



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



PART IV

FURTHER GUIDANCE

This Part 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.

ADVANCING THE HUMAN RIGHTS AND INCLUSION OF LGBTI PEOPLE

A HANDBOOK FOR PARLIAMENTARIANS

ACKNOWLEDGEMENTS

This Handbook is co-published by the **United Nations Development Programme (UNDP)** and **Parliamentarians for Global Action (PGA)**.

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.

The original version of this Handbook was co-authored by Suki Beavers, Francisco Berreta and Boyan Konstantinov. A substantial redraft, incorporating updates and significant new contributions – including from those acknowledged below – was undertaken by Juliette Sanchez-Lambert and Charles Chauvel and with the support and expertise of Francesca Alice and Anna Kirey.

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Proposed citation:

UNDP November, 2022 / PGA February, (2022). *Advancing the Human Rights and Inclusion of LGBTI People A Handbook for Parliamentarians*

The views expressed in this publication are those of the authors and do not necessarily represent those of the United Nations, including UNDP, or UN Member States; nor those of PGA or its member parliamentarians.

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DEMONSTRATING IGNORANCE OF LGBTI HUMAN RIGHTS, LET ALONE HOMOPHOBIA, TRANSPHOBIA, INTERPHOBIA OR HATE SPEECH – EVEN IN-ADVERTENTLY – IS LIKELY TO ADVERSELY AFFECT YOUR INTERNATIONAL REPUTATION AND TO PRECLUDE OR SUBSTANTIALLY LIMIT YOUR OPPORTUNITIES TO INTERACT WITH REGIONAL OR GLOBAL POLICYMAKERS. ON THE OTHER HAND, TAKING A RIGHTS-DRIVEN, SENSITIVE, AND SENSIBLE APPROACH TO LGBTI ISSUES CAN BOOST YOUR POLITICAL CAREER, DEMONSTRATE YOUR POLITICAL LEADERSHIP, AND ATTRACT INTERNATIONAL RECOGNITION AND SUPPORT FOR YOUR WORK.

8. Speaking about LGBTI human rights and inclusion

It is important to know how to speak about the rights of LGBTI people and the issues affecting them. Using appropriate, respectful and sensitive language is part of being a good and effective MP, when you engage with your constituents and community, or represent your country as a member of parliamentary delegations to regional and international forums.

In some contexts, anti-LGBTI discourse is widespread, and even normal. Knowing how to respond to such discourse, and to myths about LGBTI people, is as important as using appropriate language (see section 8.5).

“Growing up in the Republic of Korea, we didn’t talk about sexual orientation or gender identity. But as Secretary-General of the United Nations, I learned to speak out because this is a matter of life and death. I stand with the gay teen who is bullied ... the transgender woman denied work ... the lesbian subjected to vicious sexual assault.”

— Former UN Secretary-General Ban Ki-moon, remarks at the High Level LGBT Core Group Event, "Leaving No-One Behind: Equality & Inclusion in the Post-2015 Development Agenda," New York, 29 September 2015.

8.1 How to speak effectively about LGBTI issues

- Know the appropriate terminology for the context you are in. The acronym we use here, LGBTI, is far from universal (see section 1.1), so other terms may be preferred. LGBTI people are often talked about in derogatory and discriminating terms, and even the tone used may be hurtful and disempowering. Respect those you are speaking with – use the words they want to be referred to by, and adopt the same respectful tone that you would use with any other constituent group.
- Be ready to use your skills as an advocate to choose the most impactful opportunities to dismantle and respond to anti-LGBTI discourse and myths about LGBTI people (see 8.5).
- Make contact with local and national LGBTI organizations and activists, where they exist, to learn the history of LGBTI issues in the community and country you are speaking or acting in, and the most appropriate terminology to use. Where possible, contact organizations that focus their work on a specific group of LGBTI people (e.g. transgender, lesbians, intersex, etc.); they have the most in-depth knowledge about the situation and needs of that particular group and may share it with you.

- Remember that acronyms and words that designate LGBTI people are more than theoretical concepts but are descriptions of actual people – your fellow human beings. Engage LGBTI people and advocates on how to ensure that the vocabulary and tone you use are as close to their realities as possible.
- Instead of having “experts” or officials always advising you, prioritize empowering LGBTI people to talk about themselves, the hardships they face, the expectations they have of policymakers, and their hopes and dreams for the future. You can help amplify the voices of LGBTI advocates and their families and help ensure that their dignity is respected.
- Be authentic and appeal to universal values. **Remind your audiences that discussions on LGBTI issues concern everyday people (like their neighbour, their child, their sister) who want the same chance as anyone else to pursue health and happiness, earn a living, be safe in their communities, serve their country, and take care of the people they love.** Use the language of commonly shared experiences and values, hopes and beliefs that is appropriate to the context in which you speak: perhaps language around family, love, work, responsibility, commitment, contribution, sacrifice, duty. These are common values shared by all people, regardless of their SOGIESC. Discourse that seeks to exclude LGBTI people from these values is never acceptable.
- Know your audience. Discussing legislative proposals during parliamentary sessions requires particular terminology, while talking to voters and constituents is likely to require a completely different use of language. Focusing on legal concepts and policy distinctions is not the best approach for engaging constituents at a local town hall meeting. Instead, use everyday examples. Emphasize that advancing the rights and inclusion of LGBTI people is about removing unfair barriers that prevent them from getting an education, being able to find decent work where they are not harassed, or keeping them safe from violence so that they can live in dignity and fulfil their obligations to others – their loved ones, families, friends, neighbours, community and country. Note that excluding them diminishes everyone.
- Talk about LGBTI people, their families and allies – taking into account the environment you are in and always considering confidentiality issues. Tell emotionally compelling stories that draw attention to the real lives of LGBTI people: committed couples who have taken care of each other in sickness and in health, LGBTI employees who provide for their families and loved ones, those who are exemplary members of their community, or family members who are supportive of their LGBTI children and relatives.
- Illustrate concrete harms that discriminate against and exclude LGBTI people. Focus on important injustices and, where possible, illustrate them with compelling stories that show how existing laws or practices have unfairly targeted and hurt LGBTI people.
- Don't attach labels to people without their permission. Always try to ask how they define themselves and respect and use their identity and pronouns.⁸⁶
- Form, join or support a parliamentary caucus of supportive MPs on the human rights and inclusion of LGBTI people in your local/country context. Engage the caucus in discussion with relevant stakeholders, such as CSOs, rights groups, activists, academics, subject matter experts, etc.

⁸⁶ Pronouns (see the Glossary) are the way we refer to someone without using their name. In some languages, pronouns are necessarily gendered. In English, for example, common pronouns are “he” or “she”, or the gender-neutral “they”. Rather than assuming what a person's pronouns are, ask them directly so that you can respect their identity.

