

ENDING VIOLENCE AND DISCRIMINATION AGAINST LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

United Nations entities call on States to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI)¹ adults, adolescents and children.

All people have an equal right to live free from violence, persecution, discrimination and stigma. International human rights law establishes legal obligations on States to ensure that every person, without distinction, can enjoy these rights. While welcoming increasing efforts in many countries to protect the rights of LGBTI people, we remain seriously concerned that around the world, millions of LGBTI individuals, those perceived as LGBTI and their families face widespread human rights violations. This is cause for alarm – and action.

Failure to uphold the human rights of LGBTI people and protect them against abuses such as violence and discriminatory laws and practices, constitute serious violations of international human rights law and have a far-reaching impact on society – contributing to increased vulnerability to ill health including HIV infection, social and economic exclusion, putting strain on families and communities, and impacting negatively on economic growth, decent work and progress towards achievement of the future Sustainable Development Goals. States bear the primary duty under international law to protect everyone from discrimination and violence. These violations therefore require an urgent response by governments, parliaments, judiciaries and national human rights institutions. Community, religious and political leaders, workers' organizations, the private sector, health providers, civil society organizations and the media also have important roles to play. Human rights are universal – cultural, religious and moral practices and beliefs and social attitudes cannot be invoked to justify human rights violations against any group, including LGBTI persons.

PROTECTING INDIVIDUALS FROM VIOLENCE

States should protect LGBTI persons from violence, torture and ill-treatment, including by:

- *Investigating, prosecuting and providing remedy for acts of violence, torture and ill-treatment against LGBTI adults, adolescents and children, and those who defend their human rights;*
- *Strengthening efforts to prevent, monitor and report such violence;*
- *Incorporating homophobia and transphobia as aggravating factors in laws against hate crime and hate speech;*
- *Recognizing that persecution of people because they are (or are perceived to be) LGBTI may constitute a valid ground for asylum, and not returning such refugees to a place where their life or freedom might be threatened.*

The United Nations and others have documented widespread physical and psychological violence against LGBTI persons in all regions – including murder, assault, kidnapping, rape, sexual violence, as well as torture and ill-treatment in institutional and other setting. LGBTI youth and lesbian, bisexual and transgender women are at particular risk of physical, psychological and sexual violence in family and community settings. LGBTI persons often face violence and discrimination when seeking refuge from persecution and in humanitarian emergencies. They may also face abuse in medical settings, including unethical and harmful so-called “therapies” to change sexual orientation, forced or coercive sterilization, forced genital and anal examinations, and unnecessary surgery and treatment on intersex children without their consent. In many countries, the response to these violations is inadequate, they are underreported and often not properly investigated and prosecuted, leading to widespread impunity and lack of justice, remedies and support for victims. Human rights defenders combatting these violations are frequently persecuted and face discriminatory restrictions on their activities.

¹ While this statement refers to lesbian, gay, bisexual, transgender and intersex people, it should also be read to refer to other people who face violence and discrimination on the basis of their actual or perceived sexual orientation, gender identity and sex characteristics, including those who may identify with other terms.

REPEALING DISCRIMINATORY LAWS

States should respect international human rights standards, including by reviewing, repealing and establishing a moratorium on the application of:

- *Laws that criminalize same-sex conduct between consenting adults;*
- *Laws that criminalize transgender people on the basis of their gender expression;*
- *Other laws used to arrest, punish or discriminate against people on the basis of their sexual orientation, gender identity or gender expression.*

In 76 countries, laws still criminalize consensual same-sex relationships between adults, exposing individuals to the risk of arbitrary arrest, prosecution, imprisonment – even the death penalty, in at least five countries. Laws criminalizing cross-dressing are used to arrest and punish transgender people. Other laws are used to harass, detain, discriminate or place restrictions on the freedom of expression, association and peaceful assembly of lesbian, gay, bisexual and transgender people. These discriminatory laws contribute to perpetuating stigma and discrimination, as well as hate crime, police abuse, torture and ill-treatment, family and community violence, and negatively affect public health by impeding access to health and HIV services.

PROTECTING INDIVIDUALS FROM DISCRIMINATION

States should uphold international human rights standards on non-discrimination, including by:

- *Prohibiting discrimination against LGBTI adults, adolescents and children in all contexts – including in education, employment, healthcare, housing, social protection, criminal justice and in asylum and detention settings;*
- *Ensuring legal recognition of the gender identity of transgender people without abusive requirements;*
- *Combating prejudice against LGBTI people through dialogue, public education and training;*
- *Ensuring that LGBTI people are consulted and participate in the design, implementation and monitoring of laws, policies and programmes that affect them, including development and humanitarian initiatives.*

LGBTI people face widespread discrimination and exclusion in all contexts - including multiple forms of discrimination based on other factors such as sex, race, ethnicity, age, religion, poverty, migration, disability and health status. Children face bullying, discrimination or expulsion from schools on the basis of their actual or perceived sexual orientation or gender identity, or that of their parents. LGBTI youth rejected by their families experience disproportionate levels of suicide, homelessness and food insecurity. Discrimination and violence contribute to the marginalization of LGBTI people and their vulnerability to ill health including HIV infection, yet they face denial of care, discriminatory attitudes and pathologization in medical and other settings. Transgender people are frequently denied legal recognition of their preferred gender or face abusive requirements such as forced sterilization, treatment or divorce to obtain it, without which they suffer exclusion and marginalization. The exclusion of LGBTI people from the design, implementation and monitoring of laws and policies that affect them perpetuates their social and economic marginalization.

UNITED NATIONS SUPPORT

Our organizations stand ready to support and assist Member States and other stakeholders as they work to address the challenges outlined in this statement including through constitutional, legislative and policy changes, strengthening of national institutions, and education, training and other initiatives to respect, protect, promote and fulfil the human rights of all LGBTI people.

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