these sources, I hope to find adequate answers to the aforementioned questions and to confirm or disprove the raised hypotheses. The analysis must give a clear view on how both organizations can reinforce each other within the framework of multilateralism, regionalism and global governance.

3.3. Data analysis

In order to analyze properly if regionalism and global multilateralism are mutually reinforcing on the case of the EU as a permanent observer at the UN on the issue of the rights for the LGBTI

¹⁰⁹ United Nations, *Digital Library* [website], <https://digitallibrary.un.org/?ln=en>, (accessed 28 July 2021).

¹¹⁰ United Nations Human Rights Office of the High Commissioner, *Human Rights Bodies* [website], [https://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx#:~:text=There%20are%20ten%20human%20rights,core%20international%20human%20rights%20treaties%3A&text=Committee%20on%20Economic%2C%20Social%20and,of%20Discrimination%20against%20Women%20\(CEDAW\)](https://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx#:~:text=There%20are%20ten%20human%20rights,core%20international%20human%20rights%20treaties%3A&text=Committee%20on%20Economic%2C%20Social%20and,of%20Discrimination%20against%20Women%20(CEDAW)), (accessed 13 May 2021).

¹¹¹ The European Parliament’s LGBTI Intergroup, *Resource list* [website], <https://lgbti-ep.eu/resource-list/>, (accessed 26 July 2021).

people, a qualitative research method, namely a content analysis, will be used. This content analysis will happen through a constructivist lens. Like Giedraitytė quotes in her master dissertation:

*“Using content analysis method, selection is made according to the following elements: words, phrases, concepts, and other meaningful units (sentences, texts, sections, topics, etc.). This method is applied when researching media information, political speeches and reports, party programs, parliament sitting stenographs, and other documents.”*¹¹²

By using a content analysis, the content of the policy documents will be analyzed linked to the objectives that will be investigated. Extracts of the documents will be categorized under the following categories: a direct or indirect way of promoting the position and interest of the EU, the opinions and point of views of the European Member States, and a form of reinforcement with a distinction between the EU that reinforces the UN and the UN that reinforces the EU.

The advantage that a content analysis offers is that it provides a clear picture of the similarities and differences between the several documents that will be analyzed. It gives the possibility to directly examine communication using text, it allows for both qualitative and quantitative analysis, it provides valuable historical and cultural insights over time and, it allows a closeness of data.

4. Part 4: Analysis

The aim of this part is to formulate an adequate answer to the aforementioned questions and to confirm or disprove the hypotheses raised. This section will be divided in three sections, two of them will handle one of the objectives. The first section will handle the first objective about how the EU promotes its position and interests within the UN on LGBTI(Q) issues, this will be divided in two subsections, namely the direct ways and the indirect ways of the EU. The second subsection is about the second objective, which is all about how the Member States of the

¹¹² Giedraitytė, *LGBT Rights in Foreign Policy: the Case of the United States*, MA diss., Kaunas, Vytautas Magnus University, p. 23.

European Union are viewing the involvement of the EU in the UN. The last subsection will handle the main question of this final dissertation, the mutual reinforcement by both organizations. In each section, the UN documents will be analyzed first, followed by the analysis of the EU documents if they are showing any indication of the analyzed subject.

4.1. Promoting the European position within the United Nations

The analysis of the policy documents of both organizations, the EU and the UN, shows that the position and the interests of the EU are direct and indirect promoted within the UN. The direct way of promoting the position and interests of the EU will be explained first, followed by the indirect way. In this way the section aims to confirm or to disprove the second hypothesis.

4.1.1. The direct way of the European Union

As mentioned before status of the EU within the UN has been changed in 2011, where it got the ability to speak on behalf of the EU Member States among major groups, but the Union got also the possibility to intervene in the general debate at the opening of the meetings of the General Assembly, to orally present proposals and amendments and to reply once to a speech regarding the position of the EU.¹¹³ The analysis of the record meetings shows clearly that Union is really using this opportunity to show its interests and to promote its position within the UN. Unfortunately, the transcripts of the meetings are only available since 2016.

Starting with the meeting record of the 41st plenary meeting of the General Assembly on the 4th of November 2016. The meeting starts with a word of the President of the UNGA where he makes a statement about the subject, in this case the report of the United Nations Human Rights Council (UNHRC) (A/71/53) followed by an explanation of the report by the President of the UNHRC. After the outline of the report, Ms. Cardona took the floor as the representative of the EU. She uses her time of speech to show and reconfirm the support of the Union for the UNHRC, but she also expresses the concerns of the EU:

¹¹³ EU at the UN General Assembly, *European Council – Council of the European Union* [website], <https://www.consilium.europa.eu/en/policies/unga/>, (accessed 30 April 2021).

