

LGBTI  
STAKEHOLDER  
GROUP



LEAVE  
NO ONE  
BEHIND

2023 HIGH LEVEL POLITICAL  
FORUM POSITION PAPER

# DIVERSE & INCLUSIVE SOCIETIES WHERE LGBTI PEOPLE CAN PARTICIPATE TO THEIR FULL POTENTIAL

ACCELERATING THE RECOVERY FROM THE CORONAVIRUS DISEASE  
(COVID-19) AND THE FULL IMPLEMENTATION OF THE 2030 AGENDA  
FOR SUSTAINABLE DEVELOPMENT AT ALL LEVELS.

## EXECUTIVE SUMMARY

The implementation of the 2030 Agenda was already falling behind when the COVID-19 pandemic hit. While harmful to all, those furthest left behind, including lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, saw their vulnerabilities amplified by this crisis. As the world seeks to accelerate its pandemic recovery, marginalized populations must be at the center of all decision-making, implementation, and evaluation processes.

Around the globe, LGBTI populations experience stigma, discrimination, violence, and other human rights violations based on their sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). LGBTI populations who face multiple and intersecting forms of discrimination due to their gender, age, race, ethnicity, ability, class, caste, socioeconomic status, migration status, and other factors that drive exclusion are even more marginalized.

LGBTI populations already faced barriers to participating in development spaces and benefits before the pandemic. The crisis and States' responses compounded this exclusion and deprivation by deepening existing social, economic, and political inequalities and reinforcing barriers to access to education, employment, healthcare, food, shelter, and other rights and services.

If not centered on pandemic recovery efforts, LGBTI populations are at an urgent risk of being further left behind. They must be included in the implementation and revision of all Sustainable Development Goals (SDGs), including SDGs 6, 7, 9, 11, and 17, that are being reviewed this year.

To achieve SDG 6, states must consider the unique barriers to clean water and sanitation faced by LGBTI populations; the frequently facing conditions of vulnerability with lack of access to clean water expose them to greater health risks and infections.

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Due to income disparities and discrimination, LGBTI populations face repeated evictions and forced relocation due to violent attacks and persecution in their homes or communities. They must also be centered on the implementation of SDG 11, which seeks universal access to safe and affordable housing, public transport, and public spaces; as they are also more likely to have experienced homophobic acts from their own families and have suffered from forced displacement and migration, face street harassment, violence, and denial of access while using public transportation and public spaces, which are services they primarily rely on.

Finally, States must ensure LGBTI populations are included in the implementation of SDG 17, including when States safely collect disaggregated data, without which it is impossible to determine if the SDGs are being implemented equitably.

This year's HLPF theme, "Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels," allows Member States and stakeholders to include LGBTI populations and tackle cis-heteronormative patriarchal structures in their recovery and development initiatives. The LGBTI Stakeholder

Group calls on all stakeholders to center LGBTI populations as they seek to fulfill the 2030 Agenda to guarantee that all people can equally exercise their rights and to promote a sustainable and resilient recovery.

## INTRODUCTION

This year's HLPF theme, "Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels," not only offers an opportunity to reflect on the consequences of the COVID-19 pandemic on those who are most marginalized, including LGBTI populations, but to focus on finding concrete and impactful ways to push forward the achievement of the 2030 Agenda as we reach the half-way point.

The world is at an inflection point, we are now halfway through the 2030 Agenda, yet we are nowhere near the achievement of the 17 Sustainable Development Goals. While this was already a reality before the onset of COVID-19, the pandemic has only exacerbated the failures of countries to realize their commitment to achieving the SDGs by 2030. Those furthest left behind, including lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, continue to see their vulnerabilities being amplified, inequalities widening, and the lack of protection of their human rights being unveiled. Numerous inequalities and barriers to development and human capital for LGBTI populations were stark before the pandemic, including being unable to access social and fiscal recovery packages, coupled with the impacts on health and well-being due to the pandemic, and a global crisis on education, have only led to greater disparities and long-term negative consequences for this population. At the same time, LGBTI persons and organizations have been at the forefront of finding solutions, executing programs, and redriving resources to meet the needs of their own communities, even when governments and humanitarian partners failed to do so. A focus on meeting the development needs of communities most in need, flexibility in operations, and a resilience to overcome barriers, has led to these communities contributing to building the world back better from the Covid-19 pandemic and to the overall achievement of the SDGs.

