

“LGBTI Inclusion in 2030 Agenda for Sustainable Development” Working group

Concept Note

Introduction

In September 2015, the United Nations General Assembly unanimously approved the 2030 Agenda for Sustainable Development, including 17 Sustainable Development Goals (SDGs), which constitute the framework to guide the efforts during the next 15 years regarding the global commitment to eradicate poverty and inequality, under the principle of “leaving no one behind”. All UN member States have committed to these goals, with 169 universal targets, notwithstanding the different national realities and stages of development.

Under this commitment to promote human rights and the inclusion of everyone with no exceptions, the reality of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons must be fully contemplated, cross-cutting every proposed goal, in order to identify the challenges and specific needs to be met.

Discrimination and inequalities faced by LGBTI persons result from the total or partial, covered or explicit, normative and/or cultural questioning of the “right to be”, which has an impact on any and all dimensions of everyday life. Violations of human rights and fundamental freedoms have been disclosed by several reports, including the last report of the United Nations High Commissioner for Human Rights A/HRC/29/23, titled “Discrimination and Violence against Individuals Based on their Sexual Orientation and Gender Identity”, according to Resolution 27/32 (2014) of the Human Rights Council and 17/19 (2011). Aligned with the Universal Declaration of Human Rights, the rights and fundamental freedoms of every individual, whatever their condition, must be ensured.¹

Within the context of the Global LGBTI Human Rights Conference “Non Violence, Non Discrimination and Social Inclusion” (Montevideo, July 13-15, 2016) a Working Group on “LGBTI Inclusion in the 2030 Agenda for Sustainable Development” is being established. This group shall focus on the following sub-issues: employment and working conditions, including the role of the private sector, combatting poverty, gender equality, education, health, social inclusion and response to violence and discrimination, which interlink several SDGs. Therefore, we propose actions to mitigate these inequities and discrimination situations, which vary from the most basic and urgent measures as regards minimum guarantees, up to more ambitious proposals, as long as progress is made. The idea is to offer solutions that shall benefit all the parties in the community and society (win-win approach) and which must necessarily be integral solutions, because human rights are indivisible and interdependent. It must be known and acknowledged the intersection of multiple discriminations and inequalities that weave with each other to produce complex situations of vulnerability, which, in turn, create significant heterogeneities inside the LGBTI groups.

¹ Yogyakarta Principle 2 –The Rights to Equality and Non-discrimination
http://www.yogyakartaprinciples.org/principles_en.htm

A. Economic wellbeing: employment and working conditions, including the role of the private sector

SDG 1: End to poverty in all its forms everywhere

SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

SDG 8: Promote inclusive and sustainable economic growth, employment and decent work for all

SDG 10: Reduce inequality within and among countries

Multiple discrimination, stigma and violence, suffered by LGBTI persons, varying in intensity depending on the countries, create a vicious circle, beginning by an early disengagement from the educational system, which later hinders labor market insertion, thus resulting in low qualified jobs, informal jobs and/or unemployment, and consequently less income and unequal well-being levels. Likewise, difficulties in having access to social protection not only affect LGBTI population at present but it also has an impact on the future life conditions of those who have been totally or partially disengaged from the formal employment system (retirement, pensions, health care, etc.)

Additionally, this implies particularly for trans population (transsexual, transvestite and transgender individuals) a greater vulnerability to sexual exploitation and a strong exposure to violence or to high levels of risk.

