

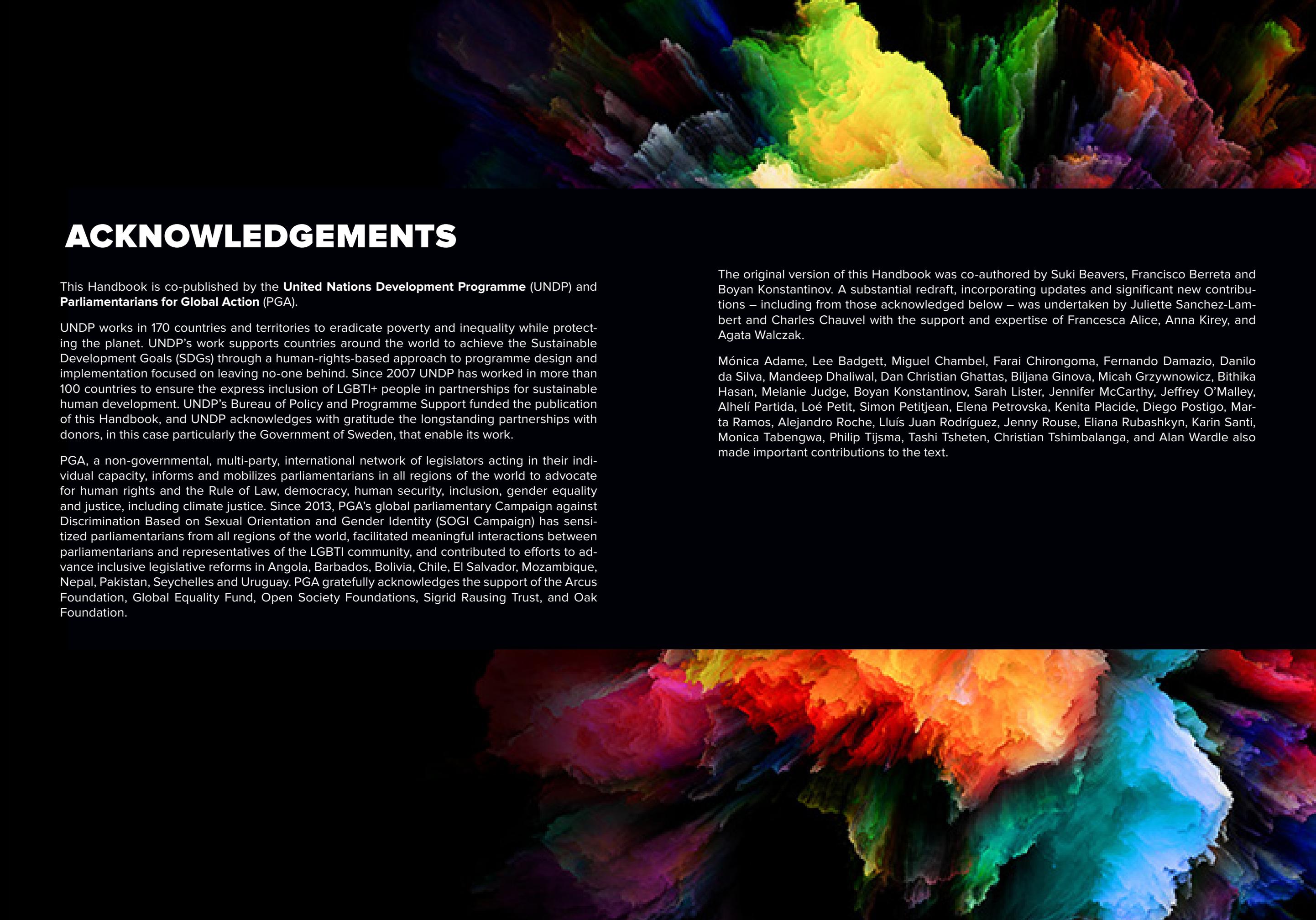


Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي



ADVANCING THE HUMAN RIGHTS AND INCLUSION OF LGBTI PEOPLE

A HANDBOOK FOR PARLIAMENTARIANS



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UNDP works in 170 countries and territories to eradicate poverty and inequality while protecting the planet. UNDP's work supports countries around the world to achieve the Sustainable Development Goals (SDGs) through a human-rights-based approach to programme design and implementation focused on leaving no-one behind. Since 2007 UNDP has worked in more than 100 countries to ensure the express inclusion of LGBTI+ people in partnerships for sustainable human development. UNDP's Bureau of Policy and Programme Support funded the publication of this Handbook, and UNDP acknowledges with gratitude the longstanding partnerships with donors, in this case particularly the Government of Sweden, that enable its work.