8.2 How to ensure that your discourse will be appropriate to the context

8.2.1 Sexual orientation and gender identity diversity within local cultures and traditions in Asia and the Pacific⁸⁷

Concepts of sexual orientation and gender identity vary greatly across the Asia and Pacific region. In most cases, these diverse communities, identities and expressions have origins in long-established local cultures and traditions. These communities experience varying degrees of acceptance by contemporary society. Examples of local identities are:

- Cross dressers, intersex and trans women are referred to as *hijras* (India and Bangladesh), *thirunangais* (Tamil Nadu) and *khwaja siras* (Pakistan); they have been part of South Asian cultures for centuries and have recently been recognized by law as a third gender.
- The Bugis people of Sulawesi, Indonesia, recognize five gender categories: male; female; *calalai* (female-born persons who identify as neither woman nor man); *calabai* (male-born persons who identify as neither man nor woman); and *bissu* (shamans who embody female and male elements).
- Pacific island countries also have unique communities, including people assigned a male sex at birth who identify either as having a gender identity or expression that is female or who exhibit both feminine and masculine traits. These include the *fa'afafine* in Samoa, *fakaleiti/leiti* in Tonga, *akava'ine* in Cook Islands, *vakasalewalewa* in Fiji, *pinapinaaine* in Tuvalu and *mahu*⁸⁸ in French Polynesia. Males who identify with these groups often assume female roles in the family and are usually broadly accepted as part of society, although some may experience stigma.
- Pacific activists have developed their own terminology to describe their movements. Instead of the LGBT+ label, activists refer to the rights of Pacific Islanders of Diverse Sexual Orientation and Gender Identity and Sex Characteristics (PIDSOGIESC+). Pacific NGOs use this term to recognize the range of cultures and communities within the region, including many traditional third gender communities and those who may not identify as LGBT+.⁸⁹
- Indigenous populations in Australia and New Zealand also have culturally specific gender identities, including *whakawahine* in New Zealand, “sistagirls” and “brother boys” in Australia and *yimpininni* in Tiwi Islands (Australia).

There are hundreds of local terms used to describe sexual orientation and gender identity sub-cultures in societies across the region. Terms typically have meanings that combine aspects of both sexual orientation and gender identity or gender expression. Sometimes these terms are considered derogatory, depending on the context, and are used to varying degrees within communities.

⁸⁷ Contributed by the UNDP programme “Being LGBTI in Asia”.

⁸⁸ *Mahu* has also been used traditionally to identify intersex people, in particular in Hawaii, as testified by the birth of a Hawaiian King who was born intersex, according to 18th-century historian Davida Malo: *Hawaiian Antiquities: Moololo Hawaii* (Hawaiian Gazette, 1903), p. 333.

⁸⁹ Charmaine Rodrigues, *A Fairer Future: Law Reform and Advocacy Opportunities for Women's and PIDSOGIESC+ Rights in the Commonwealth Pacific* (Royal Commonwealth Society, 2019).

Alongside local identities, there are communities, concentrated mainly in urban areas, whose identities correspond more closely with Western subcultures of lesbians, gay men, bisexual and transgender people.

Make it a priority to engage with local LGBTI people, communities and rights organizations. You will learn much about the local context and conditions in which they live, and will have more effective conversations while you are in their country and on your return to parliament.

8.3 Conversations about LGBTI inclusion and faith

You might be reluctant to defend and promote the rights and inclusion of LGBTI people, or even engage in public conversations about this topic, because you know you will face criticism from constituents, political opponents and others. Such criticism is often inspired or framed by the arguments of fundamentalist groups who consider themselves arbiters of social morality and family values.

You can respond effectively to those opposed to equal rights for all by using the language and values of faith, family, community and culture to promote inclusion, dignity and equality. The following examples of positive arguments and messages have been assembled by organizations whose work focuses on religion, faith, sexuality and gender identity.⁹⁰

“Our ancestors had an ability to reconcile the demands of the faith and the demands of the flesh and we need to recapture that spirit and reinterpret it for our age.”

— Shereen El Feki, “Sex and the Citadel”, lecture delivered at the Centre for International Governance and Engagement (CIGI), 29 March 2013.

8.3.1 Universal arguments and messages that have been used successfully to promote LGBTI inclusion

- **Religion’s sacred texts affirm the intrinsic value of all of creation.** All religious traditions oppose the marginalization of any human being. Any violation of human rights or act of exclusion, discrimination or harm against any person or group violates this fundamental belief.

⁹⁰ This section draws primarily on a contribution from the Global Interfaith Network: For People of all Sexes, Sexual Orientations, Gender Identities and Expressions (GIN-SSOGIE) with supporting information from various sources, as referenced in the text.

- **The family has always been defined widely, both historically and in sacred texts.** The definition of the “natural family” contradicts the actual diversity of family life. In Africa, family is a more inclusive term, best understood through the concept of *ubuntu*, a fundamental ethic of African traditional society, that holds that you can only be whole if you embrace the humanity of others. Archbishop Desmond Tutu preached that *ubuntu* includes everyone, regardless of race, social status, or sexual orientation and gender identity: it “speaks of the very essence of being human ... It is to say, ‘my humanity is caught up, is inextricably bound up, in yours’”.⁹¹
- **The diverse models of family** into which people are born, married (formally or informally), partnered, adopted or invited **are all real and legitimate.** Family has always evolved and today manifests itself in many forms, including the nuclear family, wider family (incorporating close relatives), cross-generational (grandparents–grandchildren) family, single parent (mother/father/caregiver) family, LGBTI or Rainbow family (including same-sex parents), child-headed family and childless family.
- **“Do no harm”** is a core life-affirming principle. The fundamental ethos of all religions promotes love, understanding and compassion as contributing to the welfare of humanity.
- **Freedom of religion is the freedom to have and practise a religion, as well as the freedom not to.** No member of society, religious or otherwise, is entitled to harm others on the basis of their own beliefs, including by enacting laws and policies that discriminate against people they might not personally like or support.
- **Religious freedom/freedom of consciousness is a fundamental human right that applies to all people, including LGBTI people.**
- **People interpret sacred texts differently.** Opponents of LGBTI issues may use a sacred text as the basis for espousing and defending their position and influencing others. Anti-LGBTI preaching typically relies on patriarchal and homophobic interpretations of scripture to forbid non-heterosexual relations or non-normative gender distinctions. This form of preaching is difficult to counter as a challenger will be condemned for, in effect, challenging the Almighty. Considering the literary and social context within which a text was written can help you open discussion on its historicity and relevance in contemporary society, given our current understanding of LGBTI issues.⁹²
- **No sacred text condemns loving, committed, respectful sexual relationships between adults in a faithful marriage relationship** – whether homosexual or heterosexual.

8.3.2 Arguments and messages that have been used successfully to promote LGBTI inclusion in some African contexts⁹³

- **Sexual and gender diversity has always been present in African cultures.** This has been demonstrated by many scholars and writers. Indeed, in African traditions, which are diverse and evolving, sex characteristics, sexual orientation and gender identity were never reasons for exclusion from family and community life

⁹¹ See [Desmond Tutu Peace Foundation, Mission and Philosophy](#).

⁹² Inclusive and Affirming Ministries (IAM), [Best Practices in Training Clergy & Other Religious Leaders](#) (Cape Town).

⁹³ Drawn substantively from [Silent No Longer: Narratives of Engagement Between LGBTI Groups and Churches in Southern Africa](#) (Johannesburg, The Other Foundation, 2017).

