



**LEAVE
NO ONE
BEHIND**

LGBTI Stakeholder Group Position Paper 2022

“Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development.”

The LGBTI Stakeholder Group is organized as a governing structure of a coalition of civil society organizations across all regions working to advance the rights and achieve the highest development outcomes for LGBTI people. It is organized as a few different spaces, including a virtual space, through an online list service and conference calls, and a physical space, through in-person preparatory, strategy, and debriefing meetings before, during, and after the High Level Political Forum (HLPF). It is a space for LGBTI advocates and allies to reflect and strategize on the issues around the implementation of the Agenda 2030, its relevance to the lives of LGBTI persons, and ways forward. The LGBTI Stakeholder Group spaces aim to provide opportunities to focus on collective advocacy goals, map the state of implementation of the SDGs and inclusion of LGBTI issues, and challenges around these and potential solutions. Most of all, the LGBTI Stakeholder Groups is an opportunity for LGBTI advocates to support and learn from each other through best practices exchange, capacity building for newcomers, and continuous dialogue.

Executive Summary

The implementation of the 2030 Agenda for Sustainable Development was already falling behind when the COVID-19 pandemic hit. Those furthest left behind, including lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, saw their vulnerabilities being amplified and the lack of protection of their human rights being unveiled in this crisis. While harmful to all, COVID-19 has been especially taxing on marginalized populations. As the world ambitions to build back better, it is critical that they are at the center of all decision-making, implementation, and evaluation processes.

Around the globe, LGBTI populations experience stigma, discrimination, violence, and other human rights violations based on sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) and face high barriers in accessing

development opportunities and services. LGBTI populations who face multiple and intersecting forms of discrimination due to their gender, age, race, ethnicity, ability, class, caste, socioeconomic status, migration status, and other factors that drive exclusion are even more marginalized.

Numerous pandemic responses undermined the rule of law, violated human rights, fundamental freedoms, and democratic principles, or were even discriminatory. This has increased social and political inequalities and reinforced barriers in access to education, employment, healthcare, food, and shelter, aggravating already existing vulnerabilities and human rights violations faced by LGBTI populations.

LGBTI populations must be centralized in the implementation and revision of all Sustainable Development Goals (SDGs), especially within the crosscutting issue of SDG 5, to achieve gender equality as there is no gender equality without the full inclusion of LGBTI populations.

Punitive laws and policies which exacerbate inequalities continue to exist. These include those laws that criminalize consensual same-sex behavior between adults, diverse gender expression, HIV non-disclosure, exposure, or transmission, and which inhibit access to comprehensive sexuality education that includes SOGIESC, among others.

Urgent responses are required from Member States and other stakeholders to end criminalization and pathologization of LGBTI populations, to ban sexual orientation and gender identity change efforts, to decrease barriers to accessing human development, and to create and implement public policies, laws, and programs that include and address the needs of LGBTI populations and guarantee they are not left behind. Further, laws that limit the ability of LGBTI civil society organizations to legally register and exercise the freedom of association and expression, and laws that penalize LGBTI human rights defenders, should be amended.

This year's HLPF theme, "Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development," gives Member States and all stakeholders the opportunity to include LGBTI populations and end heterocisnormative patriarchal structures in their rebuilding and development initiatives. The LGBTI Stakeholder Group calls on all stakeholders to collect disaggregated, safe and secure data on SOGIESC and use it to guide their efforts to achieve an inclusive fulfillment of the Agenda 2030. We call for Member States to guarantee that all are free from violence and discrimination and can equally exercise their rights, in order to promote a sustainable and resilient recovery and build back better.

Introduction

The implementation of the 2030 Agenda for Sustainable Development in its Decade of Action is falling far behind. While this was already a reality before the onset of COVID-19, the pandemic has only exacerbated the failures of countries to realize their commitment to achieving the SDGs by 2030. Those furthest left behind, including lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, continue to see their vulnerabilities being amplified, inequalities widening, and the lack of protection of their human rights being unveiled in this crisis. While harmful to all, marginalized populations and those from the Global South and East have been the hardest hit by COVID-19. Yet, the world continues to be ambitious in the effort to build back better. To do so, it is critical that those at the margins, including LGBTI populations, are put at the center of all planning, decision-making, implementation, and monitoring and evaluation processes in recovery and response to the pandemic. Inclusivity and meaningful participation are the only way to ensure the world builds back better successfully.