« We attach great importance to all aspects of the Human Rights Council's work, [...]. It is with that in mind that we must voice our strong concerns at the draft resolution that has been submitted in the Third committee on the report of the Human Rights Council. The draft resolution seeks to subvert a legitimate decision of the Human Rights Council by deferring one particular resolution, namely resolution 32/2, of June 2016, on protection against violence and discrimination based on sexual orientation and gender identity. In our view, any attempt to call into question the legitimacy of that resolution has no legal foundation. »

This quote is a clear example of how the Union tries to express her concerns and strengthen its position within this meeting. By expressing her concerns, she can make clear what the main focus is of the EU. In this way, the European interests are promoted. During the rest of her time of speech, she encourages the EU Member States but also the UNGA Member States to stay committed to the actions and recommendations of the UNHRC and the UPR and she, once again, reconfirm “to continue the support, to systematically uphold and to ensure the implementation of existing international norms and standards, to strongly advocate for the universality of human rights and to promote the observance by all States of all human rights and fundamental freedoms.”¹¹⁴

The following meeting record (A/C.3/72/SR.34) of the UNGA on January 10th 2018 about the promotion and protection of human rights also shows how the EU is giving a direct influence on the UN by defending its own position and interests. In this meeting are Mr. Forax and Ms. Wacker, both observers for the EU, speaking in name of the Union. Mr. Forax responds to the statement of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence by giving the opinion of the EU and by asking questions about which actions of States are necessary to enable civil society organizations and networks to engage more deeply on human rights and, he also asks what the UN could do to ensure the safety of civil society actors and facilitate their work. Ms. Wacker complements the statement of Mr. Forax further with saying that the Council of the European Union had already adopted guidelines on the subject to promote and protect enjoyment of all human rights by LGBTI people.¹¹⁵ By asking questions to the UNGA and the UNHRC, the Union questions the actions of the UN main bodies and human rights bodies. This can create an open window for the EU to

¹¹⁴ ‘General Assembly official records, 71st session : 41st plenary meeting’, *United Nations Digital Library*, New York, General Assembly, 2016, <https://digitallibrary.un.org/record/857337?ln=en>, (accessed 28 July 2021).

¹¹⁵ ‘Summary record of the 34th meeting : 3rd Committee.’, *United Nations Digital Library*, New York, 2018, <https://digitallibrary.un.org/record/1483396?ln=en>, (accessed 28 July 2021).

make recommendations that are more in line with her interests and values than the supposed action of the UN. In another way, it is also useful to ask questions in order to keep control over the subject. In this way the Union can adapt its own policy and approach on the issue that is more in line with the approach of the UN. This is clearly a indication of mutual reinforcement between both organizations.

Within this meeting, not only the Observers for the EU are promoting the interests and position of the Union. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity¹¹⁶ asks stakeholders, like regional organizations, to “capitalize on the international, regional and national instruments, forums and goals that provided opportunities to advance an inclusive agenda for all.” In other words, the Independent Expert asks the direct involvement of these stakeholders. By giving them the opportunity to work together with a prominent UN human rights body, they can directly promote their interests. The Independent Expert promotes this kind of cooperation once again in the meeting, especially the promotion of regional and interregional cooperation. According to Mr. Muntarbhorn, the then Independent Expert, states that LGBT people must have access to regional human rights systems and the UN system as a whole.¹¹⁷ In order to have this access, the previously mentioned cooperation is necessary.

The meeting record of January 10, 2019, is a last good example of how the EU is promoting itself within the UN during a meeting of the General Assembly. During this meeting the Observer for the EU, Ms. Wacker, mentions the following:

« The European Union, in line with its Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons and the Council conclusions on LGBTI equality, was strongly committed to equality, non-discrimination and equal enjoyment of human rights by all regardless of sexual orientation or gender identity. Although a wide range of gender identities and gender expressions existed in all regions, LGBTI individuals were subjected to alarming rates of discriminations and violence. »¹¹⁸

¹¹⁶ The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity will further be called: “the Independent Expert”.

¹¹⁷ ‘Summary record of the 34th meeting : 3rd Committee’, *United Nations Digital Library*, New York, 2018, <https://digitallibrary.un.org/record/1483396?ln=en>, (accessed 28 July 2021).

¹¹⁸ ‘Summary record of the 33rd meeting: 3rd Committee’, General Assembly, 73rd session’, *United Nations*

This quote shows that, when having the chance to intervene, the EU also tries to promote its own strategies and guidelines. These EU instruments are giving a clear view of how the EU is handling the issue and what her interest is related to this issue. In cases like this, the Union can hope that the UN will take these documents into account when they further develop recommendations, resolutions, guidelines and strategies.

The direct way of promoting the position and interests of the EU is not only visible in meeting records, it is also visible in many reports. The first report on “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity” written by the United Nations High Commissioner for Human Rights (UNHCHR) states:

*« The European Parliament and the Council of Europe have also regularly expressed concern at incidents in which LGBT persons have been target and killed. »*¹¹⁹

By mentioning this in a report, it must be clear that the EU is active behind the scenes of the UN. This is something that was visible in the policy documents of the Union itself, for example resolution P7_TA(2011)0427. How the EU is doing this, will be further discussed after the discussion of the UN documents.

The fact that the EU and her institutions are expressing their concerns becomes clear in many other reports. So also in a second report of the UNHCHR (A/HRC/29/23) of 4 May 2015 about “Discrimination and violence against individuals based on their sexual orientation and gender identity”.¹²⁰ This report shows that the Union is also active in dialogues. According to a note by the Secretariat on the “Report of the Independent Expert on protection against violence and discrimination based on sexual orientations and gender identity”, the EU has worked together with the UNHRC and the Independent expert for an approach of open and constructive dialogue in order to consult on the work that happened under the mandate of the

Digital Library, New York, 2019, <https://digitallibrary.un.org/record/3792205?ln=en>, (accessed 28 July 2019).