- **Anti-LGBTI rhetoric is based on false argument, fearmongering and divisiveness.** Anti-LGBTI rhetoric often uses the lens of “us versus them”; it presents Africa as a bastion of religious faith in a secularizing world and declares that homosexuality has been “imported” as part of a larger plot by the West to secularize Africa. It denies the fact that sexual and gender diversity have always been present in African cultures.
- **African culture should not be romanticized as communal, homogeneous and unchanging.** Those who romanticize Africa in this way cast LGBTI people as individualistic, taking on western ideals and undermining so-called “African culture”. In fact, sexual and gender diversity has always existed and African traditions are diverse and evolving.
- **Sex and sexuality cannot be equated with criminality.** The narrative of “homosexuality as sin” was introduced in the colonial era and is regulated by Penal Codes that still exist today, denying LGBTI people full realization of their rights.⁹⁴
- **Recent forms of homophobia in Africa are driven by imported ideologies.** Homophobia has been rising in the past decade, driven by conservative American evangelical movements that have recruited prominent African religious leaders to their global campaign to restrict the bodily autonomy of women and LGBTI people.⁹⁵

8.3.3 Arguments and messages that have been used successfully to promote LGBTI inclusion in some Asian contexts

- **The acceptance of diverse sexual orientations, gender identities and expressions is present in traditional values around the world, including in Asia, and has been the case for hundreds of years.** Same-sex relations and gender fluidity feature prominently in ancient Indian texts and sculptures. For example, the Narada-smriti (a Hindu text) acknowledges the existence of homosexual people and suggests they should not be forced into heterosexual marriage.
- **In Hinduism, gods and sacred deities commonly bend gender norms and manifest multiple combinations of sex throughout sacred texts.** There are Hindu deities that are male, female or third sex, and deities that manifest all three.
- **Diversity of family and community models is central to Asian traditions.** Many regions of Asia have inclusive, family-centric cultures, including non-binary genders. Asian families are anchored in love and respect for all individuals within the family unit. This diversity and inclusivity must be reflected within the human rights system.

⁹⁴ Melanie Judge, *Keeping the Faith: Working at the Crossroads of Religion and Sexual & Gender Rights. A Discussion Paper on Critical Issues, Actors, Initiatives and Opportunities* (Cape Town, Heinrich Böll Stiftung, 2019).

⁹⁵ Political Research Associates, *Globalizing the Culture Wars: U.S. Conservatives, African Churches, and Homophobia*, 1 December 2009.

8.3.4 Arguments and messages that have been used successfully to promote LGBTI inclusion in a Latin American and Caribbean context

- **The concept of family has been a political weapon of exclusion and marginalization for diverse families in the region.** The modern Western, heterosexual, monogamous, bourgeois, nuclear family model has been exported to other regions around the world, mainly through religion, and imposed as the norm. The exclusive use of this model of the family has frequently been used as a political weapon by local actors, enforced through violence.
- **A democratic, secular State values diverse religious practices as part of the country's culture.** In Latin America and the Caribbean, history has given rise to various modes of cultural and religious human expression. Those who oppose the rights of LGBTI people have used decontextualized interpretations of religious texts and traditions as the basis of their arguments. This is counter to human rights and the principle of secular democracy.

8.4 Economic arguments for LGBTI inclusion

Economic arguments present important and increasingly evidence-based entry points for MPs to push for inclusion, support progressive legislation, and complement rights-based arguments. Cost-based arguments for the health and well-being of LGBTI people can support the general case for action to tackle health inequality, especially when addressing skeptical audiences such as finance ministers and other public policymakers outside the health sector for whom health inequality is not the primary concern.

Businesses can be powerful allies in promoting human rights and LGBTI inclusion. Using your position of influence as an MP, you can help spread awareness of, and push for, inclusive business practices.



“If we are to achieve faster global progress towards equality for lesbian, gay, bi, trans, and intersex people, businesses will not only have to meet their human rights responsibilities, they must become active agents of change.”

– Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights

A growing body of research shows the positive impact that LGBTI inclusion has on a country's economic development. International organizations such as the World Bank, OECD and OHCHR have conducted in-depth research on the topic in recent years.

The key arguments supported by research are as follows:

ARGUMENT	BACKGROUND
General	
Human rights violations, discrimination and violence towards LGBTI people have an impact on a country's economy at the micro level.	The costs to the economy include lost labour time, lost productivity, underinvestment in human capital, and the inefficient allocation of human resources through discrimination in education and hiring practices.
Human rights violations, discrimination and violence towards LGBTI people have an impact on a country's economy at the macro level.	The decreased investment in human capital and suboptimal use of human resources act as a drag on economic output at the broader economy level.
Education	
Under-performance and drop-outs significantly reduce LGBTI adults' later access to work opportunities that fit their capacity and potential and might, in some cases, drive them to the informal workforce.	More often than not, schools are not safe environments for LGBTI children and children in diverse families. Bullying is prevalent and schools are often ill-equipped or, in hostile environments, unwilling to address the problem. The lack of safe and inclusive school environments leads to underperformance and dropping out.
The physical and mental health consequences of exclusion and bullying bear their own economic costs (see economic argument for health).	<ul style="list-style-type: none"> • For intersex children, many complex issues put their education at risk, including multiple treatments throughout childhood, stigma, discrimination and fear. • For transgender and gender-non-conforming children, the lack of supportive school environments (allowing children to wear certain clothes or be called by their chosen name and pronouns) also leads to underperformance, dropping out and exclusion when they refuse to conform to gender norms. • In some contexts, enrolment is refused to children from Rainbow families

ARGUMENT	BACKGROUND
Work	
LGBTI people may be refused employment or fired when discovered to be LGBTI. Such discrimination causes them to be unemployed or underemployed, which means their full productive capacity is not being used.	<p>LGBTI people face forms of violence, exclusion, discrimination and harassment in society in general, and, in particular, throughout the employment cycle: from education to access to employment, conditions of work and security of employment.</p> <p>Research undertaken by the ILO in Argentina, Costa Rica, France, Hungary, India, Indonesia, Montenegro, South Africa and Thailand points to the prevalence of discrimination against LGBTI people in the workplace on the basis of their sexual orientation and/or gender identity, both in relation to hiring practices and throughout the employment cycle.</p> <p>In extreme cases, this may "result in LGBTI workers being bullied, mobbed, and sexually or physically assaulted".</p> <p>Lesbian, gay and bisexual people reported facing stereotyping and invasive questioning in the workplace regarding their sexuality, as well as pressure to conform to stereotypes of masculine or feminine dress and mannerisms. Transgender people reported high rates of exclusion from formal employment, discrimination and harassment in the workplace, and discouragement from using bathrooms appropriate to their gender. This is exacerbated for transgender people whose documentation does not match their identity. Discrimination and exclusion from the formal economy leaves many with no option but to work in the informal economy and unregulated sectors, which increases the risk of exploitation and abuse.</p>
Workplace bullying and violence are detrimental on the mental health and well-being of LGBTI people, and impact on their performance and career development prospects, creating conditions for absences from work and even high turnover rates.	

