



LGBTIQ+ EQUALITY AND RIGHTS

INTERNAL RESOURCE GUIDE



LGBTIQ+ EQUALITY AND RIGHTS INTERNAL RESOURCE GUIDE



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RATIONALE

How should our global gender equality agenda take into account the human rights of people with diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC)? How can UN Women take this work forward, and what key contributions can it make to advancing these efforts?

With UN Women’s new, dedicated capacity on LGBTIQ+ rights, these are the questions we seek to explore through ongoing dialogue and collaborations with colleagues across and partners beyond our organization.

This resource guide serves to initiate a coordinated discussion, to ensure UN Women speaks and acts with one voice on these topics across levels, and to ultimately guide strategic direction and decision-making. It demonstrates how LGBTIQ+ rights are integral to our gender equality mandate, and how the concerns of LGBTIQ+ people fit squarely in each of our thematic focus areas and other critical areas of work. The resounding key message is that gender equality cannot be achieved for all without promoting the human rights of people with diverse SOGIESC.

The advent of the LGBTIQ+ Rights Specialist post has provided an opportunity to lay the foundations on LGBTIQ+ equality and human rights by applying the existing knowledge and evidence base and introducing this lens consistently to our work in an accessible way. By doing so, colleagues can build levels of awareness and expertise and become better equipped to navigate and contribute to this vital area of work.

This guide is intended as an internal UN Women resource to be used by colleagues throughout the organization to find common footing in this area—whether you work in management, at a technical level, in a country office or HQ, in policy, programming, communications or otherwise. Drafted before the advent of our new Strategic Plan (2022-2025) and finalized just after its endorsement, it builds on the momentum it has forged with its historically significant reference to sexual orientation and gender identity.

We enter the topic by reviewing key terminology and definitions, then providing a summary and presenting the key messages and framework. The first main section situates the text in the current global context in relation to the COVID-19 pandemic and competing anti-gender narratives. The second section explores our thematic focus areas and other critical cross-cutting areas of work divided into subsections. In the final section, we consider how to operationalize this agenda, and tackle internal issues including the provision of an enabling work environment. The annexes provide a list of relevant resources; further discussion on terminology; background information on international human rights laws, norms and standards; and discussion of the specific human rights issues that specific LGBTIQ+ groups face. The endnotes offer many examples and additional resource suggestions, without claiming to be exhaustive.

With its focus on UN Women’s areas of work, the guide is not intended to be all-encompassing, but it is wide-ranging. So, use this guide in the way that is most helpful to you: as a resource, a guide or a reference. Familiarize yourself with the terms and definitions, key messages and framework, then jump to your specific areas of interest. Much of its content is provided in readily digestible, short key points to ensure accessibility, allow room for development, and to form the basis of further work in specific areas. Only the key messages and key framework, and the section on the current context are presented in a longer, narrative form.

The guide acknowledges and builds on the insights of our colleagues already paving the way in this area of work. It reflects inputs from experts across UN Women and beyond, including from other UN agencies and partners in academia and civil society. The language

applied draws on what has already been expressed by the organization in various fora. It shares common positions with our sister agencies and partners, is underpinned by the norms and standards of international human rights frameworks and the wisdom of its special procedures mandate holders and treaty bodies.

This document contributes towards defining a corporate position and institutionalizing a strategic approach to LGBTIQ+ rights work at UN Women that is comprehensive, systematic and innovative, while also being coherent and easy to use. It is important to recall that this is one of our first articulations dedicated to this topic, building on the 2018 internal 'Guidance note on LGBTI programming and advocacy'. It is open to amendment over time, as organizational learning and experience on these issues deepen, encouraging colleagues to treat it as a collaborative, living document that we develop together, including based on your experiences, in your own languages, within your cultural frames, and in partnership with our energetic network of LGBTIQ+ personnel and allies. You are invited to contribute with expertise from your thematic and geographic areas of work and

specializations to make this resource guide relevant and keep it up to date. Let's consider together how this document can form the basis for developing further work with an LGBTIQ+ lens—as the furtherance of LGBTIQ+ rights work in UN Women depends on us all.

We would not be where we are today as an organization working on LGBTIQ+ rights without the initiative and passion of individual UN Women personnel around the world. The next step is bringing these efforts together to build an institutionalized approach to ensure the sustainability of our efforts.

The history of feminist and LGBTIQ+ allied movement-building is long and rich across cultures and countries. Huge potential lies ahead for mutually reinforcing our common goals towards achieving gender equality, with UN Women at the forefront of setting standards and the agenda. Given the present global context, challenges undoubtedly lie ahead. But the language, framing and information offered here can stand us in better stead on this vital journey to navigating the integral links between LGBTIQ+ rights, women's rights and gender equality.

Acknowledgments

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EXECUTIVE SUMMARY

This resource guide is intended to provide guidance and information on how UN Women can consider LGBTIQ+ rights and the key contributions it can make to advancing these rights. As this area is relatively new for UN Women, this guide serves to improve levels of understanding, initiate discussion, to ensure UN Women speaks consistently and with one voice on these topics, and to ultimately guide strategic direction and decision-making. It demonstrates how LGBTIQ+ rights are integral to our gender equality mandate, and how the concerns of LGBTIQ+ people graft squarely onto each of our thematic focus areas and other critical, cross-cutting areas of work.

The guide provides key terminology and definitions, an executive summary, key messages and a framework. LGBTIQ+ rights are situated in the current global context in relation to the COVID-19 pandemic and competing anti-gender narratives, and then explored in relation to UN Women's thematic focus areas and other critical areas of work, divided into nine sub-sections. We consider how to operationalize LGBTIQ+ rights and tackle internal issues, including the provision of an enabling work environment. The annexes provide resources, further discussion of terminology, background information on international human rights laws, norms and standards, and a summary of how specific groups are affected by human rights violations. The endnotes offer further examples and resource suggestions.

As a rights-based, feminist organization, UN Women is committed, in the pursuit of gender equality, to promoting the full realization of the human rights and equality of all people, including women in all their diversity and people with diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC)—and speaking up against human rights violations.¹ Gender equality cannot be achieved for all otherwise. To understand how all people are impacted by the concept of 'gender' and the impacts of gender-based violence and gender-based discrimination, there is an urgent need to lay down the foundations for LGBTIQ+ rights by applying the existing knowledge and evidence base and introducing this lens to our work in an accessible way.

UN Women's broad key messages on LGBTIQ+ rights are:

1. UN Women is committed to promoting the full realization of LGBTIQ+ people's human rights and their inclusion in sustainable development as a part of its mandate on advancing gender equality and women's empowerment.² This is based not only in UN Women's foundation on the promotion of the human rights of all, but in our fundamental understanding of how gender affects the way people are treated and the opportunities which are given to them or denied.
2. UN Women's support for LGBTIQ+ rights is necessary in the context of the 2030 Agenda for Sustainable Development and its aim to "leave no one behind".
3. Based on this commitment and support, UN Women calls on Member States to respect universal human rights norms and standards and to actively enable political and social contexts where they are promoted. This includes addressing all forms of violence and discrimination directed towards LGBTIQ+ people, and creating opportunities across sectors through policies, programmes and resource allocation.

UN Women's new Strategic Plan (SP) presents an opportunity to strengthen engagement with LGBTIQ+ rights and integration in our gender equality mandate, and across its triple functions – normative, coordination and operational.

To deliver on the SP, the experiences of LGBTIQ+ people must be reflected in each of these four thematic focus areas:

- Governance and participation in public life
- Economic empowerment
- Ending violence against women
- Women, peace and security, humanitarian action and disaster risk reduction

LGBTIQ+ rights are also important in other critical cross-cutting areas in which UN Women works:

- Health
- People on the move
- Youth and older people
- People living with disabilities
- Indigenous people
- The promotion and protection of civic space and civil society engagement

LGBTIQ+ rights are pertinent for all SP systemic outcomes, as this paper will indicate. The new and existing areas offer promising entry points, which should be explored in a dedicated way in future work. This resource guide highlights key challenges and recommendations in each of the priority and critical areas. Below is a summary.

The guide illustrates that LGBTIQ+ people are not a monolithic group by giving examples of the unique attitudinal, institutional and environmental barriers for specific people under the LGBTIQ+ umbrella. In most cases each sub-set faces challenges but not all in the same ways or to the same extent. However, there are practical, conceptual and political reasons for referring to LGBTIQ+ people as a collective, primarily to promote inclusion (*See Annex 2*). This is done with careful

consideration to identify systemic barriers to equality for all LGBTIQ+ people and to consider how to address these structurally, while adopting an intersectional approach.

Governance and participation in public life: Despite the participation of all citizens in political processes being a cornerstone of democracy and articulated in international human rights law, LGBTIQ+ people face multiple barriers to exercising these rights, including the denial of voting rights, the ability to run for office and participate on an equal basis in civic affairs. Across the world, they lack legal recognition or are criminalized because of who they are. Growing political backlash against notions of gender, women, feminists and LGBTIQ+ people more broadly – which has led to increased experiences of discrimination, inequality, and violence – is also interfering with the full public participation of LGBTIQ+ individuals. Increased surveillance, populism and rising xenophobia, coupled with the introduction of greater enforcement of punitive laws and practices are severely threatening LGBTIQ+ rights. While governments decide on setting of law and policy, international actors and mechanisms can work strategically with States to advance the human rights of LGBTIQ+ people within countries through law and policy reform. To combat these trends, political and community leaders, who have significant influence over public perceptions, need to combat hate speech and support anti-discrimination measures, while ensuring leadership opportunities for LGBTIQ+ people and women in all their diversity.

Economic empowerment: LGBTIQ+ people may struggle to find decent work and have income security because of discrimination, and once in the workforce often face discrimination in pay and security. LGBTIQ+ people are also often excluded from social security and social protection programmes. It is recommended that all States should take measures to actively advance the economic inclusion of LGBTIQ+ populations; and States that do not have specific legislation prohibiting discrimination based on SOGIESC in employment should adopt and implement such legislation.

Violence: Because of the way LGBTIQ+ people challenge accepted norms about sexual orientation, gender and sex characteristics, they are subject to many forms of gender-based violence ranging from killing, torture, hate speech, and involuntary surgery, intimidation and reprisals for activism, and trafficking. Despite the lack of investment in the collection of data on violence and killings against LGBTIQ+ people, the available evidence is alarming. It is commonplace in public and private spaces, health settings, detention, humanitarian emergencies, conflict zones and other settings. One recommendation is that, in efforts to prevent and respond to sexual and gender-based violence (GBV)³ more comprehensive, broader understandings of 'gender' must be adopted and promoted to be inclusive of all LGBTIQ+ people, in all their diversity, not only cisgender women and girls.

Women, peace and security, humanitarian action and disaster-risk reduction: Where natural disasters, conflicts and humanitarian crises occur, pre-existing inequalities, discrimination and risks of exclusion and violence against people with diverse SOGIESC are intensified. Impacts are amplified, complicated and protracted during preparedness, planning, relief/response and recovery phases, and can lead to further exclusion from accessing life-saving assistance, as well as planning and decision-making across these areas. It is essential to respond to the gendered impacts of a crisis and engage with – while ensuring capacity development opportunities for – LGBTIQ+ civil society organizations (CSOs) in humanitarian preparedness, response and recovery processes, with tangible mainstreaming in humanitarian programme cycles (HPCs), refugee response frameworks and disaster-risk reduction (DRR) plans and policies. Likewise, there is an urgent need to create opportunities for LGBTIQ+ people to participate in peace and security processes safely and meaningfully, including in peacebuilding and transitional justice. Transformative justice approaches must be taken to post-conflict reconstruction, which should include working at the humanitarian–development–peace nexus to challenge pre-existing criminalization and/or stigmatization.

Health: LGBTIQ+ people face rampant stigma, alienation, and discrimination in accessing health services, including sexual and reproductive health, and routinely face prejudice and bias from healthcare providers. This is often compounded by discriminatory and punitive laws, policies and practices that result in poorer health outcomes for LGBTIQ+ people than for the general population. Among many recommendations are decriminalization of same-sex activity and anti-discrimination legislation to improve access to health services, especially for transgender people, and addressing neglected health needs by creating an evidence base of what is needed.

People on the move (i.e., migrants, asylum seekers, refugees and internally displaced persons): Although an increasing number of countries recognize SOGIESC-related discrimination as legitimate grounds for granting asylum, most countries do not. Thus, LGBTIQ+ asylum-seekers and refugees tend to remain subject to discrimination both when their claim to asylum is linked to their SOGIESC and when it is not, and in countries of asylum by host communities and broader asylum-seeker and refugee communities. State and non-State actors involved in refugee protection must do more to recognize the unique vulnerabilities and specific needs of LGBTIQ+ asylum-seekers and refugees, including by taking measures to address rights violations and improve asylum procedures. At all stages of migration, LGBTIQ+ migrants face a heightened risk of human rights violations, including violence, exploitation and abuse, particularly at the hands of immigration officers, traffickers and smugglers. Same-sex couples and their families face greater risk of separation at borders and may be treated without due consideration of their rights or denied provision of services. LGBTIQ+ migrants who are detained often face social isolation and a heightened risk of GBV. The contributions LGBTIQ+ migrants make to countries of origin, transit and destination are vast, but the pervasive discrimination they face places them at a disadvantage in the labour market.

Youth and older people: Younger LGBTQ+ people and older LGBTQ+ people have unique challenges which should be assessed and analysed with appropriate responses. This could include improving support services and shelters and comprehensive sexuality education for LGBTQ+ youth; and ensuring support services are accessible for older LGBTQ+ people, especially those living alone. Experiences of discrimination, inequality, and violence continue to be faced by people based on their age and SOGIESC, with young activists mobilizing online and in the communities they represent being particularly exposed. Youth-led civil society, especially queer and trans youth activists, are at the heart of the reinvigorated, transnational gender and social justice movements emerging in response to coordinated backlash, violence and deepening inequalities

People with disabilities: Discrimination is compounded for LGBTQ+ women and girls living with disabilities. Common experiences among people with diverse SOGIESC who are living with disabilities include stigma based on social norms and attitudes; the medicalization of difference and non-conformity; discrimination in access to services and information; violence and abuse; and disproportionate risks and exposure to hazards in humanitarian contexts. And yet, specific details and understanding of the challenges faced by LGBTQ+ people with disabilities are lacking, including in the development and humanitarian sectors. Research and evidence are urgently needed on the intersections of these lived experiences.

Indigenous people: Diverse SOGIESC has historically been the norm, not the exception, among Indigenous societies. In fact, many Indigenous thought-leaders identify heteronormativity as a purely Western, colonial construction. Many argue that Indigenous sexualities, gender identities and expressions across continents were never normative: ranging from 'cross-dressing' to non-binary genders, from homo-affective families to non-monogamy. In many cases, the diverse SOGIESC among Indigenous peoples was used to further justify white supremacist violence and give grounds for transcontinental European conquest and domination. Despite the exclusion of Indigenous people with diverse SOGIESC in much of the contemporary LGBTQ+ human rights arena, ancestral languages demonstrate that Indigenous SOGIESC diversity, in its own contextual realities, predates the global LGBTQ+ framework.

Promotion and protection of civic space and civil society engagement: In a similar way to LGBTQ+ participation in governance systems, discrimination and repression discourage LGBTQ+ people from participating in civic space and civil society engagement. Many LGBTQ+ civil society actors face intimidation and reprisals for their collaboration with the UN and other partners, not only because of who they are, but because of the work they do to advance gender equality. The UN system, including UN Women, can promote LGBTQ+ participation in forums, including UN forums, by fostering safe, inclusive and diverse spaces with the necessary protection mechanisms in place to promote an open dialogue towards action to achieve gender equality.

To effectively action our work in the above areas and institutionalize LGBTQ+ rights work in a strategic and sustainable way, UN Women must also integrate LGBTQ+ perspectives in overall approaches to operations and programming and in internal work environments.

Operations and programmes: Committing to comprehensive integration of LGBTQ+ issues in policy, programming and advocacy at the global, regional and national levels will require measures that span greater contributions to and enhanced coordination of interagency and systemwide processes, linked up with coordinated country-level programming. Existing guidance should form the basis of these efforts, as well as increased investments in the production of further guidance and human resources.

Work environments: UN Women should actively promote a supportive, inclusive and enabling work environment for LGBTQ+ personnel, to ensure inclusivity, diversity, safety and security. This is in recognition of the workplace discrimination LGBTQ+ people often face and guided by UN founding principles of equality, justice, respect and self-determination.

KEY TERMINOLOGY AND DEFINITIONS

This section lists the terms and acronyms most used in the resource guide. Working definitions are included that draw on those commonly used by and/or developed within the UN system.⁴ It is not an exhaustive list. The guide begins with this section to ensure ease of comprehension among a broad audience, spelling out the most frequently used terms first, followed by an alphabetised list. Please note that terms and their usage are constantly evolving and subject to change (See ‘Annex 2: Further discussion on LGBTIQ+ terminology’ for more).

Gender: Gender is enshrined in international human rights law as the term used to describe ‘the sociocultural constructs that assign roles, behaviours, forms of expression, activities and attributes according to the meaning given to biological sex characteristics’.

Sex: The classification of a person as having female, male and/or intersex sex characteristics. While infants are usually assigned the sex of male or female at birth based on the appearance of their external anatomy alone, a person’s sex is a combination of a range of bodily sex characteristics.⁵

A note on gender and sex: These are autonomous concepts under the above definitions. They are not interchangeable and do not substitute each other. Accordingly, gender identity and expression are inextricably linked to them as practices of concern in anti-discrimination analysis. While the concepts are related, and all are protected under international human rights law, they can be applied independently as protected grounds.

Definitions of gender should not be confined to a male/female binary; and the biological reality of sex characteristics should not be conflated with the social construct of gender. The terms gender, gender identity and gender expression are interpreted in international human rights law as including all people, communities and populations. Whether self-defining into a specific gender, or remaining gender-fluid across binaries, gender is in operation through the work of naming things as masculine and feminine.

Gender equality: Gender equality is ‘an ideal condition or social reality that gives groups constituted by gender institutions similar opportunities to participate in politics, the economy, and social activities; that values their roles and status, and enables them to flourish; in which no gender group suffers from disadvantage or discrimination; and in which all are considered free and autonomous beings with dignity and rights.’⁶

SOGIESC: An acronym for sexual orientation, gender identity, gender expression and sex characteristics, which groups these distinct but related terms together for ease of use, to describe the factors that make some people different than others (‘diverse’) and subject to discrimination and exclusion (*See individual definitions below*). SOGIESC factors are part of every human being’s lived experience; and one does not determine the other. The shorter acronym ‘SOGI’ was widely used until it was recognized that gender expression and sexual characteristics are also grounds for discrimination.

Sexual orientation: Each person’s enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, other people. Encompasses hetero-, homo-, bi-, pan- and asexuality, as well as a wide range of other expressions of sexual orientation. This term is preferred over sexual preference, sexual behaviour, lifestyle and ‘way of life’ when describing an individual’s feelings for or attraction to other people.

Gender identity: While concepts of gender identity vary greatly across the world, it is generally defined as each person's deeply felt internal and individual experience of gender, which may or may not correspond with their sex assigned at birth or the gender attributed to them by society. It includes the personal sense of the body, which may or may not involve a desire for modification of appearance or function of the body by medical, surgical or other means.

Gender expression: The range of cues, such as names, pronouns, behaviour, clothing, voice, mannerisms and/or bodily characteristics, to express a person's gender. It can be the same or different from an individual's gender identity. One does not have to have a diverse sexual orientation, gender identity or sex characteristics to have a diverse gender expression. There is a common misunderstanding that gender identity and gender expression only apply to trans and gender diverse people, but this is not true. As the Independent Expert on Sexual Orientation and Gender Identity, (IE SOGI) put it, 'All human beings live in gendered societies traversed by power hierarchies and preconceptions'. In some cultural and geographical contexts, it is especially pertinent to highlight gender expression since 'non-conforming' gender expression increases the vulnerability of some individuals.

Sex characteristics: Each person's physical features relating to sex, including genitalia and other sexual/reproductive anatomy, chromosomes, hormones and secondary physical features emerging from puberty. The term is often used to describe that intersex people have sex characteristics that do not fit typical binary notions of male or female bodies.

People with diverse SOGIESC: A term used to describe people whose SOGIESC places them outside culturally mainstream categories, expectations or rules, such as being heterosexual, cisgender and endosex. It can also capture those who do not relate to 'LGBTIQ+' and other anglo-centrist terms.

Gender diverse people: This term is used specifically to refer to people who have gender identities or expressions that are not normative. It may be used alongside transgender, depending on context.

LGBTIQ+ people/s: An acronym for lesbian, gay, bisexual, transgender, intersex and queer people. The plus sign represents people with diverse SOGIESC who identify using other terms or none.

Various versions of these acronym are in use globally; and they are not static and continue to evolve over time. In some contexts, LGB, LGBT or LGBTI are used to refer to particular populations. Additional characters may be added, such as A for asexual, agender or ally, 2S for Two-Spirit or P for pansexual.

Lesbian: A woman whose enduring romantic, emotional and/or physical attraction is to women. It is primarily used as a noun, thus not followed with 'woman' or 'person'.

Gay: A generic term for people whose enduring romantic, emotional and/or physical attraction is to people of the same gender. It is more commonly used by men in some cultures, but other people including women also use it.

Bisexual/bi: A person who has the capacity for romantic, emotional and/or physical attraction to people of more than one gender. Bisexual+ and Bi+ are sometimes also used as umbrella terms for non-monosexual identities.

Transgender/trans: Terms used by some people whose gender identity differs from what is typically associated with the sex they were assigned at birth. Trans, transgender and non-binary are often treated as umbrella terms representing a variety of words that describe an internal sense of gender that differs from the sex assigned at birth and the gender attributed to the individual by society, whether the individual identifies as a man, woman or simply 'trans' or 'transgender', with another gender or with no gender.

A 'trans woman' is someone whose internal sense of gender is female. A 'trans man' is someone whose internal sense of gender is male. It is generally recommended not to use the expressions 'transwoman' and 'transman' as these are seen to create new identities that imply that a 'transwoman' is not a woman but another category. Many people prefer to be identified simply as a 'man' or 'woman'. Some use terms like FtM (female-to-male) and MtF (male-to-female), and some prefer terms like 'non-binary' and 'gender non-conforming', for example.

Intersex: Intersex people are born with sex characteristics that do not fit typical binary definitions of male and female bodies. Intersex is an umbrella term used to describe a wide range of natural bodily variations. Some of these variations may be apparent before or at birth, while others are not apparent until after puberty or later or may not be physically apparent at all. Hence, intersex people embody a broad and diverse spectrum of sex characteristics, with statistics on their prevalence originating in medical contexts and rarely relying on self-definition.

Intersex people use many different terms, and sometimes use different terms with different people to avoid stigma, misconceptions, discrimination and violence. Common language includes ‘being’ intersex; ‘having’ an intersex variation, difference or trait; clinical diagnostic terms; ‘differences of sex development’; and innate ‘variations of sex characteristics’. Some use the terms ‘intersexual’, ‘people born with variations in sex characteristics’, or ‘people with intersex variations’, among others. The term ‘hermaphrodite’ is generally rejected by intersex people today as outdated and stigmatizing; however, some have chosen to reclaim it. Intersex people may have any sexual orientation, gender identity or gender expression. Differences of opinion and preferences exist about being considered part of LGBTIQ+ ‘communities’, particularly as voices of intersex people have been marginalised even within these communities.

Queer: Traditionally a negative term, queer has been reclaimed by some people and is considered inclusive of a wide range of diverse sexual orientations, gender identities and expressions. It may be used as an umbrella term for people with diverse SOGIESC, or as an alternative to the phrase “people with diverse SOGIESC” or the acronym LGBT. Queer is used by many people who feel they do not conform to a given society’s economic, social and political norms based on their sexual orientation, gender identity and/or gender expression.

✚: The plus sign represents those who identify with other terms to describe their sexual orientation, gender identity, gender expression and/or sex characteristics. It seeks to include terms like pansexual, asexual, non-Western identities like hijra, two-spirit, muxe, among other manifestations of diverse SOGIESC that are typically excluded from acronyms.

A note on acronym usage: Use of the LGBTIQ+ acronym was corporately agreed in UN Women in 2020; and is used increasingly widely and consistently in the UN. The terms ‘people with diverse SOGIESC’ and ‘LGBTIQ+ people’ can be used interchangeably in universal contexts. However, they can have different meanings, which are important to understand as one may be more fitting in a given context. Careful consideration should be applied in use of language, and culturally and linguistically appropriate terms should be considered when referring to specific individuals or populations to ensure inclusivity and accuracy.

The following paragraph is proposed for UN Women staff to use as a footnote the first time ‘people with diverse SOGIESC’ or ‘LGBTIQ+ people’ is used in a document and wherever suitable.

[First, spell out the given acronym.]
UN Women uses both ‘LGBTIQ+’ and ‘diverse SOGIESC’
where appropriate in global contexts, while respecting their distinctions.
We note that neither term is universally applicable nor reflects the full
diversity of sexual and gender formations, practices and identities that
exist, that terms and their usage are constantly evolving,
and that SOGIESC applies to all people.
In practice, various culturally, linguistically and context specific terms
may be used, where appropriate.

Cisgender/cis: The term is used to refer to people whose experience of gender is, or is perceived to be, in conformity with the sex assigned at birth. It is often used in contrast to transgender.

Endosex: A term describing a person who was born with sex characteristics that fit typical binary notions of male or female bodies. An endosex person may identify with any gender identity or sexual orientation. The term often denotes or relates to a person who is not intersex.

Gender non-conformity: Behaviour or appearance that is not in alignment with prevailing cultural expectations related to a particular gender. The term can apply to any individual, regardless of SOGIESC.

Cissexism, cisnormativity and endosexism: Terms used to describe a sense of superiority demonstrated by people with binary genders over those with trans, intersex and non-binary identities. Often used in conjunction with terms below, these terms challenge specific hierarchies that privilege cisgender/cis and endosex people at the expense of trans, intersex and other gender-diverse people.

Heteronormativity/heterosexism: Terms used to describe ‘the concept that heterosexuality is the preferred or normal mode of sexual orientation’.⁷ This results in assumptions that heterosexuality is ‘the norm’, hence superior; whereby those who do not ‘conform’ to heterosexual relations or identities are then treated as ‘deviants’ from the norm. Likewise, the notion of ‘heterosexual privilege’, or ‘straight privilege’, refers to ‘the rights and unearned advantages bestowed on heterosexuals in society... Like many other forms of privilege, [it] is often invisible to its recipients’.⁸ Heteronormativity can be seen as a set of social norms, practices and institutions that: (1) promote the binary alignment of biological sex, gender identity and gender roles; (2) assume heterosexuality as a fundamental and natural norm; and (3) privilege monogamous, committed relationships and reproductive sex above all other sexual practices. Naming social norms, practices and institutions as ‘heteronormative’ challenges existing hierarchies that privilege heterosexual/straight people at the expense of LGBTIQ+ peoples.

Heterosexual/straight: Largely defined as attraction to the opposite sex, although the definition currently in use in the UN is ‘a person whose romantic, emotional and/or physical attraction is to people of a different gender’.

Same-sex: The adjective ‘same-sex’ has commonly been used historically to describe ‘activities’, ‘attraction’, ‘marriage’ and ‘relationships’. ‘Same-sex activities’ or ‘same-sex behaviour’ usually refers broadly to sexual contact between two people of the same gender. While in these phrases, it would be more accurate to use ‘gender’ rather than ‘sex’, the phrases have come into such common use that they continue to be predominant. ‘Same-gender activities’, ‘same-gender marriage’ and ‘same-gender relationships’ are also in increasing use. Preferences may be based on age as well as culture, language and other factors. (‘Homosexual’ is included among the terms to avoid in annex 2.)

Sexual health: Sexual health is ‘a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all people must be respected, protected and fulfilled’.⁹

Sexuality: Sexuality is ‘a central aspect of being human throughout life; it encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors’.¹⁰



1

KEY

MESSAGES

UN Women's broad key messages on LGBTIQ+ rights are:

A

UN Women is committed to promoting the full realization of LGBTIQ+ people's human rights and their inclusion in sustainable development as a part of its mandate on advancing gender equality and women's empowerment. This is based not only in UN Women's foundation on the promotion of the human rights of all, but in our fundamental understanding of how gender affects the way people are treated, and the opportunities which are given to them or denied.

B

UN Women's support for LGBTIQ+ rights is necessary in the context of supporting the 2030 Agenda for Sustainable Development and its aim to "leave no one behind".

C

Based on this commitment and support, UN Women calls on Member States to respect universal human rights norms and standards and to actively enable political and social contexts where they are promoted. This includes the right to live free of all forms of violence and discrimination directed towards LGBTIQ+ people, and creating opportunities across sectors through policies, programmes and resource allocation.

KEY MESSAGES

UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide. UN Women also leads the UN system's work in advancing gender equality. The entity works to position gender equality as fundamental to the Sustainable Development Goals, to the humanitarian-development-peace nexus and to a more inclusive world.

As a rights-based, feminist organization, UN Women is committed, in the pursuit of gender equality, to promoting the full realization of the human rights and equality of all people, including women in all their diversity, and all people with diverse SOGIESC—and speaking up against human rights violations.¹² LGBTIQ+ rights and perspectives must be integrated in policy, programming and advocacy across UN Women's triple mandate—normative, coordination and operational.¹³

UN Women's new Strategic Plan (2022-2025) presents an opportunity to strengthen engagement with LGBTIQ+ rights and integration in our gender equality mandate. To deliver on the Strategic Plan, the experiences of LGBTIQ+ people must be reflected in each of the below

four thematic focus areas as well as other cross-cutting critical areas.

- Governance and participation in public life
- Economic empowerment
- Ending violence against women
- Women, peace and security, humanitarian action and disaster risk reduction

LGBTIQ+ rights are also pertinent for all SP systemic outcomes, as this paper will broadly demonstrate. Both new and existing areas offer promising entry points, which should be explored in a dedicated way in future work.

A UN Women is committed to promoting the full realization of LGBTIQ+ people's human rights and their inclusion in sustainable development as a part of its mandate on advancing gender equality and women's empowerment. This is based not only in UN Women's foundation on the promotion of the human rights of all, but in our fundamental understanding of how gender affects the way people are treated, and the opportunities which are given to them or denied.

In the pursuit of gender equality, UN Women is committed to promoting the full realization of the human rights and equality of all people affected by gender-based discrimination and gender inequalities, including people with diverse SOGIESC. The full scope of LGBTIQ+ rights issues should be treated as integrally linked to all efforts to achieve gender equality and to feminist pursuits extending across the human rights-peace-development continuum.

As part of the UN, the home of the Universal Declaration of Human Rights, UN Women promotes universal respect for human rights and fundamental freedoms for all people, as enshrined in our founding resolution. Our mandate is guided by the international human rights framework, which safeguards the human rights of LGBTIQ+ people. Our new Strategic Plan underscores, as part of the global context, that women and girls who experience discrimination based on 'sexual orientation and gender identity' are among those who 'have made the least progress'. This creates impetus for action.

UN Women applies a broad understanding of gender and promotes gender-based analysis that transcends the male/female binary, in line with principles of international human rights law and interpretations by UN Treaty Bodies. Gender affects the way people are treated, and the opportunities which are given to them or denied. It follows the IE SOGI's guidance that 'sex and gender are distinct and unique points of entry into the analysis of violence and discrimination'.¹⁴

LGBTIQ+ rights merit particular attention. Systemic gender-based power imbalances and patriarchal social norms that reinforce gender roles and stereotypes compound discrimination and marginalization for LGBTIQ+ people, who do not comply with predominant social norms and assigned narratives on gender and sexuality. The discrimination, marginalization and other structural barriers faced by LGBTIQ+ people are in

many ways similar but different to the experiences of cisgender, heterosexual and endosex women and girls. Stigmatization, discrimination, violence and exclusion against people based on their actual or perceived SOGIESC is pervasive and intensified by multiple and intersecting factors relating to one's identity.

Common human rights violations facing LGBTIQ+ people include denial of rights to freedom of association, assembly and expression; widespread discrimination in employment, healthcare services and education and in access to basic services like housing; violence, killings, GBV, physical attacks, torture, arbitrary detention, hostility and stigma in public life, and accusations of immoral or deviant behaviour; and attempts to forcefully change a person's SOGIESC identity through conversion therapies, so-called "corrective rape" and non-consensual medical intervention.¹⁵

B UN Women's support for LGBTIQ+ rights is necessary in the context of achieving the 2030 Agenda for Sustainable Development and its aim to "leave no one behind".

To achieve the 2030 Agenda for Sustainable Development, UN Women is committed to ensuring that the equal rights and needs of LGBTIQ+ people are upheld and fulfilled, in line with its principles of non-discrimination, universality and leaving no one behind.

Despite no specific references to LGBTIQ+ rights, the 2030 Agenda creates an opportunity to integrate these considerations across our work.¹⁶ UN Women's outgoing Strategic Plan (2018–2020) committed to paying "particular attention to addressing multiple and intersecting forms of discrimination, prioritizing the most vulnerable". The new Strategic Plan (2022–2025) builds on these commitments with an explicit reference to 'women and girls who experience multiple forms of discrimination, including based on...sexual orientation and gender identity...[who] have made the least progress'. In the context of the 2030 Agenda, UN Women recognizes that "discrimination and exclusion in their multiple manifestations are a significant, if not the foremost barrier to the implementation of the 2030 Agenda" and that "inclusive development will only be sustainable if all people, especially marginalized groups such as LGBTIQ+ people, are included".¹⁷

Specific attention is required to how LGBTIQ+ people are disproportionately impacted by all interlinked SDG themes, especially poverty, inequality, access to employment, education, health and housing, gender equality, violence, social and political inclusion, access to justice and non-discriminatory laws, data and international cooperation, inclusive cities, decent work and economic growth.¹⁸

To contribute to organizational efforts to "leave no one behind", it is critical to adopt an intersectional approach to interrogate the interlinkages between LGBTIQ+ realities and other dimensions of one's identity and/or lived experience that may magnify gender-based discrimination. An intersectional approach should be applied not only in the design, development and implementation of policies and programmes but also in their monitoring and evaluation. It involves recognition of the overlaps between different 'groups', including those living with disabilities or HIV, youth and men and boys.

C Based on this commitment and support, UN Women calls on Member States to respect universal human rights norms and standards and to actively enable political and social contexts where these are promoted. This includes addressing all forms of violence and discrimination directed towards LGBTIQ+ people, and creating opportunities across sectors through policies, programmes and resource allocation.

Political measures are urgently needed to guarantee full and equal protection and equality for LGBTIQ+ people, including actions in public policy, legislative reform and access to justice in the context of broad political commitment to social inclusion. They are needed to ensure that social spaces, including schools, media and entertainment spaces and places of worship, contribute to protecting and respecting the rights of LGBTIQ+ people.

Political and social reforms needed include those relating to health, equality and non-discrimination rights, legal and identity rights, and freedom from harmful practices, such as surgery on intersex infants and so-called “conversion therapy”. They are also needed to tackle institutionalized discrimination—in terms of inadequate resources, insufficient laws and weak enforcement mechanisms—which, coupled with pervasive patterns of social prejudice, have enabled gender-based violence, discrimination and marginalization to persist.

The potential of LGBTIQ+ people is inhibited by discrimination, exclusion and harassment in employment and the economy more broadly, with wide-reaching consequences for individuals and societies.¹⁹ Actively addressing stigma and discrimination not only addresses human rights abuses but can have far-reaching effects. Evidence suggests that reducing stigma and prejudice results in an improvement in outcomes where LGBTIQ+ people tend to fare poorly, i.e. physical and mental health, educational attainment, food security, household income, personal security, and civic participation.²⁰

Governments must ensure they properly resource and implement changes. At the same time, recognition is needed that many of the systems of so-called ‘justice’ that LGBTIQ+ people, especially LGBTIQ+ women, have available to them are the same systems that perpetuate harm. Thus, there is a need for more radical and expansive thinking about what ‘justice’ means in such contexts. Significant reform is needed.

Violence and discrimination against LGBTIQ+ people are violations of international law. This is enshrined in the Universal Declaration of Human Rights, and subsequently recognized in additional international human rights laws and standards.²¹ Under existing international legal provisions, States are obliged to protect people from violence and discrimination based on SOGIESC. In line with the views of the Human Rights Committee and other Human Rights Treaty Bodies, UN Women calls on governments to repeal laws that discriminate against or criminalize people based on SOGIESC and to adopt robust and specific anti-discrimination measures.

States that criminalize private, consensual sex between adults of the same gender are in breach of their obligations under international law, including those to protect individual privacy and to guarantee non-discrimination. Policies and actions that are hostile to or discriminatory against LGBTIQ+ people are often exacerbated by a lack of adequate legal protection against discrimination on grounds of SOGIESC. This is evident across age groups and in all regions.



2

KEY

FRAMEWORK

A four-part framework has been developed to guide UN Women personnel in their work related to LGBTIQ+ rights. The following principles should be applied:

A

INCLUSIVITY

To apply an expansive lens to UN Women's agenda in recognition of the need to address LGBTIQ+ rights to achieve gender equality for all.

B

INTERSECTIONALITY

To recognize the different ways the multiple aspects of a person's identity intersect and can affect their experiences of inclusion and empowerment and the enjoyment of their rights.

C

SPECIFICITY

To consider the distinctiveness and multiplicity of LGBTIQ+ identities, communities and contexts.

D

EVIDENCE-BASED

To promote robust research and data collection and analysis to ensure policy and programme work is informed by LGBTIQ+ people's lived experiences.

KEY FRAMEWORK

A INCLUSIVITY

To apply an expansive lens to UN Women’s agenda in recognition of the need to address LGBTQ+ rights to achieve gender equality for all.

UN Women can work within an inclusive framework that recognizes its responsibility to move beyond the traditional approach of working on behalf of “women” and “girls” in a general sense. UN Women can retain its status as a global champion for women and girls while aspiring to achieve gender equality for all. It can do so by applying an analytical lens across all areas of work that moves beyond gender binaries to broader notions of gender non-conformity in efforts to challenge power structures and deeply rooted inequalities built on patriarchal notions.