¹¹⁹ ‘Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity : report of the United Nations High Commissioner for Human Rights’, *United Nations Digital Library, Geneva, 2011, <https://digitallibrary.un.org/record/719193?ln=en>, (accessed 28 July 2021).*

¹²⁰ ‘Discrimination and violence against individuals based on their sexual orientation and gender identity : report of the Office of the United Nations High Commissioner for Human Rights’, *United Nations Digital Library, Geneva, 2015, <https://digitallibrary.un.org/record/797193?ln=en>, (accessed 28 July 2021).*

Independent Expert.¹²¹ By being involved in this dialogue with stakeholders, the EU had the possibility to express and promote its interests and position within the UN, but it was also an opportunity for both organization to reinforce each other in a form of multilateral cooperation and global governance. This call to go into dialogue and reflect with all the relevant actors is mentioned in many other reports and notes, for example the report of 14 May 2019 on “Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity”¹²² and the note by the Secretariat on the “Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.”¹²³

« The Independent Expert held several meetings with State representatives, regional groups and coalitions, and representatives of international and regional organizations. »¹²⁴

Out of the analyses of the European policy documents, there are also clearly indications of how the EU is promoting its position and interests within the UN. In a resolution of the European Parliament (P7_TA(2011)0427) on “Sexual orientation and gender identity at the UN Human Rights Council” of September 28, 2011, the European Parliament:

- «1. Reiterates its concern regarding the numerous human rights violations and widespread discriminations based on sexual orientation and gender identity, both in the European Union and in third countries;*
- 2. Acknowledges and supports the work already undertaken by the Human Rights Council, the UN Secretary-General, the High Commissioner for human Rights, UN human rights treaty bodies, special rapporteurs and other UN agency to ensure that international human rights standards apply fully, regardless of a person’s sexual orientation and gender identity;*

¹²¹ ‘Report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity : note / by the Secretariat’, *United Nations Digital Library*, Geneva, 2017, <https://digitallibrary.un.org/record/1301206?ln=en>, (accessed 29 July 2021).

¹²² ‘Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity : report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity’, *United Nations Digital Library*, Geneva, 2019, <https://digitallibrary.un.org/record/3822963?ln=en>, (accessed 29 July 2021).

¹²³ ‘Report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity: note / by the Secretariat’, *United Nations Digital Library*, Geneva, 2018, <https://digitallibrary.un.org/record/1630003?ln=en>, (accessed 29 July 2021).

¹²⁴ ‘Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity : report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity’, *United Nations Digital Library*, Geneva, 2019, <https://digitallibrary.un.org/record/3822963?ln=en>, (accessed 29 July 2021).

[...]

8. Calls on the High Representative and Member States to systematically promote, in partnership with third countries, the protection and respect of human rights in relation to sexual orientation and gender identity at the United Nations in other multilateral for a, and bilaterally in their human rights dialogues;

[...]

17. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security, the Commission, the Council of the European Union, the governments and parliaments of the Member States, the United Nations High Commissioner for Human Rights and the United Nations Secretary-General. »¹²⁵

These several extracts of the European resolution are a clear example of how the EU is promoting its interests in the UN. The regional organization is clearly expressing its thoughts, its support for the UN, its concerns and its ideas of actions.

In a second resolution of the European Parliament on “The role of the EU within the UN” (P8_TA(2015)0403) of November 24, 2015, the European Parliament clearly states:

« U. Whereas the UN system is the main global forum for improving global governance, and as such represents the best forum in which to promote the EU’s values and interests.

[...]

16. Considers that, through further cooperation with the UN, the EU should take greater advantage of partnerships with the UN’s specialized agencies, funds, programmes, commissions and committees; calls for a strengthening of EU coordination on the boards of these bodies to ensure that the EU speaks with a single voice. »¹²⁶

No better quote can show that the EU is using the UN to globally promote its position and her interests within and beyond the UN. The Union obviously calls for more European integration within the UN, she clearly wants to have a bigger voice in many of the UN bodies

¹²⁵ European Parliament resolution of 28 September 2011 on human rights, sexual orientation and gender identity at the United Nations, 2011.

¹²⁶ European Parliament resolution of 24 November 2015 on the role of the EU within the UN – how to better achieve EU foreign policy goals, 2015.

and agencies. By enlarging her voice in the international play field, the regional organization will be able to become a global player. Unfortunately, this is currently not happening since the European Member States are having a louder voice within the UN than their umbrella regional organization.

Out of the above, it must be clear the Union has several direct ways to promote its position and interests within the UN. The EU can do this to use its ability and possibility to speak at the beginning of a meeting of the UNGA. During this time the Union tries to show support to the UN, but she also tries to defend her own interests and position by mentioning and promoting own strategies, guidelines and resolutions and, she is asking questions to the relevant actors of the meetings. Besides this, she also goes in dialogue with the UNHCHR, the UNHRC, and the Independent Expert and by sending her own resolutions to the prominent UN human rights bodies in the hope that they will be heard. Most of the time, these resolutions are being heard since the Union can explain these during a meeting as mentioned before.

4.1.2. The indirect way of the European Union

The aforementioned was all about the direct ways of the Union, but the EU has also got many indirect ways to promote its position and interest within the UN. Indirect ways are referring to ways where the Union itself does not express anything directly. Tools, data or the European Member States are being used by the UN in order to illustrate the problem and the need for action. Starting again with the meeting records. During the meetings, the Union's position and interests are being promoted through the European Member States. How they are doing this, will be explained in the next subsection about the European Member States, because this also covers the second objective of this dissertation.