Great strides are being made in the recognition of the universality of human rights and equal rights for all, including for LGBTI populations: for example, the number of countries criminalizing homosexuality has almost halved since 1990, greater comprehensive anti-discrimination policies and legal gender recognition based on self-determination are being enacted, and harmful, non-consensual, and unnecessary surgeries on intersex babies are being banned. Statistics show that inclusive societies lead to stronger, more stable, economies that promote human capital.

At the same time, around the globe, LGBTI populations are still criminalized and continue to experience stigma, discrimination, violence, and other human rights violations due to their sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). Further, LGBTI populations face higher barriers than their counterparts in accessing development opportunities, funding, needs and services, which are reinforced by punitive policies. LGBTI persons who face multiple and intersecting forms of discrimination due to their gender, age, race, ethnicity, ability,

class, caste, socioeconomic status, work, origin, migration status, and other factors that drive exclusion, are even more marginalized and face even greater barriers in accessing development opportunities.

The achievement of the 17 Sustainable Development Goals is all based on a single, guiding principle: to leave no one behind. This commitment can only be reached if we implement action and take the initiative to include all people who have been historically marginalized, including those with diverse sexual orientation, gender identity and expression, and sex characteristics. Ending marginalization and exclusion of LGBTI populations is a human rights priority and a development imperative. The 2030 Agenda and the SDGs are grounded in human rights. International human rights norms and obligations should be the driving force of the implementation of sustainable and effective development actions. The realization of all human rights relies on the need to address the root causes of exclusion. The Yogyakarta Principles <sup>[1]</sup> provide a strong analysis of what international human rights law obliges Member States to do in promoting and protecting the rights of people of diverse SOGIESC.

## GOAL 5 GENDER EQUALITY

The fundamental principle of the Agenda 2030 is to leave no one behind, yet LGBTI and gender non-conforming people remain excluded from policies and practices aimed at promoting gender equality and tackling structural oppression and discrimination. The real barrier to the achievement of gender equality is one of shared struggle, systemic and deep-rooted patriarchy, which permeates laws and policies and promotes gender-based violence, and the promotion of harmful and negative gender roles, norms, and stereotypes. To truly achieve SDG 5, we must include all people in the design and implementation of programs and policies aimed at promoting gender equality, tackle the root causes of discrimination, and promote gender transformative solutions aimed at reaching those furthest left behind first.

### Heteronormative expectations

LGBTI people face negative social norms, stereotypes and gender roles that harm, discriminate, and exclude them from living their lives to the fullest. Shaped by patriarchal structures and unequal power dynamics, these beliefs stand in the way of achieving gender equality as they perpetuate gender discrimination. In turn, they create false hierarchies that further marginalize LGBTI people and stand in their way of being treated as equals. Not conforming to the restrictive notion of gender as a binary (in which only male and female are acknowledged) puts a target on the backs of people with diverse gender identities, gender expressions or sex characteristics. They risk being humiliated, shunned, or criminalized by oppressive authorities, individuals and communities. People with diverse sexual orientations are subjected to the same fate. Gender equality can only be achieved when LGBTI communities are included in addressing the harmful beliefs and systems that lie at the heart of structural injustice.

## Targeted violence and human rights violations

Animosity, hate, and stigma directed at LGBTI communities are forms of discrimination, harassment and violence against LGBTI individuals. During the COVID-19 pandemic, an increase in violence against LGBTI people was noted as they were scapegoated and discriminated against by policymakers, community leaders and those close to them<sup>[2][3]</sup>. Historically, LGBTI people have faced disproportionate rates of violence and discrimination. These populations risk being verbally and physically attacked, tortured, and killed (including ‘honor killings’)<sup>[4][5][6]</sup>. Their sexual orientation, gender identity and expression and sex characteristics put them at risk for additional human rights violations. These include (but are not limited to) being arbitrarily detained, being forced to marry or undergo conversion practices and involuntary medical interventions<sup>[7] [8][9]</sup>. In contexts of violence, the disappearances of LGBTI+ people have increased without registration and attention from authorities. Due to the fear of violence and human rights violations, LGBTI people aren’t able to live their lives in peace and to their greatest potential.

## Unequal opportunities and underrepresentation

The systemic oppression of LGBTI people in society has significant socio-economic consequences. LGBTI communities face higher rates of poverty and homelessness and lack access to assets (e.g., property or land), information and necessities (e.g., food and water)<sup>[10] [11]</sup>. These impacts have far-reaching consequences for their health and well-being. Research shows that almost two-thirds of LGBT youth experiencing homelessness have faced mental health issues and they are more likely to report depression, bipolar disorder and suicidal ideation and attempts<sup>[12]</sup>. When coupled with other intersecting aspects of their identities, such as race/ethnicity and disability, LGBTI people become even more vulnerable, and their opportunities to thrive further decrease.

