

Upholding the human rights of people who face discrimination due to sexual orientation, gender identity, gender expression or sex characteristics

A practical guide for NHRIs to working with civil society

Everyone has the right to be treated equally and to live free from discrimination and persecution. However, in the Commonwealth, nearly two-thirds of countries criminalise same-sex activity between adults and many people continue to face discrimination, violence and abuse because of their sexual orientation and/or gender identity or expression or their sex characteristics (SOGIESC). Across the Commonwealth, National Human Rights Institutions (NHRIs) are working to protect people whose human rights may be impaired because of their SOGIESC.

This factsheet has been developed by the Commonwealth Forum of National Human Rights Institutions and the Commonwealth Equality Network to give NHRIs practical tips on what to consider when working with civil society organisations on LGBTI+ (lesbian, gay, bisexual, transgender and intersex)* rights. It is informed by the expertise of CFNHRI member organisations and civil society organisations who have worked with them.

1. Meet organisations and individuals where they're at

Many organisations that support LGBTI+ people have little or no funding. This is particularly true of organisations which work with minority groups within the LGBTI+ community, such as those which represent trans, ethnic minority or disabled people, which may be run mostly or entirely by volunteers and have little resource to engage with policy development, the legal system or formal research. Organisations in countries with high levels of persecution may also need to take steps to conceal the identities of staff or service users to keep them safe, or institute other norms to ensure safe interactions

Be prepared to meet organisations and advocates on their terms and approach the relationship as a partnership – initially you may want to simply listen and learn.

Work with organisations to upskill them to produce robust data and evidence and to engage more effectively with decision makers. Where possible, co-plan sessions and be prepared to pay for time and expertise and/or to reimburse expenses. Always ensure that you are using appropriate safeguards to protect the health and safety of the organisations and individuals you are engaging with.

2. Be aware of internal biases

In countries where same-sex relationships are illegal or where there are high levels of prejudice and discrimination against LGBTI+ people, it is likely that some members of NHRI



staff also carry those prejudices. Even in countries where LGBTI+ people are less stigmatised, staff members may have preconceptions about LGBTI+ communities or not have much knowledge about SOGIESC rights.

Educate your colleagues about how to uphold the human rights of people who face discrimination due to their SOGIESC. Consider working with civil society organisations to host guest speakers or dialogue events to build connections with community members or to provide cultural sensitivity training. This is especially important for staff who deal directly with the public or who handle complaints. Do not expect staff members who are LGBTI+ to provide institutional expertise on human rights issues relating to SOGIESC rights, unless this is part of their job role.

3. Engage with groups who are traditionally in opposition

NHRIs are likely to be engaging with organisations who support discrimination on the grounds of SOGIESC as well as those who want to protect LGBTI+ people. These may include religious or community leaders and even human rights defenders who are committed to upholding rights in other contexts.

By highlighting common human concerns, common humanity, and the legal protections in human rights treaties, you can help to build coalitions to stand up against the worst human rights abuses, even if these partners are not generally supportive of LGBTI+ people.

Care should be taken not to re-traumatise LGBTI+ people, including engaging with groups separately if necessary. It can also be helpful to identify and engage with leaders within religious communities who interpret their religious tenets or community norms in ways that support LGBTI+ rights and including these perspectives in discussions.

4. Create or join networks

NHRIs can play an important role in connecting civil society organisations who are working to uphold SOGIESC rights with wider human rights defenders and civil society organisations working with NHRIs can connect them to wider networks of LGBTI+ community groups. Where appropriate, be prepared to play a convening role to bring together LGBTI+ organisations and wider civil society groups and/or join networks to connect with wider SOGIESC rights defenders.

5. Act as a bridge between grassroots and those in power

NHRIs are impartial and independent bodies committed to upholding human rights. They can act as a bridge between civil society organisations who are offering 'on the ground' support to communities facing discrimination and policy-makers and decision-makers, and others in power whose decisions can ameliorate human rights abuses.

As well as addressing individual human rights abuses, NHRIs can use the evidence collected through working with civil society organisations to inform recommendations to Government and other seats of power on laws and policies. They can also carry out formal inquiries and investigations to collect evidence on areas of concern which have been highlighted by civil society partners.

* The language used to describe people who may face human rights abuses due to SOGIESC varies in different countries. Many indigenous cultures have words which do not translate easily into English concepts of sexual orientation or gender identity. In this document we use the umbrella term LGBTI+, whilst acknowledging that this will not describe all people who face discrimination because of their sexual orientation and/or gender identity or expression or their sex characteristics.