By reading reports of the UN related to the LGBTI(Q) community, sexual orientation and gender identity, there is not much direct influence of the Union visible. It is possible that the Union has worked together with the UN organs to publish these reports, but there is no reference to it. What is visible, is that the publishers of these several reports are making use of data that has been collected by the Union. How this can be seen as an indirect influence, will be explained further. For example, in the aforementioned report of the UNHCHR of 17 November 2011 (A/HRC/19/41) the UNHCHR mentions:

« It draws on United Nations sources, and includes data and findings from regional organizations, some national authorities and non-governmental organizations. »¹²⁷

In report A/HRC/41/45 of 14 May 2019 there is an indication of an indirect way of promoting the position and interests of the EU. This indication is the result of multicountry surveys that have been carried out by the European Union agency for Fundamental Rights, an agency of the EU. This survey has revealed violations against and discrimination of the lesbian, gay, bisexuals, trans- and gender-divers respondents. By using this data, regional organizations like the EU can put pressure on the realization of their interest, since the collected data really expresses the needs of the LGBTI(Q) community. But besides the fact that it can be used as a pressure medium, it is also a source of information for the UN and its human rights bodies. In other words, the data can expose gaps within the policy of the UN, but also within the human rights policy of the EU, and by filling this gap in, for example, Europe, the UN needs the EU as a partner. In this way, the surveys can be used as a pressure medium an information source in order to promote its interests, but also its position within the UN.

A note by the Secretary-General of the UNGA on “Protection against violence and discrimination based on sexual orientation and gender identity” linked to the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in accordance with the HRC resolution 32/2, is another example of an indirect way. In the methodological part of the note, the Secretary-General states that “the Independent Expert has adopted an approach of open and constructive dialogue and engagement with a broad range of stakeholders.” This is a link to the earlier discussed direct way of the Union in order to promote its position and interests. Further, in the methodological part, there has been mentioned that the Independent Expert “has drawn from a variety of sources.” Under the part of “Progression of human rights law and practice at the international and national levels” the following is mentioned:

« The initiatives of regional organizations have added constructive developments. »¹²⁸

¹²⁷ ‘Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity : report of the United Nations High Commissioner for Human Rights’, *United Nations Digital Library*, Geneva, 2011, <https://digitallibrary.un.org/record/719193?ln=en>, (accessed 28 July 2021).

¹²⁸ ‘Protection against violence and discrimination based on sexual orientation and gender identity : note / by the Secretary-General’, *United Nations Digital Library*, 2017, New York, <https://digitallibrary.un.org/record/1300883?ln=en>, (accessed 29 July 2021).

This quote shows that the UN takes into account earlier made initiatives of regional organizations, or other organizations like non-governmental organizations. By taking these initiatives into account, regional organizations like the EU are having an indirect influence on the policy documents of the international organization. It can be seen as an indirect way of promoting point of views, but it can also be seen as an indication of reinforcement of the UN by a regional organization like the EU.

In the next subsection, the indirect way of the EU through European Member States will be discussed, but there is also an indirect way through non-Member States of the EU. For example, in “Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on his visit to Georgia” (A/HRC/41/45/Add.3), a comment by the State, the Government of Georgia (GoG), states the following:

« Concerning recommendations 98 and 100, the GoG would like to kindly note that in cooperation with the Council of Europe, a project is currently underway to develop a methodology of the hate crimes statistic registration. [...] The project is in line with the objective of the Co-operation Project “Fight against Discrimination, Hate Crimes and Hate Speech in Georgia” implemented under the Council of Europe Action Plan for Georgia 2016-2019 assisting authorities to improve the data collection process.»¹²⁹

Out of this quote, we can suggest that the Council of Europe has been promoting the interests of the Union, even if it is not a fully European institution. The council wanted to improve the situation of Georgia related to discrimination and violence against the LGBTI people by collecting the necessary data. The aforementioned logic of collecting data by the EU and the continent’s leading human rights organizations can also be applied on this project.

The last form of an indirect way to promote the interests of the EU about the issue of LGBTI(Q) people are the own events of the Union. In a report about the law of inclusion of June 3rd 2021, the Independent Expert mentions the parliamentary hearings on combating rising hate against LGBTI people in Europe by the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe and the European Commission’s

¹²⁹ ‘Report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity on his visit to Georgia : comments by the State’, *United Nations Digital Library*, Geneva, 2019, <https://digitallibrary.un.org/record/3853360?ln=en>, (accessed 29 July 2021).

LGBTIQ Equality Strategy 2020-2025 by the European Economic and Social Committee.¹³⁰ The presence of the Independent Expert on these hearings is the perfect chance for the Union to give a clear view of its interests and all the actions it wants to take in order to protect the LGBTIQ community. By taking this chance, the Union can also profile itself as a global actor by promoting its worth on the international playfield for combatting this issue. On the other hand, these activities are also an opportunity for the UN in order to promote her interests about the LGBTI(Q) issue. This can be seen as an indication of mutual reinforcement.

Taking all the above into account, it is clear that the first objective on “How the European Union is promoting its position and interests within the United Nations on LGBTI(Q) rights?”, has been answered. The Union is doing this in direct and indirect ways by making interventions in meetings, asking questions, going into dialogues with the UN Human Rights bodies behind the scenes, making its own data available to the UN and inviting the Independent Expert on parliamentary hearings of the European Parliament. Some of these were also a clear indication of mutual reinforcement between both organizations. This also means that the accompanying hypothesis is confirmed. The Union negotiates and intervenes according to her own principles and guidelines. What the role and point of view of the Member States is about the involvement of the Union and if they are promoting the interests and position of the EU, will be discussed in the next subsection.