The lack of opportunities LGBTI individuals face adds to their lack of representation in key decision-making processes and positions of power. However, the lacking representation can also be attributed to longstanding institutions and structures that have been designed and function in ways that intentionally or inadvertently exclude LGBTI people. The stigma that results from that pushes LGBTI people even further away. Consequently, LGBTI people are barred or discriminated against from taking up leadership roles and working in public and private sectors<sup>[13]</sup>. Moreover, they are unable to engage in policy processes and are not able to engage in decisions that affect their lives. They are also restricted in their ability to take up their basic civil rights, such as in situations where the change of gender in identification documents or same-sex relationships is not legally recognized or even criminalized<sup>[14] [15]</sup>. On the latter, more than a third of the world’s countries criminalize consensual same-sex relationships which put millions at risk of being blackmailed, arrested, or imprisoned<sup>[16]</sup>. Thus, the complex and entrenched impacts of unequal opportunities and underrepresentation reduce the quality of life of LGBTI people and restrict them from fully enjoying their human rights.

## GOAL 6 CLEAN WATER AND SANITATION

Access to clean water and sanitation can mean the difference between life and death. Still, much of the discourse around water, sanitation and hygiene (WASH) is guided by a cisgender, heteronormative narrative that ignores the existing diversity and intersectionalities linked to the needs of LGBTI people and communities. Thus, resulting in them disproportionately facing challenges in accessing WASH facilities, products, services and information <sup>[17][18]</sup>. LGBTI people face stigma, discrimination, exclusion, and criminalization due to their identity, orientation, expression, and characteristics which in turn leads to them not being able to claim their rights to clean water and sanitation. This puts them in dire situations that withhold them from their ability to live their lives to their fullest potential - in safety and good health.

## **The intersectionality of sexual orientation and gender identity increases existing socioeconomic inequality**

Exclusion, discrimination and violence in the workplace, at home and the housing sector coupled with disproportionate levels of poverty and school dropout rates lead to LGBTI facing homelessness or being driven to live in crowded, temporary or unsafe housing arrangements <sup>[19]</sup> <sup>[20]</sup> <sup>[21]</sup> <sup>[22][23]</sup>. In these contexts, WASH facilities are more likely to be inadequate, unreliable, unsafe and lacking privacy <sup>[24][25]</sup> <sup>[26]</sup>. A clear example of this was visible during the COVID-19 pandemic when people with diverse SOGIESC faced loss of livelihoods, expulsion by parents and constraints when seeking shelter leading to a lack of access to WASH <sup>[27]</sup> <sup>[28]</sup>.

Due to a lack of legal recognition of one's gender identity or due to discrimination by providers, transgender, intersex and non-binary people face exclusion from health and aid facilities <sup>[29]</sup> <sup>[30]</sup> <sup>[31]</sup>. In turn, this leads to resistance to seeking care and support. Specifically, this rings true in contexts where LGBTI people are criminalized, and risk persecution <sup>[32]</sup> <sup>[33]</sup>. The structural lack of access to safe and dignified health care puts LGBTIA+ people at a higher risk of facing hygiene and health issues and challenges <sup>[34]</sup>.

The pathologization of LGBTI people remains a harmful reality in which individuals are treated as if they are sick or disordered due to their gender identity or sexual orientation <sup>[35]</sup>. This form of stigma, which is especially visible in humanitarian and emergency settings, pushes them to the margins of receiving adequate care and accessing sanitation and hygiene facilities and products <sup>[36]</sup>.

## **Stigma and violence in public spaces**

In public toilets and sanitation facilities, bisexual or lesbian women face gender-based violence due to their (actual or perceived) sexual orientation <sup>[37]</sup>. In a similar vein, transgender people face abuse, violence, detention and removal in public toilets and bathrooms due to their gender identity <sup>[38][39]</sup>. The fear of stigma and violence further extends to communal water points where LGBTI people endure discrimination and harm when having to access these critical access points to water <sup>[40]</sup>. Moreover, in humanitarian and emergency settings where water and sanitation resources are scarce, LGBTI people face higher risks of violence and discrimination and remain overlooked <sup>[41]</sup>. Here, there are multiple accounts of LGBTI being falsely blamed for natural disasters striking by religious leaders or individuals <sup>[42]</sup> <sup>[43]</sup> <sup>[44]</sup>.

