



Global Thematic Consultation on Addressing Inequalities

Summary Report of the E-Discussion on Development and Rights of LGBTI people

“The discussion of development and rights of LGBTI should start with the understanding that [LGBTI rights] are basic human rights, inseparable from the rights of other humans, and [that human rights are] merely a privilege if not enjoyed by all” Fran Luke

Synopsis Lesbian, gay, bisexual, transgender and intersex (LGBTI) people are susceptible to a range of human rights violations, including violations of their rights to life, to privacy and to freedom from arbitrary arrest and detention. Many experience discrimination in accessing housing, health care, education and employment. These and related abuses contribute to the marginalization and impoverishment of LGBTI people, depriving them of opportunities to contribute

Box 1: Key Recommendations to States

- **Repeal** all discriminatory laws and policies that affect the enjoyment of human rights by LGBTI people. These include laws that criminalize adult consensual same-sex relationships, as well as laws that attach onerous conditions to sex reassignment surgery or to the issuance of identity documents that reflect a person's preferred gender.
- **Enact** comprehensive anti-discrimination legislation that includes discrimination on grounds of sexual orientation and gender identity among prohibited grounds.
- **Include** a commitment to address discrimination, including on the basis of sexual orientation and gender identity, in the proposed, revised post-2015 development goals to be agreed in the coming year.
- **Establish** a United Nations human rights mechanism to monitor and report systematically on violence, discrimination and related human rights violations affecting individuals on the basis of sexual orientation and gender identity.

to social and economic development. Tackling violence and discrimination against LGBTI people is integral not ancillary to the goal of equitable, inclusive and sustainable development.

Introduction As part of the Global Thematic Consultation on Addressing Inequalities, UN Women and UNICEF convened a global e-discussion on development and rights of LGBTI people, in collaboration with the Office of the UN High Commissioner for Human Rights (OHCHR) and the LGBTI equality network ARC International. With nearly 1,700 people joining the forum, and hundreds engaging actively from all over the world, the e-discussion marked a significant moment: the first time an open UN-hosted debate of this kind had been held on inequalities affecting LGBTI people and the associated impact on development opportunities.¹

The e-discussion confirmed that the **widespread discrimination experienced by LGBTI people is an obstacle to development** overall, and that LGBTI perspectives should be integrated into any future international development goals. As Ricardo Baruch of YouthCoalition.org wrote: *“...LGBT issues could and should be included as a cross-*

cutting issue for the Post-2015 agenda in aspects such as education (including information about sexual orientation and gender identity in school curricula), employment (non-discrimination on grounds of [sexual orientation and gender identity]), health (access to services and health promotion for LGBT people) and participation (enabling an environment where LGBT organizations can exist and promote their human rights).”

Inequalities faced by LGBTI peopleⁱⁱ

Violence and discriminatory attitudes

“Violence resulting from homophobia and transphobia is a daily reality and ongoing fear for many LGBTQ people across the world” Anna Penner. A great number of the e-discussion participants identified physical violence as one of the most serious and widespread forms of rights violation faced by LGBTI people, leading to increased inequalities. Lesbian, and bisexual women and trans people are

particularly exposed to sexual and gender based violence, with bisexual and gay men also at risk. The use of so-called “corrective rape” of lesbian women, in which women are raped, sometimes with the complicity of family-members, in the belief it would ‘turn them heterosexual’, is one such egregious example.

Verbal and psychological violence, as well as bullying and threats, was also pinpointed as a significant problem. More structured forms of psychological violence were also mentioned, such as therapy attempting to turn homosexuals into heterosexuals, which can be especially harmful for young people. Suicide was mentioned as another consequence of bullying and violence.

Discriminatory laws

“Change the laws that criminalize me and punish the real criminals who harass me, beat me, discriminate against me, and those who treat me as second a class citizen.”*Bedayaa Organization for LGBTIQ, Egypt.* The legal frameworks regarding sexual orientation and gender identity vary widely from country to country. In the best cases, countries protect the rights of LGBTI people through anti-discrimination laws that expressly include sexual orientation and gender identity, and laws that facilitate gender recognition without imposing other forms of rights violations on trans people. In the worst cases, national legislations consider same-sex relations a criminal offence, even punishable by death in a few countries. In some cases, transgender persons are subject to sterilization or other requirements as a prerequisite to government recognition of their gender identity. The censorship of any activity associated with LGBTI activism or identity, including public mentioning of homosexuality, or “propaganda” of homosexuality as some laws and bills call it, also leads to the denial and violation of a range of human rights, including freedom of expression, association and assembly. This restricts the ability to raise awareness about LGBTI people in the media and other fora and it limits the possibility for LGBTI people to enjoy an equal and adequate level of development.

