

LGBTQI Rights are **Human Rights**

International Treaties, Bodies, and Declarations

- **The United Nations Human Rights Committee**, established to monitor countries' compliance with the International Covenant on Civil and Political Rights, held that laws discriminating on the basis of sexual orientation and criminalizing same-sex conduct violates the Covenant.
- **The U.N. Committee on Economic, Social and Cultural Rights** held that discrimination on the basis of sexual orientation and gender identity is prohibited under the International Covenant on Economic, Social and Cultural Rights.
- **The U.N. Committee on the Rights of the Child**, established to oversee compliance with the Convention on the Rights of the Child, identified discrimination based on sexual orientation as a concern with respect to access to healthcare related to prevention and treatment of HIV/AIDS, and held that countries have the obligation to ensure that all children enjoy all the rights set forth in the Convention without discrimination based on sexual orientation.
- **The U.N. Committee Against Torture**, established to oversee compliance with the Convention Against Torture, has held that countries must ensure that their laws prohibiting torture are in practice applied to all persons, regardless of their sexual orientation.
- The **U.N. Committee on the Elimination of Discrimination Against Women**, established to monitor compliance with the Convention on the Elimination of All Forms of Discrimination Against Women, has included sexual orientation within its understanding of discrimination.
- In 2008, the **U.N. General Assembly** adopted the "Declaration on Human Rights, Sexual Orientation, and Gender Identity," affirming that the principle of nondiscrimination requires that human rights apply equally to every human being, regardless of sexual orientation or gender identity.
- In 2011, the **U.N. Human Rights Council** passed a resolution entitled "Human Rights, Sexual Orientation and Gender Identity," which condemns violence and discrimination on the basis of sexual orientation and gender identity.
- The **U.N. High Commission for Refugees** has advised since 1991 that "persons facing attack, inhuman treatment, or serious discrimination because of their homosexuality, and whose governments are unable or unwilling to protect them, should be recognized as refugees."

U.N. Human Rights experts have similarly condemned discrimination and other human rights violations on the basis of sexual orientation and gender identity in the context of violence against women, torture, extrajudicial executions, minorities, migrants, terrorism, freedom of religion or belief, housing, education, the independence of lawyers and judges, racism, human rights defenders, and health.

Regional Treaties, Bodies, and Declarations

THE AMERICAS



Each year since 2008, the General Assembly of the Organization of American States has passed resolutions condemning discrimination against persons on the basis of their sexual orientation and gender identity and urging member countries to prevent, sanction and eradicate such discrimination. The Inter-American Court of Human Rights held that discrimination on the basis of sexual orientation and gender identity constitutes a violation of the American Convention on Human Rights, and the Inter-American Commission on Human Rights has undertaken country visits to investigate issues relating to discrimination and violence against LGBTI people.

AFRICA



The African Commission on Human and Peoples' Rights has held that the prohibition of discrimination under the African Charter on Human and People's Rights includes discrimination based on sexual orientation. The Commission has also questioned individual African countries on the status of LGBTI persons under their national laws. During a country review of Cameroon in 2006, one member of the Commission stated that the criminalization of consensual same sex practice under Cameroon's penal code was not compatible with the African Charter.

EUROPE



The European Court of Human has repeatedly found laws discriminating against persons on the basis of sexual orientation to be a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Treaty of Amsterdam, which amended the founding treaties of the European Union, effected a specific amendment to make the prohibition of discrimination on the basis of sexual orientation explicit. In 2000, the Council of the European Union adopted a binding council directive establishing a general framework for equal treatment in employment which explicitly prohibits direct and indirect discrimination the basis of sexual orientation. The Charter of Fundamental Rights of the European Union also prohibits "any discrimination on any ground such as [...] sexual orientation." In 1995, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (to which the United States and Canada belong) passed a declaration calling on Member States to provide equal protection against discrimination for all and specifically included sexual orientation.

CONSENSUS AMONG COUNTRIES WORLDWIDE

Recognizing the discriminatory nature of laws criminalizing same-sex conduct, nearly two-thirds, or 113, of the world's countries have moved to repeal such laws. 52 countries prohibit discrimination based on sexual orientation in employment, 19 countries prohibit discrimination in employment based on gender identity, and 6 countries have explicit constitutional prohibitions against discrimination based on sexual orientation. Incitement to hatred based on sexual orientation is prohibited in 24 countries. National courts in Canada, Hong Kong, South Africa, and elsewhere, have struck down laws prohibiting same-sex intercourse.