

LGBTIQ HUMAN RIGHTS • POLICY BRIEF

LGBTIQ-INCLUSIVE GENDER-BASED VIOLENCE LAWS

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KEY POINTS

- States have an obligation to **prevent, address, and remedy** gender-based violence — especially for communities most at risk.
- Gender-based violence laws must protect everyone regardless of sexual orientation, gender identity, gender expression, or sex characteristics, and enforcement mechanisms should include **non-discrimination provisions**.
- Gender-based violence laws should be comprehensive, survivor-informed, intersectional, and prevention-focused, addressing **structural inequalities, social norms, and the stigma that fuels violence**.
- Lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people experience general forms of gender-based violence as well as **identity-specific harms**, including conversion practices, intersex genital mutilation, and bias-motivated physical and sexual violence.
- Legislation on violence against **women and girls** is inadequate in addressing some forms of gendered violence.
- States should establish **training and accountability** mechanisms for police, health care providers, and other first responders to eliminate discriminatory practices and support consistent, inclusive responses to gender-based violence.

What constitutes gender-based violence?

Gender-based violence is any type of violence that is perpetrated against a person or group of people because of their actual or perceived sex, gender, sexual orientation, and/or gender identity.¹

In practice, this reflects how strict gender expectations and patriarchal power systems create pressure to conform, leading to physical, emotional, economic, or other forms of harm.

Gender-based violence involves acts directed at individuals based on gender and stereotypical roles attached to gender, disproportionately affecting women, girls, and LGBTIQ people of all genders. It occurs in both public and private spheres and can take place online as well as offline.

Gender-based violence is broader than “violence against women and girls” as it captures all violence rooted in gender norms, power hierarchies, and punishment of gender non-conformity. While women and girls face disproportionate harm, gender-based violence also affects LGBTIQ people of any gender whose identities challenge dominant expectations.

Limiting the definition to violence against women overlooks these experiences and obscures the structural inequalities that produce gendered violence across different populations.

How does gender-based violence impact LGBTIQ people?

All acts of violence that target people because of their real or perceived sexual orientation, gender identity, gender expression, or sex characteristics are forms of gender-based violence. This includes all instances of bias-motivated physical and sexual assault.

Two forms of gender-based violence that specifically impact LGBTIQ people are not typically captured in standard metrics of gender-based violence.

- 1) Intersex genital mutilation and other non-consensual, medically unnecessary interventions on intersex children to enforce binary sex norms.

2) Conversion practices, which aim to forcibly change a person's sexual orientation, gender identity, or gender expression.²

Like other people, LGBTIQ people experience domestic violence, including at the hands of family members, intimate partners, and former partners. Domestic violence laws often fail to account for non-heterosexual relationships.

Outright's 2022 **research on domestic violence laws in 10 Asian countries** found that most countries' laws were gender-neutral, but they often contained relationship and cohabitation requirements that could limit access to justice for LGBTIQ survivors. In two countries in the study, India and the Philippines, domestic violence laws are only applicable to female victims, excluding many queer, trans, and intersex people.³

Why do inclusive gender-based violence laws matter?

Some existing gender-based violence laws only provide access to justice for victim-survivors who are women and girls. These laws risk excluding ⁴ many LGBTIQ individuals from justice.

Inclusive gender-based violence laws matter because they ensure protection for all people regardless of sex, gender, sexual orientation, gender identity, or sex characteristics, addressing the full spectrum of harm caused by rigid gender norms and systemic discrimination.

When laws acknowledge the diverse realities and experiences of different people, such as LGBTIQ individuals, people with disabilities, migrants, or others facing multiple forms of discrimination, they become tools not only for responding to violence but also for challenging the underlying inequalities, biases, and gender norms that cause violence in the first place. Inclusive legal frameworks enhance access to justice, promote state accountability, and signal that no one is invisible in the fight against

gender-based violence. They strengthen prevention and resilience in societies committed to human rights for all.

Persons of diverse SOGIESC [sexual orientation, gender identity and expression, and sex characteristics] are subjected to gender-based violence as a punishment for noncompliance with prescribed gender behaviors and attributes. As such, the definition of gender is inseparable from the experience of persons of diverse SOGIESC.

– Outright International, submission to the International Criminal Court on its Gender ⁵ Persecution Policy Paper, 2022

What does international human rights law say?

States' obligations to address gender-based violence stem from foundational human rights treaties at the international and regional levels. These frameworks establish gender-based violence as a human rights violation and set out the legal duties states must fulfill to prevent harm, protect survivors, and address the inequalities that enable violence.

I. Global Treaties and Frameworks

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): The CEDAW Committee's **General Recommendation 35** establishes that gender-based violence is a form of discrimination. It requires states to exercise due diligence to combat discriminatory gender stereotypes and address violence against all women, with an evolving interpretation that includes lesbian, bisexual, and transgender women.⁶ However, because this framework applies only to women, even with an inclusive understanding of who is considered a woman, it does not fully capture gender-based violence experienced by people of diverse sexual orientations, gender identities or expressions, and sex characteristics, who fall outside this category.