PGA, a non-governmental, multi-party, international network of legislators acting in their individual capacity, informs and mobilizes parliamentarians in all regions of the world to advocate for human rights and the Rule of Law, democracy, human security, inclusion, gender equality and justice, including climate justice. Since 2013, PGA's global parliamentary Campaign against Discrimination Based on Sexual Orientation and Gender Identity (SOGI Campaign) has sensitized parliamentarians from all regions of the world, facilitated meaningful interactions between parliamentarians and representatives of the LGBTI community, and contributed to efforts to advance inclusive legislative reforms in Angola, Barbados, Bolivia, Chile, El Salvador, Mozambique, Nepal, Pakistan, Seychelles and Uruguay. PGA gratefully acknowledges the support of the Arcus Foundation, Global Equality Fund, Open Society Foundations, Sigrid Rausing Trust, and Oak Foundation.

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FOREWORD

On behalf of Parliamentarians for Global Action (PGA)

Dear friends and colleagues,

In 2016, when I was a Senator for the Opposition party in Belize, I was invited to participate in a [Seminar on Equality and Non-Discrimination based on Sexual Orientation and Gender Identity](#) (SOGI) in Montevideo, Uruguay, held at the sidelines of the inception meeting of the Equal Rights Coalition (ERC). The Seminar was convened by the Parliament of Uruguay and [Parliamentarians for Global Action \(PGA\)](#), a network of 1,200 legislators in 132 countries around the world that informs and mobilizes parliamentary members to advocate for human rights and the rule of law, human security, peace, inclusion and gender equality.

At the Seminar, I witnessed what, at the time, I thought was almost impossible: lesbian, gay, bisexual, trans and intersex (LGBTI) activists, and parliamentarians, in the same room, exchanging views and experiences, and engaging in open and productive discussions with the aim of solving common challenges. I also experienced the powerful and transformative effects of these interactions: hearing personal stories and experiences is key to helping members of parliament understand the challenges faced by LGBTI people and the urgency to act.

Since the inception in 2013 of our [Global Parliamentary Campaign against Discrimination based on Sexual Orientation and Gender Identity](#) (SOGI Campaign), PGA has positioned itself as the parliamentary partner of LGBTI civil society organizations around the world, facilitating collaboration and encouraging its member parliamentarians to support/champion LGBTI-affirming legislative reforms, including decriminalization of consensual same-sex activity, in Angola, Barbados, Bolivia, Chile, El Salvador, Mozambique, Nepal, Pakistan, Seychelles and Uruguay.

I was eager to join PGA's global network of legislators committed to human rights, which gave me the assurance that I had peers around the world addressing similar issues and there was a network in place ready to support me and other like-minded colleagues.

At the meeting in Montevideo, PGA and UNDP presented the concept for the publication "Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians" and took the opportunity to collect insights and reactions from participating MPs and civil society representatives. (The Handbook, published in 2017, is available in nine languages and has been downloaded 9,000 times in English and 19,000 times in Spanish. Our LGBTI Inclusion site housing the Handbook has attracted 79,000 unique visits accounting for 24 percent of all visits to PGA's website).

Five years after this truly eye-opening experience, I am delighted to co-introduce the Handbook's new, updated edition and to share how it encouraged me to take concrete actions to promote the rights of all individuals, including LGBTI people, in my country and globally.

Through PGA, I have connected with parliamentarians in the Caribbean and all around the world and seized on meaningful and regular interactions with human rights experts and civil society representatives in my country, Belize, and across the region and globally, who have shared their testimonies and stories, inspiring parliamentary action for the protection of human rights. I have shared the Handbook with colleagues to improve understanding of key issues and bridge difficult conversations aimed at finding common ground. I am honoured to be considered an ally of the LGBTI community and a spokesperson for their rights and inclusion. And to think it all started at that first PGA discussion in Montevideo!

