

**Policy Recommendations of the Human Dignity Trust:  
Briefing for the UK Government  
May 2015**

The Human Dignity Trust (HDT) works with local lawyers and activists who are seeking to decriminalise homosexuality by bringing test cases ([www.humandignitytrust.org](http://www.humandignitytrust.org)). Based in London, HDT's work is supported by the world's largest law firms, all of whom act for the HDT on a pro bono basis. Since being established in 2011, the Trust has formed a strong and productive relationship with the UK Government, MPs and Peers. The HDT does not campaign. It seeks to end the persecution of the LGBT community by upholding human rights law through litigation, but inevitably this process does not exist in a vacuum. Ending the serious and systemic human rights violations perpetrated against the LGBT community will be achieved, but this will happen through a combination of methods and tactics. Local activist-led litigation will play a key role, but so will advocacy, diplomacy, pressure from multiple sources, including the business sector and effective communications. Addressing faith communities will also be key.

For various reasons the UK government plays a central role in the global decriminalisation debate. The majority of the laws making homosexuality a crime have their roots in British colonial rule. The British are also key and efficient players in giving effect to human rights law on the international stage and they continue to be the second largest donor to international efforts to combat HIV/AIDS. The ongoing global AIDS crisis continues to impact on the gay community and men who have sex with men. Trans people are also directly affected and the lesbian community live out the consequences. The international community recognises that criminalisation of homosexuality both boosts and causes HIV infections.

As the new Conservative Government identifies its priorities for the next Parliament, the HDT requests that the following Recommendations to ensure LGBT persecution across the globe is minimised and ideally ended are considered and adopted:

1. Make ending persecution on the basis of sexual orientation or gender identity (SOGI) a stated policy of the FCO's Human Rights and Democracy Programme and add it to the list of target thematic areas.
2. Mainstream the protection of LGBT rights across other FCO targeted thematic areas, including freedom of expression, abolition of the death penalty, global torture prevention, promoting women's rights, preventing sexual violence in conflict and business and human rights.
3. Support and encourage the setting-up of an All-Party Parliamentary Group to end the persecution of LGBT communities around the globe. That APPG would assist in formulating HMG's policies on the human rights of LGBT people and evaluate the government's ongoing progress.
4. Facilitate better inter-departmental communication within the UK government to result in more cohesive and effective approaches to tackling global LGBT persecution issues.
5. Regarding LGBT asylum seekers, further reforms are required to address standards of Home Office decision making to ensure LGBT people who are at real risk of persecution are granted

refugee status. The asylum process should be made fairer and less traumatic for those going through it.

6. Continue to take a leading role within intergovernmental organisations and tackle LGBT persecution worldwide.
7. Continue to provide support via the UK's missions abroad to LGBT-rights organisations both in the UK and those operating in countries where LGBT people are most under threat.
8. Consider appointing a Minister, unit or Special Envoy for the human rights of LGBT people.
9. Establish a framework where Ministers can consider imposing visa restrictions on those who actively persecute or promote laws and policy designed to persecute LGBT people.
10. Ensure the UK retains a robust domestic human rights framework.

The Recommendations are developed below:

1. Combatting human rights violations perpetrated against LGBT people should be a stated priority of the FCO. In particular, efforts should be focused on urging the 78 jurisdictions which continue to criminalise consensual same-sex conduct to respect their international human rights obligations and decriminalise. The FCO could formulate strategies in regions where, along with other partners, diplomatic tools could be used to encourage decriminalisation. Such co-ordinated - albeit nuanced and sensitive - strategies could produce real results within the life of the next Parliament. As a stated priority, the FCO would be able to show genuine achievements and could be measured against them. There would be resource implications in implementing this Recommendation.

