



SYNOPSIS



INTERNAL GUIDANCE NOTE: STRENGTHENING PROGRAMMING AND ADVOCACY ON THE RIGHTS AND EMPOWERMENT OF LGBTI PEOPLE

Sao Mimol (left) kisses her partner in front of the pride flag during a workshop in Takeo Province, near Phnom Penh, Cambodia, 2016. Photo: UN Women/Mariken Harbitz.

The Internal Guidance Note on strengthening programming and advocacy on the rights and empowerment of LGBTI people¹ was written in 2018 to support UN Women staff to integrate LGBTI rights into programming and advocacy.

It highlights challenges faced by LGBTI individuals and groups, discusses intersectionality, describes the international and regional human rights standards that create a framework for this work, and proposes directions for programming and advocacy.

Issues faced by LGBTI individuals and groups

In each of the areas in which UN Women works, the rights of LGBTI people are affected in specific ways. Understanding what the issues are is the first step to addressing them.

At a broad level, LGBTI people lack legal and policy protection in the face of laws that criminalize consensual same-sex sexual activity and in some countries, violence and discrimination that is officially condoned or encouraged by governments.

Their freedom of expression, association and assembly is often violated, with crackdowns on gatherings, abuse towards LGBTI rights defenders, and censorship.

Across sectors, LGBTI people face specific challenges. These examples highlight the connections between LGBTI rights and critical areas of UN Women's work. They are to prompt analysis and deeper thinking.

- Economic empowerment: LGBTI people may face discrimination based on SOGIESC in hiring and once hired and be excluded from workplace benefits.
- Education: Bullying and discrimination may lead to LGBTI youth leaving school early, affecting their life prospects and economic opportunities.
- Violence: LGBTI people are subject to hate speech, hate crimes, gender-based violence and murder at disproportionately high rates.
- Peace and Security and Humanitarian Action: LGBTI people may suffer discrimination in access to relief efforts and face risks to health and safety in refugee camps.
- Health: Intersex children have forced and involuntary surgery, treatment and sterilization. Transgender women and gay men are dramatically more likely to become infected with HIV. Discrimination can reduce access to HIV prevention, testing, treatment and care.

UN Women can include LGBTI people in all areas of its work and should apply specific analysis to how LGBTI people are impacted in each area.

“LGBTI people’s inclusion and human rights are strong imperatives for UN Women’s gender equality mandate.”

¹ While the guidance note uses the initials LGBTI, UN Women currently proposes using LGBTIQ+.

Intersectionality

UN Women finds it essential to apply an intersectional approach to all its work as part of a gender equality agenda. Intersectional analyses of the nuances of human identity and the power dynamics that underpin human experience highlight the multifaceted and intersecting forms of discrimination that women, girls, transgender, non-binary and gender non-conforming people face, as well as the frequent overlaps between these groups.

This approach shows both why LGBTI people should be included in the work of UN Women—because, for example, a woman may be lesbian or bisexual, and these identities are interlinked—and how to ensure that women are understood in all their complex dimensions.

In all its work, UN Women should recognize the multifaceted and intersecting forms of discrimination that individuals and groups face, as well as the intersecting parts of their identities and the context.

Human rights standards and bodies

International norms apply to LGBTI rights. While the Universal Declaration of Human Rights recognizes that the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world, it has taken decades for international bodies to include LGBTI people as part of the human family and therefore deserving of rights.

While none of the 10 core international human rights treaties explicitly mention sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC) as prohibited grounds of discrimination, this has been consistently held by general recommendations, comments and concluding observations, UN human rights treaty bodies and in their application in law. For example:

- General recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) that include SOGI among prohibited grounds of discrimination.
- UN Special Procedures, in reports of the Special Rapporteurs on violence against women and on trafficking in persons especially in women and children.
- As of June 2017, 1,206 recommendations related to SOGI had been made to States through the Universal Periodic Review (UPR) process.
- Human Rights Council resolutions on violence and discrimination based on SOGI.

- The 2007 Yogyakarta Principles on the Application of International Human Rights Law in relation to SOGI, and the 2017 updated YP+10.

Regional human rights standards and bodies also seek to prevent violence and discrimination against people based on their actual or perceived sexual orientation or gender identity, for example the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the Organization of American States and the European Parliament and Council of Europe.

Advocacy and programming for LGBTI rights are supported and backed up by international human rights principles and by UN bodies.

Programming and advocacy

UN Women works across its normative, UN coordination and operational roles to develop programming and advocacy that integrate LGBTI people's rights and perspectives.

Many entry points exist for engagement on LGBTI issues in the programming cycle of UN Women and UN Country Teams (UNCT). When performing a situational analysis, UN Women should ensure that gender analysis includes the needs and priorities of LGBTI people. UN Women's programmes offer opportunities for working on LGBTI rights. Actions could include:

- Leverage its mandate and position as the recognized leader within the UN system on gender equality and women's empowerment to engage with state institutions, for example on law reform or developing action plans.
- Utilize existing Civil Society Advisory Groups to intensify engagement with LGBTI civil society organizations.
- Leverage its partnerships with the private sector to promote the economic empowerment of LGBTI people.
- Engage with human rights bodies, like those supporting the Independent Expert on SOGI and other special procedures, contributing to the work of treaty bodies and the UPR process.

Finally, UN Women can also support LGBTI issues through internal work by building internal knowledge and capacity among its staff globally, and strengthening planning, analysis and monitoring of its LGBTI programming and advocacy.

There is ample opportunity for UN Women to engage in programming and advocacy for LGBTI rights, leveraging established relationships as well as internal development and capacity-building.