4.2. The point of view of the European Member States

The subsection above-mentioned that there is a direct and indirect way of the Union to promote its position and interests within the UN. This subsection will discuss another form of an indirect way, namely promotion of the interest of the Union through the Member States of the EU. This subsection also aims to formulate an answer on the second objective and has a goal to confirm or disprove the second hypotheses.

The meeting record of the General Assembly of 19 December 2016 (A/71/PV.65) is a clear example of how the Member States of the Union are supporting their umbrella regional organization. Normally, as mentioned before, an Observer for the European Union speaks on

¹³⁰ ‘The law of inclusion : report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz’, *United Nations Digital Library*, Geneva, 2021, <https://digitallibrary.un.org/record/3931132?ln=en>, (accessed 30 July 2021).

behalf of the EU at the beginning of a meeting of the UNGA. It is remarkable that this did not happen in this meeting. The reason for this is unknown. Many items were discussed during this meeting, including the Report of the Human Rights Council (A/71/479). During this discussion, a clear link was made with Resolution 32/2 about the mandate of the Independent Expert on Sexual Orientation and Gender Identity. After the speaking time of the representative of Burkina Faso, Mr. Ružička of Slovakia has the honor to speak, to express concerns and to call for a negative or positive vote in name of the Union:

« I would like to make an explanation of vote before the voting. It is my honor to speak on behalf of the European Union and its Member States.

[...]

The European Union and its member States are deeply concerned by the fresh attempt of some States Members of the United Nations to reopen the decision of the Human Rights Council.

[...]

We therefore once again urge Member States to respect the authority of the Human Rights Council and to vote against the current amendment (A/71/L.45). »¹³¹

Further, during the meeting, other European Member States, like the Netherlands, Finland, France, Croatia, Hungary and Spain, have the ability to speak up about this agenda item. The general voice of them is:

« We align ourselves with the statement made on behalf of the European Union. »¹³²

By speaking on behalf of the Union and by stating to align themselves with the statements that are made on behalf of the EU or by the EU itself, the European Members States are declaring that they agree with the EU and thus support the fact that the EU has got a say within the UN. They are indirectly promoting the interests of the EU. Naturally, they will also promote their own interests and following on their commitment to the EU, the European Member States also have the ability to express their own concerns and opinions about the issue on the agenda during their time of speech. Obviously, the above is only an indication about the interests of the EU. They are supporting and promoting these, but they are not giving any

¹³¹ 'General Assembly official records, 71st session : 65th plenary meeting', *United Nations Digital Library*, New York, General Assembly, 2016, <https://digitallibrary.un.org/record/859477?ln=en>, (accessed 30 July 2021).

¹³² 'General Assembly official records, 71st session : 65th plenary meeting', *United Nations Digital Library*, New York, General Assembly, 2016, <https://digitallibrary.un.org/record/859477?ln=en>, (accessed 30 July 2021).

indication of promoting the position within the EU. In other words, in this case it is difficult to say what they think of the position of the EU, do they want to enlarge and enhance the position of the Union in the UN or not?

The European Member States are not only promoting the interests and values of the Union, they share also the values and principles of the UN. In this way, the Member States of the EU are also influencing the position of the UN within and outside the Union.

« Recalls that the EU and its Member States share the values and principles of the UN Charter as stated in Article 21(1) TEU and have a crucial role in promoting those principles as well as the goals of the UN, through the external action of the Union. »¹³³

The analysis shows that the support of the opinion of the European Member States about the involvement of the EU is hard to define. The case above is a clear example of how it can happen and happens, but this is not happening in all the meetings. Other meeting records, notes, amendments, reports and resolution are not showing what the European Member States think of the position and involvement of the EU within the UN. It is often unclear whether both actors, the Member States of the Union and the EU, are wanting the same thing. This makes it difficult to give an adequate answer on the second objective. Therefore, the second hypothesis is difficult to confirm or to disprove. It seems logical that the European Member States are promoting the values and interests of the Union, but it is illogical that they are promoting the involvement of the EU and even possible promote an expanding of her position. Currently, the Member States of the Union have more to say within the UN than the EU. Of course, the EU is present and represented in many UN bodies, but she can or may not always participate or even intervene. Regarding this, the hypothesis cannot be confirmed. There are no or not enough cases within this research that confirm that the Member States of the Union are promoting the position of EU, but there are examples that they are supporting the interests of the EU. Questions about the generalizability of this hypothesis can be raised.

4.3. Mutual reinforcement between European Union and United Nations

¹³³ European Parliament resolution of 24 November 2015 on the role of the EU within the UN – how to better achieve EU foreign policy goals, 2015.

The previous subsection has as aim to formulate an answer on the two objectives of this final dissertation. This subsection will formulate an answer on the main question: “Are regionalism and global multilateralism mutually reinforcing?” The case of the European Union as permanent observer at the United Nations on the issue of human rights, more specific LGBTI(Q) rights.” The accompanied hypotheses that the EU and the UN reinforce each other will be confirmed or disproved.