Today, UN Women has a contemporary understanding of gender, in line with international human rights law. Gender can be understood as ‘the sociocultural constructs that assign roles, behaviours, forms of expression, activities and attributes according to the meaning given to biological sex characteristics’.²² It is embedded across public and private spheres and operates through norms and stereotypes that entrench inequalities. It can be fluid and non-binary.²³ It does not apply only to “women” or to “women and men” but to all people, some of whom do not fit these categories. The binary system has acted as an ordering principle for the socioeconomic, cultural, civil and political framing within States and at the regional and global levels; and has been in the backdrop of international human rights endeavours over the last six decades. But, as the IE SOGI explained, it is also ‘a cornerstone of patriarchal and heteronormative concepts that are at the origin of most injustice, including discrimination and violence against women’.²⁴ UN Women has a leading role to play in overcoming the limitations and oppression stemming from this rigid dichotomy, while recognizing that both sex and gender are protected categories under international human rights law and neither should be rejected.²⁵

In the words of UN Women’s 2018 guidance note: “Gender equality for all people will be progressed through an understanding of gender as existing beyond binaries such as male and female, masculinity and femininity, and by understanding that gender, gender identity, sex and sexual orientation are not rigid, immutable concepts.”²⁶ Understanding gender in a broad and complex way allows us to identify and address all forms of gender-related violence and discrimination. This understanding requires that UN Women expand our traditional approach to be inclusive of LGBTQ+ people. This means including in programming, policy and research, where appropriate, considerations of women and girls and people with diverse SOGIESC.

Two groups of women who continue to be among those most marginalized are trans and intersex women. In past, and some current, feminist scholarship, research and activism, it is asserted that transgender women are not ‘real’ or ‘biological’ women because they were assigned ‘male’ at birth, and that they do not face gender-based discrimination. Some even believe that transgender women are a threat to the rights of and spaces for cisgender women in human rights discourse and practice. They suggest that LGBTQ+ rights, especially trans rights, are in competition with women’s rights. Whereas UN Women believes that all individuals have the right to self-determine their own gender and that doing so does not infringe on others’ rights, nor does it attempt to erase or negate the experiences of any woman. UN Women promotes inclusion and universality, not competition nor exclusion. Work in these regards should not undermine or compete for resources or attention but be complementary and seek mutual goals of transforming gender norms and challenging harmful gender narratives, practices, and hierarchies.

The key arguments for inclusivity are that, in the way gender operates, all people are affected, with women and girls including transgender women and other women of diverse SOGIESC being affected in similar and unique ways: by sexism, by heteronormativity, by assumptions of gender roles and stereotypes, by patriarchal norms, by binary understandings of gender, by acts that oppress and punish women and girls and transgender women for challenging gender norms.²⁷ Gender and gender identity concerns are not opposed, but reinforce each other conceptually, socioeconomically, politically, and legally.²⁸

Closely associated with the concept of “inclusion” is “allyship”. While inclusion is about ensuring that UN Women’s work includes those who suffer from attacks on gender equality, allyship is working with,

promoting and protecting groups and individuals that share the same aims. UN Women encourages mutual recognition and respect for the intersections of the feminist and LGBTIQ+ movements. Noting that discriminatory attitudes stemming from within women’s and feminist movements can perpetuate marginalization and oppression of LGBTIQ+ people and organizations,²⁹ UN Women treats such movements as natural feminist allies and works to prevent the replication of broader societal misunderstandings, fear, privilege or prejudice that lead to their marginalization in broader feminist work. Powerful tactical links and mutually beneficial relationships can be fostered between these movements, drawing on their inherent interrelationship and commitment to gender equality. By working in partnership and collaboration, these movements will make the most progress on achieving gender equality.

B INTERSECTIONALITY

To recognize the different ways the multiple aspects of a person’s identity intersect and can affect their experiences of inclusion and empowerment and the enjoyment of their rights.

The legal scholar and professor Kimberlé Crenshaw proposed the concept of “intersectionality” in a 1989 article to describe the ways that individual characteristics such as race, class, gender and sexuality “intersect” with one another and overlap.³⁰ It is used to analyse experiences of inclusion and empowerment and the enjoyment of one’s rights, while also articulating the unique challenges people face at the intersection of multiple marginalised identities.³¹ It is proposed that we apply this approach to all our work, policies and programmes that are part of our gender equality agenda and relating to LGBTIQ+ rights. An intersectional approach should be applied not only in the development and implementation of policies and programmes but also in their monitoring and evaluation.

Women and girls are not a homogenous group. They often have diverse sexual orientations, gender identities and/or expressions and varied sex characteristics. Intersectional analysis shows that oppression based on gender has multiple intersecting dimensions. Gender-based discrimination is exacerbated where it intersects with other factors, such as SOGIESC. Lesbians, bisexual, transgender, queer and intersex women tend to face

unique discriminatory barriers due to patriarchal societal structures, on account of being women and having a non-normative SOGIESC. Where race, ethnicity, age, or disability, among many other grounds of discrimination, intersect with LGBTIQ+ status, people are likely to experience compounding, mutually constitutive forms of discrimination and violence. This includes, for instance, LGBTIQ+ asylum seekers, refugees, migrants and IDPs and survivors of humanitarian and natural disasters. Ironically, those facing intersecting forms of discrimination may not benefit from gender equality efforts as much as other women in positions of relative privilege.

There is a need to address all factors of oppression and work with and for diverse groups of marginalized and excluded women, noting the interrelationship of these factors, as well as with LGBTIQ+ groups and individuals as special and distinct groups based on the gendered and other inequalities they experience.³² Violations of LGBTIQ+ rights overlap and intersect with other forms of gender-based discrimination that women in general often face and are, therefore, interlinked with but distinct from the broader issues of women’s rights and empowerment.³³

For the principles of equality that are instilled at the UN to be truly relevant to lesbian, bisexual, trans and queer women, non-binary and intersex people, not to mention women of colour, Indigenous and refugee women, women living in poverty and women with disabilities, to name a few, they must be underpinned by a deep recognition of the complex ways in which oppression manifests in different people's lives. Intersectionality of privilege must be interrogated as well as intersectionality of oppression to determine how gender equality advocates can use privilege to advocate for LGBTIQ+ rights.

Efforts to advance gender mainstreaming standards across the UN system must ensure that an intersectional lens is integrated that recognizes and counters heterosexual and other forms of privilege and pinpoints fear of and discrimination against LGBTIQ+ people as manifestations of sexism that perpetuate, enforce and police gender norms and stereotypes. To support the practical implementation of an intersectional approach that addresses discrimination based on diverse SOGIESC, comprehensive, practical tools are needed that build on existing knowledge, collaboration with LGBTIQ+ communities and are contextualized to local settings.

C SPECIFICITY

To consider the distinctiveness and multiplicity of LGBTIQ+ identities, communities and contexts.

Women, girls and other people with diverse SOGIESC must be treated as a special and distinct group in UN Women's work, in addition to SOGIESC being interlinked with understandings of women and girls in general. However, it would be a mistake to treat LGBTIQ+ people as a unified group and to treat them in the same way. In some contexts, transgender women may face the highest level of economic exclusion, for example. In another context, lesbians may be at the highest risk of physical violence. It would not be accurate or useful to describe the group as LGBTIQ+ people or even "transgender women and lesbians" if the situation does not apply to both populations. We must consider the diversity and heterogeneity of LGBTIQ+ individuals as well as the multiple and intersecting forms of discrimination they face. In discourse, policy and programmes, based where possible on data and evidence, UN Women should be specific in our understandings and guidance, while being generally inclusive in recognizing the human rights of all people.

Progress has not equally benefited all in the diverse and widespread LGBTIQ+ communities. Comparatively popular campaign issues in the West like marriage equality have proven momentarily successful, been advantageous for many, and given greater mainstream prominence to LGBTIQ+ movements overall. However, the more urgent and complex needs of many LGBTIQ+ people have remained side-lined and are only just coming to the fore, pushing the frontlines towards focusing on the concerns of lesbians, trans and intersex people, especially black trans lives and the private sphere

of LGBTIQ+ people's lives.

Similarly, specific cultural and social contexts should be recognized and identified to avoid generalizations, internationally, regionally or even within a country. UN Women operates with the understanding that respect for equal rights of LGBTIQ+ people are viewed and valued vastly differently across countries, religions and cultures, and that contexts are complex and dynamic. While in an increasing majority of countries, societies are becoming more accepting of sexual and gender diversity overall, albeit slowly, contrasting trends are often at play among different ethnic, religious and political groups within countries.³⁴

The nature of social and political exclusion of people with diverse SOGIESC across contexts is often incongruous, with countries and subregions often demonstrating liberalizing values, progress and inclusion at the same time as backlash against progress and continued attacks on human rights. Likewise, many countries that demonstrate a lack of social acceptance for LGBTIQ+ rights, accompanied by criminalization and legal discrimination, have growing pockets of social acceptance and diversity, particularly in cities; and LGBTIQ+ perspectives are increasingly visible in popular culture, art and political discourse. So, the work of uprooting entrenched gender inequalities and prejudice hinges on the organization's awareness of and engagement with these specific tensions, rather than by avoidance of such tensions, subservience to political and other pressures, or falling into generalizations.

D EVIDENCE-BASED

To promote robust research and data collection and analysis to ensure policy and programme work is informed by LGBTIQ+ people's lived experiences.

Population estimates from the limited data available indicate there are “likely hundreds of millions of LGBTI people in the world, nearly all of whom experience some degree of social exclusion”. The global LGBTIQ+ population is estimated to be between 19 million and 1 billion people, based on wide-ranging estimates across countries.³⁵

Yet, basic, comprehensive and rigorous quantitative and qualitative data about LGBTIQ+ realities, especially in fragile and conflict-affected contexts, are severely lacking. Figures are often underestimated and do not reflect the full picture, raising concerns that people with diverse SOGIESC are drastically underreported and misunderstood. Studies indicate a correlation between growing proportions of people identifying under this umbrella in countries that have improving legal protections and social acceptance. This implies that low estimates in more repressive environments may be linked to fear of disclosure, among other barriers.³⁶

To ensure policies, legislation, programmes and investments to advance the human rights of LGBTIQ+ people are well informed and backed by rigorous evidence, strategic qualitative and quantitative research on the

lives of LGBTIQ+ people is urgently needed. Statistical invisibility is arguably the largest barrier to addressing exclusion and stigma for LGBTIQ+ populations. Addressing this is an important first step in the recognition of their human rights and is a foundation of social inclusion.

Improving systematic data collection and analysis can demonstrate the existence of people with diverse SOGIESC, accurately identify who is at risk of discrimination and specific vulnerabilities across society, document the experiences and characteristics of LGBTIQ+ people, and inform policies, programmes and public services.³⁷ Better data and evidence have a synergistic effect: they provide the basis on which policies, programmes and advocacy can be based. By disclosing information that may be suppressed they can lead to more disclosure of LGBTIQ+ identities and strength in numbers, while noting that disclosure must be voluntary and aligned with a ‘do no harm approach’.³⁸ More data and evidence can point to what needs to be done.

As a concrete example, more rigorous data and research is needed on the economic situation of LGBTIQ+ people, as well as greater evidence on disparities in employment, education and living conditions.

Box 1

Recommendations for improving the evidence base to support LGBTIQ+ rights

Like the other parts of this framework, the need to build a better evidence base can apply to all of UN Women's work related to LGBTIQ+ rights. At the same time, more than the other parts of the framework, specific recommendations can be made that also apply to the work of partners and other stakeholders. So, the following recommendations

Improve data collection and standards

- Risks and key human rights safeguards must be considered regarding data collection, use and storage,³⁹ and protection against specific risks should follow a set of principles: participation; data disaggregation by population group; self-identification; transparency; privacy; and accountability.⁴⁰

serve as an example of applying this framework, of advocacy that can be done in a specific area to advance LGBTIQ+ rights, and as a resource and reminder of what needs to be done. They are aimed generally at all key stakeholders, unless otherwise indicated: States, multilateral agencies, researchers and civil society.

Improve international data standards

- There is an urgent need to reach common grounds on standards for data collection on LGBTIQ+ issues, adopting a human rights–based approach that is more LGBTIQ+ and gender-inclusive.
- To remedy the lack of international standards, a number of countries across regions are spearheading the development and testing of different approaches.
- Australia, Bangladesh, Canada, Germany, New Zealand, the UK and the US, and India, Nepal and Pakistan,⁴¹ among others, have all made some developments, with the last three breaking new ground in census-taking by going beyond binary sex categories. Argentina, Chile, Costa Rica and Mexico are exploring the incorporation of questions on LGBTIQ+ populations in their 2020 (postponed) population censuses.⁴²
- The national statistical office of New Zealand released a statistical standard for gender identity in 2015, which is in use nationally and intended to provide a basis for the development of an international statistical standard. It provides a classification, definition of terms, question examples, operational/processing and output guidance.
- The SOGI research group at the National Statistical Offices of Canada, the UK and the US are reviewing resources, needs and gaps and undertaking relevant data collection.
- It must be kept in mind when reviewing country and regional examples that political and legal situations determine how people can identify the best approaches to collecting data on gender identity across countries.

Build the capacity of National Statistical Offices

- National statistical offices and partners should address institutional barriers and build capacities to regularly collect LGBTIQ+ disaggregated data, adhering to a human rights–based approach.⁴³
- Collecting and analysing data on sex assigned at birth alone is not sufficient to capture gender diversity in a population. It masks the realities of those whose gender does not match their sex assigned at birth, and makes transgender and intersex people in particular invisible and stigmatizes them, or dangerously exposing them, potentially causing them mental and physical harm.
- Various methodological and other challenges in defining and measuring sexual and gender minority status accurately must be addressed.
- Making accurate population estimates is challenging due to inherent limitations to self-reporting and self-identification of SOGIESC, especially related to fear of self-disclosure and the broad and evolving range of labels and self-perceptions used around sexuality and gender.
- UN Women and UN agencies actively seek to improve LGBTIQ+ data collection
- To help overcome the invisibility of LGBTIQ+ people in global policy and programming, partly resulting from lack of data collection and analysis, UN Women contributes to building the evidence base on LGBTIQ+ people’s lived experiences in relation to gender inequalities and provides non-binary framings where possible.
- References to transgender and other persons with diverse SOGIESC can and should be included in UN Women’s research literature in broad key messages and recommendations and in cases where: a) concrete evidence exists; b) specific, relevant examples are available; and c) general points framed in a gender binary are applicable to gender-diverse persons, i.e. regarding those who are disproportionately impacted by gender norms and stereotypes, gender-based discrimination, violence and patriarchal systems.

- Where UN Women cannot avoid referring to and using data that has been collected in a binary manner and which does not include data on people who do not identify as male or female, it is suggested that this be acknowledged as a shortcoming in the ‘gender analysis’ provided. UN Women further takes the view that, while continuing to use international standards (such as sex-disaggregated data), standards must continue to be developed and promoted that include multiple dimensions of gender and oppression.
- Short of official technical guidance, UN Women has contributed to this discourse in two of our recent flagship publications, [Progress of the World’s Women 2019–2020: Families in a Changing World](#) and [Turning Promises into Action](#), as well as in the Statistical Commission and the 7th Global Forum on Gender Statistics (2018), [Session 5 on Gender Equality and Human Rights](#), and in the latest [Progress on the SDGs: Gender Snapshot](#) (2021).
- Other UN agencies have contributed to improving data collection and standards concerning LGBTIQ+ people. The World Bank conducted a survey in 2018: [Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe](#) (See: [survey](#)), and the [LGBTI inclusion index](#) (with 51 indicators in line with the SDG global indicator framework) was developed by the United Nations Development Programme (UNDP) in partnership with the World Bank and key civil society partners.
- United Nations Country Teams (UNCTs) have a responsibility to advocate for and support data collection and analysis.

Photo: UN Women/Tara Milutis. Anastasiia Yeva Domani is a lesbian, transgender woman from Kyiv, Ukraine. She is a consultant for and member of the Trans*Coalition in the Post-Soviet Space – the first and only network by and for trans activists in the region. She advocates to decategorize transgenderism as a medical disorder and for access to counseling for trans people in relation to transition processes. Learn more about her story on UN Women’s website.





3

BACKGROUND AND CURRENT CONTEXT

BACKGROUND AND CURRENT CONTEXT

A history of oppression, erasure and recognition

LGBTIQ+ people have existed throughout history and across cultures worldwide but remain largely misunderstood by mainstream societies, with experiences ranging from relative erasure to discrimination and violence.

Expressions of same-sex affection, love and relationships, a variety of gender identities and expressions, and varied sex characteristics, have long been conceptualized in many ways across cultures and traditions around the world. There are a wide range of gender identities and gender expressions, especially in non-Western societies, including the recognition of ‘third genders’.⁴⁴ Terms include *hijra* (Bangladesh, India and Pakistan), *travesti* (Argentina and Brazil), *waria* (Indonesia), *okule* and *agule* (Democratic Republic of the Congo and Uganda), *muxe* (Mexico), *fa’afafine* (Samoa), *kathoey* (Thailand) and *two-spirit* (Indigenous North Americans). Some such identities transcend Western concepts of gender identity and/or expression and sexual orientation, and terms commonly used in English (like “sex”, “gender”, “gender identity” and/or “sexual identity”) are not necessarily distinguishable. An estimated quarter of the world’s population come from cultures and countries where genders other than male and female are recognized in

law and cultural traditions, including Australia, Austria, Bangladesh, Canada, India, Malta, Nepal, New Zealand and Pakistan.⁴⁵

LGBTIQ+ rights are sometimes considered by opponents to be a Western construct. In acts of negation, they argue that there are no LGBTIQ+ people in their countries and that, if there are, it is a result of Western influence and not part of the ‘natural order’. But as described above, people with diverse SOGIESC are part of all societies; though in some, they may be invisible due to stigma and discrimination. A perhaps lesser-known construct is the importation of negative laws and attitudes towards same-sex relations and transgender people from the West to other countries. English anti-sodomy laws from the 16th century were exported to British colonies. More than half of the 80 countries around the world that still criminalize consensual same-sex conduct were once British colonies. The absolutist notion of the male/female binary as an ordering social principle is also the result of colonialism.⁴⁶ This past exportation of ideology against LGBTIQ+ rights is now being replicated via conservative churches in the West, among others, seeking to influence government and civil society in countries ranging from Uganda to Hungary.

Progress but unmet needs

Important advances in human rights protection for LGBTIQ+ people have occurred in all regions in recent decades, but these are piecemeal and often accompanied by setbacks. These advances include decriminalization of same-sex relations, legal recognition of the gender identity of transgender people, marriage equality, and the adoption of legislation and policies to address discrimination and hate crime, among many others.

Eight countries held their first ‘Pride’ event in the last three years, sometimes signalling increasing acceptance of LGBTIQ+ people and their rights, at other times a signal of protest against stigma, violence and discrimination, an affirmation of existence, and a demand for recognition and protection.⁴⁷

Nevertheless, many challenges remain. Approximately two billion people live in environments where LGBTIQ+ people are effectively treated as criminals.⁴⁸ About 35 per cent of States, 69, criminalize consensual same-sex relations and acts.⁴⁹ Six States impose the death penalty for consensual same-sex sexual acts and they are punished in five others.⁵⁰ In Uganda, same-sex relations can carry a life sentence, and 58 States criminalize ‘non-normative’ gender diversity.⁵¹ At least 42 countries criminalize consensual same-sex conduct between women. Transwomen are criminalised in approximately 48 countries worldwide⁵² by laws criminalising consensual same-sex relations and face arrest and prosecution on the basis of other, often vaguely defined laws including laws on “cross dressing”.⁵³

Many countries have laws that can be used to criminalize the activities of LGBTIQ+ people, such as laws against so-called ‘cross-dressing’ or laws used to prevent LGBTIQ+ people from gathering or meeting. Only one third of States protect people from discrimination based on sexual orientation, and only a tenth of States protect transgender people from discrimination, with many existing anti-discrimination laws still excluding LGBTIQ+ communities. LGBTIQ+ people lack access to justice and, along with LGBTIQ+ human rights defenders, are commonly subjected to serious and widespread human rights violations including arbitrary detention, frequent denial of rights, harassment, torture, violence and killings.

Many issues still need to be addressed at the legislative and policy levels worldwide. Despite established international human rights norms and standards, across countries, there is huge variation in how these commitments are reflected in law, policy and practice. At community levels, social norms and attitudes often do not reflect advances at the national let alone international level. Whereas, in other cases, they are more advanced. In the UK, 21 per cent of lesbians reported experiencing a hate crime based on their sexual orientation.⁵⁴ Meanwhile, signaling a major

breakthrough for transgender rights in the region, Kuwait’s constitutional court has overturned a law that criminalised “imitation of the opposite sex” and was used to prosecute transgender people, finding it in violation of the constitutional right of personal freedom.⁵⁵ In Cameroon, where consensual same-sex conduct is punished with up to five years imprisonment, a court has punished perpetrators of a violent attack on an intersex person. This ruling, coupled with the government’s public condemnation of the attack, is a small but meaningful step towards growing recognition of the fundamental rights of LGBTIQ+ people and the State’s obligations to protect them.⁵⁶

The legal recognition of transgender, intersex, and other gender diverse people, as well as their protection against discrimination, is an important gap. Few countries legally recognize the gender identity of transgender people; or they do so with abusive conditions, such as mandatory sterilization, and other medical requirements or psychological appraisals. Self-determination is the hallmark in this context, meaning that an individual can determine independently how they identify in terms of gender. Seven States officially recognize non-binary gender identities via varied gender markers on documents, most recently Argentina in July 2021.⁵⁷ Only three states protect intersex people from discrimination. Legislative and other measures to protect non-binary people have only recently taken shape, despite the long-standing presence of these communities worldwide. In 2003, Australia was one of the first nations to formally create a third classification for gender identity to be used on official legal documents, with non-binary Australians able to mark themselves as “X” gender. Argentina, Austria, Bangladesh, Canada, Germany, Iceland, India, Nepal, New Zealand, Pakistan, Uruguay and parts of the United States have since adopted similar laws. Gender affirmation laws are also in place in Norway, Taiwan and Cuba, and a legal gender recognition process is under discussion in Viet Nam.⁵⁸

Backlash

Some States and organizations have long been opposed to LGBTIQ+ rights, while others are more opportunistic. A backlash to positive developments for LGBTIQ+ rights at the international and national levels is currently being played out, including in UN fora. The notion of backlash against gender—in the form of so-called anti-gender or gender-critical ideology, narratives and movements—has a long history at national and international levels led by conservative government, religious and civil society actors, stemming back to the 1990s, whereby the concept of “gender” (along with LGBTIQ+ rights, sexual and reproductive rights, sexuality and gender-sensitive curriculum) is portrayed in opposition to the ‘traditional family’ and ‘traditional family values’. These actors ‘evoke a global conspiracy and create an atmosphere of panic and moral concern’.⁵⁹ This is coupled with a reinvigoration of patriarchal forces, and what the Women’s Rights Caucus, a global coalition of over 200 organizations promoting gender equality, has described as a worldwide rise of authoritarianism, fascism, nationalism, xenophobia, supremacist ideologies and fundamentalism. This hostility is increasingly manifest in intergovernmental fora, in national politics, theology, among civil society and is often driven by nationalist populist zeal, and stems from all regions and among transnational alliances.⁶⁰ Although this activity is highly organized, it is not centralized.⁶¹ Such movements are generally well-funded by wealthy individuals, organizations and religious institutions.⁶² As a result, women’s rights and LGBTIQ+ rights have

been under serious attack; and both sets of rights, which are indivisible and interdependent, face grave threats.^{63, 64}

Active state-sanctioned repression of LGBTIQ+ rights tends to be associated with political dynamics such as the rise of authoritarian regimes or campaign tactics ahead of elections where a party scapegoats LGBTIQ+ people, encouraging hatred to win them political and popular favour, or even to distract from other issues, for example, poor governance. In extreme but not uncommon examples, states tolerate, endorse or directly sponsor the violent suppression of those who do not follow prevailing norms on gender expression, creating environments permissive of discrimination and violence by private individuals and feeding vicious cycles of abuse, for example with vigilantes cancelling LGBTIQ+ meetings and pride marches, or even engaging in violent attacks.⁶⁵ Social and political exclusion is evidently correlated with the religiosity of a population and the overall levels of economic development of a state—i.e. the more religious and less economically developed a country is, the more exclusionary it tends to be.⁶⁶ Even so, in contrast, some religious and traditional practices have fostered inclusionary environments.⁶⁷ Some states have also opportunistically used the COVID-19 pandemic crisis to undermine women’s rights, particularly reproductive rights, as well as LGBTIQ+ rights.⁶⁸ This political environment has also facilitated attacks on human rights defenders.

Photo: UN Women/Billy H.C. Kwok. A groundswell of support made Taipei’s annual pride parade in October 2018 an unusually political affair, with participants showing their support for a vote in favour of equal marriage rights. An estimated 137,000 people attended the parade, the biggest of its kind in Asia.



The need for the UN's leadership on LGBTIQ+ rights

There is a clear role for the UN in the protection and promotion of the rights of LGBTIQ+ people. International human rights law establishes the legal obligations of states to safeguard, respect, protect and fulfil the human rights of LGBTIQ+ people, grounded in global and regional human rights instruments and monitored by human rights bodies.⁶⁹ No UN Member State is immune to scrutiny over its treatment of LGBTIQ+ people, and existing mechanisms can be used at the international and regional levels, including treaty bodies and the Universal Periodic Review.

As an example with regard to transgender people, these mechanisms conclude that the 'right to self-determine one's gender is a fundamental part of a person's freedom and a cornerstone of a person's identity'. Thus, states are obliged to respect the physical and psychological integrity of transgender people via the provision of access to gender recognition consistent with the rights to freedom from discrimination, equal protection of the law, privacy, identity and freedom of expression, and without abusive requirements that may further violate human rights.⁷⁰

To garner greater respect and understanding for and ensure the dignified treatment of LGBTIQ+ people, Member States must implement their commitments to addressing inequalities and forms of oppression impacting LGBTIQ+ people. As stated in the 1993 Vienna Declaration, "While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms."⁷¹ Considering that discrimination against LGBTIQ+ people is "more widespread and socially accepted than virtually any other kind of discrimination around the world",⁷² it is incumbent on UN Women to play a leadership role in addressing this, while navigating the various political, social and other challenges to doing so.

While ultimately Member States retain sovereign control over the setting of law and policy, international actors and mechanisms can work strategically with states to advance the human rights of LGBTIQ+ people within countries through law and policy reform.

Evidently, just 10 years ago, no UN entity had undertaken dedicated programming on SOGIESC. Five years ago, UNDP started addressing LGBTIQ+ issues beyond the response to HIV. While UN Women is considered to be critical for setting this agenda, historically it has been seen as relatively 'conservative' from the perspective of LGBTIQ+ groups and CSOs.⁷³ In recent years, UN Women's progressive steps toward a more inclusive view of gender have been widely commended.⁷⁴ Now is the time to ramp up and cement these efforts.

For instance, UN Women has a clear role in responding to the concerning proliferation of anti-gender narratives described above. Some women's rights advocates are seen to be resisting paying attention to transgender and other people with diverse SOGIESC in the interests of protecting gains for and maintaining attention on cisgender women. And some fear that the UN has 'gone backwards' and its staff have become more 'discreet' since the period of advocacy by former Secretary-General Ban Ki-Moon and US President Obama until 2015.⁷⁵

UN Women is being proactive, taking the same view as an increasing proportion of gender equality activists with broad understandings of gender: that it serves coalitions across the women's and LGBTIQ+ movements by unifying forces committed to addressing gender-based discrimination and violence. UN Women stands against attacks on people with diverse SOGIESC in the name of culture and religion and promotes universal human rights in the face of tension with cultural attitudes.⁷⁶ Human rights cannot be subject to the whim of cultural interpretation but are obligations of states under international human rights law for which LGBTIQ+ people are protected. People are entitled to religious beliefs, but not to discriminate against others. Nor can one's views be considered monolithic and superior to another's human rights and freedoms. Protection of one area of human rights should not be protected at the expense of another. Regional and national particularities and historical, cultural or religious practices, though significant in many aspects, 'do not absolve governments from their duty to promote and protect all human rights and fundamental freedoms and to ensure that such protection is universally applied and respected'.⁷⁷ Equally, UN Women takes the view that criminalization of sexual relations and gender identity and expression

does not reflect current human rights and public health discourse and practice, and that decriminalization is an urgent and necessary endeavour. Rights to freedom of religion or belief cannot be invoked to justify human rights violations or to persecute others, nor do hierarchies

of discrimination grounds exist.⁷⁸ In an unprecedented step forward, a UN system-wide policy and strategy on protection from violence and discrimination based on SOGIESC is under-development (*See Box 4*).

The COVID-19 pandemic – response and recovery

The COVID-19 pandemic—that emerged in March 2020 and as of September 2021, continues with ferocity—is part of today’s operational context for any UN agency, including UN Women. As a catastrophic and unexpected event, it had not been accounted for across UN Women’s strategic planning processes at the time of drafting. While it is, as of today, considered a critical area of work, this resource guide proposes that the COVID-19 pandemic can be described in two key ways: to inform the context for all of UN Women’s other work, and to provide a practical and urgent example of how UN Women can consider any or most crises or areas of work through the lens of LGBTIQ+ rights.

By doing so, it shows that, while LGBTIQ+ people have specific needs in this situation (and are in fact at increased vulnerability – not all in the same ways or to the same extent), there are also solutions to ensure those needs are addressed and attention is paid to LGBTIQ+ rights. The current crisis presents an opportunity to model the inclusion of all people with diverse SOGIESC within relief and recovery efforts, to build awareness of the breadth of LGBTIQ+ issues, to establish new partnerships and to foment greater expectations for future programming.⁷⁹

Key challenges and recommendations are provided in short point-form to ensure they are accessible.

Challenges

Amplifying human rights risks

- The COVID-19 crisis is a human rights issue. It is entrenching legal, social and economic inequalities for LGBTIQ+ people and increasing existing discrimination and exclusion, for example in accessing services, including in health, housing, employment, justice and education and where legal identification documents are lacking. Where some LGBTIQ+ lives are criminalized, such challenges are aggravated and worsened by risk of detainment and imprisonment.
- Food security and shelter are emerging as the predominant concerns of LGBTIQ+ people during COVID-19, suggesting the compounding of existing concerns in access to livelihoods and housing.⁸⁰
- Some people are being scapegoated as the cause of the virus, whether due to their sexual orientation or gender identity or expression; this is accompanied by hate speech and prejudice. It has heightened anti-LGBTIQ+ stigma, discrimination, violence and harassment across all spaces - private, public and online.⁸¹
- Reports from across regions indicate that abuses of State power under the pretext of virus containment may disproportionately harm LGBTIQ+ people due to crackdowns, constraining rights to freedom of assembly, through hostile legislation and breaches of privacy by use of invasive surveillance.⁸²
- Just as the pandemic context risks undoing gains made on women’s rights, recent progress on LGBTIQ+ rights risks being undone, both inadvertently and in conscious, targeted ways.

Lockdowns raise particular challenges

- Social and physical distancing measures are reportedly increasing mental health concerns for LGBTIQ+ people who rely overwhelmingly on ‘chosen families’ and extra-familial support networks for safety, support and well-being.⁸³
- ‘Shelter-in-place’ measures force many LGBTIQ+ people into unsafe and damaging living arrangements with hostile family members or abusive partners, exacerbating risks of violence, abuse and physical and mental health risks.
- In many countries, reported incidents of gender-based violence (GBV) have increased by 40 to 70 per cent, with even greater spikes in certain cities and regions in the context of COVID-19 as a result of lockdown measures as well as harassment in public due to gender segregation policies.⁸⁴
- Binary gender-based segregations and restrictions on movement have a humiliating and discriminatory effect on transgender and gender diverse people by limiting access to essential items and services and imposing danger of punishment, abuse and attacks, including by authorities, and exposure to arbitrary arrest and detention.⁸⁵

A heightened risk of exposure

- LGBTIQ+ people are among the groups most at risk of exposure to COVID-19.⁸⁶ Exposure to COVID-19 is heightened for the significant proportion of LGBTIQ+ people living with compromised immune systems, many of whom are older people, including those living with HIV.
- LGBTIQ+ people, especially youth, comprise a considerable share of homeless populations and those in communal and substandard shelters, thus lacking sufficient means of self-protection, including via physical distancing and safe hygiene practices, and lacking access to public health information.
- Overwhelming numbers of LGBTIQ+ people rely on work in the informal sector and are more likely to be unemployed and live in poverty than the general population.⁸⁷ Faced with the threat of losing income and lacking job security and benefits, they must decide between exposure to infection to maintain a livelihood or complying with restrictions and losing access to basic necessities and financial stability.⁸⁸

Lack of access to health services and exacerbated health risks

- Already poor health outcomes among LGBTIQ+ populations are expected to worsen in the current context as existing barriers are compounded by new measures and dynamics.⁸⁹ While all people risk infection, not all will suffer equally. In many places where LGBTIQ+ people already face stigma, discrimination, exclusion and criminalization, they expect to fare worse.
- Owing to pervasive stigmatization of and discrimination against LGBTIQ+ people in health settings, including denial of services and confidentiality breaches, access to much-needed services are now further compromised in already overwhelmed health systems, including to sexual and reproductive health services and transgender-specific healthcare. Limited financial resources and access to health insurance coverage worsen this.
- LGBTIQ+ people suffer from higher rates of underlying health conditions than the general public which are shown to worsen morbidity and mortality rates of COVID-19.⁹⁰
- Existing health disparities in LGBTIQ+ populations are rife, as evidenced by higher rates of breast and cervical cancer, HIV infection, and mental health concerns such as anxiety, depression, self-harm and suicide.⁹¹ Older LGBTIQ+ people come under multiple risk categories, thus are more prone to death from the virus, a situation commonly aggravated by in-access to financial security, healthcare and support systems.⁹²

Exclusion from policymaking and lack of resources

- Inadvertent but disproportionate harm is caused to LGBTIQ+ people’s overall health and well-being in the current context due to their exclusion from policymaking, public health priorities being reallocated to COVID-19, and a lack of resources.
- The persistent criminalization, demonization and pathologization⁹³ of people with diverse SOGIESC has been deeply impacted by public policy, legislation and jurisprudence in ways that exacerbate physical and mental health risks.⁹⁴
- Lessons from past humanitarian and public health crises serve as warnings that the redirection of resources has measurable impacts on the lives of LGBTIQ+ people. It risks undermining existing progress and may result in excluding LGBTIQ+ people from policymaking and priorities.
- LGBTIQ+ people are largely excluded from framings of ‘vulnerable’ or ‘at-risk’ populations in COVID-19 response plans and statements. A review of humanitarian sector tracking data indicates that humanitarian resources pledged by the biggest donors globally are not systematically or directly targeting LGBTIQ+ people’s needs.⁹⁵
- Of 3,112 policy measures documented in the UNDP and UN Women COVID-19 Global Gender Response Tracker, globally, just 8 mention diversity of SOGIESC. This includes some existing programmes not targeting new COVID-19–related concerns.⁹⁶

Recommendations

Responses must be inclusive

- To ensure LGBTIQ+ people are not left behind, COVID-19 prevention, response and recovery plans must be comprehensive, rights-based and aimed at reaching those most at risk.
- A human rights–based approach must be applied to measures, underscored by principles of equality and non-discrimination, participation, empowerment and accountability.
- Policies and plans must be holistic and intersectional, concretely addressing the numerous structural barriers facing LGBTIQ+ people across social, political, cultural and economic domains, and taking into account the multiple dimensions of people’s lives, of which SOGIESC may be one of many.
- The rights and concerns of LGBTIQ+ people must be built in by all stakeholders as core components of the design and implementation of COVID-19 assistance (prevention, response and early recovery), including regarding food, shelter, gender-based violence, WASH (water, sanitation and hygiene) and psychosocial support.
- Tailored guidelines based on six fundamental actions for design, implementation and evaluation of measures to response and recovery should be adhered to by all actors: acknowledgement; support; protection; indirect discrimination avoidance; representation; and evidence-gathering.⁹⁷
- The UN system’s focus on safeguarding lives and livelihoods and addressing the humanitarian, human rights and social and economic dimensions of the crisis are directly applicable to the current priorities of LGBTIQ+ communities. Beyond relegating LGBTIQ+ people as an “other vulnerable community”, such people are fundamental to any response focused on gender equality and are often also women and girls deserving the utmost attention in responses considering the multiple and intersecting disadvantages they face ([See Box 2](#)).

Responses must be specific

- Global, regional and national measures to address the socio-economic impacts of COVID-19 must take into account the unique risks facing LGBTIQ+ people to ensure their protection, especially those more vulnerable such as transgender people, those living with HIV, the homeless, older and young people, and migrants, refugees and asylum seekers.
- Prioritization of health services and other crucial support services should be based on science and data, not on biases and stereotypes, and discriminatory barriers to seeking healthcare must be addressed.
- Social protection schemes must reflect the needs of the many LGBTIQ+ people working in the informal sector, including those working in the sex industry,⁹⁸ migrants with illegal or uncertain residency status and the homeless.

Responses must be coordinated

- UN agencies must collaborate closely with WHO, UNCTs and authorities to ensure responses are coordinated and take the specific impacts of the crisis on LGBTIQ+ people into account, including in responses focused on gender equality and women and girls.⁹⁹
- LGBTIQ+ rights must be operationalized and made central to the *UN system's comprehensive response to COVID-19*.
- *The UN Framework for immediate socioeconomic response to COVID* recognizes LGBTIQ+ people as an 'at-risk population' requiring attention in the UNDS immediate development response. LGBTIQ+ people should also be situated in the broader framing of gender equality as suffering the most pervasive inequality and as a cross-cutting issue in 'building back better'.

