

AMNESTY INTERNATIONAL USA LGBT PRIDE TOOLKIT 2014

Lesbian, Gay, Bisexual & Transgender Rights are Human Rights

LGBT RIGHTS: The Yogyakarta Principles

In November 2006, a group of 29 international human rights experts, including a former United Nations High Commissioner for Human Rights, UN independent experts, current and former members of human rights treaty bodies, judges, academics and human rights defenders, met in Yogyakarta, Indonesia, and affirmed a set of principles drawing on legally binding international human rights law to address the application of a broad range of international human rights standards to issues of sexual orientation and gender identity. The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity provide a universal guide to applying international human rights law to abuses experienced by lesbians, gay men, bisexual and transgender people to ensure the universal reach of human rights protections. For more information, please visit: www.yogyakartaprinciples.org.

Preamble: The Preamble acknowledges human rights violations based on sexual orientation and gender identity, establishes the relevant legal framework, and provides definitions of key terms.

Rights to Universal Enjoyment of Human Rights, Non-Discrimination and Recognition before the Law: Principles 1-3 set out the principles of the universality of human rights and their application to all persons without discrimination, as well as the right of all people to recognition before the law.

Example: Laws criminalizing homosexuality violate the international right to non-discrimination (decision of the UN Human Rights Committee).

Rights to Human and Personal Security: Principles 4-11 address fundamental rights to life, freedom from violence and torture, privacy, access to justice and freedom from arbitrary detention.

Example: The death penalty continues to be applied for consensual adult sexual activity between persons of the same sex, despite UN resolutions emphasizing that capital punishment may not be imposed for this reason.

Economic, Social and Cultural Rights: Principles 12-18 highlight the importance of non-discrimination in the enjoyment of economic, social and cultural rights, including employment, accommodation, education and health.

Example: Lesbian and transgender women are at increased risk of discrimination, homelessness and violence (report of UN Special Rapporteur on adequate housing).

Rights to Expression, Opinion and Association: Principles 19 to 21 emphasize the importance of the freedom to express oneself, one's identity and one's sexuality, without State interference based on sexual orientation or gender identity, including the rights to participate peaceably in public assemblies and events and otherwise associate in community with others.

Example: A peaceful gathering to promote equality on the grounds of sexual orientation and gender identity was banned by authorities, and participants were harassed and intimidated by police and extremist nationalist shouting slogans such as "Let's get the fags" and "We'll do to you what Hitler did with Jews" (report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance).

**LGBT PRIDE 2014: Lesbian, Gay, Bisexual
and Transgender Rights are Human Rights!**
ACTIVIST RESOURCE PACKET

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL USA LGBT PRIDE TOOLKIT 2014

Lesbian, Gay, Bisexual & Transgender Rights are Human Rights

LGBT RIGHTS: The Yogyakarta Principles (*continued*)

Freedom of Movement and Asylum: Principles 22 and 23 highlight the rights of persons to seek asylum from persecution based on sexual orientation or gender identity.

Example: Refugee protection should be accorded to persons facing a well-founded fear of persecution based on sexual orientation (Guidelines of the United Nations High Commissioner for Refugees).

Rights to Participation in Cultural and Family Life: Principles 24-26 address the rights of persons to participate in family life, public affairs and the cultural life of their community, without discrimination based on sexual orientation or gender identity.

Example: States have an obligation not to discriminate between different-sex and same-sex relationships in allocating partnership benefits such as survivors' pensions (decision of the UN Human Rights Committee).

Rights of Human Rights Defenders: Principle 27 recognizes the right to defend and promote human rights without discrimination based on sexual orientation and gender identity, and the obligation of States to ensure the protection of human rights defenders working in these areas.

Example: Human rights defenders working on sexual orientation and identity issues worldwide "have been threatened; their houses and offices raided, they have been attacked, tortured, sexually abused, tormented by regular death threats and even killed....[of concern] is an almost complete lack of seriousness with which such cases are treated by the concerned authorities." (report of the Special Representative of the UN Secretary-General on Human Rights Defenders).

Rights to Redress and Accountability: Principles 28 and 29 affirm the importance of holding rights violators accountable, and ensuring appropriate redress for those who face rights violations.

Example: The UN High Commissioner for Human Rights has expressed concern about "impunity for crimes of violence against LGBT persons" and "the responsibility of the State to extend effective protection." The High Commissioner notes that "excluding LGBT individuals from these protections clearly violates international human rights law as well as the common standards of humanity that define us all."

Additional Recommendations: The Principles set out 16 additional recommendations to national human rights institutions, professional bodies, funders, NGOs, the High Commissioner for Human Rights, UN agencies, treaty bodies, Special Procedures, and others.

Example: The Principles conclude by recognizing the responsibility of a range of actors to promote and protect human rights and to integrate these standards into their work. A joint statement delivered at the UN Human Rights Council by 54 States from four of the five UN regions on December 1, 2006, urges the Human Rights Council to "pay due attention to human rights violations based on sexual orientation and gender identity" and commends the work of civil society in this area, and calls upon "all Special Procedures and treaty bodies to continue to integrate consideration of human rights violations based on sexual orientation and gender identity within their relevant mandates." As this statement recognizes, affirmed by the Yogyakarta Principles, effective human rights protection truly is the responsibility of all.

**LGBT PRIDE 2014: Lesbian, Gay, Bisexual
and Transgender Rights are Human Rights!**

ACTIVIST RESOURCE PACKET

**AMNESTY
INTERNATIONAL**