4.3.1. Reinforcement of the United Nations by the European Union

A note by the Secretary-General of the UN (A/72/172) on “Protection against violence and discrimination based on sexual orientation and gender identity” of July 19, 2017, shows an indication of mutual reinforcement, namely a joint statement of the Independent Expert and a range of United Nations human rights treaty bodies, special procedures and regional mechanism (also European human rights mechanisms) which calls for protection of transgender and gender diverse children and adolescents. This joint statement shows how both organizations are reinforcing each other. Of course, there are other organizations and human rights bodies involved, but so is the EU. The report is giving an excerpt that epitomizes the universal message:

« We call on States to adopt and implement effective measures prohibiting violence, anti-discrimination laws covering gender identity and expression real or perceived- as well as sexual orientation as prohibited grounds for discrimination, to develop inclusive curriculums and learning materials, training for and support to teachers and other school staff, education and support programmes for parents, safe and non-discriminatory access to bathrooms, and awareness-raising programmes nurturing respect and understanding for gender diversity.»¹³⁴

In another, earlier, discussed note by the Secretariat on the “Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity” (A/HRC/35/36) there was mentioned in the methodology that there has been an “open and constructive dialogue and engagement with a broad range of stakeholders”. This dialogue

¹³⁴ ‘Protection against violence and discrimination based on sexual orientation and gender identity : note / by the Secretary-General’, *United Nations Digital Library*, New York, Secretary-General, 2017, <https://digitallibrary.un.org/record/1300883?ln=en>, (accessed 29 July 2021).

can also be seen as a form of mutual reinforcement, but also as a specific form of how the EU is reinforcing the UN. The note states that the “Sustainable Development Goals (SDGs) are good tools to provide more opportunities for creating more space for more multilateral, regional and bilateral cooperation.”¹³⁵ The SDG’s are “aiming to end the poverty, to protect the planet and to ensure prosperity for everyone by 2030”. They want to make sure that no one is left behind and that all countries are working together to achieve these goals. The fifth SDG calls for gender equality.¹³⁶ As they say themselves, all the countries need to work together, this can be interpreted that the United Nations are in need for the help of the European Union and its Member States to achieve these goals in a framework of multilateral cooperation. As the European Commission states on her website:

« The EU made a positive and constructive contribution to the development of the 2030 Agenda. We are committed to implement the SDGs in all our policies and encourage EU countries in doing the same.»¹³⁷

By working closely together with the UN in order to achieve these goals, the Union is freely to express its concerns and its most important issues and interests related to this topic. They have the ability to go into discussion with the competent UN bodies in order to make the best of it. The Union has got the ability to reinforce, to doubt and to sharpen the ideas of the UN bodies. In this way, they can develop the best possible approach in order to tackle the problem worldwide.

On November 12, 2020, the European Commission released the “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions” on the Union of Equality: LGBTIQ Equality Strategy of 2020-2025. In this communication and/or strategy, the European Commission states:

¹³⁵ ‘Report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity : note / by the Secretariat’, *United Nations Digital Library*, Geneva, the Secretariat, 2017, <https://digitallibrary.un.org/record/1301206?ln=en>, (accessed 29 July 2021).

¹³⁶ Sightsavers, *Global Goals* [website], https://www.sightsavers.org/policy-and-advocacy/global-goals/?gclid=CjwKCAjwgb6IBhAREiwAgMYKRtD_hLBPw0ROlht7uqlOVVBdSXyVgltlxhz0za-fMcLJUccQTAzAexoCj5oQAvD_BwE, (accessed 30 July 2021).

¹³⁷ European Commission, *Sustainable Development Goals* [website], https://ec.europa.eu/international-partnerships/sustainable-development-goals_en, (accessed 30 July 2021).

« The Commission will share best practices on tackling discrimination and advancing LGBTIQ rights beyond the boundaries of the EU through its cooperation and engagement with the Council of Europe, the United Nations, and other relevant internationals and regional bodies. »¹³⁸

This quote is the perfect example that shows the will of the EU to do everything it can within her power to help the UN by tackling the discrimination of LGBTIQ people and to improve the situation of this whole community. They can help by collecting data, by pitching and developing ideas for regional and global actions. Therefore, the Union clearly declares that she wants to do, which means that she will reinforce the UN and other international and regional human rights bodies whenever they need and whenever they want.

4.3.2. Reinforcement of the European Union by the United Nations

In the already discussed note of the Secretary-General (A/72/172) of July 19, 2017, there was an indication of mutual reinforcement by issuing a joint statement by both the organization. In the note there is also an indication that show that the UN is reinforcing the EU:

« He [the Independent Expert] attended various European activities in relation to the International Day against Homophobia, Transphobia and Biphobia in Brussels, calling for strategic action to overcome violence and discrimination, including the need for human rights-sensitive laws, policies, programmes, case enforcement in the courts, accessible mechanisms and personnel, resources, education and monitoring, data generations, accountability provisions, and networking and mobilizations for national reforms to comply with the international standards. During the regular session of the Human Rights Council in March 2017, he contributed to a panel on transgender persons, mental health and human rights and advocated the need to engage more strongly with the health sector, particularly on such issues as conversion therapy, forced sterilization, medical diagnosis and counselling, all of which might be interlinked with violence and discrimination, as well as the need for comprehensive health care for all. Concurrently, he helped to train human rights defenders

¹³⁸ European Commission, ‘#UnionOfEquality – LGBTIQ Equality Strategy 2020-2025’, Brussels, 2020, https://ec.europa.eu/info/sites/default/files/lgbtiq_strategy_2020-2025_en.pdf, (accessed 23 July 2021).

from several parts of the world on the issue of sexual orientation and gender identity in a session organized by a non-governmental organization. »¹³⁹

This quote shows that the Independent Expert went to Brussel in order to promote the position of the UN on the LGBTI(Q) issue. He wants strategic action, more engagement, and he helped to train the human rights defenders. By attending the European activities and by giving a speech he wanted to transfer his knowledge, ideas and interests to the Union and in this way offer some kind of reinforcement for the EU policy and the actions related to the LGBT(I) issues in Europe and in the world.