Responses must be evidence-based

- Intersectional and gendered approaches to plans must be informed by comprehensive gender analyses and data collection efforts that accurately capture diverse SOGIESC. If no evidence exists, data gathering is critical (*See Box 3*).
- States must ensure they count and recognize the existence of all LGBTIQ+ people under their jurisdiction with respect for their safety and incorporate their concerns into the design, implementation and evaluation of pandemic response and recovery measures.
- Collection of public health data and using them for global analyses are hampered by laws in place in over 70 countries that criminalize, stigmatize and discriminate based on sexual orientation. In such contexts, collecting data on LGBTIQ+ people should be questioned with concerns of surveillance, harassment, entrapment, arrest and state-sanctioned persecution. Anonymous testing should be explored as an option to protect LGBTIQ+ people until anti-discrimination laws are implemented.¹⁰⁰
- Statistical methods that apply binary gender classifications and count only the gender assigned at birth tend to make transgender, intersex and non-binary people invisible in data collection and analysis, which results in their erasure from planning and policymaking related to public health and crises.
- CSOs and communities should be engaged in the design and adoption of data collection methodologies to safeguard safety and security and ensure effectiveness and accuracy given the variety of LGBTIQ+ identity formations across cultures, races, ethnicities and classes. Data collection and research led by CSOs, particularly those that work on behalf of LGBTIQ+ communities, should be considered reliable sources of data and expertise, especially during times of crisis when immediate response is critical and non-traditional data sources are needed to fill gaps.

- The human rights–based approach to data obliges states to enable data disaggregation for comparison of population groups and capture violence and discrimination based on SOGIESC. The incorporation of demographic indicators can further enable a complete and accurate picture of the dynamics of structural inequalities underpinning the pandemic’s impacts.
- In the longer-term, all actors must ensure that the implementation and impact of interventions and strategies are monitored and impacts evaluated to ensure people with diverse SOGIESC are protected in public health and economic crises going forward.

Box 2

Some UN Women activities on LGBTIQ+ rights in the first year of the COVID-19 pandemic

- In Asia-Pacific: 9 out of 21 COVID-19 Humanitarian Response Plans, Country Preparedness and Response Plans (WHO structured health ones) or Multi-Sector Plans in the region include LGBTI persons in the situation analysis and/or activities (in Pakistan, Bangladesh, Indonesia, the Pacific, the Philippines, Papua New Guinea, and Timor-Leste and two plans from Nepal). OCHA and UN Women undertook this analysis, based on all inter-agency plans led by UNCTs or HCTs.
- In LAC, UN Women has recently produced (with CARE International) the report, *Rapid Gender Analysis – COVID-19 Emergency in LAC*, which integrates an LGBTIQ+ lens throughout and has a dedicated chapter analysing impacts on this population, as well as focused recommendations.
- LAC has also established the Regional Latin American and Caribbean humanitarian and crisis response group (REDLAC) COVID-19 Gender Table, which has a LGBTIQ+ focus.
- UN Women in Lebanon is undertaking analysis of gender-based violence in the context of COVID-19, focusing especially on violence against LGBTIQ+ people as well as other marginalized groups. The third Gender Alert on COVID-19 in Lebanon, in collaboration with other organizations, was recently published with a focus on LGBTIQ+ people.

States must protect LGBTIQ+ rights

- States must ensure that existing rights and guarantees are not reversed under the guise of the COVID-19 response and adopt measures within the international legal framework.
- Measures taken to curb the spread of COVID-19 must be reasonable and proportionate and emergency powers not exploited.
- Political and legislative measures addressing this pandemic must tackle the multiple structural factors that perpetuate discrimination and not further entrench power dynamics and structures that harm women and girls generally and LGBTIQ+ people specifically.
- States must act within a human rights framework to prevent violations of economic, social and cultural rights that increase the suffering of marginalized groups.¹⁰¹
- States must overturn criminalization laws and guarantee anti-discrimination provisions in law and policy to ensure people with diverse SOGIESC are fully protected.

CSOs that serve LGBTIQ+ people need resources and support

- Official sources must step in with consistent and comprehensive support, protection and resourcing for LGBTIQ+ organizations and human rights defenders who are currently leading assessment, response and recovery efforts focused on their communities.
- Civil society organizations have made vital contributions by delivering a range of services to LGBTIQ+ communities, such as dissemination of information; distribution of food, hygiene products and medical supplies; and legal, psychological and psychosocial support.¹⁰² So, in the process of addressing oversights in official responses, all actors—governments, donors, the UN system, humanitarian actors and other organizations—must treat LGBTIQ+ organizations and communities as pivotal to engagement, outreach and response and recovery planning efforts.
- CSOs require adequate resourcing to conduct community-based work including via ongoing support to established rapid response mechanisms and to ensuring long-term sustainability of CSOs to resume broader work.
- To ensure essential funding continues, governments and donors must avoid cancelling or delaying programmes or redirecting funding away from marginalized communities.

Box 3

Using research and data to advocate for LGBTIQ+ rights during the COVID-19 pandemic

To ensure lessons are drawn from the COVID-19 pandemic to avoid repeating problems in future pandemics, States and international organisations must monitor and evaluate the impacts on all people whose identities place them at particular risk.¹⁰³ The pandemic has provided an example of how research and data can and should be used to advocate for LGBTIQ+ rights and ensure the needs of LGBTIQ+ people are met.

States should work to understand how LGBTIQ+ people are affected by particular crises, such as the COVID-19 pandemic, and include LGBTIQ+ people in research and data collection by disaggregating these data, where possible. Disaggregation of data allows a comparison of population groups and has become an element of the human rights-based approach to data. These data are vital to States' obligations to report to international human rights bodies, for example, in relation to violence and discrimination based on SOGIESC.

States and international organisations should engage with LGBTIQ+ organizations to design and adopt methodologies that enable data collection while

ensuring the safety and security of people with diverse SOGIESC. Monitoring includes looking at data gathered by administrative agencies and through statistical surveys, censuses, perception and opinion surveys and expert judgements.

In 2020, UN Women, in partnership with the Inter-Sector Coordination Group (ISCG) Gender Hub, CARE and OXFAM, and in consultation with LGBTIQ+ civil society, conducted a Rapid Gender Analysis (RGA) among Rohingya refugees in Bangladesh. This generated evidence to support the design of gender-responsive interventions and strategies for the COVID-19 response in refugee camps. Through its consultation with key LGBTIQ+ CSOs, and disaggregation of data based on gender identity, disability, and other markers, the analysis identified unique impacts of COVID-19 on transgender refugees. The pandemic has further restricted their mobility in public spaces, confining them to their homes, and increasing social stigma and GBV in all forms. The study also found that trans refugees faced specific challenges in accessing services during the pandemic, as trans people were already often served last, missing out further when resources are limited.¹⁰⁴



4 THEMATIC
FOCUS AREAS
AND
CROSS-CUTTING
AREAS

This section will describe LGBTIQ+ issues and inclusion in relation to the following areas of UN Women's work.

THEMATIC FOCUS AREAS:

- **Governance and participation in public life**
- **Economic empowerment**
- **Violence**
- **Women, peace and security, humanitarian action and disaster risk reduction**

CROSS-CUTTING AREAS:

- **Health**
- **People on the move**
- **Youth and older people**
- **People living with disabilities**
- **Indigenous people**
- **The promotion and protection of civic space and civil society engagement**

THEMATIC FOCUS AREAS

Governance and participation in public life

Issues of governance and participation in public life apply to all LGBTIQ+ people. Despite participation of all citizens in political processes being a cornerstone of democracy and articulated in international human rights law, LGBTIQ+ people face multiple barriers to exercising this right, including the denial of voting rights, the ability to run for office and participate on an equal basis in civic affairs. Across the world, they frequently lack legal

recognition, because of their gender identity for instance, or are criminalized because of who they are, on account of their sexual orientation for instance. LGBTIQ+ women face distinct challenges because they are women and because of their sexual orientation, gender identity, expression, and/or sex characteristics. Where these challenges persist, good governance and political participation of LGBTIQ+ people are impossible to ensure.

Challenges

Backlash interferes with participation

- As LGBTIQ+ people become more visible across societies in recent years as well as their efforts to claim human rights, backlashes against this progress are increasingly prevalent across regions (*See 'Backlash' under 'Background and current context' above*). Discrimination and human rights violations that are sponsored or tolerated by States are correlated with political dynamics, like election cycles and other challenges to governments.¹⁰⁵
- The COVID-19 pandemic has made matters worse for LGBTIQ+ people, especially trans and gender diverse people, in public life. As civic space for feminist and human rights advocacy was already shrinking due to pandemic-related restrictions and rising authoritarianisms, religious and political leaders have fuelled rumours that COVID-19 has come as retribution for immoral behaviour or cultural bankruptcy, often scapegoating gender diverse human rights defenders (and broader LGBTIQ+ communities) to advance regressive and discriminatory political goals, as witnessed recently in Poland, Ukraine, and Senegal, for example.¹⁰⁶
- Heightened stigma is part of the growing global agenda against so-called 'gender ideology', as highlighted, that has made substantial gains during the pandemic, with coordinated action by State and non-State actors in rollbacks on reproductive rights, LGBTIQ+ rights, comprehensive sexuality education, and reversals on commitments to international human rights treaties and mechanisms. These actors often rely on transphobic and transmisogynist 'entry points' within feminist movements to advance anti-gender and anti-rights agendas.
- Biased media stories have capitalised on transphobia and transmisogyny as material for debate, furthering political divisiveness and often positioning trans rights as merely a 'generational' dispute due largely to the outspokenness of youth advocates on trans issues. This is contributing to an even more hostile civic space for young people, especially trans and gender-diverse youth.¹⁰⁷

The danger of political or election-related violence

- Political and election-related violence inhibits free and equal political participation and the conduct of inclusive elections to the detriment of LGBTIQ+ people. It is a serious concern for LGBTIQ+ politicians, activists and organizations and includes physical attacks, hate speech and online abuse. Considering the common motives, forms, impacts, targets and perpetrators, it is understood as a form of gender-based violence.
- Trans and gender diverse people, especially trans women, face unique obstacles to their effective engagement in multilateral processes and public life more broadly, including hate speech, threats of violence, harassment on- and offline, outing campaigns, State-sanctioned retaliation, detention, and death.
- The violence and retaliation trans and gender-diverse people, particularly trans women, face in civic space is linked to systemic patterns of transphobic and transmisogynist hate crimes that have been reported in all regions of the world, ranging from aggressive, sustained psychological bullying to physical and sexual assault, torture, kidnapping, and targeted killings, all of which have risen in recent years due to a variety of factors, including the heightened visibility of trans people in public life.¹⁰⁸

Recommendations

Leadership from politicians, communities and media

- The UDHR and International Covenant on Civil and Political Rights (ICCPR) are clear in supporting political participation and the right of every person to equal participation in public affairs, to vote and be elected, and the right of access to public service.
- Since political and community leaders and the media have significant influence over public perceptions, it is critical that they combat hate speech and support anti-discrimination measures and that LGBTIQ+ people are given equal opportunities for public leadership roles to enhance visibility and representation.

Legalizing identity documents for transgender people

- A key step to removing barriers to political participation is increasing access to official legal identity documents that correspond with personal gender identity. Various countries in Latin America and the Caribbean, including Brazil, Costa Rica, Ecuador and Guatemala, have taken measures to remove legal identity barriers by improving gender markers. Various countries in South Asia, such as Bangladesh, India, Malaysia, Nepal and Pakistan, have taken measures to remove barriers to transgender people voting, including through the provision of peer voter education by transgender people.¹⁰⁹

Support for civil society organizations working in this area

- The contributions of LGBTIQ+ organizations, working independently and associated with political parties, is critical to the promotion of LGBTIQ+ candidates, undertaking community advocacy on political participation, and providing electoral assistance. They need the continued support and protection of UN Women and partner agencies.
- UN Women should play a more active role in key civil society-led fora, such as OutRight Action International's annual OutSummit for LGBTIQ+ human rights and UN Trans Advocacy Week, an interagency initiative driven by trans-led collaborative work at the Human Rights Council. In these efforts, UN Women should pay special attention to the engagement of youth partners from LGBTIQ+ networks and organisations who are already mobilised and knowledgeable, and work to amplify their voices, facilitate their participation in intergovernmental processes, and include them in advocacy and programmatic work.

UN Women to take an active role in this area

- UN Women has taken the opportunity provided by the priority theme of CSW65 to play an influential role in this area. Its Report of the Secretary-General is a source of information and guidance.
- UN Women supports the need for specialized guidance related to the UN Strategy and Plan of Action on Hate Speech both on LGBTIQ+ issues and gender analysis.
- UN Women is working with UNDP on a forthcoming (2021) 'Guide on political and electoral participation of LGBTI persons' for practitioners. It will identify entry points for various stakeholders to support political inclusion and participation of LGBTIQ+ communities throughout the electoral cycle. It will also collate good practice and offer tools to a range of electoral stakeholders, including LGBTIQ+ leaders, political parties, electoral management bodies, civil society, journalists, parliamentarians and international electoral support practitioners.
- In light of particularly hostile, anti-LGBTIQ+ backlash across civic space, UN Women has been working alongside OHCHR, UNDP, the ILO, and other agencies in the implementation of the UN Guidance Note on CivicSpace. Various projects are working to enhance individual- and organization-level commitments to the promotion, protection and full participation of LGBTIQ+ activists and advocates, women human rights defenders, environmental human rights defenders, racial justice advocates, and all those working at the intersections of these spaces.
- The UN Trust Fund currently supports 12 civil society organizations implementing projects specifically addressing the needs of LBT women and girl beneficiaries in 12 countries (Albania, Argentina, Colombia, Eswatini, Iraq, Fiji, Madagascar, Malawi, Malaysia, Philippines, South Africa, Zimbabwe), for a total amount in grants of USD6.7 million.
 - Under UN Trust Fund's most recent grant-giving cycle, one grant was awarded to the Alliance Against LGBT Discrimination, an LGBTIQ+ organization implementing a project in Albania.

CASE STUDY

MOVING BEYOND THE BINARY IN NEPAL

The LGBTIQ+ movement in Nepal has been successful in getting legal recognition for people with diverse SOGIESC. A landmark 2007 Supreme Court decision ordered the government to legally recognize a third gender category, review all discriminatory laws from an LGBT lens, and form a committee to study legal recognition of same-sex relationships. In response, a government-appointed committee issued a report, effectively recommending the legalization of same-sex marriage in 2015. Nepal became the world's 10th country to specifically protect LGBTIQ rights in its constitution in 2015. These milestones

in the LGBTIQ+ rights movement further motivated activists and groups to continue advocating for legal reform and social acceptance. Nepal also became the world's first country to include a third gender category on its federal census in 2011. The 'other' category¹⁰ for gender marker that goes beyond the male and female binary has now been added to various official documents including passports and citizenship. Despite these victories, exclusion and discrimination against LGBTIQ+ people remain widespread both in laws and practice.

The Nepal Country Office of UN Women recognizes that LGBTIQ+ issues are gender issues, which are part of UN Women’s remit, and the urgent need to advance these rights. So, they are addressing various challenges in relation to LGBTIQ+ rights, including gender binary norms and heteronormative standards, and identifying the unique challenges faced by Nepali LGBTIQ+ people, including discrimination and lack of recognition by both members of society and government. The Country Office makes an effort to foster an environment in the organization where biases and misconceptions can be challenged and where people feel safe to express their views. This also includes small steps, such as supporting and promoting colleagues to use their colleagues’ correct pronouns such as ‘they’, ‘she’ and ‘he’.

Other work of the Country Office includes:

UN Women is in the process of conducting a survey on the violence experienced by LGBTIQ+ people in Nepal. The research seeks to generate an evidence base for advocacy on LGBTIQ+ inclusion in prevention of and responses to gender-based violence.

The Country Office co-hosted a webinar in July 2020 to describe LGBTIQ+ activism in Nepal, milestones and challenges in the context of COVID-19, with case studies, including from Thailand, showing avenues forward. The webinar was targeted at UN Women Country Offices, consultants, donors and LGBTIQ organizations.

In a global UN Women webinar on LGBTIQ+ rights work in practice, a representative of the Nepal Country Office notes the challenges of resourcing LGBTIQ+ work, particularly in the context of COVID-19, when resource allocation follows gender binary norms (i.e. some is earmarked for women and girls). As CEDAW has been ratified in Nepal and is a foundational document for UN Women, she also emphasized the need for a separate CEDAW General Recommendation dedicated to LGBTIQ+ inclusion and rights.



Photo: Dia Yonzon. Queer Indigenous March, Nepal, 2019.

- UN Women has facilitated LGBTIQ+ people to engage with government and key stakeholders including in the COVID-19 context.
- UN Women has facilitated the engagement of LGBTIQ+ people in the ‘intergenerational feminist thought leaders’ network for building solidarity and advocacy.
- UN Women has supported a dialogue between the Government and LGBTIQ+ groups to ensure that Nepal’s LGBTIQ+ persons are properly counted in the census.”
- Advocacy on LGBTIQ+ rights through international human rights mechanisms and instruments such as the UPR submission, CEDAW and the Beijing +25 report.
- UN Women provided technical support to publish the landmark judgments of the Nepal Supreme Court that included judgments related to LGBTIQ+ people and LGBTIQ+-related progressive judgements.
- Orientation for the office team on LGBTIQ+ issues.
- A ‘Rainbow café’ was initiated in 2020 as part of UN Nepal, a casual weekly hangout online platform for LGBTIQ+ people and their allies, within UN agencies with the active participation of UN Women Nepal.

Economic empowerment

Economic empowerment is a major concern for LGBTIQ+ people. The discrimination, stigma, abuse, violence and harassment targeting them have concrete social, health and economic impacts, with lesbians, bisexual, transgender, queer and intersex women and gender diverse people all tending to face unique barriers. Society suffers as well from not benefiting from their economic contributions and social security. LGBTIQ+ people may struggle to find decent work and have income security

because of discrimination, and even in the workforce may face discrimination in pay and security. This can lead to some LGBTIQ+ people lacking economic autonomy and being more likely to face poverty. LGBTIQ+ people are also likely to be excluded from social security and social protection and cash programmes, despite their pressing needs, which have worsened with the COVID-19 crisis.

Challenges

Discrimination in hiring and the workplace

- 73 States have specific legislation prohibiting discrimination based on SOGIESC in employment. Yet even where legal and policy frameworks exist to protect against workplace discrimination, discrimination often remains common as it is reported policies are not implemented.¹¹²
- Discrimination and harassment in employment is rife and occurs ‘in all stages of the employment cycle (hiring, advancement, training, compensation and termination)’.¹¹³
- Discrimination that plays out in the workplace often begins even before employment, as the impacts of prejudice on LGBTIQ+ youth lead to higher school dropout rates, underperformance in education and inhibited skill development opportunities, consequently impacting the transition from school to work and leading to underemployment.
- A workplace study in Thailand revealed that lesbians regularly face sexually suggestive language from their male colleagues.¹¹⁴ A study from Indonesia revealed that 87 per cent of respondents would not be comfortable with a lesbian boss, and 82.11 per cent would not be uncomfortable working with a lesbian colleague.¹¹⁵ 66 per cent of lesbian and bi women surveyed in Europe were not comfortable to disclose their sexual orientation at work.¹¹⁶
- Discrimination in employment and occupation can lead to the exclusion of LGBTIQ+ people from work and occupational segregation. Although data from low and middle-income countries on links between LGBTIQ+ status and poverty are limited, data increasingly indicate that many groups of LGBTIQ+ people are more likely to be unemployed and live in poverty than the general population.
- Transgender people face multiple, intersecting obstacles to economic inclusion and experience among the highest rates of discrimination in hiring and within workplaces, as well as poor or no reasonable accommodation (e.g. gender-appropriate washrooms). While large population-based surveys and labour force surveys do not differentiate transgender from cisgender people, studies suggest that transgender women almost certainly are the most penalized by discrimination, with significant declines in earnings and increased exposure to unemployment.¹¹⁷

Discrimination in income

- Lesbian, bisexual and transgender women are often more likely to be excluded from opportunities of economic empowerment than women in general. Lesbians are often at a greater disadvantage regarding pay gaps—leading to impacts on pension schemes and increased poverty in retirement—due to discrimination based on both gender and sexual orientation (and potentially gender expression) in the workplace.¹¹⁸

- Where SOGIESC intersects with race, social context, ethnicity and education, income outcomes are considerably affected. Most people with diverse SOGIESC earn less than cisgender heterosexuals, even in higher income countries.
- Earnings gaps and labour force participation penalties are higher in countries and in industries that are perceived as less accepting of people with diverse SOGIESC.¹¹⁹ LGBTIQ+ workers are more likely to be found in sectors of the economy that have a large percentage of women workers, and consequently are impacted by the gender wage gap.¹²⁰

Economic exclusion

- Education is a key avenue to social mobility and economic empowerment. However, data suggest that LGBTIQ+ people suffer lower education outcomes than the general population due to violence, discrimination and bullying; higher unemployment rates; and a lack of access to adequate housing, health and financial services.¹²¹
- In Brazil, a study on education policies estimated that 45 per cent of the transgender people interviewed did not finish elementary school due to violence, bullying and other types of direct or indirect discrimination based on their gender identity, which has considerable economic costs. Similarly, a survey in India revealed that most transgender people live below the poverty line.¹²²
- LGBTIQ+ people in the Global South rely overwhelmingly on precarious, low-paid, low-skilled work in the informal economy, which is often dangerous and increases exposure to health and economic risks.¹²³ It also limits access to paid sick leave, unemployment compensation and coverage, for example.
- Even when LGBTIQ+ people are in formal work, they and their families are routinely excluded from the social protection and benefits typically enjoyed by heterosexual and cisgender people. Many LGBTIQ+ people are not entitled or find barriers to accessing benefits that are dependent on the recognition of LGBTIQ+ families, for instance, child benefits, medical insurance and survivors pension. Due to discriminatory paid leave policies that do not cover all genders equally, their access to leave for caregiving may also be disproportionately limited.¹²⁴
- A chronic lack of any LGBTIQ+ representation in trade unions exacerbates these grievances.

Lack of care, social protection and essential services

- In many contexts, LGBTIQ+ peoples' access to services is inhibited, so too is their reliance on families and communities of origin to carry care responsibilities for them. They are therefore often left to fend for themselves throughout most stages of life. In the face of such ostracization, LGBTIQ+ people tend to create their own alternative families, challenging common understandings of the term 'family' as based on blood or marriage. Such alternative arrangements foster solidarity and provide care, especially for elderly LGBTIQ+ people without blood relatives or spouses to provide the longer-term care they need.¹²⁵
- LGBTIQ+ people often face specific obstacles in accessing their right to social protection due to strongly held cultural and social norms, despite entitlements to the equal enjoyment of these rights outlined in international, regional and domestic human rights law.
- Barriers to participation in 'universal' or national social protection programmes are particularly prominent and include misguided assumptions about how people live and form families and households, a lack of data and identification documents, difficulties obtaining bank accounts and mobile phones, and harassment (actual and fear of) that deters participation in trainings.¹²⁶

- To gain access to public services and even basic documentation in the majority of countries, intersex people are made to undergo medical interventions that are considered abusive and a violation of their human rights.
- In Thailand, almost half of non-LGBTIQ+ survey respondents believed it was reasonable for LGBTIQ+ people to experience discrimination when seeking government services; and in five Western Balkans' countries—Albania, Bosnia and Herzegovina, Kosovo, Macedonia and Montenegro—a 2018 survey indicated that LGBTIQ+ people often hide their LGBTIQ+ status when requesting government services for fear of discrimination, or legitimate concerns about their safety.¹²⁷

Recommendations

Anti-discrimination

- States at all levels and stakeholders should advocate for anti-discrimination or non-discrimination in employment for people with diverse SOGIESC and ensure protection against discrimination in employment based on SOGIESC.
 - Protection against discrimination based on sexual orientation in employment is an established principle of international human rights law;¹²⁸ and LGBTIQ+ peoples' ability to earn a living and benefit from equal opportunities to flourish in their work life without discrimination are increasingly recognized as fundamental rights by states worldwide.¹²⁹
 - Even in some countries where consensual same-sex sexual acts are still criminalized, legal protections against unfair dismissal based on sexual orientation (plus other employment-related protections) have been enacted. In some countries, laws are unambiguous on 'sexual orientation' in this regard, while in others, progressive case law has extended employment protections based on open equality clauses.
 - In some countries, where laws are not in force at the national or federal level, provincial ordinances or laws at other levels of government offer similar or partial protections.

Economic inclusion and social protection

- A human rights-based approach to social protection, and the development of social protection floors, can transform the lives of LGBTIQ+ people, ensuring they can fully participate in society and benefit equally.
- The active advancement of economic inclusion for LGBTIQ+ populations can include affirmative action measures, like the use of quotas for trans populations in public employment which have been developed in some countries.
- Inclusion must be ensured through social protection mechanisms, via particular measures, assistance packages and responses, including cash transfer and income replacement schemes, especially in periods of socio-economic disruption, such as the current COVID-19 pandemic and in humanitarian contexts.
- Unconditional cash-based assistance, supported by complementary programming in areas such as livelihoods and financial capability, are recommended to help address the needs of people with diverse SOGIESC. Complementary programming should also be targeted at service providers and systems that traditionally exclude these people.¹³⁰

- There is a need to mainstream economic empowerment to secure livelihood opportunities, which are less available to LGBTIQ+ people, in particular in situations of fragility, crisis, and when people are fleeing persecution or in situations of displacement, and which heighten their vulnerabilities.
- Some States have recently passed legislation to help protect LGBTIQ+ people's right to social protection, while many still have not.¹³¹ All States should consider legislation to protect LGBTIQ+ people's right to social protection.
- The vast majority of social protection and cash programmes set up in response to the COVID-19 crisis have not recognized or addressed the above needs.¹³²
- However, some States have taken promising steps to include or target people with diverse SOGIESC in social protection programs responding to COVID-19. This includes an innovative program in Argentina where a cash transfer equivalent to the minimum wage was available to women and LGBTIQ+ people experiencing GBV during the pandemic, combined with psychosocial support. In Colombia and Georgia, in-kind pandemic support in the form of groceries parcels were targeted at a range of groups experiencing structural discrimination, including LGBTIQ+ communities.
- More data is needed to understand the pros and cons of social protection programs that mainstream LGBTIQ+ rights versus target LGBTIQ+ people specifically.

Violence

Risks of violence are compounded for women, girls and other people with diverse SOGIESC. Violence against people based on their SOGIESC, often especially women, is pervasive across regions and settings and takes on numerous forms, including physical, sexual, economic/financial and psychological violence, as well as forced marriage and 'other violence often under the guise of so-called honour, tradition, nations and families', for example.¹³³ It is recognized internationally as a form of gender-based violence, as it can be read as intended to punish perceived defiance of sexual and/or gender narratives.¹³⁴

It manifests in countless ways, including physically (such as murder, beatings, kidnapping and sexual assault, corrective rape and genital mutilation) and psychologically (such as threats, harassment, policing, coercion and arbitrary deprivation of liberty, including forced psychiatric incarceration).¹³⁵

Violence and abuse against people with diverse SOGIESC are commonplace in public and private spaces, online spaces, health settings, detention, humanitarian emergencies, conflict zones and other settings and often fuelled by institutionalized stigma and pathologizing SOGIESC that does not match social norms.

Hate speech and crimes, including killings and torture, take place in all regions based on real or perceived SOGIESC.¹³⁶ Such violence is fuelled by patriarchal social norms and negative gender stereotypes as well as by laws that criminalize same-sex relations and gender non-conformity. It is often tolerated, sanctioned and even encouraged or perpetrated by governments and societal institutions, including faith-based institutions, and by traditional and religious leaders. Targeted violence also commonly occurs at the hands of religious extremists and family or community members who conduct or condone honour killings, often against youth.

Challenges

Lack of legal protection

- A lack of recognition of same-sex couples in many countries may mean that survivors of violence may not be able to appeal to laws designed to prevent violence within heterosexual couples.
- Discriminatory laws facilitate and enable gender-based discrimination against lesbian, bisexual and transgender women and often condone and fail to protect them from GBV, whether perpetrated by an intimate partner, family member or other member of the community. Discriminatory laws can also operate to restrict such survivors of GBV from accessing comprehensive services, including police and justice services, social and health services, including sexual and reproductive health services and financial support services.
- Discrimination and hostility against LGBTIQ+ people in general may prevent them from accessing legal protection or seeking protection from authorities, who are often the abusers. For example, the abuse of transgender people in the sex industry by police is rife worldwide).
- Corrective rape is a form of rape targeting primarily lesbian, bisexual and queer women, seeking to control and punish them for their sexual orientation. Most States do not have adequate laws to prevent and address it, and often laws that do exist do not account for this crime. ILGA documented 568 rapes of lesbian, bisexual (and transgender) women in Brazil in 2014–2017. CSOs, rather than States, typically provide services to survivors of corrective rape. They also undertake data collection and analysis efforts where this is lacking on the parts of governments and the UN.
- In countries that criminalize same-sex relations, significant barriers stand in the way of male survivors of sexual violence reporting their crimes. This has severe negative consequences for survivors, especially those who are gay.

Violence against specific groups of LGBTIQ+ people

- Violence is experienced in different ways and by different groups of LGBTIQ+ people (and need to be addressed, therefore, in specific ways).¹³⁷
- Risks of violence against lesbians and bisexual women are especially high—namely ‘corrective rape’, forcible impregnation and acid attacks—as well as for transgender women, particularly where other factors of one’s identity intersect, such as migration status, race or disability, on the basis of which they may face discrimination or hostility.¹³⁸
- Such women are doubly burdened by violence that is underpinned by gender inequalities, sexist, patriarchal power dynamics and specific prejudices, as cultures of masculinity are drivers of violence towards lesbians and gay men, and trans people.
- Bisexual women are twice as likely as heterosexual women to experience rape, physical violence and/or stalking by an intimate partner. Almost half of bi women in the US report having experienced rape, which is three times higher than heterosexual women and lesbians. 75 per cent also report having experienced other forms of sexual violence.¹³⁹
- Lesbians, bisexual and trans women are at increased risk of structural violence compared with heterosexual and cisgender women. Such violence is commonly committed via punitive laws and discriminatory practices of institutional and societal structures.¹⁴⁰

- In medical contexts, abuse, ill-treatment and torture occurs via so-called “conversion therapy” and forced genital and anal examinations on LGBTIQ+ people. A 2019 global study found that conversion therapy was prevalent with 28 per cent of respondents in Africa, 26 per cent in Asia and 20 per cent in Latin America and the Caribbean terming it ‘very common.’¹⁴¹ In at least 13 countries in Europe and Central Asia, trans people are regularly subjected to forced or coerced sterilisation and other medical procedures as preconditions to access legal gender recognition.¹⁴²
- Intersex children are subject to forced or coercive sterilization and unnecessary non-consensual surgery and treatment, all which can cause severe psychological and physical suffering.¹⁴³
- Lack of recognition of gender identity in many states exacerbates risks and leads to further human rights violations, including torture and coerced medical treatment, against transgender people.
- Violence against and murder (‘hate killings’) of trans women remain grossly underreported due to misgendering and other forms of discrimination. This contributes to the shockingly low life expectancy of trans women of colour, which is reported to be as low as 35 years.¹⁴⁴ The murder of 350 trans and gender diverse people was documented between 2019-2020, 98 per cent of whom were trans women.¹⁴⁵ Between 2008 and 2020, there were 3664 reported killings of trans and gender diverse people across 75 countries and territories worldwide.⁴ This is not an accurate figure of all transphobic murders, however, as data is not systematically collected in most countries, and the actual number is certainly much higher.
- Parallels are evident between violence against women in general and people with diverse SOGIESC specifically. For example, recent evidence indicates that intimate partner violence occurs in similar rates among both same-sex and heterosexual partnerships. Further, countries with the highest rates of violence against women and girls in the general population tend to have the highest rates of violence against people with diverse SOGIESC.¹⁴⁶ Recent studies have also concluded that people with diverse SOGIESC are more likely to be victims of physical and sexual violence than the general population; but more research is needed to understand the prevalence, as well as the underlying mechanisms and motivations, of this violence.¹⁴⁷
- LGBTIQ+ women and girls face high levels hate speech and incitement to violence, based on their sexual orientation, gender identity and/or sex characteristics. It is perpetuated offline and online by members of the public, but also political, religious and other community leaders, and on mainstream and other media platforms, the internet and at LGBTIQ+ focused events. Few States have taken direct measures to prevent and tackle this phenomenon, which fuels violence and discrimination, and the work of CSOs.¹⁴⁸

Recommendations

Legislation and policies and programmes

- Only 46 countries globally have enacted laws on hate crimes based on sexual orientation, and even fewer on gender identity. States should enact laws to protect LGBTIQ+ citizens from all forms of violence, including the adoption of a framework for addressing hate speech.
- Greater recognition of violence against LGBTIQ+ people must be integrated into national violence prevention policies and interventions, national health surveys and health promotion efforts as well as enhanced reporting and data collection efforts.

- There is an urgent need to ensure safe spaces and access to essential services, e.g., psycho-social counselling, health, including SRH services, and social services, as well as access to justice, for all survivors of violence, respecting individuals' traumatic experiences while also preventing discrimination based on self-determined gender.
- Given the escalation in gender-based violence during the COVID-19 pandemic, addressing the needs of LGBTIQ+ people should be included in all COVID-19 prevention and recovery plans.

Data and research

- Data and evidence on violence against lesbian, bisexual and transgender women is limited, and this gap should be addressed.
- In its general recommendation 35, the CEDAW Committee recognizes that GBV affects women to different degrees and in varied ways and that appropriate legal and policy responses are needed.
- However, systematized and disaggregated statistical data on GBV fails to capture diversity among women and girls, which hinders analysis of their experiences of violence and discrimination.
- UN Women is producing a Policy Paper Series, 'Leaving No One Behind and Violence against Women Data Collection'. It will examine the available evidence and data on the GBV facing LGBTIQ+ people, plus another two groups, and aim to enhance knowledge and measurement of this.

Prevention and social norms change

- There is an urgent need to address limitations in the design of prevention programming to improve its focus on lesbian, bisexual and transgender women.
- Likewise, targeted work is needed to overcome the exclusion of lesbian, bisexual and transgender women from critical dialogue and funding opportunities, which often results from stigma, discrimination and prevailing heteronormative and gender-normative assumptions about women in gender equality and women's empowerment discourse in development contexts.

Vigilance and attention to new contexts and manifestations

- Decision-makers and policymakers should be vigilant and pay attention to how violence against LGBTIQ+ people may manifest in new circumstances and situations. This includes considerations in relation to intersections with other factors, like race.
 - The severity of violence against black transgender women in the US exemplifies this.
 - Situations of conflict and forced displacement can give rise to specific types of and a rise in violence against some LGBTIQ+ people.
 - The increase in online and ICT-facilitated violence is a relatively new area of concern, with specific risks for LGBTIQ+ youth among others.
 - In many countries, reported incidents of GBV have increased by 40 to 70 per cent during the COVID-19 pandemic, with even greater spikes in certain cities and regions as a result of lockdown measures. Harassment in public due to gender segregation policies has disproportionately threatened trans and gender diverse people in many places.

A broader notion of gender-based violence

- UN Women traditionally uses the term ‘violence against women’ primarily in its policy and advocacy work, defined as ‘violence which is directed against a woman because she is a woman or that affects women disproportionately’.¹⁴⁹ This includes violence faced by women who have actual or perceived sexual and/or romantic relations with other women, including lesbian and bisexual women, transgender women and women who are otherwise perceived as defying sexual or gender norms.¹⁵⁰
- ‘Gender-based violence’ is also used programmatically, in certain contexts, and includes sexual violence. It should be noted that GBV can include violence faced by any person, and may have salience especially for transgender men, intersex people and other gender diverse people who do not identify as women but who suffer from violence based on their gender. To tackle GBV comprehensively, broader understandings of ‘gender’ must be adopted and promoted in the field to uncover the experiences of all LGBTIQ+ people, not only cisgender women and girls.

CASE STUDY

LOCAL PARTNERSHIPS TO ADDRESS VIOLENCE AND DISCRIMINATION IN GEORGIA

UN Women’s Georgia Country Office is taking a multi-pronged approach to addressing violence and discrimination against LGBTIQ+ people, working with both civil society and the government partners.

It partnered with WISG, a local feminist organization that has long supported LGBTIQ+ communities, to develop a training package on discrimination against LGBTIQ+ people for lawyers, police and prosecutors. Together, they have trained to-date 189 professionals in the sector to strengthen their capacities to respond effectively to GBV cases and hate crimes.

UN Women has also supported WISG to conduct a national study on perceptions and attitudes towards LGBTIQ+ people and their concerns. The report will be published in April 2022.

To strengthen capacity of the NHRI Public Defender of Georgia (PDO) to monitor implementation of legislation with an LGBTIQ+ focus, UN Women is supporting the

PDO to develop a special report on the human rights situation of LGBTIQ+ people in Georgia. The report will provide an overview of international standards on the protection of LGBTIQ+ rights and Georgia’s commitments, and an assessment of the legal status of LGBTIQ+ people in Georgia. It will be published in April 2022.

UN Women is partnering with the ATIPfund, a governmental organization responsible for service provision to survivors of violence, to develop a model for specialized service provision for LGBTIQ+ communities. It is expected to provide ‘out-patient’ legal, psychological, medical (including psychiatric and endocrinological) and socio-economic (including vocational education and employment support) rehabilitation services, based on vital needs identified by LGBTIQ+ communities, civil society partners and sector professionals. It will draw on the above-mentioned PDO report, and builds on an existing set of crisis centers and GBV shelters in Georgia. It is due to be finalized in 2022 after further consultations.

Women, peace and security, humanitarian action and disaster-risk reduction

One of the four pillars of UN Women's Strategic Plan is women, peace and security (WPS), humanitarian action and disaster risk reduction (DRR). To address inequalities affecting LGBTQ+ people, it is critical to understand the increased risks and impacts of security crises and disasters and the implications of work in these areas.

This section broadly covers prevention, mitigation and preparedness for conflict, peacebuilding, and disasters, as well as humanitarian action and recovery. These areas

are treated together here, as they are in our SP. However, operationally, clear distinctions and firewalls are often needed. This is especially relevant vis-à-vis peacebuilding and humanitarian work, the latter which must be based on principles of neutrality, impartiality, independence and humanity. Likewise, DRR policies, strategies, plans and programmes, humanitarian programme cycles (HPCs) and refugee response frameworks are often linked operationally but are distinct areas.