## Lacking access to WASH information and products

Barriers to accessing care products and adequate information stand in the way of LGBTI people being able to maintain a hygienic, clean and healthy lifestyle. Transgender men and non-binary people often lack access to menstrual products and information on menstrual hygiene tailored to their specific needs <sup>[45]</sup>. They also face stigma, binary notions of gender and gender stereotypes when actively seeking out information, resources, and services <sup>[46]</sup>. The lack of access to menstrual health products is further impacted by high tax rates that lead to basic needs not being met, social exclusion and negative health outcomes. Moreover, due to structural barriers and discrimination faced within education settings and healthcare settings, LGBTI people may have limited or lacking health literacy rates making it challenging for them to access and digest WASH information <sup>[47]</sup> <sup>[48]</sup>. More specifically, inaccurate and unsensitized information, programs and education on menstruation and menstrual health continue to impact LGBTI communities' ability to maintain sanitary hygiene practices. The lack of access to WASH products and information remains especially challenging for LGBTI persons with disabilities, living in rural or emergency settings or facing other intersecting forms of discrimination.

## GOAL 7 AFFORDABLE AND CLEAN ENERGY

LGBTI people are disproportionately impacted by environmental injustices. The negative impacts of polluting and harmful non-renewable energy on LGBTI people's health and well-being make a clean energy transition a fundamental concern for LGBTI communities <sup>[49]</sup>. Due to discriminatory policies in housing, employment and health sectors, LGBTI people face higher risks of environmental harm. Inequitable urban planning, unfair housing policies and poverty force LGBTI people to live in dilapidated neighborhoods and housing units where they are more exposed to environmental pollutants and face a lack of access to energy sources – nonetheless renewable energy supplies <sup>[50]</sup><sup>[51]</sup> <sup>[52]</sup>. Being pushed to the margins of society, including in slums and rural areas with lacking infrastructures mean that the quality of life and ability to sustain their livelihoods is negatively impacted by energy outages and electricity shortages. In the workplace, LGBTI people are more likely to work in dangerous environments<sup>[53]</sup>. The increased exposures to pollutants result in LGBTI communities facing higher risks of chronic diseases (including risks of cancer, and respiratory and cardiovascular diseases) than cisgender, heterosexual populations <sup>[54]</sup> <sup>[55]</sup>. The harmful environmental risks LGBTI people face increased when coupled with other intersectionalities, such as race/ethnicity and income levels <sup>[56]</sup>.

## Lacking recognition of the social, political and economic power dynamics and norms at play

Much of the dialogue around clean energy is focused on the role and integration of technology <sup>[57]</sup>. However, technology alone does not lead to an inclusive and positive transition <sup>[58]</sup>. The impact that clean energy options may have depends on the social and political context in which they are developed and rolled out <sup>[59]</sup> <sup>[60]</sup>. Renewable energy technologies can result in various social costs and benefits but do not guarantee equitable and inclusive outcomes <sup>[61]</sup> <sup>[62]</sup>. Overly focusing on the lesser role technology plays, risks ignoring the larger social, cultural and economic

dynamics at play <sup>[63]</sup>. Existing power structures and societal norms can ensure or hinder a transition that is inclusive and just in its design and implementation. This is particularly important, as current clean energy and climate discourse is primarily shaped within the confines of cis- and heteronormative frames of reference due to LGBTI people being excluded from decision-making processes <sup>[64]</sup>. A successful clean energy transition calls for the voices of LGBTI people, that have been pushed to the margins of society, to be heard. Their right to participate in decisions on technologies that affect their lives is key and in turn, increases their ownership and control within the movement for clean energy.

## Diversity and inclusion within the energy sector

Shaping an inclusive energy transition demands inclusivity within the energy sector. While there is a significant body of work on the inclusion of women within these sectors, a striking lack of information on people with diverse gender identities and sexual orientations remains. This while there is evidence that LGBTI people working within the energy sector still face stigma, discrimination, and violence. Research conducted by an industry-wide LGBTI network in the UK and Ireland showed a 40% increase in LGBTI discrimination in the industry between 2021 and 2022 <sup>[65]</sup>. Most research on the impact of gender within the energy sectors prioritizes binary framing without acknowledging the full spectrum of gender identities that exist and the intersectional influences of diverse sexual orientations.