Proposals:

1. To recognize structural components of poverty that harm individuals due to their sexual orientation and/or gender identity, which should be the starting point for the creation of specific policies that reach LGBTI populations where universal policies to combat poverty have no impact.
2. To facilitate research and data collection to analyze the degree of LGBTI discrimination and exclusion. Involve national agencies specialized on statistics and generate necessary coordination with relevant stakeholders, such as national institutions of human rights.
3. To promote cooperation with other States in good practices in order to have disaggregated data, tools and mechanisms for measurement and follow up, and define road maps in the national level.²
4. To foster cooperation through UN agencies and other international organizations (specially UNDP and World Bank, which are working in and LGBTI inclusion index) either for recollection, systematization and analysis of data, as well as to seek support from academic institutions.
5. To achieve inclusion of the LGBTI community in the formal labor market, rethinking the income alternatives and access to goods and services, including social protection of those who work at less qualified jobs or have an intermittent working relationship in

² For example, adapt the census methodology to achieve quantitative and qualitative information on LGBTI persons, as an important starting point for policies, such as documentation in favor of the inclusion of LGBTI persons (birth certificate and identity documents) and create structures to generate public policies in sexual diversity with an aim to a real inclusion and the participation of public and private stakeholders.

formal jobs. To support LGBTI persons to create own businesses, and in particular entrepreneurships of trans people.

6. To support LGBTI persons to create their own business, especially for trans persons.
7. To encourage and support private companies to implement diversity strategies.
8. To consider affirmative policies in the field of employment promotion and protection, as well as professional training, in particular for trans individuals, who really face a social disadvantage regarding education. At the same time, a substantial improvement of basic wage levels and social protection networks is indispensable so as to achieve a proper socioeconomic insertion, considering the cost of living in each country.³
9. To fully involve employers and workers' unions and make them actively participate in creating free from homo, lesbian and trans-phobia working places. To favor that anti-discriminatory labor policies adopted by multinational companies at their headquarters or head offices be promoted and implemented at their branch offices in other countries, and assure distributors or representatives respect the human rights of LGBTI persons.
10. To promote labor inclusion in the public sector and enhance labor conditions of LGBTI of public employees.
11. To promote anti-discrimination and rights protecting legal frameworks, in order to broaden labor or business opportunities and therefore the social well-being level.
12. In those countries where State structures of promotion of cooperative ventures or solidarity economy exist, it must be especially taken into account the situation of vulnerability of LGBTI persons, in order to give them an alternative to job insecurity as well as an improvement of the equity in production/consumption .

B. Integral Health

SDG 3: Ensure healthy lives and promote well-being for all at all ages
SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all⁴

This goal shall not be completely achieved without attracting and keeping LGBTI population into health services.

LGBTI individuals' health is the most vulnerable area of everyday life due to discrimination and exclusion situations suffered by this population. Ignorance of health specificities and needs of LGBTI individuals, lack of training and sensitivity of health personnel, in addition to barriers to access to preventive health and assistance services, seriously affect life quality and health

³ For instance, adjusting state policies of promotion of cooperative ventures and entrepreneurship that take care of the situation of vulnerability of LGBTI persons, in order to offer an alternative to job insecurity.

⁴Yogyakarta Principle 17 - The Right to the Highest Attainable Standard of Health
http://www.yogyakartaprinciples.org/principles_en.htm

conditions of LGBTI individuals (or even individuals thought to be LGBTI), and has a negative impact on national health indicators. For example, lesbians and bisexual women have difficulties to access health care, which often results in higher numbers of cancer and other health issues; transgender persons are refused access to gynecologists or are discriminated against by practitioners because of their gender identity, resulting in declining health condition.

Even though the right to health for LGBTI individuals was installed in the public and social agenda during the emergency of HIV epidemics, which in many contexts increased stigmatic situations, it must be borne in mind that working in the prevention of the epidemics at the level of the most vulnerable groups, results in the benefit of all the population. Sexually transmitted diseases care strategies must be designed from a comprehensive health perspective that eradicates every reductionist action that reinforces stigma and discrimination towards LGBTI persons.

Evidence is consistent when asserting that strong efforts made towards health and social policies, which actively contribute to the inclusion, promotion and quality assistance of LGBTI population, without, inter alia, contravening confidentiality and intimacy of those individuals, also positively affect key social determinants of the well-being levels of the population in general.