ARGUMENT	BACKGROUND
Health	
<p>Countries have an interest in protecting and guaranteeing the human rights of LGBTI people to reduce not only health inequalities but also the costs these engender.</p>	<p>A significant consequence of discrimination, social exclusion and stigmatization faced by LGBTI people is health inequality. There is substantial evidence that the social determinants of health, the non-medical factors that influence health outcomes (WHO), such as discrimination and social exclusion, together with the lack of knowledge, sensitivity or outright hostility towards LGBTI people in the health sector, contribute to and reinforce LGBTI health inequalities.</p>
<p>LGBTI health inequalities are costly in human terms, e.g. in premature death and reduced life expectancy (burden-of-disease approach).</p>	
<p>LGBTI health inequalities are costly in monetary terms. Individual life and health have an intrinsic monetary value, and have monetary effects on economic production and government budgets (such as health budgets) (cost-of-illness approach).</p>	<p>Poor health outcomes start from an early age: school bullying with physical or psychological violence targets children who are, or are perceived to be, LGBTI and children in diverse families. For intersex people, poor health outcomes start from birth. Unconsented, non-emergency and irreversible surgeries and other medical interventions throughout childhood are a form of violence that undermines children's rights to bodily integrity and puts their lives at risk, as does the absence of supportive care for transgender children. Consequently, poor mental health, suicidal ideation and suicide attempts are high among LGBTI children and children in diverse families, which they carry into adulthood.</p> <p>Men who have sex with men (MSM) and trans women form part of the broad key populations grouping in HIV responses, i.e. groups of people who are at higher risk of HIV infection, and whose engagement is critical to a successful HIV response. Although they are a small proportion of the general population, key populations and their sexual partners accounted for over 60 percent of new adult HIV infections globally in 2019.</p>

ARGUMENT	BACKGROUND
Business	
	<p>Violence and discrimination against LGBTI people cannot be ended by governments alone. Businesses can foster diversity and promote a culture of respect and equality, in both the workplace and the communities where they and their business partners operate.</p>
	<p>Actively tackling discrimination and promoting diversity and inclusion also brings economic benefits, helping tap new talent, improving decisions and building loyalty with customers and investors alike.</p>

8.5 How to respond to myths about LGBTI people

Public opinions and comments made about LGBTI people often denigrate them, even if inadvertently, and undermine their rights. Many such comments are based on common myths. You can respond to these comments and shatter the myths from a human rights standpoint.

Think about how many of the statements you read and hear about LGBTI people deny reality – in fact, much of what is written and said is nothing but myth. You can frame appropriate, human-rights-based responses to such statements. Pay attention to how your colleagues in parliament talk about LGBTI people and how LGBTI people are portrayed in the media, and respond accordingly. Where there are local LGBTI CSOs, consult them for guidance.

MYTH	REALITY
Homosexuality is a “Western phenomenon.”	<p>This is false. LGBTI people exist everywhere – in all countries, among all ethnic groups, at all socioeconomic levels and in all communities across the world, and have done for a very long time.</p> <p>What is true is that many of the laws that continue to criminalize and punish LGBTI people in many countries are Western in origin and a legacy of colonialism. This remains the case, even though most of those same former colonial powers no longer have these same discriminatory laws in place in their own countries, having replaced them with legislation that promotes equality.</p>
Being LGBTI is incompatible with religion and faith (or a specific religion); it goes against God.	This is false. See section 8.3, “Conversations about LGBTI issues and faith”, which elaborates on the many arguments that can be used to counter this myth.
Depriving LGBTI people of their human rights can be justified on grounds of religion, culture or tradition.	<p>Discrimination on the basis of SOGIESC can never be justified on any basis. Human rights are universal: every human being is entitled to the same rights, no matter who they are or where they live. History, culture and religion are all very important, but all States, regardless of their political, economic and cultural systems, have a legal duty to promote and protect the human rights of all. This includes LGBTI people.</p> <p>Religious freedom gives us the right to hold our own beliefs (or not to), but it does not give us the right to impose our views on others, including by discriminating against or otherwise harming them.</p>

MYTH	REALITY
LGBTI people are “not normal”; they are a creation of the modern age; being LGBTI is a “trend”.	SOGIESC are not “current trends”. Almost every country has a recorded history of people whose identities, diverse bodily manifestations and behaviours bear close resemblance to what we call today heterosexuality, bisexuality, homosexuality, intersex and transgender identities. Equally, people with variations of sex characteristics display natural and diverse bodily manifestations that have always existed within the human species.
LGBTI people are requesting “special rights” (some say, at the expense of everyone else’s rights).	<p>This is not true. There are no special rights being claimed by or for LGBTI people. They are entitled to enjoy the same human rights and fundamental freedoms to which every human being is entitled. Regrettably, these rights and freedoms are denied to millions of people around the world just because of their SOGIESC. This is why there is a need for a specific focus on ending discrimination on the basis of SOGIESC and ensuring the inclusion of all LGBTI people.</p> <p>LGBTI inclusion is about ensuring equal access to human rights for everyone, not favouring one group over another.</p>
Being LGBTI is a private matter. There would be no need to enact laws for LGBTI people if they kept their identity and practices to themselves	Every human being has sex characteristics, a gender identity and a sexual orientation. Only LGBTI people are discriminated against and persecuted for theirs, blamed for the violence they suffer and asked to hide. Cisgender, endosex (non-intersex) and heterosexual people can socialize freely without needing to hide who they are. LGBTI people have the right to do the same.
Criminalizing homosexuality is a good idea.	Criminalizing private sexual relationships between consenting adults, whether the relationships are homosexual or heterosexual, is a violation of the right to privacy, dignity and bodily autonomy, is discriminatory in nature and violates international human rights law. When enforced, these laws violate rights to freedom from arbitrary arrest and detention. Criminalization serves to legitimize hostile attitudes towards LGBTI people, feeding violence, discrimination, extortion and blackmail. Enforcing these laws costs a lot of money and brings no social value.

MYTH	REALITY
By repealing laws that criminalize consensual same-sex activity we are “promoting homosexuality.”	<p>Promoting the equal rights of lesbian, gay and bisexual people is not “promoting homosexuality” – it is highlighting that the same fundamental human rights apply to everyone. These are core values that all UN Member States are obligated to uphold.</p> <p>Furthermore, removing a criminal sanction does not signal official approval; it merely ensures that people are not put at legal risk for loving who they choose to.</p>
If we decriminalize same-sex activity, it will inevitably lead to public displays of affection that are culturally unacceptable, and require same-sex marriage.	Decriminalization generally only protects the right to consensual sexual activity in private. Cultural mores evolve, even if gradually and even within a traditional framework. Some countries that have decriminalized have found that this has helped move public opinion sufficiently that what is culturally acceptable changes over time. Eventually other legislation – such as for marriage equality – may become less controversial over time. However, that progression is a separate and deliberate legislative choice requiring specific further action by parliament.
MPs should follow public opinion when there is overwhelming public support for punitive laws against LGBTI people.	<p>MPs’ primary responsibility is to advance the human rights and inclusion of all people, no matter how unpopular that might be in relation to LGBTI people.</p> <p>Negative public attitudes can never justify human rights violations, including punitive laws, police harassment and brutality against LGBTI people, any more than they can justify sexist, racist, ableist, xenophobic, sectarian and other discriminatory acts or policies.</p> <p>When there are discriminatory attitudes against certain groups, it is the responsibility of MPs and others to work to overcome such attitudes through public education, awareness-raising and other measures.</p>