Challenges

Risks are intensified

- The risks facing LGBTQ+ people are intensified, and their existing vulnerabilities increased when disasters, conflicts and humanitarian crises occur. The impacts of pre-existing inequalities, discrimination, exclusion, marginalization and violence are protracted and complicated during and after disasters, crises and emergencies, and the problems manifest in new ways.¹⁵¹
- A continuum of violence threatens LGBTQ+ people before, during and after conflict, disasters, and crises. Attacks against LGBTQ+ people are on the rise in countries impacted by conflict and fragility. Of the countries that experienced the most severe humanitarian crises in 2020, same-sex relations are criminalized and punishable by death in Syria, Uganda, Somalia, Pakistan and Afghanistan. This makes it difficult to address the specific development and protection challenges facing these groups. In these contexts, it is especially common for LGBTQ+ people to conceal their identities and activities out of heightened fear for their safety.¹⁵²
- GBV against people with diverse SOGIESC, who are often but not exclusively women, is palpable before, during and after conflict, disasters, and crisis; but it goes largely unidentified or addressed. They face forms of GBV that are both common to women in general and unique for being based on defiance of predominant social norms on gender and sexual behaviour.¹⁵³
- Just as GBV and harassment are normalized during conflict and disasters, high rates are prolonged in post-conflict and disaster recovery phases. Disproportionate exposure to risks and discrimination occurs in numerous ways in conflict, disaster, and crisis contexts. Especially where the distinction between public and private spaces is dismantled in effect removing safe spaces, patterns of criminalization, stigmatization and discrimination are reflected in response efforts.
- LGBTQ+ people habitually face barriers to accessing justice, health, education, employment, housing and other services. In crisis and disaster situations, support-seeking behaviour is undermined due to fear of mistreatment, being outed or subjected to abuse.
- Factors that enhance risky conditions for LGBTQ+ people during conflict, disasters, and crisis include a relative lack of community networks due to social marginalization, as was reported from camps following the Nepal earthquake; greater possibilities for military actors to target non-heteronormative behaviour and erode safeguards; and invigorated levels of social dissent and nationalism that leads to targeting of LGBTQ+ people and human rights defenders.¹⁵⁴ Such forms of GBV that have the effect of dividing communities and weakening social fabrics are identified as tactics to make conquest easier.

- Often emboldened to act with impunity in such settings, a range of armed and civilian actors such as military, police and security forces, non-State armed groups, civilian community members and family members as well as other displaced persons and host communities are all common perpetrators of violence against LGBTIQ+ people.¹⁵⁵ They are also frequently subjected to torture, in many cases sexualized.¹⁵⁶
- UN Women’s submission (March 2022) to the IE SOGI’s thematic report on peace, security, sexual orientation and gender identity provides country-specific examples of rights violations targeting people on the basis of their SOGIESC, drawing on the findings of recent human rights investigations mandated by the UN Human Rights Council. Examples include: Belarus, Libya, Myanmar and Yemen.

LGBTIQ+ people are routinely overlooked and misunderstood

In pre-disaster contexts and DRR action:

- People with diverse SOGIESC are routinely overlooked in DRR research, decision making, planning, and practice and even discriminated against in policy and programming, with devastating effects.¹⁵⁷ A global review of DRR/DRM/climate change laws, policies, strategies and plans in 193 States found that none explicitly include LGBTIQ+ people.¹⁵⁸ This oversight exacerbates their vulnerabilities and marginalization.
- Efforts towards inclusion in DRR policy and practice are often hindered by laws and social practices that criminalize and punish people on the basis of their SOGIESC in the many national and regional jurisdictions where disasters and conflicts commonly occur.
- The DRR signature intervention – the Women’s Resilience to Disasters (WRD) Programme – is committed to promoting the full realisation of LGBTIQ+ people’s human rights and their inclusion in resilient and sustainable development (*See case study on UN Women’s programme*). This is based on recognition that LGBTIQ+ people are amongst the most vulnerable to disasters, that their voices are often excluded from shaping disaster prevention, mitigation and preparedness, and that recovery comes with particularly challenges for LGBTIQ+ people, including increased violence and discrimination in the aftermath of disasters.
- There is, however, increasing recognition amongst the DRR and resilience community that gender and intersectionality need to be central to policy and practice, supported by rising numbers of research and publications, which are being centralised on the Women’s Resilience to Disasters Knowledge Hub.¹⁵⁹
- To fill these gaps, several non-governmental organisations and independent research bodies have developed guidelines on the inclusion of LGBTIQ+ people in disaster and climate risk reduction, humanitarian response, and resilience.¹⁶⁰

In humanitarian contexts:

- LGBTIQ+ people are often invisible in UN and non-government programs. Studies have identified large gaps in inclusion frameworks, planning and response within HPCs and refugee response frameworks, low funding levels, limited staff training and adaptation of tools, and inadequate partnerships with relevant CSOs.¹⁶¹
- The numerous barriers facing LGBTIQ+ people, both existing and crisis-specific, must be properly considered to not compromise accessibility of humanitarian interventions.¹⁶² However, current global frameworks that guide emergency responses tend to apply inadequately narrow binary gender framings that overlook specific barriers and thus exclude LGBTIQ+ people from access to support. Indeed, there is no global protection framework to safeguard the rights of LGBTIQ+ people.¹⁶³

- Key crisis-specific barriers include oppressive legal environments, relative invisibility of SOGIESC considerations in humanitarian plans and policies, in existing assessments, data and evidence, and lack of capacity and dedicated partnerships.¹⁶⁴
- These scenarios are compounded by the shortcomings of State and non-State humanitarian actors, international, regional and national policy and legal frameworks, guidance and practices to properly address the rights, demands and capacities of LGBTIQ+ people. None of the 10 largest humanitarian response plans in 2018 included LGBTIQ+ considerations.¹⁶⁵
- Women and girls with diverse SOGIESC in particular may experience numerous challenges when faced with the decision to disclose their identity to NGOs and international organizations. These include mistrust of authority due to police and other official targeting; fear of family finding out; fear that humanitarian aid workers will discriminate or make false assumptions; fear of impediments to resettlement; and lack of access to resources and information unless their status is shared.¹⁶⁶
- Despite increasing awareness of the risks facing LGBTIQ+ people, many humanitarian workers remain unclear on how to meet their needs.¹⁶⁷
- Humanitarian sector responses can be intentionally and unintentionally exclusive. This can result from active discrimination or ignorance to LGBTIQ+ needs based on a lack of expertise, training, awareness and investments. In practice, for example, safe spaces are often not consistently implemented nor are intake and referral processes, and mobile and remote services are frequently inaccessible. At best, shortcomings in capabilities lead to tokenism or inaction. At worst, these compound risks for LGBTIQ+ people.
- Currently, OCHA has one of the few global humanitarian response plans per se that directly addresses LGBTIQ+ people. Other entities and actors are nonetheless advancing in this area.

In conflict/post-conflict contexts and the WPS agenda:

- It has been argued that the WPS agenda has perpetuated risks for LGBTIQ+ people in practice via the creation of “narrow categories of who is most vulnerable to violence owing to their gender [which] can ultimately create even more insecure environments for certain women who endure intersecting oppression because of their sexual orientation and gender identity”.¹⁶⁸
- Gender persecution in conflict and atrocity has impacted LGBTIQ+ lives throughout history. However, there is a lack of understanding and recognition of gender-based crimes in international criminal jurisprudence. Recent efforts to seek accountability for gender persecution as a crime against humanity are noteworthy, and UN Women is contributing to this discourse.¹⁶⁹
- There is a long history of violence and discrimination against LGBTIQ+ combatants in armed groups. Understanding the breadth of these experiences can have critical policy and programme implications and provides opportunities for more inclusive peacebuilding processes. However, challenges to gathering evidence on this remain immense.¹⁷⁰

Recommendations

A broader notion of ‘women, peace and security’ and gender-based violence

- The WPS agenda must move beyond binary and heteronormative interpretations of gender to fully capture the nature and extent of risks facing people with diverse SOGIESC in conflict, post-conflict and disaster settings, ensure their safety and security through tailored responses, and mobilize their capacities and energies as peacebuilders.

- Making LGBTIQ+ people visible in the WPS architecture is a large-scale endeavour that requires firstly scrutinizing the roots of its shortcomings. These stem from the interchangeable use of the terms “gender” and “women”, and the resulting failings of GBV tracking and monitoring to account for victims who transgress gender norms.¹⁷¹
- To meaningfully emphasize the importance of addressing conflict-related sexual violence (CRSV) and enduring GBV and discrimination in transitional justice and peace-building processes, the conceptualization of gender in the WPS framework must be broadened in line with a more comprehensive notion of gender equality.
- To address shortfalls in international criminal jurisprudence, the inclusion of gender persecution as a crime against humanity in the Rome Statute, which governs the International Criminal Court (ICC), provides a pathway forward. It would not only help the international community to meaningfully challenge this type of harm but also ensure that gender persecution is a part of the historical record. Such accountability would promote a survivor-centred approach, disrupt the normalization of institutionalized gender discrimination and violence, and help build sustainable and inclusive peace by advancing gender equality.¹⁷²
- The Colombian peace process with the FARC provides an important example of incorporating LGBTIQ+ perspectives in official peace negotiations. It marks the first time that injustices suffered during an armed conflict based on sexual orientation or gender identity were responded to in such a forum. It thus set a global precedent.¹⁷³

Encourage the convergence of women’s and LGBTIQ+ organizations in WPS, DRR and humanitarian spaces

- Finding common ground between women’s rights and LGBTIQ+ rights and identifying shared issues would enable greater convergence between activists and organizations to form coalitions and collaborate on their common, urgent agendas. These could include working with an inclusive definition of gender-based violence, as described above.
- In light of the proliferation of conflicts and attacks on women and people with diverse SOGIESC more broadly, many civil society and community-based actors are already progressively strengthening the WPS agenda by incorporating broader interpretations of gender.
- The UN System and Member States, in support of implementation of the WPS agenda, must support, encourage, facilitate and promote this convergence, and build capacities and sensitivities in local grassroots organizations to link with LGBTIQ+ organizations and issues as part of a holistic approach to gender, security and sustainable peace.

Facilitate leadership and ensure inclusion of LGBTIQ+ people in humanitarian, DRR and WPS spaces

- LGBTIQ+ people – including activists, organizations and practitioners – offer unique capacities that can contribute to reducing the effects of disasters, conflicts and crises. This must be better recognized in policy and practice throughout HPCs, DRR, preparedness, response, and recovery frameworks and processes.
- Leadership and meaningful participation in peacebuilding must be strongly emphasized and promoted by States and decision makers, beyond a focus on victimhood. There are many great examples of this that should be highlighted and drawn on for future practice.¹⁷⁴
- By establishing an LGBTIQ+ lens in normative frameworks, the international community will be better equipped to address the full spectrum of gender-based persecution in transitional justice mechanisms and post-conflict reconstruction processes.¹⁷⁵

- Using the opportunities provided by upcoming mid-term reviews, for example of the Sendai Framework for DRR, will be key to mainstreaming all genders into global normative frameworks.
- UN and aid organizations must establish means of assessing levels of diverse SOGIESC inclusion across their programmes and internal operations. Norms-based approaches that focus attention on underlying causes of exclusion in aid programs are recommended, and some exist already.¹⁷⁶

CASE STUDY

IMPROVING DRR AND HUMANITARIAN RESPONSES FOR LGBTIQ+ PEOPLE, GLOBALLY

In recognition of LGBTIQ+ peoples' disproportionate vulnerability to disasters, and the protracted challenges they face even in the aftermath of disasters, UN Women's Disaster Risk Reduction and Resilience (WRD) programme addresses gender-specific dimensions of resilience. The aim is to ensure inclusion in shaping responses from prevention and preparedness through to recovery.

This includes supporting the collection, dissemination and use of disaggregated data and the promotion of

intersectional approaches. WRD has partnered with several LGBTIQ+ organizations, including DRR Dynamics, a UK based research organisation focused on ensuring the inclusion and empowerment of marginalised groups in DRR and which actively promotes LGBTIQ+ rights. Together with DRR dynamics, UN Women developed the Women's Resilience to Disasters policy tracker, which tracks policy frameworks that identify and consider the needs and agency of all 'minority' categories mentioned in the Sendai Framework for DRR.

UN Women is taking various steps to systematically improve humanitarian responses. The following are just a few recent examples:

- Regional Office in Asia-Pacific has produced with Edge Effect guidance and tip sheets on how to use the IASC Gender with age Marker (GAM) to cater to people with diverse SOGIESC.¹⁷⁷ Headquarters is producing (2022) an internal guidance note on intersectionality for humanitarian action. It will be an instructive resource for leveraging existing tools and addressing gaps regarding LGBTIQ+ needs. A relevant internal guidance note on engaging men and boys for gender equality in humanitarian settings is also forthcoming.
- The forthcoming (2022) global strategy for gender in humanitarian action applies a two-pronged approach, with a focus on supporting diverse women and girls and adopting an intersectional lens.
- Headquarters is developing a virtual training programme on gender in humanitarian action, based on the GiHA Handbook.¹⁷⁸ It is expected to integrate a LGBTIQ+ lens and start to address the traditionally binary framing used here.
- Headquarters is supporting development of a COVID-10 Recovery Needs Assessment Draft Guidance Note, which is expected to reference all genders and apply a LGBTIQ+ lens.

Actualizing SOGIESC-inclusive and transformative processes and practices

Key enablers for the DRR, humanitarian and recovery systems include:

- Mainstreaming in DRR, HPCs and refugee response frameworks so needs-identification, programme design, implementation, and monitoring and evaluation are all considered;¹⁷⁹
- In recognition of the crucial links between preparedness and response, all actors must be meaningfully engaged with LGBTIQ+ communities, cognizant of and working on their concerns *on an ongoing* basis across the humanitarian–development–peace nexus to challenge pre-existing criminalization and stigmatization. This foundation cannot be built amid crises and disasters;
- This includes involving LGBTIQ+ organizations in humanitarian and recovery plans and policies (e.g., post-disaster needs-assessment), and in the safe and sensitive design, collection and analysis of data; and
- Creating synergistic capacity development opportunities for LGBTIQ+ organizations on humanitarian and DRR action and for humanitarian/DRR actors on LGBTIQ+ issues.
- Further recognition of achievements and progress, like the contributions of the Inter-agency Standing Committee (IASC) and other LGBTIQ+ policies by humanitarian actors, is needed to build the case for greater resourcing and more concerted efforts in this area.

In peace processes and post-conflict reconstruction:

- It is fundamental that post-conflict reconstruction efforts through the WPS agenda adopt a transformative justice approach to addressing prevailing (pre-conflict) discriminatory gender norms that underpin GBV in conflict to redress as well as prevent its proliferation. To prevent returning to a pre-conflict status quo in recovery from conflict, peace agreements must be transformative in nature, addressing existing and underlying discriminations and inequalities that are indeed drivers of conflict.
- Greater attention to and documentation of CRSV of LGBTIQ+ people is urgently needed. The UN system and State and non-State actors must act in accordance with the UN Secretary General's continued recognition of discrimination on the basis of SOGIESC as an underlying cause of CRSV. While this is an important first step, there remains far greater scope to document such violations, and to do so in a survivor-centred manner which incorporates the specific needs of LGBTIQ+ survivors.¹⁸⁰
- Challenges for LGBTIQ+ people continue post-conflict and in displacement such as when attempting to escape and rebuild lives, whether at home or in new settings, including as refugees and asylum seekers. This is especially the case when peace negotiations and agreements look to re-establish "peace" as it was before conflict, the status quo, rather than take the opportunity to be transformative. Mediators, negotiators and hosts to peace talks must emphasize transformational peace. Ceasefires or LGBTIQ+ people escaping conflict do not provide solutions to the risks they face.
- Responses should be based on data and evidence. States and practitioners alike must investigate details on health outcomes, patterns of violence, educational attainment, livelihoods, living conditions and other critical aspects of LGBTIQ+ experiences to ensure development and humanitarian initiatives are well-tailored.
- Building the evidence on the ways in which peace can create opportunities for LGBTIQ+ people, including through more inclusive societies and acknowledgement of atrocities, is essential.

Go beyond a “do no harm” approach

- Humanitarians and recovery personnel, including protection actors, must ensure a “do no harm” approach keeps the interests of LGBTIQ+ people central, and is not misused as justification to avoid addressing the underlying concerns, needs and priorities of LGBTIQ+ people in humanitarian contexts.¹⁸¹
- A “do no harm approach” is not intended for avoiding the transformative work of challenging power relations, imbalances and discriminatory social norms when engaging with or advocating for LGBTIQ+ people’s rights or promoting women’s empowerment in ways that defy traditional gender narratives.
- Standard protection approaches, i.e., responding only to the practical aspects of these issues and addressing immediate concerns, like GBV service provision, despite its crucial role, should not be the status quo or extent of our work in place of addressing root causes.
- It is possible to still “do harm” in these instances by not promoting a broader set of rights at risk and stopping short of engaging on these issues in a more transformative way. This can mean that actors may be effectively operating in a way that adapts to the existing power structures in a given culture and perpetuating power inequalities and discriminatory patterns.
 - Key approaches to addressing such root causes of power inequalities and social norms, in ways that avoid doing harm or creating a backlash include: ensuring close assessment of local cultural norms and dynamics through community consultations and working closely with and through local LGBTIQ+ CSOs and advocates to promote more organic transformations.

CASE STUDY

PROMOTING LGBTIQ+ RIGHTS AND INCLUSION IN THE ROHINGYA REFUGEE RESPONSE IN COX’S BAZAR

Cox’s Bazar is the largest refugee settlement in the world. When armed conflict broke out in Rakhine State, Myanmar, in August 2017, hundreds of thousands fled their homes. As of 31 July 2021, there were a reported nearly 900,000 refugees living in camps in Cox’s Bazar.¹⁸²

UN Women has identified particular challenges for transgender women, as well as ways to contribute to coordination, advocacy, analysis, capacity development and technical support on LGBTIQ+ rights.

Transgender women have been identified as targets of GBV. Social norms and stigma are restricting their movement and isolating them. They are being blamed for COVID-19 and subject to stigma, such as the perception of being “dishonourable”, leading to increased policing and risk of violence. But they have less access to information in the camps and reduced access to services and reporting mechanisms for GBV, as well as to overall services including health services, due to discrimination, threat of violence and a lack of inclusive

and targeted facilities. While transgender identity is recognized by law as a “third gender” in Bangladesh, they remain restricted from access to government relief due to social stigma and have difficulty accessing lines at distribution points and facilities that are segregated for women and men. As most are engaged in the informal economy, dependent on daily work, begging and sex work, they have been among the hardest hit economically.

UN Women is working to scale up existing targeted programming while also ensuring fully integrating LGBTIQ rights in overall ongoing and new programme and coordination initiatives. Addressing a lack of data and evidence, UN Women is mapping LGBTIQ+ rights organizations along with women’s rights and women-led organizations, as well as engaging in rapid gender analysis and research including with key informant interviews with transgender informants. UN Women is ensuring the inclusion of LGBTIQ+ rights and concerns with the Gender in Humanitarian Action Working Group, the Sector Gender Focal Point system and the Inter-Sector Coordination Group Gender Hub; gender advocacy calls for actions, briefs and events; sector gender action plans;

gender trainings for humanitarian actors; and gender monitoring and support by Camps-in-Charge Gender Field Officers. UN Women also supported a local LGBTIQ+ rights organization (Bandhu Social Welfare Society) to establish a Gender Diverse Populations Working Group linked to the GiHA WG and the Protection Sector to promote a more SOGIESC-inclusive refugee response – the GDPWG is now chaired by Bandhu with UN Women and UNHCR as technical support and secretariat with over 20 member organizations.

UN Women Multi-purpose women’s centres in camps and host communities are offering diverse services targeted at the most marginalized Rohingya and host community women, girls and transgender people. UN Women is also working with partners to empower and protect trans women. UN Women has a focus on addressing transphobic violence through partnerships with local LGBTIQ+ organizations that support transgender women, including sex workers in the Rohingya camps and host community, with gender-based violence and sexual reproductive health services and cash-based support.

Photo: UN Women/Fahad Kaizer. Transgender women in Khulna, Bangladesh, 2020. Impacted by Cyclone Amphan and the Covid-19 outbreak, they have lost their sources of income, been ostracized from society and are unable to seek support. UN Women has provided cash support for purchase of essential commodities and medicines.



CROSS-CUTTING AREAS

Health

LGBTIQ+ rights are dependent on autonomous decision-making over one's own body and health and bodily integrity, which have implications on all spheres of LGBTIQ+ people's lives.¹⁸³ So, the promotion of the health of LGBTIQ+ people, including sexual and reproductive health and related to HIV, is crucial to LGBTIQ+ rights and integral to UN Women's gender equality agenda.

Yet, LGBTIQ+ people face rampant stigma, alienation and discrimination in accessing health services, information and resources, including sexual and reproductive health, and routinely face prejudice and bias from healthcare providers. This is often compounded by discriminatory and punitive laws, policies and practices, and unequal gender norms, and a frequent lack of health insurance and paid sick leave – tied to economic inequalities – all which results in poorer health outcomes than the general population.¹⁸⁴

A major review in 2015 of 'being LGBTI' in Asia described key health issues in the region "including banning conversion therapy, ensuring healthcare services that are non-discriminatory, addressing mental health issues, and recognizing and addressing the health rights of transgender and intersex people. While HIV and sexual health is a dominant issue for men who have sex with men and transgender women, lesbian and bisexual women's health tends to be neglected".¹⁸⁵ LGBTIQ+ communities continue to be stigmatized, vilified and are disproportionately affected by the global HIV pandemic in terms of health risks and disparities in access to information and comprehensive HIV services.

Challenges

Despite the recent shift in the global public health arena towards a rights-based approach; many issues remain

- In a major step, the World Health Organization (WHO) via the World Health Assembly declassified homosexuality as a mental disorder in 1992.¹⁸⁶ Only in 2019 was "gender identity disorder" declassified.
- Despite positive developments in recent years, mental health diagnoses have been consistently misused to reduce gender-diverse identities to diseases, perpetuating stigma and discrimination. This pathologization of gender identity and expression has had a deep impact on public policy, legislation and jurisprudence, thus penetrating all realms of State action and permeating the collective conscience. Eradicating such misconceptions from everyday life will be a long and difficult process, which will require strong proactive measures to succeed.¹⁸⁷
- The global response to HIV led to a rights-based approach and served as an entry point to policy and programming on LGBTIQ+ rights for many UN agencies. Only in the past decade, LGBTIQ+ work in the UN development sphere has substantively progressed beyond the response to HIV.¹⁸⁸ Many health issues impacting LGBTIQ+ people beyond HIV continue to be neglected.

Healthcare access for intersex, transgender and gender diverse people continues to be neglected with huge costs

- Information and studies are limited on the healthcare needs of transgender people, but it can be assumed that gender-affirmation surgery is accessible and adequate in few countries in the Global South, and where it is available, cost is an issue. A report from Thailand describes transgender people having barriers to accessing healthcare because of their identity not being accepted at government hospitals, receiving inappropriate medical advice, being subject to stigma, discrimination and intrusive questions, and not being treated in the single-gender wards of their choice. Because of these challenges, they often seek health advice from non-professionals or treat themselves without external advice.¹⁸⁹
- Some people who do not identify as women also face similar gendered health concerns, such as risks of breast and cervical cancer. But they face barriers to accessing necessary care because of their gender identity.
- In the US, transgender women are more at risk for HIV and sexually transmitted infections, violence, mental health issues and suicide and are less likely to have medical insurance.¹⁹⁰ One study indicates that 24 per cent report being denied equal treatment by doctors or hospitals based on their gender identity.¹⁹¹
- The first national study of intersex adults in the U.S. found that about half of participants rated their physical and mental health as fair/poor. Prevalent health diagnoses included depression, anxiety, arthritis, and hypertension, with significant differences by age.¹⁹²

LGBTIQ+ people have higher risks and vulnerability to HIV

- Data indicates that men who have sex with men and transgender women bear a disproportionate burden of HIV compared to the general population. In the Asia-Pacific region in 2010, the regional prevalence of HIV among men who have sex with men was 14.7 per cent compared to close to 1 per cent in the general population. Transgender women are likely to experience higher rates of HIV prevalence compared to men who have sex with men or the general population. Comparable regional data is still difficult to access, as transgender women are often subsumed under the category of men who have sex with men, rather than being disaggregated. However, in countries where disaggregated data exist, transgender women have the highest prevalence of HIV.¹⁹³ A global study indicates that risks of HIV infection for transgender women are 49 times higher than for all adults of reproductive age.¹⁹⁴
- Fear of mistreatment is likely to deter many LGBTIQ+ people from getting tested and accessing healthcare. The correlation between SOGI-based discrimination and HIV infection rates has been documented in numerous countries. In Nigeria, for example, which has one of the highest HIV infection rates in the world, the Office of the High Commissioner for Human Rights (OHCHR) expressed concern regarding the correlation between harsh discriminatory regulation of same-sex relations and HIV infection rates.¹⁹⁵ Transmission rates are also considered to be higher in conflict-affected contexts, where data are scarce.
- Recent studies show in the Asia-Pacific that men who have sex with men and transgender women experience considerable mental health issues which can exacerbate HIV risk.¹⁹⁶
- Discriminatory laws, pervasive gender inequalities and repressive norms and cultures all expose women, girls and LGBTIQ+ people to heightened risks of HIV infection and pose barriers to seeking and accessing comprehensive HIV services (prevention, testing, treatment and care). This contributes to LGBTIQ+ people's heightened risk to HIV infection and poorer health outcomes for those living with HIV.
- Violence against women, girls and people with diverse SOGIESC increases vulnerability to HIV.¹⁹⁷

- A recent study in Zimbabwe showed that transgender women were less likely to obtain HIV treatment and achieve viral suppression, primarily because only 36 per cent of transgender women living with HIV were aware of their HIV-positive status.¹⁹⁸
- In a qualitative study with 11 transgender women in Thailand, it was found that fear of stigma leads transgender women to avoid accessing HIV services, including prevention services such as pre-exposure prophylaxis (PREP), testing and treatment; disrupts social networks that can serve to connect people in need to HIV services; actively impairs access to treatment and care for those diagnosed with HIV and at a macro-level, stigma against people most affected by HIV undermines the political will to invest in responding to the epidemic.¹⁹⁹ Studies also highlighted a lack of accessible knowledge catering to transgender women in Thailand regarding whether and how HIV treatment might interact with hormone treatment.

Beyond HIV, issues within health settings are neglected

Discrimination

- Because of the disproportionate risks to LGBTIQ+ people in relation to HIV, other healthcare issues can be neglected or overlooked.
- Yet, as described above, discriminatory laws, pervasive gender inequalities and repressive norms and cultures pose barriers to people with diverse SOGIESC seeking and accessing comprehensive sexuality education, sexual and reproductive services, and other healthcare services.
- LGBTIQ+ women often face discrimination in healthcare settings. Studies indicate that lesbian and bisexual women get less routine health care and preventive cancer treatment than other women, including breast, colorectal, and cervical cancer screening tests, because of fear of discrimination, low health insurance coverage and negative experiences with healthcare providers. Some studies indicate lesbian and bisexual women may be at increased risk for breast, cervical, and ovarian cancer compared to heterosexual women, but research is lacking as most studies do not ask about SOGIESC.
- Intersex people face significant stigma and bias, and therefore typically receive comparatively low-quality healthcare, lack access to medical records and may lack necessary medical insurance coverage for specific, often lifesaving, hormonal treatments²⁰⁰ and other lifesaving treatments related to mutilation surgery complications (i.e. dialyses).
- Forced and coercive medical treatment, especially unnecessary and involuntary surgery, occurs at extremely high rates in medical facilities. To ensure physical and mental integrity, medical institutions and professionals must take the informed consent of the intersex person into due consideration.

Violence

- The key human rights and health issue for most intersex people is prohibition of genital surgery of intersex infants when it is not medically necessary.
- Intersex people, both infants and as adolescents and adults, face institutional violence in health settings at alarming rates, globally. In addition to surgeries, this includes gaslighting and other forms of harassment. Information is often manipulated; thus many intersex people do not even know they are intersex, instead wrongly believing that they are sick. There is a chronic lack of research into intersex healthcare, misdiagnoses and pathologisation of intersex bodies.
- All LGBTIQ+ people face disproportionately high risks of violence, as described in other sections.

Recommendations

Legislation and policymaking

- The decriminalization of LGBTIQ+ peoples' lives, and anti-discrimination legislation and its implementation, are necessary to create the broader context where LGBTIQ+ people are able to and feel safe to access healthcare services. For example, it would make available the right of members of same-sex couples to make decisions for their partners in medical emergencies.
- National prohibitions on conversion therapy - attempts to change anyone's sexual orientation, gender identity or gender expression - in all settings are a key step to promoting and protecting the mental and physical health and rights of people with diverse SOGIESC. 14 countries across regions have some form of ban in place, setting a growing precedent. About 5 more are actively considering legislation and/or undertaking consultations. In February 2022, New Zealand became the latest country to introduce two new criminal offenses, including protection for people under 18.²⁰¹

Inclusion

- Any health crisis should be examined to understand and address different effects on LGBTIQ+ people. For example, the current COVID-19 pandemic context has exacerbated pre-existing conditions and brought on new manifestations that are impacting health and socioeconomic outcomes among LGBTIQ+ communities (*See COVID-19 section under 'Background and current context'*).
- For further information on the impacts of COVID-19 on intersex people, see: Carpenter, M. 2020. 'Intersex people and COVID-19'. Intersex Human Rights Australia; and Organisation Intersex International Europe (OI), 2020. 'COVID-19 - A report on the situation of intersex people in Europe and Central Asia'. OII: Berlin.
- For example, what are the challenges facing people living with HIV (the majority of which in many countries will be LGBTIQ+) in the context of COVID-19? As people living with HIV might have compromised immunity and hence be more susceptible to COVID-19, it is imperative to ensure the treatment is available in three- to six-month doses in line with WHO treatment guidelines, so people living with HIV continue to take it without interruption and avoid higher risk of exposure to the COVID-19 infection by visiting the health facilities.²⁰² Safe passage and transportation to access HIV treatment and care should also be provided to people living with HIV.

Address specific health needs of transgender people and gender diverse people

- Many health needs specific to transgender people should be addressed to affirm their rights to health. This is generally the responsibility of the state, for example, addressing discrimination and improving the responsiveness of health services to transgender people; addressing significant information gaps about transgender people's health; ensuring transgender people's equal access to general health services; improving transgender people's access to gender-affirming health services; and improving the quality of gender-affirming healthcare for transgender people.²⁰³
- Improvements to gender-affirming health services should be consistent with the goals of de-pathologization and de-stigmatization of gender diverse identities. Doctors and medical environments more broadly should be welcoming to trans people and their particular needs, providing psychosocial support alongside traditional treatments like hormones and surgeries.
- Services must be available for people who do not identify as women but who face gendered health concerns. For example, some trans men and non-binary people who face risks of cervical or breast cancer are equally deserving of access to routine cancer screening in safe settings. Addressing these shortcomings is not intended to negate women's experiences.

Respect the health and bodily integrity of intersex people

- The right of intersex people to choose not to undergo sex assignment treatment must be respected. Medically necessary treatment of intersex people should take place under guidelines that ensure treatment is managed by multidisciplinary teams within a human rights framework. Such guidelines should encourage deferral of non-necessary medical interventions on infants and children with intersex variations until such time as the person can give informed consent and prohibit surgical interventions or other modifications to sex characteristics undertaken for primarily psychosocial reasons without informed consent.²⁰⁴
- States and national health authorities must implement sex-related anti-discriminatory laws and update health norms on sex variations issues. This must be bolstered by concerted awareness raising efforts across the health sector, informed by intersex people, on the harmful consequences of pathologization of sex characteristics and intersex traits. Taking a step further, towards a paradigm shift in medical practices, community-based medical assistance could interact with the existing health system in this area.

CASE STUDY

ADDRESSING LGBTIQ+ HEALTH CARE NEEDS THROUGH RESEARCH, INCLUSION, ACCESS, AND TRAINING

Research and policy development:

UN Women has included a focus on LGBTIQ+ people in various policy analyses of the socio-economic impacts of the COVID-19 pandemic. For example:

- [The First 100 Days of the COVID-19 Outbreak in Asia and the Pacific: A Gender Lens](#)
- [A rapid survey](#) in **Asia and the Pacific** on impacts of lockdown measures and access to HIV information and services.
- [‘Voices of Women’s Organizations on COVID-19’](#) sub-regional consultations in **Europe and Central Asia** in 2020, which provides gender-responsive and intersectional policy recommendations.
- Facilitating the participation of LGBTIQ+ people in **Nepal**, and women living with or at high risk of HIV, in the development of the UN socio-economic recovery framework; coordinating national violence study to improve understandings of LGBTIQ+ peoples’ experiences of violence.

Inclusion in decision-making processes:

UN Women has promoted the leadership and empowerment of women living with and affected by HIV, including LGBTIQ+ people. For example:

- **Cambodia** – investing in leadership capacity building skills of CSOs and the ‘LevelsDiversity’ network; creating safe spaces for community discussions; a digital campaign series.
- **Kyrgyzstan** – community mentorship; piloting ‘positive deviance’ approach to overcome stigma.
- **Viet Nam** – leading multistakeholder process to advise Ministry of Health on a gender impact assessment to support the formulation of a law on gender recognition; comparative legal analysis.

Access to health care:

UN Women has facilitated access to information and services, including HIV testing, treatment and care services, gender-based violence services and sexual and reproductive health services various ways driven by local needs.

- **Bangladesh** – supporting 32,748 Rohingya women and girls, including pregnant women, women affected by HIV, LGBTIQ+ people, across 10 refugee camps, to access SRHR and nutrition knowledge and services, and livelihood skills training and other support.
- **Cote D’Ivoire** – partnering with national network of women living with HIV to improve sex workers’ and LGBTIQ+ peoples access GBV services and HIV testing, treatment and care services.
- **Liberia** – training healthcare workers to improve provision of SRH and GBV services, promote HIV prevention and awareness; and helping establish three women health coalitions.
- **Global** – co-convening [Global Partnership for Action to Eliminate All Forms of HIV-Related Stigma and Discrimination](#), with UNDP, UNAIDS, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the Global Network of People Living with HIV (GNP+), with action across six areas,²⁰⁵ accompanying [UNAIDS evidence and guidance for countries](#) for implementation, which provides evidence and examples of policy and programmatic initiatives.

Training and education:

UN Women has partnered with UNESCO and others to up-date the [International Technical Guidance on Sexuality Education](#); and supported UNESCO to produce [The Journey Towards Comprehensive Sexuality Education: Global Status Report](#).

UN Women is also partnering with WRC and local CSOs on a multi-year project to develop toolkits and training packages for a) frontline humanitarian workers to support at-risk boys and LGBTIQ+ youth, b) non-specialist MHPSS providers in humanitarian settings, c) urban service providers catering to the needs of LGBTIQ+ youth at risk of violence. Pilot sites are **Colombia, Lebanon** and **Cox’s Bazaar**.

Photo: UN Women/Rena Ejjendi. Members of the team at aLabrysā, a grassroots LGBTIQ+ organization working in Kyrgyzstan and Central Asia. Bishkek.



Address neglected health needs and create an evidence base

- Understanding of the health needs of all LGBTIQ+ people has been dominated by the response to HIV for gay and other men who have sex with men and, to a lesser degree, transgender women. Even less is known about the health needs for others, including and beyond HIV. The links between discrimination and mental health are a public health concern,²⁰⁶ but how this relates to LGBTIQ+ people are under-researched.
- The WHO is contributing to building this evidence base with a forthcoming publication on addressing the physical and mental health impacts of discrimination and other human rights violations based on SOGIESC in relation to healthcare access, utilization (e.g. health-seeking behaviours) and health outcomes. It is expected to provide evidence-based policy considerations to address health disparities and their root causes, within and beyond the health sector, based on recommendations from the public health literature and UN human rights mechanisms.
- The Public Health Association of Australia notes that 'LBQ' women report 'higher rates of childhood abuse and neglect, unsafe sex, adverse reproductive health outcomes, higher rates of polycystic ovarian syndrome, and induced abortion ...Rates of suicidal ideation and self-harm are... higher [and] LBQ women display reduced screening behaviours.'²⁰⁷ Yet on a global basis, the health needs of LBQ women are under-researched, including because of stigma and discrimination interfering with reaching these citizens.

People on the move

Many people 'on the move' – which at UN Women includes migrants, refugees, asylum seekers and internally displaced persons (IDPs) – have diverse SOGIESC. Experts estimate that at least 5 per cent of any displaced population are LGBTIQ+.²⁰⁸ These individuals may leave their homes because of persecution and oppression faced due to their SOGIESC and related activism, including legislative, social, cultural and political discrimination and attacks by State and non-State actors. If severe, they may be forced to flee their homes and communities in search of safety and protection and a

place where they can fully exercise their rights, often across an internationally recognized national border and by applying for asylum in a third country, which may or may not recognize or support their claims for asylum or humanitarian protection based on their SOGIESC. They may also be considered stateless. All people with diverse SOGIESC who have left their countries of origin or places of habitual residence in search of a more secure environment share some common concerns, but there are also important distinctions between these forms of movement and how their experiences are impacted.²⁰⁹

Challenges

The risks to people with diverse SOGIESC moving between States are high

- International movement of any form is an inherently high-risk experience for LGBTIQ+ people. Even when people leave countries of origin for reasons other than their SOGIESC, their SOGIESC nevertheless shapes their experiences on the migration journey and in countries of destination.²¹⁰
- UNHCR reported a steep increase in the number of international protection claims based on 'SOGI' in 2018; and the forced displacement crisis has only worsened. Most countries of origin and asylum share the common feature of criminalizing same-sex relations, in some cases with the death penalty.²¹¹
- Especially where other calibrations of oppression intersect, LGBTIQ+ asylum seekers, refugees, migrants and IDPs face distinct risks, challenges, trauma and persecution in seeking safety and exercising their rights.