Proposals:

1. To ensure quality, universal, inclusive, integral, affordable and discrimination free health services for all individuals, and taking into consideration the principle of confidentiality, including personnel continuous training in areas of LGBTI health, from the beginning of their vocational training. It would be desirable to develop integral health services; therefore avoiding the installation of specific services for one or more identities, targeted to the treatment of some pathologies, and working in parallel to health services for general population.
2. To institutionalize and facilitate trainings for health care personnel on LGBTI specific issues, in particular to ensure that
13. To facilitate research and data collection to analyze the degree of LGBTI discrimination and exclusion, including health disparities.
3. To implement prevention measures, assistance and treatment of sexually transmitted infections, within the scope of integral sexual and reproductive health strategies, including assurance and free availability of quality prevention and protection methods, adjusted to sexual practices of the individuals, having into consideration the fulfillment of their sexual reproductive health rights. Apart from universal health coverage, and among the specific strategies towards LGBTI population regarding their health needs, the following has to be considered: the access to gender reassignment services for intersex and trans persons (surgeries, hormone treatments, etc.) and access to assisted reproduction techniques. To prohibit these procedures without the consent of the affected persons, such as forced surgeries in intersex children.
4. To recognize the impact of discrimination and stigma on mental health, facilitating and extending access to specialized services, including suicide prevention and treatment of problematic consumption of substances. To reject and report the implementation of

conversion therapies for LGBTI persons, as defined by the WHO. To promote the standardization of psychological criteria at the international level, having into consideration alliances with international organizations in this field.

5. To recognize union and filiation rights of LGBTI families and their inclusion in the health system under equal conditions as the other users.

C. Inclusive Education

SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all⁵

Education is a human right and constitutes the consensual tool at global level to transit towards more inclusive, fair and equitable societies. In that sense, the education system plays a key role to promote, ensure, protect and comply with the rights of all. A permanent eradication of gender stereotypes and inequalities, prejudices and discriminations towards (sexual and gender and family) diversity, implies a deep cultural change that requires inter-sectorial and articulated strategic actions.

The main challenge for most of the education systems in the world regarding (sexual and gender and family) diversity is still the positive permanence and completion of courses by LGBTI girls, boys, teenagers and youngsters in formal education. Multiple harassment practices, bullying and violence are critical factors, which explain the education drop-outs of LGBTI individuals.

Educational proposals with programs that affirm the “biological nature” of genders threaten the guarantees that the education system has to provide from a human rights perspective.

Proposals:

1. To implement strategies and policies towards nondiscrimination (action plans) in the educational arena, in order to result in positive experiences, and procure the permanence of LGBTI girls, boys, teenagers and youngsters in formal education.
2. To guarantee comprehensive education on LGBTI issues in schools as stigma prevention. To promote data recollection related to stigmatization.
3. To detect the possibility to include or modify the existing curricula at all levels education on human rights, gender equality and sex characteristics from an integral stand point and full recognition of the several sexual orientations and gender identities, within the scope of the principles of equality and non-discrimination. Furthermore, to prepare pedagogic material as guidelines for teachers.
4. To recommend States to implement mechanisms to report, mediate and support for the development, assessment and follow-up of educational policies targeted to that aim. To implement institutional response protocols and methods regarding

⁵ Yogyakarta Principle 16 – The Right to Education http://www.yogyakartaprinciples.org/principles_en.htm

harassment and discrimination in particular due to sexual orientation, gender identity and sex-characteristics, for students, teachers and employees, including to generate a constructive dialogue with families.

5. To facilitate research and data collection to analyze the degree of LGBTI discrimination and exclusion in education.
6. To appreciate social diversity, showing the contributions that LGBTI persons make in areas of knowledge and human activity.
7. To make sure that lessons from history are taught (human rights, LGBTI and persecution and achievements).
8. To institutionalize and facilitate LGBTI trainings for teachers, students who will become teachers and directors, during their technical training and labor experience.
9. To recognize structural social disadvantages of individuals resulting from their gender, sexual and gender identity in order to advance strategies and support methods for the insertion and permanence in the formal education system, in particular for women and trans persons.
10. To promote regional and international cooperation, which will contribute to share and adapt the validated good practices regarding human rights and sexual education in sexual education and human rights, including alliances between State- LGBTI civil society –United Nations for its implementation.
11. To raise awareness of the problem that intolerance and hate speeches and manifestations, both inside and outside educative institutions, pose to the full development of persons.

