The United Nations speaks out

The United Nations is committed to fighting all forms of discrimination. Over the years, particular attention has been paid to tackling racial and sex discrimination, as well as discrimination based on a person’s health status, disability, or religious affiliation. More recently, the United Nations has become increasingly concerned with the prevalence of discrimination on grounds of sexual orientation and gender identity.

Lesbians, gays, bisexuals and transgenders (LGBT) persons are vulnerable to a range of human violations, including homophobic violence, killings, rape, arbitrary detention and widespread discrimination in the workplace and in access to basic services like housing and healthcare. In more than 70 countries, laws make it a crime to be homosexual, exposing millions to the risk of arrest, imprisonment and, in some cases, execution. The UN Secretary-General, the High Commissioner for Human Rights and heads of various UN agencies have all spoken out—calling for the worldwide decriminalization of homosexuality and further measures to protect people from violence and discrimination on the basis of their sexual orientation or gender identity.

The UN human rights treaty bodies, whose role it is to monitor compliance by States parties with their obligations under international human rights treaties, have consistently held that States have an obligation under existing treaty provisions to protect people from violence and discrimination on the basis of their sexual orientation or gender identity.

The existence of laws criminalizing homosexual behaviour between consenting adults in private and the application of criminal penalties against persons accused of such behaviour violate the rights to privacy and freedom from discrimination set forth in the International Covenant on Civil and Political Rights.

“I urge all governments to take steps to eliminate stigma and discrimination faced by men who have sex with men, lesbians and transgender populations. They must also create social and legal environments that ensure respect for human rights and enable universal access to HIV prevention, treatment, care and support.” – UN Human Rights Commissioner, Navi Pillay, 1 February 2011

“One of the founding principles of the United Nations is our faith in the dignity and worth of every person, without distinction on the basis of race, colour, sex, language, religion, property, birth or other status. Discrimination in all its forms continues to undermine this principle … It rears its head … in tackling HIV/AIDS, where stigmatizing men who have sex with men and refusing to provide harm reduction services for drug users sets back prevention and treatment work.” – UNAIDS Executive Director Michel Sidibè, 17 May 2010

“Laws criminalizing homosexuality pose a serious threat to the fundamental rights of lesbian, gay, bisexual and transgender individuals, exposing them to the risk of arrest, detention and, in some cases, torture and execution. Commonly, criminal sanctions are accompanied by a raft of other discriminatory measures that affect access to a wide range of rights—civil, political, economic, social and cultural. We also know that criminalization perpetuates stigma and contributes to a climate of homophobia, intolerance and violence.” – UN High Commissioner for Human Rights, Navi Pillay, 1 February 2011

“The World Health Organization removed homosexuality from the International Classification of Diseases on May 17th, 1990. This was an important step forward. Yet over two decades later, stigma and discrimination against homosexuals still exists, and can result in restricted access to health services and missed targets for health programmes.” – World Health Organization Director-General Margaret Chan, 8 April 2011

UN official statements

UN Secretary-General

“As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. When individuals are attacked, abused or imprisoned because of their sexual orientation, we must speak out … Today, many nations have modern constitutions that guarantee essential rights and liberties. And yet, homophobia is considered a crime in more than 70 countries. This is not right. Yes, we recognize that social attitudes run deep. Yes, social change often comes only with time. But let there be no confusion: where there is tension between cultural attitudes and universal human rights, rights must carry the day. Personal disapproval, even society’s disapproval, is no excuse to arrest, detain, imprison, harass or torture anyone, ever.” – UN Secretary-General BAN Ki-moon, 10 December 2010

UN independent experts on human rights

“Gender-based violence … is particularly acute when combined with discrimination on the basis of sexual orientation or change of gender identity. Violence against sexual minorities is on the increase and it is important that we take up the challenge of what may be called the last frontier of human rights.” – Report of the UN Special Rapporteur on the situation of human rights defenders, 30 December 2009

“The Special Rapporteur is deeply concerned about the continuing denigration campaigns and the violent threats against defenders of lesbian, gay, bisexual and transgender rights.” – Opinion adopted by the UN Working Group on Arbitrary Detention, 2 February 2007

“Regional and national particularities … or historical, cultural or religious practices, though significant in many aspects, do not absolve governments from their duty to promote and protect all human rights and fundamental freedoms and to ensure that such protection is universally applied and respected.” – Joint statement by UN human rights mandate-holders (on human rights defenders; contemporary forms of racism, racial discrimination, xenophobia and related intolerance; violence against women; and the right of everyone to the highest attainable standard of physical and mental health), 23 February 2007

“There exists no hierarchy of discrimination grounds.” – Report of the UN Special Rapporteur on freedom of religion and belief, 7 February 2008

Senior UN officials

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Guidance issued by UN agencies

“Criminal law prohibiting sexual acts ... between consenting adults in private should be reviewed, with the aim of repeal.”

“Worldwide, men who have sex with men and transgender people suffer high levels of social exclusion and challenges to equality. Their ability to realize their full health potential is limited in a number of settings by laws that criminalize same-sex relationships and sexual/gender diversity.”

“Governments should ensure that parliamentarians, police, judges and justice ministry officials are provided with evidence-based information on the epidemiology of HIV and sensitized about the harmful public health and human rights impacts of punitive laws, policies and practices relating to men who have sex with men and transgender people.”

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