Convention against Torture: The Committee against Torture emphasizes that sexual and gender-based violence can be a form of torture or cruel, inhuman, or degrading treatment, requiring action from states.

International Covenant on Civil and Political Rights: Requires that governments promote and protect rights, including the right to be free from violence, for all people, without discrimination.

The **Yogyakarta Principles** on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (2006, and updated as YP +10 in 2017 to also cover gender expression and sex characteristics), which provide an authoritative interpretation of international human rights law as it pertains to people of queer experience, requires states to prevent, investigate, and remedy violence based on sexual orientation, gender identity and expression, and sex characteristics.⁷

II. Regional Conventions and Protocols

Inter-American Convention of Belém do Pará (Latin America): The first legally binding treaty in the world to specifically recognize violence against women as a violation of human rights and a form of discrimination, requiring states to prevent, punish, and eradicate such violence.

Istanbul Convention (Europe): Establishes state responsibilities regarding prevention, protection, prosecution, and policy coordination.

Maputo Protocol (Africa): Requires states to protect women from violence and harmful practices, including through efforts to modify social and cultural patterns.

Resolution 275 of the African Commission on Human and Peoples' Rights calls on states to enact laws to prohibit and punish "all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities."

Together, these treaties and instruments establish five categories of state obligations regarding gender-based violence that can be synthesized as "the five Ps": — **prevent** gender-based violence,

protect persons at risk and survivors, **prosecute** perpetrators, **provide** remedies, and **promote** equality in order to address underlying causes.

To meet these obligations, states must ensure that gender-based violence laws and policies protect all survivors, including those targeted because of their sexual orientation, gender identity, gender expression, or sex characteristics.

How can states regulate and enforce inclusive gender-based violence laws?

To regulate and enforce inclusive gender-based violence laws effectively, states must establish clear legal standards that prohibit all forms of gender-based violence, including violence based on sexual orientation, gender identity, gender expression, and sex characteristics. **Enforcement requires repealing discriminatory laws**, including laws that criminalize consensual same-sex conduct or gender nonconformity, which act as barriers to access to justice. States should ensure that national gender-based violence frameworks are cognizant of the fact that, although violence committed by cisgender men against women is the most prevalent form of gender-based violence, perpetrators and survivors may be of any gender. They should ensure that no language in gender-based violence laws and policies intentionally or inadvertently excludes LGBTIQ people from protection. States should also be attentive to the particular forms of violence that disproportionately impact LGBTIQ people, such as bias-motivated attacks, intersex genital mutilation, and coercive conversion practices.

States should create independent oversight bodies and specialized law enforcement units trained to identify and respond to bias-motivated and gender-based crimes. Judicial systems must provide equal access to justice through survivor-centered, trauma-informed, and non-discriminatory procedures. **Collaboration with civil society organizations**, including feminist and LGBTIQ groups, through formal mechanisms such as advisory councils, community monitoring bodies, or structured consultations, is essential to ensure ongoing oversight, accountability, and survivor-responsive implementation.

How can states protect survivors and recognize intersectionality in gender-based violence policies?

Effective gender-based violence prevention and response must be grounded in survivor-informed and intersectional approaches that center the lived experiences, agency, and dignity of those most affected. A survivor-informed framework recognizes that survivors across diverse genders, sexual orientations, abilities, and socio-economic backgrounds are experts in their own lives. Their perspectives should shape law, policy, and service delivery, ensuring measures are responsive, accessible, and non-discriminatory.

An intersectional approach acknowledges that gender-based violence does not occur in isolation but is compounded by factors such as race, class, disability, migration status, and age. For people of queer experience, violence is often intertwined with stigma, criminalization, and systemic exclusion. Inclusive policies must address the gender norms and power hierarchies that fuel violence not only against cisgender, heterosexual women but also against queer, trans, and intersex ⁸ people of all genders.

States should therefore support community-led initiatives, fund survivor-driven organizations, and adopt data collection frameworks that capture intersecting forms of discrimination. States must also guarantee non-discriminatory access to shelters and support services for all survivors, including trans people. Integrating a survivor-centered approach transforms survivors from passive recipients into active partners in shaping and implementing gender-based violence policies.

What are some best practices that states can follow?

South Africa, Canada, Australia, and Saint Lucia offer valuable examples of how national frameworks can recognize the diverse experiences of survivors. These countries demonstrate that inclusive laws and policies strengthen protection and access to justice while helping transform social norms and institutional practices that perpetuate inequality.