## GOAL 9: INDUSTRY, INNOVATION, AND INFRASTRUCTURE

Looking beyond Covid-19 among other worldwide crises, how do we arrive at inclusive markets, industries, infrastructures, and technologies when the crisis is indeed the new normal <sup>[66]</sup>? LGBTI people require forward resilience thinking whereas building local capabilities to respond to development challenges includes their experience and harnesses their knowledge and capacities.

Covid-19 is yet another crisis LGBTI people are disproportionately affected by. LGBTI people are repeatedly held back by discriminatory laws, criminalization, and being 'local' subjects to projects that do not acknowledge their specific needs. Arriving at resilient infrastructures and societies, systems capable of absorbing disturbance and reorganizing while undergoing change <sup>[67]</sup>, requires serious 'resilience thinking' that strengthens inclusivity in societies <sup>[68]</sup>. Today, LGBTI people suffer lower education outcomes, higher unemployment rates, and a lack of access to adequate housing, health, and financial service <sup>[69]</sup>.

## Lack of access to markets and innovation

Aiming for resilient infrastructures lead by local communities while underplaying violence through criminalization will continue to set us back as an international community. Today 67 countries criminalize consensual same-sex sexual activity. 11 countries have death penalty laws imposed on 'committees' of consensual same-sex sexual activity. 14 countries criminalize non-



normative gender identity<sup>[70]</sup>. LGBTI people cannot be included equally and fairly in industries and societies where they are indeed perceived and treated as criminals by virtue of existing.

Resilient infrastructures led by local communities are not achievable if LGBTI individuals fail to have access to education and equal access to the labor market and lack inclusion in innovation. LGBTI people are less likely to have access to meaningful, healthy, and inclusive education institutions that prepare them to meaningfully participate in the labor market. LGBTI adolescents are more likely to report suicidality and worse mental health than their heterosexual peers<sup>[71]</sup>. LGBTI people often lack the motivation to share classrooms, be that in school or any other learning facility, due to fear or stigma, bullying, and violence. This keeps LGBTI people from gaining relevant knowledge and skills to cope with the world's economic challenges preventing them from inclusion in development processes. Limiting LGBTI people from their human rights and thus from opportunities to grow, creates economic harms, such as lost labor time, lost productivity, underinvestment in human capital, and the inefficient allocation of human resources<sup>[72]</sup>.

Greater inclusion of LGBTI people could expand an economy's human capital by generating opportunities for LGBTI people to enhance their human capital through more education, better health outcomes, or additional job-related training. On the flip side, the exclusion of LGBTI people in educational settings and health-related contexts will diminish their human capital<sup>[73]</sup>.

Even in 'developed' countries with no criminalization restraints, LGBTI people face significant economic exclusion barriers. In 2022, research in the US has found that nearly 50% of LGBTI-owned businesses applying for loans were not funded, 57% did not receive pandemic relief support, and are more likely to be women-owned and migrant-owned<sup>[74]</sup>, in a country where it is legal to be fired for identifying as LGBT in 27 states<sup>[75]</sup>. In Central and West Asia and Eastern Europe, only 8.2% of LGBTI organizations reported receiving funds from their country governments, as opposed to 31.3% LGBTI organizations in those countries reported receiving funds from a government of a western European state<sup>[76]</sup>.

When LGBTI people are marginalized from the development process, this not only hinders LGBTI people from contributing and benefiting from the economy but creates an even heavier load on challenged economies around the world. It increases the dependency of LGBTI people rather than enhancing local resilience.

## GOAL 11 SUSTAINABLE CITIES AND COMMUNITIES

LGBTI people are significantly marginalized from safe and accessible city life. LGBTI people are more likely to suffer from poverty, live in unsafe and compromised circumstances such as slums and being homeless, lack access to trusted service providers due to criminalization and stigma, lack access to public toilets and safe public facilities, and overall, and lack inclusion in all processes of city planning to ensure cities are inclusive of all people.

Achieving sustainable cities is underpinned by various objectives including safe and affordable housing and transportation, inclusive urbanization, and reducing the impact of natural disasters

and increasing local community resilience <sup>[77]</sup>. Today LGBTI people are denied equality of opportunity in accessing economic resources which has a harmful effect on a country's level of economic development <sup>[78]</sup>. Some research has found that GDP per capita is higher in countries that have more legal rights for LGBTI people (as measured by the newly created Global Index on Legal Recognition of Homosexual Orientation) <sup>[79]</sup>. Yet, today, LGBTI people continue to be among the most poverty-stricken segments of society <sup>[80]</sup>. This reality does not only threaten LGBTI people, but rather whole cities and economies, setting us back further as an international community from achieving the 2030 agenda.