- At all stages of migration, LGBTIQ+ people, especially trans and gender diverse people, face a higher risk of unwarranted detention and deportation; labour exploitation and discrimination in employment; higher risks of being trafficked, higher risks of sexual violence, being forced into sex for survival, gender-based violence, pathologization, exploitation, abuse, harassment and criminalization, including at the hands of immigration officers, traffickers and smugglers.²¹²
- A 2017 survey of 332 refugees with diverse SOGIESC in Nairobi found that, among lesbian, bisexual, and queer refugee women, 42 per cent disclosed ever experiencing sexual violence. An estimated 50 per cent of gay and transgender refugees and migrants fleeing Central America through Mexico suffered sexual violence. LGBTIQ+ refugees and migrants in US detention centres are estimated to be 97 times more likely to be sexually assaulted than their non-LGBTIQ+ counterparts.²¹³
- Transgender migrant women face particularly grave abuse and risks in both transit and destination countries, as their gender identity increases their exposure.²¹⁴ For instance, denial of identity and travel documents increases one's need to use more dangerous irregular pathways; and where a person's gender expression does not match their travel documents, they often encounter humiliating body searches at border crossings, and discrimination and violence from fellow migrants. Transgender and gender non-conforming people are at increased risk of being trafficked. While data are limited, an estimated 83 per cent of such victims are trafficked for the purpose of sexual exploitation.²¹⁵
- Experiences of violence, harassment and discrimination are increased for LGBTIQ+ people during displacement, especially where they are separated from their "chosen families"²¹⁶ and communities—that act as lifelines for LGBTIQ+ people—and/or where people are forced to live with hostile family and community members, straining their coping mechanisms.
- LGBTIQ+ migrants who are detained are at increased risk of experiencing human rights violations and GBV, and often face social isolation. These experiences are often compounded for transgender migrants who are often detained in spaces which do not correspond to their self-identified gender.²¹⁷
- As a result of pervasive structural discrimination, LGBTIQ+ migrants are more likely to work in the informal economy, facing higher rates of unemployment and poverty.²¹⁸ These scenarios heighten risks and exposure to forced labour and trafficking. Especially for transgender women migrant workers, such challenges are often compounded due to options for legal employment being limited and over-reliance on informal and often dangerous work.²¹⁹
- As the COVID-19 pandemic causes travel to be restricted in many parts of the world, and borders remain shut, LGBTIQ+ migrants, including asylum-seekers and refugees, are exposed to increased risks as their efforts to escape violence and persecution are further inhibited. For many, previously approved resettlements to third countries have been put on indefinite hold.²²⁰

People with diverse SOGIESC are overlooked in responses, intentionally and unintentionally

- Invisibility is a major issue, with data in this area limited and human rights violations often going unreported in countries of origin, transit and destination. This issue is coupled with widespread impunity.²²¹
- Lack of proper individual documentation can create numerous issues, especially where official documentation does not match a person's gender expression. This can lead to discrimination and mistreatment by authorities and services, and cause issues such as irregular status, prolonged detention and non-recognition of family units and being denied access to services (such as health, housing and employment).²²²

- Despite access to asylum being the first element of protection, only 37 States grant asylum and recognize refugee status on grounds of fear of persecution based on SOGIESC, while most States fail to.²²³ Thus, LGBTQ+ asylum-seekers and refugees remain subject to discrimination both when their claim to asylum is linked to their SOGIESC and when it is not, and by host communities and the broader asylum-seeker and refugee community.²²⁴ This includes contexts in which asylum seekers must 'prove' SOGIESC status as part of asylum process via intrusive and intimate means.
- LGBTQ+ people may not be able to access much-needed services, including health, justice and essential services for survivors of GBV; or services are not tailored or appropriate to their needs. Even where services are available in principle, LGBTQ+ migrants may not access them out of fear of being discriminated against, for example, as people living with HIV and those seeking gender-affirming healthcare.²²⁵ When undocumented or with irregular migration status, a person with diverse SOGIESC may be even less likely to access the services they need.

Photo: M.A.f.I.A - Movimiento Argentino de Fotógrafxs Independientes Autoconvocadxs.
Feminist and LGBTQ+ activists mobilizing in support of the approval of the bill legalizing abortion, Buenos Aires, Argentina. December, 2020.



Recommendations

- See UNHCR and IESO (2021) collaboration for specific, up-to-date and comprehensive recommendations on key issues regarding forced displacement, including addressing drivers; building the evidence base; leveraging human rights mechanisms; arbitrary detention; protection from refoulement; safe shelter and accommodation; refugee status determination and building asylum capacity; solutions; livelihoods, gender-based violence, accountability.
- States involved in refugee protection must do more to recognize the unique situations of vulnerability and the specific needs of LGBTIQ+ asylum-seekers and refugees, including by taking measures to address human rights violations, improve asylum procedures including by granting asylum or providing access to humanitarian visas on grounds of fear of persecution based on SOGIESC, and explore community-based alternatives to migration detention.
 - In cases where an individual is detained in immigration detention, and where it is deemed necessary, implement measures of protection from discrimination and abuse for detainees with diverse SOGIESC.²²⁶ Such measures must comply with Article 9 of the ICCPR, which ensures people have the right to freedom from arbitrary and inhumane forms of detention. Organizations, whether humanitarian, human rights or development oriented, can identify points of complementarity and work more closely in collaboration to protect LGBTIQ+ displaced people, despite distinct cultures, approaches and mandates. Strengthening staff capacity through training is key to converging around a higher minimum standard for operations.
- Disaggregated data and evidence are needed to address the lack of visibility and evidence on the ways in which discrimination magnifies marginalization in relation to access to services, economic opportunities and justice. This must inform policymaking and programming.
- Access to livelihoods, economic empowerment and political participation of migrants and refugees are particularly important to help overcome their marginalization.
- Given the vast numbers of LGBTIQ+ people moving in search of safety and security, all States should promote and uphold the principle that persecution of people based on their SOGIESC is valid grounds for claiming asylum.
- While SOGIESC are not referenced in the Global Compact on Safe, Orderly and Regular Migration (GCM),²²⁷ the principles of gender-responsiveness and human rights can be used as a platform for advocating for the rights of LGBTIQ+ migrants.

CASE STUDY

LESSONS IN INCLUSION – AN OVERVIEW OF WORK WITH LGBTIQ+ MIGRANTS, REFUGEES AND YOUTH, AND IN PEACE AND SECURITY IN LATIN AMERICA AND THE CARIBBEAN

The Latin America and the Caribbean Regional Office of UN Women has been advocating and raising awareness of LGBTIQ+ rights, for example, by including LGBTIQ+ people in UN Women and CARE International's *Latin America and the Caribbean Rapid Gender Analysis for COVID-19* and the Regional Group on Risks, Emergencies and Disasters for Latin America and the Caribbean (REDLAC)'s "Key gender recommendations for the response to health emergencies" (May 2020) that came out of their Gender Round Table in Humanitarian Action. At a regional and country level, they have joined interagency efforts on protection and safe spaces for LGBTIQ+ migrants and refugees.

The Brazil office provides grants to women human rights defenders' organizations. Many of the applications are from LGBTIQ+ women's organizations, and at least seven organizations that promote the human rights of LGBTIQ+ women have received funding to date. Gender-based violence awareness campaigns and curricula for prevention and responsive are LGBTIQ+ inclusive.

In Colombia, as part of the continued support for the meaningful participation of women and LGBTIQ+ CSOs in the negotiation and implementation of the Final Peace Agreement, the Colombia Country Office supported the publication of a document that contains guidelines on LGBTIQ+ participation spaces, conditions

and minimum standards in violence reduction to guarantee the compliance with the gender dimensions of the agreement. As part of the institutional strengthening of the gender focus in the Commission for the Clarification of Truth, UN Women supported the documentation of cases where LGBTIQ+ people were victims of gender-based violence in the armed conflict, to strengthen the recognition of their right to the truth. The 2019 round of the Central Emergency Response Fund (CERF) involved leaders and advocates from more than 30 organizations in Chocó and Nariño, and some of these organizations also defend the rights of diverse women. The project counted a total of 13 LGBTIQ+ beneficiaries.

And in Bolivia, as part of the support provided by UN Women for the formulation of an inclusive national urban policy, two sessions were held on 24 and 25 January 2020 with LGBTIQ+ organizations. The objective of the workshop was to gather their demands to be included in the National Policy for the Integral Development of Cities. Also, in the context of the "Dialogues for the Future of Bolivia", an initiative that aims to seek peaceful and democratic solutions to the serious political and social crisis resulting from the elections of 20 October 2019, spaces of exchange were developed in which the representation and participation of LGBTIQ+ groups from civil society was ensured.

Youth and older people

The intersection of age and LGBTIQ+ identities results in specific challenges and risks for both LGBTIQ+ youth and older people. They must be considered in policies and

programmes designed for the broader populations of youth or older people as well as treated in targeted ways.

LGBTIQ+ youth

Challenges

- Although any child, regardless of gender identity or sexual orientation, can become a victim of sexual exploitation and abuse, children with diverse SOGIESC are often overlooked in already underreported prevalence rates. Gender-based discrimination and inequalities contribute in particular to the sexual exploitation of girls and children who identify as transgender. While girls account for most documented victims, it is increasingly recognized that sexual exploitation is inextricably linked to gender construction and dynamics, and that gender stereotypes regarding masculinity adversely affect the vulnerability of boys and children who identify outside the gender binary. The needs of such children and young people, who are already at heightened risks of rejection and marginalization, are often overlooked in support mechanisms and services. Approaches built on gender binary framings may lead to undesired negative outcomes, including denial of economic and social rights, for those excluded.²²⁸
- Younger (aged 10–14) and older (aged 15–19) adolescent girls with diverse SOGIESC are among the most vulnerable in humanitarian contexts; they face extremely high protection risks, and yet are one of the most invisible groups. Their risks of gender-based violence are especially grave due to social and cultural norms imposing power differentials, and worsened by a chronic lack of institutions, services, resources, restricted mobility and visibility, including by the humanitarian community.²²⁹
- Issues regarding the need for legal gender recognition of young people and gender-affirming treatment are significant. Pathologization of diverse gender identities as a form of mental health disorder conflicts with States' human rights obligations and the ICD 2019 revision.²³⁰
- Barriers to accessing education are common for LGBTIQ+ youth, resulting from, among other concerns, homelessness, mental health issues, hate-motivated violence and bullying and lack of inclusive and supportive learning environments. This has a direct impact on other dimensions including economic empowerment.²³¹ A European Union study found that 80 per cent of school-age children surveyed heard negative comments or saw negative conduct directed at schoolmates perceived as lesbian, gay, bisexual or transgender.²³²
- LGBTIQ+ youth are disproportionately affected by homelessness owing to economic dependence and reliance on family and community networks that are often hostile,²³³ which overexposes them to poverty and health issues as well as affects education outcomes.
- Such circumstances increase exposure to mental health issues and suicidal ideation, especially where LGBTIQ+ youth are inhibited from accessing chosen support networks.
- The current context of COVID-19 impacts on young people in countless ways, but the specific vulnerabilities facing LGBTIQ+ youth have been largely overlooked. They are more vulnerable and impacted differently than their cisgender and heterosexual peers. School closures and stay-at-home orders have had considerable impacts by essentially cutting off vital access to non-family social support, such as supportive peer groups and school health centres, which LGBTIQ+ youth disproportionately rely on. Further, such students are often forced to stay at home with family members who reject them, or are openly hostile, because of their identity.²³⁴

Recommendations

- Human rights-based approaches are needed to address the risks of sexual exploitation and abuse for all children across the gender spectrum. Gender-inclusive and child-centred approaches to adaptation and implementation of international legal frameworks, policy and practice must be taken.²³⁵
- Comprehensive sexuality education (CSE) is especially critical for LGBTIQ+ youth to enable them to access accurate information and discover positive values and nurture life skills that can improve mental and physical health outcomes over their life course.
- Introducing LGBTIQ+ rights into school curricula and combatting bullying and harassment would create a positive environment that supports LGBTIQ+ youth in all aspects of their education, such as educational attainment and staying in school.
- States also have a responsibility to foster climates of respect and safety through promoting safe domestic environments.
- Development and humanitarian actors must recognize that younger or older adolescent girls are not a heterogeneous group, but face distinct developmental challenges, risks and discrimination. Truly inclusive programming distinguishes between their needs and further recognizes their differences based on, e.g. SOGIESC, HIV status, marital status, accompanied or orphan status, ethnicity, educational or employment status, economic status, pregnant, or lactating, disability, mother, parent or primary caregiver, and experience of sexual exploitation.²³⁶
- Support services and shelters should be made available to LGBTIQ+ youth in general, but particularly during periods of crisis such as COVID-19.

Older LGBTIQ+ people

Challenges

- Age and gender discrimination intersect with pervasive hostility and stigma regarding sexual and gender diversity to increase the likelihood of poverty, limited access to protective resources, and heightened risk of abuse for older women with diverse SOGIESC especially.
- Most of the world's older population continue to be women living in low- and middle-income countries. Discriminatory laws and practices fuel violence and abuse in their political, economic, social and family lives. Older women with diverse SOGIESC are particularly prone to isolation, which further heightens risks of exploitation, violence, abuse and neglect, and services and support in these instances is limited.
- Older women with diverse SOGIESC are often ignored, marginalized and stigmatized in seeking access to preventive services and care for interpersonal violence and sexually transmitted infections, including HIV.
- Older LGBTIQ+ people on the whole suffer from various factors: comparatively limited family support, limited recognition of their preferred forms of families, and social isolation and loneliness, often owing to family rejection.²³⁷ In some cultures, they may have fewer family members, possibly due to limited access to assisted reproduction technology, and so may be more likely to suffer financially from being alone and not having family support.
- This situation may be exacerbated for older LGBTIQ+ people living with additional challenges, for example living with HIV. Older LGBTIQ+ people are at increased exposure to COVID-19 and in the context of other large-scale crises.

Recommendations

- Special efforts should be made to include LGBTIQ+ older persons in broader support services for older people, while also recognizing the need for tailored services and supports.
- The focus on sexual health of women of reproductive age must be expanded to address the specific unmet needs of older women with diverse SOGIESC in health settings.

People with disabilities

Of the approximate 15 per cent of women and girls worldwide who are living with disabilities, many are with diverse SOGIESC. Prejudice, discrimination, exclusion and violence are commonplace for those living at the

intersections of disability and diverse SOGIESC. This is owing to multifaceted structures of social, legal and political inequality and routine exclusion in development and humanitarian contexts.²³⁸

Challenges

- Common experiences among people with diverse SOGIESC who are living with disabilities include stigma based on social norms and attitudes; the medicalization of difference and non-conformity; discrimination in access to services and information; violence and abuse; and disproportionate risks and exposure to hazards in humanitarian contexts.
- Vulnerabilities are exacerbated for LGBTIQ+ people with disabilities because they are perceived as being different and having less power and status. They are often directly targeted for violence because of this.²³⁹
- Due to complex factors, LGBTIQ+ people with disabilities are often denied sexual expression, which is often connected with factors regarding living arrangements and privacy limitations resulting from the presence of support people and caregivers.²⁴⁰
- During times of crisis, as witnessed with LGBTIQ+ people in general, people with disabilities are exposed to greater vulnerabilities. Those facing pre-existing challenges on account of both disability and LGBTIQ+ status will see these doubly amplified, for example, in the present context of COVID-19.²⁴¹

Recommendations

- Specific details and understanding of the challenges faced by LGBTIQ+ people with disabilities are lacking, including in the development and humanitarian sectors. Research and evidence are urgently needed.

Indigenous people

Indigenous people with diverse SOGIESC face the same violence, discrimination and exclusion many Indigenous people face in the postcolonial context, but with added, mutually constitutive layers of stigma, erasure and marginalisation on the basis of their SOGIESC. However, as Indigenous cultures, communities and nations are not monolithic and remain under the jurisdiction of a diversity of Member States across continents, their

experiences of marginalisation vary widely. Indigenous experiences are rarely perceived as a locus of diverse SOGIESC, partly because, according to commentators, community members and scholars, Indigenous peoples are imagined as remnants of the past, whereas LGBTIQ+ identities are often associated with political modernity and unfounded narratives of 'progress' and 'civilisation'.²⁴²

Challenges and recommendations

- The meaningful representation and engagement of Indigenous people with diverse SOGIESC in public life, including those who identify within or beyond the global LGBTIQ+ human rights framework, are severely lacking. The unique needs and interests of Indigenous people with diverse SOGIESC are often unaccounted for in international policy frameworks and mechanisms, including in the UN Declaration on the Rights of Indigenous Peoples. Furthermore, global LGBTIQ+ human rights frameworks and mechanisms are only just beginning to include language on the intersections of SOGIESC and Indigeneity, with varied levels of commitment and dedicated guidance.
- Comprehensive and reliable data and reporting on Indigenous people with diverse SOGIESC are severely lacking, with disaggregation by SOGIESC among Indigenous communities varying across contexts and usually measured as a diminutive 'add-on' to traditional reporting mechanisms.
- Indigenous people with diverse SOGIESC often face the brunt of socioeconomic exclusion and are more vulnerable to economic pressures faced by larger Indigenous communities. For example, in the United States and Canada (part of what many Indigenous North Americans would refer to as Turtle Island), Two-Spirit and other Indigenous people with diverse SOGIESC face the highest rates of unemployment among all ethnic groups measured, with 23 per cent of gender-diverse Native Americans living in extreme poverty and more than half of Native Americans with diverse SOGIESC more broadly living with food insecurity.²⁴³
- Indigenous people with diverse SOGIESC face systemic barriers to accessing healthcare and, in many contexts, suffer disproportionately high rates of disease, including HIV.²⁴⁴
- Indigenous people with diverse SOGIESC, especially queer and transgender Indigenous women and girls, are disproportionately targeted with GBV, including high rates of sexual violence, kidnapping, murder and trafficking.²⁴⁵
- Many Indigenous people with diverse SOGIESC face uniquely high levels of displacement and homelessness due to a range of interrelated pressures rooted in white supremacy, heteronormativity and postcolonial violence.

CASE STUDY

INTEGRATING LGBTIQ+ ISSUES IN POLICY AND PROGRAMMES IN TIMOR-LESTE

Timor-Leste has made progress in recognizing LGBTIQ+ rights in recent years, building on a legal foundation. The constitution supports gender equality (sections 16 and 17) and has protections against discrimination in its legal framework (section 23 refers to the Universal Declaration of Human Rights in interpreting fundamental rights). Timor-Leste has ratified CEDAW and other human rights treaties and recognizes sexual orientation as a motivation for crimes included in the Penal Code. Timor-Leste sponsored the 2011 UN Human Rights Council Joint Statement on Ending Acts of Violence Related Human Rights Violations Based on SOGI. And in 2016, the government accepted two recommendations

on LGBTIQ+ rights made during the Universal Periodic Review by the UN Human Rights Council. In 2017, the first pride event was held in the country.

Still, the situation has been challenging. In 2015, there was one LGBTIQ+ network, CODIVA, and no dedicated group or space for a group working specifically with LGBTIQ+ women. There was no mention of LGBTIQ+ rights or stakeholders in various key strategic documents: the state report and shadow report, the women's network strategic plan, the UNDAF 2015–2020, nor the UN Women Timor-Leste-Country Office Strategic Note 2015–2020.

Since then, UN Women has supported various policy and programmes for LGBTIQ+ rights and inclusion:

- **2016:** UN Women supported a CODIVA congress, as well as technical assistance to build their organizational capacity.
- LGBTIQ+ women activists were included in the 'Take Back the Street' March.
- **2017:** The "Study on Concerns of Lesbian and Bisexual Women and Transmen in Timor-Leste" was done by the ASEAN SOGIE Caucus and Rede Feto Women's Network.
- The LBT study was presented for Human Rights Day as a Joint UN action.
- **2018:** The "Scoping Study on Safe Cities" recognized LGBTIQ+ persons at increased risk of sexual harassment in public spaces.
- UN Women supported the launch of the study on LGBTIQ+ women supported by the ASEAN SOGIE Caucus and Rede Feto.
- UN Women with UNFPA and OHCHR, with support from the SDG Fund, created the "Leaving No Youth Behind" policy series.
- UN Women with the ASEAN SOGIE Caucus, HIVOS and a newly established group for LGBTIQ+ women, Arcoiris, hosted a CEDAW and LGBTIQ+ Rights Workshop.
- **2019:** LGBTIQ+ stakeholders and rights were explicit in the Measuring Progress – SDG VNR and B+25 Report.
- Commemoration of International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT).
- Representation of LGBTIQ+ advocates on Spotlight Civil Society Reference Group, Gender Coordination Group.
- Greater visibility of LGBTIQ+ issues as part of the 16 Days of Activism Against Gender-Based Violence campaign, including on the television show, 'From Where I Stand'.

- **2020:** There was continued mainstream visibility of LGBTIQ+ issues in the national COVID-19 Response, on television, and in the Joint UN Screening.
- A group for LGBTIQ+ women was registered as an NGO and received financial support from a grant via the EU-UN Spotlight initiative.
- **2021:** Partnerships with LGBTIQ+ CSOs through Spotlight initiative, as agents of change.
- Establishment of coordination mechanism with membership of 32 organizations and 20 Police Officers to provide training for improving service provision to LGBTIQ+ communities.
- Community radio and social media partnership to reach marginalized LGBTIQ+ communities.
- Development of internal mechanism to strengthen CSO capacity and ensure better representation. As a result, LGBTIQ+ people were mobilized as first responders following Cyclone Seroja and floods.²⁴⁶

What does the future hold? UN Women in Timor-Leste is committed to addressing bias and resistance to LGBTIQ+ rights and will proceed in resourcing and supporting LGBTIQ+ organizations and connecting them with relevant networks and organizations nationally and

across the region and within the UN system; defining strategic and systematic ways forward and making internal investments to strengthen in-house capacity for safe and ethical practices.



Photo: Arcoiris Timor-Leste. Timor-Leste's LGBTIQ+ community lead front-line response to Cyclone Seroja: members of Arcoiris supporting a community kitchen.

Promotion and protection of civic space and civil society engagement

The promotion and protection of civic space and civil society engagement by States, the UN and UN Women in relation to LGBTIQ+ rights brings many benefits. It can foster a greater understanding of marginalization, exclusion and the human rights challenges faced by people with diverse SOGIESC. As in most countries, civil society efforts contribute disproportionately to addressing the extraordinary challenges of violence

and discrimination based on SOGIESC; promoting civil society engagement can facilitate stakeholders in understanding how to support these efforts. Bringing together key stakeholders can also be used to explore how to directly involve and engage individuals and representative groups at local and regional levels in promoting and protecting LGBTIQ+ rights.

Challenges

- Communities of people affected by policymaking and programmes should be at the centre of the decision-making process, not just ‘consulted with’ or ‘informed’. This is not only fair, but it is their direct experience that will inform how to make policies and programmes relevant and effective. Yet, as discussed, the genuine representation and engagement of LGBTIQ+ people in civil space, and in decision-making processes, are lacking.
- Official discrimination and repression (laws criminalizing behaviour and identity, or a lack of official recognition) prevents LGBTIQ+ people from stepping forward into advocacy and representative roles, as does social and cultural discrimination and repression. A host of intersectional factors can come into play. For instance, a young lesbian who has dropped out of school because of abuse may lack the education and confidence to participate in public affairs. Meanwhile, a poor transgender woman without access to employment may be forced to focus more on her day-to-day survival than community mobilization.
- Official support is scarce. In its 2017–2018 Global Resources Report, a resource covering 15 donor governments and multilateral agencies and 800 private foundations, NGO intermediaries and corporations, the Global Philanthropy Project documented a total of US\$560 million in cooperation activities for the two-year period. The project concluded that, in 2017–2018, global LGBTI foundation funding made up less than 31 cents out of every US\$100 of overall global foundation funding, or 0.31 per cent. In the same two years, global LGBTI funding from donor governments again made up less than 4 cents out of every US\$100 of international development efforts and assistance, or 0.04 per cent.²⁴⁷ Lesbian, queer and bisexual women’s movements are among the most underfunded globally, particularly in Europe and Central Asia where median annual budgets are \$5,000.²⁴⁸ So, engaging people with diverse SOGIESC is challenging where support for their forming groups and organizing is lacking.
- Civil society spaces are shrinking, and enhanced efforts are required from state and non-state actors. In its report, *Diving Deeper: Under the surface of LBQTI funding data*, the Global Philanthropy Project (GPP) concluded that many government and multilateral donors are providing limited amounts of funding for lesbian, bisexual, transgender, intersex and queer issues, despite being the principal source of resources for addressing SDG 5 on gender equality.²⁴⁹ In 2017–2018, donor government funds accounted for only 4 per cent of global lesbian, bisexual and queer funding (\$2.7 million), and 4 per cent of global transgender funding (\$1.9 million).

- A current issue related to civic spaces is the portrayal of transgender women as a threat to others in society and specifically to other women. This has been amplified in the US, UK and elsewhere as part of so-called ‘culture wars’. For example, in North Carolina (US) in 2016, a law banned transgender people from using public bathrooms that match their identity. And there are calls to ban transgender women athletes from sports competition or participation, or subject them to intrusive medical testing to play or compete. Their participation in civic spaces is being attacked, sometimes by the State.
- LGBTIQ+ organisations have been dominated by cisgender gay men traditionally, and many still lack equal representation of lesbian women and trans and intersex people.

Recommendations

The UN system must promote safe civic space and LGBTIQ+ engagement in forums including UN forums

- The UN and all actors have a responsibility to foster climates of respect and safety for LGBTIQ+ people and advocates and to stand up and critique actions and discourse which are counter to LGBTIQ+ rights.
- To ensure LGBTIQ+ peoples’ fundamental human rights to freedoms of expression, peaceful assembly and association, and the right to participate in public affairs are not inhibited, open civic spaces must be enabled to ensure full participation and representation of diverse voices in addressing the issues that impact them.
- People with diverse SOGIESC deserve space and platforms to speak in the UN and society, power to act, and ownership over their own movements without fear of intimidation and reprisals.
- The UN system should support safe civic space across the strategic areas—participation, protection and promotion—which are all of fundamental importance to LGBTIQ+ movements and critical to counter shrinking legal and operational spaces for civil society actors.
- The Secretary-General’s Guidance Note on Civic Space takes action to address the gaps identified by civil society organizations and the UN system including by improving knowledge and strengthening partnerships; improving protection and expanding online civic space; and advocating for and supporting civic space at national, regional and international levels.
- The UN, with its significant political reach and standing, can create platforms for organizations and activists to be heard and opportunities to access decision-makers and powerholders. It can also foster capacity-building and knowledge-sharing and potentially help overcome resources constraints.
- Diverse groups working at the intersections of gender and LGBTIQ+ rights should have opportunities to collaborate and inform all Human Rights Council protection work concerning gender, including its Regular and Special Sessions, Special Procedures, Universal Periodic Review and Petition Procedures.²⁵⁰ The UN, its Member States, and other stakeholders must address the recent dramatic underinvestment in LGBTIQ+ issues from bilateral agencies and philanthropic organizations. Even with some recent growth of LGBTIQ+-focused funding, it remains comparatively nominal and has not increased in proportion to overall foundation funding and international aid.²⁵¹ Unless LGBTIQ+ CSOs and human right defenders are supported, financially and politically, they will not be able to participate in civic space or engage in forms.

UN Women has a key leadership role to play

- Reflecting our commitment to non-discrimination and grounded in feminist principles, UN Women creates platforms for a wide array of voices, so all can learn from different vantage points.
- UN Women is ensuring that the rights and issues of LGBTIQ+ people are centralized in each of the three areas of work described in the Secretary-General's Guidance Note on Civic Space, and through the lens of intersectionality as discussed in this paper.
- UN Women actively seeks to foster respect for diversity in championing gender equality for all, to give voice to the underrepresented and to address the structural inequalities that prevent underrepresented people from having equal opportunities to their right to freedom of speech.
- UN Women fosters safe, inclusive and diverse spaces for open dialogue, respecting an array of viewpoints while nurturing the intrinsic interrelationship between LGBTIQ+ rights and feminist and gender equality agendas.
- UN Women is committed to fostering the inclusion of LGBTIQ+ activists and movements in human rights spaces to help overcome trends that have exacerbated their exclusion, especially by ensuring a diversity of LGBTIQ+ perspectives are given precedence. In recognition that people's movements are typically borne out of marginalization, as with LGBTIQ+ movements, these calls must be respected by those in relative positions of power.
- UN Women new SP includes an outcome-level indicator to measure 'the number of reported acts of intimidation and reprisals experienced by gender equality advocates and CSOs...for cooperating or seeking to cooperate with the UN'.²⁵²
 - UN Women is therefore tasked with supporting inclusive political and civic processes and institutions free from violence and harassment.
 - In this context, UN Women is partnering with OHCHR on implementation of the UN Guidance Note on Intimidation and Reprisals, an internal reference tool for learning, exchange, and the development of responsive policies and training materials, with the goal of centring victims of intimidation and reprisals, mainstreaming the gender dimension of this work, and fostering safe multilateral and intergovernmental spaces for all who choose to engage with the UN in the field of human rights.
- UN Women promotes a no-tolerance approach to hate-motivated speech, violence and abuse towards members of our combined movements, and seeks to protect the voices of and spaces for those who are particularly disenfranchised in our interrelated movements and from gender equality discourse. We work to ensure that patterns of prejudices, misunderstandings and fear that underpin the marginalization of LGBTIQ+ women in broader society are not replicated within mainstream women's and feminist spaces (acknowledging that these have traditionally focused on cisgender and heteronormative experiences).
- UN Women utilizes existing civil society advisory groups to intensify our engagement with civil society, to deepen awareness around the discrimination and violence that LGBTIQ+ people face and supports initiatives that address these challenges.²⁵³
- UN Women is leveraging the occasion of the *Generation Equality Forum* to bring to the fore the demands of LGBTIQ+ organizations in broader gender discourse. The Forum celebrates the power of activism, feminist solidarity and youth leadership, and represents a culmination of the Beijing+25 review process, and the launch of a powerful movement to galvanize transformative action for gender equality. Following principles of co-creation, the Forum is creating opportunities for intergenerational,

intersectional and cross-movement dialogue. Prioritizing diverse and marginalized stakeholder groups, the Forum is a platform to share best practices and strategies, to build solidarity among different stakeholders, and to catalyse bold, transformative and ambitious action to achieve gender equality.

- The Forum has also launched a set of Action Coalitions on immediate actions for the implementation of commitments on six specific thematic areas. The principle of intersectionality flows through the design and planning of the Forum and UN Women has ensured that diverse voices including LGBTIQ+ voices are central in the governance structures of the Forum, as well as in the consultative processes, including the Curated Conversations, whose first discussion topic is on intersectionality. Youth leadership in particular has influenced the discourse of gender equality to pivot to look at gender in all its diversity; the advocacy and programmatic nature of the Forum reflect that multiplicity.

States and stakeholders can promote legal recognition of gender identity and wider respect for transgender and gender diverse identities

- States must promote access to civic spaces by adopting anti-discrimination laws, guidelines and policies and ensuring legal recognition of gender identity based on self-identification.
- States must protect the physical integrity and dignity of all athletes, including intersex and transgender women, by repealing laws and policies that restrict participation via intrusive, unnecessary medical examinations, testing and procedures.²⁵⁴
- Sporting bodies should create safe and respectful spaces to ensure effective participation in sport based on self-identified gender. This includes, for example, removal of invasive requirements to participate, installation of appropriate changing rooms, and broad sensitization of sporting communities.

CASE STUDY

CIVIC ENGAGEMENT AND OTHER INITIATIVES IN LIBERIA

Same-sex activity is illegal in Liberia, according to the 2006 Rape Law. LGBTIQ+ groups face legal and other challenges not experienced by other people. There is a high level of stigma and discrimination at all levels of society; a lack of freedom of expression in relation to SOGIESC; fear of reporting gender-based violence due to the high level of discrimination and rejection; and limited access to medical assistance as many health workers refuse to provide medical assistance to LGBTIQ+ people. LGBTIQ+ groups cannot be registered under Liberian laws nor obtain sectoral clearance from line ministries.

In this context, UN Women Liberia Country Office is including LGBTIQ+ groups in various initiatives and creating space for civil society engagement. Initial work with LGBTIQ+ groups started with the Government of Liberia and United Nations Joint Programme on SGBV and Harmful Traditional Practices in Liberia during awareness-raising activities on the prevention of GBV and harmful traditional practices. Work with LGBTIQ+ groups was advanced during the implementation of the UN Country Envelope and United Budget, Results and Accountability Framework (UBRAF) with funds to

support HIV interventions in Liberia. The work was further enforced by the EU/UN Spotlight Initiative with work with “marginalized and vulnerable groups” that included LGBTIQ+ groups.

UN Women also supported tangible initiatives such as training 10 healthcare professionals to support LGBTIQ+ individuals to access to sexual and reproductive health rights services in 3 counties and the provision of a small grant to the Lesbian and Gay Association of Liberia (LEGAL) to promote HIV awareness and prevention in Grand Bassa County (provided via UBRAF funds from UNAIDS). Through LEGAL and the Liberian Women Empowerment Network (LIWEN), three Women Health Coalitions (WHCs) were established: these are community-based platforms established for networking and advocacy for health needs of women living with HIV and people with diverse SOGIESC in Grand Bassa, Margibi and Montserrado counties. The office also provided material support (laptops and other office supplies) for

the Liberia Network of People living with HIV (LibNeP+); did capacity-building of LGBTIQ+ groups and individuals under Pillar 6 of the Spotlight Initiative; and supported an LGBTIQ+ representative on the CSO-NRG for the Spotlight Initiative.

UN Women has identified 16 networks of LGBTIQ+ groups, most based in Monrovia, and now plans to hold consultative meetings with the leadership of LEGAL in developing the EU/UN Spotlight Initiative to capture their priority needs; integrate LGBTIQ+ representation on the CSO National Reference Group for the Spotlight Initiative; and ensure that programme activities under the EU/UN Initiative seek to address issues of marginalized and vulnerable groups under the “Leave No One Behind Principle”. In 2021, LEGAL has since received further funds via the Spotlight Initiative to conduct awareness-raising activities with LGBTIQ+ communities in Montserrado County.

Photo: Courtesy of LEGAL. An advocacy campaign on International Women's Day in 2017 from LEGAL, Liberia. LEGAL is a human rights organisation dedicated to advocating for the wellbeing and protection of LGBTIQ+ communities and other discriminated groups in Liberia.





5

OPERATIONS,
PROGRAMMES AND
AN ENABLING WORK
ENVIRONMENT

OPERATIONS, PROGRAMMES AND AN ENABLING WORK ENVIRONMENT

Operationalizing and general programmatic considerations

UN Women aims to be a global leader in the UN system in moving from rhetorical attention of LGBTIQ+ rights to concrete action in addressing the vast inequalities facing LGBTIQ+ people.

It is recommended to do this through the four-part framework described earlier, as follows:

- **Inclusivity:** To apply an expansive lens to UN Women’s agenda in recognition of the need to address LGBTIQ+ rights to achieve gender equality for all.
- **Intersectionality:** To recognize the different ways a person’s identity intersects and can affect their experiences of inclusion and empowerment and the enjoyment of their rights.
- **Specificity:** To consider the distinctiveness and multiplicity of LGBTIQ+ identities, communities, and contexts.
- **Evidence-based:** To promote robust research and data collection and analysis to ensure policy and programme work is informed by LGBTIQ+ people’s lived experiences.

Owing to the SDG’s emphasis on principles of non-discrimination, universality and leaving no one behind, UN Women commits to and encourages all actors to fully integrate LGBTIQ+ concerns in policy, programming, advocacy and funding.

- To ensure LGBTIQ+ rights are properly integrated across UN Women’s work, in line with our commitment to the SDGs, internal accountability mechanisms must be enhanced, including via consistent measurement of activities and efforts undertaken and via integration of LGBTIQ+ rights in strategic planning processes, including through more inclusive outcome indicators.
- National and international development initiatives in support of SDG implementation, monitoring and reporting must comprehensively reflect the needs of LGBTIQ+ people, signalling the centrality of LGBTIQ+ rights to the principle of leaving no one behind.
- Note that, despite the strong associations established between the status of women and girls and people with diverse SOGIESC, they are evidently excluded from most gender equality policies and programmes worldwide. Lesbian and bisexual women receive comparatively more attention than trans people, and gay men even more attention, but all remains at concerningly low levels.²⁵⁵

UN Women ensures our offices globally work in consistent but context-specific ways to address LGBTIQ+ rights, driven by our commitment to achieving the SDGs, and underpinned by the four-part framework.

- UN Women has a pivotal role in ensuring that situational and gender analyses include LGBTIQ+ perspectives and that this is reflected in UN Common Country Analyses (CCAs) and enables a fuller understanding of the country context regarding LGBTIQ+ issues.
- To determine the most appropriate actions that ensure utmost effectiveness while minimizing personal and organizational risks, strategic approaches must be developed that include a solid understanding of local political, social and cultural contexts and prudent evaluations of challenges posed by hostile contexts and actors.
- ‘Mainstreaming’ LGBTIQ+ issues across programming, to ensure these populations are considered from planning to delivery, is crucial. But it is not sufficient alone. Specific programming is also needed, guided by the four-part framework.
- Opportunities will be unique in each country. Strategies must be tailored based on the strength of the rule of law and independence of the justice system, clout of cultural and religious institutions, and importance given to national histories and traditions.
- Engagement with key stakeholders—governments, the human rights system, civil society, private sector and other partners—is vital to successful initiatives.²⁵⁶
- Bolstered by our normative function, UN Women monitors, analyses and transmits the observations and recommendations of UN human rights bodies regarding SOGIESC and encourages States to pay heed to these, and supports legislative review and reform and access to justice at country level.
- All efforts must be reinforced by consistent global level advocacy and action. While this has increased in recent years, along with UN system engagement and leadership on LGBTIQ+ rights in global policy debates, further momentum is needed.

CASE STUDY

QUEERING INSTITUTIONS IN LEBANON

UN Women Lebanon proposes that to “queer institutions” we must commit to promoting gender equality outside of the gender binary; mandate supportive senior leadership on LGBTIQ+ issues; and ensure the representation of LGBTIQ+ people in our organization. Queering institutions can be understood as making an organization aware and inclusive of and ultimately actively engaging on and advocating for LGBTIQ+ rights.

In a country context where “unnatural sexual acts” are criminalized by Penal Code 534 and the legal, social, political and economic environment for LGBTIQ+ groups is hostile and dangerous, UN Women’s Country Office in Lebanon is providing technical assistance and doing resource mobilization for LGBTIQ+ groups, including them in assessments, consultations and research and leveraging institutional and UN commitment for LGBTIQ+ rights and recognition.