There are a number of countries where laws are ambiguous and implemented according to the discretion of a judiciary that often has little or no knowledge of sexual orientation or gender identity issues, and who may base their judgments on misconceptions and prejudice. This is why same-sex relations do not only have to be decriminalized, but laws which proactively protect and promote the rights of LGBTI people need to be adopted.

National anti-discrimination laws that are compliant with international human rights standards are necessary but

insufficient. *“We must change laws, obviously, but we must also build societies that acknowledge and welcome difference”* (Alli Jernow). Implementation of legal protection is essential to translate the policies into practice to make a difference in the lives of LGBTI people.

Discrimination in access to education, health and basic services

“The most notable forms of inequality hindering development particularly with regard to the trans/gender community globally are limited access to housing, health care, education, employment, even water. These are basic human rights.” *Fran Luke.* Discriminatory attitudes and laws create insecurity, marginalization and many times lead to LGBTI people falling out of school and the labor market, and getting limited access to basic services and health care. *“When people face stigma and discrimination based on their sexual orientation or gender identity they are forced ‘out of sight’, limiting the opportunities to participate and contribute to society”* (A Nielsen). This also limits their voice, participation and agency, and their access to political and other decision-making fora. Discrimination based on sexual orientation and gender identity often leads to higher rates of illiteracy, unemployment and forced prostitution for LGBTI people, leading to denial of other rights, opportunities, resources and development.

These human rights violations also deny LGBTI people the possibility to be an active part in development by being kept out of education, of the work force or even forcing them to leave their country altogether. This can result in a brain drain in communities that sorely need all capacities at hand to boost both social and economic development.

Sexual and reproductive health was mentioned as an area where LGBTI people experience an extreme level of discrimination of access to services, including exclusion from HIV/AIDS prevention and care. Participants also noted that the health care needs will vary widely between lesbians, gay men, bisexuals and trans people, which is why a greater understanding and information is needed among care providers. Especially transgender, lesbian and bisexual women have reproductive and sexual health needs that are often unmet in relation to issues such as sexual violence and reproduction. *“There is a global culture of silence that seeks to enforce ignorance about sex, sexuality and sexual and reproductive health among women – this remains true in the case of [women who have sex with women]”* (Anna Boelens).

Participants underlined the situation of trans persons and harmful medical practices in regard to intersex people, especially children who are extra vulnerable to non-consensual medical treatment such as genital-normalizing

surgery. The limited access to sexual education was also pointed out as especially harmful for the LGBTI community.

Culture, religion and tradition

Although many people of faith support equality for LGBTI people, and many LGBTI people themselves hold sincere religious beliefs, religion and tradition were specifically identified as potential obstacles to the realization of LGBTI rights. Homosexuality is a taboo in some societies, and religion and religious texts are often invoked as pretexts for homophobia.

The e-discussion focused especially on how to counter these arguments, representing two main lines of thought: to the value of appealing to broader messages reflected in most religions such as love, respect and justice, and the importance of examining religious texts from a progressive perspective to illustrate that there are alternative interpretations which do not disapprove of homosexuality and transgender identities.

The global culture of patriarchy and hetero-normativity was mentioned by many participants as a root cause of homophobia and transphobia. It was also pointed out that the term "traditional values" is increasingly being used to justifying the denial of many rights, especially of women (irrespective of their sexual orientation) and of LGBTI people.

Several participants pointed out that culture and traditions are dynamic and changeable. Some of the countries that are now at the forefront of LGBTI rights at the international level used to be exporters of anti-homosexuality laws through *"the huge role that colonialism and the imposition of values has played in perpetuating homophobia, transphobia, hatred and violence"* (Anna Penner). A strong civil society for LGBTI rights was underlined as a resource to influence culture, as well as the important forces of change constituted by the internet and social media. *"LGBTI people across Africa have increased access to resources and community support, with help from improved technology and social media"* (Kate Muwoki, IGLHRC Africa).