MYTH	REALITY
There is nothing in international human rights instruments about LGBTI people, so they do not apply.	<p>This is false. Quite the contrary, international human rights law applies to every person. International human rights law establishes legal obligations on States to make sure that everyone, without distinction, can enjoy their human rights. A person’s SOGIESC are a status, like race, sex, skin colour and religion.</p> <p>Many human rights treaty bodies, human rights mechanisms, special procedures, recommendations of the UN Human Rights Council, UN resolutions and reports have repeatedly confirmed that LGBTI people are entitled to all the same human rights as heterosexual, cisgender and endosex people and that discrimination on the basis of SOGIESC violates human rights law.</p>
When our national legislation does not conform with human rights norms and standards, there is not much we can do about it.	<p>Sometimes provisions of national laws and policies may conflict with fundamental rights enshrined in international law – whether it is in relation to the human rights of LGBTI persons or other groups or to specific human rights standards.</p> <p>All States have a duty to review and reform national legislation and policies in line with international human rights standards, including in relation to human rights treaty obligations. Parliament is responsible for lawmaking; therefore, it must ensure that national legislation conforms and harmonizes with international human rights obligations.</p>
There are more serious problems for MPs to focus on than LGBTI human rights – like education, health and security.	<p>This is a common tactic used to deflect attention away from and minimize or ignore State responsibilities to respect, protect and fulfil the rights of LGBTI people.</p> <p>The human rights of LGBTI people, like all people, require serious and dedicated attention. LGBTI people are often more likely than others to be denied equal access to education, health, employment and security. Protecting, respecting and fulfilling the rights of LGBTI people in no way prevents, obstructs or delays the resolution of any other matters.</p>

MYTH	REALITY
<p>Homosexuality and being transgender are mental illnesses or disorders that can be cured.</p>	<p>Neither homosexuality nor being transgender is a disorder or a disease (as affirmed by WHO). Everyone has a gender identity, including transgender people; the only difference is that theirs differs from the one assigned to them at birth. Homosexuality is a natural and non-pathological variation of human sexuality.</p> <p>WHO has also made clear that sexual orientation and gender identity cannot be changed. Attempts to forcibly change the sexual orientation of lesbian, gay and bisexual persons, or the gender identity of transgender people, such as “conversion therapies”, are ineffective and harmful, and constitute torture and inhumane treatment.</p> <p>In fact, LGBTI people are at an increased risk of mental ill health related to discrimination and violence. LGBTIphobia and discrimination are major barriers to access to health care and can result in increased risk of health concerns unrelated to sex, gender or sexuality.</p>
<p>Intersex is a medical condition that can be cured.</p>	<p>The WHO International Classification of Diseases 11 (ICD-11) includes disorders in sex development, a controversial term that implies that intersex people are unnatural bodies that need to be fixed.</p> <p>However, being intersex is not a health issue in itself. There are only a few cases where a surgical intervention must be carried out for vital reasons. Yet many intersex infants and children are subjected to unnecessary, unconsented, non-vital surgical and medical procedures that solely intend to make their body’s appearance conform to a binary vision of sex.</p> <p>In fact, “these often-irreversible procedures can cause permanent infertility, pain, incontinence, loss of sexual sensation, and lifelong mental suffering, including depression. Regularly performed without the full, free and informed consent of the person concerned, who is frequently too young to be part of the decision-making, these procedures may violate their rights to physical integrity, to be free from torture and ill-treatment, and to live free from harmful practices”.</p>

MYTH	REALITY
<p>Intersex people are rare and therefore policy or legislative interventions are not needed.</p>	<p>There are no commonly agreed statistics on the intersex population, but experts estimate that up to 1.7 percent of the population is born with intersex traits.</p> <p>The presumed small number of intersex people cannot justify States’ inaction on the violence and discrimination they face. Everyone should live safely, free from harm, ill-treatment, torture and discrimination – intersex people too.</p>
<p>If we allow legal gender recognition based on self-determination (without treatment or surgery requirements), anyone will want to change their identity papers.</p>	<p>When transgender people transition (to live in the gender they identify with), they go through multiple steps. These may include coming out to family, friends, coworkers and employers, and dressing and expressing themselves according to their gender, which exposes them to violence and discrimination.</p> <p>Legal gender recognition based on self-identification protects transgender people against violations of their dignity and supports them in this process.</p> <p>Legal gender recognition based on self-identification also protects those intersex people who do not identify with the gender assigned to them at birth, and who may already struggle with the trauma of unconsented surgical and other medical interventions, from further violation of their dignity and enables self-determination.</p>
<p>If we add gender identity as a protected ground against discrimination, sex will no longer be equally protected.</p>	<p>It is important to firmly include gender identity as a ground for protection in legislation. A person can be discriminated against because of their registered sex; they might also be discriminated against because of their gender identity, especially when this is not aligned with their registered sex (as is frequently the case). Thus, transgender people are discriminated against because they are transgender. Adding the ground of gender identity to non-discrimination legislation provides specific protection to transgender people, who are still today one of the groups most discriminated against in our societies in all aspects of everyday life.</p>

MYTH	REALITY
All LGBTI people have HIV/AIDS.	<p>This is untrue. HIV can affect all people, regardless of sexual orientation and gender identity, including heterosexual men and women. Anyone who has unprotected sex, shares injecting equipment or has a transfusion with contaminated blood is at risk. Infants can be infected with HIV from their mothers during pregnancy, during labour or after delivery through breastfeeding.</p> <p>What <i>is</i> true, is that barriers to the enjoyment of human rights, specifically the stigma, discrimination, violence and social exclusion that LGBTI people often experience, can impact the extent to which they can access services and information for HIV prevention and treatment, which leaves them more vulnerable and at higher risk of exposure to HIV. This experience of vulnerability and marginalization must be addressed as key barriers to human rights that prevent LGBTI peoples' access to services.</p>
Being around LGBTI people or having access to information on homosexuality endangers the well-being of children.	This is a myth. Learning about or spending time with people who are LGBTI does not influence the sexual orientation or gender identity of minors, nor does it harm their well-being.
Giving visibility to SOGIESC issues in education and/or sex education is encouraging children and adolescents to become LGBTI.	<p>Inclusive education does not push children to be LGBTI, but, rather, gives them the tools to understand how diverse gender, sexuality and human bodies are, realize who they are and who they are not, and reduces the exposure to school bullying and violence at large by fostering a safe and supportive environment without shame.</p> <p>UNESCO has advocated for comprehensive sexual education (CSE) for more than 10 years. "A significant body of evidence shows that CSE enables children and young people to develop accurate and age-appropriate knowledge, attitudes and skills; positive values, including respect for human rights, gender equality and diversity, and attitudes and skills that contribute to safe, healthy, positive relationships."</p>