For example, they took the lead in a statement and letter to international donors in May 2020, drawing attention to the crises facing LGBTIQ+ people in Lebanon due to the COVID-19 pandemic. And with the Gender Working Group, they took the lead in drafting the UN response to the May 2020 Statement to Humanitarian and Development Agencies of the United Nations on the Occasion of the International Day Against Homophobia, Biphobia, Interphobia and Transphobia (IDAHOBIT). The letter pledged inclusion, anti-discrimination, integrating LGBTIQ+ rights within UN interventions, generating public advocacy, conducting regular consultations with LGBTIQ+ individual and organizations, and developing a comprehensive strategy on LGBTIQ+ issues, approved by the UN Country Team and Humanitarian Country Team.

In 2021, UN Women has followed through on a commitment made in the IDAHOBIT joint letter to establish a multistakeholder LGBTIQ+ taskforce. It works under the auspices of the Gender Working Group (also chaired by UN Women) and provides cross-sectoral support to ensure the integration of gender and sexuality

aspects across the humanitarian-development-peace nexus with key focus areas: a) coordination and information sharing; b) technical advice, guidance and capacity development, and c) advocacy. Since June 2021, it has garnered the participation of five UN agencies, six NGOs and five donors, and is growing.

In February 2022, the Haven for Artists (HFA) was opened in Beirut, with the support of Women Peace and Humanitarian Fund and technical support of UN Women Lebanon. As a cultural community center, it aims to contribute to the political, social, educational community participation of women, girls, and 'LBTQIA2+' communities in Lebanon. It aims at engaging and creating dialogue, and networks where community organizing, interventions, social, and cultural events can take place. The space will hold a free working space; free meeting room; free access to wi-fi and computers; and a large community garden to host events, debates, and performances. It is being designed as a sustainable, socially, and environmentally conscious model.

Photo: Dar Al Mussawir. Leah Zreika, a Lebanese trans activist at Arab Freedom Equality Foundation, and working to establishing a trans network across the MENA region. She is also a member of the LGBTIQ+ Task-force in Lebanon, co-chaired by UN Women.



The UN development system can improve the lives of LGBTIQ+ people through country-level programming, organized and implemented through UN Sustainable Development Cooperation Frameworks.

- In their pivotal role in operationalizing the SDGs principles, with collaborative leadership of UNCTs, UN Sustainable Development Cooperation Frameworks (SDCFs) can ensure LGBTIQ+ issues are fully integrated from design to implementation, monitoring and evaluation of programme interventions, applying a human rights–based approach, throughout the programming cycle.
- However, a forthcoming UN interagency review of UN CCAs and SDCFs found that integration of LGBTIQ+ considerations was lacking.²⁵⁷ For example,
 - Of the total 44 CCAs reviewed, 17 (39 per cent) do not include any analysis or include only superficial analysis of LGBTIQ+ people among other ‘vulnerable groups’ without addressing key challenges.
 - 34 CCAs (77 per cent) list LGBTIQ+ people as a group at risk of being left behind, but only 20 of these (58 per cent or 45 per cent of the total) include a substantive analysis based on the guidance.
 - 7 CCAs (16 per cent of the total) include somewhat of an analysis.

It concludes that: ‘Merely listing a population in an LNOB section is not enough to understand the specific challenges faced by these populations or the main drivers of their exclusion in society and the remedial actions required’.

The programmatic measures of UN SDCFs also tend to lack specificity. For example:

- The term ‘vulnerable groups’ is often used without reference to LGBTIQ+ people, leaving specific or measurable actions ambiguous.
- Of the total 40 SDCFs analysed, 11 (28 per cent) have programmatic measures that list LGBTIQ+ people among other LNOB groups as beneficiaries, but without always elaborating on interventions that would be needed to directly address the threats against these highly stigmatized groups.
- In recognition of the potential that exists in UNCTs for more consistent and cohesive impactful country-level action on LGBTIQ+ issues, both directly and indirectly, UN Women is committed to working collaboratively through inter-agency mechanisms and joint programmes and with UNCTs across the spectrum of social and political environments to fully address LGBTIQ+ rights issues.
- Resident Coordinators and UNCTs urgently need systematic technical support, practical tools for implementation and tailored policy guidance on LGBTIQ+ issues. Some UNCTs are already advancing this and should be considered a guide for others.
- UNCTs must advocate for and support the systematic collection and analysis of LGBTIQ+- related data to inform and direct programming and policy-related actions. Highest standards of privacy and security in data management must be ensured to avoid exacerbating concerns for LGBTIQ+ people, aligned with ‘do no harm’ principles.
- Enhanced mechanisms are needed to track the UN development system’s involvement in LGBTIQ+ issues, including to promote coordination and cohesion.

Interagency coordination is crucial for ensuring LGBTIQ+ rights work is institutionalized across the UN system, including the Secretariat, agencies, funds and programmes, and with the support of Member States and civil society.

- This includes building the necessary human resources, while improving the safety of the UN as a workplace for LGBTIQ+ personnel, coordinating strategic joint work, expanding policy and programming work in key areas, and strengthening partnerships with a variety of stakeholders at all levels.²⁵⁸
- An unprecedented UN system-wide LGBTIQ+ rights strategy is under-development through an interagency process. (See Box 4 for details.)

Box 4

A UN System-wide Policy and Strategy on Protection from Violence and Discrimination based on SOGIESC.

Following a decision of the Secretary-General's Executive Committee in September 2020 to make LGBTIQ+ rights a cross-cutting priority for the UN, interagency work is underway to develop the first-ever UN system policy and strategy on advancing the protection and realization of the human rights of LGBTIQ+ persons.

It is expected to be instructive for all UN entities and programmes and to guide UN system standards on mainstreaming as well as targeted actions. It is expected to include an operational and accountability framework to ensure effective implementation.

Its main elements are expected to include:

- Leadership and accountability
- Programming
- Inclusiveness and participation
- Safety and security
- Organizational culture

UN Women has played a role in this development from the outset, and intends to continue contributing to the design and implementation of this work.

- Synergies exist between the system's LGBTIQ+ policy and strategy and others in the UN. These include relevant parts of Our Common Agenda, Call to Action for Human Rights, Civic Space Strategy, the System-wide Action Plan on Gender Equality and the Empowerment of Women, Disability Inclusion Strategy, Youth Strategy, Strategic Action Plan on Addressing Racism and Promoting Dignity for All, Strategy on the Future of Work, as well as the COVID-19 action plan and the SG's focus on GBV. It will be important to enhance these linkages in practice as the strategy is rolled out.
- Significant increases in resourcing and capacity across the UN system are needed to properly undertake this work, including the recruitment of LGBTIQ+ rights practitioners to work in the UN in a sustainable way.

Guidance is available to be utilized by UN Women, other agencies and actors, and should form the basis of urgently needed work to operationalize the LGBTIQ+ agenda.

- UN Women produced the *Internal Guidance Note: Strengthening Programming and Advocacy on the Rights and Empowerment of LGBTI People* (2018) to support our staff globally to integrate the rights of LGBTIQ+ people into programming and advocacy in a consistent and thorough manner. The guidance note enables staff across the world to work more effectively with UNCTs in ensuring system-wide approaches to addressing LGBTIQ+ issues in strategies and programming. It is framed by international human rights standards and the SDGs and was developed through a consultative process. A two-page synopsis is also available.
- The 2018 UN system programmatic overview provides a snapshot of UN entities' work in addressing discrimination and violence based on SOGIESC and offers insights into existing gaps and entry points for collaboration.²⁵⁹
- Intergovernmental reports listed in the annex, particularly of the IE SOGI, HRC reports, and UN Women's analysis of CEDAW Concluding Observations.

Refer to the annexes for resources and to the endnotes for further reading.

An enabling work environment – inclusivity and diversity, safety and security

UN Women seeks to build a more supportive, inclusive and enabling work environment for LGBTIQ+ personnel in line with the UN's founding principles of equality, justice, respect and self-determination and in recognition of the workplace discrimination LGBTIQ+ people face.

- In recognition that discrimination and abuse based on SOGIESC are commonplace in all stages of the employment cycle (hiring, advancement, training, compensation and termination),²⁶⁰ UN Women is cognizant that it must take measures to counter this trend in our workplace, especially with LGBTIQ+ personnel in mind who are in relative positions of vulnerability based on contract type, grade, location, age, race and other factors.
- As articulated in our Strategic Plan and Inclusive Workplace Plan, UN Women will continue to strengthen inclusive and enabling workplace practices, providing equal opportunities and an enabling work environment that attracts and retains personnel, allowing them to excel at work, while working towards career progression and advancement.
- To ensure this end, there is an urgent need to address structural issues in practical ways via the provision of necessary supports and systems for LGBTIQ+ personnel, working in collaboration with human resources and security personnel, UN-GLOBE, the LGBTIQ+ Rights Specialist, LGBTIQ+ personnel directly, and other interlinked constituencies like UN Women's Black Caucus and Youth Council.
- Simultaneously, unconscious biases and oppressive patterns of power and privilege reflected in workplace culture and practices must be addressed in a systematic fashion. This is in acknowledgment that feminist and women's rights organizations are not immune to the imposition of structures and attitudes that marginalize people who transgress assigned gender and sexual narratives but can often perpetuate this.
- To ensure systematic efforts are taken and zero tolerance policies on harassment and discrimination are adhered to, UN leadership, including in UN Women, must clearly communicate to all staff their obligations to uphold, respect and promote the rights of LGBTIQ+ personnel. Messaging must be integrated in vacancy announcements and job descriptions, terms of reference and policies.

UN Women pays heed to the potential for real-life risks to our offices and staff while advocating for LGBTIQ+ rights in hostile settings.

- Personnel undertaking work on the promotion of LGBTIQ+ rights in many contexts face serious personal safety and security threats and risks and potential employment insecurity. This should be considered key in delivering and implementing programmes, ensuring mainstreaming of such security and safety considerations from the outset. This requires tailored internal supports overseen by UN security experts globally and locally.
- Particular attention must be paid to concerns affecting LGBTIQ+ personnel in field offices, such as access to inclusive medical care, particularly in hostile environments to transgender people; inclusive toilets, showers, signage, nameplates and dress codes in offices; dignified, accurate and secure administration and record keeping; inclusive and safe nursing/lactation rooms; LGBTIQ+ focused or inclusive trainings for leadership, HR, UN security and health personnel; LGBTIQ+ inclusive diversity and inclusion and gender trainings for all; adequate rotation systems; inclusive parental leave policies; equal access to visas for LGBTIQ+ partners and dependents; and adequate security response mechanisms, for example.²⁶¹

- The physical and mental health needs of LGBTIQ+ personnel must be given attention in HQ and the field, including as part of organizational reflections on the impacts of the COVID-19 pandemic and the consequences of working remotely and online.
- Careful consideration must be given to the sensitive and confidential collection, use, storage (including access to data) and reporting of data on employees' gender identity and sexual orientation with the rationale of an organizational commitment to non-discrimination on the basis of SOGIESC and to enable personnel to suitably express, present and identify themselves.²⁶²

UN Women collaborates closely with UN-GLOBE to ensure our policies, practices and procedures adhere to the highest standards on equality and non-discrimination of LGBTIQ+ personnel and to drive change on the system-wide level.

- Parental policies across the UN system treat all families equally, ensuring equitable parental leave time whether children are adopted, born through surrogacy or given birth by the staff member.
- Equal pension benefits for all ensure no same-sex (gender) spouse of a staff member goes unrecognized, in line with the majority of UN entities that now recognize all legal same-sex (gender) unions.
- The recommendations on inclusive workplaces for transgender personnel should be implemented.²⁶³
- Mobility options should work for all personnel, including equal career opportunities worldwide, in duty stations that are safe and secure for all personnel and their families.
- A forthcoming system-wide survey will be introduced to measure the satisfaction of LGBTIQ+ personnel and attitudes towards LGBTIQ+ issues.

To facilitate awareness among LGBTIQ+ personnel on their rights and available internal supports and services, resources are available via the LGBTIQ+ Rights Specialist, our UN-GLOBE coordinator and its board, UN Women's Office of Focal Point for Women in the UN System, our Human Resources diversity and inclusion team and Security and Safety Services team.²⁶⁴

UN Women's Global LGBTIQ+ Rights Specialist post

UN Women established its first-ever, dedicated LGBTIQ+ Rights Specialist post in June 2020. This is a historic step forward for UN Women and the UN system, and one of few such posts to exist.

- UN Women intends to leverage this position to foment the organization as a global leader by bringing a more concerted LGBTIQ+ lens to the UN system and beyond.
- The considerable institutional gap on LGBTIQ+ rights work across the UN is reflected in the scant human resources provided. While 14 UN entities have LGBTIQ+ focal points, only three entities have multiple people devoted to this work full-time, and only three others have one person devoting more than half-time at the headquarters level. There is only one management level advisory role in the UN system devoted to LGBTIQ+ rights.²⁶⁵

This move indicates a development in UN Women’s strategic thinking on the need to adopt an LGBTIQ+ lens in our mandate and discourses on fundamental human rights and gender equality.

- This is propelled by the organization’s commitment to supporting the achievement of the 2030 Agenda for all, especially the most marginalized, including people with diverse SOGIESC, and to addressing the principle of leaving no one behind in our Strategic Plan.

In the first phase, June 2020-May 2022, it worked across multiple strategic areas, broadly by:

- Providing technical leadership in support of field operations and policy and programme teams on integrating LGBTIQ+ perspectives in our work.
- Developing institutional positioning and advising strategic prioritization efforts.
- Undertaking research and analysis and developing knowledge products.
- Supporting intergovernmental processes on LGBTIQ+ and human rights issues.
- Engaging in interagency and civil society efforts to progress this agenda.
- Enhancing internal efforts to improve workplace culture in and across the system.

Its second phase is expected to commence in mid-2022.

Photo: Yvi Oliveira, courtesy of Dandara Rudsan. Dandara Rudsan is a black, trans activist from Altamira, in the Brazilian state of Pará. She is a lawyer, dedicated to protecting the traditional communities of the Amazon and their territories. She is part of the Transamazônica and Xingu Training Center for Black People, supported by the project, "Connecting Women, Defending Rights" - an initiative of UN Women Brazil, funded by the European Union. Learn more: <https://www.unwomen.org/en/>





6

ANNEXES

1. RESOURCES

The following list is not intended to be exhaustive, but to provide a snapshot.

I. Publications and material

ILO

- Study on migrant workers, forthcoming (2022)
Information Paper on Protection against SOGIESC discrimination, 2019.
https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_700554.pdf
 - Gender identity and sexual orientation: Promoting rights, diversity and equality in the world of work (PRIDE) Project, 2012-2015.
https://www.ilo.org/gender/Informationresources/Publications/WCMS_368962/lang--en/index.htm
 - Kitchen and Voice – project to promote labour market access for vulnerable groups in Brazil.
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IOM

- Guidance on gender-inclusive communication.
 - Glossary of terms.
 - Training aide-SOGIESC poster.
All: <https://www.iom.int/2021-sogiesc-and-migration-training-package>
 - Inclusive facilities guidance for migrants with diverse SOGIESC.
<https://www.iom.int/sites/g/files/tmzbd1486/files/documents/IOM-Guidance-Note-LGBTIQ-Inclusive-Facilities.pdf>
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OHCHR

- Background Note on the Human Rights Violations against Intersex People (OHCHR). Highlights the obligations of States, challenges and advances towards protecting human rights of Intersex people.
<https://www.ohchr.org/Documents/Issues/Discrimination/LGBT/BackgroundNoteHumanRightsViolationsagainstIntersexPeople.pdf>
- Born Free and Equal (OHCHR) – Compendium of core legal obligations that States have to protect the human rights of LGBT people.
https://www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf

- Core Legal Obligations of States with respect to protecting the human rights of LGBT people:
 - Protect individuals from homophobic and transphobic violence.
 - Prevent torture and cruel, inhuman and degrading treatment.
 - Repeal laws criminalizing homosexuality and transgender people.
 - Prohibit discrimination based on sexual orientation and gender identity.
 - Safeguard freedom of expression, association and peaceful assembly for all LGBT people.
- Country Visits Reports by the IE SOGI.
 - <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/CountryVisits.aspx>
 - Ukraine. <https://undocs.org/A/HRC/44/53/Add.1>
 - Mozambique. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/140/82/PDF/G1914082.pdf>
 - Georgia. <https://undocs.org/A/HRC/41/45/Add.1>
 - Argentina. <https://undocs.org/A/HRC/38/43/Add.1>
- UN Free & Equal. Factsheets on LGBTIQ+ People (OHCHR). <https://www.unfe.org/learn-more/>
- Guidance Note on COVID-19 and the Human Rights of LGBTI People (OHCHR). <https://www.ohchr.org/Documents/Issues/LGBT/LGBTIpeople.pdf>
- Living Free and Equal (OHCHR) – Compendium of good practices by States on combatting violence and discrimination against LGBTI people. <https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf>
- Thematic Reports of the IE SOGI:
 - <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/AnnualReports.aspx>
 - Practices of exclusion: accompanying report on gender theory (2021) <https://undocs.org/A/76/152>
 - The Law of inclusion: report on gender theory (2021). <https://undocs.org/A/HRC/47/27>
 - Impact of the COVID-19 pandemic on the human rights of LGBT persons (forthcoming).
 - ASPIRE Guidelines on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity. https://www.ohchr.org/Documents/Issues/SexualOrientation/SOGI-GuidelinesCOVID19_EN.docx
 - “Conversion therapy” practices (2020). <https://undocs.org/A/HRC/44/53>
 - Socio-cultural and economic inclusion (2019). <https://undocs.org/A/74/181>
 - Data collection and management (2019). <https://undocs.org/A/HRC/41/45>
 - Depathologization and recognition of gender identity (2018). <https://undocs.org/A/73/152>
 - Overview (2018). <https://undocs.org/A/HRC/38/43>
 - Decriminalization and anti-discrimination measures (2017). <https://undocs.org/A/72/172>
 - Overview (2017). <https://undocs.org/A/HRC/35/36>
- The Role of the United Nations in Combatting Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex People: A Programmatic Overview’ (2018). https://www.ohchr.org/Documents/Issues/Discrimination/LGBT/UN_LGBTI_summary_2019.pdf
- UN Joint Statement on Ending Violence and Discrimination against LGBTI People. https://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF

- United Nations Free and Equal Campaign (OHCHR) – public information campaign aimed at promoting equal rights and fair treatment of LGBTI people. <https://www.unfe.org/>
- United Nations Standards of Conduct: Tackling Discrimination against LGBTI people (OHCHR) – global set of standards to support the business community in tackling discrimination against lesbian, gay, bi, trans and intersex people.
<https://www.ohchr.org/EN/Issues/LGBTI/Pages/Biz4LGBTI.aspx>

UNAIDS

- Equal Eyes. bimonthly collection of LGBTIQ+ stories from around the world.
<https://equal-eyes.org/>
- LGBT Happiness Study. (UNAIDS and the LGBT Foundation). Forthcoming.
- The Key Populations Atlas.
<https://kpatlas.unaids.org/dashboard>

UNDP

- Being LGBT in Asia-Pacific.
<https://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia.html>
- Being LGBT in the Caribbean.
<https://www.bb.undp.org/content/barbados/en/home/projects/BLIC.html>
- Being LGBTI in Eastern Europe.
https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html
- Implementing comprehensive HIV and STI programmes with transgender people: practical guidance for collaborative interventions, 2016.
<http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/implementing-comprehensive-hiv-and-sti-programmes-with-transgend.html>
- LGBTI Inclusion Index (UNDP, World Bank).
<https://www.undp.org/content/undp/en/home/librarypage/hiv-aids/lgbti-index.html>
- Transgender health and human rights. 2013.
<http://www.undp.org/content/dam/undp/library/HIV-AIDS/Governance%20of%20HIV%20Responses/Trans%20Health%20&%20Human%20Rights.pdf>

UNESCO

- Behind the numbers: ending school violence and bullying.
<https://unesdoc.unesco.org/ark:/48223/pf0000366483?posInSet=4&queryId=d910207b-475e-4f9e-96da-d0933b6de4dd>
- School Violence and Bullying: Global Status Report.
<https://unesdoc.unesco.org/ark:/48223/pf0000246970>

UNFPA

- Implementing comprehensive HIV and STI programmes with men who have sex with men: practical guidance for collaborative interventions. 2015.
<https://www.unfpa.org/publications/implementing-comprehensive-hiv-and-sti-programmes-men-who-have-sex-men>
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UNHCR

- 2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement: Summary Conclusions. 2021.
<https://www.unhcr.org/en-au/publications/brochures/611e48144/2021-global-roundtable-protection-solutions-lgbtqi-people-forced-displacement.html>
 - Working with LGBTIQ+ people in forced displacement: need to know guidance (UNHCR). 2021
<https://www.refworld.org/pdfid/4e6073972.pdf>
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UN Women

- The Only Way is Up: Monitoring and Encouraging Diverse SOGIESC Inclusion in the Humanitarian and DRR Sectors. (UN Women). 2021.
<https://asiapacific.unwomen.org/en/digital-library/publications/2021/03/the-only-way-is-up> *(See also its accompanying tools).*
 - The Women's Resilience to Disasters Knowledge Hub, intersectionality page:
<https://wrd.unwomen.org/practice/risk/intersectionality>
-

WHO

- Addressing the Physical and Mental Health Impacts of Discrimination and other Human Rights Violations based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIE-SC): Evidence-based Policy Considerations to Leave No One Behind. Forthcoming.
 - Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations, 2016.
<http://www.who.int/hiv/pub/guidelines/keypopulations-2016/en/>
 - International Classification of Diseases, 11th revision.
<https://icd.who.int/en/>
 - Joint UN Statement on ending discrimination in health care settings, 2017.
<http://www.who.int/mediacentre/news/statements/2017/discrimination-in-health-care/en/>
 - Technical brief: HIV and young men who have sex with men, 2014.
<http://www.who.int/hiv/pub/toolkits/hiv-young-msm/en/>
 - Technical brief: HIV and young transgender people, 2014.
<http://who.int/hiv/pub/toolkits/hiv-young-transgender/en/>
 - Transgender People and HIV, 2015.
<https://apps.who.int/iris/handle/10665/179517>
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World Bank

- World Development Report on Gender Equality and Development (2012).
<https://openknowledge.worldbank.org/handle/10986/4391>
- Report on Economic Inclusion of LGBTI Groups in Thailand (2018).
<https://www.worldbank.org/en/country/thailand/publication/economic-inclusion-of-lgbti-groups-in-thailand>
- LGBTI Inclusion Index (UNDP, World Bank).
<https://www.undp.org/content/undp/en/home/librarypage/hiv-aids/lgbti-index.html>

II. Internal policies and guidance

- Gender, Age and Diversity Policy (UNHCR). Seeks to ensure that intersecting identities of the populations they serve are taken into account in their responses.
<https://www.unhcr.org/protection/women/4e7757449/unhcr-age-gender-and-diversity-policy.html>
- Internal Guidance Note: Strengthening Programming and Advocacy on the Rights and Empowerment of LGBTI People (UN Women). 2018 (*See also two-page synopsis*).

III. Training material

Training on diverse SOGIESC for UN personnel tends to come under two overlapping categories: sensitization training to enhance awareness of key concepts and support more enabling work environments; and technical training to build staff capacity to fulfil their work responsibilities.

- IOM + UN Women gender and migration training module. 2021.
<https://portal.trainingcentre.unwomen.org/#selfpaced>
- IOM and UNHCR e-learning courses.
Social Inclusion in IOM Programming | International Organization for Migration
- IOM Three-part Webinar Series on Working with People with Diverse SOGIESC/LGBTIQ+ People.
Part I: Terminology, Global Overview and International Law;
Part II: Communication and Safe Spaces; Part III: Protection and Movements.
- IOM SOGIESC and migration training.
<https://www.iom.int/social-inclusion-iom-programming>;
<https://www.iom.int/2021-sogiesc-and-migration-training-package>
- OHCHR Electronic Course on the human rights of LGBTI People.
<https://ecampus.itcilo.org/enrol/index.php?id=1008>;
<https://www.itcilo.org/courses/ohchr-human-rights-lgbti-people-tool>
- UN CARES 'UN for All' in-person LGBTI module (no longer delivered; developed in 2015).
<https://www.dropbox.com/sh/enzd8jxdboegbia/AAAKuL-h3sYahiajiVeNsylVa?dl=0>
- UNDP Training on Intersex Issues (available on request – not online).
- UNHCR Training package: SOGIESC and working with LGBTIQ+ persons in forced displacement.
<https://www.unhcr.org/workingwithlgbtiq-sogiesc-trainingpackage.html>
- UNHCR integration handbook on age, gender and diversity: LGBTIQ+ refugees.
<https://www.unhcr.org/handbooks/ih/age-gender-diversity/lgbtiq-refugees>

2. FURTHER DISCUSSION ON LGBTIQ+ TERMINOLOGY

How did we come to use the LGBTIQ+ acronym?

- The expression ‘**LGBTIQ+**’
 - The expression “LGBTIQ+” is used to be inclusive, not to imply that each identity is represented in each circumstance.
- LGBTIQ+ individuals and communities are plural and diverse. They do not necessarily share the same language or symbolism within nor across countries and cultures.
- Neither do lesbian, gay, bisexual people, transgender, intersex nor queer people necessarily share the same interests, concerns or experience discrimination and violence in the same ways.
 - Social progress has not equally benefited all in the diverse and widespread LGBTIQ+ communities. Comparatively popular campaign issues like marriage equality have proven momentarily successful, been advantageous for many, and given greater mainstream prominence to LGBTIQ+ movements overall. However, the more urgent and complex needs of many community members have remained side-lined and are only just coming to the fore, pushing the frontlines towards focusing on concerns such as the safety and valuing of black transgender lives. This is an example of how the use of the umbrella acronym ‘LGBTIQ+’ could be seen to erase some people and prioritize others; it is crucial then to be mindful and to use specific language when possible, and to use ‘LGBTIQ+’ to promote inclusion, rather than disempowerment.
 - There is a huge variation in rich and nuanced cultures that intersect with ethnicity, disability, age, heritage and many other factors. But this variation can be reduced to Western tropes and the cultures and reframed according to Western identities. Whenever possible, use the language preferred by the people who are being referred to.
 - LGBTQ2S+ (lesbian, gay, bisexual, transgender, queer, and two-spirit) is one example of an alternative version of the acronym used in relevant contexts.
 - It is noted that the acronym ‘LBTI’ (lesbians, bisexual women, transgender and intersex) is often used in feminist spaces to bring to the fore the particular concerns of these individuals and acknowledge the marginalization they face, including by gay men (usually in relation to advocacy and activism where their voices are not heard or specific concerns are not addressed). UN Women takes the view that ‘LGBTIQ+’ applies to women, as some identify as gay or queer.
 - To assist UN Women personnel to understand how human rights issues apply to specific LGBTIQ+ groups or people ([See Annex 4](#)).

Terms to avoid or use with caution

- **Special rights:** The rights of people with diverse SOGIESC are addressed under existing international law. The UN does not seek to provide these people with new or special rights.
- **‘Sexual and gender minorities’:**
 - The term is generally used to refer to people whose SOGIESC differs from the majority in society or otherwise departs from majority norms.²⁶⁶
 - UN Women preferences the expression ‘people with diverse SOGIESC’. In this phrase, ‘sexual orientation’ is more specific and accurate than ‘sexual minority’; and ‘gender identity and expression and sex characteristics’ is more specific and accurate than ‘gender minority’. It also uses people-first language, and avoids the potentially disempowering phrasing of ‘minorities’.
- **‘Biological sex’ and ‘person born as male or female’:** A series of misconceptions underpin the notion of a binary biological sex and norms related to it, from which some gender identities depart. This must be challenged in efforts to conceptualize and communicate on “gender equality” comprehensively.²⁶⁷

These misconceptions include that:

- Human nature is to be categorized in a binary system of male and female on the basis of the sex assigned at birth.
- This system exclusively aligns with all people.
- It is legitimate to create expectations around the adoption of roles, feelings, forms of expression and behaviours based on masculinity and femininity.

Such a system relies on a destructive power asymmetry between male and female and the repression of gender diversity, often justified by invocation of culture, religion and tradition.

- Caution must be taken when using the phrase “biological sex” and inferring that “people are born female or male”, as this can falsely imply scientific objectiveness in determining an individual’s gender and can cause offence and lead to exclusion.
- Sex is comprised of many factors, including chromosomal makeup, secondary sex characteristics, internal reproductive structures and external genitalia. Generally, infants’ sex is determined based on external genitalia alone. Thus, the sex assigned at birth is not necessarily biological.
- Some transgender people find “biological sex” offensive because it has been used to imply that the sex they were assigned at birth is the only way to determine their “real” gender.
- Confusion between the biological reality of sex characteristics and the social construct of gender has grown. ‘Sex characteristics are biological features and a physical reality. However, the roles, behaviours and forms of expression attributed to individuals based on them are constructs. Any person must be able to ignore, shatter or subvert them as an exercise of freedom.’²⁶⁸
- Rather than inferring that “people are born female or male”—a deduction that implicitly pathologizes transgender realities and intersex variations as abnormal—it is advisable to say instead that “people are typically assigned the sex of male or female at birth, and taught or learn behaviours and expectations attached to that binary assignment”.
- Inferring that sex assigned at birth is “natural” can undermine the lived experiences of intersex and transgender people and reinforce discriminatory claims that such people are unnatural.
- In most censuses, registrations and forms, only “male” and “female” are offered as choices under “sex”, but there are more than just two binary forms of sex with no variation. Nepal offers the option of “third gender” while an Australian census offered the option of “other”.

- **‘Homosexual’.** The word ‘homosexual’ can be seen as problematic in that it refers to both gay men and lesbians without being specific, and that it could be interpreted as emphasizing “sex” over the understanding that attraction takes many forms. Along with the word “homosexuality”, heterosexuality is considered outdated; although, the latter is often still used. Same-sex and “same-gender affection” are also in use.
- **‘Homophobic’ and ‘transphobic’.** The terms ‘homophobic’ and ‘transphobic’ are often used to describe institutions or people that are afraid of LGBTIQ+ people. However, the terms are limited in relation to describing actions that are hostile to or discriminatory against all people with diverse SOGIESC, as such discrimination can also directly impact on people who do not necessarily identify as homosexual or transgender. Furthermore, there are many reasons and ways in which LGBTIQ+ face human rights violations. For example, LGBTIQ+ people are used as scapegoats in some countries to detract from other political issues and gain support for leaders by appealing to “traditional values”. In cases like this, fear or phobias do not accurately describe the causes of oppression.
- **‘A lifestyle’ or ‘a choice’.** It is inaccurate and misleading to describe one’s SOGIESC as a ‘lifestyle’ or ‘choice’, nor is it a disorder, a sin or criminal. Rather, it is as natural and normal as part of the range of human experiences.
- **‘LGBTIQ+ community’ (singular).** It can be harmful and inaccurate to suggest that there is one singular ‘LGBTIQ+ community’. The terms ‘people’ and ‘individuals’ are preferred; populations may also be used in specific instances when referring to particular groups of individuals.
- **‘Women facing multiple and intersecting inequalities’.** This phrase can be used with caution and in context. Several delegations are promoting its use in intergovernmental outcomes to highlight issues of intersectionality. It must be noted that, where it is intended to be inclusive of all people with diverse SOGIESC, its phrasing is technically exclusionary of transgender and intersex people who do not identify as women. The recognition of diverse gender identities is not implied by the phrase.
- **‘Sexual orientation and gender identity (SOGI)’.** The preferred phrase is SOGIESC, as explained in ‘Key Terminology’ section. Not only is SOGI limiting, it can also sometimes falsely create a connection between (homo)sexual orientation and (non-conforming) gender identity, if used out of context or without consideration.²⁶⁹

Some recommended language

- **Correct pronouns.** It is important to respect people’s choice of terms, names and pronouns to refer to themselves, for example, she/her, he/him and they/them/theirs, and many others used in different linguistic and cultural contexts.²⁷⁰
 - Unlike the former two, the singular they/them is not directly gendered. The use of they/them may assume that one does not know the gender of the individual being referred to, as opposed to them not having a gender. As such, in recent years, neo-pronouns have become more prominent in some contexts. They include neutral and genderless alternatives like xe/xem/xir and zhe/hir/hirs.
- **‘Women in all their diversity’.** Like ‘women facing multiple and intersecting inequalities’, this term is used in intergovernmental fora with the intention of being inclusive. Consequently, it is also challenged. It can be useful when referring to women in a manner that is inclusive of those with diverse SOGIESC, while not being explicit.
 - Progressive language on diversity, such as “in all their diversity” and recognizing “multiple and intersecting forms of discrimination,” were included in the 2021 rights of the child resolution, human rights defenders resolution, resolution on disabilities, the Implementation of the Beijing Declaration and Platform for Action resolution, and on the inclusion of youth resolution, all of which passed by consensus.
- It is preferable to use the term **‘gender diverse people’** rather than ‘people with diverse genders’
 - It can be used alongside references to ‘women’ to capture common experiences between these groups, especially in contexts of describing gender-based discrimination and those who are negatively impacted by gender norms and stereotypes and patriarchal systems.²⁷¹
- ‘With’ is used instead of ‘of’ when referring to people with diverse SOGIESC, although neither is wrong.

3. INTERNATIONAL HUMAN RIGHTS LAW, NORMS AND STANDARDS

The UN, international human rights law and LGBTIQ+ rights

The legal obligations of States to safeguard the human rights of LGBTIQ+ people and provide protection from violence and discrimination are already well established in international human rights law. These continue to evolve.

- Violence and discrimination against LGBTIQ+ people are violations of international law. This is enshrined in the Universal Declaration of Human Rights, and subsequently recognized in additional international human rights laws and standards.
- Core legally binding principles of the right to equality and non-discrimination are enshrined in the UN Charter, the Universal Declaration of Human Rights (UDHR) and human rights treaties. The UDHR underscores that the full range of human rights—civil, political and economic, social and cultural—are entitlements of all persons without distinction of any kind—such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. These are recognized prohibited grounds of discrimination.
- Since the UDHR, the principle of non-discrimination has been developed. But the nine core international human rights treaties do not explicitly mention SOGIESC as prohibited grounds of discrimination.
- In analysis and utilization, however, international human rights law (IHRL), is not static. It demands constant review and interpretation by the international human rights system.

While the UN has no binding instrument articulating LGBTIQ+ rights, we can draw on these three important non-binding resources directly addressing LGBTIQ+ rights:²⁷²

- 2003 Draft HRC Resolution on Human Rights and Sexual Orientation (“Brazilian Resolution”): While not expanding LGBTIQ+ rights, it stated that the International Bill of Human Rights applied to all individuals regardless of sexual orientation. It was subsequently met with resistance, resulting in its postponement and dissolution.
- Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (adopted 2007; updated 2017 – “YP+10”): These represent a relatively holistic articulation of IHRL as applied to violations on grounds of SOGIESC, identify explicit protections²⁷³ and provide guidance on determining rule of law.²⁷⁴ These principles were not issued by the UN.
- 2008 ‘UN Declaration on Sexual Orientation and Gender Identity’: It acknowledges LGBTIQ+ rights within IHRL and condemns human rights violations. Presented at the General Assembly (GA), it was supported by 66 States. Hence, it is not a formal UN declaration but a declaration of those States.

International and regional human rights bodies—UN Human Rights Council (HRC), Treaty bodies, Universal Periodic Review (UPR) and HRC’s Special Procedures—have increasingly made important contributions to ‘soft law’ human rights standards related to grounds of discrimination based on SOGIESC.²⁷⁵

- Despite the shortcomings of treaties, in their jurisprudence, general comments/recommendations and concluding observations, UN HR treaty bodies have consistently held that SOGIESC are prohibited grounds of discrimination under international law.²⁷⁶ This evolving practice has helped develop concepts that feed into rules and norms and keep shaping international law.
- 2019 saw a significant advance in how Treaty Bodies address LGBTIQ+ rights.²⁷⁷
 - 9 UN Treaty Bodies made 137 references to SOGIESC in 66 observations and recommendations to 56 Member States.
 - One in two Member States undergoing periodic review received SOGIESC-inclusive concluding observations. This is an indication that the committees are listening to human rights defenders, and standards of protection for people with diverse SOGIESC are improving.
 - 43 states received their first-ever recommendation on SOGIESC issues from the committees.
 - 18 specific references were made to transgender people’s realities and 20 intersex-specific recommendations (a record high number).
 - Only one recommendation explicitly referred to lesbians, none to bisexual people, and most Treaty Bodies’ references did not distinguish between the situation of LGBTIQ+ women and the situation of LGBTIQ+ people in general.
- The UN, regional and national human rights bodies have identified key gaps in the implementation of international standards to address SOGIESC-related violations and thus issued a plethora of recommendations, such as the repeal of discriminatory legislation and measures to protect LGBTIQ+ people from discrimination, violence, torture and ill treatment, and safeguard rights to freedom of expression, association and peaceful assembly.

Treaty bodies explicitly recognize diverse SOGIESC. Their interpretations indicate an understanding of compounded discrimination and increasing recognition that gender-based analysis transcends the male/female binary.