### **Lack of access to services such as housing, safe transportation, public facilities and spaces**

Within cities, LGBTI people continue to face housing discrimination being denied leases and mortgages, harassed or reported to the police by neighbors or evicted from their homes <sup>[81]</sup>. When LGBTI people are homeless or live in precarious conditions, especially in contexts where their identities are illegal, they are less likely to have the capacity to lift themselves from homelessness. LGBTI people are less likely to have a bank account, be able to train for a job, to be able to travel and appear for job interviews, be able to be eligible for a job, or even find opportunities to conduct their own businesses <sup>[82]</sup>.

The Special Rapporteur on Housing has multiple examples of rental issues faced by LGBTI people from country visits and thematic reports. In Nigeria, discrimination by landlords affects single women, lesbian, gay, bisexual, and transgender persons, persons living with HIV/AIDS and others <sup>[83]</sup>. In many submissions, lesbian, gay, bisexual, and transgender persons were identified as being among those most at risk of marginalization owing to the pandemic and its impact on the right to housing. Regrettably, disaggregated data on the impact on that group are often not available. In certain regions, including South Asia and the Pacific, transgender and gender-diverse persons often live in communal spaces due to social ostracization and discrimination by landlords. In many countries in the Asia-Pacific region, LGBTI people do not have access to safe shelters and adequate transgender-friendly sanitation facilities at home, at school or in healthcare settings during the lockdowns, especially in rural areas <sup>[84]</sup>. The Special Rapporteur heard harrowing stories from members of the lesbian, gay, bisexual and transgender community in Cairo regarding their experiences of extreme discrimination with respect to housing. The overall cultural climate in Egypt reported by many lesbian, gay, bisexual, and transgender persons, and those with HIV/AIDS, is one of harassment, intimidation, and discrimination, and it manifests acutely in the housing sector. Many landlords are unwilling to rent accommodation to lesbian, gay, bisexual, and transgender persons or those perceived to be a lesbian, gay, bisexual or transgender person. If LGBTI people indeed manage to secure accommodation, they live in constant fear that their sexual or gender identity will be discovered, that they will be charged with crimes such as debauchery, that their rental agreement will be canceled and that they will become homeless <sup>[85]</sup>.

Unsafe public transportation is one of the largest barriers for LGBTI people hindering their mobility and further isolating them. LGBTI individuals can be easily targeted on public

transportation, sexually abused or harassed, face violence and discrimination, and reported to the police in criminalized contexts<sup>[86]</sup>. The lack of inclusive and safe public facilities such as toilets can be dangerous for LGBTI people in urban settings. Not only due to the binary nature of most public toilets, but due to discrimination, intimidation, and even criminalization in certain contexts, for using a bathroom<sup>[87]</sup>.

The United Nations General Assembly 2019 Report of the Special Rapporteur in the field of cultural rights concretely outlines that states and local authorities should review legal frameworks and revise public policies in line with the Sustainable Development Goals, with “inclusion” as a cross-cutting goal. In particular, they should encourage the design of inclusive public spaces through multiple recommendations including, but not limited to, adopting preventive measures, deterring and punishing all forms of human rights violations, violence, threats and sexual harassment against women, children, migrants, lesbian, gay, bisexual and transgender persons or persons with disabilities in the public arena, including on public transport, in educational institutions, on streets and in cyberspace, whether perpetrated by state agents or private persons<sup>[88]</sup>.

## RECOMMENDATIONS

### **Decriminalization of Consensual Same-Sex and non-normative Gender Identity:**

1. Restrictive and punitive laws, policies and practices that harm, exclude and criminalize LGBTI communities must be reviewed and repealed, these include but are not limited to, criminalization of consensual same-sex relations and non-normative gender identities, harmful medical interventions, arbitrary arrests and detainment of people with diverse gender identities and sexual orientations based on harmful vague laws (such as debauchery laws).
2. Identify, reverse and reform restrictive gender recognition laws and the criminalization of LGBTI persons and communities. These laws severely undermine LGBTI people’s ability to enjoy their rights to basic services and live their lives free from violence and discrimination.
3. Using an intersectionality lens, the rights of LGBTI persons in humanitarian and emergency settings must be upheld and LGBTI persons and their needs be integrated in policy and practice linked to all SDGs.

