

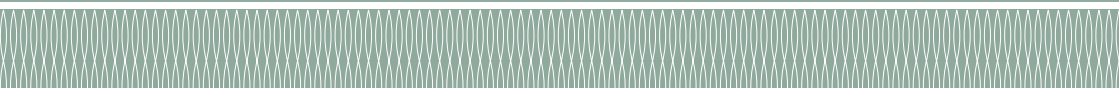


norway



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

Guidelines for systematising and
strengthening embassy efforts



Sexual orientation, gender identity 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. We are actively promoting the ground-breaking statement in the UN General Assembly on Human Rights, Sexual Orientation and Gender Identity. The statement was supported by 66 countries. The main message of the statement is 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. Sexual minorities are often subject to criminalisation and discrimination, harassment and actual violence. In some cases, they are the victims of abuse and discrimination on the part of the authorities themselves. In others, the authorities fail to provide proper protection 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.

Norwegian policy as regards LGBT people

Norway is a staunch defender of human rights – we will have the courage to speak up when others are silent. 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.

“Lesbian, gay, bisexual and transgender people have the same rights and are to be treated with the same respect for their integrity and entitlement to make their own choices as all other people. Our work to support sexual minorities is a clear reflection of the principle that violations of human rights can never be justified.”



– Jonas Gahr Støre, Minister of Foreign Affairs

Terminology

In ordinary speech we often talk of lesbian and gay rights and sexual minorities.

Common generic terms are:

LGBT – Lesbian, Gay, Bisexual and Transgender people.

The term “transgender” or “third gender” applies to all who do not fall into the definition man/woman.

MSM – men who have sex with men

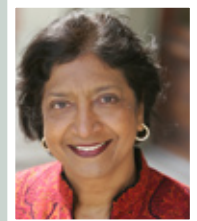
– is a term for a particular category of people as a risk-group for HIV. It is considered a behavioural category rather than a sexual orientation.

The UN uses the terms *sexual orientation* and *gender identity*, which are defined as follows in the Yogyakarta principles:

- Sexual orientation is understood to refer to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.
- Gender identity is understood to refer to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

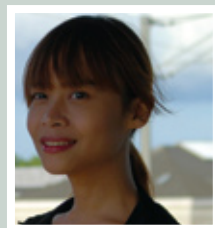
“The principles of universality and non-discrimination admit no exception. The criminalization of different sexual orientation cannot be justified either as a matter of law or as a matter of morality.”

– Navi Pillay, High Commissionaire of Human Rights



“We are human beings of transgender experience. We are your children, your partners, your friends, your workers. Your citizens. Laws should not be tools to eliminate those who are different from us, but be there to facilitate our harmonious relationship with each other.”

– Sass Rogando Sasot, Transgender activist, Philippines



Long-term approach

In many countries, securing the rights of LGBT people is a sensitive issue, and the work of Norway’s embassies 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 untraditional 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.

Norway should take a particular responsibility for speaking out 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 has the same level of ambition when it comes to the rights of LGBT people.



The Ministry's efforts

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.

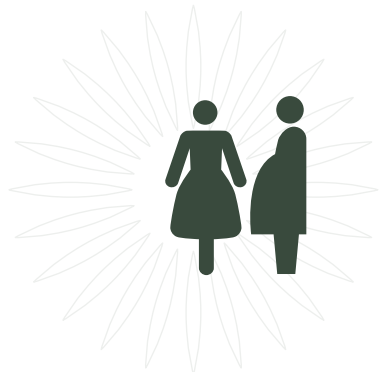
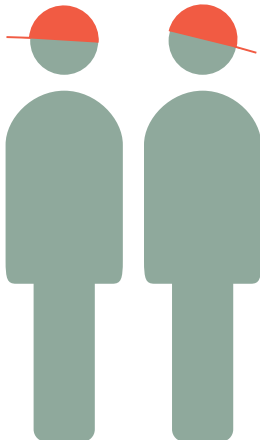
Please refer to the guidelines for systematising and strengthening the efforts of foreign service missions to support human rights defenders, which are available at <http://www.regjeringen.no/upload/UD/Vedlegg/defenders.pdf>

“No one should be excluded from our love, our compassion or our concern because of race or gender, faith or ethnicity – or because of their sexual orientation. Gay people, too, are made in my God’s image. Hate has no place in the house of God.”



Getty Images

– Desmond Tutu



Best practices from embassies' human rights efforts

Four pilot embassies in Kenya, Uganda, Nepal and Nicaragua have taken part in developing guidelines based on best practices. These include the following main points:

- National human rights organisations should be urged to include LGBT as a theme in their work.
- Sensitisation of police and security personnel can reduce harassment and abuse.
- Amendments to the constitution and decriminalisation efforts may be necessary to ensure that legislation does not encourage or justify threats and attacks on LGBTs.
- Publicity is important. Public statements from the embassies or participation/observation in conferences or pride parades can help to encourage a balanced public debate and coverage in the media of the human rights and general situation of LGBTs. It can also help to ensure that the government is held responsible for the security of participants in peaceful demonstrations.
- Funding can be used to support workshops that unite groups working towards a common goal. This can help to prevent competition between organisations.
- In countries where LGBT organisations are more established, it can be useful to support resource centres. These can provide a safe base in a hostile environment, and draw attention to this work.
- Research has shown that HIV prevalence among men who have sex with men (MSM) is higher than in the general population, also in Africa. UNAIDS encourages individual countries to study the dynamics of the epidemic in their own country and to tailor their response accordingly, for example by implementing comprehensive and targeted HIV prevention programmes for MSM groups and ensuring that they have access to adequate and non-stigmatising health services.



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

1. Embassies should investigate the local situation for LGBT people, with a focus on the legislative framework, the political and social situation, the security situation for both LGBT people and activists, media coverage on LGBTs, how other human rights organisations include LGBT issues in their work, and access to health services for MSM.
2. Embassies should maintain contact with organisations that represent LGBT people and consider providing financial support to organisations or conferences. The Section for Human Rights and Democracy in the Ministry is involved in project cooperation with the Norwegian LGBT Association (LLH), which has an extensive international network. Embassies can contact the Association directly post@llh.no, or via the Section for Human Rights and Democracy, if they need more information on LGBT organisations or the political situation in a particular country.
3. Embassies should raise the general issue of LGBT rights in their talks with authorities and human rights organisations. Our main message is that the government is responsible for protecting vulnerable groups, such as LGBT people, from discrimination and for ensuring that laws that criminalise people on the basis of their sexual orientation should be brought into line with international standards.
4. When discussing the national AIDS response with governments and NGOs, embassies should encourage equal access to prevention and public health services for LGBTs/MSM.
5. 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. 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.