Around the globe, LGBTI populations continue to experience stigma, discrimination, violence, and other human rights violations due to their sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). Further, LGBTI populations face higher barriers than their counterparts in accessing development opportunities, funding, needs, and services. These are reinforced by criminalizing and punitive laws and policies against LGBTI persons in many countries. LGBTI persons who face multiple and intersecting forms of discrimination due to their gender, age, race, ethnicity, ability, class, caste, socioeconomic status, work, origin, migration status, and other factors that drive exclusion are even more marginalized and face even more significant barriers in accessing development opportunities.

Systemic oppression and structural barriers, such as the privatization of health care and education, lack of universal health care, capitalism, inequality, climate change, and growing anti-rights, anti-democracy, and anti-gender movements, prevent LGBTI individuals from enjoying their full human rights, meaningfully participating in the implementation of the SDGs, and reaching their full potential. Specifically relating to economic development, the opportunities for LGBTI people to access and achieve their human capital and full economic potential, capabilities, and rights are limited due to barriers in accessing education, discrimination in employment, including in hiring practices and promotions, as well as harassment and ill-treatment in the workplace.

Further, diverse SOGIESC persons face worsened health outcomes than the population at large due to inaccessibility to healthcare and needed services, impacting overall

wellbeing. Specifically, intersex babies and infants who are born with sex characteristics that do not fit the typical definition of male or female face unnecessary, non-consensual, and harmful medical procedures in most countries with the aim to “normalize” their bodies. This happens at a cost to their general health and well-being in all stages of their lives and in violation of their right to bodily integrity. Trans persons also face forced, coercive, and otherwise involuntary treatments and procedures while being unable to secure quality care and necessary services.¹ These experiences are compounded by the lack of quick, accessible, and transparent processes for legal gender recognition. This, in its turn, affects their ability to pursue education, have social security, engage fully in the labor market, and find housing, among others.² LGBTI persons also face high barriers or are completely unable, to attain assisted reproductive services and care. Overall, SOGIESC diverse persons are unable to meet and exercise their sexual reproductive health needs and rights.

The 2030 Agenda and the SDGs are grounded in human rights. International human rights norms and obligations should be the driving force of the implementation of sustainable and effective development actions. The realization of all human rights relies on the need to address the root causes of exclusion. The Yogyakarta Principles³ provide a strong analysis of what international human rights law obliges Member States to do in promoting and protecting the rights of people of diverse SOGIESC. Moreover, the criminalization and pathologization of LGBTI people have had a deep impact on public policy, legislation, jurisprudence, and ultimately in the lives, livelihoods, and well-being of all LGBTI people who see their possibilities to participate in society diminish by the constant policing of their identities, discrimination, and violence and harassment, by Member State agents, society, and even their own families. Further, it is necessary to address patriarchy and the systemic forms of oppression that drive inequality in order to build a world that is equal, accessible, and prosperous for all.

Sexual orientation, gender identity and expression, and sex characteristics intersect with other identities which further limit LGBTI persons’ access to sustainable development. For example, women in all of their diversity are more likely to be excluded from opportunities in gaining decent work thereby impacting their economic empowerment. LGBTI youth are overrepresented among homeless youth due to family rejection and economic insecurity. Family rejection and limitations in recognizing certain forms of families also leave older LGBTI people with less support, greater isolation, and more loneliness. LGBTI migrants, refugees, and persons on the move, may be at enhanced risk of violence, abuse, and exploitation at all stages of their journey and at the hands of

¹ OHCHR. “Pathologization: being lesbian, gay, bisexual and/or trans is not an illness,” 2016. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19956&LangID=E>.