MYTH	REALITY
A family is made of a husband, a wife and children. Other forms of families are unnatural and put children at risk.	<p>There is a wealth of sociological and psychological research that shows that children raised in Rainbow families are not worse off than other children.</p> <p>Diverse families (e.g. beyond the heteronormative model of husband, wife and children) have always existed and continue to exist in many societies: children are raised by family members other than their parents – by broader communities, single parents, their siblings, etc. – these are everything but “unnatural”. Policies and laws should centre around the principle of the best interest of the child (Convention on the Rights of the Child) and the capacity of carers to raise healthy and happy children.</p>
Gay, lesbian, bisexual, transgender and intersex people are paedophiles or “dangerous to children”.	<p>There is no link whatsoever between being LGBTI and child abuse. Evidence shows that LGBTI people all over the world, just like heterosexual, cisgender and endosex people, are good parents, teachers and role models for young people.</p> <p>Portraying LGBTI people as paedophiles or dangerous to children is wrong and offensive. It is a distraction from the need for serious and appropriate measures to protect all children, including those coming to terms with their sexual orientation and gender identity. All forms of sexual abuse, including against children, should be prevented and punished wherever they occur and whoever is involved.</p>
“Gender ideology” is what makes people transgender.	<p>Gender ideology is a concept used by conservative movements to halt progress that has and is being made towards equality.</p> <p>“Speaking about sex as the only ‘objective reality’ is a way of saying that biology is what makes someone a woman or a man – otherwise known as ‘biological determinism’. Biological determinism has been historically used to suppress women. For example, it has been used to assert that ‘women's place is in the home’ because of the biological fact that they are bearing children, or that violence towards women is inherent to a biological difference between men and women, and not a result of gendered power relations and the social construction of gender.”</p>

9. Holding decision makers to account: Ask the right questions

A key part of your oversight function is posing oral and written questions to ministers and other decision makers. **You can pose probing questions to illuminate their responsibility to ensure that laws are actually implemented and necessary actions are taken by responsible bodies.**

Use or adapt the following questions as appropriate in your own context. You might pose them as part of an ongoing legislative procedure or simply to spur a debate in parliament.



Photo: UNDP

9.1 Ask the government

- Does the Executive have a specific policy to address equality and non-discrimination based on sexual orientation, gender identity and gender expression? Is there an accountability framework and policy? If yes, are there reports on implementation? Do other ministries cooperate on LGBTI issues?
- Are there official statistics documenting acts of violence and discrimination against LGBTI people?
- What is the prevalence rate of violence and discrimination against LGBTI people?
- Has research been conducted to learn about factors that incite and cause violence against LGBTI people in this country? Is research conducted on the impact of such violence?
- What information is available on the specific types of violence perpetrated on LGBTI people?
- To what extent does the government comply with the recommendations of the national human rights institution (if there is one) for the prevention and investigation of acts of violence against LGBTI people, or those perceived as such? What about the Universal Periodic Review?
- Is LGBTI disaggregated data being collected and reported on, including as part of the Voluntary National Review process?

9.2 Ask the parliament

- How are LGBTI communities reflected and represented in parliament?
- What measures has the parliament taken to ensure that it is a safe place for LGBTI people to work?
- Has parliament developed a plan to implement the recommendations of the Global Commission on HIV and the Law, including undertaking law reform in relation to MSM and transgender people?

9.3 Ask the Ministry of Interior

- What is the procedure for legal gender recognition? What is required of a person who wishes to change their gender on their identity papers?
- What is the status of children in diverse family formations (such as Rainbow families)?
- How do you ensure their rights are respected?
- What are the obstacles to the official registration of the LGBTI community and CSOs?

9.4 Ask the Ministry of Health

- Do state health personnel receive compulsory training on non-discrimination? If yes, what kind of training is it?
- Does the Ministry ensure that all staff, not only medical professionals, but including receptionists, janitors, security officers and others, are adequately trained and sensitized on equality and non-discrimination? How?
- Are there training requirements for health care practitioners to understand the health needs and risks of LGBTI people? If yes, what are they?
- Are there monitoring and evaluation mechanisms to ensure that such training contributes to improving the provision of services to LGBTI people?
- Are there any health services specifically designed to address the needs of LGBTI people? If so, how accessible are these services?
- What is the prevalence rate of unconsented, non-emergency and irreversible surgeries and other medical interventions on intersex infants and children? Are such surgeries and interventions regulated?
- Are there any mechanisms for complaint, justice, redress or reparation when unconsented, non-emergency and irreversible surgeries and other medical interventions were performed on intersex people? How are they implemented and how often are they or have they been used?
- Is the Ministry, Minister and Executive taking action to prevent intersex genital mutilation (IGM)? Are you working with health care providers to prevent them?
- Is there a mechanism by which LGBTI people can evaluate the quality of health services and propose changes?
- Is there a national HIV strategy or plan, and, if so, does it include specific consideration of key populations?

9.5 Ask the Ministry of Justice

- Is there an integrated approach to addressing LGBTI people who are victims of violence, including protocols for police, prosecutors, health care providers and other social service agencies?
- Are there prompt, independent and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation, gender identity or sex characteristics?
- Is the Ministry tracking murders and killings that may be motivated by homophobia, transphobia and/or interphobia?
- Do law enforcement officials receive training on non-discrimination and equality? If so, what kind?
- Is specific training available in places of detention?
- Does the Ministry ensure that law enforcement officers know the laws and are aware of human rights, particularly the human rights of LGBTI people, and how to apply these in their work? If yes, how?
- Does the Ministry work with CSOs to undertake comprehensive public awareness-raising and sensitivity campaigns on SOGIESC diversity? If so, how?

9.6 Ask the Ministry of Education

- Is there an anti-bullying initiative in schools to combat discrimination and violence against young people and children, including those who are LGBTI or are perceived as LGBTI? If so, how does this initiative work?
- If there is not a specific anti-bullying initiative, how is bullying in schools and communities being addressed, including bullying against those who are LGBTI or are perceived as LGBTI?
- Are the needs of transgender and gender-non-conforming children taken into account in school, e.g. are they allowed to wear clothes they prefer, are they called by their chosen name and pronouns, are they protected against bullying, are gender-neutral toilets available?
- Does the Ministry support student-led Safe at School campaigns?
- Do textbooks used in school include any reference to and/or reflect a positive approach to LGBTI issues?
- Does the Ministry work with LGBTI organizations to develop curriculum and human rights training for teachers, parents and children?
- Is there a plan for comprehensive sexuality education programmes in schools and communities? Has SOGIESC diversity been incorporated into the curricula to help transform stereotypes against LGBTI people?

9.7 Ask the Ministry of Social Welfare

- Is there a mandate for LGBTI awareness training for staff who work in child welfare and on juvenile justice issues?
- Is there an inclusive, non-discriminatory policy that explicitly commits to addressing the needs of LGBTI youth, such as mental and physical health issues, countering substance abuse, safe sexual practices and livelihood opportunities?
- Does the Ministry allocate funds to developmental, preventive and intervention programmes involving or led by LGBTI youth? If so, please provide details.
- Is there an estimate of the incidence and prevalence of homelessness among LGBTI youth? If not, do you plan to research the issue?
- Is there dedicated shelter space and housing for LGBTI youth?