Changing laws and changing minds takes time and does not occur in a vacuum. I very much hope this Handbook is helpful in prompting you to take that first step towards fully and effectively guaranteeing rights for LGBTI people.

Hon. Valerie Woods, Speaker of the House of Representatives of the Parliament of Belize and PGA Board Member, Belmopan.

On behalf of the United Nations Development Programme (UNDP)

Leave no one behind.

These four simple words reflect one of the most powerful commitments that countries around the world have ever made. They appear in the 2030 Declaration for Sustainable Development, adopted unanimously by world leaders in September 2015. Above all, these words are a commitment to marginalized and excluded people: that they too will be able to enjoy their full human rights and benefit from common prosperity. They are also a recognition that everyone must be empowered and supported to reach their full potential. Only by leaving no one behind can we all – individuals, families, communities, and countries – thrive.

Who is marginalized and excluded? Who, therefore, must be prioritized in the effort to achieve sustainable human development through a human-rights-based approach? The answer varies from place to place, but two of the most pervasive forms of discrimination and exclusion around the world take place against girls and women, and against LGBTI people. The struggles for gender equality and for the inclusion of LGBTI people are inextricably linked. We all must be included in human development, regardless of our gender, our gender identity or expression, our sexual orientation or our biological sex characteristics.

The evidence collated in this Handbook shows that the conditions for respecting LGBTI human rights and inclusion do not come about by happenstance. They flourish when we have strong parliamentary leaders who are committed to leaving no one they represent behind.

We have not yet achieved equality for LGBTI people in any country, but progress toward this goal has been remarkable in recent decades. **Just imagine if a critical mass of parliamentarians around the globe were to now commit to taking concrete action to advance the human rights and inclusion of LGBTI people. The impact on legal, policy and social norm changes in every corner of the globe would be profound.**

UNDP remains committed to supporting MPs around the world to accelerate this positive momentum.

To leave no one behind.

Haoliang Xu and Ulrika Modéer

Respectively, Assistant Secretaries-General of the United Nations and Directors of the UNDP Bureaux for Policy and Programme Support and External Relations and Advocacy, New York.





INTRODUCTION ... AND A CALL FOR ACTION

Inclusive societies promise more sustainable human development outcomes. This is because every member of such societies understands that they have a contribution to make, their contribution is valued, and no one should be left behind. Inclusiveness is thus a key precondition for building and sustaining peace, harmony and societal cohesion.

Yet LGBTI people in every country and development context have been denied societal inclusion and respect for their human rights. Increasingly, MPs all over the world are taking action to remedy the effects of this denial. But many who have done so face hostile, organised and highly emotional reactions from those who do not support LGBTI inclusion.

The challenges facing LGBTI people around the world – and their allies working to promote respect for their human rights and inclusion – remain formidable. Violence, abuse and stigma in many cases remain institutionalized in the laws and policies of nations. Reprisals against LGBTI people form an early warning of – and a predictable accompaniment to – the rise of authoritarianism.

At the same time, however, the courage and leadership of elected officials has accelerated progress worldwide:

- The parliaments of **Bhutan, Gabon and Angola** all decriminalized same-sex activity in the past two years
- **30 Member States of the UN** now provide for marriage equality. The parliaments of **Australia, Germany, Malta, Finland, Switzerland**, and **Chile** have all passed the necessary legislation over the past 4 years.
- More and more Member States of the UN are legislating to **ban the harmful practice of so-called 'conversion therapy'**, thus protecting children from this insidious form of child abuse.

As Valerie Woods mentions in her foreword on behalf of PGA, this Handbook substantially rewrites and updates a first edition produced by UNDP and PGA in 2017. Contributors include experts on parliamentary procedure, governance, health and inclusion, and of course many parliamentarians themselves. Its content demonstrates the unique power and authority of parliament and parliamentarians – especially when working in close alliance with LGBTI civil society organizations (CSOs) – to promote inclusion and respect for the rights of LGBTI people.

