UN Joint Statement on ending violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people

Frequently Asked Questions

1. **What is this statement about?**
   - This joint statement reflects the shared commitment of the United Nations (UN) and Member States, to uphold the fundamental values enshrined in the United Nations Charter, the Universal Declaration of Human Rights (UDHR, 1948) and other treaties.
   - Everyone – regardless of their sexual orientation and gender identity – is entitled to enjoy the same rights, free from violence and discrimination. For example, Article 3 of the Universal Declaration of Human Rights (UDHR, 1948) states that everyone has the right to life, liberty and security of person, Article 5 states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and Article 12, protects the right to privacy.
   - In spite of the universal protections enshrined in international law that States have an obligation to uphold, evidence shows that LGBTI people face widespread abuses including violence, torture, criminalization, discrimination and stigma because of who they are, how they look, whom they love and whom they have sexual relations with. These abuses violate UN human rights standards, and negatively affect individuals, communities, societies and the achievement of sustainable development goals.
   As part of the UN mandate to uphold the rights of all and to support the development of inclusive, just, safe, free and equitable societies, the signatory UN entities are expressing their common commitment to advancing the protection of LGBTI people from violence and discrimination.

2. **What is significant about the present statement?**
   - While individual UN entities are working to combat violence and discrimination against LGBTI persons, this is the first time that so many UN entities have articulated the common commitment to do so, in a joint statement.
   - The statement reflects established international human rights standards. It clarifies expectations and provides guidance for UN staff on important issues at global, regional and country level.

3. **Who is the intended audience for the joint statement?**
   - It is intended for use by UN staff members, governments, civil society, and other international, regional and national institutions and stakeholders.
   - It can be used in advocacy and dialogue with stakeholders as part of efforts to improve legislation, policies and programmes that impact on human rights, health, education, employment, development and other aspects of people’s lives.

**Content of the joint statement**

4. **What do the terms lesbian, gay, bisexual, transgender, intersex, sexual orientation and gender identity mean in the context of the present statement?**
   - **Sexual orientation** refers to a person’s physical, romantic and/or emotional attraction towards other people. Everyone has a sexual orientation, which is integral to a person’s identity. Gay men and lesbian women are attracted to individuals of the same sex as themselves. Heterosexual people are attracted to individuals of a different sex from themselves. Bisexual people may be attracted to individuals of the same or different sex. Sexual orientation is not related to gender identity.

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1 This informal briefing document on frequently asked questions related to the interagency joint statement has been produced by OHCHR, UNDP and the UNAIDS Secretariat to support UN staff to answer queries related to the joint statement on ending violence and discrimination against LGBTI people.
• **Gender identity** reflects a deeply felt and experienced sense of one’s own gender. A person’s gender identity is typically consistent with the sex assigned to them at birth. **Transgender** (sometimes shortened to “trans”) is an umbrella term used to describe people with a wide range of identities—including transsexual people, cross-dressers (sometimes referred to as “transvestites”), people who identify as third gender, and others whose appearance and characteristics are perceived as gender atypical and whose sense of their own gender is different to the sex that they were assigned at birth. Trans women identify as women but were classified as males when they were born. Trans men identify as men but were classified female when they were born. Some transgender people seek surgery or take hormones to bring their body into alignment with their gender identity; others do not.

• **Intersex** people are born with physical or biological sex characteristics (including sexual anatomy, reproductive organs and/or chromosomal patterns) that do not fit the typical definitions of male or female. These characteristics may be apparent at birth or emerge later in life, often at puberty. 

• Sexual orientation, gender identity and being intersex are not the same thing. They are each different and independent aspects of a person. It is important to respect people’s choice of terms, names and pronouns to refer to themselves. While this joint UN statement refers to lesbian, gay, bisexual, transgender and intersex people, it should also be read to include anyone who faces violence and discrimination on the basis of their actual or perceived sexual orientation, gender identity and sex characteristics, including those who identify with other terms.

• While lesbian, gay, bisexual, transgender and intersex people face different challenges, what they share in common is that they are often targeted for human rights violations because they are perceived to fall outside of binary sex and gender norms. This is why this joint statement addresses their situation together.

5. **How does discrimination and violence against LGBTI people impact on Sustainable Development Goals?**

• The sustainable development agenda adopted by the General Assembly in September 2015 envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; it seeks to realize the human rights of all and pledges to leave no one behind.