9.8 Ask the immigration authorities

- Are there any immigration laws, policies or practices that restrict, target or disadvantage LGBTI people, whether residents, visitors or migrants?
- Does the Ministry ensure that the rights of same-sex couples and diverse family formations (including same-sex families) are protected when they enter the country and as they settle in? What action is taken to ensure this?

9.9 Ask the judiciary

- Have all members of the judiciary received training on human rights, including in relation to LGBTI people?
- Do all judges deal with hate crimes and violence and discrimination against LGBTI people?
- Is there a court culture of impartiality in court cases that concern LGBTI persons? If yes, how is it implemented and monitored?
- How are the human rights of LGBTI prisoners protected in jails and in all places of detention?
- What precedent and jurisprudence exist regarding LGBTI people?

GLOSSARY

This list includes terms used in this Handbook as well as other, related terms, that are not. It is not an exhaustive list of terms relevant to the human rights and inclusion of LGBTI people.

Note also that the terms listed here are in constant evolution. Their use and the meaning attached to them varies from one place to another. To use terms such as these in a way that is appropriate to a particular context and/or culture, see section 8, “Speaking about LGBTI human rights and inclusion”.

The definitions in this list are drawn (and sometimes expanded) from existing definitions in international texts such as the Yogyakarta Principles, or written by international organizations (UNESCO) or LGBTI organizations (ILGA, RFSL, TRANSIT, MSMIT, OII Australia, OII-Europe, NELFA).

A

Aromantic: Someone who does not experience romantic attraction to anyone.

Asexual: Someone who does not experience sexual attraction towards anyone.

B

Biphobia: The fear, unreasonable anger, intolerance or/and hatred toward bisexuality and bisexual people. The phobia may exist among heterosexuals, gay men, lesbians or bisexuals themselves and is often related to multiple negative stereotypes of bisexuals centered on a belief that bisexuality does not exist and on the generalization that bisexuals are promiscuous.

Bisexual: A person who is emotionally and/or sexually attracted to persons of more than one sex.

C

Cisgender: A term referring to persons whose gender identity and gender expression match the sex they were assigned at birth and the social expectations related to their gender.

Comprehensive sexuality education (CSE): A curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes and values that will empower them to: realize their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and understand and ensure the protection of their rights throughout their lives.⁹⁶

Conversion therapy: An umbrella expression to refer to any sustained effort to modify a person’s sexual orientation, gender identity or gender expression. Other terms include: “reparative therapy”, “gay cure”, “ex-gay therapy”, “gender critical therapy” and Sexual orientation, gender identity or gender expression change efforts (SOGIECE) (ILGA). Conversion therapy is banned in several countries and has been defined as torture by several national and international instances, such as the UN expert on SOGI.⁹⁷

⁹⁶ UNESCO, *Why Comprehensive sexuality education is important*, 2018.

⁹⁷ OHCHR, *‘Conversion therapy’ can amount to torture and should be banned says UN expert*, 2020.

E

Endosex (or dyadic): A person who was born with sex characteristics that fit typical gender-binary notions of or social expectations for male or female bodies (e.g. non-intersex). An endosex person may identify with any gender identity and any sexual orientation.

G

Gay: Usually used to refer to a person who identifies as a man and who is emotionally, affectionally and/or sexually attracted to men, even though women attracted by women may define themselves as gay.

Gender: Refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context and time specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.⁹⁸

Gender-based violence: An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.⁹⁹

Gender binary: A classification system consisting of two opposites: men or women, male or female, feminine or masculine.

Gender expression: The way a person communicates their gender identity externally through their appearance, e.g. clothing, hair style, use of cosmetics, mannerisms, way of speaking and demeanour and how these presentations are interpreted based on gender norms.

Gender identity: A person's internal, deeply felt sense of their gender or a combination of genders. A person's gender identity may or may not correspond with her or his sex assigned at birth and their sex characteristics.¹⁰⁰

⁹⁸ UN Women, *Concepts and Definitions*.

⁹⁹ Inter-Agency Standing Committee (IASC), *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*, 2015.

¹⁰⁰ Introduction to the Yogyakarta Principles.

H

Heterosexism: Refers to the imposition of heterosexuality as the only normal and acceptable expression of sexuality, resulting in prejudice or discrimination against people who are not heterosexual or who are perceived to not be heterosexual.

Heterosexual: Refers to a person whose romantic, emotional and/or physical attraction is to people of a different gender (sometimes referred to as "straight").

Homophobia: An irrational fear of, aversion to, or discrimination against persons known or assumed to be homosexual, or against homosexual behaviour or cultures.

Homosexual: A sexual orientation classification based on the gender of the individual and the gender of her or his sexual partner(s). When the partner's gender is the same as the individual's, the person is categorized as homosexual. It is recommended to use the terms lesbians and gay men instead of homosexuals. The terms lesbian and gay are considered neutral and positive, with a focus on the person's identity rather than their sexuality. Lastly, the term homosexual has, for many, a historical connotation of pathology.

I

Intersectionality: The interaction of different axes of identity, such as gender, gender identity, sexual orientation, sex characteristics, race, ability and socio-economic status, in multiple and intersecting ways, resulting in different forms of oppression affecting a person in interrelated ways.¹⁰¹

Intersex: Intersex people are born with physical or biological sex characteristics, such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns, that do not fit the typical definitions or social expectations for male or female bodies. These characteristics may be apparent at birth or emerge later in life, often at puberty.¹⁰²

Intersexphobia or interphobia: A range of negative attitudes (e.g. emotional disgust, fear, violence, anger, or discomfort) felt or expressed towards people whose sex characteristics do not conform with society's expectations of how the sex characteristics of a person, understood only as male or female, should look.¹⁰³

¹⁰¹ Adapted from Psychological Society of South Africa, *Practice Guidelines for Psychology Professionals Working with Sexually and Gender-Diverse People*, 17 April 2018.

¹⁰² UN Free and Equal, *Fact Sheet: Intersex*.

¹⁰³ Dan Christian Ghattas, *Protecting Intersex People in Europe: A Toolkit for Law and Policymakers* (ILGA Europe and OII-Europe, 2019).

K

Key populations: Key populations, or key populations at higher risk of HIV, are groups of people who are more likely to be exposed to HIV or to transmit it and whose engagement is critical to a successful HIV response. In all countries, key populations include people living with HIV. In most settings men who have sex with men, transgender people, people who inject drugs and sex workers and their clients are at higher risk of exposure to HIV than other groups.¹⁰⁴ However, each country should define the specific populations that are key to their epidemic and response based on the epidemiological and social context.

L

Legal gender recognition: Laws, policies or administrative procedures and processes which set out how trans and gender-diverse people can change their sex/gender marker and names on official identity documents.¹⁰⁵

Lesbian: A person who identifies as a woman and who is emotionally, affectionally and/or sexually attracted to women.

Lesbophobia: An irrational fear of, aversion to, or discrimination against persons known or assumed to be lesbian, or against lesbian behaviour or cultures.