- **CEDAW (Committee on the Elimination of Discrimination against Women):**
 - Numerous general recommendations include “sexual orientation” and “gender identity” among prohibited grounds of discrimination and recognize intersectional discrimination affecting lesbian, bisexual or transgender women specifically.
 - This signals a broadening of its interpretive work on women, gender and multi-dimensional gender-based discrimination.²⁷⁸
 - The Committee interprets gender as a social construct distinct from sex.²⁷⁹
 - It affirms that “discrimination against women based on sex and/or gender is often inextricably linked with and compounded by other factors that affect women, such as ... being lesbian, bisexual or transgender”.
- **CESCR (Committee on Economic, Social and Cultural Rights):**
 - It has observed that both “sexual orientation” and “gender identity” are prohibited grounds of discrimination under the Covenant.
 - It has established that “the notion of the prohibited ground ‘sex’ has evolved considerably to cover not only physiological characteristics but also the social construction of gender stereotypes”.²⁸⁰

- **CRPD (Committee on the Rights of Persons with Disabilities):**
 - It uses the phrase ‘all genders’, suggesting recognition of gender as more varied than a male/female binary.²⁸¹
- **CRC (Committee on Rights of the Child):**
 - It includes sexual orientation as a prohibited grounds of discrimination in General Comments 3 and 4, and in several concluding observations.
 - It has recognized the concept of ‘gender’ since its third general comment and has expressly linked this social construction to the marginalization of children and young people on the basis of gender identity, recognizing the rights of children and young people to their gender identity and emerging autonomy.²⁸²
 - It has included discrimination on the basis of sex characteristics in concluding observations.
- **CAT (Committee Against Torture):²⁸³**
 - It includes sexual orientation as a prohibited grounds of discrimination in General Comment No 3, and in various concluding observations and Communications.
 - It recognizes that States must ensure that their laws are in practice applied to all persons, ‘regardless of gender, sexual orientation, transgender identity’.
 - It states that ‘Being female intersects with other identifying characteristics or status of the person such as ... sexual orientation ...’
- **Human Rights Committee:**
 - It has concluded that a State’s failure to allow change of ‘sex’ on official documents is a form of discrimination and a failure to afford all individuals equal protection under the law.
 - Its landmark ruling on *Toonen V Australia* in 1994²⁸⁴ set a new precedent by recognizing sexual orientation as protected grounds of discrimination under IHR mechanisms and found the criminalization of same-sex activity unlawful. This was also found in recurring concluding observations. It serves as the foundation for many related legal cases, including asylum claims, and means that states are obliged through judiciary and legislature to treat anti-LGBTIQ+ laws and practices as gross human rights violations.

Engagement and support have increased overall among Member States for measures to protect the rights of LGBTIQ+ people. However, views remain sharply divided.

- More than 133 States from all regions have voluntarily committed to take measures to end violence and discrimination linked to sexual orientation and gender identity, based on recommendations generated during the UPR. This shows opportunities for dialogue and technical cooperation at country level, but global analysis is limited on practical steps taken to implement such recommendations.²⁸⁵
- Some governments are increasingly taking positive action—via legislative and policy measures or through targeted social and education programmes.²⁸⁶
- An ‘LGBTI stakeholder group’ has engaged on SDG implementation through the UN High Level Political Forum (HLPF).
- Member States’ coordinated engagement on LGBTIQ+ rights has been increasingly active. The UN LGBTI Core Group in New York, the Core Group in Geneva, the Equal Rights Coalition and the Global Equality Caucus—which are all intergovernmental groups—have been instrumental and vocal in pushing for LGBTIQ+ equality.

- The UN Security Council has addressed violence against LGBTIQ+ people by holding its first-ever informal meeting (Arria Formula) on the subject in 2015 and issuing its first-ever statement referencing sexual orientation in June 2016 in response to the murder of 49 people at a nightclub in Florida, USA.²⁸⁷

Human rights violations based on SOGIESC are a matter of increasing concern for the UN system and international human rights system. Momentum is mounting within the UN to address LGBTIQ+ rights systematically.

- In 2020, the Secretary-General issued a directive to all UN entities to consistently address human rights concerns of LGBTIQ+ persons as a cross-cutting priority in their work. A system-wide strategy is under development, in which UN Women plays a role (*See Box 4*).
- In 2015, a joint statement was issued by the heads of 12 UN entities on the urgency of addressing human rights violations and ending violence and discrimination against LGBTIQ+ people.²⁸⁸

Three HRC resolutions and two General Assembly resolutions include language on sexual orientation and gender identity. An additional 5 GA resolutions include language on sexual orientation alone. One resolution includes intersex persons, and none include gender expression.

- The HRC was the first intergovernmental body to adopt a resolution on the human rights and protection against violence and discrimination based on SOGI (in 2011).²⁸⁹ Its adoption paved the way for the first official UN report on this subject, prepared by OHCHR.²⁹⁰ It presents evidence of a pattern of systematic violence and discrimination directed at people in all regions based on their SOGIESC—from discrimination in employment, healthcare and education to criminalization, targeted physical attacks and killings. It provides a set of recommendations addressed to states designed to strengthen protection of the human rights of LGBTIQ+ persons. Its findings formed the basis of a panel discussion that took place at the Council on 7 March 2012—the first time that a UN intergovernmental body had held a formal debate on the issue.
- This body of work has identified the following common forms of human rights violations: violent attacks; discriminatory criminal laws, often used to harass and punish “LGBT” people; discriminatory curbs on free speech and related restrictions on the exercise of rights to freedom of association and assembly; and discriminatory treatment in range of everyday settings. In this context, lack of legal recognition of same-sex relationships or of a person’s gender identity can also have a discriminatory impact on many “LGBT” individuals.²⁹¹
- In 2019, the HRC passed a resolution calling for an end to discrimination of women and girls in sports, including women born with variations of sex characteristics. This is the first HRC resolution to specifically include the rights of intersex persons.²⁹²
- Gender expression has not been referred to explicitly in HRC resolutions to date.²⁹³
- Until recently, only one resolution from the Third Committee of the UN General Assembly references sexual orientation and gender identity – the GA resolution on extrajudicial, summary or arbitrary executions. In 2003, it included ‘sexual orientation’, which has been maintained across six subsequent resolutions. ‘Gender identity’ was added to the 2012 resolution on this subject.²⁹⁴ It was adopted with a vote to maintain this language in 2016 and thereafter.²⁹⁵
- The Third Committee of the UN GA in its 76th session, in September 2021, adopted a resolution on free and fair elections, making it the second-ever of its resolutions to mention ‘sexual orientation and gender identity’.²⁹⁶ As opposed to the resolution on extrajudicial executions, this was adopted without a vote, which has more weight.
- While gains have been made, progress is slow and at the political and intergovernmental level. During negotiations, conservative countries push back against this progress.

The mandate of the Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity is an important opportunity to advance LGBTIQ+ rights in UN settings and address human rights violations globally.

- In 2016, the HRC decided to appoint an independent expert to deal with protection against violence and discrimination based on SOGI, building on the above groundwork.
- It adopted a resolution by vote in June 2019 (27 to 12, with 7 abstentions) to extend the mandate of the IE SOGI for three more years.
- The resolution was marked by considerable tension, with the Organisation of Islamic Cooperation (except Albania and Tunisia) disassociating itself from it.²⁹⁷
- The mandate engages constructively with UN Women and other UN entities, Member States, civil society and other stakeholders, including through country visits, thematic reports and individual communications.

Various Special Rapporteurs are increasingly documenting examples of targeted, specific human rights violations, such as:

- The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression recently highlighted laws in Russia and Hungary as ‘examples of censorship of legitimate speech about and by LGBTQ+ and gender nonconforming people’. Further that ‘the special procedure mandate holders have expressed serious concerns regarding the bans on the dissemination of information related to sexual orientation and gender identity on grounds of public morality.’²⁹⁸
- The Special Rapporteur on the Right to Physical and Mental Health recognizes LBT women and gender diverse persons as being particularly vulnerable to violence and various forms of discrimination.²⁹⁹

Mechanisms traditionally focused on cisgender women’s rights

United Nations Human Rights Treaty Bodies and Special Rapporteurs have highlighted targeted acts of violence across regions based on ‘SOGI’, i.e. rape, forced impregnation and other forms of punishment.

- The Special Rapporteur on violence against women has reported alleged incidents of gang rapes, family violence and murder experienced by lesbian, bisexual and transgender women in El Salvador, Kyrgyzstan and South Africa, where the Rapporteur noted that “lesbian women face an increased risk of becoming victims of violence, especially rape, because of widely held prejudices and myths”, including “for instance, that lesbian women would change their sexual orientation if they are raped by a man”.
- Both the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women have expressed concern about the occurrence of rape targeting lesbians with the intention of “curing” them of their sexual orientation. For example, in its concluding observations on South Africa, the CEDAW Committee expressed grave concern about reported sexual offences and murder committed against women on account of their sexual orientation and expressed concern about the practice of so-called “corrective rape” of lesbians.

The CEDAW Committee has made the most frequent references to SOGI of all human rights treaty bodies.³⁰⁰

- It is widely recognised for its positive practice in recognising how gender-based discrimination intersects with and is determined by other axes of identity and circumstances of disadvantage.³⁰¹
- In recognition that women’s enjoyment of the substantive rights guaranteed under CEDAW – legal equality, nationality, education, employment, health, economic and social life, rurality, family life, political participation – are inextricably informed and shaped in important ways by their SOGIESC, the committee is uniquely and ideally situated to recognise intersectional forms of discrimination against lesbian, bisexual and transgender women, according to experts. It can also guide States implementing all appropriate measures to eliminate such discrimination, and lead the evolutionary development of IHRL in this area.³⁰²
- A landmark decision of the CEDAW Committee on 23 March 2022 has set a major legal precedent by ruling that criminalization of same-sex intimacy between women is a human rights violation.³⁰³

Four CEDAW general recommendations (GRs) articulate ‘SOGI’ as being among prohibited grounds of discrimination, signalling a broadening of its interpretive work on women and gender.³⁰⁴

- Two GRs recognize multidimensional discrimination based on SOGI:
 - GR No. 27 on older women (para 13).
 - GR No. 28 on state obligations under article 2.³⁰⁵
- GR No. 33 on access to justice recognizes that grounds for intersecting discrimination may include “identity as a lesbian, bisexual or transgender woman or intersex person”.³⁰⁶
- GR No. 32 on refugees recognizes ‘discrimination against women based on sex and/or gender is often inextricably linked with and compounded by other factors that affect women, such as ... being lesbian, bisexual or transgender’.

A total of 30 out of 113 states (27%) that completed periodic reporting to the CEDAW Committee between 2015 and July 2019 received recommendations on lesbian, bisexual and intersex women and transgender persons.³⁰⁷

The most common ones pertain to:

- **Legislation and policies:**
 - Enact comprehensive anti-discrimination legislation that prohibits all forms of discrimination, including hate speech and all forms of violence against lesbian, bisexual and intersex women and transgender persons, and ensure equal rights and opportunities for them.
 - Adopt legislation allowing the change of sex marker in official documentation.
 - Revise existing laws to ensure that lesbian, bisexual and intersex women and transgender persons have access to officially registered unions.
- **Protection of and access to:**
 - Protection from violence and discrimination, including in education, health and employment.
 - Access to justice, through the appropriate handling of complaints, punishment of perpetrators and awarding of compensation to victims of discrimination or violence.
 - Protection from police abuse.

- Protection of the rights to freedom of expression, assembly and association of civil society organizations working on the rights of lesbian, bisexual and intersex women and transgender persons.
- Access to employment, healthcare (including free antiretroviral treatment as relevant), and public and social services without discrimination or stigma.
- Access to shelter and assistance for lesbian, bisexual and intersex women and transgender persons who are victims of violence.
- **Education, training and awareness-raising:**
 - Conduct awareness-raising activities to change negative attitudes towards lesbian, bisexual and transgender women and intersex persons and/or the defenders of the human rights of these groups and address their stigmatization in society, including in the media.
 - Combat discrimination against women based on their sexual orientation and gender identity, including efforts to sensitize the general public and address fear of and discrimination against people with diverse SOGIESC.
 - Include information and material in educational systems to teach children about the rights of these groups.
 - Ensure continuous capacity-building for judiciary and law enforcement officials and health service providers on the rights of these groups.

The Working Group on Discrimination Against Women and Girls (WGDAG) understands its mandate to include women (including those who identify as women) of all ages, and those of different identities and socioeconomic and cultural backgrounds and addresses the specific concerns of women of diverse sexual orientations and gender identities, in line with an intersectional approach and as a mechanism for all women.³⁰⁸

- Like the CEDAW Committee, the WGDAG finds that discrimination against women is based on both biological and socially constructed differences and acknowledges that women’s experiences of discrimination are determined also by other social identities (race, ethnicity, disability, age, sexuality, etc.), and it aims to specifically include the voices of women facing intersectional and multiple forms of discrimination in its work.
- While the WGDAG “understands gender identity in its accepted meaning as deeply felt internal and individual experience of gender, it emphasizes that it is not (per)formed independently of the gendered social structures and norms”. It states that “gender is neither a substitute for the term women nor is it a term which refers only to transgender persons; rather, it refers to social system(s) that operate at different levels to create vulnerabilities and privileges for all gendered people”.
- It understands “gender” as a system of domination maintained through, inter alia, the establishment of the male sex and masculinity as the norm, and the idea that there exists two distinct dichotomous sexes and the idea that heterosexuality is the norm.
- It also recognizes that gender systems link with, but are distinct from, the systems that organize sexuality and sexual orientation, and that sexism, normative heterosexuality and a dichotomous understanding of gender are all interrelated, as expressions of patriarchal structures.³⁰⁹ It is thus not surprising that both women’s rights and LGBTIQ+ rights have been attacked by the anti-gender movements.

The 4th UN World Conference on Women in Beijing in 1995 evidently marked the first-time sexual orientation was discussed at a UN conference, although it was ultimately excluded.

- Despite the historic level of lobbying and presence of lesbian activists, references to “sexual orientation” were omitted from the Beijing Declaration and Platform for Action in the interest of “consensus”.³¹⁰
- Gender diversity is also not recognized.

Attention to transgender and intersex issues in international human rights law

While the term ‘gender identity’ has not yet been defined in an internationally legally binding treaty, important contributions have been made towards doing this and efforts are ongoing.³¹¹

- The Yogyakarta Principles, defined ‘gender identity’ as: “each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerism”.³¹²
- The IE SOGI explained in its first report to the HRC that the term referred to “how a person self-identifies in regard to his or her own gender, which may be different from the gender assigned at birth.”³¹³
- At least seven states officially recognize non-binary gender identities.

Human rights standards are established at international and regional levels to specifically protect the rights of transgender people.

- These standards call for the “availability, accessibility, acceptability and quality of health information, including for transgender and gender variant people, and require that all those seeking services should be treated with respect and dignity, free from discrimination”.³¹⁴
- Some regional standards underscore consideration needed for the specific concerns of transgender persons in the “development of national health plans, including suicide prevention measures, health surveys, medical curricula, training courses and materials, and when monitoring and evaluating the quality of health services.”
- These bodies have also specifically addressed “access to, and reimbursement of, gender-affirming surgery”.
- They also recognize that “obstructing legal determination of gender identity and imposing arbitrary requirements, such as sterilization, is contradictory to human rights, including the right to privacy and the right of transgender people to personal development and to physical and moral security”. They thus urge states to recognize the right of transgender persons to “change their legal gender by permitting the issuance of new birth certificates”.

Human rights bodies have set standards in recognition of the health and human rights concerns faced by intersex people, which may be similar to those faced by transgender people and in other respects may be different.³¹⁵

- They specify that intersex persons should be able to access health services on an equal basis, free from coercion, discrimination and violence.
- Such bodies, along with ethical and health professional organizations have recommended that “free and informed consent should be ensured in medical interventions for people with intersex conditions, including full information, orally and in writing, on the suggested treatment, its justification and alternatives”.

The Special Rapporteur on Privacy recently directly addressed gender-based privacy infringements and related concerns as well as birth certificates in his report.³¹⁶

- He noted that “Privacy offers protection against gender-based violence discrimination, and other harms that disproportionately affect women, intersex and gender non-conforming individuals”.
- States must “make available a multiplicity of gender marker options while moving to end the registration of sex and gender in identity documents such as birth certificates, identification cards, passports and driver licences”.
- Several references are made to the “self-defined gender identity” of individuals, including a recommendation on the need to “enact and implement comprehensive legislative, administrative and technological systems to establish a quick, transparent and accessible mechanism, based on self-determination by the person, which legally recognizes and affirms each person’s chosen name and self-defined gender identity”.

4. HUMAN RIGHTS ISSUES OF SPECIFIC LGBTIQ+ GROUPS

Despite the necessity of an overarching SOGIESC framework, specificity is required to ensure adequate protection against the human rights violations facing particular LGBTIQ+ people.

As discussed in Annex 2, the 'LGBTIQ+' acronym is not recommended in all circumstances. While it is meant to be inclusive and to help discuss SOGIESC on the whole, it can be considered inaccurate or even offensive by overlooking specific issues. It is useful for describing common rights and equality concerns, but can otherwise confuse or conflate people.

This annex describes some specific human rights issues faced by lesbians, gay and bisexual people, transgender, intersex and queer and questioning people, who represent the initials of 'LGBTIQ+'. This short summary is not meant to list all possible human rights violations, but to provide examples, and to help UN Women advocate for LGBTIQ+ rights in the most appropriate, focused and effective way.³¹⁷

What is common to LGBTIQ+ people in relation to human rights is that the more visible they are and more open about declaring their identity, the more likely they are to face discrimination or harassment. Some people with diverse SOGIESC do not appear to 'violate gender norms'; while others, most commonly through their gender expression, are less likely to be 'in the closet' or 'pass' for someone who is endosex, cisgender or heterosexual, and are more visible targets for abuse. Similarly, if LGBTIQ+ people form community or advocacy groups, in many countries, their right to peaceful assembly, freedom of association and expression might be impeded. Meanwhile, LGBTIQ+ people who are not open or public about their SOGIESC, may suffer mentally, physically, economically, and so on, from social isolation. In addition to the groups elaborated on, there are many others that form part of LGBTIQ+ communities and exist along a huge spectrum of sexual and gender diversity, including asexual people for instance.

Lesbians

Risks of human rights abuses against lesbians are compounded by their gender and sexuality. They can face discrimination, violence and murder. They can be subject to public harassment, sexual abuse, being forced into heterosexual marriages, and suffer domestic abuse by spouses or family members who refuse to accept their sexual orientation. Lesbians face systematic

discrimination in employment settings, and combined with the economic vulnerability of women, their economic rights are at risk. Lesbians may not have access to appropriate healthcare. Lesbians who express themselves as non-gender-conforming or outside of society's accepted gender constructs can face further victimization.

Gay men

Gay men face human rights abuses based on their sexuality. Similar to lesbians, they can face discrimination and violence. Considering men's economic power typically compared with women's, gay men, particularly in the Global North, tend to have more economic and job security and therefore may be less vulnerable to violation of economic rights. In many countries, gay men

are at higher risk of HIV infection than other groups, and so access to healthcare and medicine may be an issue. The concerns of gay men should be considered a central part of UN Women's expanding work on men and masculinities. It should also be noted that the term is not exclusive to cisgender men. Many trans men, women and gender diverse people also identify as gay.

Bisexual people

Bisexuality means to have the capacity for romantic, emotional and/or physical attraction to people of more than one gender. Bisexuality is frequently questioned or even denied, including by within LGBTIQ+ movements. Bisexual people encounter prejudice and discrimination from some lesbians and gay men, who have historically excluded them from activism or community involvement.

Fuelled by misunderstanding and erasure, biphobia is commonplace. This leads to significantly high rates of depression and anxiety, and barriers to accessing health and other services, including SRH services and information. The combined effects of biphobia, misogyny and gender inequalities have resulted in particularly high risk of violence for bisexual women.³¹⁸

Transgender women

Transgender women are often more visible in various contexts, because they may transgress norms of gender expression. In some contexts they can be at the highest risk of discrimination and violence of all LGBTIQ+ people. This can be compounded by a lack of economic security. Discrimination and stigma can limit transgender women to working in the informal sector and in some locations,

engaging in sex work, which may put them at risk of violence and discrimination, by clients, communities and sometimes official state apparatus, such as the police. Many transgender women do not have access to or the resources for gender-affirming surgery and treatments. Access to healthcare is a major issue overall, as highlighted earlier.

Transgender men

There is a lack of information and evidence on the human rights issues that transgender men face. While they would certainly be at risk of the same discrimination in society and the workplace as other LGBTIQ+ people, and at risk of violence, not enough is documented. It is likely they have equivalent healthcare access issues to transgender women. However, they tend to fall through

service gaps as they may not be treated as typically male, and some of their concerns that are equivalent to women's are overlooked or even stigmatized (*See health examples*). As men, they may not necessarily be treated as a primary focus of UN Women's work but, like gay men, should not be excluded from advocacy for LGBTIQ+ rights in general and gender equality overall.

Intersex people

Intersex people face persistent abuses and violations of their human rights. These are distinct from those based on sexual orientation and gender identity and expression. However, if they also identify as lesbian, gay and/or transgender the discrimination they experience may increase. As their challenges based on their sex characteristics, referring to LGBTIQ+ rights can sometimes be inaccurate for some people with diverse sex characteristics who not identify as intersex for a myriad of reasons, and can make their rights issues invisible. Because there is comparatively less attention given to them (in this paper and in general) it is necessary to elaborate here.

Because intersex people's bodies are seen as different and contradictory to binary sex notions, they are at risk of human rights violations including violence, stigmatization and harmful practices. Binary framings have had the effect of oppressing intersex realities. In this sense, as one activist explained, 'intersex issues are implicitly linked to medical abuses, and those abuses are related to gender identity'. Violations perpetrated against intersex people with the objective of maintaining the sex binary by 'cutting and pasting their bodies and what is considered to be typical sex characteristics, including genitals, gonads and chromosomes. into one of the two existing binary moulds' to coercively assign a sex are widely documented.³¹⁹

Medical intervention is an experience intersex people find almost impossible to avoid, as it is like a 'prerequisite to be considered a citizen, a human - a core element of our existence', as another activist described.

Intersex children may be subjected to surgeries and medical procedures in an attempt to align their appearance with societal expectations about male and female bodies. Surgery and other treatments carried out on children by definition cannot be premised upon informed consent, and there is rarely a medical need for such interventions. Surgery is typically irreversible and can cause a wide range of severe, negative physical and psychological health effects and result in sterilization. Some intersex people feel the procedures they underwent forced them into sex and gender categories that did not fit them. 62 per cent of intersex respondents in a recent European survey indicated that they did not provide,

and were not asked for, theirs or their parents' consent before undergoing surgical intervention to modify their sex characteristics.³²⁰

Parents of intersex children often face pressure to agree to surgeries or treatments without being informed of alternatives or potential negative consequences. The rationale is frequently based on social prejudice, stigma associated with intersex bodies and administrative requirements to assign sex at birth registration. The UN considers surgery and medically unnecessary treatments on intersex individuals to be fundamental rights violations and has condemned this. In addition to intersex advocacy organizations, a number of bodies have called for an end to unnecessary surgery and treatment, including the Committee on the Rights of the Child, the Committee Against Torture and the special procedures mandate holders on the right to health and on torture.

Intersex activists recognize the issue as complex and that there are: "overlapping concerns ... to do with the binary ideologies around sex, gender and sexuality and the strategies necessary to fight cultural and institutional norms". More importantly, raising intersex issues and including intersex people in discussions of LGBTIQ+ rights acknowledges their existence and "means intersex individuals would now be included in a social and legal space where before they had been absent".

Discrimination and stigma persist throughout adulthood in many ways, inhibiting intersex people's ability to participate equally in society. For instance, Intersex people, as with transgender women, have been challenged in their participation to play or compete in sports by those who believe that a higher level of testosterone provides competitive advantage over cisgender female athletes.

The most important issue for many intersex activists is to prevent unnecessary surgery on children until they reach the age where they can consent and make their own decisions about their bodies. This is a state issue, recognizing that the problems are systemic, persistent and pervasive, not an individual issue to be solved by a person, their families or particular doctors. Anti-discrimination law is seen as useful for its legal recognition of intersex status, but on its own is not seen as the goal:

it is to be used in the service of the primary goal. Some activists warn that policymakers could think that by including intersex people in anti-discrimination law they have done what is needed while ignoring the issue of bodily integrity and consent.³²¹ Malta and Chile provide relatively progressive examples of law reform, however not without setbacks in the latter case.³²²

According to activists, human rights approach to sex variations and intersex issues advocates for the demise of the compulsory legal sex category as the primary way to ensure access to documentation and legal recognition for sex and gender-diverse people, according to their best understanding of their own sexual and gender identity. Medical and registry staff must ensure the right to the prompt documentation of intersex newborns and easy access to medical records, accountability, and reparation measures along with legal assistance policies for vulnerable intersex people.³²³

Queer and questioning+

The addition of the letter 'Q' and the symbol '+' to LGBTIQ+ is intended to include any people of diverse SOGIESC who do not feel represented by the other identities. It is a way of respecting diversity, and the rights of people to identify themselves in the way they choose. However, while 'Q+' is useful for these purposes, it is more difficult to link with specific human rights issues. A person who is 'queer' or 'questioning' or does not want to identify themselves by another category will generally face the same human rights issues as other people with diverse

SOGIESC if assumptions are made about their SOGIESC. It is noteworthy that many who choose to use the term 'queer', do so to reclaim what was once a symbol of homophobia and a slur. If they express themselves as gender non-conforming or outside of society's accepted gender constructs, they could be subject to discrimination or violence. Still, rather than refer to Q+ rights, it would instead be constructive to refer inclusively to LGBTIQ+ rights or to describe an individual situation.

Photo: UN Women/Billy H.C. Kwok, Taipei, 2018.



ENDNOTES

1. Quote from UN Women Executive Director, Phumzile Mlambo-Ngcuka. July 2019 event, 'Gender Beyond Binaries'.
2. UN Women statement in OHCHR, 2018. 'The Role of the United Nations in Combatting Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex People: A Programmatic Overview'.
3. The term GBV will be used throughout to include sexual and other forms of gender-based violence.
4. See OHCHR Free & Equal definitions, and IOM, 2021. 'SOGIESC Glossary of Terms'. Please note that this does not necessarily denote internationally agreed language. See annex 3 for more information on the latter.
5. UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity (IE SOGI), 2021. 'The Law of inclusion: report on gender theory' (A/HRC/47/27), paras 79-80. The work of the IE SOGI is instructive regarding the following definitions related to sex and gender.
6. Htun, M., and Weldon, S. 2018. 'The Logics of Gender Justice: State Action on Women's Rights Around the World'. Cambridge Studies in Gender and Politics. Cambridge University Press. Refer to source for discussion on the implication of these terms for 'women's rights' and 'LGBTIQ+ rights'.
7. Harris J, White V. 2018. A Dictionary of Social Work and Social Care. Oxford University Press.
8. O'Brien, J. Ed. Encyclopedia of Gender and Society.
9. Ibid.
10. WHO, 2015. Sexual health, human rights and the law.
11. UN Women statement in OHCHR, 2018. 'The Role of the United Nations in Combatting Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex People: A Programmatic Overview'.
12. Quote from UN Women Executive Director, Phumzile Mlambo-Ngcuka. July 2019 event, 'Gender Beyond Binaries'.
13. These functions will be addressed in an integrated manner throughout, with further attention given to the normative function in annex 3 on international human rights law, norms and standards.
14. IE SOGI, 2021. 'Practices of exclusion: report on gender theory' (A/76/152).
15. Report of the Office of the UN High Commissioner for Human Rights, 2015. 'Discrimination and violence against individuals based on their sexual orientation and gender identity' (A/HRC/29/23).
16. UNDP and the Swedish Federation for LGBTIQ Rights (RFSL) have produced work to strengthen the links and outline how addressing the needs of LGBTIQ+ people is essential to achieving the SDGs. RFSL has also developed a set of guiding principles for including LGBTIQ+ people in development policy and programming. See Trithart, A. 2021. 'A UN for All? UN Policy and Programming on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics'. International Peace Institute (IPI).
17. UN Women, 2018. 'Internal Guidance Note: Strengthening Programming and Advocacy on the Rights and Empowerment of LGBTI People'. (Herein referred to as: 'Internal Guidance Note').
18. UNDP, 2018. 'Sexual and gender minorities and the SDGs'; RFSL, 2019. 'For All: The SDGs and LGBTI people'.
19. Park, A. and Mendos, R. L., 2019. 'For All: The Sustainable Development goals and LGBTI people'. See for 'economic development perspective'.
20. RFSL, 2018. 'Guiding Principles for including LGBTIQ+ people in development policy and programming'.
21. See annex 3 on international human rights law, norms and standards.
22. IE SOGI, 2021. 'Practices of exclusion: report on gender theory' (A/76/152).
23. The Working Group on discrimination against women and girls, 2020. 'Gender equality and gender backlash'. UN Human Rights Special Procedures. See also: UN Women Asia-Pacific Regional Office, 2016. 'Regional Consultation and EGM: Examining Gender Identities, Expressions and Inequalities'; UN Women IEO, 'Ise4gems' evaluation document; and Yale Law School, Global Health Justice Partnership, 2016. 'Why the U.N. Needs a Broad Concept of Gender'.
24. IE SOGI, 2021. 'Practices of exclusion: report on gender theory' (A/76/152).
25. Ibid. As stated by the IE SOGI, sex characteristics are biological features and a physical reality. However, the roles, behaviours and forms of expression attributed to individuals based on them are constructs. Any person must be able to ignore, shatter or subvert them as an exercise of freedom.
26. UN Women, 2018. 'Internal Guidance Note'.
27. Ibid.
28. IE SOGI, 2021. 'The Law of inclusion: report on gender theory' (A/HRC/47/27).
29. Nguyen, A., 2016. 'Promoting and Protecting the Rights of Lesbians, Bisexual Women, Transgender and Intersex Persons'. UN Women and Outright International.
30. Crenshaw, K. 1989. 'Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics'. University of Chicago Legal Forum.
31. UN Women, 2018. 'Turning promises into action: Gender equality in the 2030 Agenda for Sustainable Development'. See for technical guidance on how to undertake intersectional analyses in our work.
32. UN Women, 2018. 'Internal guidance note'.
33. See CEDAW, 2010. General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.
34. Williams Institute study, in UNDP, 2018. 'Sexual and gender minorities and the SDGs'.
35. IRIS. 'A Global Outlook on LGBTI Social Exclusion through 2030'.
36. UNDP, 2018. 'Sexual and gender minorities and the SDGs'.
37. Williams Institute, 'Exploring International Priorities and Best Practices for the Collection of Data About Gender Minorities'; World Bank, 2018. 'Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe'.
38. OHCHR, 2018. 'Guidance Note: A Human Rights-Based Approach to Data – Leaving No One behind in the 2030 Development Agenda'. See more information on these principles below.
39. IE SOGI, 2019. 'Social, cultural and economic inclusion of LGBT individuals' (A/74/181).
40. OHCHR. 2015. Guidance Note on 'a Human Rights-Based Approach to Data – Leaving No One behind in the 2030 Development Agenda'.
41. See UN Women, forthcoming (2022), country factsheets at data.unwomen.org for information on countries that have data on gender identity. This will be tracked on an annual basis. See also: UN Women, forthcoming (2022) and 2019 articles on Nepal. This example provides a case study on inclusive data.
42. See: UNECE. 2019. In-depth review of measuring gender identity (ECE/CES/2019/19) – a valuable resource for understanding the status of this work, internationally, and provides some guidance and recommendations. See also: Williams Institute, 2017. 'Exploring International Priorities and Best Practices for the Collection of Data about Gender Minorities, Report of Meeting'.

43. World Bank. 2018. Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe.
44. IE SOGI, 2018. 'Protection against violence and discrimination based on sexual orientation and gender identity' (A/73/152). See also glossary in UN Women, 'Pride in the Humanitarian System (PitHS), Asia and the Pacific Consultation'.
45. Castro-Peraza ME, et al. 2019. 'Gender Identity: The Human Right of Depathologization. International Journal of Environmental Research and Public Health'; IE SOGI, 2018. (A/73/152).
46. IE SOGI, 2021. Practices of exclusion: report on gender theory (A/76/152). See analysis on narratives of 'traditional values' and 'negation' related to this section.
47. Eswatini, Guyana, Micronesia and North Macedonia in 2018; and Angola, Botswana, Saint Lucia and Bosnia and Herzegovina in 2019. See Outright International, 2021. Pride around the world. 'Pride' is defined here as 'a public-facing, open and visible event with the purpose of affirming the existence of LGBTIQ people, demanding recognition and protection of our rights, and celebrating progress to date.'
48. Lieberman, A. 2019. Q&A with IE SOGI, 'LGBTQ discrimination expert sees 'paradigm shift' at UN'. [Devex.com](https://www.devex.com).
49. Data provided by OHCHR, as of 26 August 2020. (Note that some counts indicate 67 countries.) See also: ILGA World. 2020 and 2019 (December). "State-Sponsored Homophobia: Global Legislation Overview Update" and ILGA World. 2017. "Trans Legal Mapping Report 2017: Recognition before the law" for more details. 68 of these have laws that explicitly criminalize consensual same-sex sexual acts (de jure) and two more criminalize such acts de facto. In addition, other jurisdictions which are not UN Member States also criminalize such acts (Gaza, the Cook Islands and certain provinces in Indonesia). See: ILGA World. State-sponsored Homophobia 2019.
50. Three countries in Asia (Iran, Saudi Arabia and Yemen) and three in Africa (Nigeria, Sudan and Somalia) (ILGA – State-sponsored homophobia 2019 report). The death penalty is a possible punishment in Mauritania, United Arab Emirates, Qatar, Pakistan and Afghanistan.
51. UNHCR and IE SOGI, 2021. 'Global Roundtable on forced displacement: provisional summary report'.
52. UN Free & Equal, 2022. Factsheet on LGBTIQ+ women and girls. OHCHR and UN Women; ILGA World, 2020. 'Trans Legal Mapping Report', ILGA World, 2020. 'Trans Legal Mapping Report'.
53. OHCHR, 2019. 'Born Free and Equal'. Second Edition.
54. Stonewall. 'LGBT in Britain, Hate Crime and Discrimination'.
55. Hamed Jassem Abdul Khedr Ibrahim v. General Prosecution. Appeal under Article 198 of Penal Code. The Constitutional Court of Kuwait. 16 February 2022. BBC. 'Kuwait overturns law criminalising 'imitation of opposite sex''. 16 February 2022. <https://www.bbc.com/news/world-middle-east-60402700>.
56. Human Rights Watch. 'Cameroon Court Punishes Anti-LGBTI Violence'. 3 March 2022. <https://www.hrw.org/news/2022/03/03/cameroon-court-punishes-anti-lgbti-violence>
57. In addition, the USA issued its first passport in October 2021 with an 'X' gender marker to an intersex person. This is in recognition of the rights of people who do not identify as male or female. It announced that it expects to offer the option more widely from 2022. (AP News).
58. Aruga, L. Forthcoming (2022). Comparative Analysis of Gender Recognition Laws. UN Women Viet Nam Country Office.
59. IE SOGI, 2021. 'Practices of exclusion: report on gender theory' (A/76/152).
60. IE SOGI, 2018. 'Reasserting equality, countering rollbacks' (A/HRC/38/46). Also see: Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.
61. Centre for Feminist Foreign Policy, 2021. 'Power Over Rights: Understanding and countering the transnational anti-gender movement'.
62. GPP, 2020. 'Meet the Moment: A Call for Progressive Philanthropic Response to the Anti-Gender Movement'. It states that, between 2013-2017, LGBTIQ+ movements worldwide received USD 1.2 billion, while the anti-gender movement received USD 3.7 billion – more than triple the LGBTIQ+ funding. See also European Parliamentary Forum for Sexual and Reproductive Rights, 2021. 'Tip of the Iceberg: Religious extremist - Funders against Human Rights for Sexuality and Reproductive Health in Europe'. Intelligence brief. It identifies USD707.2 million in anti-gender funding over the 2009–2018 period originating from the United States, the Russian Federation and Europe.
63. See: The Working Group on discrimination against women and girls. 2020. 'Gender equality and gender backlash'. UN Human Rights Special Procedures, Geneva; and Corrêa, S. (2017). Gender Ideology: tracking its origins and meanings in current gender politics. See also: IE SOGI, 2018. 'Reasserting equality, countering rollbacks' (A/HRC/38/46). These include propagation of anti-gender discourse, as well as using direct citizen action (such as petitions, protests, prayers) and governmental mechanisms to influence or change educational systems, legislation and public opinion. Specific targets of the movements are LGBTIQ+ rights, reproductive rights, sexuality and gender-sensitive education in schools, and the very notion of gender. Women human rights defenders who work in these areas, in particular those defending sexual and reproductive rights, have also increasingly been subjected to hostilities by anti-gender movements.
64. See country examples in IE SOGI, 2021. 'Practices of exclusion: report on gender theory' (A/76/152): Brazil, Chile, Colombia, Ecuador and Paraguay, Romania, Russian Federation, Hungary, Kazakhstan, Turkey, Ukraine, and USA.
65. UN Women, 2018. 'Internal Guidance Note'.
66. UNDP, 2018. 'Sexual and gender minorities and the SDGs'.
67. IE SOGI, 2021. 'Practices of exclusion: report on gender theory' (A/76/152).
68. See, for example, WGDRAWG's statement, "Responses to the COVID-19 pandemic must not discount women and girls", 20 April 2020; joint statement, "COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States", 14 May 2020; and joint press releases "Authorities manipulating COVID-19 crisis to restrict access to abortion, say UN experts", 27 May 2020 and "UN rights experts fear Uganda is using COVID-19 emergency powers to target LGBT people", 27 April 2020.
69. UN Women, 2018. 'Internal Guidance Note'. OHCHR core legal obligations of States with respect to protecting the rights of LGBTI people, provides a useful framework for engagement. See strategic entry points.
70. IE SOGI, 2021. Practices of exclusion: report on gender theory (A/76/152). Abusive requirements commonly include being unmarried or subjected to forced, coerced or otherwise involuntary sterilization, gender reassignment, treatment, medical diagnosis and other medical procedures. OHCHR and United Nations human rights mechanisms, including the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, have all stressed these obligations. See: A/HRC/29/23, para.79 (i); "Living Free and Equal", p. 94-96; CCPR/C/IRL/CO/3, para. 8; CCPR/C/IRL/CO/4, para. 7; CCPR/C/UKR/CO/7, para. 10; CEDAW/C/NLD/CO/5, paras. 46-47; CCPR/C/KOR/CO/4, paras. 14-15; CAT/C/CHNHKG/CO/5, para. 29(a); A/HRC/22/53, paras. 78, 88; E/C.12/GC/22, para. 58; Eliminating forced, coercive and otherwise involuntary sterilization, UN Interagency Statement, 2015. 'Joint statement of UN and regional human rights mechanisms on the rights of young LGBT and intersex people'.
71. The Vienna Declaration and Programme of Action 1993, paragraph 5.
72. UNDP, 2018. 'Sexual and gender minorities and the SDGs'.
73. Trithart, A. 2021. 'A UN for All? UN Policy and Programming on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics'. International Peace Institute.
74. In 2019, UN Women co-hosted the first high-level UN event on gender diversity and non-binary gender identities in New York—something that would have been "inconceivable" even just a few years ago. (Trithart, 2021.)
75. Trithart, 2021. 'A UN for All?'
76. UN Women stands by former UN Secretary-General Ban Ki-moon in his stance on discrimination based on SOGIESC: "Where there is a tension between cultural attitudes and universal human rights, rights must carry the day."