² OHCHR, “Living free and equal”. Geneva, 2016, HR/PUB/16/3. p. 94.

³ The Yogyakarta Principles, Available at: <https://yogyakartaprinciples.org/>

immigration officers, traffickers, and smugglers. Racial discrimination also disproportionately impacts the Afro-LGBTI population and their access to economic, social, and cultural rights. Pre-existing inequalities, discrimination, and violence are exacerbated in humanitarian settings, often situations in which the needs of LGBTI persons are not accounted for and put those who are already most vulnerable at further risk. These experiences have compounded the impact of COVID-19 on LGBTI persons globally. Inclusion is key to enabling people to enjoy a life free from violence and discrimination, allowing for equal access to opportunities, and reaching the highest attainable state of well-being.⁴

This year's HLPF theme, "Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development," brings us an opportunity to reflect not only on the consequences of the COVID-19 pandemic on those who are most marginalized, including LGBTI populations, but to find concrete and impactful ways to work together, in building back better from the global pandemic. Transformative change and the 2030 Agenda can only be achieved in a peaceful world while leaving no one behind.

SDG 4

Every person, including all LGBTI persons, should have the knowledge, skills, and abilities to develop to their full potential, as well as the capability to think, reason, and make decisions about their own lives in a way that is informed by sufficient information and cultivated by adequate schooling and training. Education should also support wide respect for human rights and diversity.

Exclusion, discrimination, hostile school climate, and lack of appropriate educational and curricular opportunities pose severe obstacles for LGBTI people to fully develop their capabilities and human capital, decreasing employment and growth opportunities. In some cases, education authorities and schools actively discriminate against young people because of their sexual orientation or gender expression. This includes refusing admission or expelling such youth.⁵ In addition, LGBTI youth frequently experience violence, bullying, and harassment from classmates and teachers.⁶ Studies that disaggregate sexual orientation, gender identity, gender expression, and sex characteristics-based bullying tend to show that transgender students suffer the highest

⁴ Independent Expert on violence based on Sexual Orientation and Gender Identity report 2019, A/74/181

⁵ OHCHR, Free and Equal, Bullying and Violence in Schools. Available at: <https://www.unfe.org/wp-content/uploads/2017/05/Bullying-and-Violence-in-School.pdf>.

⁶ *Ibid.*

levels of victimization.⁷ Children with non-normative gender expressions are frequently called derogatory names by others, including even parents and family members, which contributes to the high levels of verbal and physical violence they suffer.⁸

According to UNESCO,

“it is often in the primary school playground that boys deemed by others to be too effeminate or young girls seen as tomboys endure teasing and sometimes the first blows linked to their appearance and behavior, perceived as failing to fit in with the hetero-normative gender identity.”⁹

Bullying can have dramatic effects on educational outcomes. There is evidence that victims of bullying are deprived of the possibility to fully benefit from educational opportunities.¹⁰ LGBTI youth who are victims of bullying tend to have lower academic performance¹¹ or show less commitment toward school.¹²

Harassment, discrimination, exclusion, isolation and stigma can also result in depression, posttraumatic stress, anxiety, and other negative health outcomes, including long-term adverse mental health consequences. These experiences also contribute to truancy, absenteeism, reduced self-esteem, children being forced out of school and, in extreme cases, suicidal ideation, attempted or actual suicide. This is especially severe for LGBT children and youth, who face disproportionate levels of depression, out casting, and drop-out from secondary and vocational schools. LGBTI students all over the world thus face stunted economic and social progress in life and higher rates of poverty, leading to further exclusion and marginalization.

Schools remain one of the key settings where LGBT students are still harassed through disciplinary actions, or school staff remain neutral or complicit in situations of bullying and harassment against LGBT students. Transgender students in particular end up leaving

⁷ See, among others, National Union of Students, “Education Beyond the Straight and Narrow: LGBT Student’s Experience in Higher Education,” 22; Taylor and Tracey, “Every Class in Every School: Final Report on The First National Climate Survey on Homophobia, Biphobia, and Transphobia in Canadian Schools,” 16; Çavaria, “Fighting Homophobia through Active Citizenship and Media Education (Belgium),” 2009, 31. Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (Washington D.C.: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011), 72.

