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# Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians

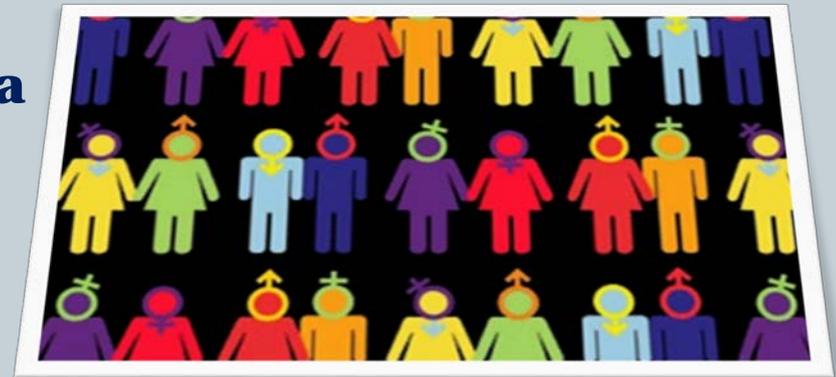
Suki Beavers, UNDP  
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# The Situation of LGBTI People



- Ongoing stigma, discrimination, and violence around the world

- **Homophobia and transphobia**
- **Punitive laws**
- **Ineffective legal protection**

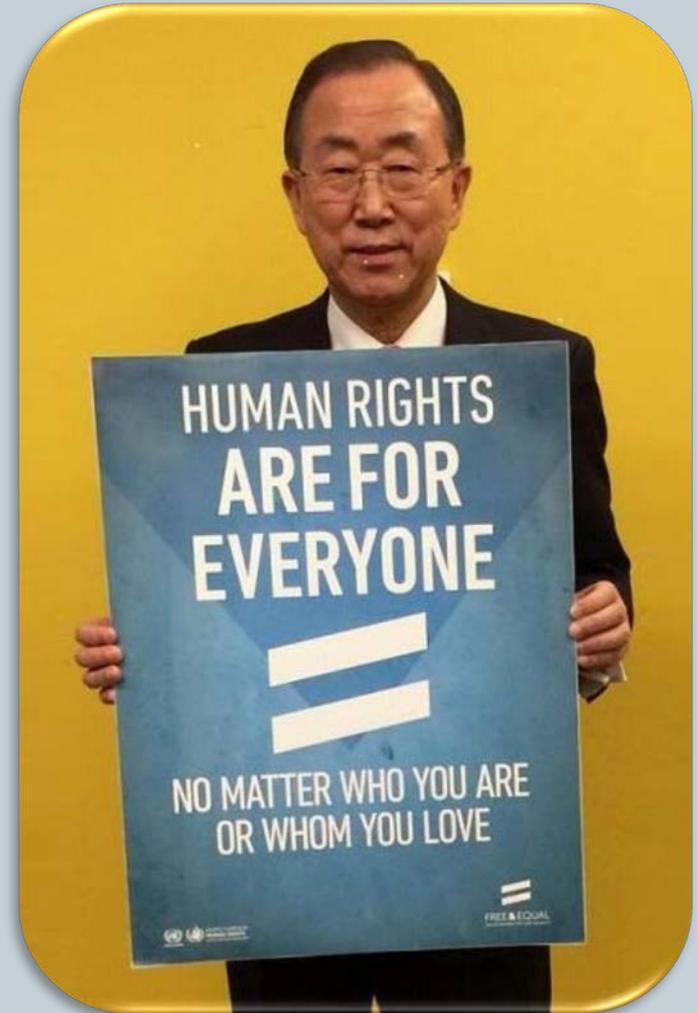


- Parliamentarians have a critical role to play in advancing the rights of LGBTI people

# International Human Rights Framework



- Legal obligations of States  
(or “**Legally binding on States**”)
- Yogyakarta Principles
  - Apply IHR standards to LGBTI-relevant issues
  - Identify States’ duties and obligations to LGBTI people



# Int'l Human Rights Framework (cont'd): Regional Mechanisms

## Africa

- **African Commission on Human and Peoples' Rights**

- ⑩ **Resolution 275**

Explicitly recognizes the human rights of LGBT persons and calls for their protection



