



A COMMONWEALTH TOOLKIT FOR POLICY PROGRESS ON LGBT CITIZENS' RIGHTS

LAWS FROM COMMONWEALTH LEGISLATURES



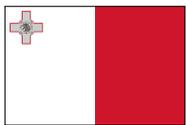
Decriminalisation of Consensual, Adult, Same-sex relationships:

Mozambique decriminalised consensual, same-sex activity between adults in 2015 via a modernisation of its penal code.



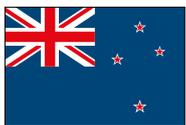
Hate-crime and Anti-harassment Legislation:

Canada's criminal code outlaws spreading hate-propaganda on the basis of sexual orientation.



Laws Governing Gender Identity, Expression and Recognition of Diversity:

In Malta the Gender Identity, Gender Expression and Sex Characteristics Act allows residents to determine their own gender identity and have it recognised in law.



Equal Partnership and the Right to a Family Life:

New Zealand equalised adoption rules and provided for equal marriage in the 2013 (Definition of Marriage) Amendment Act.



Anti-discrimination Laws:

The Seychelles Employment Act of 1995 compels employers to investigate any discrimination or harassment in the workplace.

JUDGMENTS FROM COMMONWEALTH JUDICIARIES



Decriminalisation: 1994 the United Nations Human Rights Committee declared that Australia was in breach of international covenants due to Tasmania's anti-sodomy law which was subsequently repealed.



Challenging Persecution: In 2011 Uganda's High Court granted an injunction against Rolling Stone magazine for violating the right to privacy of LGBT citizens.



Recognition of the right to Gender Identity and Expression:

In 2009 the Supreme Court of Pakistan asserted that 'third gender' citizens be granted the same constitutional rights as any other citizen.



Civil Society Protection: The High Court of Kenya has upheld the right of the Transgender Education Authority to be legally registered by the government.



See www.thercs.org/our-work/research-and-publications for the full report.





POLICIES FROM COMMONWEALTH EXECUTIVES



Showing Societal Leadership: The Prime Minister of St Kitts and Nevis has joined with the UN Secretary General to call for an end to discrimination on the basis of sexual orientation and gender identity particularly as it drives vulnerability to HIV.



Public Awareness and Education: The Ministry of Education in Jamaica has conducted anti-homophobic bullying campaigns in schools and the Ministry of Health has sensitised health-care providers about issues specific to LGBT people.



Moratoria and Declarations on Citizenship: In lieu of repeal, the government of Belize has consistently declared that it does not enforce a colonial-era law banning homosexual people from entering the country.



Inclusive Policy Making: In the Indian state of Tamil Nadu local government has been innovative in including transgender Indians in policy making through schemes like the Transgender Welfare Board.



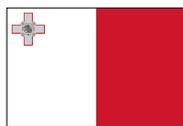
Open Military Service: South Africa's military has had anti-discrimination policies in place since 1996 and has expanded spousal and pension benefits to same-sex life-partners.



Diplomacy: In 2011 16 Commonwealth countries supported a positive statement on sexual orientation to the UN Human Rights Council.



CONSTITUTIONAL PROTECTION FOR LGBT PEOPLE



Specific Provisions on Sexual Orientation and Gender Identity: South Africa was the first country in the world to constitutionally protect its citizens from discrimination on the grounds of sexual orientation; Fiji and Malta followed, adding gender identity.

COMMONWEALTH SUPPORT FOR PROGRESS ON THE RIGHTS OF LGBT PEOPLE

While 40 of the 53 Commonwealth members still criminalise consensual same-sex relations between adults, those who wish to make changes can draw support from the Commonwealth network by:

- 1** Requesting from the Commonwealth Secretariat support for legislative drafting, technical assistance and strengthening institutions from women's machineries to human rights institutions.
- 2** Accessing the professional expertise of Commonwealth accredited and associated organisations on areas as diverse as law, parliamentary procedure and health.
- 3** Engaging with civil society to help shape societal debates and turn to domestic LGBT groups in particular to understand their needs and gain support in policy design and implementation.
- 4** Building knowledge-exchange between fellow Commonwealth members to learn from their experience and use their expertise of policy making in this area.