⁸ D’Augelli, Grossman, and Starks, “Childhood Gender Atypicality, Victimization, and PTSD among Lesbian, Gay, and Bisexual Youth,” 11.

⁹ UNESCO, “International consultation on homophobic bullying and harassment in educational institutions”, 2011.

¹⁰ UNESCO, “Out in the Open: Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression,” 19.

¹¹ Molly O’Shaughnessy et al., “A Safe Place to Learn: Consequences of Harassment Based on Actual or Perceived Sexual Orientation or Gender Non-Conformity and Steps for Making Schools Safer,” 2004, 34; M. Román and F J. Murillo, “Latin America: School Bullying and Academic Achievement,” *Cepal Review* 104 (2011): 50.

¹² Alexander et al., “Effects of Homophobic versus Nonhomophobic Victimization on School Commitment and the Moderating Effect of Teacher Attitudes in Brazilian Public Schools,” 303.

school due to the lack of support from peers, teachers, parents and school staff. This pressure affects the capacity of LGBT students to perform to their full potential in school, or do so in climates of hostility, as higher drop-out rates condemn LGBT people to precarious situations in terms of labor.

Confronting this kind of prejudice and intimidation requires concerted efforts from school and education authorities and integration of principles of non-discrimination and diversity in school curricula and discourse. In order to fully achieve SDG 4 and ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, the education system must guarantee access to education without discrimination and harassment to those who are marginalized, such as the LGBTI population.

Other SDGs, including SDG 5 on Gender Equality, also feature specific targets that are relevant to LGBTI people and are intimately related to education. Likewise, education also has correlating impacts on other SDGs, such as SDG 3 on health and wellbeing. Target 5.6 outlines the aim to ensure access to sexual and reproductive health information and education. However, many school curricula very often ignore the existence and the needs of LGBTI students when it comes to issues around sexual and reproductive health. Consequently, many children and youth fail to receive vital information, skills and values that could enable them to deconstruct prejudice and biased conceptions of diverse sexual orientations and gender identities and to develop one's ability to form and express opinions.

To achieve Goals 3, 4, and 5 and equip young people to lead healthy lives, make informed decisions, avoid risky behavior, bodily or psychological harm, the contraction of sexual transmitted infections, and gender-based violence, young people need to receive comprehensive, accurate and age-appropriate information regarding sexuality. Comprehensive Sexuality Education (CSE) can also contribute to eradicating stereotypes and prejudice which contribute to a hostile school climate. The Special Rapporteur on the right to education noted that "in order to be comprehensive, sexual education must pay special attention to diversity since everyone has the right to deal with his or her own sexuality."¹³

Member States should ensure a broader participation of LGBTI persons, especially those who are furthest left behind, in academic settings, as this opens broader opportunities that can have a direct impact and accelerate achieving SDG 4 and the Agenda 2030 as a whole. Governments must prioritize public education through adequate public budgets. Oftentimes, poor LGBTI youth and students are further exposed to risks when they cannot afford school fees, including for higher education. Additionally, public schools should be

¹³ General Assembly. Report of the United Nations Special Rapporteur on the right to education A/65/162, para. 23

held accountable for abiding by public standards that are inclusive and science-based, decreasing practices of exclusion, bullying and violence that negatively impact LGBTI students. Further, higher education institutions should provide measures of affirmative action to ensure the access of transgender individuals to universities.

Member States and all stakeholders should also seek to engage in data collection efforts to better understand school climates and the consequences of bullying and exclusion on educational and health outcomes of LGBTI youth. School surveys and other research methods are key to updated information on how LGBTI people are actually benefiting or not from education opportunities. Importantly, all actions must be taken to repeal norms and regulations that prohibit the teaching of issues related to sexual and gender diversity or any other norm imposing unequal restrictions on LGBTI children, youth and/or adults in education institutions. There must also be laws, regulations and protocols to prevent bullying and school harassment against LGBTI youth, including effective monitoring and reporting mechanisms. These initiatives should complement the implementation of permanent training programs and campaigns for educators, teachers and school authorities of public and private institutions so that they are adequately trained in how to respond to acts of discrimination and violence against LGBTI students.

