

Promoting the human rights of LGBT (lesbian, gay, bisexual and transgender) people

Guidelines for systematising and strengthening embassy efforts

Sexual orientation and human rights

Norway plays an active role as an advocate for the human rights of LGBT people, both in the UN Human Rights Council, the UN General Assembly and bilaterally. In the UN general Assembly in December 2008, Norway was part of a core group that promoted the statement on Human Rights, Sexual Orientation and Gender Identity. The statement was supported by 66 countries. Our main message has been that homosexuality must be decriminalised and that states must take steps to combat violence and discrimination based on sexual orientation and gender identity.

The starting point for Norway's efforts is that human rights apply to everyone, regardless of their sex, social and ethnic background, religion or sexual orientation. In practice, LGBT people are subject to criminalisation and discrimination, in the form of both harassment and actual violence. In some cases, LGBT people are the victims of abuse and discrimination on the part of the authorities themselves. In others, the authorities fail to protect them against abuse and discrimination by family members or society in general. Many LGBT people also experience more indirect forms of discrimination in the labour and housing markets.

Moreover, equal rights for sexual minorities is an important development policy issue, together with other equality issues.

LGBT activists who are working for their rights and fighting discrimination are considered to be human rights defenders, in the same way as other human rights activists.

Norwegian policy as regards LGBT people

Norway is willing to speak up when others are silent, and to raise the issue of equality and rights for LGTB people. Norway is a staunch defender of human rights. There is a need for an increased focus on equal rights, including the issue of discrimination based on sexual orientation. This is a priority area in the Government's *Action Plan for Women's Rights and Gender Equality in Development Cooperation 2007–2009*. Norway also endorses the Yogyakarta principles on the application of international human rights law in relation to sexual orientation and gender identity. International efforts are also being made to find funding mechanisms for channelling allocations to provide legal assistance for LGBT people who are arrested.

Terminology

In ordinary speech we often talk of lesbian and gay rights. The UN uses the term *sexual orientation and gender identity*, Common generic terms are: LGBT – Lesbian, Gay, Bisexual and Transgender people, and LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex people. The term “transgender” or “Third gender” applies to all that do not fall into the definition man/woman.

Long-term approach

In many countries, securing the rights of LGBT people is a sensitive issue, and the work of Norway’s embassies in this field must be adapted to the local context and what will give the best results for the target group. A long-term perspective is needed. It may be worthwhile to look back on the history of campaigns for greater equality in Norway. Both women and gay and lesbian groups have used campaigning methods that were against the law in order to make themselves heard. Due to the efforts of Norwegian homosexuals, their situation has changed from a prohibition against homosexual practices 35 years ago to the recent adoption of amendments to the Marriage Act to make it applicable to both same-sex and opposite-sex couples. It seems likely that there will be situations where LGBT activists in other countries make use of campaigning methods that states consider to be illegal. Norway should take a particular responsibility for speaking out precisely in cases where the rights of sexual minorities are a controversial issue. Norway is playing a leading role in promoting women’s and children’s rights, and should have the same level of ambition when it comes to the rights of LGBT people

The Ministry’s efforts

Please refer to the guidelines for systematising and strengthening the efforts of foreign service missions to support human rights defenders, which are available on the Intranet and at <http://www.regjeringen.no/upload/UD/Vedlegg/defenders.pdf>.

Many of the types of initiative that can be taken to support human rights defenders can also be used to support LGBT activists and organisations.

Statement by France and Germany at the UN General Assembly in 2008

France and the Netherlands have drawn together a core group of supportive states to prepare a statement for the 63rd Session of the UN General Assembly. Norway is a member of the core group. It will support this work, but because it is a candidate for election to the Human Rights Council, it will not be playing a leading role.

Brief guidelines for efforts by Norwegian embassies to promote the rights of LGBT people

1. Promoting equal rights and non-discrimination of LGBT people is part of Norway’s policy. Embassies should be aware of this policy and be

prepared to answer questions on our position using the background information provided here.

2. Human rights efforts must extend to issues relating to LGBT people. These issues must also be included in reports to the Ministry, with a particular focus on a general description of the situation for LGTB people, individual cases and their legal position.
3. Embassies should gain an overview of other like-minded embassies and their networks. Sweden, the Netherlands, UK and France has been giving priority to this issue, and both the UK and the Netherlands have drawn up guidelines for their embassies on how to promote the rights of LGBT people. The countries supporting the statement to the UN General Assembly are also of interest.
4. Embassies should investigate the legislative framework and political and social situation for LGBT people locally, and maintain an overview of and contact with organisations that represent them. They should work together with other countries on this to avoid duplication of effort. The Section for Human Rights and Democracy at the Ministry is involved in project cooperation with the Norwegian LGBT Association, which has an extensive international network. Embassies can contact the Association directly, or via the Section for Human Rights and Democracy, if they need more information on LGBT organisations or the political situation in a relevant country.
5. Embassies should raise the general issue of LGBT rights in their talks with authorities and Human Rights Organisations.
6. In the event of arrests or abuse of LGBT people, embassies should contact other like-minded countries to coordinate their response. Responses may include following court cases, protesting to the authorities, or expressing support to the persons arrested. The security of LGBT activists who are being persecuted or are in some other vulnerable situation may be improved if embassies make it clear that they are monitoring the situation. Embassies should adapt their response according to the degree of influence/contact Norway or other relevant countries have in the country in question. The response should also be adjusted in the light of what will most benefit the target group, and LGBT organisations' own assessment of the situation should be given considerable weight here.