

LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

Excerpt from the
UNDG Guidance Note on Human
Rights for Resident Coordinators
and UN Country Teams

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UNITED
NATIONS
DEVELOPMENT
GROUP

Lesbian, Gay, Bisexual and Transgender Persons

Key points and messages that the Resident Coordinator should know about the issue

- The UN has called for States to fulfill their obligations under international human rights law to end violence and discrimination against lesbian, gay, bisexual and transgender people.
- Laws that criminalize consensual relations between adults of the same sex, that criminalize cross-dressing, that place discriminatory restrictions on public discussion of the rights of LGBT persons or the work of LGBT organizations and human rights defenders, all violate international human rights standards and the UN calls for their repeal.
- Public prejudice against LGBT persons can never justify such laws; rather, it requires States to take specific measures to protect LGBT persons from violence and discrimination and to overcome such prejudice through public education.
- The UN should stand up for the human rights of everyone, without discrimination, including on the basis of sexual orientation and gender identity—this is one of the UN pillars.
- Prejudice, discrimination and violence against LGBT persons have a broad impact on human rights as well as public health, including on the ability of LGBT persons to access prevention and health care services.

Relevant international standards

- The HRC and the General Assembly have both adopted [multiple resolutions](#) condemning violence and discrimination against LGBT persons.
- Key obligations of States under international human rights law are summarized in the OHCHR booklet, [Born free and equal](#).
- OHCHR [Fact Sheets](#) clarifying relevant international standards.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The RC and Country Team can take action to protect and promote the rights of LGBT persons in every context where these rights are violated, even where it is prohibited or restricted by social or religious custom (i.e. taboo) and subject to criminal sanctions; it is a matter of adopting an effective strategy that is adapted to the local context.
- They can publicly and privately advocate with national authorities and other stakeholders for greater respect for the human rights of LGBT persons:
- In Papua New Guinea, members of the UN Country Team members wrote a letter to the editor of a national newspaper to respond to negative comments with regard to LGBT persons.
- They can support public anti-discrimination initiatives, such as the [UN Free & Equal campaign](#), which challenge stereotypes and stigma and raise awareness of human rights violations faced by LGBT persons. RCs have supported national Free & Equal events, including in India.
- The RC and UN Country Team can encourage and coordinate the team's responses to emergencies (e.g. to arrests and attacks) as well as technical assistance to national stakeholders (e.g. review of legislation; briefings to Parliament; training of law enforcement officers, members of the judiciary, officials, members of CSOs; implementation of UN and UPR recommendations; policy guidance; support to NHRIs):

- In Uganda, the UN Country Team advocated with the government, parliament and other stakeholders with regard to the incompatibility of the Anti-Homosexuality Bill with UN human rights standards and public health recommendations, based on an analysis of the law carried out by OHCHR and UNAIDS;
- In Jamaica, the RC issued a [press release](#) condemning the homophobic murder of a transgender teenager;
- In Ecuador, with the support of the OHCHR Human Rights Adviser to the UN Country Team, the UN provided [technical assistance](#) to an inter-ministerial task force on addressing violence and discrimination against LGBT persons.
- They can support capacity-building of UN staff and national stakeholders on this issue: In Cambodia, the RC supported the work by OHCHR and UNDP to produce a [national study on discrimination and violence faced by LGBT persons](#) and to organize the first national LGBT community dialogue on the issue.

Support and tools available from the United Nations system

- [UN Free & Equal campaign](#). OHCHR can provide assistance, materials, and templates for national launches and other campaign activities, and small grants to support associated costs;
- OHCHR is developing a training manual based on the guidance documents mentioned above;
- OHCHR can provide limited support in the context of reviewing legislation and providing technical assistance to national stakeholders;
- OHCHR has produced a summary of the work of the UN system to combat discrimination and violence against LGBT persons, and this work can be leveraged by RCs: ‘[The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity – A Programmatic Overview](#)’
- [Joint UN statement on ending violence and discrimination against lesbian, gay, bisexual, trans-gender and inter-sex people](#) (ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP, and WHO).