

DEFENDERS OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER RIGHTS

Zach Lipton, Flickr Creative Commons

IMPACT 2014

- Our work with key partners over a number of years culminated in the adoption of the first ever resolution on the rights of lesbian, gay, bisexual and transgender persons at the African Commission in May 2014
- Conducted international advocacy to resist the enactment or promote the repeal of anti-LGBT laws in Jamaica, Kyrgyzstan, Malawi, Nigeria, Russia and Uganda
- Cited approvingly by the Supreme Court of India in a landmark transgender rights decision in April 2014, which held that discrimination based on gender identity violates constitutionally guaranteed rights to equality, freedom of expression, privacy, autonomy and dignity
- Played a key coordination and strategic advocacy role in a successful campaign for the UN Human Rights Council to adopt its second resolution on LGBT rights, including through publication of a major report documenting LGBT violations worldwide and influencing the votes of key States in Asia and West Africa
- Provided intensive training and advocacy support to LGBT human rights defenders from Bangladesh, Botswana, Malaysia, Peru, Syria, Thailand, Venezuela, and Trinidad and Tobago, among others, equipping them to use international human rights tools to drive change in their home countries
- Supported ARC International to obtain UN accreditation and Malaysian NGO coalition, COMANGO, to be unbanned in connection with its LGBT rights advocacy

The year was one of both significant progress and disturbing regress in the protection and realisation of LGBT rights worldwide.

In April 2014, the Indian Supreme Court delivered a landmark judgment stipulating that transgender persons are entitled to be recognised as a ‘third gender’ rather than being forced to identify as male or female. In reaching its decision, the Court stated that the *Yogyakarta Principles on Sexual Orientation and Gender Identity* – developed jointly by ISHR and the International Commission of Jurists almost a decade ago – should be applied as a part of Indian law. This decision has the potential to transform the lives of tens of millions in a country of almost 1.3 billion people.

Weeks later, in May, the African Commission on Human and Peoples’ Rights adopted a seminal resolution condemning violence and discrimination on the grounds of sexual orientation and gender identity. This was the culmination of years of documentation, lobbying and campaigning by NGOs including ISHR, the East and Horn of Africa Human Rights Defenders Project, the Coalition of African Lesbians, the NGO Forum, AMSHeR and many more.

Building on this momentum, in September, the UN Human Rights Council adopted its own resolution on LGBT rights. ISHR advocacy and support for civil society partners advocating at capital level in Asia and West Africa helped to positively shift the positions of States such as Viet Nam, Philippines, Burkina Faso and Sierra Leone.

Regrettably, this progress was not reflected in many States, with a number of countries, Kyrgyzstan and Uganda among them, proposing or enacting laws to outlaw advocacy and associations that promote LGBT rights or equality. In Russia, such laws have been associated with an increase in homophobic violence and discrimination. This paradoxically affirms the importance of a UN General Assembly resolution adopted in December 2014 which calls on States to protect all persons – particularly LGBT persons – from extrajudicial, summary or arbitrary executions and to effectively investigate and bring perpetrators of such killings to justice. ISHR worked tirelessly on this resolution in New York, helping to ensure it was adopted by a record number of votes.

“It’s time for transgender people in Asia to get together and reflect upon what doing advocacy means, and what we are advocating for. Moving issues, bringing them into the right fora, that’s what I am trying to do.”

Khartini Slamah

Malaysian transgender human rights defender working on HIV/AIDS and LGBT rights and an ISHR trainee

“Thanks to the attention drawn by the UN to its discriminatory laws, Chile has recently approved a law against discrimination which includes sexual orientation and gender identity as a protected category.”

Rolando Jimenez Perez

Chilean human rights defender working with Movilh Chile

“Equality and non-discrimination on the ground of gender identity or expression is increasing and gaining acceptance in international law and, therefore, should be applied in India as well. Due to the absence of suitable legislation protecting the rights of the members of the transgender community... international conventions, including the Yogyakarta Principles, which we have found not inconsistent with the various fundamental rights guaranteed under the Indian Constitution, must be recognised and followed.”

National Legal Services Authority v India

Supreme Court of India, 15 April 2014