• UN entities, academia and civil society organizations have documented the negative impact of discrimination and violence against LGBTI people inter alia on education, health, employment, housing, access to water and sanitation, social protection, access to justice, food security.

• Mounting evidence suggests that homophobia, and other forms of stigma, violence and discrimination against LGBTI individuals significantly hinder social and economic progress, thus having a direct impact on national ability to achieve sustainable development goals. A recent World Bank pilot study, for example, shows that homophobia could be costing India $32 billion in GDP losses. Another study analysing data from 39 countries, demonstrates the profound connections between LGBT exclusion and per capita GDP.

6. **Why is the UN involving itself in such matters at a time when there are many other priorities?**

• The UN receives regular reports of violent attacks and discrimination perpetrated against people on the basis of their sexual orientation and gender identity in all areas of life, including health, social security, employment, education, housing, etc. The UN cannot turn a blind eye to evidence of violations of human rights any more than it can for violations faced by other groups. The UN has a shared responsibility to protect the rights of everyone – LGBTI people included. Nowhere in the UN Charter, or the Universal Declaration of Human Rights, or any human rights treaties is there any language that would permit exclusion of a group of individuals from protection.

• The UN Secretary-General Ban Ki-moon has stated: “I strongly support equal rights for lesbian, gay, bisexual, transgender and intersex people everywhere. I speak out against the appallingly high levels of stigma, discrimination and violence people suffer because of their sexual orientation or gender identity. The fight for human rights – and the fight against discrimination – lies at the core of the mission of the United Nations. The fight for equal rights demands global engagement. That is why the United Nations actively works to tackle homophobia and transphobia around the world. It may be tough – but that will never stop us from pressing ahead. We cannot back off from human rights protection just because Governments differ on certain issues.
We are not here to tackle only easy matters, or to discuss only what everyone agrees on already. We are here to protect the rights of all people, everywhere. I say to all people: raise your voices. Ending homophobia and transphobia is a great human rights cause. It brings together millions of people of all different ages, nationalities and backgrounds. Together, we can – and we will – make a safe, fair and just world for everyone, no matter who they are or whom they love.\textsuperscript{xi}

7. How does this statement relate to families?
- The UN is upholding, including through this statement, fundamental human rights. Safeguarding human rights is critical both to providing support to families in their various forms as well as protecting individual members of families from human rights violations.
- LGBTI people form part of families – as children, parents, grandparents, spouses, siblings – and the violence, abuse and discrimination that they face also negatively affects their families and communities.
- Combatting such human rights violations and upholding fundamental human rights is essential to safe, caring and nurturing family environments.

8. How does this statement relate to traditions and moral, religious and cultural values?
- This statement is about supporting Member States to address violence and discrimination and uphold fundamental human rights. Many religious and cultural leaders have spoken out against violence and discrimination towards LGBTI people and have called for greater acceptance and respect.
- Freedom of religious belief protects the right of believers to choose and believe in a religion, and freedom of opinion protects the right of everyone to hold opinions, and these are also fundamental human rights.
- However, no opinion, religious belief, tradition or cultural totem can ever justify perpetrating human rights abuses against others. People have in the past tried to invoke culture, tradition, morals and religion to justify slavery, massacres, apartheid, child marriage, rape and female genital mutilation.
- Human rights are universal: every human being is entitled to the same rights, no matter who they are or where they live. All States, regardless of their political, economic and cultural systems, have a legal duty to promote and protect the human rights of all.\textsuperscript{x}

9. What is the relationship between homosexuality and health? Is homosexuality an illness?
- The World Health Organization clarified in 1994 that homosexuality is neither a disorder nor a disease\textsuperscript{xi} and has emphasized that homosexuality is a natural and non-pathological variation of human sexuality.\textsuperscript{xii}

10. What if some stakeholders claim that the UN is promoting homosexuality through this statement?
- Homosexuality cannot be "promoted". In addition to clarifying that homosexuality is not an illness and that it is a natural and non-pathological variation of human sexuality, the World Health Organization has also made clear that sexual orientation cannot be changed\textsuperscript{xi}. Attempts to forcibly change the sexual orientation of lesbian, gay and bisexual persons are ineffective, harmful and may amount to torture.\textsuperscript{xiv} Promoting equal rights of lesbian, gay and bisexual people is not "promoting" homosexuality – it is promoting fundamental human rights for everyone. These are core UN values that all UN entities and Member States have an obligation to uphold.

