

#SAFE4ALL LEGAL INITIATIVE

PRACTICE IN OTHER EU MEMBER STATES



INTRODUCTION




This document, part of the [#Safe4All](#) campaign, provides useful comparative information on how other EU Member States implement the concept of ‘safe country of origin’ with particular reference to countries criminalising LGBTIQ+ identities and/or behaviour.

We gathered this information from expert country reports published in the context of the Asylum Information Database ([AIDA](#)). For reasons of comparability and in order to show bad versus good practices, we chose to extract information for the following countries: **Italy, United Kingdom, Sweden, Spain, Portugal, France, The Netherlands, Greece, Germany.**

The list of countries not deemed safe for LGBTIQ+ persons is based on a 2020 ILGA list.

COMMENTS

The following observations may be made by merely glancing at the below data and charts:

-  Malta ranks second in terms of the percentage of its designated safe countries that criminalise LGBTIQ+ identities and/or behaviour. This means that Malta designates as ‘safe’ a relatively high number of countries that are dangerous for LGBTIQ+ persons.
-  Only a couple of other EU MS include the countries of origin Malta designates as safe, in their own lists of safe countries. This means that other EU MS do not consider these countries to be safe countries of origin.
-  The average percentage of countries that are dangerous for LGBTIQ+ persons designated as safe is 21%.

COUNTRIES DEEMED 'SAFE' IN OTHER EU MS

MALTA

Algeria, Bangladesh, Benin, Botswana, Brazil, Cape Verde, Chile, Egypt, Gabon, Jamaica, Ghana, Australia, Japan, India, Canada, Costa Rica, Morocco, New Zealand, Tunisia, Senegal, United States of America, Uruguay, EU Member States¹.

Total 'safe countries'	22
No. that criminalise LGBTIQ+	10
% that criminalise LGBTIQ+	45%

ITALY

Albania, **Algeria**, Bosnia and Herzegovina, Cape Verde, **Ghana**, Kosovo, North Macedonia, **Morocco**, Montenegro, **Senegal**, Serbia, **Tunisia**, Ukraine (temporarily suspended).

Total 'safe countries'	13
No. that criminalise LGBTIQ+	5
% that criminalise LGBTIQ+	39%

UNITED KINGDOM

Albania, Macedonia, Moldova, Bolivia, Brazil, Ecuador, South Africa, Ukraina, Kosovo, India, Mongolia, Bosnia-Herzegovina, **Mauritius**, Montenegro, Peru, South Korea, Serbia, **Ghana, Nigeria, Gambia, Kenya, Liberia, Malawi**, Mali, **Sierra Leone**².

Total 'safe countries'	25
No. that criminalise LGBTIQ+	8
% that criminalise LGBTIQ+	32%

¹ Since EU law deals with applications from nationals of EU Member States under specific legislation, these are excluded from the total count for this document.

² The last 8 countries are deemed by the UK to be safe for men.

SWEDEN

Bosnia and Herzegovina, Georgia, Mongolia, Albania, Chile, Kosovo, North Macedonia, Serbia.

Total 'safe countries'	8
No. that criminalise LGBTIQ+	0
% that criminalise LGBTIQ+	0%

SPAIN

In Spain there is no widespread practice on the use of the 'safe country of origin' concept.

Total 'safe countries'	0
No. that criminalise LGBTIQ+	0
% that criminalise LGBTIQ+	0%

PORTUGAL

Portugal has not introduced legislation allowing for the designation of safe countries of origin.

Total 'safe countries'	0
No. that criminalise LGBTIQ+	0
% that criminalise LGBTIQ+	0%

FRANCE

Albania, Armenia, Bosnia-Herzegovina, Cape Verde, Georgia, India, Kosovo, North Macedonia, **Mauritius**, Moldova, Mongolia, Montenegro.

Total 'safe countries'	12
No. that criminalise LGBTIQ+	1
% that criminalise LGBTIQ+	8%

THE NETHERLANDS

Albania, Armenia*, Bosnia-Herzegovina, Brazil*, Georgia[!], **Ghana[!]**, India[!], **Jamaica***, Kosovo, The Republic of North Macedonia, **Morocco[!]**, Mongolia[!], Montenegro, **Senegal[!]**, Serbia[!], Trinidad and Tobago*, **Tunisia***, United States of America, Ukraine[!], United Kingdom³.

Total 'safe countries'	20
No. that criminalise LGBTIQ+	1
% that criminalise LGBTIQ+	5%

GREECE

Ghana, Senegal, Togo, Gambia, Morocco, Algeria, Tunisia, Albania, Georgia, Ukraine, India, Armenia, **Pakistan, Bangladesh**, Benin, Nepal, Egypt.

Total 'safe countries'	17
No. that criminalise LGBTIQ+	9
% that criminalise LGBTIQ+	53%

GERMANY

Ghana, Senegal, Serbia, North Macedonia, Bosnia-Herzegovina, Albania, Kosovo, Montenegro.

Total 'safe countries'	8
No. that criminalise LGBTIQ+	2
% that criminalise LGBTIQ+	25%

³ * = Some groups, including LGBTIQ+ applicants, are nonetheless processed under the regular procedure. For the purposes of this document, these countries are **not** included in the list of countries deemed safe for LGBTIQ+ applicants.

[!] = Some groups, including LGBTIQ+ applicants, are considered as needing special attention, yet are processed in the accelerated procedure. For the purposes of this document, these countries are included in the list of countries deemed safe for LGBTIQ+ applicants.

MALTA'S 'SAFE' COUNTRIES IN OTHER EU MS