77. Joint statement by UN human rights mandate-holders (on human rights defenders; contemporary forms of racism, racial discrimination, xenophobia and related intolerance; violence against women; and the right of everyone to the highest attainable standard of physical and mental health), 23 February 2007.
78. Report of the UN Special Rapporteur on freedom of religion and belief, 2008. Also see section on 'Facilitating Faith and Interfaith Networks' in Nguyen, 2016.
79. Edge Effect. 'Impacts of COVID-19 on LGBTIQ+ people. Briefing note'.
80. Based on 1,500 emergency funding applications from LGBTIQ+ organizations. Outright International. 2020. 'Vulnerability amplified'.
81. This has occurred in numerous countries, including Ghana, Guyana, Kenya, Liberia, Russia, Uganda, Ukraine, the United States, and Zimbabwe, among others. Outright International. 2020. 'Vulnerability amplified'. See also OHCHR, 2020. 'COVID-19 and the human rights of LGBTI people', and EL*LC, 2021. Resistance as a Way of Living: Lesbian lives through the COVID-19 Pandemic. The EuroCentralAsian Lesbian* Community.
82. Outright International. 2020. 'Vulnerability amplified'.
83. Ibid. See also EL*LC, 2021. Resistance as a Way of Living: Lesbian lives through the COVID-19 Pandemic.
84. UNAIDS, 2020. 'Rights in a pandemic – Lockdowns, rights and lessons from HIV in the early response to COVID-19'.
85. UN human rights experts, "COVID-19: the suffering and resilience of LGBT persons must be visible and inform the actions of States", 20 April 2020.
86. OHCHR, 2020. 'COVID-19 and the human rights of LGBTI people'.
87. Ibid.
88. Statement by human rights experts on the International Day against Homophobia, Transphobia and Biphobia, 'COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States, 17 May 2020; Outright International. 2020. 'Vulnerability amplified: The impact of the COVID-19 pandemic on LGBTIQ people'.
89. OHCHR brief and IE SOGI open letter.
90. Joint statement to the 44th session of the Human Rights Council (2020). Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. (A/HRC/44/NGO/X)
91. Documented by OHCHR and IE SOGI in reports: <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/AnnualReports.aspx>
92. Joint statement to the 44th session of the Human Rights Council (2020). Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. (A/HRC/44/NGO/X).
93. Pathologization, according to UNHCR, 'refers to the processes whereby gender variance is assumed to be caused by mental illness'. The World Health Organization has officially 'de-psycho-pathologized' transgender identities and removed transgender-related categories from the chapter on Mental and Behavioural Disorders in the eleventh edition of the "International classification of diseases (ICD-11). (WHO, 2019). See: <https://icd.who.int/en>.
94. According to numerous reports of the IE SOGI cited in this guide.
95. Global Philanthropy Project, 2021. Where Are the Global COVID-19 Resources for LGBTI Communities?; Edge Effect, 2021. 'We Don't Do A Lot For Them Specifically': A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond.
96. Edge Effect, 2021. 'We Don't Do A Lot For Them Specifically'.
97. IE SOGI, 2020. 'ASPIRE Guidelines on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity'.
98. UN Women uses the term 'women/those working in the sex industry'. However, when people identify as sex workers themselves, it is UN Women's position to respect their preferred term. (Based on advice given internally in 2021.)
99. More tailored guidance and recommendations can be provided on how to address LGBTIQ+ rights in UN Women's COVID-19 response in support of national-level work.
100. See statement by Michelle Bachelet, UN High Commissioner for Human Rights, 30 June 2020. 44th session of the UN Human Rights Council. Global Update on Human Rights & the Impact of the COVID-19 Pandemic.
101. UN Committee on Economic, Social and Cultural Rights, "[Statement on the coronavirus disease \(COVID-19\) pandemic and economic, social and cultural rights](#)", 17 April 2020 (E/C.12/2020/1, para. 2). See also UN Human Rights Committee, "[Statement on derogations from the Covenant in connection with the COVID-19 pandemic](#)", 30 April 2020 (CCPR/C/128/2).
102. IE SOGI, 2020. 'ASPIRE Guidelines on COVID-19 response and recovery'.
103. See: IE SOGI. 2020. "ASPIRE Guidelines on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity".
104. See: Inter-Sector Coordination Group (ISCG) Gender Hub, 2020. 'In the Shadows of the Pandemic: The Gendered Impact of COVID-19 on Rohingya and Host Communities'.
105. UNDP, 2018. 'Sexual and gender minorities and the SDGs'.
106. Human Rights Watch, 2020. 'A Global Report Card on LGBTQ+ Rights for IDAHOBIT', <https://www.hrw.org/news/2020/05/18/global-report-card-lgbtq-rights-idahobit>
107. Office of the Secretary-General's Envoy on Youth, 2021. 'If I Disappear: Global Report on Protecting Young People in Civic Space'. United Nations.
108. IE SOGI, 2020. Report on violence and discrimination based on sexual orientation and gender identity during the coronavirus disease (COVID-19) pandemic.
109. UNDP, forthcoming 2021. 'Guide on political and electoral participation of LGBTI persons'. (In conversation with author – UNDP consultant/Expert on Political and Electoral Participation of LGBTI People).
110. It is important to note that some LGBTIQ+ rights individuals and organizations find the 'other' category confusing and derogatory. They feel compelled to use it in their official documents even when it is not their preferred gender marker.
111. UN Women, 'Nepal takes steps to include LGBTIQ persons in 2021 population census'. October 2019. See also UN Women, 2022. 'LGBTIQ+ people feel counted through first gender-sensitive question in Nepal Census'. <https://data.unwomen.org/features/lgbtqi-people-counted-nepal-census>.
112. ILGA World. 2019. State-Sponsored Homophobia 2019: Global Legislation Overview Update. See also: ILO data in UNDP, 2018, which indicates a mere 20 states in Asia.
113. IE SOGI report.
114. ILO, 2015. 'Pride at Work: A study on the discrimination at work based on sexual orientation and gender identity in Thailand'.
115. ILO, 2016. 'Pride at Work: A study on discrimination at work based on sexual orientation and gender identity in Indonesia'.
116. European Union Agency For Fundamental Rights LGBTI Survey Data Explorer. <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>
117. UNDP, 2018. 'Sexual and gender minorities and the Sustainable Development Goals'. Also see examples in ILO, 2016. PRIDE at work: a study on discrimination at work on the basis of sexual orientation and gender identity in Indonesia.
118. IE SOGI, 2019. 'Social, cultural and economic inclusion of LGBT individuals' (A/74/181). Some studies indicate that this is dependent on the relationship status of lesbians, revealing an earnings penalty for partnered gay men but an earnings premium (or no effect) for partnered lesbians. See: OECD. 2017. 'LGBTI in OECD countries: A review'. Working paper No. 198.
119. OECD data in UNDP, 2018. 'Sexual and gender minorities and the SDGs'.
120. ILO, Non-Discrimination and Equal Pay Programme Officer. In conversation, August 2020.

121. Ibid.
122. Badgett, M.V.L, Sheila Nezhad, C. Waaldijk, and Rodgers Y. Meulen. 2014. *The Relationship between LGBT Inclusion and Economic Development: An Analysis of Emerging Economies*. The Williams Institute, USA.; Badgett, M.V.L. 2014. "The Economic Cost of Stigma and Exclusion of LGBT People: A Case Study of India." World Bank.
123. See ILO and UN Women, 2021 forthcoming project on migrant workers in South-east Asia, as an example.
124. OHCHR brief on COVID.
125. UN Women, 2019. 'Progress of the World's Women 2019–2020: Families in a Changing World'. New York.
126. Edge Effect, 2021. 'We Don't Do A Lot For Them Specifically': A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond.
127. World Bank, 2020. *Sexual Orientation and Gender Identity in Contexts Affected by Fragility, Conflict, and Violence*.
128. See: Yogyakarta Principle 12. "Everyone has the right to decent and productive work, to just and favourable conditions of work and to protection against unemployment, without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics. States shall take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination in public and private employment, including in relation to vocational training, recruitment, promotion, dismissal, conditions of employment and remuneration."
129. See for details ILGA World. 2019 (December). *State-Sponsored Homophobia 2019: Global Legislation Overview Update*.
130. Edge Effect, 2021. 'We Don't Do A Lot For Them Specifically': A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond.
131. See Interagency platform on social protection and human rights <https://socialprotection-humanrights.org/key-issues/disadvantaged-and-vulnerable-groups/lgbtqi/> for further resources.
132. Edge Effect, 2021. 'We Don't Do A Lot For Them Specifically': A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond. See also: UN Women, 2021. <https://data.unwomen.org/publications/covid-19-global-gender-response-tracker-factsheets>.
133. Nabulivou, N. 2013. *Statement on Behalf of the Lesbian, Bisexual and Transgender Caucus*. Commission on the Status of Women, United Nations Economic and Social Council.
134. Report of the Office of the UN High Commissioner for Human Rights, *Discrimination and violence against individuals based on their sexual orientation and gender identity*, 2015, A/HRC/29/23. See also *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*. HRC/19/41. Geneva: UN Human Rights Council; 2011.
135. Report of the Office of the UN High Commissioner for Human Rights, *Discrimination and violence against individuals based on their sexual orientation and gender identity*, 2015, A/HRC/29/23.
136. See forthcoming (2022), UN Guidance Note on Gender-Based Hate Speech.
137. See more detail at: UN Free & Equal, 2022. *Factsheet on LGBTIQ+ women and girls*. OHCHR and UN Women
138. Report of the UN High Commissioner for Human Rights, 2011. "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity," (A/HRC/19/41). Also addressed by the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women, its causes and consequences. See also: A/HRC/38/43.
139. UN Free & Equal – Factsheet on Bisvisibility (accessible at: https://www.unfe.org/wp-content/uploads/2018/09/Bisexual_Factsheet_English.pdf). Reports from Japan, Malaysia, Pakistan and the Philippines also indicate that sexual and intra-family violence is a major concern for bisexual women.
140. See <https://www.42d.org/2020/05/11/violence-against-sexual-and-gender-minority-women-and-girls/> and World Bank, ICRW and IDB. 2015. 'Violence Against Women and Girls Resource Guide: Sexual and Gender Minority Women'.
141. Outright Action International, 2019. 'Harmful Treatment: The Global Reach of so-called conversion therapy'.
142. See TGEU Trans Rights Europe and Central Asia, available at: https://tgeu.org/wp-content/uploads/2020/05/MapB_TGEU2020_PRINT-1.pdf; OHCHR factsheet on LGBTIQ+ women, 2021.
143. Report of the UN High Commissioner for Human Rights, 2011. "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity," (A/HRC/19/41). See also IE SOGI report on conversion therapy. 2020; and OHCHR Background Note on Human Rights Violations against Intersex People.
144. See TGEU Media Statement: International Women's Day 2020 available at <https://tgeu.org/international-womens-day-2020/>
145. Global data from Trans Murder Monitoring project. See TMM Update Trans Remembrance Day, available at <https://transrespect.org/en/tmm-update-tdor-2020/>; <https://transrespect.org/en/trans-murder-monitoring/tmm-resources/>. See also OHCHR factsheet on LGBTIQ+ women, 2021.
146. UNDP. 2018. 'Sexual and gender minorities and the SDGs'.
147. WHO, 2018. 'Violence motivated by perception of sexual orientation and gender identity: a systematic review'. *Bulletin*; 96:29–41L.
148. UN Women COVID-19 brief: [Brief-Online-and-ICT-facilitated-violence-against-women-and-girls-during-COVID-19-en.pdf](https://www.unwomen.org/en/news/stories/2020/04/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19-en) ([unwomen.org](https://www.unwomen.org)) has some recommendations for Governments, civil society and the UN.
149. CEDAW general recommendation 19. Based on conversations with UN Women EAW team, 2020.
150. Stop VAW: http://www.stopvaw.org/violence_against_lgbt_women.
151. UN Women. 2020. *The Only Way is Up: Monitoring and Encouraging Diverse SOGIESC Inclusion in the Humanitarian and DRR Sectors*. See also, 2018. *Pride in the Humanitarian System (PiHS), Asia and the Pacific Consultation Report*. Edge Effect library, see: <https://www.42d.org/>. Experiences from the following demonstrate this: 2004 Indian Ocean Tsunami, the plight of the waris after the 2010 eruption of Mt. Merapi in Indonesia, the Haitian earthquake in 2010, 2010 floods in Pakistan, 2015 earthquake in Nepal, 2015 Typhoon Haiyan/Yolanda in the Philippines and 2016 Tropical Cyclone Winston in Fiji. See UN Women. *Pride in the Humanitarian System (PiHS), Asia and the Pacific Consultation Report*, and Edge Effect. 'Impacts of COVID-19 on LGBTIQ+ people. Briefing note'. See: UNHCR. 2015. *Working with LGBTI Persons in Forced Displacement*; Dwyer and Woolf. 2018. *Down by The River*. Edge Effect; Women's Refugee Commission. 2016. *Mean Streets*; RefugePoint. 2018. *Disaggregating LGBTIQ Protection Concerns*.
152. World Bank. 2020. *Sexual Orientation and Gender Identity in Contexts Affected by Fragility, Conflict, and Violence*.
153. Data on GBV against LGBTIQ+ people are very limited, as are contextual understandings. High-level guidance on this exists but is limited in quantity and effectiveness, i.e. 2017 IASC Gender in Humanitarian Action Handbook and 2017 Inter-agency Case Management Manual. See also: Report of the Secretary-General to the UN Security Council, 2022. 'Women and girls who become pregnant as a result of sexual violence in conflict and children born of sexual violence in conflict'. (S/2022/77).
154. Davis, L. and Stern, J. 2019. "WPS and LGBTI Rights", in *The Oxford Handbook of Women, Peace and Security*.
155. Daigle, M. and Myrntinen, H. 2018. 'Bringing diverse sexual orientation and gender identity into peacebuilding policy and practice', *Gender and Development*, vol. 26, no. 1: 103–120. See also, Stern, J. 2015. 'The UN Security Council's Arria-Formula meeting on vulnerable groups in conflict: ISIL's targeting of LGBTI individuals'.
156. WRC, 2021.
157. Gaillard et al. 2017. 'Sexual and gender minorities in disaster.' *Gender, Place & Culture*, 24:1, 18–26.

158. See UN Women Women's Resilience to Disasters Knowledge Hub and Policy Tracker for extensive analysis: <https://wrw.unwomen.org/policy-tracker>. There is, however, reference to LGBTIQ+ people in: a government memorandum in Poland; a report summarising the seventh annual national roundtable on disaster risk reduction in Canada; and in a development/humanitarian policy framework for Sweden, which identifies LGBTIQ+ people as a high-risk group.
159. See: <https://wrw.unwomen.org/>, and <https://wrw.unwomen.org/womens-resilience-disasters-wrd-programme>
160. Dwyer and Woolf. 2018. Down by The River: Addressing the rights, needs and strengths of Fijian sexual and gender minorities in disaster risk reduction and humanitarian response. Edge Effect and Oxfam. Seglah, H. and Blanchard, K. 2021. LGBTQIA+ people and disasters: A need for policy guidance. DRR Dynamics Ltd.
161. Edge Effect, 2021. "We don't do a lot for them specifically" A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond.
162. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (A/74/181) on social, cultural and economic inclusion of LGBT individuals (2019).
163. Rhetorical progress has occurred in intergovernmental fora, i.e. In 2015, the UN Security Council held its first-ever debate on the rights of LGBTIQ+ people, motivated by allegations of violence targeting gay men in Iraq and the Syrian Arab Republic by the Islamic State of Iraq and the Levant. In the same year, the UN Security Council presented the report of Secretary-General on conflict-related sexual violence (S/2015/203); and 12 UN entities, including UN Women issued a joint statement to end violence and discrimination against LGBTIQ+ people.
164. UN Women. Pride in the Humanitarian System (PitHS), Asia and the Pacific Consultation Report.
165. Humanitarian Advisory Group, 2018. 'Taking Sexual and Gender Minorities out of the Too-Hard Basket'.
166. IRC, 2019. Guidance note on inclusion of diverse women and girls: GBV emergency preparedness and response.
167. Women's Refugee Commission (WRC), 2021. Addressing Sexual Violence against Men, Boys, and LGBTIQ+ Persons in Humanitarian Settings: A Field-Friendly Guidance Note by Sector.
168. Hagen, J. 2016. 'Queering Women, Peace, and Security.' *International Affairs* 92, no. 2: 313–332.
169. Davis, L. and Todd-Gher, J. December 2021. Identifying gender persecution in conflict and atrocities: A toolkit for documenters, investigators, prosecutors and adjudicators of crimes against humanity. Academic Paper. UN Women, New York.
170. Thylin, T. 2019. 'Violence, toleration, or inclusion? Exploring variation in the experiences of LGBT combatants in Colombia'. *Sexualities*, 0(0) 1–20.
171. Gaillard et al. 2017.
172. Davis, L. and Todd-Gher, J. 2021.
173. Hagen, J. 2017. 'Queering women, peace and security in Colombia'. *Critical Studies on Security* 5(1): 125–129.
174. An example: Since 2020, the *UN Peacebuilding Fund Gender and Youth Promotion Initiative* (GYPI) is investing in LGBTIQ+ communities in select conflict-affected countries by ensuring that resources are prioritized for initiatives with an explicit focus on LGBTIQ+ issues, whether led by UN and/or CSOs. See for e.g. <https://mptf.undp.org/factsheet/project/00125938>; <https://mptf.undp.org/factsheet/project/00125908/>. See also: recent thematic review on gender responsive peacebuilding: <https://www.un.org/peacebuilding/content/gender-responsive-peacebuilding-2021>. (See Gender Advisor, Peacebuilding Support Office, UN DPPA, for more information.)
175. See forthcoming collaboration between UN Women and Justice Rapid Response on this, noting that gender-based persecution is generally an understudied and underutilized concept. It is also worth noting that UN Women investigators deployed to UN investigations have documented gender-based crimes against men perceived as gay by ISIL in Syria; and against transgender Rohingya women in Myanmar. In conversation with UN Women WPS team, August 2020.
176. Edge Effect's Diverse SOGIESC Continuum is a best practice example, which could be utilized by UN Women. The ASPIRE Guidelines are also an instructive resource.
177. Edge Effect. 'GAM Diverse SOGIESC Tip Sheet for humanitarian response'. *This Tip Sheet offers interventions, guiding questions, and an example of how four key Gender Equality Measures (GEMs) support diverse SOGIESC inclusion and equality in shelter projects and programs.* And 'GAM Shelter Diverse SOGIESC Inclusive Tip Sheet'.
178. <https://www.gihahandbook.org/>
179. A global push under the IASC's inclusion and accountability impact results group is critical to this: <https://interagencystandingcommittee.org/results-group-2-accountability-and-inclusion>
180. UN Secretary-General's Report on Conflict-related Sexual Violence, 2020. (S/2020/487), i.e., "the profile of the victim, who is frequently an actual or perceived member of a persecuted political, ethnic or religious minority, or targeted on the basis of actual or perceived sexual orientation or gender identity" (p. 2); "Individuals were also targeted on the basis of their actual or perceived sexual orientation and gender identity as a form of persecution" (p. 5). Note that SOGIESC is referenced one to two times in the reports of 2016, 2017, 2018, 2019 and 2020. Also see UN Women, 2022. Brief on the basics of conflict-related sexual violence. In recognition of the lack of sufficient training on documenting sexual and gender-based violence against LGBTIQ people as international crimes, UN Women is collaborating with Justice Rapid Response and the Institute for International Criminal Investigations to address this gap. In conversation with UN Women WPS team, August 2020.
181. In conversation with UN Women gender and humanitarian specialist, 2021.
182. UNHCR. 2021. Refugee Response in Bangladesh. https://data.unhcr.org/en/situations/myanmar_refugees
183. Bodily integrity and autonomy have not been normative language until 2019 (it is not mentioned in the BPfA and ICPD and their subsequent resolutions). It was first referenced in resolution, Human Rights Council, 2019. Elimination of discrimination against women and girls in sport (A/HRC/40/L.10/Rev.1) See also UNFPA, 2021. *My Body is My Own: Claiming the Right to Autonomy and Self-Determination*. State of World Population 2021.
184. WHO. 2013. Improving health and wellbeing of LGBT persons.
185. UNDP. 2015. Leave no one behind: Advancing social, economic, cultural and political inclusion of LGBTI people in Asia and the Pacific – Summary.
186. See 10th and 11th editions of International Statistical Classification of Diseases and Related Disorders respectively. Also note that WHO guidance on transgender healthcare is forthcoming (2022).
187. IE SOGI, 2018. Report on Legal Recognition of Gender Identity and Depathologization. <https://undocs.org/A/73/152>
188. Trithart, A. 2021. "A UN for All? UN Policy and Programming on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics," International Peace Institute.
189. Suriyasarn, Busakorn. 2014. Gender identity and sexual orientation in Thailand / ILO Country Office for Thailand, Cambodia and Lao People's Democratic Republic ; Promoting Rights, Diversity and Equality in the World of Work (PRIDE) Project. Bangkok: ILO.
190. US Department of Health and Human Services, 2019. 'Recognizing the needs of lesbian, bisexual, and transgender women'.
191. Greenberg, K. 2012. Still Hidden in the Closet: Trans Women and Domestic Violence. *Berkeley Journal of Gender, Law and Justice*.
192. Rosenwohl-Mack A., et al. 2020. 'A national study on the physical and mental health of intersex adults in the U.S.' *PLoS ONE* 15(10).
193. UNDP, ICRW and APCOM. 2018. Know Violence: Exploring the links between violence, mental health and HIV risk among men who have sex with men and transwomen in South Asia.
194. See UNAIDS. 2012. *Women Out Loud: How Women Living with HIV Will Help the World End AIDS*; 2013; van Griensven et al. 2013. 'HIV surveillance and prevention in transgender women'. *The Lancet*. vol 13: 185.
195. World Bank, 2020. *Sexual Orientation and Gender Identity in Contexts Affected by Fragility, Conflict, and Violence*.

196. UNDP, ICRW and APCOM. 2018.
197. UNAIDS. August 2020. Press release: Lessons learned from the HIV response – UNAIDS warns of dangers of failing to respect human rights in the response of COVID-19.
198. UNAIDS, 31 July 2020, Evidence Review: Implementation of the 2016-2021 UNAIDS strategy: on the Fast-Track to End AIDS'; Harris et al. 'HIV care cascade: men who have sex with men & transgender women/genderqueer', Zimbabwe. Conference on Retrovirology and Opportunistic Infections (CROI), Boston (MA), 8–11 March 2020. Link.
199. UNDP, 2019. Stories of Stigma: Exploring stigma and discrimination against Thai transgender people while accessing health care and in other settings. Bangkok, UNDP.
200. OHCHR. Background Note on Human Rights Violations against Intersex Persons.
201. Stonewall, 1 April 2022. "Which countries have already banned conversion therapy?"
202. WHO, 2020. 'Q&A on COVID-19, HIV and antiretrovirals'; UN Women, 2020. 'COVID-19: How to include marginalized and vulnerable people in risk communication and community engagement'.
203. These recommendations have been adapted from Asia Pacific Transgender Network and UNDP, 2015. 'Health Policy Project: Blueprint for the Provision of Comprehensive Care for Trans People and Trans Communities'. For a best practice example of State interpretation of responsibilities, see: Australian Human Rights Commission, 2021. 'Ensuring health and bodily integrity: towards a human rights approach for people born with variations in sex characteristics'.
204. Australian Human Rights Commission, 2021.
205. Healthcare, Education, Workplace, Justice, Individual and Communities, Emergency Settings, and end stigma and discrimination for populations largely affected by HIV, including women and girls, key populations, migrants, LGBTIQ+ people and others at risk.
206. See: <https://newsroom.ucla.edu/stories/discrimination-can-be-harmful-to-your-mental-health>
207. Public Health Association Australia. 2017. Policy-at-a-glance – Lesbian, Bisexual and Queer (LBQ) Policy. Available at: <https://www.phaa.net.au/documents/item/2577>
208. Humanitarian Advisory Group, 2018. 'Taking Sexual and Gender Minorities out of the Too-Hard Basket'.
209. UN Women, forthcoming (2022) Position paper and policy brief 'on the migration experiences of people with diverse SOGIESC' are expected to elaborate on the contents provided here.
210. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/37/50), 2018. See para. 32 (stating that LGBTI migrants are "particularly vulnerable to discrimination, violence, sexual abuse and humiliation."). See also IOM, 2021. International migration Law information note: international standards on the protection of people with diverse SOGIESC in the context of migration; IOM 'inclusive facilities guidance for migrants with diverse SOGIESC'; IOM and UNHCR. Training: SOGIESC in forced displacement and migration, modules 10-12.
211. World Bank, 2020. In 2018, the countries hosting the largest numbers of refugees were Turkey, Pakistan, Uganda, Sudan, and Germany. Meanwhile, over 60 per cent of all refugees worldwide came from five countries—Syria, Afghanistan, South Sudan, Myanmar, and Somalia.
212. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (A/74/181) on social, cultural and economic inclusion of LGBT individuals (2019). See also: UNHCR, 2021. Working with LGBTIQ+ people in forced displacement.
213. WRC, 2021. Addressing Sexual Violence against Men, Boys, and LGBTIQ+ Persons in Humanitarian Settings: A Field-Friendly Guidance Note by Sector.
214. Report of the Secretary-General, 2017. 'Violence against women migrant workers' (A/72/215).
215. UN Women, 2021. Submission to IE SOGI report on gender theory. Based on analysis of 22,326 survivor records. See: <https://polarisproject.org/2019-us-national-human-trafficking-hotline-statistics/>; CTDC. n.d. Human Trafficking and Gender: Differences, Similarities and Trends; and IOM's Counter-Trafficking Data Collaborative.
216. This notion refers to how LGBTIQ+ people often formulate family-like networks consisting of people (often also LGBTIQ+ identified) who may fulfill the roles of kinship, support and guidance that one would traditionally expect but cannot always obtain from biological family ties.
217. See A/74/181.
218. OHCHR, 2020. 'COVID-19 and the human rights of LGBTI people'.
219. Report of the Secretary-General, 2019. 'Violence against women migrant workers' (A/74/235).
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263. UN-GLOBE is the UN system-wide inter-agency group advocating for the equality and non-discrimination of LGBTIQ+ personnel in the UN system and its peacekeeping operations. UN-GLOBE. [UN-Globe Recommendations for Inclusive Workplaces for Trans and Gender Non-conforming Staff](#) and [Annex to UN-Globe Recommendations: IOM / UNHCR Glossary of Terms](#).
264. See: UN GLOBE resources as the first port of call for LGBTIQ+ personnel. Its advice can be supplemented with the following resources where appropriate. Enabling Environment Guidelines for the United Nations System and its Supplementary Guidance (2019), in support of the [Secretary-General's System-wide Strategy on Gender Parity](#) (2017), and one pagers with distilled information from an intersectional lens, including one on LGBTIQ+ and another on how to foster inclusivity online. See also 2021, 'Field-specific Enabling Environment Guidelines', and HR SharePoint page on LGBTIQ+ inclusion; UN Systemwide Policy on Gender Considerations in UN Security Management and UN Systemwide Manual on Gender considerations in UN security management.
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266. UNDP uses this term. I.e. UNDP, 2018. 'Sexual and gender minorities and the Sustainable Development Goals'.
267. IE SOGI, 2018. (A/73/152). See also: (A/HRC/21/42).
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270. See UN-GLOBE forthcoming (2022), recommendations on pronouns.
271. The UN has traditionally used people-first language as an institutional standard, thus previously used people with diverse genders/gender identities. While these are still acceptable options, they are increasingly less used. The IE SOGI uses 'trans- and gender-diverse people [or 'persons']'. See most recent [joint statement of human rights experts](#). See also: <https://transjournalists.org/style-guide/> as a useful general resource, albeit from an American context.
272. The 'Montreal Declaration' has also contributed to growing acceptance of SOGI in mainstream IHRL discourse. It is purported to be the first coherent and comprehensive statement of the demands of diverse international LGBTIQ+ communities in the context of the prohibition of discrimination. However, despite its claims of universality and intentions of inclusivity, it largely reflects the demands of a movement that is white, Western, and male. (Kiel C., 2019).
273. Like the right to enter into a marriage or legalized partnership. ILGA World provides comprehensive annual status updates on implementation of its principles and IHRL more broadly. (ILGA World. 2019. State-Sponsored Homophobia 2019: Global Legislation Overview Update'.) See Miller, A. et al. 2016. among others for critiques of the YyP's, especially on gender identity and expression. 'Why the UN needs a broad concept of gender'.
274. The principles have been referenced in UPR proceedings, reports of the UN High Commissioner for Human Rights, reports of special procedures and treaty bodies, judgments of the European Court of Human Rights, judgments and advisory opinions of the Inter-American Court of Human Rights, and case and thematic reports of the Inter-American Commission on Human Rights, as well as countless decisions of domestic tribunals including the Supreme Courts of Botswana, India and Nepal, national laws, such as of Argentina and Belgium, and public policy as is the case with Colombia and Sweden. (IE SOGI report, June 2021).
275. Regional instruments exist to safeguard LGBTIQ+ rights, sometimes filling gaps and other times reinforcing those which exist at the international level. For example, the 2008 Resolution on Human Rights, Sexual Orientation, and Gender Identity. General Assembly of the Organization of American States. AG/RES. 2435 (XXXVIII-O/08), 38th session, 3 June 2008.
276. UN Women, 2018. 'Internal Guidance Note'. Also see examples within.
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278. See CEDAW General recommendations No. 28 on the core obligations of States parties under article 2, 2010, CEDAW/C/GC/28 (para 18); and GR No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, 2014, CEDAW/C/GC/32, para 6. See also GR 27 on older women, and GR 33 on access to justice.
279. CEDAW General recommendation No. 28 (para 5).
280. CESCR General Comment 20: Non-Discrimination (2009), paras 20 and 32. G.v.Australia, at 7.14. The CESCR has in various GCs mentioned sexual orientation as a prohibited grounds of discrimination (including in GC No 14, 15, 18 and 19), as well as in various concluding observations.
281. CRPD General Comment 5: On Living Independently and Being Included in the Community (2017), para 23.
282. Committee on the Rights of the Child, general comment No. 20 (2016), para. 34. See: Report A/76/144, 'Gender dimension of the sexual exploitation of children and the importance of integrating a child-centred and gender-inclusive approach to combating and eradicating it.' Special Rapporteur on the sale and sexual exploitation of children, July 2021.
283. CAT General Comment 3; and GC 2: Implementation of Article 2 by States (2008) paras 21 and 22 respectively.
284. Communication 488/192 *Toonen vs Australia*. (CCPR/C/50/D/488/1992 (1994). The HRC was following the lead of the European Court of Human Rights decision in *Dudgeon v United Kingdom* in 1981.
285. In conversation with OHCHR and UN Women Geneva Liaison Office, August 2020.
286. The South African constitution of 1996 was the first in the world to expressly prohibit discrimination on grounds of sexual orientation.
287. Stern, 2015. 'The UN Security Council's Arria-Formula meeting on vulnerable groups in conflict'.
288. Joint UN Statement on Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People, September 2015.
289. The first (A/HRC/RES/17/19) was adopted in June 2011, expressing grave concern over acts of violence committed against individuals because of their SOGI. This was followed by two subsequent resolutions (A/HRC/27/32 in 2014 and A/HRC/RES/32/2 in 2016). Although approved by a narrow margin, the first resolution was supported by Council members across regions. <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/resolutions-sexual-orientation-gender-identity-and-sex-characteristics>
290. Report 'Discriminatory Law and Practices and Acts of Violence against Individuals Based on Their Sexual Orientation and Gender Identity', December 2011; second report in 2014.
291. OHCHR, Free & Equal Campaign. Factsheet: 'International Human Rights Law and Sexual Orientation & Gender Identity'.
292. 'Elimination of discrimination against women and girls in sport'. (A/HRC/40/L.10/Rev.1 – symbol number to be updated). Adopted without a vote.
293. UN Women, 2018. 'Internal Guidance Note'. P. 23, fn 7.
294. GA resolution in 2003 (A/RES/57/214), and GA resolution in 2012 (A/RES/67/168).
295. It voted in 2016 to maintain language on SOGI in resolution A/C.3/71/L.38 on 'Extrajudicial, summary or arbitrary executions'. It states: "Urge all states to ensure the effective protection of the right to life of all persons, to conduct, when required by obligations under international law, prompt, exhaustive and impartial investigations into all killings, including those targeted at specific groups of persons... because of their sexual orientation or gender identity."
296. UN General Assembly, 2021. 'Strengthening the role of the United Nations in the promotion of democratization and enhancing periodic and genuine elections'. (A/RES/76/176)
297. As background (in conversation with Geneva LO, 2020): While it was a procedural text, no constructive negotiations took place as several States argued the IE had completed his tasks or stated that they do not recognize the Special Procedure mandate holder altogether. Pakistan, on behalf of the OIC, except Albania and Tunisia, introduced several amendments to alter the meaning of the text completely. However, all of these amendments were rejected by vote and the resolution extending the mandate of the IE on SOGI was adopted by vote.
298. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan. July 2021. (A/76/258)
299. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, 2021. 'Strategic priorities of work' (A/HRC/47/28).
300. According to annual survey conducted by the International Lesbian and Gay Association (ILGA), cited in the below.
301. Some observers note that CEDAW has been relatively resistant among the human rights treaty systems to work on sexual and gender diversity among women historically, as aligned with the gender binary that is in its mandate and the resulting sexual and gender normativity. See: Miller, A. 2011. "Fighting Over the Figure of Gender". Pace Law Review. See also: Roseman, M.J. and Miller, A. 2011. "Normalizing Sex and Its Discontents: Establishing Sexual Rights in International Law", Harv. JL & Gender 34: iii.
302. Campbell, Hodson, O'Rourke, Capstick, Baca, Bethel, Duffy, Hansen, Hutchinson, Kimiri, Kirichenko, Nadaraia, Madrigal-Borloz, Moore, Roberts, 2021. 'The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Sexual Orientation and Gender Identity: Workshop Report'. Transitional Justice Institute.
303. UN CEDAW, 2022. Views adopted by the Committee under article 7 (3) of the Optional Protocol, concerning Communication No. 134/2018. (CEDAW/C/81/D/134/2018)
304. This includes the General Recommendations on older women (27) and on state obligations under article 2 (28), both adopted in 2010, and General Recommendation 33 on access to Justice.
305. The General Recommendation states, "Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2"; "The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity." Each status forms a basis for discrimination. "Although the Convention only refers to sex-based discrimination, interpreting article 1 together with articles 2 (f) and 5 (a) indicates that the Convention covers gender-based discrimination against women. The term 'sex' here refers to biological differences between men and women. The term 'gender' refers to socially constructed identities, attributes and roles for women and men and society's social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community"; "Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them."
306. The General Recommendation states, "Discrimination against women is compounded by intersecting factors that affect some women to degrees or in ways that differ from those affecting men or other women. Grounds for intersecting or compounded discrimination may include... identity as a lesbian, bisexual or transgender woman or intersex person. These intersecting factors make it more difficult for women from those groups to gain access to justice".
307. Analysis done by UN Women's Civil Society Division, 2020. More information available on request.
308. The Working Group on discrimination against women and girls, 2020. 'Gender equality and gender backlash'. UN Human Rights Special Procedures, Geneva.
309. See also: Miller, A. et al. 2016. 'Why the UN needs a broad concept of gender'.

310. Otto, D. 1995. Lesbians? Not in my Country. 20(3) *Alternative Law Journal*, 288; Otto, D. 1996. Holding up half the sky, but for whose benefit? A critical analysis of the Fourth World Conference on Women. *Australian Feminist Law Journal* Vol. 6, No. 1, at 19 and 25–26. And for a historical account, see: Sanders, D. forthcoming, 2021. Flying the Rainbow Flag at the United Nations. See also: Saiz, I. "Bracketing Sexuality: Human Rights and Sexual Orientation—A Decade of Denial and Development at the UN," Sexuality Policy Watch, 2005; Françoise Girard, "Negotiating Sexual Rights and Sexual Orientation at the UN," in *SexPolitics: Reports from the Front Lines*.
311. The Working Group on discrimination against women and girls, 2020. 'Gender equality and gender backlash'. UN Human Rights Special Procedures, Geneva. See Miller, A. among others for critiques of the YyPs' definitions and framing of gender identity and expression, i.e. how this conflicts with understandings of gender as a social construct.
312. See: Yogyakarta Principles. 2007. See: Updated Yogyakarta Principles plus 10, which defined two additional concepts (in the Preamble). Gender expression is defined as "each person's presentation of the person's gender through physical appearance – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references," which 'may or may not conform to a person's gender identity.' Sex characteristics are defined as "each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty." The full text of the Yogyakarta Principles and the Yogyakarta Principles plus 10 are available at: www.yogyakartaprinciples.org.
313. Report to the Human Rights Council (A/HRC/35/36).
314. WHO, 2015. 'Sexual health, human rights and the law'.
315. Ibid.
316. UN Special Rapporteur on Privacy, 2020. 'Security and surveillance, health data, and business enterprises use of personal data' (A/HRC/43/52).
317. See more detail in UN Free & Equal, 2022. Campaign on LGBTIQ+ women and girls. OHCHR and UN Women.
318. OHCHR, 2018. Statement for Bi Visibility Day: 'Making the existence of bisexual persons visible is a key building block in the eradication of violence and discrimination against them'.
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320. European Union Agency for Fundamental Rights. 2020. 'A long way to go for LGBTI equality'. FRA: Luxembourg.
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