



Equality and non-discrimination

Equality and non-discrimination are core principles of international human rights law. Everyone, without distinction, is entitled to enjoy all human rights, including the right to be treated as equal before the law and the right to protection from discrimination on various grounds that include sexual orientation and gender identity.

Discriminatory laws and policies

State laws and policies – which should protect everyone from discrimination – are the source of both direct and indirect discrimination against millions of lesbian, gay, bisexual, transgender and intersex people around the world. In more than a third of the world's nations, private, consensual same-sex relationships are criminalized. These laws violate rights to privacy and to non-discrimination, both of which are protected in international law, and expose individuals to the risk of arrest, prosecution and imprisonment, and, in at least five countries, the death penalty.

Other examples of discriminatory measures include bans on lesbian, gay, bisexual and transgender (LGBT) people holding certain jobs, discriminatory restrictions on free speech and public demonstrations, and the denial of legal recognition of same-sex relationships. Many States require transgender people to submit themselves to sterilization as a condition of obtaining legal recognition of their gender, without which many are forced to live on the margins of society, excluded from regular employment, healthcare and education, and denied other basic rights.

Don't Say 'Gay'?

Freedom of expression is threatened in parts of Eastern Europe and Africa by a series of laws and draft laws intended to prohibit "public promotion of homosexuality." LGBT groups often face discriminatory restrictions and bans on holding public gatherings. LGBT pride marches have been banned in some cities; in others, where marches have gone ahead, the authorities have failed to take effective measures to protect participants, leading to violent attacks by neo-Nazi groups and other extremists.

Social discrimination

People who are, or are perceived as, lesbian, gay, bisexual, transgender or intersex suffer from social stigma, exclusion, and bias at work, at home, at school, in health care institutions and in many other aspects of their lives. Individuals may be fired from their jobs, bullied at school, denied appropriate medical treatment, thrown out of their homes, disowned by their parents, forced into psychiatric institutions, forced to marry or become pregnant, and subjected to attacks on their reputation. For intersex people, discrimination often begins at birth, with many intersex babies and young children subjected to surgical and other interventions, performed without their or their parents' informed consent, with the intention of erasing intersex differences.

State responsibility

States have a legal obligation both to make sure that their own laws and policies do not discriminate against people based on sexual orientation and gender identity, and that the legal framework offers adequate protection against such discrimination practiced by third parties. This obligation transcends culture, tradition and religion. All States, regardless of their history or regional specificities, must guarantee the rights of all people. Governments that refuse to protect the human rights of LGBT people are in violation of international law.

Recent advances

In recent years, some States have made a determined effort to strengthen human rights protections for LGBT people. An array of new laws has been adopted, including laws banning discrimination and penalizing homophobic hate crimes, recognizing same-sex relationships, and making it easier for transgender individuals to obtain official documents that reflect their preferred gender.

Concerns about the frequent and extreme forms of human rights violations against LGBT people have been expressed repeatedly by United Nations human rights mechanisms since the early 1990s. These mechanisms include the treaty bodies established to monitor States' compliance with international human rights treaties, as well as the special rapporteurs and other independent experts appointed by the Human Rights Council to investigate and report on pressing human rights challenges.

In 2010, in a landmark speech on LGBT equality in New York, United Nations Secretary-General Ban Ki-moon called for measures to tackle violence and discrimination against LGBT people: "As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. Where there is a tension between cultural attitudes and universal human rights, rights must carry the day."

Action points

States:

- » Decriminalize consensual adult same-sex relations.
- » Adopt anti-discrimination laws that prohibit discrimination based on sexual orientation and gender identity in employment, education, health care and identification.
- » Enact laws to facilitate legal recognition of a person's preferred gender without requiring sterilization, gender reassignment surgery or any other medical procedures or treatments to be carried out. Repeal laws that require sterilization of people who have sex reassignment surgery.
- » Ensure that law enforcement, healthcare, education, judiciary and other service sector personnel are sufficiently trained to be able to ensure equal treatment of LGBT persons;
- » Adopt national action plans to implement anti-discrimination legislation in all sectors of society.

Media:

- » Give an objective and balanced picture of LGBT people and their rights concerns.
- » Include the voice of LGBT people and groups in newspaper, TV and radio coverage.

You, your friends and other individuals can make a difference too:

- » Speak out when you see any form of discrimination against LGBT people.
- » If you, your friends or family members believe you are the victim of discrimination on grounds of your sexual orientation or gender identity, alert UN human rights special procedures by sending an email to urgent-action@ohchr.org.
- » Don't assume that everyone else is heterosexual: ask if someone has a partner rather than assuming they have a wife, if a man, or a husband, if a woman.
- » Don't assume all trans and intersex people are lesbian or gay – they may be heterosexual or bisexual.