The Handbook sets out practical advice as to how you, as an MP, can:

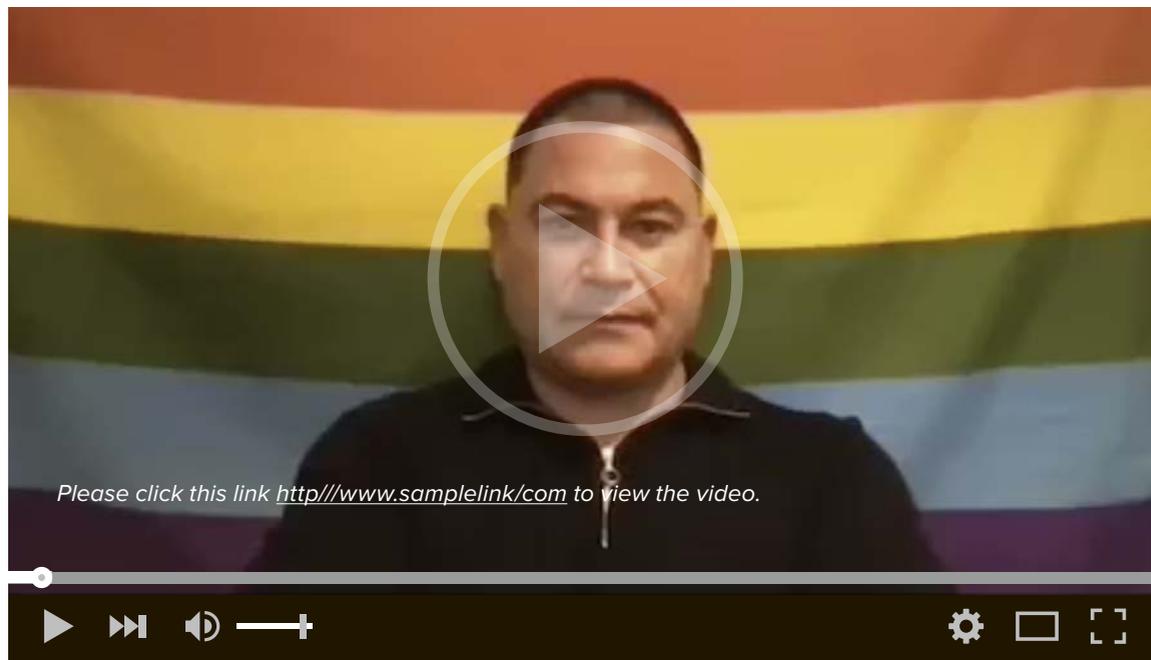
- make use of the global and regional human rights frameworks that oblige your government to ensure the human rights and inclusion of LGBTI people;
- find the entry points that will enable you to act, in whatever your national context, to promote LGBTI rights and inclusion;
- use your multiple roles – legislative, representative and oversight – to protect LGBTI human rights and inclusion and hold your government to account on its obligations to do so;
- work with communities and allies across political divides to frame laws, shape legal and policy frameworks and lead political campaigns for the human rights of your LGBTI constituents;
- apply lessons learned from successful actions taken by your fellow MPs across the globe to help you to step up and speak out effectively in your own country.

Positive and inclusive change takes place every day around the world through effective and inclusive parliamentary action. As an MP, you can make real change to the quality of life, dignity, respect and rights of your LGBTI constituents and compatriots. You can support, form or lead coalitions to effect real change – sometimes quite rapid change – to protect and ensure human rights and inclusion for LGBTI people.



Haloiang Xu and Ulrika Modéer, in their joint foreword on behalf of UNDP, remind you that you are not alone in this work. In this Handbook you will find suggestions, examples and evidence to help you act effectively to promote inclusion in your own country context. UNDP and PGA – and the increasing number of networks of and for MPs around the world that now exist to bring this urgent human rights imperative to fruition – can support you in practical ways. In particular, we can help you engage a former or serving parliamentarian or other context-appropriate expert to facilitate a workshop for your fellow MPs, media and civil society on how to build the alliances and make the arguments required to make positive change happen.

Finally, never forget the unique authority that your position as a parliamentarian confers on you to promote inclusion and respect for the human rights and dignity of LGBTI people. And never forget that help is always at hand for you to help ensure that LGBTI rights are recognized and honoured around the world for what they are: human rights.