In the same note, there has been stated that the discussed report of the Independent Expert made some recommendations. Within these recommendations, several international, regional and national stakeholders and, thus, regional organizations like the EU, are called to enhance and establish more bilateral and multilateral cooperation. This is a clear sign of mutual reinforcement.

« (d) [...] They should be paralleled by regional systems and initiatives to help to advance protection against violence and discriminations based on sexual orientation and gender identity.

[...]

60. The Independent Expert looks forward to interlinking consistently with a broad range of stakeholders at the nations, regional and international levels, and to embracing diversity and energizing humanity, grounded in the commitment to multilateralism and international law, with the traction for catalytic cooperation and positive change. »¹⁴⁰

If these international, regional and national stakeholders are taking into account these recommendations, the issue regarding the rights of the LGBTI(Q) community can be tackled. These recommendations can be seen as a way of the UN to express what must be done in order to do this, what the gaps are on their levels and how they are supposed to fill up this gap.

¹³⁹ ‘Protection against violence and discrimination based on sexual orientation and gender identity : note / by the Secretary-General’, *United Nations Digital Library*, New York, Secretary-General, 2017, <https://digitallibrary.un.org/record/1300883?ln=en>, (accessed 29 July 2021).

¹⁴⁰ ‘Protection against violence and discrimination based on sexual orientation and gender identity : note / by the Secretary-General’, *United Nations Digital Library*, New York, Secretary-General, 2017, <https://digitallibrary.un.org/record/1300883?ln=en>, (accessed 29 July 2021).

In an extract of another note by the Secretariat on the “Protection against violence and discrimination based on sexual orientation and gender identity” (A/73/152) is showing how the UN is reinforcing regional human rights bodies. The international organization is providing tools in order to support and help the reforms that must be made. By providing these tools, the regional human rights bodies can sharpen their policies and can make it easier to follow up on the implementations of the recommendations and policies.

« In 2016, the Committee on the Rights of the Child and a group of United Nations human rights experts, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples’ Rights and the Commissioner for Human Rights of the Council of Europe urged Governments worldwide to reform medical classifications and to adopt measures to prevent all forms of forced treatments and procedures on lesbian, gay, bisexual and trans persons.⁵⁶ The United Nations Development Programme developed an assessment tool to allow countries to consider whether and to what extent current laws, policies, regulations and practices enable access to gender recognition in a way that meets human rights standards. »¹⁴¹

In one of the previous sections of the analysis, there was mentioned that the UN system is the main global forum to promote the EU’s values and interests. In the same resolution (P8_TA(2015)0403), the Union declares:

« Europe needs global partners for solving its own problems in areas such as security, the protection of the environment, human rights, migration, safeguard of the right to asylum, and financial instability. »

Here, the EU has been asking for the help of the UN. The Union needs the UN to fix the regional problems but also to tackle the global problems. Most of the time, these regional problems, can only be tackled by handling the issue worldwide. In other words, this statement makes it clear that the EU is “screaming” for UN to reinforce them with their policy recommendations, resolutions, reports and strategies.

¹⁴¹ ‘Protection against violence and discrimination based on sexual orientation and gender identity : note / by the Secretariat’, *United Nations Digital Library*, New York, the Secretariat, 2018, <https://digitallibrary.un.org/record/1639754?ln=en>, (accessed 31 July 2021).

In many other resolutions of the European Parliament and strategies of the European Commission, for example the resolution on “Sexual orientation and gender identity at the UN Human Rights Council and the resolution on the “Fight against homophobia in Europe”, the European institutions mention “Having regard [the report/strategy/recommendation/resolution/statement] of [any UN body] ...”. By mentioning this at the beginning of a resolution, it seems that the EU is, while making their own resolutions and strategies, taking into account all the policy documents, decisions and actions of the UN. In this way, the international organization can and may have an influence on the actions and policies of the EU and is reinforcing these.

This section has as aim to confirm or disprove the following hypotheses: “The European Union and the United Nations reinforce each other’s policy on the issue of the rights of LGBTI people.” Out of the analysis, this hypothesis can be confirmed. The analyzed policy documents are giving several indications of mutual reinforcement. The UN is reinforcing the EU by speaking on their events, giving support and recommendations, establishing joint statements and providing tools. On the other hand, the EU is reinforcing the UN by working together with the international organization and by supporting the UN.

Conclusion

This conclusion provides a brief overview of the research regarding the mutual reinforcing of regionalism and global multilateralism in the case of the European Union as a permanent observer at the United Nations on the issue of human rights. The analysis has happened through the theoretical framework of the constructivist school of thought.

As the literature review has pointed out, researcher Karen E. Smith showed in her research that there has been a lack of research on the action of the EU in the UN on human rights. Therefore, this research wants to contribute by filling this gap by investigating what the contribution is of the EU in the UN and the contribution of the UN in the EU regarding that they possibly reinforce each other. Several concepts needed to be explained, like the concept of regionalism, multilateralism and global governance. They are all playing a role in this because the EU wants to be involved in the actions of the international organization in order to be able to tackle human rights and other issues on a global level.