### **Inclusive Economies and Public Spaces for Resilient Societies:**

4. The inclusion of LGBTI persons and communities must be prioritized and meaningfully included within all policies, programs, and initiatives combating gender inequality by introducing and supporting actions to promote equal opportunities.

5. A tailored approach to all SDGs needs to be underlined which integrates and acknowledges the different experiences of people with diverse SOGIESC and that considers the respective needs and related approaches.
6. An intersectional approach must be taken to combat the root causes of harmful gender inequalities and injustices, including impacts of social norms, serotyping, traditional gender roles and taboos.
7. Support policies that promote accessible, affordable and available water sanitation hygiene and health facilities and resources, accessible transportation and housing, and integration within economies for LGBTI persons.
8. The implementation of non-discrimination policies in healthcare, housing and employment sectors needs to be strengthened to protect and uphold LGBTI people's right to access vital services and live a life of dignity.
9. Decision-makers must go beyond gender-neutral policies (be that for access to energy, clean water, facilities, access to public spaces, etc), by rolling-out projects and interventions that are specifically developed to include LGBTI communities in all their diversity in the design and implementation of energy transition programs.

#### **Strong and Engaged Civil Societies are an Integral Part of the Development Process:**

10. Increase commitments to address the social norms, behaviors and roles are at the heart of stigma, discrimination and violence that affect people with diverse sexual orientations, gender identities and expressions and sex characteristics, and stand in the way of achieving gender equality.
11. Civil society organizations and human rights defenders must be better supported through funding and strengthened collaboration with policymakers as a way to accelerate progress in achieving equal rights for LGBTI people.
12. Increased funding is needed for LGBTI community-based responses aimed at evaluating the impact of COVID-19 on people with diverse SOGIESC and implementing best practices to mitigate the harm done and supporting them to 'build back better'.
13. Structural and meaningful consultation and collaboration must be strengthened with organizations rooted within the diverse LGBTI communities and acknowledging the intersectionalities that exist, while also understanding the restrictions and challenges these organizations are facing and supporting them accordingly.
14. Stronger partnerships must be fostered between climate and energy decision-makers and LGBTI civil society organizations and interest groups. Additionally, financing mechanisms must be developed to encourage LGBTI communities' inclusion and participation in the energy transition.

## Enhanced Knowledge and Understanding of the Unique challenges of LGBTI people:

15. Ensure that gender-focused interventions, goals and research encompass the full spectrum of gender identities and include the intersectionalities of sexual orientations. Gender data must be disaggregated to reflect the diversity of identities, expressions, sexual orientations and sex characteristics with a 'do no harm' approach.
16. More research and disaggregated data are needed on all SDGs and their current status as they relate to LGBTI individuals. However, 'do no harm' and research ethics frameworks need to be encouraged in engaging people of diverse SOGIESC.
17. Stronger investments are needed in researching the impacts of non-renewable energy on LGBTI people and communities, and the potential negative social determinants these cause on their environmental health and exposure to environmental harm.
18. The integration of LGBTI issues along with broader gender and social equity impacts of the clean energy transition must be strengthened within environmental justice research and frameworks. Moreover, the collection of disaggregated data related to environmental health and exposure data on gender identity and sexual orientation as well as other intersectionalities (e.g., race/ethnicity, income, disability) that may increase risks and vulnerabilities must be encouraged.
19. A better awareness of LGBTI people's needs within and contributions to the energy sector must be prioritized by industry actors. Moreover, additional investments must be made to ensure stronger diversity and inclusion policies that uphold LGBTI people's rights.

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[1] See The Yogyakarta Principles <https://yogyakartaprinciples.org/>

[2] [COVID-19 and specific impact on LGBTI people and what authorities should be doing to mitigate impact](#), ILGA Europe

[3] [Vulnerability Amplified: The Impact of COVID-19 Pandemic on LGBTIQ People](#), Outright International

[4] [A/HRC/19/41: Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity](#)

[5] ["Everyone Wants Me Dead" Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq](#)

[6] As defined by [United Nations Economic and Social Commission for Western Asia](#): "The killing of a relative, especially a girl or woman, who is perceived to have brought dishonour on the family."