D. Social inclusion, prevention and response to violence and discrimination

SDG 5: Achieve gender equality and empower all women and girls
SDG 11: Make cities inclusive, safe, resilient and sustainable
SDG 16: Promote just, peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

Discrimination and violence situations towards LGBTI individuals due to their sexual orientation, gender identity and/or sexual characteristics constitute a global phenomenon. This gets worse because of the fear felt by individuals when reporting such situations, due, in general, to the lack of reliable channels, which contributes to “naturalize” violence and turn it invisible and unpunished.

In this sense, the institutions -as reproducers of inequalities regarding assigned identities and gender roles- must rethink new approaches and new inclusive practices to finish with stereotyped images, procedures and speeches, eradicate implicit gender violence and promote equalitarian relationships at work places, decision and participation spaces.

Proposals:

1. To advance decriminalization of sexual orientation and gender identity, eliminating every law or rule punishing individuals for practices or banning their political, cultural or artistic expressions, among others.
2. To promote anti-discriminatory laws that explicitly protect individuals against harassment based on their sexual orientation, gender identity, and/or and sexual characteristics, including effective mechanisms to implement complaints and penalties. In those countries where these rules are already in force, their effective implementation and monitoring must be ensured (for example, to avoid hate messages from the media)
3. To implement programs and action plans against LGBTI hostile attitudes in society and to use statements and testimonials of prominent personalities (TV, sports, culture, politics etc.)
4. To actively address biased-motivated crimes (usually known as hatred crimes) against LGBTI on all levels, having into consideration that in many occasions they refer to multiple discriminations.
5. To assure accountability and access to due process and follow up of violence against LGBTI persons.
6. To facilitate LGBTI trainings for police, judges and others.
7. To facilitate research and statistics on hate crimes and other violence against LGBTI people.
8. To respond to invisibility of LGBTI individuals, being aware of their realities and collecting evidence of the inequalities, stigma, discrimination, and violence to which they are exposed, thus affecting their education, social, labor and love/sexual lives. This means to identify barriers, disparities and structural gaps to access and enjoy resources and opportunities by LGBTI individuals and how public policies are part and account for intersecting differences and inequalities. Generation of statistical information must necessarily be based on a human rights approach, instead of contributing to a greater marginalization ("do no harm").
9. To eradicate and report implementation of reconversion therapies or practices, such as "corrective violations" to LGBTI individuals, considering that in many cases are comparable to torture. Likewise, to eradicate surgery practices tending to "normalize" the bodies of intersex individuals, promoting the timely decision and consent of the own individuals.
10. To make visible the needs and demands of LGBTI individuals related to the activities and social expressions, including in public areas. This is essential not only for the participation of those directly involved, but also as an answer to the assignment of subculture, which legitimates social violence.
11. To promote the acknowledgement of unions and family arrangements of LGBTI persons and pay special attention to unattended needs of the LGBTI elderly.

12. To guarantee LGBTI persons deprived of their liberty access to health services and to consider torture prevention mechanisms.
13. Participation of LGBTI groups is key to design and implement public policies and tools to address their human rights, as well as the assignment of adequate financial support.

E. Implementation and follow-up

SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Proposals:

1. To promote collaboration and communication between public and private sectors to implement and follow-up the SDGs.
2. To promote cooperation with international organizations and institutions to build and reinforce national capacities, including data recollection, assigning resources to national statistic agencies.
3. To assign more financial resources and specific budgets at national and local levels.
4. To monitor follow-up mechanisms of LGBTI inclusion in the implementation of the Agenda 2030 for Sustainable Development of the United Nations (for example, voluntary reports of States at international conferences).