LGBTI: This acronym derives from the words lesbian, gay, bisexual, transgender and intersex. So it encompasses several groups of individuals. LGBTI is the most commonly used term in the international human rights field. However, it has its origins in the Global North and therefore has its limitations. It groups individuals according to identity categories that are not universal: people identify themselves in a myriad of ways, or sometimes do not identify within just one given category. The term LGBTI may include, for example, people who are non-binary, gender fluid or pansexual, but also people such as *hijras* in India and Bangladesh, *mahu* in French Polynesia, *muxe* in Mexico or *two-spirit* in North America. Virtually every language has its own terms for sexual and gender minorities, and while these words may be negative or derogatory, they also demonstrate the universality of sex, and sexual and gender diversity.

What LGBTI people all have in common is that they are considered as defying the gender norms and expectations of society. For example, lesbian, gay and bisexual people counter the gendered expectation that men and women have relationships only with people of their own sex and that people of the same gender cannot have relationships. Trans people counter the assumption that gender identity is always aligned with the sex assigned at birth. Non-binary people counter the assumption that gender identity must fall on one or the other side of the gender binary (male or female). Intersex people counter the expectation that biological sex characteristics can always be classified as male or female without ambiguity.

LGBTIphobia: An umbrella term that covers forms of fear of, aversion to, or discrimination against LGBTI people (or those perceived to be). It includes homophobia, lesbophobia, biphobia, transphobia and interphobia (also called intersexphobia).

¹⁰⁴ A/75/836.

¹⁰⁵ Lucas Ramón Mendos and others, *State-Sponsored Homophobia 2020: Global Legislation Overview Update* (Geneva, ILGA, December 2020).

M

Men who have sex with men (MSM): This refers to all men who engage in sexual and/or romantic relations with other men or who experience sexual attraction towards the same sex. As used in this publication, the term is inclusive both of a variety of patterns of sexual behaviour by males with members of the same sex and of diverse self-determined sexual identities and forms of sexual and social associations (“communities”). “Men who have sex with men” can include men who identify as gay or bisexual, transgender men who have sex with men and men who identify as heterosexual. Some men who have sex with men also form relationships with, or are married to, women. Some men sell sex to other men, regardless of their sexual identity. Some men who have sex with men do not associate themselves with any particular identity, community or terminology.

O

Out (verb): To reveal the covert sexual orientation, gender identity or sex characteristics of someone. (noun): The fact of being open about one’s SOGIESC. Some LGBTI people “come out” or are out in some social circles and not others.

P

Pronouns: Pronouns are the way we refer to someone without using their name. A person’s pronouns are part of a person’s identity, just as a name is. It’s important that, like a person’s name, we take the time to learn a person’s pronouns rather than making assumptions about how to refer to them in conversation or writing. While it may be our habit to refer to everyone as “he” or “she” based on appearances, we recognize that gender is a spectrum and we can’t assume a person’s gender or a person’s pronouns based on appearances.¹⁰⁶

Pronouns differ from one language to another. In some languages, gender-neutral pronouns exist. In English, common gendered pronouns are “he” or “she”. Some people use the gender-neutral “they”.

¹⁰⁶ University of Northern Iowa, Gender & Sexuality Services, [Pronouns](#).



Queer: “Originally an offensive term used to degrade sexual and gender minorities, this term has intentionally been re-appropriated (taken back) and now refers to a political, sexual and/or gender identity that is intentionally and visibly different from the norm. ‘Queer’ is often used as a broad term for all people who are not strictly heterosexual or CIS gendered.”¹⁰⁷



Rainbow family: A family in which a child has (or several children have) at least one parent who identifies themselves as lesbian, gay, bisexual, trans, intersex or queer.



Sex: The classification of a person as male or female. Sex is assigned at birth and written on a birth certificate, usually based on the appearance of the baby’s external anatomy and on a binary vision of sex which excludes intersex people. A person's sex, however, is actually a combination of bodily characteristics including: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.¹⁰⁸ Most countries only allow to record “male” or “female” on an infant’s birth certificate (see also “sex binary”).

Sex binary: “A system of categorising all people into two sexes: male or female. It makes people who do not fit this binary invisible, oppressed or stigmatised, and gives power to people who uphold the sex binary. This is especially true for intersex and transsexual people whose experiences are not acknowledged or reflected in society, and who when discovered can be subject to harassment and violence.”¹⁰⁹

Sex characteristics: The characteristics that compose a person’s physio-anatomical sex, including genitals, gonads, hormones, internal organs and chromosome patterns. These characteristics may be apparent from conception or at birth, or emerge later in life, often at puberty.

Sexual and gender minorities: An umbrella term used to designate people who are part of a minority of the population and discriminated against because of their sexual orientation, gender identity or gender expression.

¹⁰⁷ Talia Meer, *All the (Tricky) Words: A Glossary of Terms on Sex, Gender and Violence* (Cape Town, GHJRU, University of Cape Town, 2014).

¹⁰⁸ ILGA-Europe, *Glossary beginning with s*.

¹⁰⁹ Talia Meer, *All the (Tricky) Words: A Glossary of Terms on Sex, Gender and Violence* (Cape Town: GHJRU, University of Cape Town, 2014).

Sexual orientation: Sexual orientation is understood to refer to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.¹¹⁰

SOGIESC: This acronym derives from the terms sexual orientation, gender identity, gender expression and sex characteristics. These are not specific to LGBTI people: everyone has them. A person can be oppressed because of their sexual orientation, gender identity, gender expression and/or sex characteristics.

State-sponsored homophobia: The practice of criminalizing sexual activity between consenting adults of the same sex.



Trans (or transgender): As used in this publication, transgender describes persons whose gender identity (their internal sense of their gender) is different from the sex they were assigned at birth. Trans is an umbrella term that describes a wide variety of cross-gender behaviours and identities. It is not a diagnostic term and does not imply a medical or psychological condition. This term should be avoided as a noun: a person is not “a trans”; they may be a trans person. It is important to understand that not all people who are considered trans from an outsider’s perspective in fact identify as transgender, nor will they necessarily use this term to describe themselves. In many countries there are indigenous terms that describe similar cross-gender identities.

Trans people may have undergone or plan to undergo hormonal treatment or surgery, or they may not, may express their gender in very different ways (see “gender expression”) and may identify with one, multiple genders or no gender at all.

Transition: A series of steps a person may take to live in the gender they identify with. A person's transition can be social and/or medical. Steps may include: coming out to family, friends and colleagues; dressing and acting according to one's gender; changing one's name and/or sex/gender on legal documents; medical treatments including hormone therapies and possibly one or more types of surgery.¹¹¹

Transphobia: Prejudice directed at transgender people because of their actual or perceived gender identity or expression. Transphobia can be structural, i.e. manifested in policies, laws and socioeconomic arrangements that discriminate against transgender people. It can also be societal, when transgender people are rejected or mistreated by others. Additionally, transphobia can be internalized when transgender people accept and reflect such prejudicial attitudes about themselves or other transgender people.

¹¹⁰ Introduction to the Yogyakarta Principles.

¹¹¹ ILGA-Europe, *Glossary beginning with T*.



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