Every person in the LGBTI population should be able to access education and educational institutions in a safe environment that affirms their SOGIESC.

SDG 5

The fundamental principle of the 2030 Agenda is that no one shall be left behind. Still, LGBTI and gender non-conforming women and people continue to be excluded from policies and programs tackling gender inequality and face disproportionate structural oppression and discrimination on a daily basis. For SDG 5 to be achieved, the specific issues faced by LGBTI and gender non-conforming women and people, and all barriers to inclusion, must be addressed.

Gender-based discrimination is inherently linked to deep-rooted patriarchal and gender stereotypes and unequal power relations, manifesting in discriminatory attitudes, behaviors, norms, perceptions, customs, and harmful practices targeting vulnerable members of society, including LGBTI persons. Notably, LGBTI and gender non-conforming women and people face disproportionate levels of violence and discrimination due to their real or perceived sexual orientation, gender identity, gender expression, and sex characteristics. Reports from civil society show that violence and harassment against LGBTI persons increased during the COVID-19 pandemic. LGBTI people are still

suffering the consequences of increased animosity, stigma, and violence from being scapegoated by public and religious figures and blamed for the pandemic.

Because of patriarchal structures and institutionalized systems of oppression in society, women, including LGBTI and gender non-conforming women and people, also face disproportionate rates of poverty, make less money, take on the burden of unpaid work, and have unequal access to assets, natural resources, technology, water, food, land, and property. Further, access to and representation in politics is also unequal. Elective, decision-making, and power positions in public institutions and the private sector are held mainly by cisgender men. Therefore, LGBTI and gender non-conforming women and people often face barriers in accessing their civil and political rights, including experiencing discrimination and having mismatched and/or inadequate identity documents preventing them from exercising their basic rights. LGBTI persons' vulnerabilities increase when other aspects of their identities, such as race, class, caste, disability, and others, are also marginalized, leading to higher levels of vulnerability and fewer opportunities to develop to their full potential. The fact that development policies and programs are often based on socially constructed gender roles, norms, and stereotypes exacerbates these issues and widens inequalities.

To combat discrimination, International Human Rights Law includes several anti-discrimination clauses in treaties that are reaffirmed at international, regional, and domestic levels. Member States and other stakeholders are thus bound by international, regional, and domestic obligations to take necessary measures to prevent, diminish and eliminate patriarchal and gender stereotypes, laws, and policies that cause or perpetuate substantive or de facto discrimination, and to adopt an intersectional approach to respond to the needs of those affected. Moreover, gender discrimination is only fully addressed when its solutions include LGBTI populations, who are highly affected by gender and patriarchal stereotypes.

Gender encompasses social beliefs about appropriate behaviors and qualities of individuals based on their perceived sexual characteristics.¹⁴ Patriarchal norms, beliefs, and expectations around gender form the stereotypes that underscore gender discrimination and are condemned at the highest possible level.¹⁵ Gender stereotypes cause or perpetuate substantive or de facto discrimination by creating a false hierarchy among human beings. They affect all persons and create barriers to fulfilling the rights of all to be free and equal.¹⁶

¹⁴ UNICEF, Gender Glossary, Glossary of Terms and Concepts, 2017, available at: <https://www.unicef.org/rosa/media/1761/file/Gender%20glossary%20of%20terms%20and%20concepts%20.pdf>

¹⁵ E.g. CEDAW's Article 5 (a) requires States Parties to take "all appropriate measures" to "modify the social and cultural patterns of conduct of men and women" in an effort to eliminate practices that "are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