In order to formulate an adequate answer on the following research question: “Are regionalism and global multilateralism mutually reinforcing? The case of the European Union as permanent observer at the United Nations on the issue of human rights, more specific on the issue of the rights of LGBT people. This research has first developed an answer to the questions related to the two objectives of this final dissertation. Therefore, a qualitative research methodology has been used, namely a content analysis of the policy documents of both organizations, the EU and the UN. These documents consisted out of reports, resolutions, notes, recommendations, meeting records and strategies, that were collected through the United Nations Digital Library system and through the resource list of the European Parliament’s LGBTI Intergroup.

The first objective asked the question: “How is the European Union promoting its position and interests within the United Nations on LGBTI rights?” During the analysis, extracts out of the documents have been categorized by a direct promotion or an indirect promotion of the interests and position of the Union. In a direct way, the Union was showing her support, expressing her concerns, giving her opinions and asking questions to the representatives/special rapporteurs/the President of the General Assembly. By asking questions, the EU can question the actions of the UN and possibly make a recommendation on how they would go about it. In this way, the Union can keep control over the subject and has she the possibility to adapt its own approach. A form of mutual reinforcement. The EU also had a direct involvement in meetings with the Independent Expert and other dialogues. The indirect way was visible through the data of the EU that has been used for several reports of the international organization, but also the fact that the UN sometimes uses the EU documents as a base for their own documents. The UN was also present on several EU activities, where they could know how the EU is dealing with the LGBTI issues. The UN could pick up ideas, and use this in their own policy. Also, non-Member States of the EU has got an influence, just as the European Member States. The hypothesis if the EU negotiates and intervenes according her own principles and guidelines in order to promote her position and interests in the UN has been confirmed in this dissertation.

The second hypothesis states that the European Member States are supporting the interests of the EU, and they promote involvement of the EU in the UN. This hypothesis cannot be confirmed. There are no or not enough cases within this research that confirm that the Member States of the Union are promoting the position of EU, but there are examples that they are supporting the interests of the EU. In the meeting record A/71/PV.65 Slovakia is speaking on behalf of the EU, further in the meeting the other European Member States declared that

they “align themselves with the EU”. In other cases, the European Member States are clearly expressing their own concerns and opinions, without saying if this was in line with their umbrella regional organization. Thus, the answer on how the European Member States are viewing the involvement of the Union in the UN stays unclear. Besides the fact that the Member States of the EU are “helping” to promote the position and the interests of the Union, they are also promoting the principles and values of the UN in the EU.

Nevertheless, it is obvious that they promote some of the values, principles and interests of the Union, but why should they promote the position of the EU within the UN? Like mentioned in the literature review, voices are rising for a reform of the UN. This reform can take form as a development in an organization made up of regions rather than all countries separate. Some voices just want a seat for the EU in the Security Council. Further research can look into the fact if Member States of the Union are preferring this or not. In my opinion, why should they prefer more involvement of regions like the EU when they, the Member States, are having all the power at the moment.

Coming back to the research question, both of these objectives have contributed to formulate and adequate answer to the main question of this dissertation. Taking into account all the above, mutual reinforcement is visible in the way in which the Union is promoting itself in the UN and the point of views of the European Member States. The EU is promoting herself and her interests in the UN, but so too is the UN in the EU. By providing tools for the EU, by being present at the EU activities to speak about the UN and to show support for the EU actions, by asking the UN or the EU to give input in their policymaking process and by giving recommendations, both organizations are clearly reinforcing each other. So the third, and also the main, hypothesis of this dissertation can be confirmed. The European Union and the United Nations are mutually reinforcing each other in a framework of regionalism, multilateralism and global governance.

The suggested documents have been analyzed through the perspective of the constructivist school of thought. This school of thought puts ideas and identity at the center by the formation of international relations. This theory will see international politics as a socially conditioned reality created via the identities and actions of actors which are influenced by ideas, norms, social interactions and structure. Within this final dissertation, the main idea is that both organizations are ‘contaminating’ each other with their norms, values and principles.

The analysis shows that this was the case. Like mentioned before, there are indications that are clearly showing forms of mutual reinforcement. Both organization have got an influence on each other, which can be seen as a contaminating of each other's behavior. They are working together in order to tackle the issue around the LGBTI rights

On the one hand, this research is based on a number of documents, but still, it is possible that not all the relevant resources haven been analyzed. This can be attributed to the limited scope of this final dissertation and the limited access of the research resources. Therefore, by a reconstruction of this research, a broader range of documents can be used, with possibly a broader set of hypotheses and data. As mentioned previously, a content analysis has been used to analysis the document. Within this methodological approach, I used some categories in order to categorize several extracts. Other researcher may expand these categories, which could result in a different and/or more comprehensive answer to the research question. Also, the extracts and quotes chosen in the analysis are sensitive for interpretation. I, as a researcher, can interpret these extracts differently than another researcher.

On the other hand, this research has attempted to contribute by the filling of the gap considered the EU action in the UN on human rights, there are still a lot of holes that need to be feed on this issue. Nevertheless, this research has focused on a small part of the gap, namely the rights of the LGBTI(Q) people. It is possible that the EU and the UN are not reinforcing each other on other human rights or other policy areas, like security or peace. Therefore, further research is recommended to fill up all the other gaps on for example, the civil and political rights and the economic, social and cultural rights of all people around the world.

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