2. LGBT rights are human rights and cut across the existing target thematic areas. The violation of individuals' human rights on the basis of their SOGI continues with impunity in all parts of the world, and in several countries is intensifying and has even been further entrenched in domestic legal frameworks. Often at the heart of this prejudicial environment is the denial of LGBTI people's rights to freely express their identities and broader opinions and to associate freely. Furthermore, homophobic and transphobic hate speech should be recognised as being as serious as racial, xenophobic or anti-Semitic hate speech, and efforts should be made to promote positive policy measures which tackle the root causes of prejudice and intolerance against LGBT people. The death penalty is the legally prescribed punishment for homosexuality-related offences in Iran, Mauritania, Saudi Arabia, Sudan, Yemen, and may be applied by religious courts in regions of Somalia and Nigeria. Cases of torture and ill-treatment against individuals on the basis of their sexual orientation and gender identity have been documented in countries including, but not limited to, Gambia, Kyrgyzstan, Egypt, Uzbekistan, Cameroon, Kuwait, Russia and Greece. HDT considers that criminalisation in and of itself is degrading treatment for the purposes of international human rights law. HMG may wish to endorse this position. Promoting women's rights should include advocating for the rights of women who experience persecution based on their actual or perceived SOGI, particularly in jurisdictions where consensual same-sex conduct between women is criminalised. Rape and sexual assault directed at lesbians has been reported extensively. Lesbians are expressly targeted in conflict zones and subjected to gender-based violence because they are lesbians. The role of business in ending LGBT persecution should not be underestimated. There should be no particular resource implications in relation to this Recommendation.

3. The protection of the human rights of LGBT people globally is a cross-party priority and a concern which transcends political divides. As such we support the proposals to create an All-Party Parliamentary Group which would take a leading role in government policy-making on addressing persecution on the basis of sexual orientation or gender identity. Resource implications in relation to the creation of the APPG are not relevant to HMG.
4. Addressing the persecution of LGBT people should be mainstreamed across the UK government. DFID, the FCO and the Home Office should, in particular, share a coherent policy on protecting LGBT rights. This is not limited to, but is particularly relevant in the asylum context. There are no direct resource implications in relation to this Recommendation.
5. There is a need to review the current processes and guidelines surrounding applications for LGBT asylum. Applications of those seeking asylum in the UK on the basis of SOGI are often met with scepticism and incorrectly refused. Many LGBT asylum seekers end up in immigration detention centres where they are detained indefinitely until their claims have been processed. In 2015, a cross-party group of MPs and Peers criticised the bullying, abuse and harassment of LGBT people in immigration detention centres. There are no direct resource implications in relation to this Recommendation.
6. Building upon its past successes and by utilising its considerable influence within intergovernmental organisations, the UK can facilitate comprehensive and effective international approaches to addressing the persecution of LGBT people worldwide. This entails continuing to promote LGBT rights at UN bodies, the Council of Europe and the OSCE and creatively using all tools available, including considering taking inter-state cases before international courts, seeking advisory opinions from international courts and engaging with the UPR process, and other UN Charter mechanisms, to urge states to decriminalise. HMG should also use other arenas, such as the Commonwealth Heads of Government Meeting in Malta later this year (and other Commonwealth fora), to flag areas where LGBT people are still being actively persecuted. The potential of the EU and the EEAS in particular should be maximised. There will be ongoing resource implications in relation to this Recommendation.
7. It is important to continue working with and facilitating local LGBT groups, focusing on how to assist activists and people on the ground in improving conditions for themselves. UK-based NGOs combatting LGBT persecution should also have access to financial support from HMG. There will be resource implications.
8. The UK should consider following the example of the United States and establishing a named person or unit to promote and protect the human rights of LGBT people, guaranteeing that the UK's voice on LGBT issues is heard. The UK should also consider committing to the Global Equality Fund set up by the US State Department: [www.state.gov/globalequality](http://www.state.gov/globalequality). There would be resource implications in relation to this Recommendation.
9. Those that persecute the LGBT community in their own country should be denied access to the UK. Imposing visa restrictions on those who promote the persecution of LGBT people would reinforce the UK's support for the human rights of LGBT people. There are no direct resource implications in relation to this Recommendation.
10. A robust domestic human rights framework is essential for protecting LGBT rights at home and maintaining the UK's reputation abroad. Compromising on domestic human rights guarantees would undermine the UK's credibility in speaking to these issues on the international stage.

**The Human Dignity Trust  
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