11. What if some stakeholders claim that the UN is advocating for special rights for LGBTI people through this statement?
- There is nothing special about the human rights that the UN is advocating for LGBTI people. These are the same fundamental rights that everyone is entitled to because they are human – the right to life, to security of the person, to privacy, freedom from discrimination, or the right to freedom of expression and peaceful assembly. These rights are universal; they are the birth right of every single human being but they are denied to millions of people around the world just because of their sexual orientation and gender identity.
12. What if some stakeholders claim that there is overwhelming public support for punitive laws against lesbian, gay, bisexual and transgender people, which the UN recommends reviewing and repealing?

- The UN recommends the review and repeal of laws that criminalize same-sex conduct between consenting adults, laws that criminalize transgender persons on the basis of their gender expression, and other laws used to arrest, punish or discriminate against people on the basis of their sexual orientation, gender identity or gender expression.
- These laws contribute to perpetuating stigma and discrimination, as well as hate crime, police abuse, torture and ill-treatment, family and community violence, and negatively affect public health by impeding access to health and HIV services.
- Police harassment often also includes inappropriate use of laws that are not specific to lesbian, gay, bisexual and transgender people to harass them - such as vagrancy laws, public safety ordinances, etc.
- Negative public attitudes can never justify human rights violations including punitive laws and police harassment and brutality against lesbian, gay, bisexual and transgender people, any more than they can justify sexist, racist, xenophobic, sectarian and other discriminatory acts or policies.
- Member States have a responsibility to uphold the fundamental rights of everyone including through adopting laws and policies to protect, respect and fulfil human rights and by eliminating legal provisions that violate human rights. Where there are discriminatory attitudes against certain groups, it is the responsibility of Governments to overcome such discriminatory attitudes through public education, awareness raising and other measures.
- The UN has a mandate and a duty to speak out against discrimination, violence and abuses faced by marginalized groups – including LGBTI people.

13. What if there is a conflict between national legislation and UN norms and recommendations referenced in this statement?

- Member States have committed to upholding the fundamental values enshrined in the Universal Declaration of Human Rights and other treaties and have obligations under international law to protect the human rights of all persons, including the rights to life, liberty and security of person, privacy, freedom from discrimination, freedom of expression and peaceful assembly and not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Sometimes, provisions of national laws or policies may conflict with fundamental rights enshrined in international law – whether it is in relation to the human rights of LGBTI persons or in relation to other groups or specific human rights standards.
- Member States have a duty to review and reform national legislation and policies in line with international human rights standards and their treaty obligations, and UN entities can support them in this regard.

14. What if some stakeholders claim that laws against homosexuality, which this statement recommends reviewing and repealing, are needed to protect children?[^6]

- Evidence shows that there is no link between homosexuality and child abuse of any kind. On the contrary, lesbian, gay and bisexual people all over the world can be good parents, teachers and role models for young people. Portraying lesbian, gay or bisexual people as “paedophiles” or dangerous to children is wholly inaccurate, offensive and 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. Any form of sexual abuse, including against children, should be prevented and punished wherever it occurs and whoever is involved.
- Laws against homosexuality – whether criminal laws used to punish same sex relationships or laws aimed at banning dissemination of related information – tend to have the opposite impact to what their supporters claim. Evidence shows that such laws typically fuel stigma, violence and discrimination – ultimately increasing the vulnerability of many children, especially those who may identify as or be perceived as lesbian, gay, bisexual or transgender – including to bullying and harassment in schools, family-based violence and discrimination, and denial of health services and support. This joint statement calls for ending violence and discrimination that deeply affect children.
15. What if some stakeholders claim that homosexuality and/or being transgender is a Western phenomenon and that this statement imposes this phenomenon on other societies?

- Evidence shows that lesbian, gay, bisexual and transgender people exist everywhere, in all countries, among all ethnic groups, at all socioeconomic levels and in all communities. Persons engaging in same sex relations and adopting various forms of gender expression have been documented as forming parts of communities throughout history and in all parts of the world. Claims that same-sex attraction or being transgender are Western are false.
- However, many of the criminal laws used today to punish lesbian, gay, bisexual and transgender people are Western in origin. In most cases, they were imposed on the countries concerned in the 19th century by the colonial powers of the day.
- The UN is not imposing anything but rather upholding values and fundamental human rights enshrined in the Universal Declaration and UN treaties agreed by Member States.