Source: Charles Chauvel, *Global Lead Inclusive Processes and Institutions*, UNDP; address to Interparliamentary Plenary Assembly, Copenhagen 2021 Human Rights Forum, August 2021



In many places, LGBTQIA+ people still face stigma, violence and discrimination and are not able to reach their full potential. There is a lot to do in our parliaments, on our streets and in our minds.

However, I want to highlight the hope and all the positive change we have seen so far. This change has been possible because of so many people supporting each other, working together to change laws or raising awareness in our streets. Activists and parliamentarians, academics and allies, each of us can play a role to make this change happen, especially if we join forces.

To those who hold the power to make fundamental change: this is the time to do it. As a former parliamentarian, I would like to call on you, parliamentarians, to use your power to change our society for the better.

We are mostly limited by the borders that other people have put on us, and that we have made our own. To bring those down takes a lot of courage. It all begins with being true to yourself. Be true to yourself and the rest will follow.”

– Petra de Sutter, Federal Deputy Prime Minister of Belgium and former Member of the European Parliament.

HOW TO USE THIS HANDBOOK

Terms, contexts, legal systems, and discourse vary considerably from one place to another but this Handbook is designed to be of practical benefit to MPs and their allies, wherever they are in the world.

Please treat this Handbook as a base resource – adapt it to your own needs and context to build your own toolkit to foster the inclusion and protect the human rights of LGBTI people.

You are not alone. UNDP and PGA – and other organizations working for LGBTI inclusion – can assist you if you need to clarify anything in the Handbook, want to follow up on the guidance it offers or require support to implement what it recommends.

THIS HANDBOOK IS ORGANISED ON A MODULAR BASIS. YOU DO NOT HAVE TO READ IT ALL. USE THE PART OR PARTS THAT ARE MOST RELEVANT TO YOU. THE PARTS ARE AS FOLLOWS:

- Part I:** **Overview** introduces the current situation of LGBTI people around the world and explains why it is important that MPs take urgent action to protect their human rights.
- Part II:** **LGBTI Rights are Human Rights** provides a knowledge base on the global and regional legal and rights frameworks most relevant to LGBTI people, and their key recommendations relevant to LGBTI human rights; it explains how you can work with United Nations treaty bodies and other international and regional instruments and resources to protect and defend LGBTI human rights.
- Part III:** **Effective Action** identifies key entry points, based on global rights frameworks, for action to protect LGBTI human rights, and the most important lessons learned from progressive actions taken by MPs and parliaments around the world, including many examples of successful strategies towards reform.
- Part IV:** **Further Guidance** provides sensitive and practical guidance on speaking about LGBTI people and their rights, including how to adapt to specific local contexts and conditions, along with practical advocacy tools and model questions to ask of government, parliament, other decision-makers and policy makers, for use in your oversight role as an MP.

KEY TERMINOLOGY

LGBTI: This Handbook uses the convenient acronym LGBTI inclusively, i.e. inclusive of all people of diverse sexualities, gender identities and sex characteristics. In doing so, we acknowledge the limitations of the term, especially in covering and honouring the complexity of the populations the term encompasses, and context-specific particularities or languages (see section 1.1, “Who are LGBTI people?”).

MEMBER OF PARLIAMENT (MP): The Handbook is for the use of any person elected to a legislature in any governmental system. Again for convenience, we mainly use the term “Member of Parliament (MP)”. Although we acknowledge that this term is particular to systems of government derived from the Westminster model, it is used in its broadest sense.

ACRONYMS AND ABBREVIATIONS

CSO civil society organization	EU European Union	HIV human immuno-deficiency virus	ILGA International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO International Labour Organization	LGBTI lesbian, gay, bisexual, transgender and intersex	MP member of parliament	MSM men who have sex with men
NGO non-governmental organization	OHCHR Office of the United Nations High Commissioner for Human Rights	PGA Parliamentarians for Global Action	SDGs Sustainable Development Goals
SOGIESC sexual orientation, gender identity, gender expression and sex characteristics	SRHR sexual and reproductive health and rights	UN United Nations	UNDP United Nations Development Programme
UNICEF United Nations Children's Fund	UNESCO United Nations Educational, Scientific and Cultural Organization	UPR Universal Periodic Review	WHO World Health Organization

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