¹⁶ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

Wrongful gender stereotypes also base themselves on the false premise that there are only two genders in the world, male and female. This is not true in all societies, and examples of other genders are present all around the globe, such as two-spirits, *muxe*, *fafafine*, among many others.¹⁷ The creation of a gender binary erases all those whose gender identities fall outside this order, such as some intersex and nonbinary individuals and those who transgress prescribed gender roles, including other members of the LGBTI community. Like other victims of patriarchy, LGBTI individuals suffer from gender-based violence and discrimination and, in addition face human rights violations specific to their SOGIESC, such as conversion practices, involuntary medical interventions, and social stigmatization. Consequently, United Nations mechanisms and bodies have increasingly noted the importance of including LGBTI individuals in their work against gender-based discrimination and violence. For instance, UN Women has highlighted that “[g]ender is part of the broader socio-cultural context”.¹⁸

Self-determined gender is a fundamental part of a person’s free and autonomous choice about roles, feelings, forms of expression, and behaviors, and a cornerstone of a person’s identity.¹⁹ In his 2018 report, the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, states that “The right to equal recognition before the law, [...] is connected to entitlements about health, education, housing, access to social security and employment insofar as the actualization by the State bureaucracy of all of these entitlements depends on the identification of the individual”.²⁰ The Independent Expert emphasizes that “states must [e]nact gender recognition systems concerning the rights of trans persons to change their name and gender markers [having] due respect for free and informed choice and bodily autonomy”.²¹

To fully achieve SDG 5 and advance gender equality by 2030, LGBTI populations must be included in the implementation of all the indicators agreed upon by all Member States. This includes taking measures to promote equal opportunities and ensuring that LGBTI persons are included in all initiatives combatting gender inequality and have equal access to resources. Specific responses to and preventative steps against violence and discrimination suffered by LGBTI populations include targeted killings, violent attacks, torture, arbitrary detention, forced marriage, so-called honor killings, hate speech, conversion therapy, and family or intimate partner violence, must be employed. Member

¹⁷ Office of the United Nations High Commissioner for Human Rights, *Born Free and Equal*, 2012 HR/PUB/12/06.

¹⁸ UN Women, *Concepts and Definitions*, available at: <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

¹⁹ Inter-American Commission on Human Rights, *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, 2015, para. 16.

²⁰ UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, *A/73/152*, para. 22.

²¹ UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, *A/73/152*, para. 47.

States should also adopt comprehensive anti-discrimination laws and action plans that support economic empowerment for all persons and prevent all forms of discrimination against LGBTI persons. Lastly, there is a need to include all women and LGBTI populations in a safe and disaggregated manner in data collection, programs, and evaluation of the development agenda.

Only through the provision of a social environment where all people have equal opportunities to thrive, succeed, and overcome inequalities will SDG 5 and gender equality be achieved.

SDG 17

Civil society participation in the development agenda must be strengthened as Member States and other stakeholders continue to leave them behind. LGBTI populations have an even harder barrier to participating in civil society engagement in domestic, regional, and international spaces due to criminalization and pathologization. Several Member States explicitly prohibit or impose serious challenges to the registration, operation and work of CSOs and human rights defenders (HRDs) working on LGBTI issues. The economic consequences of the COVID pandemic have led to serious challenges to the maintenance, functioning, and sustainability of CSOs, including LGBTI organizations. Even before the pandemic, LGBTI organizations were severely underfunded and have further lost resources from individual donors affected by the economic upheaval of the crisis, governments, and development agencies redirecting capital and retracting their current and future commitments. The results of such reallocations of resources have had large-scale ramifications on health and well-being, community mobilization, and activities, and led to greater rollbacks on the freedom, safety, agency, and human rights of LGBTI persons and those defending their human rights.