16. Is the UN advocating for same-sex marriage through this joint statement?

- Through this statement the UN is advocating for measures to uphold fundamental human rights for all, and to end violence, discrimination, stigma and harassment against all persons, regardless of their sexual orientation or gender identity.
- This joint statement does not address same-sex marriage or legal recognition of same-sex couples.
- While not the subject of this joint statement, for reference, and if asked, these are existing positions by UN entities on this subject:
  - The UN Human Rights Committee, the expert body that monitors implementation of the International Covenant on Civil and Political Rights (ICCPR) by State parties to this UN treaty, has said that State parties to ICCPR do not have an obligation to extend marriage to same-sex couples. However, States are free to do so, and when they have done this, it has been welcomed by various UN entities.
  - The UN Committee on Economic, Social and Cultural Rights, the expert body that monitors implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), has called on State parties to the ICESCR to legally recognise same-sex couples.
  - OHCHR has called on States to provide legal recognition to same-sex couples and their children, ensuring that benefits traditionally accorded married partners – including those related to benefits, pensions, and taxation and inheritance – are accorded on a non-discriminatory basis.

17. The statement refers to HIV and health issues. Does it imply that homosexuality causes HIV?

- Evidence does not support the assertion that homosexuality causes HIV. The transmission of HIV occurs where there are unsafe sexual practices between individuals while one of the partners involved is HIV-positive – this can happen between partners of the same or different sex.
- Human right violations and marginalisation can fuel the spread of HIV. References to HIV and health challenges faced by LGBTI people in the joint statement are based on evidence showing that in many parts of the world, factors such as stigma, discrimination, criminalization and violence based on sexual orientation and gender identity contribute to hindering access to health and HIV prevention, treatment and care services for these populations.
- According to UNAIDS, gay men and other men who have sex with men are 19 times more likely to be living with HIV than the general population, and transgender women are 49 times more likely to acquire HIV than all adults of reproductive age.
- Responding to these challenges requires addressing the legal and policy barriers, including criminalization of same sex relations and of transgender persons that make many LGBTI people vulnerable to HIV and hinder their access to and uptake of HIV and other health services.

For more information, please visit the OHCHR website on combating human rights violations based on sexual orientation and gender identity: [http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx](http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx)
Such obligations derive from, inter alia, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

See, inter alia:

- ILO - Discrimination at work on the basis of sexual orientation and gender identity: Results of pilot research, GB.319/LILS/INF/1 (2013)
- UNESCO - "Good Policy and Practice in HIV and Health Education – Booklet 8: Education Sector Responses to Homophobic Bullying" (2012)
- UNHCR - Guidelines on International Protection No. 9 (2012)
- UNICEF – Current issues No. 9, Eliminating discrimination against children and parents based on sexual orientation and/or gender identity (2014)
- WHO - Revised consolidated guidelines on "HIV prevention, diagnosis, treatment and care for key populations" (2014)
- UNAIDS - Gap Report 2014

* These definitions were extracted from the UN Free & Equal factsheet "LGBT Rights: Frequently Asked Questions": https://www.unfe.org/en/faq

* These definitions were extracted from the UN Free & Equal factsheet "LGBT Rights: Frequently Asked Questions": https://www.unfe.org/en/fact-sheets

* See also the UN Free & Equal factsheet on intersex: https://www.unfe.org/en/fact-sheets


* See endnote ii


* See, inter alia:
- UN Human Rights Committee CCPR/C/50/D/488/1992 para 8.6, CCPR/C/106/D/1932/2010 para 10.5-10.8
- UN High Commissioner for Human Rights, "Prejudice fuels the denial of rights for LGBT people", 20 May 2014 and video message, 31 March 2011
- UN Special Rapporteur on freedom of religion or belief, report on violence committed in the name of religion (A/HRC/28/66), December 2014.


* Ibid and OHCHR, Discrimination and violence against individuals based on their sexual orientation and gender identity, 2015

* For more information, see UNICEF – Current issues No. 9, Eliminating discrimination against children and parents based on sexual orientation and/or gender identity (2014)


* See CCPR/C/75/D/902/1999

* See E/C.12/BGR/CO/4-5, para. 17, E/C.12/SVK/CO/2, para. 10

* See A/HRC/29/23, paras. 67, 68 and 79 h)