[7] [Harmful Treatment: The Global Reach of So-Called Conversion Therapy](#), Outright International

[8] ["This Is Why We Became Activists" Violence Against Lesbian, Bisexual, and Queer Women and Non-Binary People](#)

[9] [Practices of so-called "conversion therapy" Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#)

[10] [A Brief on the Inclusion Of LGBTIQ And Gender Non-Conforming People in the Achievement of the Sustainable Development Goals](#), RFSL

[11] ["This Is Why We Became Activists" Violence Against Lesbian, Bisexual, and Queer Women and Non-Binary People](#)

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- [17] LGBTI and sanitation: what we know and what the gaps are, C. Benjamin & A. Hueso (UK)
- [18] [Violence and its impact on the right to health Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng](#)
- [19] SR on education: "No]n-discrimination includes access to facilities and services related to water, sanitation and hygiene in educational settings, for everyone, particularly [...] gender-diverse and transgender persons [...]. Individuals should be allowed to use toilets in a manner consistent with their chosen gender identity (A/HRC/33/49, paras. 9 and 48)." Source: [Interrelations between the right to education and the rights to water and sanitation](#) A/75/178 Para. 28 Session: 75
- [20] SR on water and sanitation: "In Malaysia, he [the Special Rapporteur] learned of the difficulties faced by transgender and gender non-conforming persons when accessing sanitation amenities in their workplaces, owing to their employers forcing them to only use toilets which match the gender they were assigned at birth." (A/HRC/42/47/Add.2, para. 58). Source: [Human rights to water and sanitation in spheres of life beyond the household with an emphasis on public spaces](#) A/HRC/42/47 Para. 4 Session: 42
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- [23] SR on the right to adequate housing: "Similarly, lesbian, gay, bisexual, transgender, intersex and gender-diverse persons are disproportionately exposed to inadequate housing and homelessness." (A/HRC/52/28 Para 27). Source: [Towards a just transformation: climate crisis and the right to housing](#)
- [24] SR on water and sanitation: "Research from India indicates that transgender persons face difficulties in finding rental housing and are often forced to live in remote slum areas, where access to water and sanitation facilities is poor". Source: [Gender equality in the realization of the human rights to water and sanitation](#) A/HRC/33/49 Para. 30 Session: 33
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- [36] Gender Identity A Compilation By The Special Rapporteur On The Human Rights To Water And Sanitation, Léo Heller And The Human Rights To Water And Sanitation
- [37] LGBTI and sanitation: what we know and what the gaps are, C. Benjamin & A. Hueso (UK)
- [38] SR on water and sanitation: Water and sanitation facilities must be safe, available, accessible, affordable, and socially and culturally acceptable, provide privacy and ensure dignity for all individuals, including transgender and gender non-conforming persons. These elements should be particularly prioritized in public spaces and the work environment. The Special Rapporteur heard that several transgender persons were often instructed by their employers to use toilets based on their sex assigned at birth, mostly due to complaints by co-workers or clients. As a result, transgender persons cannot use the closest toilet but are forced to use toilets on other floors in other buildings or in public spaces. According to a 2017 online survey on access to toilets by transgender persons in Malaysia by Justice for Sisters, 40 of the 97 transgender respondents had encountered discrimination of some form when using a public toilet, while 26 of the 97 respondents had experienced restrictions on access to toilets at the workplace. Fifteen of the transgender respondents reported having been forced to use toilets based on their sex assigned at

birth. Source: [Report of the Special Rapporteur on the human rights to safe drinking water and sanitation on his mission to Malaysia](#) A/HRC/42/47/Add.2 Para. 57 Session: 42

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The LGBTI Stakeholder Group is organized as a governing structure of a coalition of civil society organizations across all regions working to advance the rights and achieve the highest development outcomes for LGBTI people everywhere. The LGBTI Stakeholder Group coordinates membership and participation in multiple ways, including by organizing a virtual space, through a listserv and conference calls, through in-person preparatory, strategy, and debriefing meetings, before, during and after the High Level Political Forum (HLPF). It is a space for LGBTI advocates and allies to reflect and strategize on the issues around the implementation of the Agenda 2030, its relevance to the lives of LGBTI persons and ways forward. The LGBTI Stakeholder Group provides opportunities to focus on collective advocacy goals, map the state of implementation of the SDGs and inclusion of LGBTI issues, as well as challenges around these and potential solutions. Most of all, the LGBTI Stakeholder Groups is an opportunity for LGBTI advocates to support and learn from each other through best practices exchange, capacity building for newcomers, and continuous dialogue.