## Americas

- **Organization of American States**

- ⑩ **Six resolutions**

- **Inter-American Commission on Human Rights**

- ⑩ **Action Plan** to address discrimination and violence against LGBTI people

- ⑩ **Rapporteurship** on the rights of LGBTI people

## Europe

- **Council of Europe**

- ⑩ **Recommendation CM/Rec (2010)5**

Calls upon Member States to take positive steps to protect the rights of the LGBTI community

- **European Union**

- ⑩ **Prohibits discrimination** on the basis of sexual orientation

- ⑩ **Fundamental Rights Agency** monitors rights of LGBTI people

**Pictured:**

Representatives from the African Commission, IACHR and UN, participating in a joint thematic dialogue on sexual orientation and gender identity

# Sustainable Development Goals (SDGs)



- **Agenda 2030**
  - leaving no one behind
  - Role of parliaments



- **UNDP led LGBTI Inclusion Index**
  - Bridging data gaps
  - 5 priority dimensions
  - Existing and new data

# How To Be Prepared to Act: Practical Tools for MPs



learn how to speak about LGBTI issues, address myths & offer realities about LGBTI people

rapid assessment of your laws & policies relevant to rights of LGBTI people

Sample questions to pose in parliament, to ministers and other decision-makers

# How MPs Can Get Engaged



**As legislators**



**As  
representatives**



**In oversight role**



# Advancing Rights as an MP: **Legal Reform**



## Constitutional protections: *Nepal*

- New constitution includes protective provisions for sexual and gender minorities:
  - Explicit protection from discrimination
- Full recognition as people before the law
  - Freedom to choose gender identity on citizenship document

## Repealing and blocking discriminatory laws: *Mozambique*

- Colonial-era laws criminalized homosexuality
- New Penal Code passed in 2015 **decriminalized** homosexuality
  - Successfully **challenged cultural notions** about homosexuality being “un-African”



# Prioritizing Protections for Intersex People



- Advancing the rights of intersex people requires additional attention and support:
  - only two countries currently provide legislation aimed at protecting their rights:
- **Malta**
  - Gender Identity, Gender Expression and Sex Characteristics Act:
    - ✦ prohibits “normalizing” genital surgeries
    - ✦ introduces a fast gender recognition procedure based on self-determination,
    - ✦ allows postponement of gender markers on birth
    - ✦ various other provisions in the area of health and non-discrimination
- **Chile**
  - Circular Order N18: "On certain aspects of health care of intersex children"
    - ✦ Stops “unnecessary treatments for ‘normalization’ of intersex children ... until they are old enough to decide on their bodies."
  - Proposal for protection against discrimination based on “sex characteristics”
- **Australia**
  - Senate held an inquiry into and issued a joint cross party report on involuntary or coerced sterilisation of intersex people and persons with disabilities

# Prioritizing Protections for Transgender People

- Advancing the rights of transgender people also requires additional attention and support
- Few countries legally recognize the gender identity of transgender people.

## *Viet Nam*

- UNDP facilitated discussions between National Assembly members and LGBTI community representatives on the human impact of legislation which denied rights to transgender people



- **Successful outcome:**  
The Civil Code now protects the right of people who have undergone sex-reassignment surgery to have their gender recognized

# Advancing Rights as an MP: Sectoral Approach

## Policy consultations with the transgender community: Maharashtra State, India

- 2013 **public consultation** brought together thousands of transgender people, the Chief Minister and other government representatives
- Transgender people and sex workers were also included in the **deliberations** and **review** for a proposed Women's Policy.
- **Successful outcomes:**
  - ✦ Welfare Board for the transgender community
  - ✦ Cultural institute (in process) dedicated to transgender community
  - ✦ Maharashtra Woman's Policy has been finalized and approved by the state cabinet



## Civic engagement and political party manifestos: Scotland

- Time for Inclusive Education (TIE) Campaign sought **curriculum change**, to make LGBTI education a statutory right in Scottish schools
- Parliament **rejected** the proposal. With public support, TIE turned to **political parties**
- Leading parties' **manifestos** now include TIE's LGBTI teacher training proposal

# A critical mass of MPs taking concrete steps would drive legal, policy & social norm change



- Use the media
- Develop context specific strategies
- Sustain efforts over time
- Work with & learn from LGBTI organization
- Support broad based civil society coalitions
- Share experiences, lessons learned with other MPs
- Become a champion of rights & inclusion of LGBTU
- Inspire other MPs
- PANCAP, UNDP, PGA & others can help