South Africa's National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF) 2020–2030 represents a significant policy effort to address gender-based violence ⁹ through an inclusive and intersectional lens. The Plan presents a vision of “A South Africa free from gender-based violence directed at women, children, and LGBTQIA+ persons.”¹⁰ It explicitly recognizes the diverse experiences of survivors, referring to “women across age, sexual orientation, sexual and gender identities, and specific groups such as trans women.” It emphasizes coordinated state action, survivor-centred services, and accountability mechanisms across justice, health, and community sectors.

Canada's National Action Plan to End Gender-Based Violence (2022) demonstrates a survivor-informed and intersectional approach by explicitly recognizing the experiences of 2SLGBTQI+ communities, Indigenous women, persons with disabilities, and migrants.¹¹ The plan was co-developed with survivors, service providers, and civil society organizations. It commits to survivor-centered services that respect autonomy, safety, and cultural identity while addressing the root causes of gender-based violence through education, prevention, and inclusive justice responses. This participatory, inclusive model positions survivors as partners in policy design rather than passive beneficiaries.¹²

The safety and well-being of victims and survivors are at the center of the National Action Plan to End GBV in recognition that they are the experts in their own personal experiences, with diverse backgrounds and needs.

– Government of Canada, Canada's National Action Plan to End Gender-Based Violence

Australia's National Plan to End Violence against Women and Children 2022–2032, while its title is limited to Women and Children, acknowledges that gender is a social construct, that “LGBTIQ+ populations are impacted by gendered violence,” and explicitly includes “the experiences and needs of LGBTIQ+ people of all genders.”¹³ A section on

Gender-based violence against LGBTIQ+ people acknowledge the root causes of gender-based violence, including “cisgenderism and heteronormativity, and the stigmatisation of bodies that do not fit medical and social norms,” making it one of the few national plans on gender-based violence that Outright is aware of that explicitly recognizes that subjecting intersex people to coercive medical interventions is a ¹⁴

In the Caribbean, **Saint Lucia**’s Domestic Violence Act, 2022¹⁵ is the first explicitly LGBTIQ-inclusive domestic violence law. The Act adopts gender-neutral terminology throughout, defining “spouse,” “cohabitant,” “partner,” “child,” “respondent,” and “applicant” in ways that apply equally to people regardless of gender, including those in same-sex relationships. The act also covered the legal obligation for public officers, police, and service providers to offer protection without discrimination based on sex, gender, marital status, sexual orientation, or gender identity.¹⁶

What should states do to promote inclusion in gender-based violence laws?

- Repeal discriminatory laws and policies that penalize consensual same-sex relations or gender expression, as these laws legitimize harmful gender norms and enable violence and discrimination, undermining state obligations to protect all citizens.
- Ensure that gender-based violence laws do not include language that could be interpreted to exclude queer, trans, nonbinary, and intersex people from protection.
- Ensure that gender-based violence legislation includes non-discrimination language protecting access to justice for persons of all sexual orientations, gender identities, gender expressions, and sex characteristics.
- Prohibit medical abuses of intersex children and coercive or forced conversion practices, both of which are forms of gender-based violence.
- Ensure all law enforcement officers, including police, judicial, and forensic personnel, receive mandatory, continuous training on

gender-based violence prevention and response that explicitly includes sexual orientation, gender identity and expression, and sex characteristics.

- Invest in education and public awareness initiatives that challenge misogyny, homophobia, transphobia, and intersexphobia. Promote positive, inclusive understandings of gender and sexuality from early education onward.
- Ensure survivor-centered implementation by creating trauma-informed, rights-based, and accessible mechanisms that prioritize survivors’ safety, confidentiality, and autonomy, especially for marginalized people.
- Strengthen accountability and data systems by collecting and analyzing disaggregated gender-based violence data that accounts for the expressions of LGBTIQ people, in order to guide inclusive policy development, monitor progress, and ensure evidence-based responses.
- Partner with civil society and survivor-led groups, including feminist and LGBTIQ organizations, in designing, implementing, and evaluating gender-based violence laws and policies to ensure they reflect real-world needs and promote systemic equality.

ENDNOTES

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- 8 Ghoshal, "What Gender-Based Violence Looks Like."
- 9 Republic of South Africa, NSP-GBVF 2020–2030. <https://www.thepresidency.gov.za/sites/default/files/2022-05/NSP%20GBVF%202020-2030P-FINAL.pdf>
- 10 LGBTQIA+ refers to lesbian, gay, bisexual, trans, queer, intersex, and asexual people and other identities along spectrums of sexual and gender diversity.
- 11 In Canada, 2SLGBTQI+ refers to "Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse people."
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- 13 Australian Government, Australia's National Plan to End Violence against Women and Children 2022–2032, <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>
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ABOUT OUTRIGHT INTERNATIONAL

Outright International works together for better LGBTIQ lives. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality.

Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, governments, humanitarian and development institutions, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

**Together, for better LGBTIQ lives.
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