Many countries around the world not only criminalize homosexuality and transgender identities, but also censor and criminalize the sharing of LGBTI-related information.²² The wrongful, false, and harmful rationale used to justify such bans include the so-called need to protect public morality, traditional values, children and family. Conservative and authoritarian governments use these bans for political gain, in a phenomenon Human Rights Watch has labeled as “political homophobia” using “anti-LGBTI moral panic”²³ for electoral wins or the legitimization of their authority figure. Ultimately, the outcome of

²² ILGA World: Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Iliia Savelev, and Daron Tan, State-Sponsored Homophobia 2020: Global Legislation Overview Update (Geneva: ILGA, December 2020). p. 24

²³ Human Rights Watch. No Support: Russia's Gay Propaganda Law imperils LGBT Youth. <https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>. See also, Human Rights Watch. Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic. <https://www.hrw.org/report/2018/07/01/scared-public-and-now-no-privacy/human-rights-and-public-health-impacts>

these bans is the increase of hostilities towards LGBTI individuals across all levels of a society.

Websites and mobile applications catered to LGBTI populations are blocked in several countries around the world.²⁴ These types of censorship are then justified by the existence of punitive domestic laws which result from anti-LGBTI sentiment, made worse by increased moral panic, the politicization of LGBTI populations, and negative stereotypes perpetuated by the media.

In Indonesia, alongside websites criticizing Islam or the government, authorities also blocked LGBTI sites and other internet outlets that promote sexual health education, HIV/AIDS prevention, and feminism.²⁵ LGBTI sites are typically banned under Section 4:1a 2008 Bill on Pornography, which “prohibits the action of, or any writing/audio-visual presentation of sexual activities involving same sex relations.”²⁶ The Indonesian Ministry of Information and Communication has also enforced control and suppression of TV stations airing LGBTI content, and even forced the LINE messaging app to remove stickers with LGBTI themes.²⁷ All these bans continue to happen while sexual orientation and gender identity and expression change efforts²⁸ are publicly offered on social media accounts, targeting LGBTI individuals and framing them as “confused”.²⁹

In Iran, from 2014 to 2017, 46 LGBTI websites were blocked, including the webpage of ILGA World. Dating sites and apps were also blocked, including Grindr.³⁰

In Russia, the Parliament unanimously passed the “law aimed at Protecting Children from Information Promoting the Denial of Traditional Family Values” in 2013. It bans the “promotion of nontraditional sexual relations to minors.” The law prevents teachers, health professionals, traditional press, television, radio, and internet outlets from sharing LGBTI inclusive content. Under this law, many Russian activists have been sanctioned and silenced even for merely sharing on social media posts about the news of LGBTI rights progress in other countries. Human Rights Watch reported that health professionals and teachers at schools have started self-censoring in their interactions with LGBTI youth, becoming unable to provide correct services and accurate information in fear of being fined and suspended.³¹

²⁴ Outright International. Let's Measure the Blocking of LGBTIQI Websites Around the World. Available at: <https://outrightinternational.org/content/let%E2%80%99s-measure-blocking-lgbtqi-websites-around-world>

²⁵ OONI. Indonesia Internet Censorship. Available at: <https://ooni.org/post/indonesia-internet-censorship/#lgbt>

²⁶ Ibid

²⁷ QZ. Indonesia is Banning Gay Emojis to Protect Nation's Children. Available at: <https://qz.com/615680/indonesia-is-banning-gay-emoji-to-protect-the-nations-children/#:~:text=All%20LGBT%2Drelated%20stickers%20are,deemed%20sensitive%20to%20local%20cultures.>

²⁸ This is more commonly known as so-called “conversion therapy”

²⁹ PinkNews. Conversion Therapy Websites Target LGBT+ Activists in Indonesia. Available at: <https://www.pinknews.co.uk/2021/02/21/conversion-therapy-websites-targets-lgbt-activists-indonesia/>

³⁰ OONI. Internet Censorship in Iran. Available at: <https://ooni.org/post/iran-internet-censorship/>

³¹ <https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>

In the United States, recent forms of LGBTI censorship have been fought in courts. In *Gillman v. School Board for Holmes County, Florida*, 567 F. Supp. 2d 1359 (N.D. Fla. 2008), the school board banned students from displaying or carrying LGBTI symbols at school, like rainbow flags or LGBTI-friendly pins, because they were deemed sexually suggestive and disruptive. The District Court for the Northern District of Florida found that the school had no grounds to ban the free speech students had to express their support to a marginalized group such as the LGBTI community.³² More than a decade after *Gillman v. School Board for Holmes County*, 2021 has reportedly been called the worst year in anti-LGBTI legislative efforts, with hundreds of bills in state legislatures being introduced to prevent LGBTI content in education for youth. Most defenders of these bills wrongly argue that LGBTI content in education diminishes the religious freedom of families and parents who do not want their children to be exposed to such content.³³