Comments highlighted that religious practices and views depend on socio-cultural contexts, and that there is a need for greater visibility of religious scholars who believe in the principles of human rights and who can provide inclusive interpretations of Holy texts. *"...the vast majority of humankind in every tradition, culture or religion values fraternity, respect, dignity and equality as foundational. The discourse on LGBT issues should be framed and made to appeal on these bases for the development agenda to progress beyond mere aspirations"* (Vivek Divan, UNDP).

Strategies, policies and initiatives designed to address inequalities experienced by LGBTI people

Decriminalization and legal protection

***"For any development agenda to be effective, anti-discrimination and anti-violence efforts must be well integrated."* Cynthia Rothschild.** Systematic problems need systematic solutions – this was a clear conclusion for action of the e-discussion. This means to repeal laws that have a discriminatory impact on LGBTI people, such as laws that criminalize individuals for engaging in adult, consensual same-sex sexual conduct, withhold legal recognition of same-sex relationships, or attach onerous and unjustified conditions to the issuance of identity documents that reflect a person's preferred gender. States also need to enact comprehensive anti-discrimination legislation that includes discrimination on grounds of sexual orientation and gender identity among prohibited grounds.

Where there is a clash between human rights laws and the local culture, it is essential that LGBTI people receive the protection they are entitled to. No State should be able to hide behind customary law or "traditional values" to avoid protecting minority rights.

Education and awareness-raising

***"I think one clear step forward for everywhere is awareness-raising and education. As we all know, it is much harder to break down already formed prejudice than to raise open-minded people."* Kathryn Tobin.** The discussion repeatedly pointed to the need for awareness-raising and education as a means to create visibility and greater acceptance of LGBTI people among the general public. Specific sectors that were highlighted for the beneficial effects such education would have included law enforcement, judiciary, penitentiary and other security sector institutions, and government officials and diplomats working with regional and international human rights mechanisms. The media was also pin-pointed as a sector that has enormous influence in relation to how LGBTI people are portrayed, by either reaffirming stereotypes and hence maintaining structural discrimination, or by providing positive role models. For this reason, LGBTI awareness-raising for journalists and other media professionals was identified as an area where education and training could have tangible positive effects.

In addition, participants felt that school curricula should include gender and sexualities education that provides information on LGBTI in an inclusive and objective manner. Information pertaining to sexual orientation and gender identity should be integrated in other parts of the curriculum

where relevant, and human rights education should include non-discrimination on the basis of sexual orientation and gender identity. “Teaching children, adolescents and young people about [sexual orientation and gender identity] does not mean “promoting” homosexuality, instead that it is a part of human sexuality that is natural and must be respected” (Suzy, Youth Coalition, Zambia). Politicians have an essential role in ensuring access to funding for such awareness-raising and for including LGBTI perspectives in development more broadly.

Gathering data and monitoring hate crimes

“Specifically, we call on the United Nations to appoint a special rapporteur to regularly report LGBT human rights protection progress and to document discrimination across all nations.” Aibai Culture & Education Center, China. The vulnerable and marginalized situation of LGBTI people in many countries, whether due to penalizing laws, ostracizing attitudes or both, make hate crimes against LGBTI people less visible than violent crimes against other targeted groups. LGBTI people may refrain from reporting assaults, and ignorance and/or homophobia and transphobia may result in under-reporting of such crimes.

Data on hate crimes against LGBTI people is very sketchy and calculated on the basis of too little existing data. Considering the many testimonials of hate crimes against LGBTI people, there is a clear need to start monitoring hate crimes and human rights violations against LGBTI people internationally, in a structured and more consistent manner, to better understand the situation globally and identify what measures are needed in countries across the world. Participants stated that there is a need for more disaggregated data on violence against both men and women with respect to sexual orientation and gender identity, and called for the creation of a new UN human rights mechanism, such as a Special Rapporteur, with the mandate to monitor the human rights situation of LGBTI people.

Key Recommendations to States

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About this discussion The discussion was moderated by Toiko Kleppe, OHCHR and John Fisher and Kimberly Vance from ARC International.

ⁱAt the time of writing, 3,504 people had signed up to the Addressing Inequalities site, 101 comments were posted on the LGBTI discussion.

ⁱⁱNote: Brackets indicate where a change or insertion was made within a quote.