Since the beginning of the COVID-19 pandemic, opportunities for multi-stakeholder, cross-regional, and meaningful civil society engagement have been diminishing. Due to the virtual nature of all spaces resulting from the pandemic, those who do not have access to the internet due to their location or lack of funds suffer from being excluded from decision-making spaces. The design of new ways of working and transformational goals for action, which reflect a forward-looking feminist agenda, must not continue without ensuring broad civil society participation and input.

It is imperative that as this global pandemic and its consequences ensue, governments, multilateral institutions, and other relevant stakeholders maintain transparency, live up to their obligations, do not sideline civil society involvement, and ensure access to national, regional, and international systems of accountability.

Recommendations

SDG 4:

1. Federal and local education policies, as well as institution-level regulations, should clearly protect from SOGIESC-based discrimination for learners and educators. Such policies should be regularly communicated, reinforced, and monitored. Other affirmative measures should be encouraged, such as degendered uniforms and bathrooms.

³² ACLU. Open Letter to schools about LGBT Censorship. Available at: <https://www.aclu.org/letter/open-letter-schools-about-lgbt-censorship>

³³ Human Rights Campaign. 2021 Slated to become the worst year for LGBTQ state legislative attacks. Available at: <https://www.hrc.org/press-releases/2021-slanted-to-become-worst-year-for-lgbtq-state-legislative-attacks>

2. Invest in affirmative action to reach out to LGBTI youth who cannot access formal education institutions due to other social determinants such as financial vulnerability, location, etc.
3. Fully implement evidence-based and scientifically sound sexuality education in both in-school and out-of-school learning environments. These sexuality education programs should promote recognition and acceptance of diversity in sex, sexuality, and gender and address the specific life-skills needs of LGBTI adolescents and youth.
4. Implement training programs for teachers to enable them to deliver inclusive education and respond effectively to bullying and violence and additional care for drop-out cases.
5. Invest in research and documentation of factors contributing to more inclusive and safe learning environments to inform relevant policies, programs, and regulations. Government should also invest in evaluation of interventions and best practices to improve the efficacy of existing policies, programs and regulations.

SDG 5:

1. Take measures and actions to promote equal opportunities and ensure that LGBTI persons are included in all policies, programs, and initiatives combating gender inequality.
2. Support civil society, including those led by non-binary and intersex people, through targeted and robust funding opportunities and capacity building training to ensure that communities furthest left behind are meaningfully included in all aspects of gender equality interventions.
3. Commit to ending stigma and discrimination based on sexual orientation, gender identity and expression, and sex characteristics in the provision of healthcare services, including prevention, promotion, and treatment.
4. Repeal punitive laws, policies, and practices criminalizing consensual same-sex behavior and gender diversity.
5. Legally prohibit non-consensual medical procedures that target people based on their sexual orientation, gender identity, and sex characteristics, including intersex genital mutilation, forced sterilization, and anal examinations.
6. Meaningfully including LGBTI people in all decision-making processes concerning them, including framing health policy that is responsive and respectful to their needs.

SDG 17:

1. Member States should conduct public, decentralized and transparent consultations directed at LGBTI persons, within the framework of the design and implementation of measures to achieve SDGs. The participation of a great diversity of identity groups should be guaranteed, considering the unique needs of different population groups. Overall, an intersectional approach should be adopted in data collection measures.
2. Collect and disaggregate data by SOGIESC for all indicators where possible.
3. Carefully review the reasoning behind gathering available data and the rules governing data management. They must adhere to rigorous risk assessment and management considerations under the “do no harm” principle. The participation of the affected populations and communities in the design, implementation, and evaluation of the data-gathering systems is crucial.